

NAHUA COMMUNITIES IN THE
PULQUE TRADE OF EARLY
COLONIAL MEXICO, 1550-1668

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Thesis abstract

This study examines the participation of Indigenous Nahua communities in producing and selling the traditional alcoholic drink, pulque, in central Mexico between 1550 and 1668. Pulque commerce constituted a major source of revenue for the Spanish colonial government in later centuries, by which time the demand for pulque was met by wealthy landowning Spaniards and creoles. Historians have so far tended to focus on this late colonial period, emphasising either the role of the pulque trade in boosting government finances or urban consumption of pulque in taverns. Existing work has neglected to consider pulque trading activity in the early colonial period as the factor that made this later boom possible. The survival of pulque trading through the Spanish conquest and the expansion and success of pulque commerce, despite initial attempts to ban the drink, were due to the efforts of early colonial Indigenous pulque traders. Yet their contributions have thus far been obscured by the focus on the eighteenth and nineteenth century trade.

This thesis offers a new perspective by prioritising the actions of Nahua pulque traders in creating profitable and successful trade networks and negotiating with the colonial state to push for more favourable legislation regarding pulque commerce. By analysing governmental legislation alongside documents that recorded the ground-level experience of pulque traders, the thesis demonstrates that Nahua petitioners actively shaped governmental policy on pulque during this period. By shifting focus from consumption to production and sale, this thesis also reveals the great extent to which participation in the pulque trade sustained the livelihoods of individuals and communities, promoting social cohesion and prompting Nahuas to contest unfair treatment from local authority figures. Ultimately, the study positions Nahua pulque traders as early colonial state-builders, creating space for an ancient Indigenous practice to flourish in a colonial society.

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Glossary

Aguamiel	sweet-tasting sap obtained from the maguey plant
Alcalde mayor	Spanish official in charge of a jurisdiction; generally synonymous with <i>corregidor</i>
Alguacil enforcement	constable; local official responsible for law
Altepetl	Nahuatl term for a city-state (pl. <i>altepeme</i>)
Asiento	contract which allowed the buyer to charge a duty on a product as it entered a large city, introduced for pulque in 1668
Audiencia	appellate court
Barrio	neighbourhood of a town or city
Cabecera	head town of a jurisdiction
Cabildo	Spanish-style municipal council
Cacicazgo	lands traditionally belonging to a Native leader
Cacique/cacica	Native ruler, member of the Native elite
Congregación	sixteenth-century system of forced migration that concentrated Indigenous populations into smaller geographical areas
Corregidor	Spanish official in charge of a jurisdiction; generally synonymous with <i>alcalde mayor</i>
Creole	person of Spanish descent born in the Americas
Hacienda	large, landed estate, often for agricultural production
Jurisdiction	administrative division of the colony of New Spain
Justicias	local law enforcement
Macehualli	Nahuatl term meaning “commoner, non-elite”
Maguey	term describing several cultivars of <i>Agave</i> , particularly those used to make pulque

Magueyal	area of land planted with magueyes
Mandamiento	written order issued by a court
Merced	land granted to Spanish settlers by the Crown
Mestizo	person of mixed Indigenous and Spanish descent
Mulato	person of mixed Black African and Spanish descent
Nahua	an Indigenous Mexican ethnic group, whose core territory in the early colonial period was central Mexico, and who speak the Nahuatl language
Nahuatl	a Uto-Aztecan language spoken by the Nahua people and used as a language of administration in New Spain
Ordenanza	decree issued by order of the King or viceroy
Peso	silver or gold coin worth eight <i>reales</i>
Pulque <i>aguamiel</i>	alcoholic drink produced through fermenting
Pulquería	tavern where pulque is bought and consumed
Pulquero/a	pulque maker, pulque seller
Real	silver coin worth 1/8 of a <i>peso</i>
Real cédula	legal order issued directly by the King or regent
Regidor	town councilman
Sujeto	small town subordinate to a <i>cabecera</i>
Teniente local	deputy to a town governor or other high-ranking official
Tequitlato	official in charge of collecting tribute payments
Terrazguero cultivate	labourer who pays a landowner for the right to a piece of land
Tianguis	marketplace

Tlachihero/a

person who cultivates magueyes and harvests
aguamiel

A note on translation

Nahuatl is a wonderfully complex language, the older variant of which employs a great range of metaphor and allegorical devices, leaving open many potential interpretations. I therefore often work alongside Spanish and English translations of the text for reference. However, I do not always agree with the translations available and where this is the case, provide my own translation, indicating this in the footnotes. Even where I consider the Spanish and/or English translations excellent, I nevertheless work also with the original Nahuatl, aiming in this way to compensate as much as possible for translation loss. Where Spanish texts are involved, I generally consult only the Spanish originals- all translations from the Spanish are therefore my own. Where I use Nahuatl place names, I use Nahuatl orthography rather than the accented Spanish versions, since these versions often place the stress on the last syllable rather than the penultimate syllable which Nahuatl pronunciation dictates.

On the term “Indian”

It was formerly the norm to use the term “Indian” in scholarly writing on the Native peoples of Mexico. This is no longer generally the case, and the term is often considered derogatory or offensive when used by non-Natives. To replace the term in direct quotations from official Spanish documents, however, would be to attribute to the colonial authorities a concern with differentiating between cultures and communities which they did not possess. As far as most colonial officials were concerned, an “Indian” was an “Indian” and there was no need for further detail. Wherever there is a need to use a direct quotation, I therefore translate the Spanish term *indio/india* directly. Writing in my own voice, however, I use the terms “Native” or “Indigenous”. This is an imperfect solution, but one that is necessary in this thesis, as documents cannot always tell us which ethnic group a person belonged to. A reasonable guess can be made from the dominant language of the person’s home community; for instance, a town where the dominant first language was Nahuatl, such as Xochimilco, was likely to be mostly populated by Nahuas. Likewise, a petitioner from a settlement such as Otucpan, where Nahuatl was spoken as a second language and the main first language was Otomi, was more likely to be Otomi than Nahuas. Since the majority of the communities examined in this thesis were chiefly Nahuatl-speaking, the work is entitled “Nahua Communities in

the Pulque Trade of Early Colonial Mexico”. However, it also encompasses communities with non-Nahua minorities, along with a small number of towns that were predominantly Otomi, Mazahua or Matlazinca. In order to recognise this possibility, I generally opt for the term “Native” or “Indigenous” in cases where it is difficult to determine a specific ethnic group, or where certain laws or standards were intended to apply to any and all Indigenous ethnic groups.

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Introduction

In October 2018, during a three-month research trip to Mexico City, I visited my first *pulquería*. As my research was entirely focused on the traditional Mexican alcoholic drink, pulque, I reasoned that I could hardly hold my head up if I returned to the UK never having sampled any pulque myself. In Mexico City, if you want to drink pulque, you need to visit a *pulquería* (pulque tavern). Mainly for reasons of geographic convenience, I selected Pulquería Los Insurgentes, located in the fashionable hipster hangout of Roma Norte.

Los Insurgentes does not strive to replicate a traditional *pulquería*. Compared to the tongue-in-cheek names often given to *pulquerías*, Los Insurgentes is more prosaically named for the road the *pulquería* is on, Avenida Insurgentes. The *pulquería* caters to the varied tastes of its customers, serving a range of beer, wine, and cocktails alongside plain and flavoured pulque and a food menu that encompasses traditional dishes and snacks from all over Mexico. Today's pulque drinkers expect to be able to dance, and Los Insurgentes offers DJs, live music, and a dancefloor. Modern pulque culture has clearly adapted to the changing tastes of Mexico City. The fact remains, however, that almost 500 years after the advent of Spanish colonisation, I still had no trouble in finding a place to consume this ancient and profoundly Indigenous drink. Much was destroyed by the conquest, built over, renamed and repurposed. Pulque was not. This was certainly not for want of effort on the part of the Spanish colonial state. As I will go on to explore in this thesis, the availability of pulque in modern Mexico City represents centuries of Indigenous persistence and negotiation.

By 1550, the start of the time period examined in this thesis, Mexico had been part of the Spanish Empire as the Viceroyalty of New Spain for twenty-nine years. At the time of the conquest in 1521, most of central Mexico was controlled by the Mexica (Aztec) empire from their capital of Tenochtitlan. Once the Mexica had been toppled from power, Tenochtitlan became Mexico City, the administrative centre of the colony of New Spain. Like the Mexica, the majority of the peoples who inhabited this area belonged to the Nahuatl cultural group and spoke the Nahuatl language. The interactions between Nahuas and Spaniards had a profound influence on the attitude of the Spanish colonial state towards Mexico's varied Indigenous inhabitants. For the Nahuas of central Mexico, the sixteenth century was a period of often turbulent change. The Spanish Crown demanded that Nahuas abandon their preconquest religion and convert

to Catholicism. Spanish institutions of law and municipal government became the central sources of authority. Successive epidemics saw a significant reduction in Nahua populations, and the populations that remained were often forcibly relocated to larger settlements to ease the work of evangelisation. Yet in their desire to facilitate the process of colonisation, the civil and religious authorities of New Spain also built upon existing Nahua social and cultural elements. Accordingly, throughout the first two centuries of the colony, Nahuas did not typically dress like Spaniards, they did not eat like Spaniards, and many had no need to learn Spanish at all.¹ Most importantly for this study, they did not drink like Spaniards. By the late colonial period, in fact, it would be Spaniards and creoles (those of Spanish descent born in Mexico) who were drinking like Nahuas.

Pulque is an alcoholic drink unique to Mexico, produced by fermenting the sap of certain species of agave, or maguey plant. The most commonly used varieties in central Mexico are *Agave salmiana* and *Agave mapisaga*.² Maguey plants produce a sweet sap known as *neuctli/iztac neuctli* (“honey/white honey”), or more commonly by the Spanish word *aguamiel* (“honey water”), from which pulque is made. *Agave salmiana* and *Agave mapisaga*, are slow-maturing agaves and can take anywhere between eight and twenty-five years until they are ready to harvest.³ Once the maguey has matured but before the plant can flower, its stalk is cut to create a cavity in which the *aguamiel* collects. The resulting liquid is fermented to produce pulque, a viscous white drink with an alcoholic content similar to beer. Pulque continues to ferment after this point and the drink must be consumed within a few days before it sours. Because of its short shelf-life, pulque is not usually transported far from where it was produced. The name pulque is thought to be derived from the Nahuatl sentence *poliuhqui octli- octli* is the Nahuatl word for pulque

¹ Spanish clothing became something of a status symbol amongst the Nahua elite but was not common attire for ordinary Nahuas in the sixteenth and seventeenth century (John K. Chance, “The Caciques of Tecali: Class and Ethnic Identity in Late Colonial Mexico”, *Hispanic American Historical Review*, 76:3 (1996), p. 491; Stephanie Wood, *Transcending Conquest: Nahua Views of Spanish Colonial Mexico* (Norman, OK: University of Oklahoma Press, 2003), p. 53). Nahuatl continued as a language of administration alongside Spanish until the nineteenth century (Justyna Olko and John Sullivan, “Empire, Colony and Globalization: A Brief History of the Nahuatl Language”, *Colloquia Humanistica*, 2 (2013), pp. 201-202). As Rebecca Earle has argued, the desire to Hispanise Native diets and thereby transform Native bodies was complicated by the need to create distinction between coloniser and colonised (Rebecca Earle, *The Body of the Conquistador: Food, Race and the Colonial Experience in Spanish America, 1492-1700* (Cambridge: CUP, 2012), pp. 174-177).

² Howard Scott Gentry, *Agaves of Continental North America* (Tucson, AZ: University of Arizona Press, 1982), pp. 13-14.

³ Gentry, *Agaves*, pp. 596-507, pp. 607-608.

and *polihui* is the past tense of the verb *polihui* (“to be ruined, to perish”).⁴ One can easily imagine a disappointed Nahua complaining of their over-fermented pulque “*polihui octli*” (“the pulque has gone bad”) and a Spaniard mistaking the exclamation for the name of the drink. Pulque production and consumption has been practiced in central Mexico for at least two thousand years and long predates the arrival of Nahua peoples in the region. In adopting and proliferating pulque culture, Nahuas were drawing on a tradition that was already ancient by the time of the conquest.⁵ Pulque production in early colonial Mexico therefore represented a profoundly Indigenous form of traditional knowledge and cultural practice.

Literature review

This study examines the participation of Nahua communities in the production and sale of the alcoholic beverage pulque in early colonial central Mexico from 1550 to 1668. Throughout this period Nahua communities and individuals developed and expanded the practice of pulque trading into a vital source of income for Nahuas across central Mexico. This thesis identifies the widespread engagement of Nahua communities and individuals in pulque commerce as the crucial factor in understanding the development of this trade. In the thesis, I centre the actions of Indigenous agents as historical actors, exploring the ways in which sixteenth-century and early seventeenth-century Nahua communities utilised the colonial courts to negotiate acceptance of the pulque trade. The development of the pulque trade clearly demonstrates the fundamental role of Indigenous peoples in building the colonial state. Without sustained and prolific Native engagement in the trade, this aspect of colonial life would not have survived the sixteenth century. By demonstrating the extent to which pulque commerce supported livelihoods and financially underwrote the central institutions of communal Nahua life, I furthermore show that the expansion of alcohol trading was not a symptom of traumatised Natives turning to drink for solace following the conquest, as William and

⁴ Cecilio A. Robelo suggested that the term resulted from Spanish misunderstanding of the phrase (Robelo, *Diccionario de Aztequismos* (Cuernavaca: author’s own printing, 1904), pp. 640-642). This etymology is now generally accepted.

⁵ Chemical evidence of pulque consumption has been found at Teotihuacan (c. 200-550 BCE) (Marisol Correa-Ascencio, Ian G. Robertson, Oralia Cabrera-Cortés, Rubén Cabrera-Castro, and Richard P. Evershed, “Pulque production from fermented agave sap as a dietary supplement in prehispanic Mesoamerica”, *PNAS*, 39 (2014), pp. 14223-14228); the first visual depiction of pulque drinking is the “Mural of the Drinkers” from Cholula (c. 200 CE) (Gabriela Uruñuela y Ladrón de Guevara and Patricia Plunkett Nagoda, “El mural de los bebedores de Cholula: ceremonias de embriaguez”, *Arqueología mexicana*, 114 (2012), pp. 40-43).

Claudia Madsen have argued, but instead represented a form of social resilience and cohesion.⁶ This study adopts a highly interdisciplinary method, synthesising scholarly approaches from drinking studies, gender history and the historiography of Indigenous agency and adaptation in the colonial world.

As a history of alcohol commerce, this thesis has important implications for the discipline of drinking studies, particularly as regards the complex relationship between alcohol producers and colonial states. The focus of the thesis on Indigenous actors further serves to expand our understanding of how Indigenous peoples in Mexico adapted to and contested elements of colonial rule, whilst its exploration of Nahua women as a distinct group within the pulque trade foregrounds them as prominent social agents, heretofore neglected in histories of pulque commerce.

i) Drinking studies

The first area of scholarship with which this thesis engages is the field of drinking studies. A wide range of studies have persuasively demonstrated that the way in which peoples engage with alcohol cultures provides invaluable insights into the social world and identities of these actors. Deborah Toner, for instance, has pointed out the prominence of pulque drinking in nineteenth-century popular representations of nationhood, where it served to construct an “authentic” Mexican cultural identity and national character.⁷ In his study of elite discourses concerning consumption of “mixed” pulque, Daniel Nemser also suggests that pulque consumption not only played a role in how drinkers constructed their own identities but how the state constructed drinkers as a body to be governed.⁸ Àurea Toxqui’s work furthermore demonstrates that pulque consumption in taverns during the nineteenth century encouraged the creation of social networks in communities, facilitating interaction across class and racial boundaries.⁹ In a European context, Thomas Brennan’s work on taverns and sociability in revolutionary France emphasises the relationship between social identity and drinking culture, noting a marked difference

⁶ William Madsen and Claudia Madsen, „The Culture Structure of Mexican Drinking Behaviour“, in Mac Marshall (ed.), *Beliefs, Behaviours and Alcoholic Beverages. A Cross-Cultural Survey* (Ann Arbor, MI: University of Michigan Press, 1979), pp. 39, 42, 44.

⁷ Deborah Toner, *Alcohol and Nationhood in Nineteenth-Century Mexico* (Lincoln, NE: University of Nebraska Press, 2015), p. 131, pp. 134-135.

⁸ Daniel Nemser, “‘To Avoid This Mixture’: Rethinking Pulque in Colonial Mexico City”, *Food & Foodways*, 19:1/2 (2011), p. 111.

⁹ Àurea Toxqui, *‘El recreo de los amigos’: Mexico City’s Pulquerías during the Liberal Republic (1856-1911)*, (unpublished doctoral thesis, University of Arizona, 2008), p. 15, p. 223.

between elite coffee house patrons and working-class tavern patrons.¹⁰ Toner observes a similar connection in nineteenth-century Mexico City between the drinking spaces a person frequented and their social position, a distinction that was also expressed in the more favourable locations assigned to elite cafes.¹¹ This thesis adopts the premise developed in these previous works that alcohol cultures are a valid and useful means of examining social identities and statuses, but shifts the focus from urbanised consumption to production and sale outside the city. By doing so, the study calls attention to the profound connection between urban consumption and rural production and brings the local and regional Indigenous identities constructed through alcohol production and trading to the forefront of this field.

In this thesis, I focus specifically on pulque, as the most popular form of alcohol during the early colonial period in Mexico. The predominance of Native peoples in pulque commerce furthermore allows me to prioritise Indigenous participants as historical actors. Previous studies of the pulque trade have generally focused on Spanish and creole actors during the eighteenth and nineteenth centuries and have neglected to examine in detail the activities of Indigenous producers and vendors.¹² In doing so, these works fail to recognise the crucial importance of Indigenous agents in actively constructing this sector of the colonial economy, the tax revenues from which later financially underwrote the colonial administration in Mexico. Joan Bristol and Daniel Nemser have produced two of the few significant studies of pulque in the seventeenth century, however, these works largely focus on governmental concerns about health and racial mixing, rather than the communities who produced and sold the drink.¹³ Where Native involvement has been touched upon, scholars have likewise tended to favour the late colonial period.¹⁴ Yet in

¹⁰ Thomas Brennan, "Taverns and the Public Sphere in the French ReVol.ution" in Mack P. Holt (ed.), *Alcohol: A Social and Cultural History* (Oxford: Berg, 2006), pp. 108-109, p. 115.

¹¹ Deborah Toner, "Everything in its Right Place? Drinking Places and Social Spaces in Mexico City, c. 1780-1900", *Social History of Alcohol and Drugs*, 25 (2011), pp. 29-30, p. 39.

¹² José Jesús Hernández Palomo, *La renta del pulque en Nueva España, 1663-1810* (Seville: Escuela de Estudios Hispano-Americanos, 1979); John E. Kicza, "The Pulque Trade in Late Colonial Mexico City", *The Americas*, 37:2 (1980), pp. 193-221; William B. Taylor, *Drinking, Homicide and Rebellion in Colonial Mexican Villages* (Stanford, CA: Stanford University Press, 1979).

¹³ Nemser, "To Avoid This Mixture", pp. 98-121; Joan Bristol, "Health Food and Diabolic Vice: Pulque Discourse in New Spain", in Stacey Schwartzkopf and Kathryn E. Sampeck (eds.), *Substance and Seduction: Ingested Commodities in Early Modern Mesoamerica*, (Austin, TX: University of Texas Press, 2017), pp. 128-146.

¹⁴ Toxqui, 'El recreo de los amigos', pp. 231-270; Toxqui, "Breadwinners or Entrepreneurs: Women's Involvement in the *Pulquería* World of Mexico City, 1850-1910" in Gretchen Pierce and Àurea Toxqui (eds.), *Alcohol in Latin America* (Tucson, AZ: University of Arizona Press, 2014), pp. 104-130; Edith Couturier, "Micaela Angela: Widow and Pulque Dealer", in Gary B. Nash and David G. Sweet (eds.), *Struggle and Survival in Colonial America*, (Berkeley: University of California Press, 1980), pp. 362-375.

these later centuries, John Kicza has shown that wealthy Spanish and creole landowners dominated the market, producing vast quantities of pulque from their extensive landholdings.¹⁵ During the sixteenth and early seventeenth century, however, pulque commerce was limited by law to Indigenous peoples. This early period therefore presents a very different picture to the existing scholarship on pulque which focuses on the eighteenth and nineteenth centuries. Not only does the consistent and widespread participation of Native traders during this period explain pulque's change of status from social menace to source of government income, but it reveals that the later prominence of the trade owed its existence to Native engagement with the trade during the sixteenth and seventeenth centuries.

ii) Indigenous histories in colonial Mexico

The emergence of scholarship on the histories of Indigenous peoples is undoubtedly one of the most important developments in the historiography of colonial Mexico. Prior to 1950, colonial Mexico's Indigenous peoples were rarely deemed worthy of serious historical study. Around this time, however, scholars including Miguel León-Portilla in Mexico and Charles Gibson in the US began to focus on the Indigenous experience of conquest and colonisation in Mexico.¹⁶ Following these early works which prioritised Native histories, scholarly concern with "uncovering" Indigenous voices in the historical record prompted the emergence of the historiographical school known as the New Philology.¹⁷ Scholars of the New Philology emphasised the use of Indigenous-language source material to examine cultural change and continuity as it was recorded by Native peoples. The work of historians such as James Lockhart and Susan Kellogg with Nahuatl sources, Kevin Terraciano with Mixtec and Matthew Restall with Yucatec Maya set a new paradigm for studies of Indigenous actors in Mexico which held that documents produced in Indigenous languages offered unique expressions of Indigenous perspectives.¹⁸ Alongside this shift in methodology came an increased scholarly focus in

¹⁵ Kicza, "The Pulque Trade", pp. 202-215.

¹⁶ Charles Gibson, *Tlaxcala in the Sixteenth Century* (New Haven, CT: Yale University Press, 1952); Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford, CA: Stanford University Press, 1964); Miguel León-Portilla, *Visión de los vencidos: Relaciones indígenas de la conquista* (Mexico D.F.: Universidad Nacional Autónoma de México, 1959).

¹⁷ For a more detailed examination of the New Philology, see Matthew Restall, "A History of the New Philology and the New Philology in History", *Latin American Research Review*, Vol. 38:1 (2003), pp. 113-134.

¹⁸ James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries* (Stanford, CA: Stanford University Press, 1992); Lockhart, Arthur J.O. Anderson, Frances F. Berdan (eds.) *Beyond the Codices: The Nahuatl View of*

these works on the agency of Indigenous peoples under colonial rule, and on how Natives worked within the colonial system to improve their own conditions. This study draws from the methodology of the New Philology in that I engage with Nahuatl-language sources where they exist in relation to pulque and maguey, primarily in the form of wills. The majority of documentation regarding the early colonial pulque trade, however, is written in Spanish. Karen Graubart's study of Indigenous women's experience in colonial Peru has convincingly demonstrated that sources written in colonising languages can still serve as expressions of Native agency.¹⁹ Accordingly, I approach these sources as records of Nahua action and intention even if they do not contain the exact words of litigants as they were spoken. In this way, I provide further support to the idea that Spanish-language sources can, if read critically, still express Indigenous responses to colonial rule.

The most significant body of documentation used in this thesis is an assortment of eighty-nine petitions brought to the *Juzgado de Indios* (General Indian Court) in Mexico City between 1590 and 1668. I also make use of a further seventeen petitions brought to other sections of the *Real Audiencia*, including the *Tierras* court for land disputes.²⁰ As such, the study adds to the growing corpus of scholarship that has considered the relationship between Indigenous peoples and colonial legal systems. Scholarly focus on *derecho indiano*- the body of law which defined Native peoples as a distinct category of legal agent- was an early phenomenon in the historiography of colonial Mexico, spearheaded by such figures as Ricardo Levene, Rafael Altamira and Alfonso García-Gallo.²¹ The historiography began to shift, however, from the 1970s onward away from the study of *derecho indiano* as a juridical phenomenon, as scholars such as Woodrow Borah began to consider how colonial law mediated relationships

Colonial Mexico (Berkeley, CA: University of California Press, 1976); Susan Kellogg, Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, OK: University of Oklahoma Press); Kevin Terraciano, *The Mixtecs of Colonial Oaxaca: Ñudzahui History, 16th through 18th Centuries* (Stanford, CA: Stanford University Press, 2001); Matthew Restall, *The Maya World: Yucatec Culture and Society, 1550-1850* (Stanford, CA: Stanford University Press, 1997).

¹⁹ Karen B. Graubart, *With Our Labor and Sweat: Indigenous Women and the Formation of Society in Colonial Peru, 1550-1700* (Stanford, CA: Stanford University Press, 2007).

²⁰ It is unclear why some petitions regarding pulque trading ended up in *Tierras* when they did not relate to the possession of land. I can only think that the petitioners believed they could obtain a more favourable verdict in this court than at the *Juzgado*.

²¹ Ricardo Levene, *Introducción a la historia del derecho indiano* (Buenos Aires: V. Abeledo, 1924); Rafael Altamira, *Técnica de investigación en la historia del derecho indiano* (Mexico D.F.: Porrúa, 1939); Alfonso García-Gallo, *Metodología de la historia del derecho indiano* (Santiago: Editorial Jurídica de Chile, 1970); García-Gallo, *Estudios de historia del derecho indiano* (Madrid: Instituto Nacional de Estudios Jurídicos, 1972).

between state and subject.²² This thesis responds to the idea that colonial courts and legislation constituted an arena in which relationships between Natives and the colonial state were defined. However, my approach emphasises the way in which Native litigants challenged, redefined, and negotiated power within the social context of pulque commerce. In this respect, my thesis builds on works by Lauren Benton, Yanna Yannakakis, Bianca Premo and Brian Owensby. Benton's contention that colonial law is pluralistic, drawing from varied sources of legitimacy, including Native tradition, is a particularly useful way of looking at the varied strategies Nahua pulque traders used in their petitions.²³ Yannakakis and Premo place emphasis on the colonial legal order as essentially dynamic, reflecting how Indigenous litigants continually combined, translated, and adapted both local and Spanish legal norms. This approach also provides a framework for considering in this thesis how the individual petitions of Nahua agents contributed to building colonial legal and social realities.²⁴ Brian Owensby has suggested that we have a very incomplete picture of "the rambling mansion that was *derecho indiano* in colonial Mexico...of how [Native litigants] lived in and moved about that mansion and of how the mansion's presence in the social landscape influenced collective life more generally."²⁵ By demonstrating the central value of law as a tool of negotiation for participants in the early colonial pulque trade, I aim to trace the progress of pulque traders through this mansion, revealing a hitherto unexplored area of colonial life in which use of the legal system represented a crucial resource.

I recognise, however, that the legal record presents an incomplete picture of early colonial pulque trading. The petitions that appeared before the *Juzgado* represented only those agents who had experienced significant conflict or difficulty in pursuing their trade. The experiences of many pulque traders were probably never documented because they did not encounter obstacles to their business. Yet these documents also constitute the most extensive and detailed record of pulque trading from this period. The pulque trade of the late sixteenth to mid-seventeenth century predates the official governmental records on

²² Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, CA: University of California Press, 1983).

²³ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: CUP, 2002), pp. 6-28.

²⁴ Yanna Yannakakis and Bianca Premo, "A Court of Sticks and Branches: Indian Jurisdiction in Colonial Mexico and Beyond", *The American Historical Review*, Vol. 124:1 (2019), pp. 28-55. See also Yannakakis, *The Art of Being In-Between: Native Intermediaries, Indian Identity and Local Rule in Colonial Oaxaca* (Durham, NC: Duke University Press, 2008).

²⁵ Brian P. Owensby, "How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico", *Hispanic American Historical Review*, Vol. 85:1 (2005), p. 45.

pulque trading which constitute the bulk of source material for historians of the eighteenth and nineteenth century pulque trade. The *Juzgado* petitions offer a unique means of viewing the early colonial trade, provided that we acknowledge that they do not present the whole picture.

iii) Gender history

A third key area of scholarship which this thesis aims to advance is the study of gender history, both in the context of colonial Spanish America and in the context of women's engagement with alcohol commerce globally. By examining the active involvement of women in the continuance of pulque trading during a period often considered to be the most turbulent period of adjustment for Indigenous communities, my study aims to build on William B. Taylor's work, which touches only briefly on "the important role of women in the pulque trade".²⁶ I expand on Taylor's findings to uncover how and for what reasons Nahua women engaged in the pulque trade, demonstrating their key role in continuing and developing this cultural and economic practice. Studies of Indigenous women in colonial Mexico have generally agreed that the social status of these women changed significantly during the course of the sixteenth and seventeenth centuries. Susan Kellogg and Lisa Sousa find that the legal status of Indigenous women diminished by the end of the seventeenth century, as women were increasingly viewed as legal minors.²⁷ Furthermore, Kellogg argues, adoption of Hispanic cultural values undermined traditional gender ideology which had posited men and women's roles as separate but complementary, resulting in an increased expectation for women to submit to male authority.²⁸ Sousa, however, presents an alternate view of cultural change, suggesting that Spanish values regarding marriage and honour largely did not filter down to Indigenous communities.²⁹ Karen Vieira Powers acknowledges that Indigenous women lost social power in many areas of their lives; however, Powers is keen to state that these

²⁶ Taylor, *Drinking, Homicide and Rebellion*, p. 53.

²⁷ Susan Kellogg, "From Parallel and Equivalent to Separate and Unequal: Tenochca Mexica Women, 1500-1700" in Susan Schroeder, Stephanie Wood and Robert Haskett (eds), *Indian Women of Early Mexico* (Norman, OK: University of Oklahoma Press, 1997), p. 139; Kellogg, *Law and the Transformation of Aztec Culture*, p. 33; Lisa Sousa, *The Woman Who Turned Into a Jaguar and Other Narratives of Native Women in Archives of Colonial Mexico* (Stanford, CA: Stanford University Press, 2017), pp. 87-88.

²⁸ Kellogg, "From Parallel and Equivalent", p. 140.

²⁹ Sousa, *The Woman Who Turned Into a Jaguar*, p. 305.

women “were often ingenious in finding ways to empower themselves”.³⁰ This thesis challenges the idea of decline in the status of Native women by showing that women were prominent participants in pulque trading throughout the sixteenth and seventeenth century. While in some areas of the law, as Kellogg has shown, women became disadvantaged, this trend is conspicuously absent from the court records of the early colonial pulque trade, where women appear as independent legal agents.³¹ Nahua women participated in pulque commerce individually, and also in tandem with men as a complementary labour partnership which had much in common with traditional Nahua gendered labour.

Studies have also demonstrated that changes in women’s production and sale of alcohol in societies outside Mexico often reflect social and cultural changes which affect the ability of women to independently pursue their business. Judith Bennett has shown that female brewers in medieval England increasingly worked in tandem with their husbands and under their husbands’ names, as the designation of ale production as women’s work shifted.³² Justin Jennings and Melissa Chatfield have shown that Andean women similarly became less able to exercise social influence through their gendered tasks of brewing and serving alcohol when the consumption of traditional beverages gradually became less central to community gatherings.³³ The existence outside Mexico of a pattern of declining female involvement in producing and selling alcohol furthermore indicates that my study can contribute to a wider scholarly project of what Bennett calls “historicising patriarchy”.³⁴ Using pulque to examine how women contested forces that threatened their traditional arenas of influence can highlight the origins of patriarchal structures that continue to affect modern Mexican women. Bennett further points out that “patriarchy” is often associated with feminist scholarship that privileges the experience of white, middle-class women.³⁵ Through synthesising the study of alcohol trading in colonial societies and the study of gender, my thesis also aims to expand the field of experience to which scholars of patriarchy have access, by examining how Indigenous

³⁰ Karen Vieira Powers, *Women in the Crucible of Conquest: The Gendered Genesis of Spanish American Society, 1500-1600* (Albuquerque, NM: University of New Mexico Press, 2005), p. 202.

³¹ Kellogg, *Law and the Transformation of Aztec Culture*, pp. 85-120.

³² Judith Bennett, *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300-1600* (Oxford: OUP, 1996), p. 34.

³³ Justin Jennings and Melissa Chatfield, “Pots, Brewers and Hosts: Women’s Power and the Limits of Central Andean Feasting” in Justin Jennings and Brenda Bowser (eds), *Drink, Power and Society in the Andes* (Gainesville, FL: University Press of Florida, 2009), pp. 200-231.

³⁴ Bennett, *Brewsters*, p. 12.

³⁵ Bennett, *Brewsters*, p. 153.

women used their involvement in alcohol production and sale to negotiate their social position in colonial societies.

Research questions and structure of the thesis

This study focuses on Nahua participation in the pulque trade during the early colonial period in Mexico, encompassing the mid-sixteenth to mid-seventeenth century. Documentation of pulque commerce before the 1550s is scant. Licenses were granted for twelve mobile pulque stands in Mexico City during the 1530s, but this number did not increase until the 1550s, from which time onward pulque and maguey appeared frequently in the historical record.³⁶ Accordingly, this thesis takes 1550 as a starting date. The colonial government began to profit from the pulque trade in 1668 with the introduction of the pulque *asiento*, which allowed for the colonial government to tax pulque and for private individuals to buy the *asiento* contract and thereby also charge duties on pulque that entered Mexico City. Taxation and regulation made the trade less accessible for small-scale Nahua producers, who found themselves competing with the vast pulque *haciendas* run by wealthy Spaniards and creoles. Between 1550 and 1668, however, the pulque trade was a form of commerce dominated by Indigenous agents, in a way that it never was again following the *asiento*.

Firstly, this thesis asks how the pulque trade was able to expand and develop across central Mexico in the period between 1550 and 1668, and to what extent it did so. I show that participation in pulque commerce continued throughout the sixteenth century and intensified greatly from the early- to mid- seventeenth century, following the success of Nahua agents in negotiating legal recognition of their trade. This increased participation had a wide geographic spread across central Mexico; while most concentrated in areas surrounding Mexico City, I demonstrate that thriving regional pulque economies also existed in outlying regions like Puebla and Tlaxcala. I argue that the key to understanding the development of the early colonial pulque trade lies in the persistent engagement of Nahuas with the legal system to challenge threats to their businesses and to push for more favourable legislation regarding pulque. Secondly, I ask how Nahuas pursued their agendas as litigants and what strategies they utilised in presenting their cases to the courts. Making use of the colonial legal system implied recognition of the Spanish colonial administration's authority and jurisdiction over Native

³⁶ Toner, "Everything in its Right Place?", p. 29.

peoples, yet through their petitions Nahua pulque traders compelled this same administration to accommodate them. Thirdly, in considering Nahua pulque traders as legal agents, I also investigate the social self-identification of these petitioners. Who were the early colonial pulque traders and how did they construct and communicate these ideas of social identity? In exploring these questions, the thesis also considers how participation in pulque commerce reflected wider issues of social change and continuity in Native communities following the conquest and how this evolved during the sixteenth and seventeenth centuries. Finally, this thesis asks how the activity of pulque traders throughout the sixteenth and seventeenth centuries influenced the way that pulque was seen and valued throughout colonial central Mexico. In this study, I show that Nahua pulque traders were profoundly involved in building a colonial reality in which pulque commerce could flourish. The vast Spanish and creole-owned pulque *haciendas* which served to enrich the colonial administration of the eighteenth and nineteenth centuries existed because Indigenous pulque traders had tirelessly pressured the colonial state to accommodate their trade centuries earlier.

Given that one of the central research questions of the thesis addresses issues of continuity and change, the first chapter of the study examines the status of pulque trading and of pulque as both ritual substance and commodity during late Mexica rule (c. 1450-1521). The first chapter serves to demonstrate the importance of pulque in preconquest Nahua culture and to suggest points of comparison with early colonial trends. In my examination of pre-Hispanic pulque culture and commerce, I first consider the social roles and responsibilities of pulque traders, moving on to look at pulque as a commercial product in the pre-Hispanic marketplace. I show that pulque trading was established as a profession prior to the conquest, and that pulque traders were highly socially visible, both in their marketplace activities and in the central roles they played as participants in several religious ceremonies. Throughout this chapter, I employ an interdisciplinary method which draws from archaeology and art history, as well as from history, and which synthesises visual, written and material sources to create a detailed context for the later findings of the thesis.

Chapter 2 analyses the response of the Spanish colonial administration to pulque trading and consumption to consider how pulque legislation was shaped both by Spanish anxieties regarding the ‘unknowable’ nature of the drink and by Nahua persistence in circumventing restrictions on pulque trading. I explore the categorisation of pulque into *pulque blanco*, *pulque mezclado* and *pulque amarillo* or *tepache*, through which positive

attributes were assigned to the legal variant (*pulque blanco*), whilst the ‘impure’ mixed pulques were associated with ill health and criminal behaviour. I go on to examine the attempted 1570 pulque ban, the failure of which I attribute to Nahua persistence in pursuing both legal *aguamiel* and clandestine pulque production, by which means pulque traders were able to force the colonial state to legalise their trade. This chapter contrasts Spanish colonial legislation— in the form of *ordenanzas* and *reales cédulas*—with petitions brought by pulque and *aguamiel* traders, demonstrating the slippage between legislation and practice which saw pulque production thrive despite attempts to restrict and even ban the drink.

In Chapter 3 I move from discussing Spanish perceptions of the extent of pulque trading to map out the actual geographical spread of the early colonial pulque trade. To map the geography of the early colonial pulque trade, I combine three bodies of sources: the *relaciones geográficas* (descriptions of late sixteenth-century towns that include material on maguey agriculture), Indigenous wills that bequeathed magueyes, and petitions brought by pulque and *aguamiel* traders to the *Juzgado de Indios* (General Indian Court). The first two sets of sources provide an overarching picture of where maguey agriculture constituted a key source of income, which compared with the petitions, indicates where pulque commerce had long been present and where it was a newer phenomenon in response to the growing appeal of Mexico City as a pulque market. I then address the role of Mexico City as a pulque hub, arguing that while the city did present an attractive opportunity for pulque traders, the city was far more reliant on the producers that they were on access to its markets, given the vitality of local and regional pulque economies. The chapter finishes with an investigation of place and belonging in the cultural geography of pulque commerce, showing that ties to a location could be an essential factor in the ability of pulque traders to continue their business.

Having considered locations of production and trading, Chapter 4 proceeds to examine the social actors who were involved in the pulque trade, emphasising their engagement with the courts as an expression of Indigenous agency. This chapter makes use of the *Juzgado* petitions in far more depth than in Chapter 3, considering these documents as expressions of social and economic status and identity by the Nahuas who brought them to court. I begin with an examination of social class in early colonial pulque trading, comparing the differing strategies of self-presentation used by commoners and elites in seeking permission to sell pulque. The second section looks at gender in the pulque trade, focusing on the participation of Nahua women, who participated in pulque

commerce both with their spouses and independently, displaying a level of personal autonomy in their businesses that was declining in other areas of Native women's lives. In the final section of the chapter, I examine communal suits brought by Nahua towns to the *Juzgado*, to demonstrate how participation in pulque trading served as a unifying force for communities and financially underwrote communal social and religious life. This chapter reveals the diverse nature of participation in the pulque trade, analysing how individual pulque traders and pulque-trading communities constructed their social identities in petitions to the *Juzgado de Indios* and highlighting the crucial role of pulque commerce in communal and household economies.

Chapter 5 then moves on to consider instances of conflict between pulque traders and other social groups, emphasising their choice to negotiate with the colonial state through the legal system as a means of achieving their aims. In the chapter, I re-examine the *Juzgado* petitions to identify the issues which caused pulque traders trouble and to analyse the strategies that pulque traders used to convince the court to resolve their problems. I begin by looking at conflict between pulque traders over access to markets, showing how petitioning from pulque producers and sellers resulted in concrete legislative change. Next, the chapter explores the issue of land tenure in the context of maguey plantings, where it is revealed that both Nahuas and Spaniards placed value on magueyes due to the development of a profitable pulque industry and that Nahua petitioning achieved legal recognition of this value. Finally, the chapter examines how pulque traders dealt with harassment from local authorities, which they contested vigorously and frequently, invoking the responsibility of the Crown to deliver justice to its subjects. I argue that persistent negotiation by pulque traders shaped colonial legislation on pulque and, ultimately, created a space for pulque commerce in colonial life.

Overall, then, this thesis ultimately asks how it came to pass that today's visitor to Mexico City can still enjoy a leisurely cup of pulque, a drink which has managed to hold its appeal for both producers and consumers over millennia. In answering this question, I insist that pulque was far more than just a pleasant tippie for the Nahuas of the early colonial period. Pulque was a livelihood, an inherited form of knowledge and skill passed down over generations, a relationship formed between Indigenous community members and the colonial state. By appreciating the value of pulque not only as a drink but as a crucial feature of early colonial Nahua social and economic life, the fact that

pulque commerce survived and thrived appears self-evident. For Nahuas, it simply could not have been any other way.

Chapter 1: Pulque production and sale in preconquest central Mexico

Come, dear Eight Flint Woman, here is a good place, a beautiful place, I have swept it clear for you, here you will rest...³⁷

As they transplanted maguey offshoots to grow again as new plants, seventeenth-century maguey farmers tenderly whispered the words they had been taught to say to the young plant so that it would flourish. The Spanish chronicler Hernando Ruiz de Alarcón, who recorded these words, saw only a superstitious *conjuro* (spell or incantation) being uttered by those he termed “poor miserable people”.³⁸ Yet these words, passed down over generations to encourage the maguey to grow, reveal a deep preoccupation with the plant and its most treasured product, pulque- that formed part of Nahua culture for centuries. By recognising the importance of pulque in preconquest Nahua social and economic life, we are far better able to explain why pulque making continued to play a vital role in the lives of Nahua populations after the Spanish conquest. This chapter examines the dynamics of pulque production and sale in central Mexico during late Mexica rule (c. 1450-1521). By building a clear picture of pulque trading prior to the conquest, this thesis will then assess changes and continuities in how Nahua peoples pursued pulque commerce.

Existing scholarship on pulque in preconquest Nahua society has tended to focus on pulque consumption, generally emphasising its ritual value. Inga Clendinnen has demonstrated the central role of pulque drinking as a means of coming into contact with the sacred in religious ritual, while Henry Nicholson has suggested that an “octli cult”, which venerated pulque and maguey was an important feature of worship in many central Mexican settlements.³⁹ Oswaldo Gonçalves de Lima has firmly established that pulque and the maguey plant occupied a prominent place in Nahua iconography, demonstrating its significance in Nahua thought and cosmology.⁴⁰ In contrast to these works, this chapter

³⁷ “Conjuro para plantar magueyes”, in Hernando Ruiz de Alarcón, *Tratado de las supersticiones y costumbres gentílicas que hoy viven entre los indios naturales de esta Nueva España* (1629), (Alicante: Biblioteca Virtual Miguel de Cervantes, 1999), tratado tercero, capítulo I. Accessed on 11/06/2021 at http://www.cervantesvirtual.com/obra-visor/tratado-de-las-supersticiones-y-costumbres-genticas-que-hoy-viven-entre-los-indios-naturales-de-esta-nueva-espana--0/html/cf187f38-7e62-49f7-bcf3-71d3c710fe4e_3.html#36.

³⁸ Ruiz de Alarcón, *Treatise*, tratado tercero, capítulo I.

³⁹ Inga Clendinnen, *Aztecs: an interpretation* (Cambridge, CUP: 1991); Henry B. Nicholson, “The Octli Cult in Late Prehispanic Central Mexico” in David Carrasco (ed.), *Aztec Ceremonial Landscapes* (Boulder, CO: University of Colorado Press, 1999), pp. 158-187.

⁴⁰ Oswaldo Gonçalves de Lima, *El maguey y el pulque en los códices mexicanos* (Mexico D.F.: Fondo de Cultura Económica, 1986).

is concerned with the social and economic role of pulque production and sale in lived daily experience outside the world of formal ritual. To understand how the pulque trade later developed in colonial central Mexico, we need to look at pre-Hispanic pulque producers and sellers, considering how their participation actively influenced the social lives of their communities. Few scholars have considered the dynamics of pulque production prior to the conquest, with the notable exception of Henry Bruman's study of alcohol variants across pre-Hispanic Mexico and the section of William Taylor's study on drinking and crime which examines the preconquest period.⁴¹ I adopt a similar emphasis on the role of pulque outside ritual but extend the focus of these studies, situating pulque in the context of pre-Hispanic commerce and considering what social position pulque traders occupied prior to the conquest. This chapter examines maguey cultivation, pulque production and sale by Nahuas in the period spanning 1450-1521, during which time the Mexica empire dominated central Mexico. The chapter will demonstrate that pulque occupied a somewhat ambiguous position spanning both the sacred and everyday spheres. While pulque had powerful religious connotations for Nahuas during this period, it was also produced for purposes outside formalised religious ritual. Pulque production and sale was moreover recognised as a profession long prior to the Spanish invasion, albeit in line with beliefs concerning the social acceptability of drunkenness. As an occupation pursued by both men and women in essentially the same way, examining pulque production and sale during this period adds a further dimension to the existing body of work on complementary gender roles in pre-Hispanic Nahua societies by demonstrating that labour, while often profoundly gender-based, showed a certain flexibility.⁴²

⁴¹ Henry J. Bruman, *Alcohol in Ancient Mexico* (Salt Lake City, UT: University of Utah Press, 2000); William B. Taylor, *Drinking, Homicide and Rebellion in Colonial Mexican Villages* (Stanford, CA: Stanford University press, 1979).

⁴² Key works include Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, OK: University of Oklahoma Press, 1995); Susan Kellogg, "The Woman's Room: Some Aspects of Gender Relations in Tenochtitlan in the Late Pre-Hispanic Period", *Ethnohistory*, Vol. 42:4 (1995), pp.563-576; Louise M. Burkhart, "Mexica Women on the Home Front: Housework and Religion in Aztec Mexico", in Schroeder, Wood and Haskett (eds.) *Indian Women of Early Mexico*, pp. 25-54; Caroline Dodds Pennock, *Bonds of Blood: Gender, Lifecycle and Sacrifice in Aztec Culture* (Basingstoke: Palgrave Macmillan, 2008); Clendinnen, *Aztecs*; Lisa Sousa, *The Woman Who Turned into a Jaguar and Other Narratives of Native Women in the Archives of Colonial Mexico* (Stanford, CA: Stanford University Press, 2017); Cecelia F. Klein, "Fighting with Femininity: Gender and War in Aztec Mexico", *Estudios de cultura náhuatl*, 24 (1994), pp. 219-253.

Sources

The study of pre-Hispanic Nahua societies poses a methodological challenge for historians. Before the introduction of alphabetic writing to Mexico, Nahuas used a system of pictorial writing to create records known as codices, paper documents in screen-fold format that recorded the forms of knowledge most essential for the preservation and perpetuation of Nahua religious and social life. Yet the connection between religious knowledge and painted books made these texts a target for “the first priests who came to this land, who, believing [the codices] to be books of the ancient rites and idolatries, ordered them with Catholic zeal to be burned”, as the *mestizo* chronicler Diego Munoz Camargo mournfully recounted in the early 1580s.⁴³ The sources that remain to historians are a group of five surviving Nahua codices, along with recreations of codices created during the early sixteenth century, largely commissioned by the colonial administration in an attempt to mitigate the loss of this vast corpus of information regarding their new subjects. The work of Elizabeth Hill Boone has been greatly influential in shaping understandings of these codices as a form of writing that operates using a system of visual conventions.⁴⁴ In contrast to James Lockhart’s depreciation of the codices as essentially “skeletal, handout-like pictorial document[s]”, Hill Boone’s approach recognises the codices as an expression of visual thinking that continued to serve as a key form of documentation well into the colonial period.⁴⁵ Stephanie Wood’s observation that “we as historians can be overdependent on the written word” has clearly rung true for researchers of pre-Hispanic Mesoamerica, as Wood and other scholars including Lisa Sousa and Cecelia Klein have increasingly adopted a methodology of synthesising alphabetic texts with pictorial sources.⁴⁶

⁴³ Diego Muñoz Camargo, “Descripción de la ciudad y provincia de Tlaxcala” in René Acuña (ed.), *Relaciones geográficas del siglo XVI: Tlaxcala*, Vol. 1 [digital edition] (Mexico D.F.: UNAM-IIA, 2017), p. 88.

⁴⁴ Elizabeth Hill Boone, *Stories in Red and Black: Pictorial Histories of the Aztecs and Mixtecs* (Austin, TX: University of Texas Press, 2000), pp. 31-32.

⁴⁵ James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries* (Stanford, CA: Stanford University Press, 1992), p. 335; Elizabeth Hill Boone, “Pictorial Documents and Visual Thinking in Postconquest Mexico”, in Elizabeth Hill Boone and Tom Cummins (eds.), *Native Traditions in the Postconquest World: A Symposium at Dumbarton Oaks, 2nd through 4th October 1992* (Washington D.C.: Dumbarton Oaks, 1998), pp. 149- 200).

⁴⁶ Stephanie Wood, *Transcending Conquest: Nahua Views of Spanish Colonial Mexico* (Norman, OK: University of Oklahoma Press, 2003), p. 12; Cecelia F. Klein, “The Devil and the Skirt: An Iconographic Inquiry into the Pre-Hispanic Nature of the Tzitzimime”, *Estudios de cultura náhuatl*, 31 (2000), pp. 17-62; Klein, “Fighting with Femininity”; Sousa, *The Woman Who Turned into a Jaguar*.

The key pictorial sources used in this chapter are the *Codex Borbonicus*, the *Codex Mendoza*, the *Tira de la Peregrinación* (also known as the *Codex Boturini*) and the images created to accompany the friar Bernardino de Sahagún's *Códices matritenses*, an early draft of his masterwork, the *Florentine Codex*. These sources were commissioned at the behest of colonial authorities but painted and informed by Nahuas. The codices attempt to recreate as far as possible the tradition of pre-Hispanic pictorial writing; though they are colonial-era products, they approximate a preconquest visual style.⁴⁷

The *Codex Borbonicus* is thought to be one of the earliest codex recreations, painted very shortly after the conquest in 1521.⁴⁸ According to Hill Boone, out of the colonial-era codices, the *Borbonicus* most closely resembles the pre-conquest codices.⁴⁹ The codex is a three-part screen-fold document, divided into a divinatory almanac (*tonalamatl*), a section illustrating the 52-year calendar cycle and a third section that depicted the various festivals and rituals held throughout the year. The latter section is most important for this chapter, since it offers a rare depiction of pulque traders, who are shown as key figures in a public religious ceremony. The pulque-related content which appears in the *Códices matritenses* also appears in the context of ritual practice. The *Códices matritenses* are a collection of alphabetic written text accompanied by images, whose relationship with the text is somewhat complex. The images of pulque ritual visually communicate information that the text omits, providing details on pulque traders that are absent from the text's alphabetic content. The visual representation of these figures provides useful details as to the social positions they may have occupied outside a ceremonial context. The practice of pulque making is visually represented in the *Tira de la Peregrinación*, a pictorial history whose date is disputed but which probably dates to the early postconquest years.⁵⁰ The *Tira* represents chronologically the mythical journey of the Mexica from their homeland of Aztlan to the Valley of Mexico. The final pictorial text used in this chapter, the *Codex Mendoza*, has a more definite date of creation— between 1541 and 1542— since it was commissioned by the viceroy of New

⁴⁷ For more on “authentic” Indigenous visuality in colonial-era Indigenous visual media, see Carolyn Dean and Dana Leibsohn, “Hybridity and its Discontents: Considering Visual Culture in Colonial Spanish America”, *Colonial Latin American Review*, Vol. 12:1 (2003), pp. 5-35.

⁴⁸ Ferdinand Anders, Maarten Jansen and Luis Reyes García, *El libro del Ciuacoatl: Homenaje para el año del Fuego Nuevo (libro explicativo del llamado Códice Borbónico)* (Vienna: Akademische Druck- und Verlagsanstalt; Madrid: Sociedad Estatal Quinto Centenario; México D.F.: Fondo de Cultura Económica, 1991), p. 27.

⁴⁹ Elizabeth Hill Boone, *Cycles of Time and Meaning in the Mexican Books of Fate* (Austin, TX: University of Texas Press, 2007), p. 5.

⁵⁰ Angela Herren Rajagopalan, *Portraying the Aztec Past: The Codices Boturini, Azcatitlan and Aubin* (Austin, TX: University of Texas Press, 2019), p. 14.

Spain, Antonio de Mendoza, who intended to send the codex to Spain so that the king might be better informed regarding the customs of his Mexican subjects.⁵¹ Given their ethnographic purpose, the sections of the *Codex Mendoza* which are most useful for this chapter differ significantly from the ritual content of the *Borbonicus*. The second section of the codex lists items demanded as tribute by the ruling Mexica, while the third describes the stages of a typical Nahuatl life cycle. The focus of the *Codex Mendoza* on daily life and labour offers a very different perspective to the ritual manuscripts, providing information as to how pulque featured in ordinary moments of social life.

To supplement the paucity of definitively pre-Hispanic sources, a second corpus of source material is particularly useful: the writings generated by the mendicant friars who came to Mexico to evangelise its Native populations. Friars such as Bernardino de Sahagún, Diego Durán and Toribio de Benavente (better known as Motolinía) collected detailed information on Nahuatl daily life and customs, although these accounts were sometimes prone to exaggeration or misunderstanding in their descriptions of Nahuatl practices. Sahagún tended also to rely heavily on the experience of the elite male Nahuas who served as his informants and collaborators.⁵² Nonetheless, Caroline Dodds Pennock argues persuasively that “to neglect these documents only on the basis of their possible inaccuracy would be foolish”; the historian who maintains a critical eye in engaging with these sources can still find in them a veritable goldmine of detail regarding the pre-Hispanic Nahuas.⁵³

The source which provides us with the greatest volume of information on pre-Hispanic consumption of pulque is Bernardino de Sahagún’s master work *Historia de las cosas de Nueva España*, better known as the *Florentine Codex*.⁵⁴ Conclusions that pulque consumption was completely forbidden outside ritual use are often primarily based on this text, which does continuously emphasise restriction of pulque and harsh punishments for those who consumed the substance illicitly. The *Florentine Codex*, though ultimately overseen and edited by Sahagún, was produced in close collaboration with the

⁵¹ Frances F. Berdan and Patricia Rieff Anwalt (eds.), *The Essential Codex Mendoza* (Berkeley, CA: University of California Press, 1992), p. xii.

⁵² Edward Calnek, “The Sahagún Texts as a Source of Sociological Information” in Munro S. Edmonson (ed.), *Sixteenth-Century Mexico: The Work of Sahagún* (Albuquerque, NM: University of New Mexico Press, 1974), pp. 189-204.

⁵³ Dodds Pennock, *Bonds of Blood*, p. 9.

⁵⁴ Fray Bernardino de Sahagún, *General history of the things of New Spain (Florentine Codex)*, trans. Arthur J.O. Anderson; Charles E. Dibble (Santa Fe, NM and Salt Lake City, UT: The School of American Research and the University of Utah, 1950-1975). In places throughout this chapter, I disagree with the Anderson/Dibble translation and include instead my own translation, indicated by an asterisk after the footnote reference.

Franciscan's elite male Nahua students from the Colegio de la Santa Cruz de Tlatelolco.⁵⁵ One can very well imagine that these individuals- well acquainted with the Spanish clergy's distaste for excessive alcohol consumption- were keen to avoid depicting their predecessors freely consuming pulque.⁵⁶ Given the multiple authorship of the text, however, it is hardly surprising that it is often inconsistent in its details of who could drink pulque and when this was permitted. Sahagún wrote that he had relied on the contributions of informants from Tenochtitlan, Tepeapulco and Tlatelolco, areas located at the centre of the empire.⁵⁷ Geographical variations may well have existed in how prohibitions were understood and applied in outlying areas, particularly where pulque formed a significant part of local diets. What is clear from the frequent appearance of pulque in the *Florentine Codex*, however, is that the drink held a prominent place in Nahua society.

The pulque-making process

Knowledge of the processes involved in making pulque allows us to appreciate the great value placed upon the drink in Nahua culture. Pulque production is time-consuming and requires a great deal of skill and experience, along with its own complement of specialised tools. Whereas Mexico's other agave-based alcoholic drinks, tequila and mezcal, are produced through distillation, pulque making uses much older Mesoamerican techniques of fermentation.⁵⁸ Extracting *aguamiel* from a maguey plant (known as "tapping") requires both experience and skill in judging the plant's maturity, since the age at which a maguey is tapped can be crucial to the quality and quantity of its aguamiel.⁵⁹ A premature or belated tapping of the plant could therefore ruin the product that a maguey grower might have waited over a decade to harvest.

⁵⁵ Miguel León-Portilla, *Bernardino de Sahagún: First Anthropologist*, trans. Mauricio J. Mixco (Norman, OK: University of Oklahoma Press, 2002), p. 3.

⁵⁶ Attitudes varied by sect, but moderation in eating and drinking was generally emphasised (Louise M. Burkhart, *The Slippery Earth: Nahua-Christian Moral Dialogue in Sixteenth-Century Mexico* (Tucson, AZ: University of Arizona Press, 1989), pp. 159-168; Sonia Corcuera de Mancera, *El fraile, el indio y el pulque: evangelización y embriaguez en la Nueva España (1523-1548)* (México D.F.: Fondo de Cultura Económica, 1991), p. 143.

⁵⁷ *Florentine Codex*, introductory volume, 2:55.

⁵⁸ While tequila and mezcal use fermented agave as a base for distillation, this liquid is obtained from baking the base of the plant, rather than from draining agave sap.

⁵⁹ Adelfo Escalante; David R. López-Soto; Judith E. Velázquez-Gutiérrez; Martha Giles-Gómez; Francisco Bolívar; Agustín López-Munguía, "Pulque, a Traditional Mexican Alcoholic Fermented Beverage: Historical, Microbiological, and Technical Aspects", *Frontiers in Microbiology*, 7, Article 1026 (2016), p. 4



Fig. 1: Harvesting *aguamiel* with the *acocote*, c. 1915 (“Tlachiquero saca aguamiel con acocote”), Instituto Nacional de Antropología e Historia (INAH), Mexico City.

The contemporary process for draining a maguey’s sap involves removing the leaves which would otherwise develop into the flowering stalk (known as castration) to form a cavity, then scraping the interior of the cavity with a specialised tool to induce the flow of sap.⁶⁰ The *tlachiquero* (person who scrapes the maguey and collects sap) then uses a hollow tube known as an *acocote* to suck the *aguamiel* out of the cavity (Fig. 1). The maguey plant can then produce between two and five litres of *aguamiel* per day over a period of roughly three to six months, depending on the health of the plant.⁶¹ The resulting sap is then left to ferment in vats with a starter of already-fermented pulque, a process which normally takes 32-36 hours.⁶² During the fermentation process, substances can be added to alter the pulque’s flavour or to slightly extend the life of the finished product. The resulting beverage has a viscous consistency, slightly acidic taste, and is generally pictured in Nahua visual media as frothing above the rim of its cup (Fig. 2)⁶³

This modern process of harvesting magueyes has changed very little since the early sixteenth-century. Several ethnographic accounts and histories of Mexico include detailed descriptions of the methods utilised to obtain *aguamiel* from maguey plants. The chronicler Motolinía devoted several lengthy passages to describing pulque in his *Historia de los indios de Nueva España*, clearly recognising that pulque production

⁶⁰ Jeffrey R. Parsons and Mary H. Parsons, *Maguey Utilization in Highland Central Mexico* (Ann Arbor, MI: Museum of Anthropology, University of Michigan, 1990), pp. 29-36.

⁶¹ Parsons and Parsons, *Maguey Utilization*, pp. 66-67.

⁶² Parsons and Parsons, *Maguey Utilization*, p. 45.

⁶³ Bruman, *Alcohol in Ancient Mexico*, p. 70.



Fig. 2: Pulque cup, *Codex Borbonicus*, fol. 8.

represented a significant presence in Nahua culture and that it might therefore be useful for readers to know more about the practice.⁶⁴ Like many other chroniclers who recorded their first impressions of seeing magueyes, Motolinía was impressed by the plant's distinctive appearance. Indeed, he noted that “the first time I saw [a maguey plant], knowing nothing of its properties, I declared: ‘Great virtue must come from this thistle.’”⁶⁵ The description of magueyes as essentially giant thistles illustrates a notable tendency in the text to fit Mesoamerican objects and concepts into Spanish categories of knowledge, most obviously in the constant designation of pulque as “wine”.⁶⁶ In writing about pulque, Motolinía was faced with the same problem as many early chroniclers of the Americas: how to make the novel cultures and environments of these unfamiliar territories comprehensible to European minds. These early chroniclers relied heavily on analogy, underwritten, as Anthony Pagden argues, by “a belief that the new could always be satisfactorily described by means of some simple and direct analogy with the old”.⁶⁷ Pulque has virtually no similarities to Spanish wine, but the comparison to wine allowed readers to understand pulque as a common alcoholic beverage.

Techniques for tapping magueyes have altered very little over the centuries. Just as *tlachiqueros* do today, the Nahuas described in Motolinía's account cut away the central stalk of the plant to create “a cup...on the surface of the earth, which a few leaves protrude from, about the size of a large jug and they dig into this cup to make a cavity the size of a large pot.”⁶⁸ Once the maguey was tapped in this way, the sap was left to collect

⁶⁴ Fray Toribio de Benavente (Motolinía), eds. Bernat Castany Prado and Mercedes Serna Arnaiz, *Historia de los Indios de Nueva España* (Madrid: Real Academia Española, 2014), p. 113.

⁶⁵ Motolinía, *Historia de los Indios*, pp. 262-263.

⁶⁶ Motolinía, *Historia de los Indios*, p. 26, p. 37.

⁶⁷ Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge: CUP, 1982), p. 11.

⁶⁸ José de Acosta, *Historia natural y moral de las Indias* (Alicante: Biblioteca Virtual Miguel de Cervantes, 1999), Capítulo XXIII http://www.cervantesvirtual.com/obra-visor/historia-natural-y-moral-de-las-indias--0/html/fee5c626-82b1-11df-acc7-002185ce6064_28.html#I_97

in the cavity of the cut stalk and collected every day for a period of several months, depending on the size of the maguey.⁶⁹ The account of the Anonymous Conqueror, who professed to have accompanied Cortés' expedition on their first entry into Tenochtitlan in 1519, likewise related that "in a certain season, once the plant has grown to maturity, [those harvesting the maguey sap] bore a hole into its base, from which they obtain a liquor which they then purposely keep in the cavity of the tree."⁷⁰ In this account, the Anonymous Conqueror also described a second method of extracting sap from the maguey: heating the leaves then mashing them to obtain *aguamiel*.⁷¹ This practice survived in northern Mexico at least up until the 1970s, though it never became the method of choice in central Mexico, possibly because the yield of sap obtained from maguey leaves is fairly low in comparison with tapping the central stem.⁷² Interestingly, today's method for making tequila and mezcal begins with a similar process: baking maguey hearts and fermenting their juice, before the resulting liquid is then distilled.

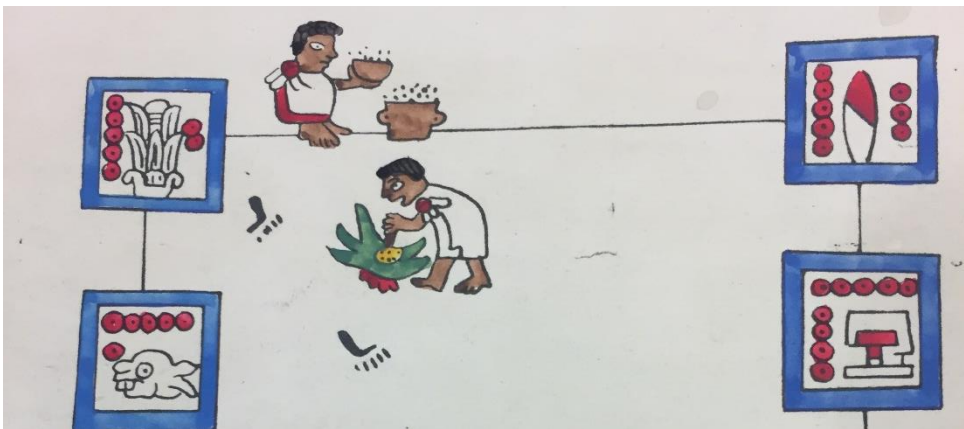


Fig. 3: The discovery of pulque making, *Tira de la Peregrinación*, lámina 14.

After the maguey was tapped, the hollow *acocote* was then employed to drain sap from the maguey cavity. The representation of the *acocote* in the *Tira de la Peregrinación* suggests that it was a vital tool in the harvesting process. The text records several events typical of a pictorial annal, such as arrival at certain city-states and often subsequently a war, following by the taking of prisoners and scenes of human sacrifice. However, it also records a far less dramatic event: one figure drains sap from a maguey with an *acocote*, while his companion sits before a vessel of frothing pulque, with a bowl of the liquid in

⁶⁹ Motolinía, *Historia de los Indios*, p. 263.

⁷⁰ Anonymous Conqueror, "Relación de algunas cosas de la Nueva España", Cap. XI.

⁷¹ Anonymous Conqueror, "Relación de algunas cosas de la Nueva España", Cap. XI.

⁷² Robert A. Bye Jr., Don Burgess, Albino Mares Trias, "Ethnobotany of the Western Tarahumara of Chihuahua, Mexico", *Botanical Museum Leaflets, Harvard University*, Vol. 24:5 (1975), pp. 85-112.

hand (Fig. 3).⁷³ This scene not only recognises the *acocote* as an essential tool for harvesting *aguamiel* but places the knowledge of how to tap magueyes and produce pulque on the same level of importance in the Mexica's eventual success as the conquests and sacrificial offerings which make up the remainder of the text's narrative. The representation of pulque production in this source therefore has an ideological dimension. According to Elizabeth Morán, the scene represents the Mexica learning to make pulque from the people of Chalco whom they had conquered, depicting the acquisition of this knowledge as "an icon of victory".⁷⁴ By learning how to tap the maguey and use the *acocote* to drain its contents, the Mexica not only showed themselves as the conquerors of Chalca culture, but obtained the vital knowledge that would sustain them through the remainder of their journey.

Motolinía also goes on to describe the process of fermentation into pulque, mentioning the decanting of the *aguamiel* into *tinajas*, the clay jars that appear in pictorial representation of pulque in painted codices. Two kinds of pulque are identified in this passage, a sweeter variant, and one to which the pulque makers add "some roots called by the Indians *ocpatli*, which means medicine or wine preparation, which makes a wine so strong that those who drink it become greatly intoxicated."⁷⁵ Unusually, the account mentions that "boiled over a fire, [the sap] makes a sweet and clean-tasting wine"; an addition which is probably an error on the part of Motolinía, conflating pulque fermentation with the boiling of *aguamiel* to make syrup.⁷⁶ José de Acosta also mentions the maguey sap being boiled (*cocido*), likewise heating is mentioned in the description of pulque making in the *Florentine Codex*.⁷⁷ Given that in all other aspects, modern pulque making has hardly changed since the sixteenth century, the mention of heat in the process is confusing; no modern pulque maker heats their *aguamiel*. However, while the Nahuatl text of the *Florentine Codex* describes the process of maguey tapping in chronological order, the sentences after relate a number of uses for the maguey sap and leaf. These uses take the form of a list of tasks a pulque maker might perform after tapping his magueyes, rather than a description of one continuous process: "I heat the *aguamiel*. I make pulque.

⁷³ *Tira de la Peregrinacion Azteca. Pictografía precolombina Mexicana. Trazo calcado del original (actualmente en el Museo nacional de Mexico). Documentadamente coloreado para facilitar su interpretación*, (Mexico: D. F., Librería anticuaria, G.M. Echaniz, 194?), lámina 14.

⁷⁴ Elizabeth Morán, "Constructing Identity: The Role of Food in Mexica Migration and Creation Accounts", *The Latin Americanist*, Vol. 52 (2008), p. 22.

⁷⁵ Motolinía, *Historia de los Indios*, p. 262.

⁷⁶ Motolinía, *Historia de los Indios*, p. 262.

⁷⁷ *Florentine Codex*, 11:12: 217; Acosta, *Historia natural*, Cap. XXIII.

I scrape the maguey leaf. I dress the maguey leaf to extract the fibre.”⁷⁸ The processes of heating the maguey sap and of making pulque are two separate processes to produce two different substances, but since they are mentioned together, hint as to the reason for their connection in other sources. Chroniclers such as Acosta and Motolinía may well have used a similar source or heard a similar description from their informants but understood the heating of the sap as part of making pulque rather than a separate process. The fact that syrup produced from heating *aguamiel* could be used to make a different kind of alcoholic drink might also have served to confuse them. The substance referred to as *ayoctli* (“water-pulque”) was made by diluting maguey syrup with water and fermenting the resulting liquid.⁷⁹ *Ayoctli* seems not to have been especially popular and may have been a beverage used to supplement pulque made from *aguamiel* in cases of shortage. One *relación geográfica* from the 1580s records that the colonial-era Nahuas of Cuauhquilpan considered *ayoctli* inferior to pulque made from *aguamiel*; an opinion their ancestors seem to have shared.⁸⁰ This variant is also identified as “yellow pulque” (*pulque amarillo*) and, as we will see in Chapter 2 of this thesis, would prove a frequent nemesis in seventeenth-century attempts by colonial administrators to ban production of certain drinks with high alcohol content.

The fermentation process most likely took place close to maguey plots, given the relatively short time before fermentation set in and the practical considerations of carrying large volumes of liquid before the introduction of load-carrying animals such as horses and mules. As Jeffrey Parsons and Mary Hrone Parsons have shown, modern maguey processing for pulque still occurs close to the area of cultivation despite the now-greater ease of transporting the products.⁸¹ Bernal Díaz del Castillo, a companion of Cortés in 1519, observed this pattern in Cholula, where he reported that there were “many plots of cultivated maguey, where they make wine”.⁸² The *Florentine Codex* further indicates that some pulque producers kept the finished product in their homes. A passage condemning the behaviour of drunkards describes the great lengths they would go to in order to obtain pulque; at night they would “rattle at the pulque makers’ houses” in the hope that one

⁷⁸ *Florentine Codex*, 11:12: 217.

⁷⁹ Bruman, *Alcohol in Ancient Mexico*, p. 76.

⁸⁰ “Relación de Cuauhquilpan” in *Papeles de Nueva España*, ed. Francisco del Paso y Troncoso (Madrid: Establecimiento tip. “Sucesores de Rivadeneyra”, 1905), p. 310.

⁸¹ Parsons and Parsons, *Maguey Utilization*, p. 17.

⁸² Bernal Díaz del Castillo, *Historia verdadera de la conquista de la Nueva España*, edición, estudio y notas de Guillermo Serés (Madrid: Real Academia Española - Barcelona: Galaxia Gutenberg-Círculo de Lectores, 2011), p. 256.

would open up and offer some pulque.⁸³ It makes sense for pulque production to have taken place in the home at least some of the time, since the general pattern of most non-artisan production in this time period favoured domestic craft and processing.⁸⁴ Pulque producers who kept the product in their homes probably lived within an easy distance of the area of maguey cultivation, where they would also have spent a significant amount of time overseeing the growth of their magueyes. During the time of maguey tapping, modern pulque makers visit their maguey plots twice a day to scrape the cavity, collect the *aguamiel* and to separate out any water that has accumulated.⁸⁵ The maguey plot was undoubtedly a central space in the lives of pulque makers, who most likely lived within easy reach of their crops. Where evidence of maguey cultivation shows up in the historical record, therefore, so does the strong possibility that pulque makers were also operating in that site.

Maguey cultivation in central Mexico

To produce pulque, one first needs access to maguey plants. While evidence of maguey cultivation in a particular site is not in itself indicative that maguey owners were necessarily making pulque, examination of sites where maguey was cultivated suggests that communities in this area had the potential to produce pulque. The *Florentine Codex* provides a wealth of information regarding pulque consumption and sale, but very little regarding the cultivation of maguey plants. Since the text largely concerns itself with urban life, the absence of information on maguey agriculture indicates that the plant was not usually grown in the city. The following section will examine maguey cultivation in pre-Hispanic central Mexico as a way of identifying potential pulque-producing regions which can then provide points of comparison with areas that produced pulque in the early colonial period.

The majority of archaeological studies which have uncovered tools used to scrape maguey plants have found these artefacts in the regions north and northeast of Mexico City. Scrapers are indispensable tools of the trade for harvesting *aguamiel* from maguey plants; indeed, the term in Nahuatl for a pulque maker—*tlahchicqui*— translates as “person who scrapes things”. Elizabeth Brumfiel’s study of artefacts found at the

⁸³ *Florentine Codex*, 4:4:11.

⁸⁴ Kenneth G. Hirth, *The Aztec Economic World: Merchants and Markets in Ancient Mesoamerica* (Cambridge: Cambridge University Press, 2016), pp. 148-150.

⁸⁵ Parsons and Parsons, *Maguey Utilization*, pp. 35-36.

archaeological site of Huexotla has revealed significant numbers of scraping tools and thick-walled vessels, probably used to store maguey sap and pulque.⁸⁶ The presence of these artefacts strongly suggests a significantly concentrated amount of maguey agriculture. Susan Evans' study of artefacts from Cihuatecpan, located in the highlands surrounding Tenochtitlan, also finds a large concentration of scraping tools, pulque vessels and spindle whorls used for spinning maguey fibres, indicating another area of intense maguey cultivation in the central highlands.⁸⁷ According to Deborah L. Nichols, Maura Benton and Mary Jane McLaughlin, the city-state of Otumba, again located in the highlands north of Tenochtitlan, also specialised heavily in maguey fibre production.⁸⁸ A significant number of scraping tools were found at the site, which, alongside their use in processing maguey fibre, were often also used for scraping out the cavities in maguey stems in which sap was collected.⁸⁹ Angela C. Huster has shown in her study of the Calixtlahuaca archaeological site, however, that specialisation in maguey was not only confined to highland areas which depended on the crop as an agricultural staple.⁹⁰ The Valley of Toluca, where Calixtlahuaca is located, was a significant area of maize cultivation, making the Calixtlahuaca site "the first well-documented case of a site specializing in maguey production which was not located in an environmentally marginal area".⁹¹ The expansion of pulque production outside traditional highland areas of cultivation would later become a defining feature of the geographical distribution of maguey during the early colonial period. The Calixtlahuaca data suggests that this expansion may already have begun prior to the conquest, and therefore that pulque commerce was taking place well outside Tenochtitlan. The presence of artefacts for maguey cultivation alone cannot definitively tell us whether pulque was produced in a particular location. While pulque residue has been identified in jar fragments from the far older Teotihuacan culture, this technique has not yet been applied to fragments from the Postclassic period.⁹²

⁸⁶ Elizabeth Brumfiel, "Specialization, Market Exchange and the Aztec State: A View from Huexotla", *Current Anthropology*, Vol. 21:4 (1980), p. 464.

⁸⁷ Susan T. Evans, "The Productivity of Maguey Terrace Agriculture in Central Mexico during the Aztec Period", *American Antiquity*, Vol. 1:2 (1990), 121-122.

⁸⁸ Deborah L. Nichols, Mary Jane McLaughlin and Maura Benton, "Production Intensification and Regional Specialization: Maguey Fibers and Textiles in the Aztec City-State of Otumba", *Ancient Mesoamerica*, Vol. 11:2 (2000), 267-291.

⁸⁹ Nichols, McLaughlin and Benton, "Production Intensification", p. 278.

⁹⁰ Angela C. Huster, "Maguey Use at Postclassic Calixtlahuaca", *Mexicon*, Vol. 41:1, pp. 20-27.

⁹¹ Huster, "Maguey Use", p. 26.

⁹² See Marisol Correa-Ascensio et al, "Pulque production from fermented agave sap as a dietary supplement in Prehispanic Mesoamerica", *PNAS*, 111:39, 14223-14228.

However, the type of scraping tool found at archaeological sites can, as Jeffrey R. Parsons and J. Andrew Darling point out, testify fairly definitively to the production of *aguamiel*.⁹³ Scraping the cavity of a maguey plant requires a specialised scraping tool with a convex surface and rounded end which corresponds to the curved interior of the



Fig. 4: Maguey scrapers, Olmec culture (c. 650-900 CE), INAH.



Fig. 5: Maguey scraper, Mexica culture (c. 1250-1521), INAH

plant stem, such as the collection of Olmec scrapers unearthed at the Cantona site in Puebla (Fig. 4) and a later, almost identical, Mexica tool found in Iztapalapa, Mexico City (Fig. 5). A depiction of an obsidian maguey scraper with distinctive rounded blade in an image from the *Florentine Codex*, which shows various mundane obsidian tools, suggests

⁹³ Jeffrey R. Parsons and J. Andrew Darling, “Maguey (*Agave* spp.) Utilization in Mesoamerican Civilization: A Case for Precolumbian ‘Pastoralism’”, *Boletín de la Sociedad Botánica de México*, 66 (2000), p. 87.

that these artefacts were common to central Mexico (Fig. 6) The text furthermore gives the Nahuatl name for the tool depicted as *tlachiconi* (“thing which scrapes”). The excavations at Cihuatecpan, Huexotla, Calixtlahuaca and Otumba all uncovered rounded *tlachiconi* as well as the elliptical or trapezoidal tools used to scrape maguey leaves, suggesting that the cultivation of maguey for *aguamiel* was complementary to the use of the plants for their fibres.



Fig. 6: Mundane artefacts (scraper in centre), *Florentine Codex* 11:8:209.

Further to the northeast of Tenochtitlan, archaeological research at the site of Metztitlan, Hidalgo also found the same pattern of oval-shaped *tlachiconi* alongside trapezoidal leaf scrapers.⁹⁴ The varieties of maguey used for pulque are not the most suitable varieties of agave for fibre production, however it is probable that pulque-producing magueyes were also used for fibre to maximise efficient use of the plant.⁹⁵ The Metztitlan findings also uncovered a number of pottery fragments with pitted surfaces, characteristic of vessels used to ferment *aguamiel* into pulque.⁹⁶ A community which used its magueyes to produce *aguamiel* was very likely to be using at least some portion of its produce for pulque and some for maguey syrup. Given the potentially very large volume of sap that could be produced by a single maguey plant, extending the shelf life of *aguamiel* by allowing it to ferment into pulque or boiling it into syrup allowed communities to maximise its efficient consumption. Longer-lasting maguey products were also demanded as tribute and further indicate areas of intensive maguey cultivation. According to the tribute roll of the *Codex Mendoza*, the provinces of Hueyapoxtla and Axocopan, to the northeast of Tenochtitlan, each contributed 400 jars of maguey syrup

⁹⁴ Ana María Álvarez Palma, Gianfranco Kassel and Alberto Villa Kamel, “La explotación del maguey pulquero en la zona de Metztitlan: datos etnográficos y arqueológicos”, *Dimensión Antropológica*, 13 (1998), pp. 23-24.

⁹⁵ Parsons and Darling, “Maguey (Agave spp.) Utilization in Mesoamerican Civilization”, p. 88.

⁹⁶ Álvarez Palma et al, “La explotación del maguey”, pp. 26-27.

every six months.⁹⁷ This amount could potentially have been far greater, as the number 400 was often used as a metaphor to indicate a an especially large number.⁹⁸

The presence of pulque vessels is one obvious indication that an area was likely to have used its magueyes to produce the beverage. It is often difficult to definitively identify certain vessels as pulque vessels, since jars of the same type were also used to



Fig. 7: Vessel in the form of a maguey plant, Museo de Sitio de Tecoaque (INAH).



Fig. 8: Detail of maguery glyph on ceramic vessel, Museo de Sitio de Tecoaque (INAH).

store and carry dry goods and water. However, a collection of intricate vessels excavated at the Tecoaque-Zultepec site in Tlaxcala were almost certainly used for pulque. Five of the vessels are sculpted to resemble maguey plants, as in Fig. 7, while maguery glyphs also appear on the surface of vessels from the site (Fig. 8). The elaborate construction of the spiny vessels suggests they were intended for ceremonial rather than

⁹⁷ Berdan and Anawalt, *The Essential Codex Mendoza*, p. 60, p. 63.

⁹⁸ Berdan and Anawalt, *The Essential Codex Mendoza*, pp. 54-55, pp. 50-51.

everyday use, making the maguey visually present in ritual spaces. A number of these vessels were found in a grave site thought to represent the creation myth of the maguey goddess, Mayahuel (Fig. 9).⁹⁹ The volume of ceremonial artefacts suggests an intense local veneration of Mayahuel and therefore makes it very likely that maguey was a staple crop for communities living around the site, whose living could depend on the mercy of the goddess. Since pulque rarely travels far from its place of production, pulque consumed at this site probably came from local magueyes, indicating the presence of maguey cultivation to the east of Tenochtitlan.



Fig. 9: Reconstruction of grave site representing the creation myth of Mayahuel, Museo de Sitio de Teocaque (INAH).

As this section has demonstrated, a number of archaeological sites offer evidence of intensive maguey cultivation, suggesting regions where it would have been convenient to have local or regional pulque markets. The majority of the archaeological artefacts so far examined in this chapter were uncovered in areas which were to the north and northeast of Tenochtitlan in dry or semiarid areas where the hardy maguey was the staple cultivar. Evidence of maguey cultivation further east and south of the Mexica capital, however, shows that maguey was also intensively farmed in areas that could support other plants, as in the case of Calixtlahuaca, which produced significant quantities of maize.

⁹⁹ Enrique Martínez Vargas and Ana María Jarquín Pacheco, “Ofrendas a Mayáhuel, diosa del maguey, en Zultepec-Tecoaque”, *Arqueología Mexicana*, 57 (2014), pp. 32-35.

The expansion of maguey farming that became apparent during the early colonial period may therefore already have begun in the years leading up to the conquest. The archaeological evidence indicates that a sizeable population of Nahuas in communities across central Mexico cultivated maguey for its sap, of whom many were doubtlessly using their *aguamiel* harvest to make pulque. For details on the identity of these pulque traders, the archaeological record is less useful, compelling us to turn to visual and alphabetic sources for information on the social position of pulque traders prior to the conquest.

Social identity of pulque traders in preconquest central Mexico

The prevailing norms of Nahua gendered labour initially suggest that pulque producers were most likely female since the provision of food and drink was overwhelmingly coded as feminine from early on in childhood. Looking for details on the gender of pulque producers is a key aspect in understanding their social roles, given the centrality of gender to the Nahua cosmos and to daily life in Nahua communities. From birth, when babies would be presented with miniature implements that represented the gendered roles they would be expected to perform as adults (weaving equipment for girls, weapons for boys), gender would be continually performed and reinforced throughout a person's life.¹⁰⁰ Male and female were envisioned as separate but reciprocal and complementary. Historians of pre-Hispanic gender have generally agreed on a similarly complementary but separate model of labour duties, in which each gender performed certain essential tasks which then formed a harmonious whole. This model of gender complementarity, or gender parallelism, is a prominent concept spearheaded by such historians as Susan Kellogg, Inga Clendinnen, Cecelia Klein, Caroline Dodds Pennock and Lisa Sousa, which continues to dominate ideas of Mesoamerican gender relations.¹⁰¹ The household, with the married couple at its head, was therefore considered to be the basic unit of society, as the smallest unit capable of fulfilling both masculine and feminine labour.¹⁰² Beverage

¹⁰⁰ *Florentine Codex*, 6:37-8: 201.

¹⁰¹ See Kellogg "From Parallel and Equivalent"; Clendinnen, *Aztecs*; Dodds Pennock, *Bonds of Blood*; Sousa, *The Woman Who Turned into a Jaguar*. Some scholars, however, argue that gender in Nahua societies was an unstable and continually reinforced construct: see Cecelia F. Klein, "None of the Above: Gender Ambiguity in Nahua Ideology" in *Gender in Pre-Hispanic America* (Washington D.C.: Dumbarton Oaks, 2001), pp. 183-254, or Rosemary Joyce, *Gender and Power in Prehispanic Mesoamerica* (Austin, TX: University of Texas Press, 2000). I consider that this approach does not undermine the model of gender complementarity, since it emphasises the Nahua concern with stabilising fluid gender categories in order for complementary functions to be performed.

¹⁰² Sousa, *The Woman who Turned into a Jaguar*, pp. 215-216.

making and food provision in general was a form of labour strongly associated with feminine skill and hospitality. According to one Nahuatl creation myth, humankind itself was moulded from the dough kneaded by the primordial goddess Cihuacoatl, who ground the bones of the previous age's people on a metate, just as ordinary Nahuatl women ground maize for tortillas, and mixed the powder with the blood of the gods.¹⁰³ Pulque and the maguey were furthermore personified as female in the form of the goddess Mayahuel. While many colonial texts on pre-Hispanic social custom often present idealised versions of social behaviour, their continual agreement that Nahuatl women were the providers of food and beverages indicates that social expectations here generally corresponded to practice.

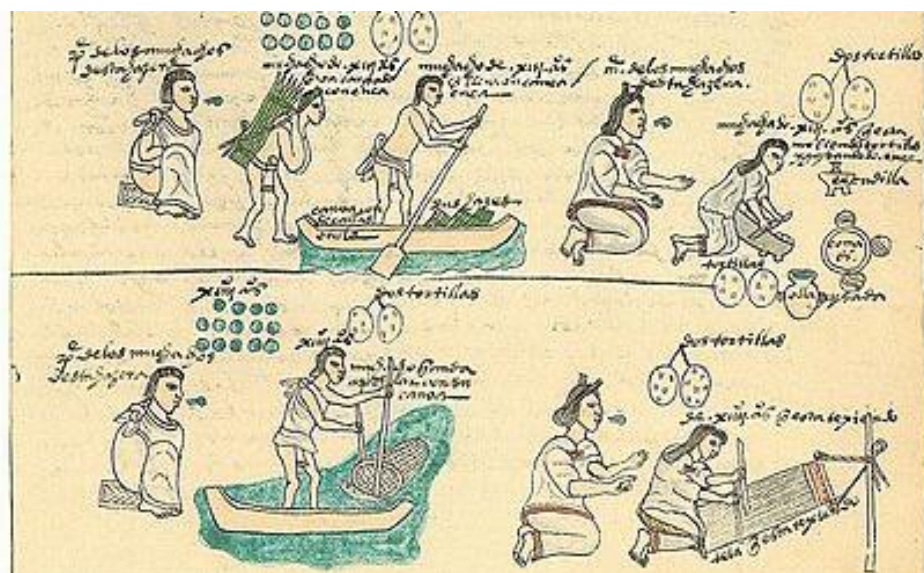


Fig. 10: Nahuatl parents instructing children in gendered tasks, *Codex Mendoza*, fol. 60r.

The 1535 visual text known as the *Codex Mendoza* clearly illustrates the gendered differences in the tasks that Nahuatl fathers were expected to teach their sons and Nahuatl mothers their daughters. While the father depicted teaches his son tasks focused on providing for a household, such as fishing and harvesting, the mother instructs her daughter in spinning, weaving, sweeping, and preparing food (Fig. 10). The formal dialogues known as *huehuetlahtolli* (“words of the elders”) also see Nahuatl mothers

¹⁰³ “Leyenda de los soles”, in Primo Feliciano Velázquez (trans.), Miguel León-Portilla (preface), *Códice Chimalpopoca: Anales de Cuauhtitlan y Leyenda de los soles* (México D.F.: UNAM-IIIH, 1992), p. 121.

instructing their daughters to “take great care of that which will be drunk, that which will be eaten.”¹⁰⁴ Likewise, a father ponders in a conversation with his daughter:

What will you seize upon as your womanly work? The work of drink, of the *metate*, of the weaving stick? Observe the drink, the food, how to bring it to completion, how it is made, how to make it well: the way of good drink, of good food- as is due to the nobles, or so it is said.¹⁰⁵

Caroline Dodds Pennock further argues that “trade was one of a wife’s central responsibilities, vital to her activity and usefulness”, noting that married commoner women were expected to provision their households through trade in the marketplace.¹⁰⁶ Indeed, as Dodds Pennock shows, Nahua brides were supposed to receive a gift of five cotton capes from their new husbands, which they would then exchange for goods at the market.¹⁰⁷ Market trading, like food preparation, was therefore envisioned as a key area of female responsibility.

Although general food and drink preparation seems to have adhered to ideas of gender complementarity, and women were certainly frequently involved in market exchange, pulque trading does not appear to have been solely women’s work. Since Nahuatl has no grammatical genders, pulque makers and sellers are almost invariably described using gender-neutral terms such as *tlahchique* (from *ihchiqui*- “to scrape the core of a maguey to collect its sap”). This is not to say that Nahuatl is incapable of specifying the gender of individual persons. Where gender is intrinsic to the role or responsibilities carried out by an individual, gender-specific prefixes are used. The *Florentine Codex*, for instance, mentions *cihuatlamacazque* (female priests), where the prefix *cihua*- (“woman”) specifies gender.¹⁰⁸ In this case, specification is necessary because the roles played by male and female *tlamacazque* appear to have differed substantially in accordance with Nahua ideas about gender and labour division. While

¹⁰⁴ Miguel León-Portilla (ed.), *Huehuetlahtolli: testimonios de la antigua palabra, recogidos por fray Andrés de Olmos hacia 1535*, 2nd edition (Mexico D.F.: Fondo de Cultura Económica, 2011), pp. 326-327.

¹⁰⁵ *Florentine Codex*, 6:19: 100.* I find that the Anderson/Dibble translation is somewhat free with a number of words in this passage, particularly in the translation of *tetonal* as “birthright”. I have therefore translated it myself, including Justyna Olko’s translation of *tetonal* as referring to the valuable property of nobles, which here gives a clearer idea of the value of women’s food and drink preparation (Olko, *Insignia of Rank in the Nahua World: From the Fifteenth to the Seventeenth Century* (Boulder, CO: University of Colorado Press, 2014), pp. 312-314).

¹⁰⁶ Dodds Pennock, *Bonds of Blood*, p. 113.

¹⁰⁷ Dodds Pennock, *Bonds of Blood*, p. 113.

¹⁰⁸ *Florentine Codex*, 6: 39: 246.

cihuatlamacazque were responsible for duties such as sweeping the temple and providing food for its residents, their male counterparts undertook the work of ceremony and sacrifices to the gods.¹⁰⁹ The retention of gender neutrality in Nahuatl terms for pulque producers does not alone identify the presence of both men and women, since gender-neutral terms also appear to describe roles we know to have been exclusively masculine. However, it does suggest that if pulque making was an occupation open to both sexes, the activities performed by each gender were not so different from their counterparts as to require specification.

An interesting passage of the Florentine Codex further supports the idea that pulque trading was an occupation practiced by both men and women. The text describes the rituals of sexual abstinence that pulque makers were required to perform before fermenting pulque for the ceremony honouring the Tepictoton, minor mountain gods associated with the rain god Tlaloc, which took place during the festival of Atemoztli.¹¹⁰ The pulque makers, the text relates “restrained themselves greatly, they did not sleep with women; nor, if they were women, did they sleep with men”, since any sexual activity during the fermentation process was thought to cause the pulque to sour.¹¹¹ Not only does this section of the text indicate the presence of both male and female pulque makers, but it also suggests that both sexes were required to adhere to the same pattern of behaviour in their work providing pulque for the festival. The idea that pulque makers needed to ritually purify themselves corresponds to the central concept of balance in Nahua cosmology. Pulque represented the possibility of excess associated with the idea of *tlazolli*: “little bits and pieces of things, which might once have belonged somewhere but now, through processes of decay, deterioration or digestion, have become formless and unconnected”, to use Louise Burkhart’s very fitting definition.¹¹² Removing any possibility of excess from its makers through fasting and abstaining from sex balanced the *tlazolli* therefore ensuring that the pulque would not turn sour.

¹⁰⁹ Dodds Pennock, *Bonds of Blood*, pp. 86-87. For more on sweeping as women’s work, see Burkhart, “Mexica Women on the Home Front”, pp. 33-38.

¹¹⁰ *Florentine Codex*, 1:21: 47-49.

¹¹¹ *Florentine Codex*, 1:21: 48-49.

¹¹² Burkhart, *The Slippery Earth*, p. 88.

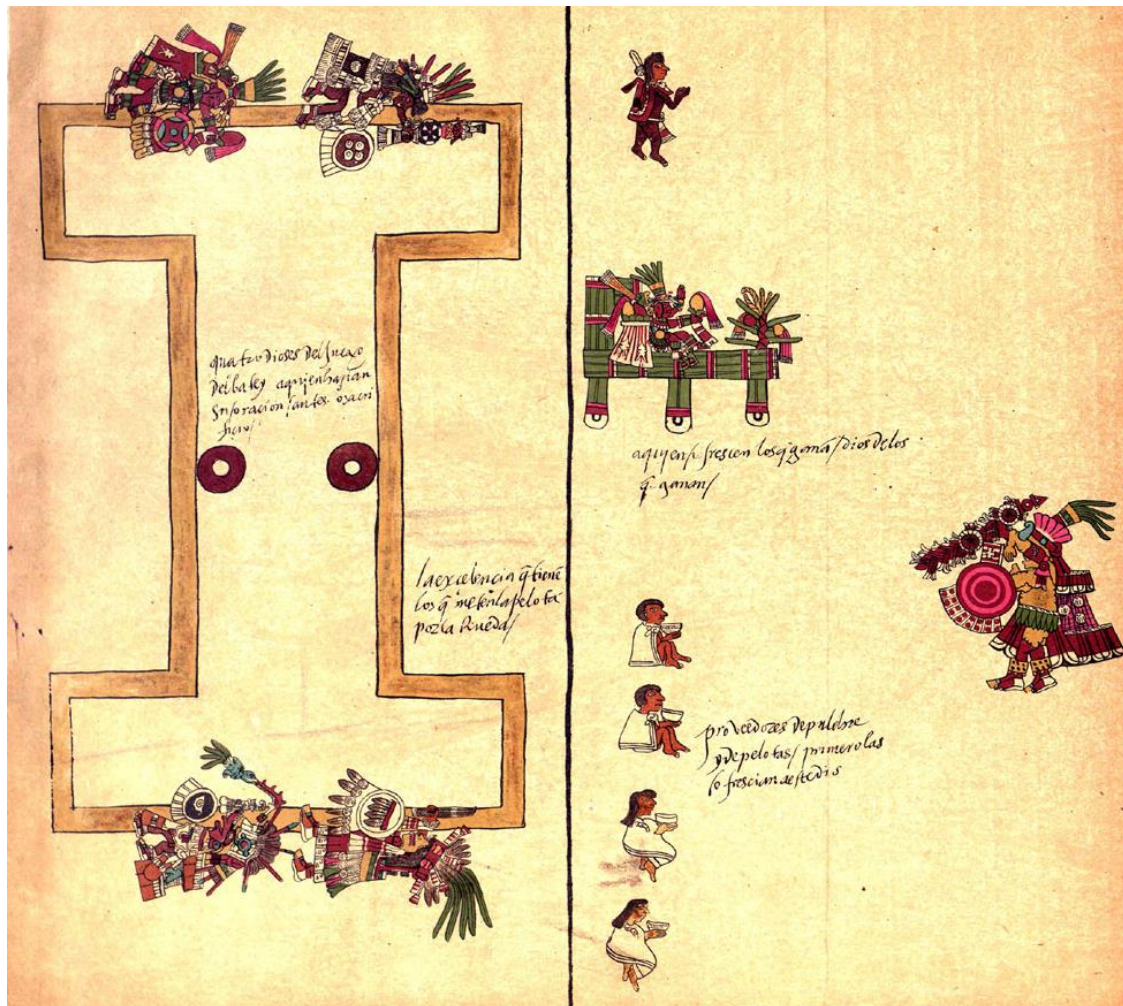


Fig. 11: Festival of Tecuiltonli/Huey Tecuilhuitl, *Codex Borbonicus*, fol. 27.

The *Codex Borbonicus* provides us with one of the few Nahuatl depictions of pulque traders, further supporting the descriptions of male and female pulque traders from the *Florentine Codex*. In folio 27 of the codex, four figures—two male and two female—appear seated and holding up bowls of pulque (Fig. 11).¹¹³ Identified in the Spanish gloss as “pulque suppliers”, the figures are clearly making an offering within the context of a religious festival, situated as they are within a scene that also depicts two deities. The gloss indicates that the pulque traders depicted “offer[ed] the pulque first to this god”, suggesting that either it was their responsibility to ensure ritual libations were made before anybody drank pulque, or that the pulque traders were the first to

¹¹³ *Codex Borbonicus*, folio 27.

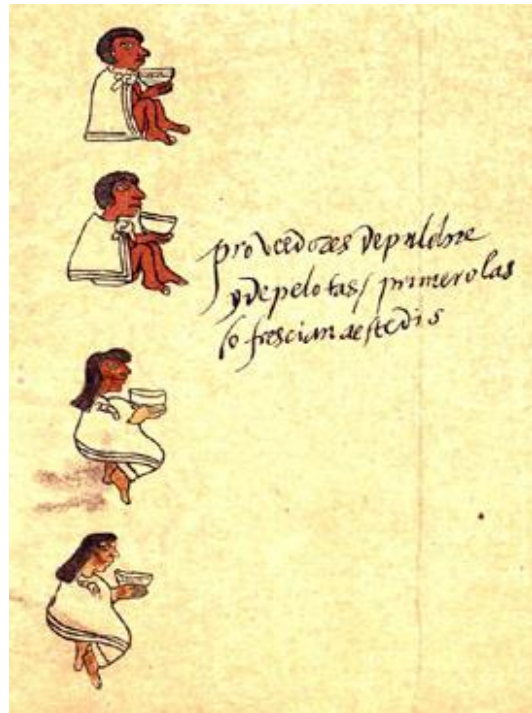


Fig. 12: Pulque dealers, *Codex Borbonicus*, fol. 27.

make offerings in the ceremony. Both possibilities accord the pulque traders an important role in the ritual proceedings. The folio appears to combine aspects of the festivals of Tecuilhuitontli (“Little Feast of the Lords”) and Huey Tecuilhuitl (“Great Feast of the Lords”), which honoured the flower god Xochipilli and the goddess of salt Uixtocihuatl respectively.¹¹⁴ The salt makers honouring their patron Uixtocihuatl drank to become intoxicated, from a jar with a flower motif referencing the previous festival’s veneration of Xochipilli. On the next day, participants in the festival conducted a kind of atonement ritual, whereby “whoever had injured someone [else], who perhaps had made an enemy of him]], or perhaps quarrelled with someone...made supplication with that same pulque to placate [the injured party]”.¹¹⁵ Here, the act of drinking pulque takes on a cleansing property, erasing grievances or resentment and then, through the offering the day after, cleansing any offence the drinkers caused whilst intoxicated. Facilitating this interaction therefore gave pulque makers important status in the festival, since through their production community tensions were relieved.

¹¹⁴ Anders, Jansen and Reyes García, *El libro del Ciuacoatl*, p. 204.

¹¹⁵ *Florentine Codex*, 1:26: 95.

Clothing in this scene can provide further details as to the social status of the “pulque suppliers”. As Rosemary Joyce has demonstrated, costume in pre-Hispanic Nahua society was a key visual marker of gender and class throughout the lifecycle.¹¹⁶ The plain colourless garments the figures wear along with their lack of jewellery or other ornamentation, suggests that they are not nobles (Fig. 12). Since the Nahua elites only participated in commerce in the sense of arranging for intermediaries to sell their tribute surplus, it makes sense that pulque makers and sellers would be commoners.¹¹⁷ One scene from the *Codex Xolotl* (Fig. 13) strongly suggests that direct participation in pulque commerce was considered highly inappropriate for those of noble rank. The scene shows the young *tlatoani* of Texcoco, Nezahualcoyotl, grasping a



Fig. 13: Nezahualcoyotl castigating a noblewoman for making pulque, *Codex Xolotl*, fol. 8.

woman by the hair. On her back, the woman carries a foaming vessel of pulque and a line drawn from the figure to the maguey plot depicted above her identifies her as the maguey owner and pulque maker. The threatening pose of Nezahualcoyotl, who leans in with his bladed club in hand, makes it clear that the offending noblewoman is about to be punished for her unbecoming participation in pulque making. Whether or not this kind of transgression really did have such severe consequences, the visual message is

¹¹⁶ Rosemary Joyce, “Girling the Girl and Boying the Boy: The Production of Adulthood in Ancient Mesoamerica”, *World Archaeology*, 31:3 (2000), pp. 473-483.

¹¹⁷ Kenneth Hirth and Deborah L. Nichols, “The Structure of Aztec Commerce: Markets and Merchants” in *The Oxford Handbook of the Aztecs*, eds. Deborah L. Nichols and Enrique Rodríguez-Alegría (Oxford: Oxford University Press, 2016), pp. 292-293.

obvious: pulque making was not for those of high rank. Deborah Nichols has recently shown that commoner retailers and producer-vendors from outside the *pochteca* class (full-time travelling merchants) supplied a greater proportion of goods to local and regional markets than had previously been recognised, adding further weight to the idea that pulque traders were generally commoners, rather than members of the professional merchant class.¹¹⁸ One image from the *Códices matritenses* also depicts pulque makers participating in ritual, this time during the previously mentioned Atemoztli celebrations (Fig. 14). Again the participants are men and women, in fairly plain dress, though only one woman wears her hair loose in this scene. Here the difference in hairstyle probably indicates an age difference between the two female figures. As Susan Evans suggests,



Fig. 14: Pulque makers in Tepictoton ritual during Atemoztli, *Códices matritenses*, fol. 252v.

the variety of duties involved in maguey harvesting and processing would have required male and female adults and adolescents of a household to contribute; the figure with loose hair may well be a younger household member involved in pulque production.¹¹⁹ The placement of both male and female pulque makers in the foreground

¹¹⁸ Deborah Nichols, “Merchants and Merchandise: The Archaeology of Aztec Commerce at Otumba, Mexico”, in Kenneth G. Hirth and Joanne Pillsbury (eds.), *Merchants, Markets and Exchange in the Precolumbian World* (Washington D.C.: Dumbarton Oaks, 2013), pp. 75-76.

¹¹⁹ Susan T. Evans, “Men, Women and Maguey: The Household Division of Labour Among Aztec Farmers” in Richard E. Blanton (ed.), *Settlement, Subsistence and Complexity: Essays Honoring the Legacy of Jeffrey R. Parsons*, (Los Angeles, CA: UCLA Cotsen Institute of Archaeology Press, 2006), p. 207.

of the image visually communicates their prominent role in the Atemoztli ceremonies, since they provided and served the pulque which facilitated the communal drinking that characterised the celebration of this festival.

The fact that the few visual depictions we have of pulque traders show them participating in religious ritual is a clear indicator that their social position involved certain religious responsibilities. The section of the *Florentine Codex* which describes the rituals of Atemoztli suggests that pulque makers may have spent periods of time, or even lived in, temples; using the phrase *onenca* (“there they lived”). The verb *nemi* (“to live”), from which the phrase is derived tends to suggest residence in a place, raising the possibility that some pulque makers were employed directly by places of worship to provide pulque for ritual use.¹²⁰ These pulque makers would therefore have occupied a liminal position, moving between the sacred world of the temple and the outside world where they cultivated their magueyes. Temples probably required their own *tlahchique* due to the large quantities of pulque required for both public and intra-temple rituals; as pulque’s alcohol content is fairly low, a person needs to consume a considerable amount to become intoxicated.¹²¹ Having access to their own supply of pulque further ensured that temples were not reliant on the availability of pulque at market. This could prove vital for temples that also used large amounts of pulque in private ritual, as well as for large-scale public festivities. Miguel León-Portilla examines one intra-temple practice which appears in the *Códices Matritenses*: the ritual game of *tochtecomatl* (“rabbit jar”), which required large volumes of pulque.¹²² The name *tochtecomatl* refers to the strong symbolic link of the rabbit with pulque, hence pulque gods are known as the *centzon totochtin* (“400 rabbits”).¹²³ The game of *tochtecomatl* was played at night by apprentices to priests of the *centzon totochtin*- probably due to the associations of both rabbits and pulque with the moon.¹²⁴ The apprentices would gather in the temple plaza and dance around a large jar of pulque (the “rabbit jar”) containing a number of reed

¹²⁰ The verb carries the primary meaning “to be alive” but also expresses where a person resides.

¹²¹ Depending on the fermentation process, the alcoholic content of pulque is usually between 4 and 7 percent (Adelfo Escalante; David R. López-Soto; Judith E. Velázquez-Gutiérrez; Martha Giles-Gómez; Francisco Bolívar; Agustín López-Munguía, “Pulque, a Traditional Mexican Alcoholic Fermented Beverage: Historical, Microbiological, and Technical Aspects”, *Frontiers in Microbiology*, 7, Article 1026 (2016), p. 2).

¹²² Miguel León-Portilla, *Toltecáyotl: aspectos de la cultura náhuatl* (México D.F.: Fondo de Cultura Económica, 1980), pp. 205-210.

¹²³ See Patricia Anawalt, “Rabbits, Pulque and Drunkenness: A Study of Ambivalence in Aztec Society”, in Alana Cordy-Collins and Douglas Sharon (eds.), *Aztec Studies: Essays in Honor of Dr H.B. Nicholson* (San Diego, CA: San Diego Museum Papers, 1993), pp. 17-38.

¹²⁴ León-Portilla, *Toltecáyotl*, p. 209.

drinking tubes, all of which save one were perforated. When the dance had finished, whoever picked the reed without holes and managed to successfully drink from the jar was permitted to consume the entire contents of the *tochtecomatl*.¹²⁵ The necessity of pulque for such rituals as the *tochtecomatl* game provides a valuable insight into the association of pulque makers with religious ceremony, in which they were on occasion also key participants.

As we have already seen in the Atemoztli celebration, pulque makers were on occasion active ritual performers. Pulque makers also seem to have played a key part as performers in celebrations on the day of Two Rabbit, a public festival for the *centzon totochtin*. According to the *Florentine Codex*, the ceremonies took place during the maguey harvest and were mainly centred around the offering of the first pulque from the recently-tapped magueyes.¹²⁶ The *tochtecomatl*, referred to here as the *ometochtecomatl* (“two rabbit jar”), once again makes an appearance as a communal vessel.¹²⁷ The participants are referred to as *tlahchique* (maguey scrapers) but also as *teuctlahchique*—literally “lords of the maguey scrapers”. The term is probably better understood as nobles who performed the public office of regulating pulque makers, with the need for a supervisory official hinting that a fairly significant number of Nahuas within or close to Tenochtitlan were producing the beverage. The pulque producers themselves performed the central rites of the festival, offering the first batch of pulque they had fermented from their magueyes to the *centzon totochtin*.

A later section of the text gives a description of how these libations were prepared: the pulque was poured into a large vessel set before a hearth, accompanied by a number of small drinking bowls. The pulque maker would then fill a drinking bowl with pulque and pour it on the ground before the hearth in the four cardinal directions before they themselves were permitted to drink.¹²⁸ Yet this practice does not seem to have been only confined to temple spaces; the *Florentine Codex* and the earlier *Primeros memoriales* both indicate that the same libation was made “when pulque was drunk, when they tasted the new pulque, when someone had just made pulque”, on which occasion the pulque

¹²⁵ León-Portilla, *Toltecáyotl*, pp. 209-210.

¹²⁶ *Florentine Codex*, 4:5: 17.

¹²⁷ *Florentine Codex*, 4:5: 17.

¹²⁸ *Florentine Codex*, 2:Appendix: 195-196.

maker would invite others to join them in making the libation and sampling the pulque.¹²⁹ If the libation was indeed performed for each new batch of pulque, it could therefore have been a frequent domestic ritual in the homes of pulque makers as well as in temples, providing an opportunity for family and neighbours to assemble, share pulque and socialise. It is clear from both the prominent roles that pulque traders assumed in a number of religious ceremonies and their involvement in supplying temples with pulque that the occupation had important connections to the practice of pre-Hispanic Nahua religion. Their performance of these duties, however, was rooted in their social identity as professional pulque makers and sellers. The role of pulque traders as commercial agents was another defining aspect of their position in society, through which they were actively involved in the marketplaces and trade networks that were essential to the pre-Hispanic economy.

Pulque trading and markets

Despite the connection of pulque with religious practice, traders in the drink functioned as commercial agents. The creation and maintenance of trade networks was a vital component of economic life in central Mexico prior to the conquest. There is no clear consensus as to how integrated these networks were. Michael E. Smith argues that preconquest market systems were highly commercialised and integrated, whilst Mary Hodge and Leah Minc see market systems as more regionally divided.¹³⁰ Nevertheless, the central importance of market exchange to Nahua social life has been firmly established by such scholars as Frances Berdan and Richard Blanton.¹³¹ Economically, the market was an essential aspect of Nahua settlements; socially it also functioned as a space of interaction where relationships were formed and acted out between varied groups. Inga Clendinnen suggests that “like any large and lively public gathering, the

¹²⁹ Fray Bernardino de Sahagún, *Primeros memoriales*, eds. Henry B. Nicholson and Thelma D. Sullivan, trans. Thelma D. Sullivan (Norman, OK: University of Oklahoma, 1997), p. 72; *Florentine Codex*, 2:Appendix: 195-196.

¹³⁰ Michael E. Smith, *The Aztecs*, 3rd edition (Malden, MA: Wiley-Blackwell, 2012), p. 113; Mary G. Hodge, Leah D. Minc, Hector Neff, M. James Blackman, “Black-On-Orange Ceramic Production in the Aztec Empire’s Heartland”, *Latin American Antiquity*, Vol. 4:2 (1993), pp. 130-157; Leah D. Minc, “Style and Substance: Evidence for Regionalism Within the Aztec Market System”, *Latin American Antiquity*, Vol. 20:2 (2009), pp. 343-374.

¹³¹ Frances F. Berdan, “Principles of Regional and Long-Distance Trade in the Aztec Empire”, in J. Kathryn Josserand and Karen Dakin (eds.), *Smoke and Mist: Mesoamerican Studies in Memory of Thelma D. Sullivan* (Oxford: BAR, 1988), pp. 639–656; Richard E. Blanton, “The Basin of Mexico Market System and the Growth of Empire”, in Frances F. Berdan, Richard E. Blanton, Elizabeth Hill Boone, Mary G. Hodge, Michael E. Smith and Emily Umberger (eds.), *Aztec Imperial Strategies* (Washington D.C.: Dumbarton Oaks, 1996), pp. 47-84.

market exercised a most powerful attraction over its habitués”, emphasising the marketplace as a space which drew in people for conversation, gossip or fights as much as for its products.¹³² Pulque producers and sellers were therefore active participants in a vital institution of Nahua society, both in terms of their contributions to local and regional market systems and of the social relations that were created between vendors and those who passed through the marketplace. Through their participation in the marketplace, pulque producers and sellers were deeply embedded in the commercial and social fabric of their towns.

There is much to suggest that during the late fifteenth and early sixteenth century pulque producers generally sold their own produce in markets. The market was the nexus of commerce in any *altepetl* and played a vital role in every household; it was here that households provisioned themselves and were able to profit from any excess produce the household might generate.¹³³ This function of the marketplace was particularly vital for producers of perishable goods, such as *aguamiel* and pulque, where the yield of produce could often be far higher than one household could consume. Kenneth Hirth identifies three types of vendor involved in a typical pre-Hispanic market: producer-sellers of raw materials or ready-prepared foods; craftsmen who sold manufactured (often luxurious) goods; and service providers such as physicians or barbers.¹³⁴ Of these categories, producer-sellers were by far the most common. The Florentine Codex notes that the seller of maguey syrup is “an owner of maguey plants, a sower of magueyes, a scraper of magueyes”, in short that this vendor sells their own produce.¹³⁵ This section of the codex describes generalised behaviours and characteristics for good and bad market sellers, suggesting that it was most common for pulque vendors to be producer-sellers, selling the products they themselves processed from their own magueyes. It is therefore most useful to think of those involved in pulque commerce as pulque *traders* rather than attempting to differentiate between producers and sellers; there is little to suggest that the colonial distinction between pulque makers and vendors was a significant feature of pulque commerce prior to the conquest.

¹³² Clendinnen, *Aztecs*, p. 48.

¹³³ Hirth, *The Aztec Economic World*, p. 59, p. 80.

¹³⁴ Hirth, *The Aztec Economic World*, p. 17.

¹³⁵ Sahagún, Book 10:20: 74.*

According to the *Florentine Codex*, pulque traders also sold a range of other maguey products. The Spanish text of the *Codex* mentions that these vendors sold both pulque and *aguamiel*, whilst pulque sellers seem to have dealt also in a wide range of maguey syrups, produced by heating *aguamiel*.¹³⁶ The passage differentiates a number of variants of maguey syrup, characteristic of the producer-seller, who would typically supplement the sale of unprocessed produce with various processed goods and/or craft production.¹³⁷ Both the Anonymous Conqueror and Cortés in one of his *cartas de relación* recorded in their impressions of the great Tlatelolco market, the biggest and most varied in central Mexico, that pulque could be bought there alongside maguey syrups and *aguamiel*.¹³⁸ The two texts are probably talking about the same visit to Tlatelolco, since the Anonymous Conqueror claimed to have been a member of Cortés' expedition, and both describe the market street by street much as if they were being guided through it, which they almost certainly were by Mexica emissaries. The Anonymous Conqueror mentioned that after the section where animals were sold for meat, "then one comes to a place where they sell various kinds of wine."¹³⁹ Cortés concurred that in the market "[they sell] honey from plants that in the other islands are called maguey... from these plants they make sugar and wine which they also sell."¹⁴⁰ Pulque traders plainly took advantage of the versatility of their magueyes, which in its turn probably allowed them to attract a wider range of potential customers; those who had no need for pulque on market day might instead purchase *aguamiel* or syrups. The pulque stands of the Tlatelolco market appear to have made an impression on the Spanish visitors. They could not yet know that the unusual white drink they had encountered in the market was not just a refreshing substance to be purchased on a whim, but that the Nahuatl societies of pre-Hispanic Mexico had a complex system of beliefs surrounding when pulque should be consumed, where and by whom.

Consuming pulque

The evidence presented so far in this chapter that pulque and *aguamiel* were readily available to buy in pre-Hispanic markets disrupts a prevailing view in much of the pulque

¹³⁶ Fray Bernardino de Sahagún, *General history of the things of New Spain (Florentine Codex)*, digitalised manuscript, fol. 54; *Florentine Codex*, 10:20: 74.

¹³⁷ Hirth, *The Aztec Economic World*, pp. 149-150.

¹³⁸ Anonymous Conqueror, Cap. XX; Hernán Cortés, *Cartas de relación*, ed. Manuel Alcalá (Mexico D.F.: Editorial Porrúa, 2005), p. 78.

¹³⁹ Anonymous Conqueror, Cap. XX.

¹⁴⁰ Cortés, *Cartas de relación*, p. 78.

scholarship: that pulque only became available as a commercial product after the Spanish conquest, once the drink had been divested of its ritual significance.¹⁴¹ Tim Mitchell has already questioned this view, suggesting that rather than losing all sacred connotations, the drink “was not sacralized in the same way as before”, instead taking on a sacred nature in syncretic Christian practice.¹⁴² Not only did pulque already exist as a commodity that could be purchased in markets, but its production and sale was recognised as a profession. Moreover, those who produced and sold pulque were socially visible as prominent ritual participants in several public festivals throughout the year, hardly an indicator of an illicit profession. Examining the social role of pulque in daily life contextualises the survival of pulque into the colonial period within a long-standing cultural practice of pulque drinking as a facilitator of sociability, even after it was no longer consumed in religious ceremony. Whilst the drink undeniably held profound ritual value, the temple was not the only context in which pulque could be consumed.

The idea that all drinking outside ritual occasions was prohibited fails to recognise the essential distinction in Nahuatl thought between moderate and excessive consumption of pulque. As Louise Burkhart argues, Nahuas distinguished very clearly between consuming pulque in moderation and becoming intoxicated on pulque.¹⁴³ Outside the carefully controlled arena of religious ceremony, the forces of excess invoked by drunkenness threatened to become unmanageable, upsetting the balance of civilised life and ultimately threatening destruction.¹⁴⁴ The idea of the “fifth cup”, a metaphor for the point at which the imbiber becomes intoxicated, illustrates very aptly the distinction between consuming pulque and consuming pulque to excess.¹⁴⁵ The *Florentine Codex* describes how, during their migration south, Nahuatl peoples discovered how to make pulque and consumed it for the first time at a feast.¹⁴⁶ Each participant in the feast drank four cups of pulque, save the Huastec leader who demanded a fifth; at which he became

¹⁴¹ Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico* (Stanford, CA: Stanford University Press, 1964), p. 150; Àurea Toxqui, ‘*El recreo de los amigos*’: *Mexico City’s Pulquerías during the Liberal Republic (1856-1911)*, (unpublished doctoral thesis, University of Arizona, 2008), pp. 47-50.

¹⁴² Tim Mitchell, *Intoxicated Identities: Alcohol’s Power in Mexican History and Culture* (New York: Routledge, 2004), p. 19.

¹⁴³ Burkhart, *The Slippery Earth*, p. 161.

¹⁴⁴ Clendinnen, *Aztecs*, p. 68.

¹⁴⁵ *Florentine Codex*, 10:29: 193.

¹⁴⁶ *Florentine Codex*, 10:29: 193.

so drunk he discarded his loincloth and went about naked, humiliating his people.¹⁴⁷ Consumption of pulque itself is not presented as dangerous, rather its excessive consumption in inappropriate settings.

Accounts of religious festivals which incorporated widespread drunkenness testify as to the importance of pulque intoxication in ritual behaviour, where the excessive consumption of pulque was often not only appropriate but a key part of the ceremony. In the 365-day Nahua agricultural calendar (*xiuhpohualli*), a significant number of festivals in the year included the ritual drinking of pulque by participants and/or sacrificial victims. These included Tlacaxipehualiztli (“Skinning Men”), Tlaxochimaco (“Giving of Flowers”), Teotleco (“Arrival of the Gods”), Tecuilhuitontli (“Little Feast of the Lords”), Huey Tecuilhuitl (“Big Feast of the Lords”), Atemoztli (“Rain Falls”), Panquetzaliztli (“Raising of Banners”), Izcalli (“Growing”), Quecholli (“Flamingo Feather”) and the feast of Two Rabbit. Pulque drinking was a prominent feature of the festival of Quecholli; which celebrated hunting and its patron Mixcoatl. The depiction of the festival in the *Codex Borbonicus* shows two vessels overflowing with pulque, presided over by an elaborately dressed priest shown in the act of offering a vessel of pulque as a libation (Fig. 15) Pulque was also given to sacrificial victims on a number of occasions when certain behaviours were required of the god they were to impersonate. The sacrificial victim who was offered to the goddess Xilonen during Huey Tecuilhuitl, for instance, was supposed to appear joyful despite knowing she was soon to die. According to the sixteenth-century chronicler Diego Durán, the sacrifice “was kept drunk, tipsy, inebriated, out of her wits... This was done so that she would always walk about gaily, forgetting she was to be slain.”¹⁴⁸ The male war captives sacrificed during the Tlacaxipehualiztli festival also seem to have been plied with pulque to ensure they went to their deaths stoically.¹⁴⁹

Festivals where participants drank seem to have varied in who exactly was permitted become drunk during the festivities. The aforementioned festival of Atemoztli

¹⁴⁷ The Huastec people originate from the area now known as La Huasteca, spanning parts of Veracruz, San Luis Potosí and Tamaulipas. Nahua sources portray Huastecs as skilled artisans, but also as lazy, overly sexual and prone to drunkenness.

¹⁴⁸ Diego Durán, *Book of the Gods and Rites and the Ancient Calendar*, trans. Doris Heyden and Fernando Horcasitas (Norman, OK: University of Oklahoma Press, 1971), p. 212.

¹⁴⁹ Durán, *Book of the Gods*, p. 178; *Florentine Codex*, Book 2:21: 52.



Fig. 15: Priest offering pulque libation, Quecholli (top right), *Codex Borbonicus*, fol. 33.

featured widespread drinking among all participants during the second and final nights of the festival, when communal feasts were held.¹⁵⁰ However, the order of pulque drinking during the day was differentiated by maturity. Elderly men and women drank first along with mature warriors and men old enough to be married; while later in the evening, pulque was drunk by all mature participants.¹⁵¹ During the celebrations of Tozoztli and Tlaxochimaco, only old men and women seem to have become drunk; indeed the *Florentine Codex* mentions that younger Nahuas were punished if they become intoxicated during Tlaxochimaco.¹⁵² The festival of Izcalli, during which “the pulque ran like water” allowed all participants of all ages to drink without differentiation in the drinking order.¹⁵³ Izcalli seems to have been the only ritual context in which children drank pulque.¹⁵⁴ The ceremonies of Izcalli were focused on promoting the healthy development of Nahua children, whose limbs were gently “stretched” to encourage growth; a process that was metaphorically linked with the pruning of magueyes during the festival.¹⁵⁵

¹⁵⁰ *Florentine Codex* 2:35: 154.* *Te-* is a non-specific prefix indicating that people in general are doing something- here it indicates strongly that all participants became intoxicated.

¹⁵¹ *Florentine Codex*, 2:35: 148-149.

¹⁵² *Florentine Codex*, 2:9: 16.

¹⁵³ *Florentine Codex*, 2:38: 170.

¹⁵⁴ *Florentine Codex*, 2:38: 170.

¹⁵⁵ *Florentine Codex*, 2:38: 169.

Contrary to the narrative that pulque was a drink reserved for public religious ceremony, the association of pulque and hospitality in the *Florentine Codex* and *Codex Mendoza* is indicative that pulque was consumed in moderation in the home on important occasions where guests were received. The most common occasion for large celebrations was progression to a new stage in one's life cycle, most notably marriage and the birth of children. A scene from the *Codex Mendoza* depicting a Nahua wedding ceremony shows a foaming jug of pulque alongside containers of food, indicating that consumption of pulque was a feature of the wedding feast (Fig 16). The description of the wedding celebration that appears in the *Florentine Codex* also mentions that guests were served pulque on the day of the marriage ceremony.¹⁵⁶ The "masters of the youths", instructors from the institution where the groom had been educated, apparently drunk no pulque on this occasion, only chocolate.¹⁵⁷ It is clear in this scene that the bride and groom are from urban noble families, hence the availability of costly chocolate and the invitation of instructors. Chocolate was the drink of Nahua elites; poorer families may well have served pulque for all guests. Sophie Coe suggests that pulque was thought of as a plebeian drink outside religious ceremony, noting that nobles showed a marked preference for chocolate over pulque.¹⁵⁸ The *Florentine Codex* further describes a practice called *huexiuhtlahuana* ("the in-laws become drunk"), where the parents of the bride and groom would meet and get drunk together on pulque.¹⁵⁹ The sharing of pulque between the two families here served as an opportunity to bond and to express their new relationship as relatives.

Another occasion for pulque drinking outside large-scale public ritual was the celebration of a child's birth. Following the birth of a child, parents would welcome guests to the home to celebrate the bathing and naming of the child. Just as the parents of a new bride and groom welcomed each other to their respective families with pulque, so too did guests welcome the new baby with "rejoicing, drinking, eating; there was drunkenness."¹⁶⁰ The expectation at the birth celebration seems to have been that the wine servers would purposely serve guests enough pulque to make them drunk, yet the description of the celebration is far from disapproving. Rather the guests are described

¹⁵⁶ *Florentine Codex*, 6:23:130.

¹⁵⁷ *Florentine Codex*, 6:23:129.

¹⁵⁸ Sophie D. Coe, *America's First Cuisines* (Austin, TX: University of Texas Press, 1994), pp. 84-86

¹⁵⁹ *Florentine Codex*, 6:23:132.

¹⁶⁰ *Florentine Codex*, 6:38:207.

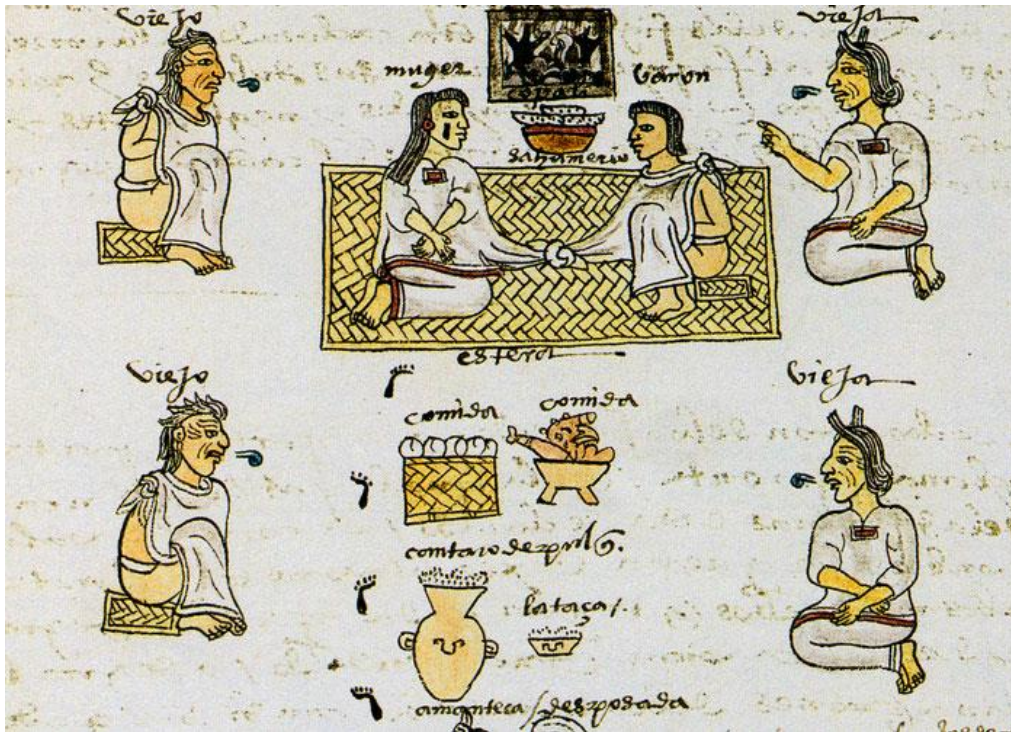


Fig. 16: Wedding ceremony, *Codex Mendoza*, fol. 61r.

singing, laughing; they “amuse each other, they greatly amuse and give pleasure to each other”, in short, they appear to be having an excellent time.¹⁶¹ Celebrating a new baby was therefore a somewhat unusual occasion in that it was not directly linked to reverence of a deity but still encouraged intoxication on the part of all guests. Yet it was also very typical in its focus on the sharing of food and pulque as a way to cement social bonds and share pleasurable experiences in a world that could be an extremely harsh place to live.

Conclusion

This chapter has sought to give an overview of the extent and importance of maguey cultivation and pulque production in central Mexico prior to the Spanish conquest in 1521. In doing so, I have shown that pulque and maguey occupied central positions in Nahua market commerce, social practice, and value systems. Communities of the *tierra fría* (cold highland areas) of central Mexico often relied on maguey cultivation, where the plant’s hardiness and versatility allowed communities to survive in conditions that were highly unfavourable for maize agriculture. In a number of settlements, the exploitation of magueyes for pulque and *aguamiel* took place on a scale that strongly suggests some level of production for sale rather than simply for sustenance. While Tenochtitlan provided a market for pulque and maguey goods, archaeological evidence

¹⁶¹*Florentine Codex*, 4:36:119.

suggests that magueyes were farmed largely in rural communities. The ubiquity of markets throughout the towns of central Mexico suggests that pulque makers living a considerable distance from the capital may instead have sold their goods at local markets. During the late fifteenth and early sixteenth century, Nahuas prior to the Spanish invasion held a range of complex beliefs and rules regarding pulque's role in society and in religious practice. Pulque's intoxicant qualities ensured its place in rituals where drunkenness encouraged communion with divine forces, yet also saw the drink portrayed as a potential source of great social disruption and danger. However, the consumption of the drink was not limited to formalised public ritual. Domestic celebration or reception of important guests could likewise be an occasion for pulque drinking. Far from being a forbidden substance, pulque was regularly present in the lives of many Nahua communities in spaces and contexts encompassing domestic and public, male and female, young and old. It hardly seems surprising then that despite the shock and pressures of Spanish invasion and colonisation, pulque would prove to be one of the Nahuas' most enduring traditions. The persistence of pulque culture through the turmoil of the conquest emerged as a source of great anxiety to the new colonial administration, as Spanish colonial authorities struggled to understand this unfamiliar drink. The attempt to define "Native wine" would shape Spanish policy towards pulque throughout the sixteenth and seventeenth centuries, creating new categories of "good" and "bad" pulque that revealed how the colonial administration had profoundly failed to understand the relationship between Nahuas and pulque making.

Chapter 2: Defining pulque

In the turmoil of the years immediately following the conquest, pulque must have seemed like the least of the Spanish Crown's worries. Absorbed in the more pressing issues of evangelisation and consolidating colonial rule, the questions of how and why Nahuas made their peculiar viscous white alcohol were minor concerns. Yet as the colony of New Spain stabilised and its populations adapted to their new colonial reality, the administration's attention was called to the fact that pulque commerce and consumption had not only survived the conquest but was thriving. In the previous chapter, I examined the Nahua view of pulque and its importance in Nahua societies before 1521.

This chapter examines the Spanish colonial administration's response to this unfamiliar drink and the ways in which these attitudes shaped legislation concerning pulque during the sixteenth and seventeenth centuries. Pulque represented an aspect of Native life of which the colonial government had limited knowledge and therefore feared they might only be able to tenuously control. New Spain's colonial administration was deeply concerned with categorising this unfamiliar drink in an attempt to make it knowable and therefore controllable.

This chapter situates the colonial administration's attitude towards pulque as part of a wider concern with rendering the unfamiliar or ambiguous knowable through systems of categorisation and classification. In Spanish America, as Rebecca Earle has suggested, the Spanish colonial drive to classify and categorise "reflected a yearning for order that transcended any division between science and statecraft".¹⁶² The effort to classify pulque is best seen as an attempt at imposing this order. As the colonial authorities struggled to comprehend the unique cultural and natural landscapes of Mexico, the place of pulque in Nahua social and economic networks was consistently misunderstood.

In their attempts to regulate pulque production and sale, the colonial administration initially struggled to define an "acceptable" variant of pulque. Legislation during the early colonial period accordingly relied heavily on outlining varieties of pulque and designating them as healthful or harmful. The most prominent of these variants was "white pulque" (*pulque blanco*), which appeared in colonial documentation as the "good" form of pulque. The substance known as "mixed pulque" (*pulque mezclado*) or "pulque with roots" (*pulque con raíz*), conversely played the role of "bad" pulque, which the

¹⁶² Rebecca Earle, "The Pleasures of Taxonomy: *Casta* Paintings, Classification and Colonialism", *William and Mary Quarterly*, Vol. 73:3 (2016), p. 431.

colonial administration condemned as “[a] mixture harmful to health”.¹⁶³ *Pulque mezclado* referred to kinds of *pulque blanco* which contained additives that served to extend the shelf life of the drink. This rhetoric of “pure” versus “mixed” pulque profoundly shaped official attitudes towards pulque commerce and consumption. Included in the category of bad pulque was the drink variously known as either *pulque amarillo* (“yellow pulque”) or *tepache*, produced from maguey syrup rather than *aguamiel*. Examining pulque-related petitions and lawsuits reveals that Nahua producers and sellers were fully aware of the categorisation of pulque, and how the type of pulque they produced and sold could influence the success of their appeal to the courts.

This chapter focuses on attitudes towards pulque expressed by representatives of the colonial administration of New Spain and therefore makes use of the large body of *ordenanzas* and *reales cédulas* which served as records of the viceroy’s will. It is vital to remember that these sources represented what the colonial administration wanted to happen, not how this vision was translated into reality. As such, there was often considerable slippage between the passing of pulque legislation and the extent to which Nahuas actually observed these laws. Accordingly in this chapter I contrast items of official legislation with petitions to the *Juzgado de Indios*, the highest court of appeal for Native litigants in the viceroyalty of New Spain. Examining *ordenanzas* and *reales cédulas* alongside petitions which pulque and *aguamiel* traders brought to colonial courts highlights the considerable difference between prescribed actions and their implementation. In this way, the chapter combines elements of the top-down approach of earlier *derecho indiano* scholarship favoured by García-Gallo with the ground-level methodology adopted by Owensby, Yannakakis and Premo to provide a far more nuanced view of how the colonial government’s attitude towards pulque was envisioned and how it was received by Nahua populations.¹⁶⁴

¹⁶³ Archivo General de La Nación (AGN), Mexico City, Ramo Indios, “Para que la justicia y sus ministros no impidan a Francisco Antonio y María Nicolasa, de Coyoacan, traer pulque blanco sin raíz a la Ciudad de México”, 1640, Vol. 13 Exp. 103, fol. 1v.

¹⁶⁴ Alfonso García-Gallo, *Metodología de la historia del derecho indiano* (Santiago: Editorial Jurídica de Chile, 1970); Yanna Yannakakis and Bianca Premo, “A Court of Sticks and Branches: Indian Jurisdiction in Colonial Mexico and Beyond”, *The American Historical Review*, Vol. 124:1 (2019), pp. 28-55; Yannakakis, *The Art of Being In-Between: Native Intermediaries, Indian Identity and Local Rule in Colonial Oaxaca* (Durham, NC: Duke University Press, 2008); Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, CA: Stanford University Press, 2008); Owensby, “How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico”, *Hispanic American Historical Review*, Vol. 85:1 (2005), pp. 39-79.

Pulque blanco and pulque mezclado

In pre-Hispanic Nahua societies, pulque was sometimes referred to as *iztac octli* (“white pulque”), designating pulque that did not contain ingredients which changed its colour.¹⁶⁵ Spanish authorities soon seized on the phrase, which was translated to the central term of early colonial pulque litigation and legislation: *pulque blanco*. The term’s use during this period differed somewhat from the original sense, in that the Spanish *pulque blanco* chiefly meant pulque that contained no additives. White pulque was not distinguished as a substance in official discourse until the early seventeenth century, from which point it was defined in opposition to *pulque mezclado*.¹⁶⁶ During the sixteenth century, a defining aspect of the colonial government’s attitude towards pulque was their antipathy towards pulque with additives and their fixation upon how they might prevent its production.

Additives were a feature of pulque making before the conquest, but they did not at this time carry the negative associations of additives in the early colonial period. In fact, the Mexica myth of pulque’s discovery by humankind envisioned the process of pulque making as an ideal dual pairing, whereby the feminine *aguamiel* and the masculine pulque additives created a balanced whole.¹⁶⁷ The opposition of the colonial administration to pulque additive was made apparent early on. In a *real cédula* from 1529, the queen regent of Spain, Isabella of Portugal, had heard “that the Indians of New Spain make a kind of wine they call *bulcre* [sic] which they use at fiestas... and to which they add a root [they are accustomed to planting] which gives [the drink] flavour and [allows them] to get drunk.”¹⁶⁸ The account seems to have been based on information gathered about pre-conquest practices, since it recounts that Indigenous pulque drinkers conducted ceremonies involving human sacrifice and engaged in “many abominable carnal vices [thereby causing] great offence to our Lord God”.¹⁶⁹ It is difficult to ascertain whether any sacrificial practices survived the conquest, since some pre-Hispanic ritual actions certainly did continue well into the sixteenth century. We can, however, be fairly certain that if any form of sacrificial ritual did continue, it would have been covert and

¹⁶⁵ A variant called *matlalocli* (“blue/dark green pulque”) appears in the *Florentine Codex* but only for consumption during the festival of Atemoztli (*Florentine Codex* 2:35: 148).

¹⁶⁶ AGN Ramo Ordenanzas, “Nuevas ordenanzas prohibiendo la bebida del pulque amarillo, tepache, aguardiente, miel negra de caña y otras”, 1635, Vol. 2 Exp. 52, fols. 1v-2v.

¹⁶⁷ *Florentine Codex*, 10:29: 193.

¹⁶⁸ Archivo General de Indias (AGI), Seville, Fondo México, “Real cédula para que se informen sobre unas raíces que echan los indios de aquella tierra en un vino que llaman bulcre”, 1529, 1088, L.1, fol. 60v.

¹⁶⁹ AGI-México, 1088, L.1, fol. 60v.

dealt with on a local level, so as to escape the harsh intervention of religious authorities.¹⁷⁰ Associating mixed pulque with sacrifice, however, was an effective rhetorical device to provoke concern regarding the drink, in particular the role of additives in instigating such behaviour.

This *real cédula* also suggested that additives functioned as the agent of fermentation in pulque production and that pulque could only be made through use of an herbal additive. In this early framework of understanding, all pulque was therefore *pulque mezclado*. Determining exactly what additives were incorporated into pulque was a tricky proposition. Throughout the colonial period, documents continued to refer to pulque additives in vague terms, the most popular of which was *la raíz del pulque* (“pulque root”).¹⁷¹ References in the *Codex Mendoza* to herbs known as *ocpahtli* and *cuauhpahltli* (“wood medicine/stick medicine”) indicate that these plants may have been the most commonly used pulque additives prior to the conquest.¹⁷² However, just as the colonial authorities remained uncertain what exactly was being added to pulque, so too have historians found it difficult to pin down which pre-Hispanic herbs were used. While Henry Bruman has suggested that *Acaciella angustissima* (prairie acacia), known in modern Oaxaca as *palo de pulque* (“pulque stick”), may be equivalent to *cuauhpahltli*, we have little idea of what *ocpahtli* might have been.¹⁷³ *Cuauhpahltli* continued in use throughout the early colonial period. A number of petitions from the seventeenth century requested permission to sell a plant referred to as *cuapatle* or *coapatl*, despite bans on additives.¹⁷⁴ Apart from these additives which were intended to extend the shelf life of pulque, pulque makers incorporated many other substances into the drink across the colonial period. By the eighteenth century, a variety of fruits, herbs, and seeds- including

¹⁷⁰ This strategy is well-documented in Tlaxcala during the 1530s and 1540s. See Justyna Olko and Agnieszka Brylak, “Defending Local Autonomy and Facing Cultural Trauma: A Nahua Order Against Idolatry, Tlaxcala, 1543”, *The Hispanic American Historical Review*, 98:4 (2018), pp. 596-598.

¹⁷¹ AGN Indios, “Permitiendo a los naturales la venta de mieles”, 1583, Vol. 2 Exp. 810; AGN Indios, “Concede Su Señoría licencia a los indios de Tacubaya, para que libremente puedan beneficiar la miel blanca”, 1595, Vol. 6 Pt 1 Exp. 1094; AGN Indios, “Para que el corregidor de dicho pueblo, no le impida a los naturales de las estancias que pertenecen a México, vender agua miel”, 1591, Vol. 6 Pt 2 Exp. 36; AGN Indios, Vol. 13 Exp. 103; AGN Indios, “Su Excelencia concede licencia a Agustín Marcos y Agustina María, principales del pueblo de Culgoacan [sic], para que puedan traer a esta ciudad pulque blanco”, 1657, Vol. 21 Exp. 253.

¹⁷² Frances F. Berdan and Patricia Rieff Anwalt (eds.), *The Essential Codex Mendoza* (Berkeley, CA: University of California Press, 1992), p. 145.

¹⁷³ Henry Bruman, *Alcohol in Ancient Mexico* (Salt Lake City, UT: University of Utah Press, 2000), pp. 72-73.

¹⁷⁴ AGN Indios, “Para que las justicias de Su Majestad no impidan a Juan Diego, natural de La Asunción Amilpa, trajinar la raíz que entre los naturales llaman coapatle”, 1649, Vol. 15 Exp. 114 C2; AGN Indios, “Su Excelencia aprueba y confirma los decretos despachados a Francisco de San Miguel Álvarez e hijo, para tener diez mulas de carga y vender la raíz del coapatl”, 1651, Vol. 16 Exp. 95.

sugar, egg whites, pepper-tree seeds, chilli and pineapple- were being added to pulque, with varying effects on its flavour and potency.¹⁷⁵

The 1529 *cedula* is the earliest official colonial-era document regarding pulque making and usage; it would also prove to be one of the only documents to address pulque at an administrative level for over forty years. Sonia Corcuera de Mancera has written of a “pulque silence” in the evangelisation literature of the early 1500s: of the numerous *doctrinas* written between 1524 and 1548, none referred to pulque use or Native drinking.¹⁷⁶ Similarly, mentions of pulque in the legislation of New Spain are virtually absent during the years spanning the 1530s and the 1570s. Given that this period saw a campaign to stamp out pre-Hispanic religious practices, the lack of attention to pulque, a drink known to have been used extensively in ritual practice, is puzzling.¹⁷⁷ Yet this very fixation with extirpating idolatry may also explain the paucity of references to pulque during this period. Analysing the idolatry trial of the Texcocan noble, don Carlos Ometochtli, Patricia Lopes Don suggests that “what the Texcocan leadership actually learned from the trial of don Carlos was to take more care to conceal sex and pagan votive objects”.¹⁷⁸ If the people of Texcoco had learnt from the crusade against idolatry that it was best to hide any non-Christian religious artefacts, perhaps Nahuas initially also thought it safest to hush up pulque’s connections with pre-conquest religious practices. Given the economic importance of pulque making for many Nahua households, they had a pressing motivation to avoid the drink being associated with idolatry. The “pulque silence” in the writings of the early friars may have had its roots in a similar disinclination on the part of Nahuas to provide information that might lead to restrictions on or prohibition of pulque. It is also possible that during the early sixteenth century, neither the colonial government nor the religious authorities possessed a great deal of knowledge regarding pulque. While it is difficult to gauge how much the colonial administration did know about pulque in the first few decades after the conquest, their conviction regarding

¹⁷⁵ Bruman, *Alcohol in Ancient Mexico*, p. 75.

¹⁷⁶ Sonia Corcuera de Mancera, *El fraile, el indio y el pulque: evangelización y embriaguez en la Nueva España, 1523-1548* (México D.F.: Fondo de Cultura Económica, 1991), p. 111.

¹⁷⁷ For more detail on campaigns against Native idolatry in colonial Mexico see David Tavárez, *The Invisible War: Indigenous Devotions, Discipline and Dissent in Colonial Mexico* (Stanford, CA: Stanford University Press, 2011); Inga Clendinnen, *Ambivalent Conquests: Maya and Spaniard in Yucatán, 1517-1570* (Cambridge: CUP, 1987); Patricia Lopes Don, *Bonfires of Culture: Franciscans, Indigenous Leaders and the Inquisition in Early Mexico* (Norman, OK: University of Oklahoma Press, 2010).

¹⁷⁸ Patricia Lopes Don, “The 1539 Inquisition and Trial of don Carlos of Texcoco in Early Mexico”, *Hispanic American Historical Review*, Vol. 88:4 (2008), p. 606.

the damaging power of additives, which they considered to be responsible for pulque's intoxicating properties, was certainly incorrect.

The 1570 pulque ban: a forgotten restriction

By 1570, the ambiguous attitude of the colonial government towards pulque making and consumption had come to an end. "Having received news of the harm that has come to the natives [of New Spain] in making and selling pulque, and of [the damage it has done] to conversion and teaching of the *doctrina*," the viceroy, Martín Enriquez, wrote, "...some remedy must be effected."¹⁷⁹ The solution proposed was simple: to ban pulque completely, a dramatic move. Even the 1529 *cédula* which had associated pulque with depravity and idolatry had only suggested that Nahuas should be prevented from putting additive herbs in pulque.¹⁸⁰ As a more mature colony of almost fifty years, New Spain was now in a far stronger position to enact large-scale restrictive measures on pulque than in the early sixteenth century.

The ban seems to have been put into effect or at least attempted some years prior to 1570, since Enriquez referred in the *ordenanza* to previously imposed penalties for making and selling pulque.¹⁸¹ While the 1692 ban on pulque in Mexico has been extensively researched, few (if any) scholars have examined this earlier prohibition of the drink.¹⁸² Historians such as Daniel Nemser and William F. Connell have tended to emphasise the role of Mexico City's rising and increasingly diverse urban population in exacerbating the governmental anxiety which eventually provoked the 1692 ban.¹⁸³ Yet the existence of the 1570 ban shows a much longer-standing pattern of suspicion regarding the subversive potential of pulque that predated the urban migration of the seventeenth century. The 1692 prohibition was certainly informed by contemporary concerns on racial mixing amongst the urban poor, but it also drew from legal precedent

¹⁷⁹ AGI-México, "Carta del virrey Álvaro Manrique de Zúñiga, marqués de Villamanrique", 1587, 21, N.19, fol. 18r. I have been unable to locate the original version of this *ordenanza*, however this letter written by Álvaro Manrique de Zúñiga, viceroy between 1585 and 1590, reproduces it.

¹⁸⁰ AGI-México, 1088, L.1, fol. 60v.

¹⁸¹ AGI-México, 21, N.19, fol. 18r.

¹⁸² Daniel Nemser, "'To Avoid This Mixture': Rethinking Pulque in Colonial Mexico City", *Food and Foodways*, 19:1-2 (2011), pp. 98-121; William F. Connell, "'Because I Was Drunk and the Devil Had Tricked Me: Pulque, Pulquerías and Violence in the Mexico City Uprising of 1692'", *Colonial Latin American Historical Review*, Vol. 14:4 (2005), pp. 369-401; Natalia Silva Prada, *La política de una rebelión: Los indígenas frente al tumulto de 1692 en la Ciudad de México* (México D.F.: El Colegio de México, 2007); R. Douglas Cope, *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720* (Madison, WI: University of Wisconsin Press, 1994), Chapter 6, pp. 125-160.

¹⁸³ Nemser, "'To Avoid This Mixture'", pp. 107-110; Connell, "'Because I Was Drunk'", pp. 398-401.

established over a century previously. The 1570 *ordenanza* attempted to completely ban the production and sale of pulque and of herbal additives used for pulque and imposed harsh punishments for those who broke the rules.¹⁸⁴

Interestingly, the *ordenanza* specified punishments for Spanish, black, *mestizo* and *mulato* producers and sellers, as well as for Native participants in pulque commerce.¹⁸⁵ The fact that the *ordenanza* was later reproduced in a document from 1588 that included only the punishments for Native vendors strongly suggests that pulque trading was largely practiced by Indigenous sellers, or at least that this was the group of sellers causing the greatest concern for the colonial government.¹⁸⁶ For breaking this *ordenanza*, the punishment for Indigenous pulque traders was fifty lashes and shaving their head publicly, along with a two-month period of selling their labour.¹⁸⁷ Yet the 1588 document also referred querulously to “the excesses in making and selling pulque on the part of Spaniards, *mestizos*, *mulatos*, blacks and Indians”.¹⁸⁸

Non-Indigenous producers faced some harsher penalties: for a second offence, enslaved people would have a foot amputated, while Spaniards would be publicly flogged and banished for three years.¹⁸⁹ Stricter punishments for non-Native producer-sellers shows a serious concern that members of various *castas* were involved in the pulque trade, however minor their participation may have actually been.¹⁹⁰ Nemser has identified racial mixing as a key concern of governing colonial elites, which they discussed using *pulque mezclado* as a metaphor for the cross-cultural contact fostered within the mysterious space of the *pulquería*.¹⁹¹ The unknowable nature of mixed pulque made it potentially dangerous and, while Nemser shows the continuance of this trend throughout the seventeenth century, the 1570 *ordenanza* demonstrates the much older origin of this discourse. The distrust of pulque that was manifested in this *ordenanza* extended beyond debates regarding the *pulquería* and spaces of pulque

¹⁸⁴ AGI-México, 21, N.19, fols. 18r-18v.

¹⁸⁵ AGI-México, 21, N.19, fol. 18r.

¹⁸⁶ AGN Reales Cédulas Duplicadas (RCD), “Declaración de la ordenanza del pulque en lo relativo a los indios”, 1588, Vol. 3 Exp. 54, fol. 1r, fol. 2v.

¹⁸⁷ AGI-México, 21, N.19, fol. 18r; AGN RCD, Vol. 3 Exp. 54, fol. 1r, fol. 2v.

¹⁸⁸ AGI-México, 21, N.19, fol. 18r.

¹⁸⁹ AGN RCD, “Ordenanza sobre el pulque en la Ciudad de México”, 1597, Vol. 3 Exp. 175, fol. 1v.

¹⁹⁰ The *casta* system was a complex framework of racial classification in Spanish America. Pilar Gonzalbo Aizpuru has suggested, however, that the social mobility of *casta* members depended more on factors such as social class and material wealth (Gonzalbo Aizpuru, “La trampa de las castas” in Solange Alberro and Pilar Gonzalbo Aizpuru (eds.), *La sociedad novohispana. Estereotipos y realidades* (México D.F.: El Colegio de Mexico, 2013), pp. 15-93.

¹⁹¹ Nemser, “To Avoid This Mixture”, pp. 105-110.

consumption to regulate social interactions within economic and trade networks far removed from the city. The 1570 ban further demonstrates that the concerns of colonial administrators went beyond metaphorical discourse to the passing of laws that had a material impact on commercial and social life for Nahua communities.

With the introduction of the pulque ban in 1570, pulque was officially defined as a hazardous mixed substance. The colonial administration, however, saw little harm in allowing petitioners to produce and sell *aguamiel* during this time. Accordingly, a significant number of petitions to sell *aguamiel* appeared during the 1590s, ensuring that maguery growers continued to profit from their plants, even if they could not use them for pulque production.¹⁹²

These petitions often use the term *miel blanca*, but in reference to *aguamiel* rather than to light maguery syrup. *Miel blanca* is probably a calque of the Nahuatl phrase *iztac neuctli*, whose literal meaning is “white honey”, but in this context refers to *aguamiel*.¹⁹³ Descriptions of the product known as *miel blanca* from the 1580s and 1590s do not match the properties of maguery syrup, particularly in the concern expressed that the product would spoil before it arrived at market. The community of Periban, for instance, reported that the local authorities had prevented them from making maguery syrup, as it was presumed that they would include additives to make the substance into pulque.¹⁹⁴ The *miel* mentioned must be *aguamiel*, since it was not necessary to add preservatives to maguery syrups, which ran little risk of deteriorating due to their high sugar content. *Aguamiel*, on the other hand, tended to spoil rapidly.

More explicit evidence is provided by a 1595 petition from the residents of Tacubaya. The petitioners from Tacubaya claimed that their main source of income was selling their *aguamiel*, “which is such a delicate substance that it cannot be kept for more than a day without spoiling, whereupon it becomes useless.”¹⁹⁵ The men and women of

¹⁹² AGN Indios, Vol. 6 Pt 1 Exp. 1094; AGN Indios, Vol. 6 Pt 2 Exp. 36; AGN Indios, “Licencia a María Pérez para que pueda vender miel negra de la sierra y de la blanca”, 1591, Vol. 3 Exp. 760; AGN Indios, “Licencia a María de la Cruz, india, para que libremente pueda beneficiar los magueryes y traer a vender el aguamiel”, 1591, Vol. 3 Exp. 967; AGN Indios, “Para que durante cuatro meses, beneficien los naturales de los barrios de Tacubaya, la miel blanca de maguery”, 1596, Vol. 6 Pt 1 Exp. 1166; AGN Indios, “Se concede licencia a los naturales congregados en la Ciudad de los Ángeles, para que libremente puedan vender el aguamiel”, 1597, Vol. 6 Pt 1 Exp. 1186; AGN Indios, “Se concede licencia a las indias de Tacubaya, para que cada una de ellas pueda traer a México un cantarillo de miel blanca de maguery”, 1594, Vol. 6 Pt 2 Exp. 908.

¹⁹³ The term calque describes a loanword or phrase adopted into another language by literal word-for-word translation.

¹⁹⁴ AGN Indios Vol. 2 Exp. 810, fol. 1r.

¹⁹⁵ AGN Indios Vol. 6 Pt 1 Exp. 1094, fol. 1r.

the town pleaded to be allowed to include “the traditional root” so that their *miel blanca* would last long enough to be sold.¹⁹⁶ In this case, the short shelf life of the substance being produced clearly indicated that it was *aguamiel*, and the terms *aguamiel* and *miel blanca* were used interchangeably throughout the document. Unusually, given the colonial administration’s harsh outlook on additives, their request was granted.¹⁹⁷ Each *aguamiel* seller in Tacubaya was reported to make two to three *reales* from the trade- a fair price in 1590, when poor weather conditions reduced the value of maize to ten or eleven *reales* per *fanega* (approximately 55.5 litres).¹⁹⁸ A few extra *reales* per household could therefore have been very significant in the household’s purchasing power, indicating that petitioning communities depended on their magueyes to a great extent.¹⁹⁹

The *aguamiel* trade, however, may not have been quite as innocent as it seemed. We know from several late sixteenth-century cases that some Nahuas continued to make and sell pulque despite the ban.²⁰⁰ In Tlaxcala, local *alcaldes* (elected representatives to the town council) complained in 1592 that some women had taken to selling cacao from their houses “and in other hidden places and on this occasion [they] also sell a great quantity of pulque”.²⁰¹ The following year in Mexico City, a Native woman, doña Francisca de Castañeda, was accused of making her own pulque and operating an informal pulque tavern in her house.²⁰² Doña Francisca’s accuser, Francisco de Castellanos, provided three witnesses; all of whom asserted that she was a *pulquera* (“pulque-maker” or “pulque-seller”). The Spanish witness, Juan de Navarros, claimed to have witnessed the discovery of pulque in the house, while Andrés Pérez, an enslaved African, testified that he himself had been to drink pulque there on several occasions.²⁰³ Andrés added that the pulque sold was brought in from outside the city using pack mules. Judging from the testimonies, Doña Francisca had managed to contact a producer who

¹⁹⁶ AGN Indios Vol. 6 Pt 1 Exp. 1094, fol. 1r.

¹⁹⁷ AGN Indios Vol. 6 Pt 1 Exp. 1094, fol. 1r

¹⁹⁸ The *real* was a silver coin worth one-eighth of a gold peso (Peter Bakewell, *Silver Mining and Society in Colonial Mexico* (Cambridge: CUP, 1971), p. 271). For maize price data, see Charles Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford, CA: Stanford University Press, 1964), p. 453.

¹⁹⁹ For further examples, see AGN Indios, Vol. 6 Pt 1 Exp. 1186; AGN Indios Vol. 6 Pt 2 Exp. 36.

²⁰⁰ AGN Indios, “Prohibe Su Señoría vender a los naturales de Tlaxcala cacao en lugares privados”, 1592, Vol. 6 Pt 2 Exp. 722; AGN Tierras, “Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa”, 1593, Vol. 2879 Exp. 12; AGN Indios, “Al corregidor de Chiconautla, para que compela a los naturales a que cada año beneficien sus sementeras, y cumpliendo, los deje trabajar en el aguamiel”, 1590, Vol. 4 Exp. 709.

²⁰¹ AGN Indios Vol. 6 Pt 2 Exp. 722, fol. 1r.

²⁰² AGN Tierras Vol. 2879 Exp. 12.

²⁰³ AGN Tierras Vol. 2879 Exp. 12, fol. 2r.

could supply her with the large quantities needed for her tavern.²⁰⁴ The residents of the town of Santa Clara Coatitlan were also amongst this group of producers still supplying Mexico City's *pulquerías*, according to one document from 1590.²⁰⁵ Despite the ban, the demand for pulque had clearly still remained high.

Responding to this demand was not without its risks, given the potentially severe consequences for those caught defying the pulque ban. Whether the punishments listed in the 1570 *ordenanza* were ever enforced is unknown, but the threat must have loomed large for some producers and sellers. Was petitioning to sell *aguamiel* actually a clever and low-risk way of circumventing the ban? One telling pattern is that petitions to sell *aguamiel* stopped almost entirely after pulque was legalised again in 1608.²⁰⁶ Petitioners were consistently granted permission to sell *aguamiel* “[as long as] it does not contain [the pulque] root or any other mixture”- further evidence that the colonial administration considered the use of additives to be an essential part of the pulque making process.²⁰⁷ *Aguamiel* certainly could be fermented without additives, presenting a potential opportunity to buy *aguamiel* and ferment it at home. Marisa Valadez Montes, however, emphasises the importance of the *tlachiquero*'s specialised knowledge and experience in producing “*pulque limpio*” (“clean or proper pulque”), which contributes greatly to the social construction of its value.²⁰⁸ Without this knowledge, a layperson would have great difficulty in producing good-quality pulque. A more plausible explanation may be that the craze for *aguamiel* selling was actually the result of maguey owners responding to a change in the market that restricted the uses they could make of their crop. For those maguey growers who did not wish to risk violating the ban, selling unfermented *aguamiel* was a decent compromise.²⁰⁹ Yet pulque producers and sellers still remained in business and for those who were willing to take risks, the demand for pulque presented a golden opportunity for profit.

²⁰⁴ AGN Tierras Vol. 2879 Exp. 12, fol. 1v, fol. 2r.

²⁰⁵ AGN Indios Vol. 4 Exp. 709.

²⁰⁶ I have been able to locate only one post-1608 petition to sell *aguamiel* where the petitioner did not also request permission to sell pulque. This was doña Francisca de Figueroa, who petitioned the *Juzgado* in 1640 (AGN Indiferente Virreinal, “Solicitud de doña Francisca de Figueroa, vecina del pueblo de San Salvador Guajocingo [sic] para poder extraer miel blanca”, 1640, Caja 4629 Exp. 9.

²⁰⁷ AGN Indios Vol. 6 Pt 2 36, fol. 1r.; AGN Indios Vol. 6 Pt 1 Exp. 1094; Indios Vol. 2 Exp. 810; AGN Indios, “Para que las justicias no entren en las casas de los naturales so color de buscar pulque”, 1591, Vol. 6 Pt 2 Exp. 140.

²⁰⁸ Marisa J. Valadez Montes, “Pulque limpio/pulque sucio: disputas en torno a la legitimidad y la producción social del valor”, *Revista Colombiana de Antropología*, Vol. 50:2 (2014), pp. 49-51.

²⁰⁹ AGN Indios Vol. 6 Pt 1 Exp. 1094; AGN Indios, Vol. 6 Pt 1 Exp. 1166.

Re-legalisation and the 1608 *ordenanza*

Producers and sellers continued to supply Mexico City and other large cities with pulque despite the prohibition against the drink. Their persistence left the colonial government with no other option: in 1608, pulque was once again legalised. The 1608 *ordenanza* reauthorising pulque was essentially an admission of defeat on the part of the colonial authorities.²¹⁰ Continuing to ban pulque, despite the clear ineffectiveness of the prohibition, would only make the authorities look foolish. Instead, the colonial administration opted to relax the ban for Indigenous pulque traders and to delineate an acceptable variant of pulque that could be sold. In the 1608 *ordenanza*, the term *pulque blanco* emerged as an established part of the colonial administrative vocabulary. Though it had sporadically appeared in earlier documents, it was from 1608 onwards that *pulque blanco* was recognised as the acceptable variant of pulque. The *ordenanza* professed concern for the health and souls of the Natives, apparently suffering from “general and very great sickness and mortality caused by the aforementioned drinks and the drunkenness [that results].”²¹¹ Yet whilst complaining of pulque’s evils, the document acknowledged that “it has been impossible to take the aforementioned drinks [pulque and pulque-based beverages] away from the Indians”.²¹² The colonial administration opted for the lesser evil of a regulated trade confined only to a small segment of Indigenous sellers. The viceroy, Luis de Velasco, proposed the following:

[Pulque] could be made with less risk and danger to the lives and property [of the Indians] by naming for each *barrio* of this city and the other towns of New Spain persons who will sell only *pulque blanco*... for every one hundred Indians, one old Indian woman of good conscience shall be named, who may sell *pulque blanco*, excepting those towns where there are great quantities of magueyes...²¹³

Hence, in a town of four hundred, only four old Native women would be permitted to sell *pulque blanco*. Curiously, the *ordenanza* penalised those who bought pulque to sell on, while producers were permitted by the same *ordenanza* to sell their pulque in public squares and markets.²¹⁴ Whilst in many ways, the content of the 1608 *ordenanza* overturned the 1570 ban completely, the two documents both specified that non-Natives found to be taking part should be punished harshly. The 1570 *ordenanza* had prohibited

²¹⁰ The 1608 *ordenanza* is reproduced in AGN Indios, “Vuestra Excelencia encarga haga guardar y cumplir las ordenanzas para vender pulque”, 1654, Vol. 17 Exp. 1, fols. 1v-3v.

²¹¹ AGN Indios Vol. 17 Exp. 1, fol. 1v.

²¹² AGN Indios Vol. 17 Exp. 1, fol. 1v.

²¹³ AGN Indios Vol. 17 Exp. 1, fol. 2r.

²¹⁴ AGN Indios Vol. 17 Exp. 1, fol. 2v.

the sale of pulque completely but prescribed more serious penalties for non-Indigenous participants. In the *ordenanza* from 1608, Indigenous sellers were granted sole permission to produce and sell pulque, while the punishments remained the same for those participants from other *castas*.²¹⁵ Velasco wrote scathingly in 1608 that there had never before been so many *mestiza*, *mulata* and Spanish *pulqueras*, whom he portrayed as preying on innocent Natives.²¹⁶ Confining the trade to Indigenous participants functioned as a way to limit interracial interactions, as well as a method of downsizing the trade overall. This provision was in line with the principle of segregating Indigenous peoples from Spaniards as part of a *republica de indios* (“Indian republic”), which would theoretically protect hapless Natives from Europeans eager to exploit them for profit.²¹⁷ Members of the Puebla town *cabildo* certainly considered that restricting the pulque trade to Indigenous participants would result in significantly less pulque being sold, since “[the Indians] carry only a skinful or two [of pulque] while the others [*mestizo*, *mulato* and Spanish traders] fill the city with pulque every week.”²¹⁸

Participation in the pulque trade as a seller was not only a matter of having Native ancestry but of having as few connections to the non-Indigenous world as possible. The *ordenanza* stated that women would not be permitted to work as one of the named sellers if they had been raised by Spaniards, local officials, notaries, scribes, or Nahuatl-language interpreters.²¹⁹ If pulque was to be permitted, it was to be isolated within the Indigenous population, just as if any variant was to be allowed, it would be the unadulterated *pulque blanco*. As Joan Bristol has argued, *pulque blanco* “was meant to represent pure Indianness”.²²⁰ It stood for an idealised Native population, Hispanised only to the extent that they accepted Christianity and obeyed colonial law. Whilst the Spanish colonial enterprise focused on indoctrinating Hispanic Christian values, the intention was never

²¹⁵ AGN Indios Vol. 17 Exp. 1, fols. 2r-3v.

²¹⁶ AGN Indios Vol. 17 Exp. 1, fol. 1v.

²¹⁷ For more detail on the “two republics”, see Magnus Mörner, *La corona Española y los foráneos en los pueblos de indios de América* (Madrid: Ediciones de Cultura Hispánica, 1999). For more on social separation by racial group in Spanish America, see Iona Katzew, *Casta Painting: Images of Race in Eighteenth-Century Mexico* (New Haven, CT: Yale University Press, 2004); María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion and Gender in Colonial Mexico* (Stanford, CA: Stanford University Press, 2008); Joanne Rappaport, *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada* (Durham, NC: Duke University Press, 2014).

²¹⁸ Archivo General Municipal de Puebla (AGMP), Puebla, Actas de Cabildo, “Carta de Su Excelencia. Razón de las borracheras de los indios”, 1615, Vol. 15, fol. 69f.

²¹⁹ AGN Indios Vol. 17 Exp. 1, fol. 2r.

²²⁰ Joan Bristol, “Health Food and Diabolic Vice: Pulque Discourse in New Spain,” in Stacey Schwarzkopf and Kathryn Sampeck (eds.), *Substance and Seduction: Ingested Commodities in Colonial Mesoamerica, the Atlantic World, and Beyond* (Austin, TX: University of Texas Press, 2017), p. 130.

for Indigenous subjects to think of themselves as Spanish. This was mirrored in the discourse where pulque represented indigeneity, while wine seemed often to represent “Spanishness”, hence legislation against the sale of wine and the presence of *vinaterías* (wine taverns) in *pueblos de indios*.²²¹ Nahua communities themselves frequently complained of the sale of Spanish wine in their towns, as in one suit from Tenancingo, where the petitioners reported that Spaniards were operating a *vinatería* and had enticed people to become so drunk that they did not attend mass.²²² In contrast, complaints from Indigenous officials and leaders regarding the sale of pulque were uncommon. The rejection of *vinaterías* combined with the simultaneous tolerance of pulque sale was reminiscent of the enthusiasm often shown by Natives for the *república de indios*, who, as Felipe Gutiérrez Castro points out, generally accommodated the presence of non-Natives only as far as they could be useful to the town’s Indigenous inhabitants.²²³

Nahua petitioners were certainly aware of this metaphorical linkage between *pulque blanco* and ideas of “authentic” Indigeneity. One strategy in petitions was to state that producing white pulque had always been a custom in the town. The phrase *de inmemorial* or *de inmemorial tiempo* (“since time immemorial”) recurred frequently in documents, where petitioners sought to establish the traditional, Indigenous nature of their commerce in pulque.²²⁴ Communities from San Juan Cuauhtlaltzingo, Tacubaya, Culhuacan, Tolcayucan, San Felipe and its neighbouring towns all argued that “since time immemorial” it had been their custom either to make *pulque blanco* and sell it themselves or to buy the product and sell it on.²²⁵ The petitioners from San Juan Cuauhtlaltzingo even managed to persuade the viceroy that the trade was their only traditional source of income (*el único patrimonio destes naturales*).²²⁶ While *patrimonio* in this sense refers more to

²²¹ Within Mexico City and other large cities, *pueblos de indios* referred to neighbourhoods restricted to Indigenous residents; outside cities, it described towns where the population was more or less completely Indigenous. For more on rulings against selling Spanish wine to Natives, see Taylor, *Drinking, Homicide and Rebellion*, pp. 38-39.

²²² AGN Indios Vol. 6 Pt 2 Exp. 415, fol. 1r.

²²³ Felipe Gutiérrez Castro, “Indeseables e indispensables: los vecinos españoles, mestizos y mulatos en los pueblos de indios de Michoacán”, *Estudios de Historia Novohispana*, Vol. 25 (2001), p. 59, p. 69.

²²⁴ For a recent discussion of temporality in the depiction of pulque as “authentically” Indigenous, see Deborah Toner, “Mexico’s National Drinks: Pulque, Tequila and the Temporalities of Authenticity”, *Food & History*, Vol. 17:2 (2019), pp. 75-101.

²²⁵ AGN Indios, “Para que el alcalde mayor de Cholula deje trajinar y vender libremente el pulque blanco a los naturales de San Juan Cuauhtlaltzingo” 1654, Vol. 17 Exp. 189; AGN Indios, “Su Excelencia manda al teniente de la villa de Tacubaya, ni otro alguno impidan a los naturales el trajín y venta del pulque blanco”, 1659, Vol. 23 Exp. 417; AGN Indios, “Su Excelencia manda a los tenientes de la provincia de Tlaxcala y sus ministros guarden y cumplan las ordenanzas de gobierno que traen la forma que han de tener los naturales en hacer y vender el pulque blanco permitido”, 1659, Vol. 23 Exp. 309; AGN Indios Vol. 21 Exp. 253; AGN Indios Vol. 23 Exp. 103.

²²⁶ AGN Indios Vol. 17 Exp. 189, fol. 1v.

assets or wealth, the word also translates as “heritage” or “patrimony” and certainly has these additional connotations in this context.

Petitioners furthermore made sure to mention that they were producing and/or selling the approved “pure” variant of pulque. Following 1608, virtually all petitions regarding pulque stated that the product was *pulque blanco del permitido* (“white pulque of the kind that is permitted”). The reasoning given for allowing *pulque blanco del permitido* over other types of pulque-based drinks was based on a discourse of health. This was not unfounded: pulque does indeed have a number of benefits for human health.²²⁷ The discourse of health as it appears in these documents relied, however, on paternalistic language that depicted Nahuas as incapable of making decisions for their own good and, on occasion, as hopelessly inclined to drunkenness. When asked by the *cabildo* of Puebla city to recommend how the council could limit alcohol trading and consumption within the city, one priest opined that *pulque blanco* should not be restricted, “as it is medicinal and very necessary for many illnesses”.²²⁸ Yet he then continued that, apart from the health benefits of this variant of pulque, “the Indians are so naturally inclined to drunkenness that if their pulque is taken away, they will turn to wine and if this is removed, they seek out other more dangerous kinds [of alcohol] to become drunk on.”²²⁹ Nahua communities had long known of the health benefits associated with pulque and *aguamiel* consumption. Pregnant women were encouraged to drink pulque for its nutritional properties and both substances featured prominently in a number of Nahua remedies for sickness.²³⁰ Following the legalisation of *pulque blanco*, Native litigants lost no time in referencing the drink’s healthfulness in their petitions. Doña Juana Agustina of Tacuba argued that she needed to sell her *pulque blanco* because it was “very necessary for the health and preservation of the natives and sick people who live in this neighbourhood”.²³¹ References to the drink’s medicinal qualities were also employed as a strategy for escaping punishment during the initial pulque ban. When accused of making pulque in 1590, residents of Xochimilco countered that officials had only found in their houses “a little native wine [*vino de la tierra*] which they keep for medicine and for their

²²⁷ Escalante et al; “Pulque”, p. 9.

²²⁸ AGMP-Actas de Cabildo, Vol. 15, fol. 68v.

²²⁹ AGMP-Actas de Cabildo Vol. 15, fol. 68v.

²³⁰ *Florentine Codex*, 10:28: p. 153, p. 162; Martín de la Cruz, Juan Badiano, Emily W. Emmart Trueblood (ed.), *The Badianus Manuscript: (Codex Barberini, Latin 241), Vatican Library, an Aztec Herbal of 1552* (Baltimore, MD: Johns Hopkins Press, 1940), pp. 294, 300, 316.

²³¹ AGN Indiferente Virreinal, “Petición que presentó doña Jhoana [sic] Agustina, natural de la villa de Tacuba, para que se le dé licencia y pueda vender su pulque blanco”, 1639, Caja 6224 Exp. 27, fol. 1v.

health”.²³² This discourse of health would reappear in quite a different form during the seventeenth century as the colonial government struggled to discourage the consumption of a drink they had also designated as pulque: *tepache*, also known as yellow pulque or *pulque amarillo*.

Tepache (pulque amarillo)

In ruling *pulque blanco* the only acceptable variant of pulque, the colonial administration simultaneously designated as harmful the variant known as *pulque amarillo*, or *tepache*. If *pulque blanco* stood for health and Native tradition, *tepache* conversely stood for sickness, drunkenness, and the corruption of Indigenous ways of life.²³³ The word *tepache* as employed today in Mexico refers to a mildly alcoholic fermented drink made with sugar and fruit; most popularly pineapples.²³⁴ Yet the *tepache* that so enraged the colonial administration was something quite different. The usage of the word *tepache* seems likely to have originated in the same kind of linguistic misunderstanding that gave rise to the term “pulque”. *Tepache* appears to originate from either the Nahuatl verb *tepachoa* (“to pound something”) or from the word *tepiatl/tepiatzin* (“fermented maize drink”).²³⁵ According to the Franciscan Alonso de Molina’s Nahuatl dictionary, *tepiatl* was prepared with uncooked maize and was used to revive those who had fainted.²³⁶ The mild, maize-based beverage was probably confused at some point with the strongly alcoholic maguey-based drink that would later be referred to as *tepache*. Despite the fact that *tepache* was not pulque in a strict sense- it used syrup not *aguamiel* as a base and did not always make use of maguey syrup- it was almost always referred to as “yellow pulque”.²³⁷ As we saw in the previous chapter,

²³² AGN Indios Vol. 3 Exp. 260 (1590), fol. 1v.

²³³ Bristol, “Health Food and Diabolic Vice”, p. 135.

²³⁴ Javier Taboada Ramírez, “Bebidas fermentadas indígenas: cacao, pozol, tepaches, tesgüino y tejuino”, in Janet Long (ed.), *Conquista y comida: consecuencias del encuentro de dos mundos* (México D.F.: UNAM-Instituto de Investigaciones Históricas, 2018), p.p. 445-446.

²³⁵ Augusto Godoy, Téofilo Herrera, Miguel Ulloa, *Más allá del pulque y el tepache: las bebidas alcohólicas no destiladas* (Mexico D.F.: Universidad Nacional Autónoma de México, Instituto de Investigaciones Antropológicas, 2003), p. 21. The latter origin seems more likely, both because the meaning is far closer to the product and because -tzin endings in Nahuatl words were usually assimilated to -che in Spanish.

²³⁶ Alonso de Molina, *Vocabulario en lengua castellana y mexicana* (Mexico D.F.: Antonio Spinosa, 1571). Accessed on 07/02/2020 via *Dumbarton Oaks Digitized Rare Books* (<https://www.doaks.org/resources/rare-books/vocabulario-en-lengua-castellana-y-mexicana>), fol. 102v. *Tepiatl* is defined as “a drink of raw maize which one gives to those who faint”.

²³⁷ See AGN Indios, “A la justicia de Su Majestad, a fin de que no consienta que en las jurisdicciones se venda vino, tepache, pulque amarillo de coscos, ni bingui”, 1633, Vol. 12 Exp. 30; AGN RCD, “Pulque. Ordenando al alcalde mayor de Acapetlayahuaya prohíba la venta de pulque amarillo”, 1656, Vol. 23

a variant of this drink had also been produced before the conquest. The substance known as *ayoctli* (“water pulque”) followed a similar process of adding water to maguey syrup and fermenting the resulting mixture. Compared to *pulque blanco*, *tepache* presented certain advantages for its makers and consumers, which go some way towards explaining why it became popular during the colonial period.

One obvious advantage to making *tepache* with maguey syrup was the ease of the process when compared with making white pulque from *aguamiel*. While each step of the pulque-making process needed to be carefully monitored and controlled to ensure proper fermentation, the syrup base of *tepache* could more or less be left to ferment with minimal intervention.²³⁸ The mixture generally included ready-made pulque; in most variants, the pulque used was of poor quality or had soured.²³⁹ Making *tepache* presented a way to disguise cheap low-grade pulque, as well as a profitable opportunity for those whose magueyes had produced an inferior yield. It could likewise serve as a method to make sour pulque drinkable. Its higher alcoholic content essentially made *tepache* very good value for money for those who aimed to get drunk with as little cost as possible. *Tepache* makers furthermore proved themselves adaptable in the materials they used. The drink’s designation as a form of pulque probably stemmed from its original incarnation as the maguey-based *ayoctli*. While maguey syrup (referred to as *miel negra* or “black honey”) proved a popular choice in areas where the plants were already widely cultivated, *tepache* makers also made use of other syrups for the base.²⁴⁰ The most widely used of these alternative syrups was sugarcane syrup (*miel de cañas*), the use of which was especially disconcerting to colonial authorities since it was capable of producing a stronger drink than maguey syrups. Ironically, the viceroys of the late sixteenth century, Martin Enriquez and Luis de Velasco, had been instructed to promote sugarcane cultivation in New Spain, making sugarcane syrup easily available across central Mexico.²⁴¹ *Tepache* was therefore particularly accessible for would-be producers in terms of price, resources, and ease of production.

Exp. 64; AGN Ordenanzas, “Nuevas ordenanzas prohibiendo la bebida del pulque amarillo, tepache, aguardiente, miel negra de cañas y otras.”, 1635, Vol. 2 Exp. 52.

²³⁸ Teresa Lozano Armendares, *El chinguirito vindicado: el contrabando de aguardiente de caña y la política colonial* (México D.F.: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 2005), p. 22.

²³⁹ Bruman, *Alcohol in Ancient Mexico*, p. 75; Godoy et al, *Más allá del pulque*, pp. 64-65.

²⁴⁰ Usually sugarcane syrup (*miel de cañas*), see AGN Ordenanzas, Vol. 2 Exp. 52, fols. 1v, 3r-3v.

²⁴¹ François Chevalier, *Land and Society in Colonial Mexico: The Great Hacienda* (Berkeley, CA: University of California Press, 1963), p. 76.

Like *pulque mezclado*, *tepache* could contain a wide variety of ingredients aside from the base of syrup and cheap or sour pulque; unlike that drink, however, the base was also variable. This flexibility in materials was particularly disquieting to the colonial authorities. The trade in dark maguey syrup and dark cane syrup was well-established by the time *tepache* was first prohibited in the same *ordenanza* that legalised white pulque. Regulations on producing and selling these syrups during the 1500s had largely been confined to standardising the measures used to weigh out syrup, and to ensuring that syrups were not mixed with other ingredients; these regulations were chiefly contained in an *ordenanza* from 1579.²⁴² An *ordenanza* was subsequently issued in 1635 which revoked all licences to sell sugar cane syrup, even in Spanish towns.²⁴³ We get a further idea of how very concerned the colonial administration was with the proliferation of mixed drinks by the fact that this *ordenanza* was supposed to be publicly announced in town squares across the province of Mexico in Spanish, Nahuatl and Otomi.²⁴⁴ The bans were, however, not as rigid as one might assume. A number of *reales cédulas* granted exceptions to the ban, permitting the sale of sugar cane syrups by named individuals.²⁴⁵ On at least one occasion, groups of sugar mill owners were able to successfully argue that they made a purer variant of syrup than the kind used to make *tepache*, and that the syrup they made was moreover “a food so useful and necessary that the poor sustain themselves on it without any damage to their health.”²⁴⁶ This suit saw the overarching ban modified to cover only *miel negra de cañas*. The ban against sugar cane syrup also did not encompass maguey syrup, from which the drink was originally made, and so did little to restrict the production of *tepache* from this syrup variety. Taking advantage of the loophole in this legislation, Ana María of Texcoco and Juan Santos of Pachuca were amongst those maguey syrup sellers who brought suit successfully to be allowed to

²⁴² Reproduced in AGN Indios, “Para que las justicias de Su Majestad de esta Nueva España vean el mandamiento y ordenanza inclusos y que por donde pasare Juan Santos y vendiere la miel de magüey, la guarde y cumpla”, 1634-35 Vol. 12 Exp. 229, fols. 1r-2r.

²⁴³ AGN Indios Vol. 17 Exp. 1, fols. 3v-5v.

²⁴⁴ AGN Indios Vol. 17 Exp. 1, fol. 5r.

²⁴⁵ See for instance AGN RCD, “Que no se impida vender miel de caña a Fernando de Castilla Mérida y Molina”, 1647, Vol. 15 Exp. 206; AGN RCD, “Concediendo licencia a la mulata, Josefa de la Cruz”, 1651, Vol. 18 Exp. 145; AGN RCD, “Confirmación de la licencia que se dio a Lorenzo Martín, para comerciar con mieles”, 1653, Vol. 20 Exp. 35; AGN RCD, “Sobre el permiso que se dio a Juan de Fuentes, vecino de Texcoco”, 1654, Vol. 20 Exp. 56; AGN RCD, “Se permita a Diego de Aguilar comerciar con las mieles de caña”, 1655, Vol. 20, Exp. 81.

²⁴⁶ AGN Indios Vol. 17 Exp. 1, fol. 5v.

continue their trade, since “the new *ordenanzas* made regarding pulque and cane syrup neither mention nor prohibit maguey syrup.”²⁴⁷

In combating the production and consumption of tepache, the colonial administration relied on a paternalistic discourse that emphasised *tepache*'s deleterious effects on the health of Indigenous drinkers. Indigenous *tepache* makers, so one *real cédula* argued, persisted in making “drinks so harmful to their health that during the time they have been used...a great number [of Indians] have died from this”.²⁴⁸ Implicit in the description of Natives continuing to make and consume such dangerous mixtures was the idea that these producers and drinkers were not capable of really comprehending the dire consequences of their actions. This was naturally far from the truth; Natives expressed similar concerns about the harmfulness of *tepache* in suits that called for *tepache* and other mixed drinks to be banned from their towns. In 1633, petitioners from Celaya described the *pulque amarillo* which circulated in their town as “pestilential” and claimed that it had caused “terrible *cocolistlis* and typhus infections, from which most of those who drink have died”.²⁴⁹ A similar suit was brought five days later by residents of Santo Felipe who requested that the sale of syrups be banned in their town, since “the Indians all get drunk and die from [drinking *pulque amarillo*]”.²⁵⁰ An association emerged not only between *tepache* and sickness, but also between *tepache* and criminal behaviour. The same *real cedula* that had despaired of oblivious Natives swigging down poisonous *tepache* also complained that, once drunk on the substance they were known to “commit adultery and murder with very great frequency.”²⁵¹ This was not the only instance of *tepache* being associated with criminality. The official in charge of wine taxes for Mexico City, Alonso de Aviles, had written to the *Audiencia* complaining that pulque consumption had negatively affected the sales of wine in the city. The *alcalde* who responded to his complaint replied that Aviles had confused *pulque blanco*— “a drink healthful to the Indians”— with pulque mixed with sugar i.e. *tepache*.²⁵² The latter drink,

²⁴⁷ AGN Indios, “Para que las justicias de Su Majestad de esta Nueva España vean el mandamiento y ordenanza inclusos y que por donde pasare Juan Santos y vendiere la miel de maguey,” 1633, Vol. 12 Exp. 229, fol. 2r.

²⁴⁸ AGN RCD, Vol. 23 Exp. 64, fol. 4r.

²⁴⁹ AGN Indios, Vol. 12 Exp. 30, fol. 1r. *Cocolistli/cocolistle* is a loanword from Nahuatl, in which the word *cocoliztli* refers to illness in general or to infectious disease. This was also the name given to several epidemics of the sixteenth century.

²⁵⁰ AGN Indios, “Para que el gobernador de los españoles de la ciudad de Tlaxcala haga guardar las ordenanzas en lo relativo a la prohibición de las mieles”, 1633, Vol. 12 Exp. 65, fol. 1r.

²⁵¹ AGN RCD, Vol. 23 Exp. 64, fol. 4r.

²⁵² AGN Indios Vol. 17 Exp. 1, fol. 8v.

the *alcalde* added, was the cause of many burglaries, which drunk Nahuas had been incited to perform by the women who ran *tepache* taverns.²⁵³

It was a mark of the strong link created between *tepache* and serious crime that transgressions involving *tepache* were among the only cases related to alcohol that were tried as criminal offences during the seventeenth century.²⁵⁴ It was also a mark of the colonial government's paranoia regarding the drink that those accused of making *tepache* often seemed only to be guilty of possessing a small amount in the house for personal consumption. The accusations levelled in 1646 at María Ramírez del Monte, a Spanish woman living in Coyoacan, were chiefly based on the fact that a small vessel of *tepache* had been found in her bedroom.²⁵⁵ The pursuit of a criminal case against María on such flimsy evidence probably had more to do with the fact that María was Spanish. Legislation regarding pulque and *tepache* tended to penalise Spaniards more harshly than Indigenous lawbreakers, since they were expected to lead by example.²⁵⁶ The fact that María was also married to a man variously described in the suit either as *mestizo* or as fully Indigenous was probably not insignificant. As a couple, María Ramírez and her husband Lucas Felipe personified the interracial contact, and indeed intimacy, which the colonial government feared was taking place in *pulquerías*.²⁵⁷ The fears regarding racial mixing that formed such a prominent thread of official pulque discourse were surely not unrelated to the handling of María's case.

The following year, another criminal proceeding in Xochimilco against María de Mesa, her husband Lorenzo Martín and several of their neighbours also revolved around the discovery of a small amount of *tepache* in their house.²⁵⁸ María de Mesa testified that she had recently become a godmother and that they had been holding a celebration, when the *alguacil* (member of local law enforcement) arrived and discovered a bottle which he suspected contained *tepache*. María claimed that she had poured the mixture into her hands to prove that it was not *tepache*, while other witnesses said she had done so to get rid of the evidence.²⁵⁹ As a *mestiza* woman, María was already likely to receive harsher accusations regarding pulque making, given the repeated attempts to ensure that non-

²⁵³ AGN Indios Vol. 17 Exp. 1, fol. 9r.

²⁵⁴ The case summaries in AGN Criminal often give only very vague descriptions of the offences committed e.g. *delitos* ("felonies"). On the basis of these descriptions, the only alcohol-related criminal cases from the 1500s and 1600s dealt with illegal *tepache* making.

²⁵⁵ AGN Criminal, "Delito: vender tepache a los naturales", 1646, Vol. 232 Exp. 13, fol. 2r.

²⁵⁶ AGN Indios, Vol. 17 Exp. 1, fols. 2v, 3v, 4v, 9r.

²⁵⁷ Nemser, "To Avoid This Mixture", p. 107.

²⁵⁸ AGN Criminal, "Delito: elaboración de bebidas prohibidas: tepache", 1647, Vol. 138 Exp. 17.

²⁵⁹ AGN Criminal, Vol. 138 Exp. 17, fols. 2r-3v, fol. 6r.

Native *castas* were not producing alcohol.²⁶⁰ However, the real reason for the criminal charge of producing *tepache* probably had far more to do with the beating that María, her husband and three of their neighbours apparently gave the *alguacil*, witnesses testified that the group had also ripped his shirt and broken his staff of office.²⁶¹ In both cases, there seemed to be very little evidence that either María Ramírez or María de Mesa were in fact producing *tepache*. The fact that each case made it to trial, however, suggests that any hint of *tepache* was enough to prompt criminal charges of being a producer and seller of the drink. The private settings of these two cases should not be overlooked: just as the content of *tepache* itself was often unknowable, so too were the domestic interiors where the incriminating bottles had been found. Anything could be happening behind the closed doors of colonial homes, and when *tepache* was found in these spaces, it only further confirmed the authorities' suspicion that the drink was a subversive influence.

Conclusion

In concluding from the presence of a single bottle that the unlucky María de Mesa and María Ramírez were professional *tepache* brewers, the actions of colonial authorities served to exemplify the suspicion of the unknown that characterised the administration's attitude towards pulque throughout the early colonial period. Across the course of the sixteenth century, the colonial government moved from a position of indifference to deep concern regarding the effect of pulque on Native populations. As this chapter has sought to demonstrate, this change was ultimately motivated by fears regarding the ability of the Crown to "know" and therefore exert control over its Native subjects. Even as colonial knowledge of pulque increased during the seventeenth century, the administration did not make a substantive attempt to gain anything but superficial information regarding its material content. The end product of this limited understanding was the idea of an acceptable pulque variant: a healthful substance that would circulate solely within Indigenous economies. The eventual legalisation of *pulque blanco* in 1608 did not, however, suggest that the colonial government was no longer concerned with Native alcohol production. The categorisation of pulque into the "good" *pulque blanco* and the

²⁶⁰ Complaints of *mestizo* and *mulato* involvement in pulque trading appear in AGN Tierras, "Para que se guarde y cumpla lo mandado en este auto, que se da facultad a los naturales que dueños de magueyes el acarreo es libremente del pulque", 1658, Vol. 2944 Exp. 321; AGN General de Parte, "Para que el corregidor de Xochimilco informe sobre Juan Serrano", 1579, Vol. 2 Exp. 31; AGN General de Parte, "Los naturales del Culhuacan se quejan de que en los tianguis de su pueblo se acuden muchos mulatos con miel de la tierra de que resulta ocasión de hacer pulque", 1581, Vol. 2 Exp. 1116.

²⁶¹ AGN Criminal, Vol. 138 Exp. 17, fols. 2r-3r.

“bad” variants of *tepache* and *pulque mezclado* instead shifted suspicion and antipathy onto the variants that remained unknowable, indicating not a change of heart but a change of focus necessitated by the colonial administration’s overwhelming failure to enforce the 1570 ban on pulque.

This chapter’s examination of the 1570 pulque ban, a piece of legislation which has escaped scholarly attention, shows a drastic transition from a “pulque silence” in the historical record to a harshly worded outright ban on the drink. Analysis of the 1570 ban reveals that pulque legislation was profoundly shaped by contemporary convictions that what was not fully understood represented a potential threat to colonial rule. The proliferation of the *aguamiel* trade in the 1590s, along with the instances of continued pulque making that appear in the historical record, demonstrated that the threat of punishment was insufficient to deter Nahuas from participating in maguey commerce. The failure of the 1570 ban furthermore emphasised the colonial government’s reliance on Nahua populations to accommodate pulque legislation; when Nahua pulque and *aguamiel* producers refused to do so, it was the colonial administration that was forced to accommodate them. The 1608 *ordenanza* legalising pulque was a resounding defeat for the colonial government. Having seen how their actions could force new directions in legislation, Nahua pulque traders pressed for further accommodation of their trade, often utilising elements of governmental discourses on health and “authentic” Indigeneity.

A preoccupation with the role of pulque in Nahua communities was a defining characteristic of the colonial government’s legislative priorities throughout the late sixteenth century well into the seventeenth century. The fact that so much attention was paid to pulque during this time prompts the question: how widespread was pulque commerce amongst early colonial Nahuas? The intensity of governmental anxiety over pulque making suggests enthusiastic participation in the pulque trade, yet legislation alone presents a limited picture of how far the trade reached across central Mexico. In mapping out the extent of the early colonial pulque trade, the next chapter explores the geographical basis for the colonial administration’s anxiety regarding the scale of pulque making in New Spain. However frequently misguided the Crown may have been regarding the threat presented by pulque, their suspicion that a great proportion of the Native population were involved in pulque trading was well-founded.

Chapter 3: The cultural geography of pulque and maguey in the early colonial period

In June 1590, the small town of Santa Clara Coatitlan unexpectedly came to the attention of the viceroy of New Spain, Luis de Velasco. The viceroy had received information that the town's residents were breaking the provisions of a warrant they had received, allowing them to transport small amounts of pulque to Mexico City, as their lands were sterile. Rather than selling only the modest quantity permitted (up to a *real* in value), the situation "had come to such dissolution that the natives— men, women and children— go forth each day each loaded with more than a *peso*'s worth of pulque and with this, the town is becoming depopulated and they no longer cultivate their crop plantings..."²⁶² The residents of Santa Clara Coatitlan were in many ways the archetypal early colonial pulque traders. They were familiar with the colonial legal system and had already utilised it to legitimise their trade. They were highly mobile, travelling regularly from their town to Mexico City to take advantage of the city's popularity as a pulque market. Coatitlan's pulque producers cultivated maguey intensively and profitably, maximising the potential of their otherwise unproductive land holdings. The town was located in the traditional highland region of maguey agriculture north of Mexico City, yet the central role that pulque trading played in this community mirrored the situation in dozens of towns all across central Mexico. As this Native-dominated form of commerce became ever more successful between the late sixteenth to mid-seventeenth century, communities and individuals in diverse locations increasingly turned to pulque as a source of income, developing and sustaining far-reaching commercial networks.

In the last chapter, I demonstrated that the pulque trade was a source of anxiety for the colonial government and suggested that the reason for the severity of this concern lay in the widespread nature of the trade. Accordingly, this chapter will map the geographical extent of participation in the pulque trade and the reach of trade networks across central Mexico. Arturo Soberón Mora and Miguel Ángel Vásquez Meléndez, John Kicza, and Áurea Toxqui have established firmly in their work that Mexico City had become the central hub for the sale and consumption of pulque by the end of the seventeenth century.²⁶³ In this chapter, I build on these findings by situating the pulque

²⁶² AGN Indios, "Al corregidor de Chiconautla, para que compela a los naturales a que cada año beneficien sus sementeras, y cumpliendo, los deje trabajar en el aguamiel", 1590, Vol. 4 Exp. 709, fol. 1v.

²⁶³ John Kicza, "The Pulque Trade of Late Colonial Mexico City", *The Americas*, 37:2 (1980), p. 194; Áurea Toxqui, *'El recreo de los amigos': Mexico City's Pulquerías during the Liberal Republic (1856-1911)*, (unpublished doctoral thesis, University of Arizona, 2008), pp. 50-55; Arturo Soberón Mora and

market of Mexico City within an extensive trade network, in which Mexico City provided a point of sale, whilst traders from smaller towns and rural communities brought in the merchandise. Historians of pulque have focused primarily on urban consumption in the space of the *pulquería*.²⁶⁴ However, in looking only at the *pulquería*, our understanding of the way in which the city depended heavily on rural maguey-growing areas to meet the demand for pulque remains incomplete. I argue that although pulque taverns were a largely urban phenomenon, pulque trading as a whole was not. In recognising the importance and wide distribution of rural production alongside sale in regional towns and cities, I also show the great potential of the early colonial pulque trade as a lens through which to examine social life and responses to colonial change.

The presence of pulque commerce in a wide range of Native communities, encompassing a large sector of New Spain, extends the scope of this study far beyond Mexico City to offer insight into the lived experience of Indigenous actors in small towns and rural communities. As the status of Mexico City as a commercial market grew, the geographical spread of pulque production and maguey cultivation diminished in area but intensified in the regions closest to Mexico City. The relationship between Mexico City and the pulque-producing towns was largely reciprocal, meeting the needs of consumers in the city and rural pulque traders alike. Yet the balance was not completely equal. Regional and local networks of trade flourished far outside the city and sustained Indigenous livelihoods independently from the Mexico City trade to a much more significant degree than has previously been recognised. Whilst William Taylor has noted that participation in the pulque trade increased throughout the seventeenth century, particularly by traders from the rural areas and small towns surrounding Mexico City, his analysis heavily emphasises the role of the city and does not take into account the flourishing local markets in areas such as Puebla.²⁶⁵ Rural pulque traders often took

Miguel Ángel Vásquez Meléndez, *El consumo del pulque en la Ciudad de México, 1750-1800* (México D.F.: UNAM, Facultad de Filosofía y Letras, 1992).

²⁶⁴ Àurea Toxqui, “Breadwinners or Entrepreneurs? : Women’s Involvement in the Pulquería World of Mexico City, 1850-1910”, in Gretchen Pierce and Àurea Toxqui (eds.), *Alcohol in Latin America: A Social and Cultural History*, (Tucson: University of Arizona Press, 2014), pp. 104-130; Edgar Rojas Rivas and Felipe Carlos Viesca González, “El patrimonio gastronómico del municipio de Toluca: el caso del pulque y las pulquerías (1841-1920)”, *CIENCIA-ergo sum*, Vol. 24:1 (2017), pp. 34-43; Deborah Toner, “Everything in its Right Place? Drinking Places and Social Spaces in Mexico City, c. 1780-1900”, *Social History of Alcohol and Drugs*, 25 (2011), pp. 26-48; Michael C. Scardaville, “Alcohol Abuse and Tavern Reform in Late Colonial Mexico City”, *The Hispanic American Historical Review*, 60:4 (1980), pp. 643-671.

²⁶⁵ William B. Taylor, *Drinking, Homicide and Rebellion in Colonial Mexican Villages* (Stanford, CA: Stanford University Press, 1979), pp. 35-38. Taylor’s later geographic observations are confined to the eighteenth-century pulque trade.

advantage of the opportunities that Mexico City presented, but they were far from dependent on this pulque market to support their businesses. This chapter begins by considering the sources that are most useful for mapping the geographical spread of maguey cultivation and pulque production/sale, then moves on to present data which outlines the extent of the pulque trade between 1550 and 1668. In the next section of the chapter, I consider the role of Mexico City as a pulque market in comparison to regional markets. Finally, I show how participation in pulque and maguey commerce influenced Nahuas' ideas of place and belonging, in the context of increased Native migration throughout the sixteenth and seventeenth centuries

Sources

By making use of several groups of sources, namely the *relaciones geográficas* of the late sixteenth century, petitions brought to the *Juzgado General de Indios* (General Indian Court) in Mexico City and a number of wills left by Indigenous testators between 1554 and 1666, we can cross-reference maguey cultivation with pulque production. This presents a far clearer idea of both the geographical extent of pulque production during the sixteenth and seventeenth centuries and the extent to which cultivation of magueyes and production of pulque changed across this period.

The collection of documents now known as the *relaciones geográficas* were produced between 1579 and 1582, in response to the ever-growing need for detailed information regarding the towns of New Spain outside Mexico City. The pressing issues of land distribution and tenure, extraction of tribute from Native communities and of evangelising these populations, to name but a few, necessitated knowledge of population sizes, geographical locations, and land usage that up to this point had been sorely lacking.²⁶⁶ The towns surveyed were generally smaller rural settlements, located significant distances away from major towns. Mexico City and its neighbouring towns, such as Coyoacan and Xochimilco, were not included in the *relaciones geográficas*; clearly colonial officials felt that they were familiar enough with these areas given their proximity to the seat of New Spain's colonial administration. The *relaciones* were composed according to a template of fifty questions that addressed such features as the geography and climate of towns surveyed, their natural resources and information on the community's pre-conquest traditions. The *relaciones geográficas* covering the

²⁶⁶ Howard F. Cline, "The Relaciones Geográficas of the Spanish Indies, 1577-1586", *The Hispanic American Historical Review*, 44:3 (1964), p. 344.

archdioceses of Mexico and Tlaxcala are the most comprehensive records of sixteenth-century maguey agriculture in colonial central Mexico and give a good idea of the geographical spread of maguey agriculture during the 1570s and 1580s.²⁶⁷ The questionnaire was administered in the head town (*cabecera*) of each jurisdiction, whose representatives also gave information about the *cabecera*'s subject towns. Where a *cabecera* reported that maguey was a staple crop, it was likely the same was true for its subject towns. Even with the more conservative estimate produced by only looking at the *cabeceras*, over half of the communities surveyed in the *relaciones* counted maguey as a staple crop. Twenty-seven *cabeceras* in the archdiocese of Mexico and nine in Tlaxcala reported that maguey was a major cultivar in the local area.²⁶⁸ The *relaciones geográficas* are useful not only for mapping the geographical spread of communities that cultivated magueyes (question 12), but for the information they provide on why certain communities relied heavily on magueyes as a staple crop (questions 3 and 4) and what kind of products they tended to make from their magueyes (questions 23 and 33). The *relaciones* also provide valuable documentation on several small, geographically isolated communities, giving us a more complete picture of maguey cultivation outside populous areas.

Details of maguey agriculture are also prominent in a number of Indigenous wills from the sixteenth and seventeenth centuries. Historians of early colonial Mexico have long recognised the wealth of information that wills can provide on Native communities during this period; accordingly wills have played a key role as documentary material for a significant number of important ethnohistorical works on Indigenous communities in colonial Spanish America.²⁶⁹ Magueyes were commonly bequeathed in wills, often in

²⁶⁷ The *relaciones geográficas* have been collected and published in the following Volumes, which I refer to throughout this chapter: René Acuña (ed.), *Relaciones geográficas del siglo XVI: México*, Vol.s. 1-3 [digital edition] (Mexico D.F.: UNAM-IIIH, 2017); *Relaciones geográficas del siglo XVI: Tlaxcala*, Vol.s 1-2 [digital edition] (Mexico D.F.: UNAM-IIIH, 2017).

²⁶⁸ In the archdiocese of Mexico, the *relaciones* including maguey cultivation were those of Quauhquílpan, the mines of Cimapan, Totolapan/Tlayacapan, Citlaltepec, Xilotzingo, Tequixquiac, Atengo/Mixquiahuala, Alahuiztlan, Oztuma, Yetecomac, Tolnacuchtla, Tezcatepec, Hueypoxtla, Tecpatepec, Chiconautla, Zayula, Acolman, Atilalaquia, San Juan Teotihuacan, Epazoyuca, Tequiztlan, Tepexpan, Tetliztaca, Atlatlahcan, Tepoztlan, Cempoala and Tepeapulco. In Tlaxcala, magueyes appeared in the *relaciones* of Huehuetlan, Axocopan, Tepeaca, Tepetlan, Xalapa, Cholula, Chapultepec, Tetela/Hueyapan, Zoyatitlanapa, Chilapa and the city of Tlaxcala.

²⁶⁹ See for instance, S.L. Cline, *Colonial Culhuacan, 1580-1600: A Social History of an Aztec Town* (Albuquerque, NM: University of New Mexico Press, 1986); Leslie S. Offutt, "Levels of Acculturation in Northeastern New Spain: San Esteban Testaments of the Seventeenth and Eighteenth Centuries", *Estudios de cultura náhuatl*, Vol. 22 (1992), pp. 409-443; Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, OK: University of Oklahoma Press, 1995); Stephanie Wood, "Matters of Life and Death: Nahuatl Testaments of Rural Women, 1589-1801" in Susan Schroeder, Stephanie Wood and Robert Haskett (eds.), *Indian Women of Early Mexico* (Norman, OK: University of Oklahoma Press, 1997), pp. 165-198; Caterina Pizzigoni, *The Life Within: Local Indigenous Society in Mexico's Toluca Valley, 1650-1800* (Stanford, CA: Stanford University Press, 2012).

significant numbers, indicating both the presence of maguey cultivation in a given area, and the great value placed on maguey plants as a source of income in these areas. The making of a will in colonial Mexico, as Susan Kellogg and Matthew Restall have suggested, “could offer means, material and social, to strengthen family and communal practices”.²⁷⁰ Whilst a will communicated the final instructions of one person, the document “always connected an individual, of whatever time or place, to other family and community members.”²⁷¹ Wills including magueyes therefore also give us an insight into the social world inhabited by maguey owners and their relationships with others in their families and communities.

The third and most numerous group of sources for this chapter consists of lawsuits and petitions brought to the *Juzgado General de Indios*, a court of appeal created between 1585 and 1607 to handle the legal proceedings of New Spain’s Indigenous populations. The *Juzgado* was a court of appeal which fell under the jurisdiction of the *Real Audiencia* of Mexico, intended solely for the use of Indigenous litigants. Civil matters in villages and towns were supposed to be dealt with in the first instance by municipal officials (*alguaciles*). In the event this was unsuccessful, the case would be referred to the town council, then on to the Spanish administrator of the jurisdiction, known either as the *corregidor* or *alcalde mayor*. Cases that made it to the *Juzgado* were cases which could not be resolved to the plaintiffs’ satisfaction on a local level, often because the *alguaciles*, *alcaldes* or *corregidores* were themselves the source of the problem.²⁷² The introduction of the *Juzgado* therefore allowed litigants to petition the viceroy directly, circumventing local authorities. Petitioners were required to appear in person or via an authorised deputy before the *audiencia* (appellate court) in Mexico City, where they would attend one of the thrice-weekly hearings, represented by a lawyer of the court. Since the *Juzgado* was funded by a system of legal insurance, individual commoner litigants were able to access its services free of charge.²⁷³ This open access to Spanish courts meant that the non-elite, often poor and usually Nahuatl-speaking groups which made up the great majority of

²⁷⁰ Susan Kellogg and Matthew Restall, “The Irreplaceable Window: Reflections on the Study of Indigenous Wills” in Mark Z. Christensen and Jonathan Truitt (eds.), *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City, UT: University of Utah Press, 2015), p. 252.

²⁷¹ Kellogg and Restall, “The Irreplaceable Window,” p. 252.

²⁷² Rafael Sánchez Vázquez, “Juzgado general de indios, paradigma para hacer menos desiguales a los desiguales durante la Nueva España”, in Miguel Carbonell Sánchez and Óscar Cruz Barney, *Historia y Constitución. Homenaje a José Luis Soberanes Fernández, tomo II* (Mexico D.F.: UNAM- Instituto de Investigaciones Jurídicas, 2015), p. 483.

²⁷³ Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, CA: University of California Press, 1983), p. 93.

pulque traders are prominently represented in the historical legal record. The oral character of the court and the presence of interpreters removed the need for literacy, and individuals therefore appeared in the records of the *Juzgado* who left no other written trace.

Colonial-era Nahuas were especially prolific users of the Spanish legal system and interpretations vary as to how far Indigenous litigators throughout the Spanish Americas actively used the courts as a method of resistance. Whilst scholars such as Steve Stern and Susan Kellogg have found ample evidence of Native litigators using colonial courts to contest colonial intervention, they have also questioned how far Indigenous engagement with the Spanish legal system actually served to further Spanish hegemony over Native peoples.²⁷⁴ More recently, R. Jovita Baber has envisioned the process as “a composite of negotiated interests”, in which Native litigators came to influence the development of the courts of New Spain through the pursuit and negotiation of their own agendas.²⁷⁵ This is particularly evident in the early colonial pulque trade. Pulque traders consistently used the courts to defend their right to sell pulque, thereby compelling the colonial administration to introduce legislation that facilitated widespread Native participation and allowed these traders to occupy a significant niche in the commercial life of New Spain. This thesis further advances the scholarship regarding use of colonial courts by demonstrating that Indigenous litigators were able to use the Spanish legal system to support agendas that were directly at odds with the aims and attitudes of the colonial government. In their defence of pulque culture, petitioners at the *Juzgado* were accepting one form of hegemony (the legal system) to reject another form (attempts to prohibit or restrict pulque trading).

Geographical patterns in maguey cultivation and pulque production

Examining these groups of sources reveals an impressive geographical range of maguey cultivation and pulque production spanning the breadth of central Mexico, even including some neighbouring areas outside this region. Maguey cultivation and pulque production remained consistently high north of Mexico City, communities to the south and east of

²⁷⁴ Steve J. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640* (Madison, WI: University of Wisconsin Press, 1982), p. 137; Kellogg, *Law and the Transformation of Aztec Culture*, pp. 214-216.

²⁷⁵ R. Jovita Baber, “Empire, Indians and the Negotiation for the Status of City in Tlaxcala, 1521-1550” in Ethelia Ruiz Medrano and Susan Kellogg (eds.), *Negotiation Within Domination: New Spain's Indian Pueblos Confront the Spanish State* (Boulder, CO: University of Colorado Press, 2010), p. 38.

central Mexico were also deeply involved in maguey agriculture, reaching as far as the Pacific and Atlantic coasts.

The highest frequency of maguey cultivation throughout the early colonial period occurred in the region immediately north of Mexico City. Although the archaeological data examined in the previous chapter is insufficient to draw firm comparisons between pre-conquest and early colonial patterns of cultivation, it is worth noting that the sites identified as areas of pre-Hispanic maguey cultivation were also primarily situated to the north of Mexico City. Throughout the sixteenth and seventeenth centuries, the jurisdictions of Tetepango Hueyoxtla, San Cristóbal Ecatepec, Cempoala and Cuauhtitlan showed consistently high levels of participation in maguey agriculture; higher in fact than any other region of central Mexico. As early as the 1550s, magueyes were being cultivated in the jurisdiction of San Cristóbal Ecatepec.²⁷⁶ The *relaciones geográficas* of the late 1570s to early 1580s identified 13 areas north of Mexico City where maguey was a major cultivar.²⁷⁷ These were the towns of Quauhquilpan, Chiconautla (including San Cristóbal Ecatepec, Xaltocan and Tecama), Acolman, San Juan Teotihuacan, Tequizistlan, Citlaltepec, Yetecomac, Tolnacuchtlá, Hueyoxtla, Tepexpan, Tequixquiac, Texcoco and Xilotzingo. To the north-east of the city, in the region now encompassed by the state of Hidalgo, maguey cultivation was recorded in twelve towns: Mixquiahuala, Atengo, Tezcatepec, Axocopan, Tecpatepec, Cempoala, Zayula, Atitalaquia, Epazoyucan, Tetliztaca and Tepeapulco.²⁷⁸ These settlements varied

²⁷⁶ “Testamento de Don Juan Francisco, 1554” in Teresa Rojas Rabiela, Elsa Leticia Rea López, Constantino Medina (eds.), *Vidas y bienes olvidados: Testamentos indígenas novohispanos, Vol. 1, Testamentos en castellano del siglo XVI y en náhuatl y castellano de Ocotelulco de los siglos XVI y XVII*, (México D.F.: CIESAS, 1999), pp. 111-113.

²⁷⁷ “Relación de Chiconautlan y su partido”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, p. 223; “Relación de Quauhquilpan” in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, pp. 79-83; “Relación de Tequixquiac y su partido”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, pp. 169, 171, 178, 181, 183; “Relación de Tequizistlan y su partido”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, pp. 197, 199, 204, 206-207, 213; “Relación de la ciudad y provincia de Texcoco” in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 3*, p. 100; “Relación de Tolnacuchtlá y su partido”, Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 3*, pp. 137, 141-142.

²⁷⁸ “Relación de Atengo” in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, pp. 21-26; “Relación de Atlitlalaquia [sic] y su partido”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, pp. 40-47; “Relación de Cempoala, Epazoyuca [sic] y Tetliztaca”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, pp. 67, 76, 78; “Relación de las Minas de Cimapan”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, p. 91; “Relación de las Cuatro Villas”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, pp. 174-175; “Relación de las Minas de Tasco [sic]”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, p. 120; “Relación de Tepeapulco”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, p. 152; “Relación de Tolnacuchtlá y su partido”, Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 3*, pp. 130, 144, 147; “Relación de Zayula”, in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 3*, pp. 167-170.

in size and in the number of subject towns also covered by the settlement's *relación*, from those such as Quauhquilpan, a small town whose population had been decimated by sickness, to major towns like Texcoco.

In the *relaciones geográficas*, only four settlements are mentioned as locations of pulque production. This does not necessarily indicate that pulque was only made in these areas; indeed, it seems unlikely that pulque production was this limited during the 1570s and 1580s, given that a large number of communities in the region had come to rely on pulque commerce as their town's primary source of income by the early seventeenth century. It is far more probable that pulque production at this time was largely confined to small-scale domestic use, a common phenomenon which has been observed by William Taylor for Oaxaca and Rebecca Horn for Coyoacan throughout the sixteenth century.²⁷⁹ The jurisdictions of San Cristóbal Ecatepec and Cuauhtitlan were especially prominent in the seventeenth century pulque trade; the former had been cultivating magueyes intensively from at least the 1580s.²⁸⁰ Maguey cultivation, largely for the purposes of pulque production, was also present in a number of towns within the jurisdictions of San Juan Teotihuacan, Tenayuca and Xilotepec, though to a lesser degree.²⁸¹ The jurisdiction of Cempoala had reported that magueyes were a staple crop in its *relación* of 1580 and magueyes also continued to be used for pulque in the Cempoala region well into the seventeenth century.²⁸² Pulque making was a major source of income in these towns; virtually every town which reported pulque production stated that those who pursued the trade did so for their living. Petitions brought on behalf of entire communities furthermore

²⁷⁹ Taylor, *Drinking, Homicide and Rebellion*, pp. 49-53; Rebecca Horn, *Postconquest Coyoacan: Nahuatl-Spanish Relations in Central Mexico, 1519-1650* (Stanford, CA: Stanford University Press, 1997), p. 205.

²⁸⁰ For the data on San Cristobal Ecatepec and Cuauhtitlan, see Appendix 1.

²⁸¹ For Xilotepec, see AGN Indios, "A la justicia de Jilotepec, a fin de que haga justicia a Juan Guzmán y no consienta que Francisco de la Cruz y el gobernador le impidan el uso y aprovechamiento de sus magueyes", 1655, Vol. 18 Exp. 139. For San Juan Teotihuacan, see AGN Indios, "A la justicia de Tequisistlan a fin de que ampare a los naturales en los agravios que el teniente de Teotihuacan les hace", 1629, Vol. 10 Exp. 123; AGN Indiferente Virreinal, "Petición de Diego Luis, gobernador del pueblo de San Juan Teotihuacan para que se les recibiera información sobre propiedad de magueyes y poder vender pulque", 1653, Caja 3473 Exp. 3; AGN Indios, "Para que el corregidor del partido de San Juan Teotihuacan no moleste a Juan Diego ni a su padre", 1656, Vol. 20 Exp. 161; AGN Indios, "Para que el alcalde mayor de San Juan Teotihuacan no moleste a Josefa de los Reyes porque comercie con pulque", 1656, Vol. 20 Exp. 209. For Tenayuca, see AGN Indios, "Al corregidor de Tenayuca, para que averigüe si la parte de tierra y magueyes son de Francisca Mónica, india", 1591, Vol. 3 Exp. 465; AGN Indios, "Para que Juan Francisco, indio, ocurra al corregidor de la Ciudad de México para que le señale puesto y pueda vender el pulque de su cosecha", 1653, Vol. 17 Exp. 2.

²⁸² AGN Indios, "Vuestra Excelencia encarga haga guardar y cumplir las ordenanzas para vender pulque", 1654, Vol. 17 Exp. 1, fols. 13r-13v; AGN Indios Vol. 23, "Su Excelencia manda a la justicia del partido de Cempoala ampare a los naturales del mismo en unas tierras con cantidad de magueyes" 1658, Vol. 23 Exp. 12.

suggested that a significant proportion of the town's population was involved in the trade, hence the need to request blanket permissions to make and sell pulque.

After the region north of Mexico City, the next most prominent maguey-cultivating and pulque-producing region in the historical record was the area immediately surrounding the city. As the third section of this chapter will go on to explore, Mexico City was the most common destination for pulque sale from the late sixteenth century onwards. However, magueyes were very rarely cultivated in the city proper; what little maguey agriculture did exist in Mexico City was restricted to small subject towns on the outskirts of the city, such as Santa Marta and Los Reyes.²⁸³ The majority of maguey cultivation in the region took place in the large towns immediately surrounding Mexico City, which possessed the land resources necessary for cultivating significant quantities of maguey plants. Magueyes were cultivated extensively in Coyoacan as early as 1577, whilst at least one *pulquería* was operating in Xochimilco by 1579.²⁸⁴ These two settlements were the most involved in maguey cultivation and pulque making up to 1668. Both towns clearly had significant maguey holdings across the period, given that all petitions concerning pulque from Xochimilco and Coyoacan came from producer-sellers who owned their own magueyes.²⁸⁵ The town of Tacuba was also home to a flourishing pulque industry during the seventeenth century, which had likely been present since at least the 1590s, at which time the town already had significant maguey plantings.²⁸⁶

²⁸³ AGN Indios, "Licencia a María de la Cruz, india, para que libremente pueda beneficiar los magueyes y traer a vender el aguamiel", 1591, Vol. 3 Exp. 967; AGN Indios, "Para que la justicia de Los Reyes ampare a unos naturales de la Ciudad de México en la posesión de unas tierras y magueyes", 1633, Vol. 12 Exp. 76; AGN Indios, "Su Excelencia manda al corregidor del partido de Mexicaltzingo, no impidan a los naturales de los pueblos de Santa Marta, Los Reyes, sujeto al de San Juan, trajinar y vender el pulque blanco de sus cosechas", 1668, Vol. 24 Exp. 223.

²⁸⁴ "Testamento de Don Miguel Quetzalmiquiz, 1577", *Vidas y bienes olvidados Vol. 2*, pp. 198-203; AGN General de Parte, "Para que el corregidor de Xochimilco informe sobre Juan Serrano", 1579, Vol. 2 Exp. 31.

²⁸⁵ AGN Indios, "Al corregidor para que no entre de noche a las casas de los naturales", 1590, Vol. 3 Exp. 260; AGN Indios, "Para que la justicia de la ciudad de Xochimilco, ampare en sus tierras y magueyes a los naturales del pueblo de Santa Ana", 1656, Vol. 20 Exp. 149; AGN Indios, "Para que la justicia y sus ministros no impidan a Francisco Antonio y Maria Nicolasa, de Coyoacan, traer pulque blanco sin raíz" 1640, Vol. 13 Exp. 103; AGN Indios, "Para que el corregidor de Coyoacan, guarde las ordenanzas del gobierno hechas en relacion de hacer y vender los naturales pulque blanco", 1656, Vol. 20 Exp. 139; AGN Indios, "Su Excelencia manda al corregidor de Coyoacan, no impidan a los dichos naturales del pueblo de San Jacinto plantar magueyes y vender pulque blanco", 1659, Vol. 23 Exp. 297.

²⁸⁶ "Testamento de Catalina Quetzamel, 1590", *Vidas y bienes olvidados Vol. 1*, pp. 224-228; "Testamento de Don Alonso de la Cruz Thezozomoc, 1590", in *Vidas y bienes olvidados Vol. 1*, pp. 144-146; AGN Indios, "Concede licencia Su Señoría a Juan Cano, para que no siendo prohibido por la ordenanza pueda vender pulque blanco", 1629, Vol. 10 Exp. 28; AGN Indiferente Virreinal "Petición que presentó Doña Jhoana Agustina, natural de la villa de Tacuba para que se le dé licencia y pueda vender su pulque blanco", 1639, Caja 6224 Exp. 27; AGN Indiferente Virreinal, "Solicitud de licencia que presenta Don Gabriel de San Antonio, indio principal de la villa de Tacuba para que se le permita vender su producción de pulque blanco", 1641, Caja 6063 Exp. 46; AGN Indiferente Virreinal, "Francisca Sesilia

Petitions were especially frequent in these towns during the 1650s, suggesting something of a boom during this time, though the content of these documents suggests that residents of these towns had been accustomed to make their living from *aguamiel* and pulque for some decades prior to 1650. The town of Tacubaya appears to have been well-known as a place of pulque production from the late sixteenth century; the annals of the renowned Nahuatl historian Chimalpahin for the year 1594 made reference to “the people from Tacubaya who make their living through white pulque”.²⁸⁷ Indeed, Tacubaya appeared with some frequency in petitions as a location of *aguamiel* and pulque production between 1595 and 1659, as did Iztapalapa from the 1630s onward.²⁸⁸

To the south and south-east of Mexico City, the *relaciones geográficas* indicated extensive maguey cultivation. The region immediately south of the city (corresponding to the modern state of Morelos) featured heavily in the *relaciones geográficas* as an area where maguey agriculture was widely practiced. Towns located in Morelos were amongst the few settlements to mention practices of pulque making or consumption in their *relaciones*. For instance, the *relación* of Tepoztlán indicated that residents of the town and its six *sujetos* made pulque from their magueyes along with maguey syrups, though the informants did not mention selling this pulque.²⁸⁹ Pulque makers or sellers from this region, however, hardly appear at all in the historical record from the 1580s up to 1668, save for two petitions from traders in the jurisdiction of Cuernavaca, one brought in the

viudad india principal, vecina y natural de la villa de Tacuba del barrio de Santorum solicitó licencia para trajinar y vender pulque”, 1653, Caja 128 Exp. 4; AGN Indios, “A la justicia de Tacuba y sus ministros no impida al gobernador y naturales de dicho pueblo beneficiar el pulque blanco”, 1655, Vol. 18 Exp. 12; AGN Indios, “Para que las justicias de Su Majestad no impidan a los naturales contenidos en el expediente trajinar el pulque blanco”, 1655, Vol. 18 116.

²⁸⁷ Domingo Francisco de San Antón Muñón Chimalpahin Cuauhtlehuanitzin, *Annals of His Time: Don Domingo de San Antón Muñón Chimalpahin Quauhtlehuanitzin*, eds. James Lockhart, Susan Schroeder, Doris Namala (Stanford, CA: Stanford University Press, 2006), pp. 50-51.

²⁸⁸ AGN Indios, “Se concede licencia a las indias de Tacubaya, para que cada una de ellas pueda traer a México un cantarillo de miel blanca de maguey”, 1594, Vol. 6 Pt 2; AGN Indios, “Concede Su Señoría licencia a los indios de Tacubaya, para que libremente puedan beneficiar la miel blanca”, 1595, Vol. 6 Pt 1 Exp. 1094; AGN Indios, “Para que durante cuatro meses beneficien los naturales de los barrios de Tacubaya la miel blanca de maguey” 1596, Vol. 6 Pt 1 Exp. 1166; AGN Tierras, “Queja de Juana Francisca contra Nila Francisca por haberse introducido a sus terrenos y abierto gran cantidad de magueyes”, 1644, Vol. 2829 Exp. 3; AGN Indios, “Su Excelencia manda al teniente de la villa de Tacubaya, ni otro alguno impidan a los naturales el trajín y venta del pulque blanco”, 1659, Vol. 23 Exp. 417; AGN Indios, “Para que el corregidor de Iztapalapa ampare a Agustina Melchora, india natural de dicho pueblo”, 1633, Vol. 12, Exp. 71; AGN Indios, “Su Excelencia da facultad al corregidor de esta ciudad, juez de la comisión del pulque, para que dé doce licencias más”, 1648, Vol. 15 Exp. 71; AGN Indios, “Su Excelencia, habiendo visto lo pedido por Miguel Jerónimo y demás naturales del pueblo de Iztapalapa, manda al corregidor de Mexicaltzingo les vuelva las cinco cargas del pulque”, 1656, Vol. 20 Exp. 61 bis.

²⁸⁹ “Relación de las Cuatro Villas” in Acuña (ed.), *Relaciones geográficas del siglo XVI: México*, p. 173.

1590s and the second in 1657.²⁹⁰ In the jurisdictions of Toluca and Tenango del Valle, situated to the south-east of Mexico City, wills from Metepec and Hueytenango testified to the presence of intensive maguey cultivation.²⁹¹ Petitions about maguey ownership brought to the *Juzgado* from nearby Calimaya show that maguey agriculture continued throughout the 1590s; similar petitions from Tlacotepec, Metepec and San Juan Tepehuisco were heard by the court during the 1640s-1650s, of which two specifically referred to pulque trading as a major source of income in the area.²⁹² During the course of the 17th century, the large jurisdiction of Chalco appeared as the key pulque producing centre of the region. Out of the *relaciones geográficas* for Chicoalapa, Chimalhuacan and Tetela/Hueyapan (the only towns in this jurisdiction which had produced *relaciones*), however, only the latter mentioned maguey cultivation.²⁹³ Chalco's later participation may have been in response to the growing popularity of pulque commerce rather than a continuation of long-established maguey agriculture in the region. Towns in the jurisdiction of Chalco participated steadily in the pulque trade between the 1620s and 1650s, ranging in size from the large *cabecera* town of Chalco itself to small rural communities such as San Juan Tlapitzahuayan.²⁹⁴ The town of Santa Catalina Cuitlahuac appeared with especial frequency in the documentary record of the pulque trade. Possibly because of the town's favourable location at a major waterway to Mexico City, pulque trading was a major occupation in Santa Catalina in the mid-1600s.²⁹⁵ In addition to

²⁹⁰ AGN Indios, "Al corregidor de Cuernavaca, para que no consienta que los tenientes y alguaciles entren de noche a las casas de los naturales", 1591, Vol. 5 Exp. 691; AGN Indios, "Su Excelencia manda al alcalde mayor de la villa de Cuernavaca, guarde y cumpla las ordenanzas de gobierno que dan la forma en que los naturales han de vender el pulque blanco de sus cosechas y no les impida tal cosa a las indias Magdalena, María Juana, Petronila Juana, Elena de la Cruz, Clara Elena, Juana Ursula, naturales del pueblo de San Gaspar Tetela de esa jurisdicción", 1657, Vol. 21 Exp. 115.

²⁹¹ "Testamento de Ygnacio Antonio Carrillo, 1568, *Vidas y bienes olvidados Vol. 1*, pp. 124-127; "Testamento de Don Juan Francisco de Victoria Cortés, 1570, *Vidas y bienes olvidados Vol. 1*, pp. 154-164.

²⁹² AGN Indios, "Al corregidor de Toluca, para que averigüe si la parte de tierra de Diego de San Miguel es de su propiedad así como los magueyes", 1591, Vol. 3 Exp. 656; AGN Indios, "Al corregidor de Toluca para que haga averiguación sobre si el pedazo de tierra y magueyes es de Juan Tlalolin", Vol. 3 Exp. 692; AGN Indios, "Para que las justicias de Su Majestad no impidan a Nicolás de la Peña su mayordomo, traer a la Ciudad de México dos cargas de pulque blanco", 1648, Vol. 15 Exp. 68; AGN Indios, "A la justicia de Toluca para que no consienta que los de Xocotitlan y Calimaya entren con pulque", 1651, Vol. 16 Exp. 6; AGN Indios, "Al alcalde mayor de Metepec, ampare a Sebastián de la Cruz y demás citados en el expediente, del pueblo de San Felipe en sus tierras y magueyes", 1654, Vol. 17 Exp. 61.

²⁹³ "Relación de Coatepec", in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 1*, pp. 117-163; "Relación de Tetela y Hueyapan", in Acuña (ed.), *Relaciones geográficas del siglo XVI: México Vol. 2*, pp. 230-137.

²⁹⁴ For the data on Chalco, see Appendix, section 1, "Maguey and pulque in the large jurisdictions of New Spain".

²⁹⁵ AGN Indios, "La justicia de Santa Catalina Cuitlahuac a fin de que impida que los alguaciles les pongan impedimento a los naturales para comerciar con el pulque blanco de sus cosechas", 1640, Vol. 13

Chalco's record of pulque production, litigation over the possession of magueyes was initiated by petitioners from San Juan Temamatla and Amecameca during the late sixteenth to early seventeenth century.²⁹⁶

High rates of participation in maguey agriculture and pulque commerce also occurred in the jurisdiction of Tlaxcala, particularly when we consider the small size of the region.²⁹⁷ In the *relaciones geográficas*, Tlaxcala was one of the settlements that provided a very detailed description of the maguey plant. The *relación* of Tlaxcala also indicated that houses surrounding the city frequently had their own maguey plantings and indeed magueyes appeared very frequently in early colonial wills from Tlaxcala. The frequency with which magueyes were bequeathed in wills not only indicates that magueyes were a major cultivar but that they were valued as a particularly useful source of long-term income for the testator's family. Whilst pulque sale was generally confined to the city of Tlaxcala, as the only major city in the region, a large proportion of these wills originate from small towns subject to the *cabecera* of Ocotelolco, suggesting that the hubs of pulque production in Tlaxcala were generally small settlements, whose residents then transported their pulque to the city for sale. The subject towns of Ocotelolco continued to cultivate magueyes throughout the early colonial period, though wills in which magueyes were mentioned were most common prior to 1600. Given the high rate of maguey cultivation in Tlaxcala, however, documentation regarding pulque making is less common than might be anticipated.

It is worth taking into account here Tlaxcala's unique status within the viceroyalty of New Spain. In exchange for their assistance as military allies in the Spanish conquest, the Tlaxcalans had negotiated a number of privileges, amongst them the right to be exempted from *encomienda* and certain tax privileges.²⁹⁸ To a certain extent, elite Tlaxcalans continued as rulers of the territory, albeit as vassals to the Spanish Crown.

Exp. 110; AGN Indios, "Para que las justicias de Chalco y ciudad de Xochimilco no impidan a Gabriel Juan, natural de dicho pueblo de Santa Catalina Tlahuac, vender pulque", 1657, Vol. 21 Exp. 163; AGN Indios, "Su Excelencia manda a los corregidores de Mexicalzingo y Coyoacan, no impidan a los naturales del pueblo de Santa Catalina pasar con sus cargas de pulque blanco", 1659, Vol. 23 Exp. 298; AGN Indios, "Su Excelencia manda al corregidor de Mexicalzingo, deje pasar libremente a los naturales del pueblo de Santa Catalina con el pulque blanco", 1659, Vol. 23 Exp. 299.

²⁹⁶ AGN Indios, "Hace saber al alcalde de Chalco y manda se averigüe si las tierras y magueyes son de la viuda e hijos de Martín Vázquez", 1590, Vol. 3 Exp. 58; AGN Indios, "Para que la justicia de Amecameca ampare a Diego Raimundo en sus tierras y magueyes", 1633, Vol. 12 Exp. 65.

²⁹⁷ The modern state of Tlaxcala is the smallest state in Mexico; it has been suggested that the area subject to the city of Tlaxcala was even smaller during the 16th century (Charles Gibson, *Tlaxcala in the Sixteenth Century* (New Haven, CT: Yale University Press, 1967), pp. 6-10).

²⁹⁸ Peter B. Villela, *Indigenous Elites and Creole Identity in Colonial Mexico, 1500-1800* (New York, NY: CUP, 2016), pp. 89-90.

Whilst Tlaxcala adopted the Spanish municipal system of government, for instance, *cabildo* members were almost exclusively Native Tlaxcalan nobles and the position of governor rotated between the ruling lineages of Tlaxcala's four pre-Hispanic *altepetl*.²⁹⁹ Much of the documentation on pulque making originates from circumstances in which pulque producers had come into conflict with local authorities; this kind of interaction seems to have been far less frequent in Tlaxcala. We have seen in the previous chapter that misinformation and lack of knowledge regarding pulque played a key role in Spanish mistrust of the pulque trade during the early colonial period. In a region where Indigenous rulers continued to administer the territory, officials may have been far less concerned about pulque simply from knowing more about the practice of pulque making and its importance to the regional economy. Stemming from their assistance to the Spanish during the conquest and their persistence in reminding the Crown of their invaluable role, the people of Tlaxcala were in many ways privileged over other Indigenous groups during the early colonial period.³⁰⁰ Although Tlaxcalans never formally requested that pulque regulations be altered in their favour, the relative freedom with which Tlaxcalan pulque traders were able to pursue their business did reflect the special status Tlaxcala held in early colonial New Spain.

The region of Puebla, to the far south-east of Mexico City, showed significant participation in both maguey cultivation and pulque production during the late sixteenth century into the seventeenth century. The *relaciones geográficas* reported that maguey was a widely cultivated crop in the towns of Cholula and Zoyatitlanapa, though only Cholula later appeared in the archival record as a pulque-producing town.³⁰¹ In the jurisdictions of Puebla, Cholula and Zacatlan, pulque and *aguamiel* production was split fairly evenly between medium and small towns; though there was some concentration around the bigger cities of Puebla and Cholula.³⁰² Maguey cultivation remained a steady

²⁹⁹ James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries* (Stanford, CA: Stanford University Press, 1992), pp. 32-33, p. 42.

³⁰⁰ See Peter B. Vilella, "Indian Lords, Hispanic Gentlemen: The Salazars of Colonial Tlaxcala", *The Americas*, Vol. 69:1 (2012), pp. 7-10; R. Jovita Baber, "Empire, Indians and the Negotiation for the Status of City in Tlaxcala, 1521-1550" in Ethelia Ruiz Medrano and Susan Kellogg (eds.), *Negotiation Within Domination: New Spain's Indian Pueblos Confront the Spanish State* (Boulder, CO: University of Colorado Press, 2010), pp. 19-44.

³⁰¹ "Relación de Ahuatlan y su partido", in Acuña (ed.), *Relaciones geográficas del siglo XVI: Tlaxcala Vol. 2*, p. 59; "Relación de Cholula", in Acuña (ed.), *Relaciones geográficas del siglo XVI: Tlaxcala Vol. 2*, pp. 116-117.

³⁰² These towns included Zacatlan (AGN Indios, "Para que la justicia de Zacatlan ampare a Ana de Olmos, sin que le ponga en impedimento en vender pulque blanco", 1641, Vol. 13 Exp. 329), San Salvador Huejotzingo (AGN Indiferente Virreinal, "Solicitud de Doña Francisca Figueroa para poder

source of income in the jurisdiction of Puebla across the late sixteenth into the seventeenth century, initially for the *aguamiel* trade, which was supplanted by pulque by the 1640s.³⁰³ If the concerns of the town *cabildo* of Puebla regarding the presence of *pulquerías* were anything to go by, the city represented a major pulque market in the region. Certainly, Native sellers were permitted to continue trading in the city despite the anxious *cabildo*.³⁰⁴ The success of an almost exclusively Native form of commerce within a city whose population was predominantly Spanish appears unusual. However, the jurisdiction of Puebla was mostly made up of very small towns, making the city of Puebla the largest market in the region to buy or sell goods of any kind. It is likely that Native residents of small towns often came to the markets of Puebla to shop and therefore constituted an additional clientele alongside Puebla's own Indigenous population.

The dominance of the pulque trade by towns located close to Mexico City was greatly facilitated by their proximity to the city, which functioned as central Mexico's biggest pulque market. The rise in pulque production across central Mexico indicates an active response both to growing demand for pulque and to legislation which favoured Indigenous producer-sellers. The tendency of colonial legislation to restrict pulque production and sale to Native populations has already been made clear in the previous chapter, but it was another ruling from the 1630s which greatly boosted the ability of Native producers to defend their trade. The *ordenanza* of 1608 had stipulated that only Natives could make or sell pulque and had (unsuccessfully) attempted to limit the sale of the drink only to those who made it themselves; by the 1630s, colonial authorities appear to have realised that restricting the pulque trade to Indigenous producer-sellers had had little effect on reducing its scope. It was therefore determined that only those towns within five leagues of Mexico City would be granted the right to bring their pulque to the city

extraer miel blanca", 1640, Caja 4629 Exp. 9), Tolcayuca (AGN Indios "Su Excelencia concede licencia a los naturales del pueblo de Tlocayuca [sic] para que puedan trajinar el pulque blanco de sus cosechas", 1658, Vol. 23 Exp. 103), Tepeapulco (AGN Indios, "Para que las justicias de Su Majestad, teniente de San Cristobal y guardas del consulado, no impidan a los naturales de Tepeapulco pasar y trajinar con sus mulas", 1651, Vol. 16 Exp. 135), San Francisco Chietla (AGN Indios, "Para que la justicia del partido de Chietla y sus ministros, no impidan a los naturales del pueblo de San Francisco Chietla y sus sujetos hacer y vender pulque blanco", 1656, Vol. 20 Exp. 168) and Tepeaca (AGN Tierras, "Para que los naturales que en esta se refiere no se les impida el beneficiar de sus magueyes y vender el pulque blanco", 1667, Vol. 2946 Exp. 591).

³⁰³ The last Pueblan petition concerning *aguamiel* was brought in 1640, the first since 1597 (AGN Indiferente Virreinal, Caja 4629 Exp. 9; AGN Indios, "Se concede licencia a los naturales congregados en la Ciudad de los Angeles, para que libremente puedan vender el aguamiel", 1597, Vol. 6 Pt 1 Exp. 1186). The first petition regarding pulque in Puebla was heard by the *Juzgado* in 1641 (AGN Indios, Vol. 13 Exp. 329).

³⁰⁴ Archivo General Municipal de Puebla (Puebla, Mexico) Actas de Cabildo, 1615, Vol. 15 fol 69f.

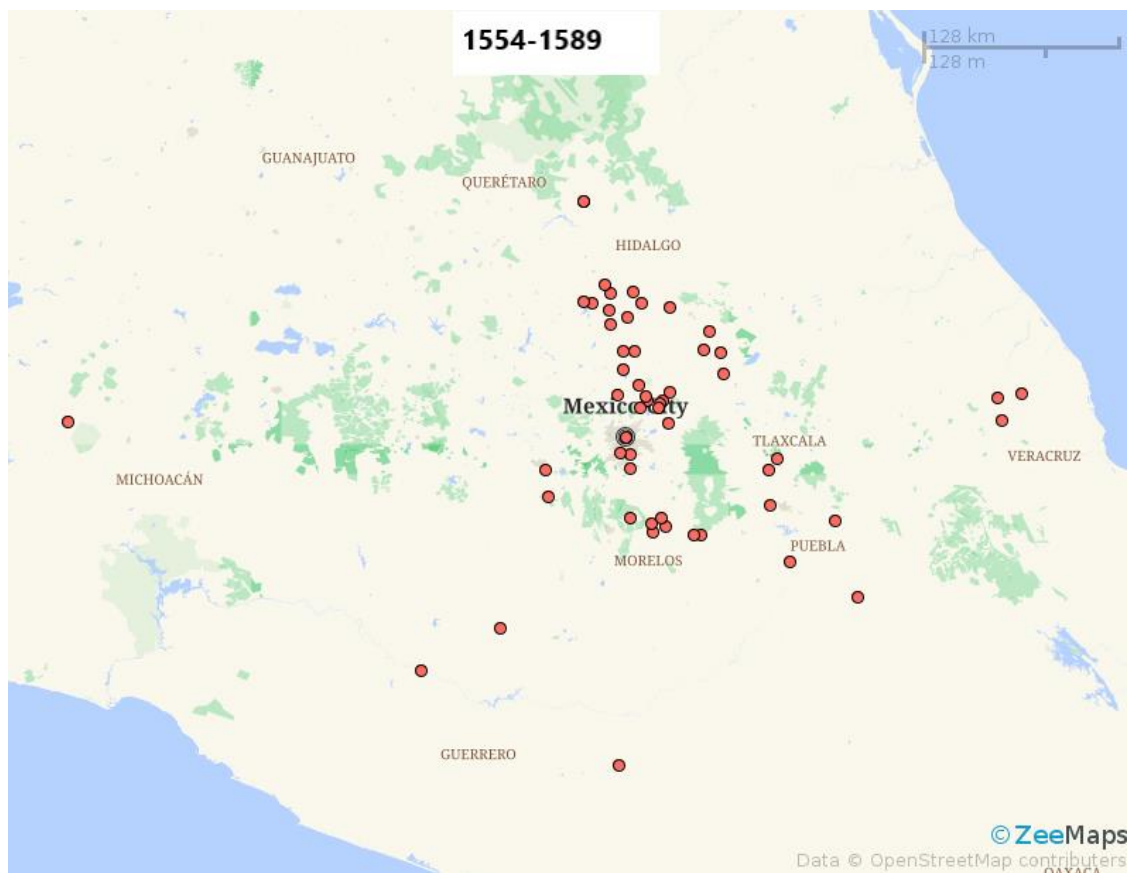
for sale.³⁰⁵ The ruling was not adhered to in its entirety: the provision that only three Native women per town could transport pulque to the city was roundly ignored. Men frequently transported pulque, either alone or as part of mixed groups, and groups of traders far exceeding three people travelled to Mexico City with their pulque throughout the seventeenth century.³⁰⁶ Despite disregarding some aspects of the ruling, petitioners also began to seize on the protection that it offered towns close to Mexico City. Quite apart from shrinking the pulque trade, this ruling gave pulque makers who lived near the city an additional legal handhold to defend their businesses. Given that the majority of pulque in Mexico City actually originated from these regions, this could only serve to encourage participation in these areas, as more and more producers took advantage of exclusive access to the markets of the city.

³⁰⁵ The ruling (c. 1639) is reproduced in AGN Indios Vol. 17 Exp. 1, fols. 9r-9v.

³⁰⁶ See Appendix, section 2b for data on men trading pulque..



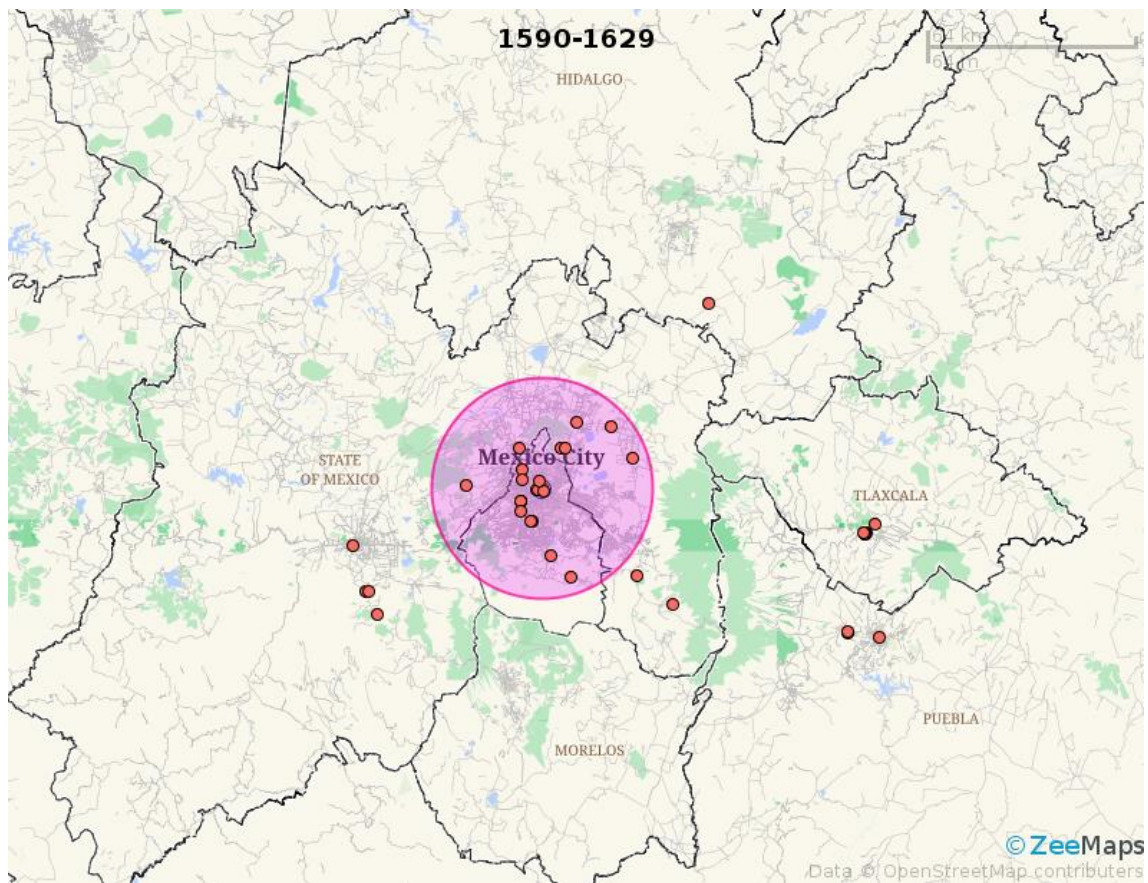
Map 1: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1554-1589, Mexico view.



Map 2: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1554-1589, central Mexico view.



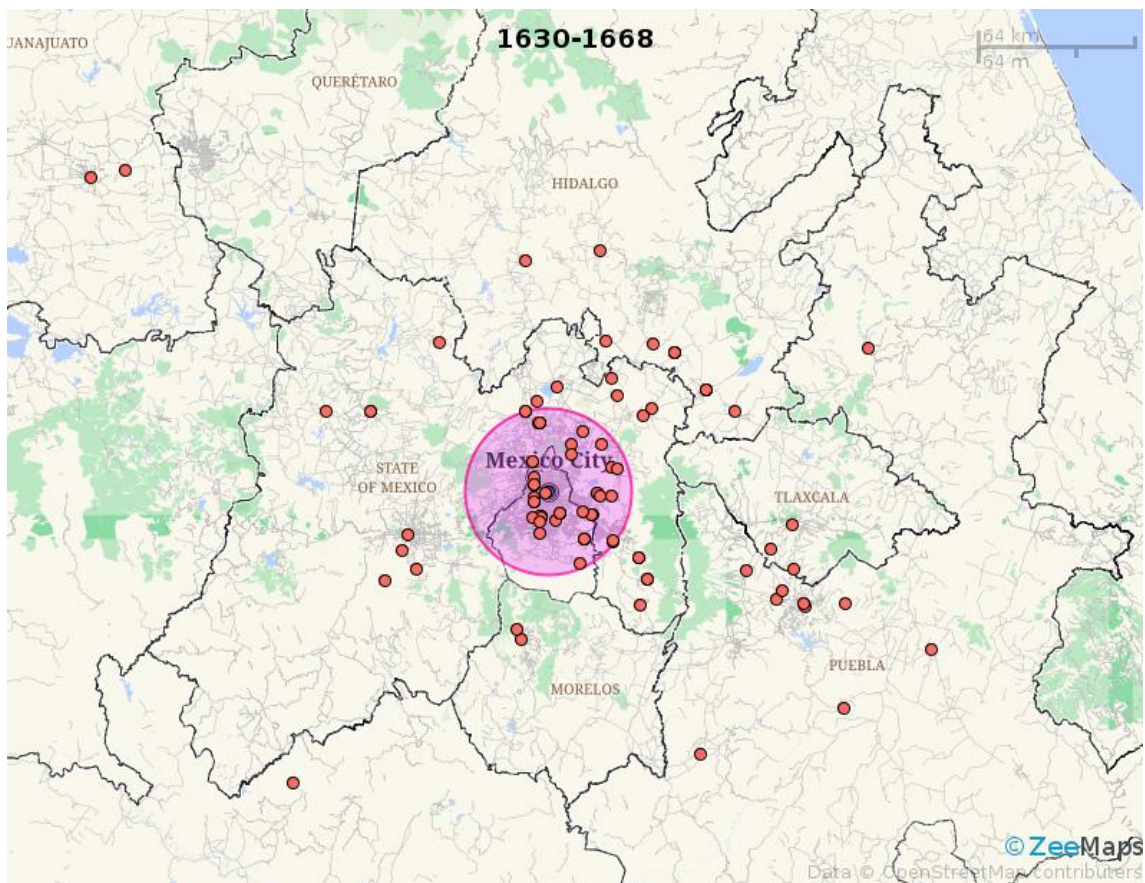
Map 3: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1590-1629, Mexico view.



Map 4: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1590-1629, central Mexico view. Red circle indicates radius of five leagues.



Map 5: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1630-1668, Mexico view.



Map 6: Distribution of maguey cultivation and pulque/*aguamiel* production in New Spain, 1590-1629, central Mexico view. Red circle indicates radius of five leagues.

Decentring Mexico City: pulque markets, mobility and rural pulque production

The archival record of pulque commerce demonstrates clearly that Mexico City functioned as a key market for pulque selling. Half of all cases involving pulque trading that appeared before the *Juzgado de Indios* stated that the petitioners' pulque was to be sold in Mexico City.³⁰⁷ The city's pulque predominantly came from the areas now encompassed by the State of Mexico, along with towns later absorbed into Mexico City, such as Coyoacan and Tacuba. Following the ruling which granted Indigenous producers living within five leagues (*leguas*) of Mexico City the right to transport their pulque into the city without the need for a formal licence, the city became the primary destination for producers within this distance.

Roland Chardon has calculated the *legua* as roughly equivalent to four miles, giving a radius of around twenty miles within which producers could freely come and go between their towns and Mexico City.³⁰⁸ Yet as Valentina Garza Martínez points out, travellers in new Spain chiefly relied on measuring the time taken to travel to measure the distance between their points of departure and arrival, estimating distance by the number of steps taken in a certain amount of time, probably an hour.³⁰⁹ The number of *leguas* a producer believed themselves to be travelling varied substantially depending on terrain and mode of travel, thus producers from outside the five *leguas* specified probably also travelled to sell their product in Mexico City. This seems even more likely when we consider an interesting testimony found in a collection of *ordenanzas* compiled in 1654.³¹⁰ A tax official, Alonso de Aviles had complained to the *audiencia*, blaming the increase in pulque sales for a general decrease in the sales of Spanish wine in the city. Unsurprisingly, the letter also contained a good deal of railing against the social evils of the easy availability of pulque. In the testimony addressing these complaints, the *alcalde del crimen* (judge of criminal cases) for the *audiencia* suggested that pure white pulque was perfectly healthy. The drunkenness and criminality that Aviles ascribed to pulque in general, the *alcalde* explained, was actually a result of "another sort of white pulque,

³⁰⁷ Not including the suits in which the petitioners did not mention where they sold their pulque.

³⁰⁸ Roland Chardon, "The Elusive Spanish League: A Problem of Measurement in Sixteenth-Century New Spain", *Hispanic American Historical Review*, 60:2 (1980), p. 295.

³⁰⁹ Valentina Garza Martínez, "Medidas y caminos en la época colonial: expediciones, visitas y viajes al norte de la Nueva España (siglos XVI-XVIII)", *Fronteras de la Historia*, 17:2 (2012), p. 202.

³¹⁰ AGN Indios Vol. 17, Exp. 1, fols. 6r-9v. The section in question has no date, but directly responds to a complaint letter (also reproduced) from 1639, regarding the sale of pulque in Mexico City, so is likely to have been written around this time.

which is brought in from fifteen or twenty leagues outside the city, to which [producers] add sugar, honey or cornmeal so that it may reach [the city] without spoiling”, in other words, the much-maligned *pulque mezclado*.³¹¹ Taking the estimate of four miles per *legua* as a rough guide, the producers mentioned here would have been bringing their product to Mexico City across distances of around sixty to eighty miles. For producers to travel this kind of distance, the financial payoff must have been significant.

Selling one’s product in Mexico City did indeed present a number of advantages for pulque producers. Even following periods of dramatic depopulation during the sixteenth century, the Indigenous tribute-paying population of Mexico City was roughly 7,600 people in 1644; since not all Indigenous groups were liable for tribute, the actual population figure was likely higher than 20,000.³¹² Mexico City was also home to significant populations of non-Native groups, amongst them approximately 4000 Spanish householders by 1610.³¹³ Although non-Natives were strongly discouraged from buying or consuming pulque, they certainly had the opportunity in the city to do so. A large number of potential buyers meant that producers had a far better chance of selling their pulque within the day, minimising waste and loss of profits due to spoilage. When selling such a perishable product, the concern must have been to sell as much pulque as possible as fast as possible. While those travelling from far outside the city could use additives, they would do so at considerable risk of having their pulque confiscated and facing arrest.

The rise of the *pulquería* (pulque tavern) in Mexico City had produced an increased daily demand for fresh pulque. Estimates as to the number of these taverns varied. The Aviles petition estimated the number of *pulquerías* in Mexico City in 1639 as between 200 and 250, whilst a complaint addressed to the viceroy in 1610 claimed that over 4000 houses in the city made and/or sold pulque.³¹⁴ The second estimate is likely to be exaggerated, given that by the 1660s there were apparently only twenty-four *pulquerías* in the city, though this figure probably included only large taverns and not

³¹¹ AGN Indios Vol. 17 Exp. 1, fol. 8v.

³¹² Charles Gibson estimated the tributaries of Mexico City at 7,631 in 1644, which R. Edward Cope has extrapolated to give a figure of between 21,350 and 26,700 Native residents including non-tributaries (Gibson, *The Aztecs under Spanish Rule*, p. 142; R. Edward Cope, *The Limits of Racial Domination: Plebeian Society in Mexico City, 1660-1720* (Madison, WI: University of Wisconsin Press, 1994), p. 20). However, as Susan Kellogg points out, multi-generational complex households were common during the early colonial period and a household with two or three tribute payers could have had many more people living there (Kellogg, “Households in Late Prehispanic and Early Colonial Mexico City: Their Structure and Its Implications for the Study of Historical Demography”, *The Americas*, 44:4 (1988), pp. 486-487).

³¹³ Peter Gerhard, *A Guide to the Historical Geography of New Spain* (Cambridge, CUP: 1972), p. 182.

³¹⁴ AGN Indios Vol. 17 Exp. 1, fol. 7v; AGN Indiferente Virreinal, “El señor Alonso Alcocer solicita que no se vende pulque compuesto”, 1610, Caja 4292 Exp. 20.

small-scale *pulquerías* run from domestic premises or unlicensed *pulquerías*.³¹⁵ Regardless of the total number of *pulquerías* in the city, however, even supplying one or two establishments represented a significant source of income for pulque traders. Compared with selling to individuals for personal use, the quantity of pulque required by *pulquerías* meant that many producers and sellers were in a good position to sell the entire load they had brought to the city. The demand for pulque in the city was apparently so great that by 1639, around 300 loads of pulque were entering Mexico City each week.³¹⁶

It was this ready availability of pulque for purchase from travelling producers that gave rise to a new phenomenon: that of the pulque seller. Chapter 1 demonstrated that producer-sellers predominated in the pre-Hispanic marketplace, and they remained a significant presence in the pulque markets of early colonial Mexico. However, the influx of pulque into the markets of Mexico City presented ample opportunity to buy pulque and sell it on. Working solely as a pulque vendor was an occupation limited almost exclusively to Mexico City. The potential for easy profit without the necessity of owning magueyes was clearly appealing and the demand for licences to sell pulque as an approved vendor was high.³¹⁷

Whilst Mexico City may have been the centre of pulque selling, it was certainly no hub of pulque production, due to its limited maguey holdings. The city appears to have been a highly desirable location to sell, but this market was reliant on a constant flow of pulque producers into the city. Maguey cultivation rarely took place in highly urbanised locations. Pulque commerce could not have flourished as it did in colonial Mexico City, had not producers from neighbouring jurisdictions made the journey day after day to keep urban drinkers' cups full of pulque.

These journeys were greatly aided by the use of horses and mules to facilitate transportation of large amounts of pulque across distances. Beasts of burden were a Spanish introduction to Mesoamerica since the region had no native fauna suitable for domestication as transport animals. Nahuas, however, took to European livestock quickly. As James Lockhart has shown, the enthusiastic adoption of European animals by Nahuas was reflected in the speed with which Nahuatl terms for these animals were created, or their Spanish names incorporated into Nahuatl as loanwords.³¹⁸ Tatiana Seijas has

³¹⁵ Juan Pedro Viqueira Albán, *Propriety and Permissiveness in Bourbon Mexico*, trans. Sonya Lipsett-Rivera and Sergio Rivera Ayala (Wilmington, DE: Scholarly Resources, 1999), p. 157.

³¹⁶ AGN Indios Vol. 17 Exp. 1, fol. 8v.

³¹⁷ See AGN Indios, Vol. 15 Exp. 71, fol. 1v.

³¹⁸ Lockhart, *The Nahuas Before the Conquest*, p. 279.

demonstrated the crucial role of mules as transport animals in the vital commercial route provisioning Mexico City from the port of Acapulco.³¹⁹ The frequent mention of mules in pulque petitions indicates that traders on smaller routes closer to the city also opted for the convenience of mule. Having the use of even a single mule drastically increased the amount of pulque that could be transported to markets, whereas producer-sellers could previously only take what they could carry themselves, unless they had access to waterways to take the goods by boat. In settlements where pulque production was a key source of income, ownership of mules seems to have been common. In one communal suit brought by the residents of small towns subject to the city of Puebla, the petitioners reported that around forty-three people living in the towns were responsible for transporting pulque to the city using their mules.³²⁰

The second crucial advantage of using horses or mules was the greatly increased distance that could be covered with relative ease. Out of the petitions to the *Juzgado* which mentioned the use of mules to transport pulque to Mexico City, only one petitioner travelled fewer than twenty-five miles to sell their pulque.³²¹ The furthest situated producers in the archival record regularly travelled between forty to forty-five miles from Tolcayucan to Mexico City to pursue their trade and claimed that this had been their custom for many years.³²² Three producers from Cuauhtitlan, Juan de Estrada, Bartolomé de Estrada and doña María de Estrada transported six loads of their pulque to Mexico City, two loads per mule, while Lorenzo Felipe and Felipe de la Cruz of Azcapotzalco used six mules to carry their pulque to Cuauhtitlan for sale.³²³ Juan Gregorio, who transported his pulque from his hometown of Zumpango to Mexico City, reported that he regularly took a sizeable twelve loads per journey using his twelve mules.³²⁴

³¹⁹ Tatiana Seijas, “Inns, Mules and Hardtack for the Voyage: The Local Economy of the Manila Galleon in Mexico”, *Colonial Latin American Review*, 25:1 (2016), p. 66.

³²⁰ These were the towns of San Francisco Sopeyango, Santa Ynes Sacabeles, Santo Toribio Xiatzingo, San Luis Teolocholco, San Francisco Peyanlotitlan, San Antonio Auauquamantla, Santa Ysabel Xiloxochitlan, Santa María Acuitlapilco and San Geronimo (AGN Tierras, “Para que el alcalde mayor de la Ciudad de los Ángeles ampare a estos naturales y no consienta que Don Diego de Galicia les lleve derechos por razon de vender pulque blanco”, 1667, Vol. 2947 Exp. 23).

³²¹ This was Juan Cano from Tacuba, who travelled only about 5 miles with his mules and horses: AGN Indios, Vol. 10 Exp. 28.

³²² AGN Indios, “Su Excelencia concede licencia a los naturales del pueblo de Tlalcayuca [sic], para que puedan trajinar el pulque blanco de sus cosechas”, 1658, Vol. 23 Exp. 103.

³²³ AGN Indios, “A las justicias de Su Majestad no impidan a Juan de Estrada traer cada uno dos cargas de pulque blanco”, 1649, Vol. 15 Exp. 125 Cuaderno 2; AGN Indios, “Para que las justicias de Su Majestad no impidan a los naturales contenidos en el expediente trajinar el pulque blanco permitido”, 1655, Vol. 18 Exp. 116.

³²⁴ AGN Indios, “Para que la justicia no impida a Juan Gregorio, natural de Zumpango, traer a la Ciudad de México doce cargas de pulque blanco”, 1649, Vol. 15 Exp. 47 Cuaderno 2.

Owning mules could also be useful for sellers based in large cities, who did not make their own pulque. Doña Francisca de Castañeda, the alleged *pulquería* keeper from Mexico City who appeared in the previous chapter, was said to own several mules which she used to transport pulque to her house from outside the city.³²⁵ In a similar fashion, Francisca Moreno of Puebla requested permission for her husband to transport pulque into the city using their mules so that she could sell it in the main plaza.³²⁶ In both cases, access to beasts of burden made these women's businesses possible, enabling them to move pulque from rural producers to cities in sufficient amounts to turn a profit. Those who could afford horses were able to further ease the journey for themselves by riding alongside their mules rather than walking. A group of nobles who brought suit on behalf of the Native residents of Puebla, complained of being fined both for using mules to transport pulque and for going on horseback.³²⁷

In comparison to this widespread use of pack animals, the use of boats to transport pulque to Mexico City was far less common. Boats had been a key method of goods transport prior to the conquest, allowing merchandise to be carried across Lake Texcoco to Tenochtitlan.³²⁸ For those who lived near viable waterways, boats continued to offer a convenient mode of transporting pulque. The residents of Santa Catalina Cuitlahuac took advantage of their town's location by the water to transport their pulque to Mexico City, as did a number of producers from Iztapalapa, who transported five loads of pulque using their boat.³²⁹ Don Agustín Marcos and Doña Agustina María, a married couple from Culhuacan who petitioned the *Juzgado* in 1657, also owned a boat which they used to carry their pulque to Mexico City and claimed that it had been their custom for many years to transport their produce in this way.³³⁰ Since Culhuacan was known as an area of maguey cultivation for *aguamiel* and pulque, Doña Agustina and Don Agustín were unlikely to have been the only pulque producers from the town who made use of their

³²⁵ AGN Tierras, "Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa" 1592, Vol. 2879 Exp. 12.

³²⁶ AGN Indios, "Su Excelencia concede licencia a Francisca Moreno, para que libremente pueda vender pulque blanco", 1651, Vol. 16 Exp. 52.

³²⁷ AGN Tierras, "Sobre carta que se despachó al común y naturales de la Ciudad de los Ángeles, para que el alcalde mayor no les impida el trajín y venta del pulque blanco", 1653, Vol. 2990 Exp. 61.

³²⁸ For an in-depth study of lake and waterway navigation and its role in pre-Hispanic commerce, see Alexandra Biar, *Navigation et installations lacustres dans les hautes terres du Mexique: les cas Mexica et tarasque* (Oxford: Archaeopress, 2018).

³²⁹ AGN Indios, Vol. 13 Exp. 110; AGN Indios, Vol. 20 Exp. 61 bis.

³³⁰ AGN Indios, "Su Excelencia concede licencia a Agustín Marcos y Agustina María, principales del pueblo de Culgoacan[sic], para que puedan traer a esta ciudad pulque blanco", 1657, Vol. 21 Exp. 253.

access to waterways.³³¹ For these pulque traders, there was clearly no need to utilise the new European modes of transport; the waterways continued to serve them well in the colonial period. For those travelling long distances over land to reach the city, however, the availability of pack animals opened up lucrative new trading opportunities which many pulque traders were quick to seize. With access to mules and horses, it was now possible to bring greater quantities of pulque to the city over longer distances without the drink spoiling. In the new trade networks of the sixteenth and seventeenth centuries, the ability to travel by boat no longer presented such a marked advantage.

Even with mules and waterways to facilitate transport to Mexico City and the appeal of the city as a market for pulque, producer-sellers who travelled fifty-plus miles to sell their pulque were an exception to the general pattern. The collection of petitions examined in this thesis contains a significant number of documents from the regions now encompassed by the states of Puebla and Tlaxcala. Of these petitioners, none were asking for permission to sell pulque in Mexico City. Each petitioner asked instead to be allowed to sell their pulque either in the main town of their jurisdiction, or in smaller neighbouring towns. Amongst those petitioning to sell in Puebla, were the residents of the community of San Juan Cuauhtlatzingo, in the jurisdiction of Cholula. The petitioners claimed that it had been the custom in their town, for as long as anyone could remember, to buy pulque from producers in Cholula and take it to sell on in Puebla, the region's largest city.³³² Smaller towns also presented an opportunity for producers and sellers to make significant profit. Ana de Olmos, a maguey owner from Zacatlan, employed five workers to cultivate her magueyes, produce pulque from the plants and sell the resulting pulque on her behalf.³³³ Employing this number of people to help in one's pulque business was not a common feature of rural pulque commerce, indeed, Ana de Olmos was the only producer-seller to mention a workforce greater than one or two servants. It therefore seems very likely that Ana was prospering from her business, despite only selling at the markets of Zacatlan and small nearby towns in the same jurisdiction.

Yet closer to Mexico City, pulque commerce also thrived on the local level, indicating a lively trade between and within small communities. Despite living in areas where producers were entitled to sell their wares in Mexico City, a significant number of

³³¹ Cline, *Colonial Culhuacan*, pp. 138-139.

³³² AGN Indios, "Para que el alcalde mayor de Cholula deje trajinar y vender libremente el pulque blanco a los naturales de San Juan Cuauhtlatzingo" 1654, Vol. 17 Exp. 189.

³³³ AGN Indios, Vol. 13 Exp. 329.

pulque makers opted instead to sell locally, whether in the markets of their own towns or in the other towns of their jurisdiction.³³⁴ For communities in the bigger jurisdictions of New Spain, selling within their jurisdiction still allowed them access to profitable markets without the inconvenience of travelling to Mexico City. In their 1642 petition, a group of pulque producer-sellers from Tlalmanalco, the main *cabecera* of Chalco, mentioned selling within their town and in the markets of Chalco, Ozumba and various small towns in the jurisdiction.³³⁵ The petitioners gave no indication, however, that they ever travelled to Mexico City to sell pulque, although according to a 1653 *ordenanza* Chalco was included in the five *leguas* surrounding Mexico City whose inhabitants could sell their pulque without a license.³³⁶ The residents of Chicoalapa, also located in Chalco, also sold their pulque “in the markets and plazas of their [own] town and of their jurisdiction”, rather than making the journey to Mexico City.³³⁷

Some producers shortened the distance travelled even further by selling pulque in their own homes. As the cases of Doña Francisca Castañeda and of the Tlaxcalan cacao sellers showed in the previous chapter, profitable pulque businesses could be run from domestic premises. The pulque seller Francisca Moreno, who chiefly sold pulque in the main plaza of the city of Puebla, also reported that she sold the drink from her house.³³⁸ This must have suited Francisca, given that in her petition she mentioned having six children. René Reeves has shown that domestic alcohol production was commonplace amongst Guatemalan women during the nineteenth century, since it fitted well around tasks they were already expected to perform in the home.³³⁹ For colonial-era Nahua women such as Francisca Moreno, selling pulque from their houses was probably

³³⁴ AGN Indios, “A la justicia de Tequisistlan a fin de que ampare a los naturales en los agravios que el teniente de Teotihuacan les hace”, 1629, Vol. 10 Exp. 123; AGN Indios, “Para que el teniente de San Agustín de las Cuevas y sus ministros guarden las ordenanzas de gobierno que indican que los naturales pueden hacer y vender el pulque blanco de sus cosechas, y no les impida tal cosa a los naturales de los pueblos de San Agustín de las Cuevas y San Andrés Axuchco”, 1656, Vol. 20 Exp. 108; AGN Indios, Vol. 13 Exp. 224; AGN Indios, “Para que la justicia de Tlalmanalco no haga molestias a las indias contenidas en el expediente por sacar y vender el pulque blanco de sus cosechas”, 1641, Vol. 13 Exp. 325; AGN Indios, Vol. 15 Exp. 97; AGN Indios, “A la justicia de Toluca para que no consienta que los de Xocotitlan y Calimaya entren con pulque”, 1651, Vol. 16 Exp. 6; AGN Indios, Vol. 18 Exp. 158; AGN Indios Vol. 18 Exp. 201; AGN Indios Vol. 18 Exp. 139.

³³⁵ AGN Indios, “Para que no se impida a unas indias de Tlalmanalco vender pulque blanco”, 1642, Vol. 14 Exp. 38.

³³⁶ AGN Indios, Vol. 17 Exp. 1, fols. 11r-11v.

³³⁷ AGN Indios, “Para que las justicias de Chicoalapa no impidan a los naturales beneficiar sus magueyes y vender el pulque blanco”, 1655, Vol. 18 Exp. 158, fol. 1v.

³³⁸ AGN Indios Vol. 16 Exp. 52.

³³⁹ René Reeves, “From Household to Nation: The Economic and Political Impact of Women and Alcohol in Nineteenth-Century Guatemala”, in David Carey Jr (ed.), *Distilling the Influence of Alcohol: Aguardiente in Guatemalan History* (Gainesville, FL: University Press of Florida, 2012), p. 61.

appealing for the same reasons: it allowed women to pursue their trade in the same space in which they performed the gendered tasks that underpinned the daily life of Nahuatl households.

In the towns of San Andrés Axuchco and San Agustín de las Cuevas, it was apparently common practice for pulque producer-sellers to sell their product both at local markets and from their houses, while the pulque producers of Coyoacan carried out the entire fermentation process from inside their houses and sold the remaining pulque to other Native residents.³⁴⁰ Domestic sale must have relied to a great degree on word of mouth, and on good relations with other community members. Those who did so successfully were probably well-liked or at least well-accepted by their communities. Yet belonging in a community or having one's connection to a place recognised was no simple matter, as we will see in the next section.

Place, migration and belonging in the colonial pulque trade

The petitions of pulque producers and sellers throughout the early colonial period display not only a clear awareness of how their geographical location influenced their rights to sell pulque, but also how their place of origin determined such vital issues as land tenure, community obligations and community privileges. Place had long shaped how Nahuas understood their social identities, and how they defined themselves in relation to others. Whilst the vast majority of central Mexico had been incorporated into the Mexica empire by the early sixteenth century, scholars have observed that communities retained a strong sense of corporate identity well into the colonial period.³⁴¹ Geography played an essential role in defining one's position in the world and in dictating how different groups interacted with each other during the sixteenth and seventeenth centuries. Yet as migration to new locales became a key feature of colonial

³⁴⁰ AGN Indios, Vol. 20 Exp. 108; AGN Indios, "Su Excelencia manda al corregidor de la villa de Coyoacan, no impida que los naturales hagan y vendan pulque blanco", 1656, Vol. 20 Exp. 162.

³⁴¹ In this context, corporate identity refers to the way in which communities conceived of their town as possessing its own distinct values, customs and rights; see Stephanie Wood, "The Evolution of the Indian Corporation of the Toluca Region, 1550-1810", *Estudios de cultura náhuatl*, 22 (1992), pp. 381-407; James Lockhart, "Views of Corporate Self and History in Some Valley of Mexico Towns, Late Seventeenth and Eighteenth Centuries" in James Lockhart, *Nahuas and Spaniards: Postconquest Central Mexican History and Philology* (Stanford, CA: Stanford University Press, 1991), pp. 39-64; Leslie S. Offutt, "Defending Corporate Identity on New Spain's Northeastern Frontier: San Esteban de Nueva Tlaxcala, 1780-1810", *The Americas*, 64:3 (2008), pp. 351-375.

life for many Native peoples, migrants found their connections to their hometowns challenged, and this is particularly apparent in petitions regarding magueyes.³⁴²

A number of petitions related to maguey agriculture shed light on the way in which some Native migrants continued to define their relationship and obligations to their rural communities of origin, despite having migrated to urban settings. One such example was the case of Diego Raimundo of Amecameca, who brought suit in 1633, complaining of difficulties in administering his lands from Mexico City, where he had migrated and married. The petition stated that Diego had attempted to appoint somebody to administer the lands on his behalf but had been prevented from doing so by the *tequitlatos* (officials in charge of collecting tribute) on the grounds that he no longer lived in Amecameca. For the last four years, Diego reported, the *tequitlatos* of Amecameca had been profiting from his lands and, when he visited Amecameca in person, “they treated him [so] poorly in word and deed, even having the governor arrest him, that he no longer dared to go [there]”.³⁴³ While Diego still saw himself as a landowner of Amecameca, the tribute collectors mentioned in the petition adopted a different model of belonging, whereby migration to another location cut a person’s rights of possession in their home community. Since Diego no longer paid tribute in Amecameca, his lands, in their view, were fair game.

This was not an isolated case. A woman named Agustina Melchora had migrated to Mexico City from Iztapalapa and was facing similar problems. Agustina was the godmother of two orphan wards, whose parents had bequeathed magueyes to Agustina for the upkeep of the children. Like Diego, Agustina Melchora attempted to appoint a local administrator for these lands. However, Agustina claimed to have been met with a far more violent response from the men who had been profiting from the lands in her absence; one of whom apparently trampled her with his horse, causing her such injury that “she [found] it impossible to support herself and, being so poor, the minors [would] perish.”³⁴⁴ Whilst Agustina still identified herself as an *india natural* of Iztapalapa, her opponents felt that migrating had severed her rights of possession. It is likely that Agustina’s status as a woman representing the inheritance rights of two young children was also a factor in the encroachment on her lands. However, the case’s similarity to the

³⁴² For more on migration to cities in colonial Mexico, see John Kicza, “Migration to major metropolises in colonial Mexico”, in David J. Robinson (ed.), *Migration in Colonial Spanish America* (Cambridge, CUP: 1990), pp. 193-211.

³⁴³ AGN Indios, “Para que la justicia de Amecameca ampare a Diego Raimundo en sus tierras y magueyes”, 1633, Vol. 12, Exp. 65.

³⁴⁴ AGN Indios, Vol. 12 Exp. 71, fol. 1r.

Diego Raimundo suit and a further suit from the town of Los Reyes suggests that on a number of occasions, migrants were perceived as having given up their claims to land in their Native towns by choosing to relocate.

The Los Reyes suit also occurred in 1633 and followed a similar pattern: Juan Miguel, Agustín Juárez, Juan Lorenzo and Mateo Miguel had migrated from the town of Los Reyes to San Pablo, a neighbourhood of Mexico City.³⁴⁵ Whereas Diego and Agustina had only been away from their towns of origin for a few years, the two Juans, Agustín and Mateo had left Los Reyes over twenty years previously. Despite the length of time that had passed since the petitioners had lived in Los Reyes, the group continued to state their right to possess land there and demanded payment for the twenty-plus years that the residents of Los Reyes had been harvesting the maguey plot.

Yet sometimes, it was the Native migrants themselves who refused their connection to their communities of origin and thereby caused problems for those still resident in the town. One 1654 suit brought by a group of local Indigenous leaders from the town of San Felipe addressed the collection of tribute and contributions to the local church from a former resident named Melchor de la Cruz, who had migrated to Tlacotepec thirty years previously.³⁴⁶ The petitioners clearly considered that Melchor was still liable for tribute “and everything else that he owed as a duty to the community”, although he had not lived there for decades.³⁴⁷ Melchor de la Cruz refused to pay tribute in San Felipe; in response, the petitioners requested that access to the lands and magueyes be granted to claim the money they were owed. Whereas the residents of Los Reyes rejected the continued membership of Juan Miguel, Agustín Juárez, Juan Lorenzo and Mateo Miguel in their community after they relocated, the officials of San Felipe persisted in claiming Melchor de la Cruz as a member of their community, with all the responsibilities that this involved.

Some migrants seem to have considered that marriage to a Native of their new town entitled them to a share of the town’s communal resources, including access to maguey crops. Their neighbours often had quite different ideas. The residents of Santiago complained in 1658 that a *mestizo* man named Diego Ramírez had taken advantage of his

³⁴⁵ AGN Indios, “Para que la justicia de Los Reyes ampare a unos naturales de la Ciudad de México en la posesión de unas tierras y magueyes ” 1633, Vol. 12 Exp. 76.

³⁴⁶ AGN Indios, “Al alcalde mayor de Metepec, ampare a Sebastián de la Cruz y demás citados en el expediente del pueblo de San Felipe en sus tierras y magueyes” 1654, Vol. 17, Exp. 61.

³⁴⁷ AGN Indios Vol. 17, Exp. 61, fol. 1r.

marriage to a local woman to harvest communal maguey plots.³⁴⁸ The indignation of the townspeople in this petition stemmed largely from the fact that Diego Ramírez had presumed that marrying a native of Santiago entitled him to dominate community lands. While his identification as a person of mixed race was probably not insignificant in this case, the key reason that the people of Santiago rejected Diego Ramírez's claim to communal land was that he himself was not from the town. Place of origin clearly played a central role in the kind of access to resources that a migrant could claim.

While the migrants so far featured in pulque and maguey-related petitions seem to have moved from their hometowns willingly, not all Native migration during the early colonial period was voluntary. The institution of *congregación* (forced relocation of entire communities) was introduced by the colonial government as a method of concentrating Native populations into smaller geographical territories, thereby facilitating the projects of evangelisation, extraction of labour and tribute collections.³⁴⁹ *Congregación* presented serious challenges to those communities which relied on maguey agriculture but were relocated far from their maguey plots. Since magueyes mature slowly, the loss of a community's original maguey plots could mean the loss of decades of careful cultivation.

One method of addressing this issue consisted of returning to ancestral towns to access the maguey plots, whilst still maintaining residence in the place of relocation. In one suit from 1597, several groups who had been congregated in Puebla petitioned for permission to continue travelling to their towns of origin to harvest *aguamiel* from their magueyes.³⁵⁰ The petitioners claimed that they had no access to lands in the city and that the magueyes left behind in their hometowns therefore represented their primary means of income. This case also suggests a reason behind the flourishing pulque and *aguamiel* trade in Puebla city, despite its minority Indigenous population. Communities relocated to Puebla who had previously made a living from their magueyes probably continued to do so in their new place of residence, using their original lands. It was a wise move on the part of these petitioners to defend their access to their maguey plots. After all, the abandonment of community lands through *congregación* presented an opportunity for residents of neighbouring settlements. Such was the case for the residents of Tlaquilpa

³⁴⁸ AGN Indios, "Su Excelencia manda a la justicia del partido de Tecamachalco ampare a los naturales que se señalan en las tierras y magueyes que fueron suyos" 1658, Vol. 23 Exp. 125.

³⁴⁹ Peter Gerhard, "Congregaciones de indios en la Nueva España antes de 1570", in *Los pueblos de indios y las comunidades*, ed. Bernardo García Martínez (México, D.F.: El Colegio de México, 1991), p. 32, p. 69.

³⁵⁰ AGN Indios, Vol. 6 Pt 1 Exp. 1186.

who brought suit in 1648, defending their claim to the magueyes that had formerly belonged to the town of San Miguel.³⁵¹ The inhabitants of San Miguel had been relocated through *congregación* and had left behind a significant quantity of magueyes, which the residents of Tlaquilpa had then begun to cultivate. The petitioners were clearly convinced that their proximity to San Miguel's lands entitled them to claim the land once it was depopulated. On this count, the law apparently agreed with them; the petition cited a previous *real cédula*, which had ruled that lands left behind by relocated communities were only to be accessed by the neighbouring Native towns. It is unclear who exactly had been contesting the Tlaquilpan claim; the suit merely referred to "persons of great influence" (*algunas personas con mano poderosa*), but a later suit from Cempoala suggests that the interlopers may well have been Spaniards.³⁵² Although the residents of Cempoala claimed the maguey plantings of the depopulated towns of Santa Clara Tuluacan and Nuestra Señora de la Concepción Tlachoquitalco, they were prevented from harvesting the magueyes by two local Spaniards, also described as having *mano poderosa*, who clearly saw the depopulation of the lands as an opportunity to make use of its magueyes.³⁵³ Hence, whilst forced migration presented certain advantages for the towns near depopulated locations, these lands were also attractive to non-Natives keen for easy profit. Moreover, not all communities were willing to give up their magueyes so easily and defended their ownership vigorously, even across a considerable distance.

This connection of place with the right to land ownership and usage was profoundly important in Indigenous communities of colonial New Spain. Owning land with magueyes was a prerequisite for participating in the pulque trade as a producer-seller, and those who had left their hometowns struggled to retain their magueyes after they were no longer physically present in the town. As migration became an increasingly common feature of colonial life, connection to place was continually challenged by elements of Spanish colonial organisation and by Native communities and individuals, according to their own agendas.

³⁵¹ AGN Tierras, "Para que la razón de lo pedido por parte del gobernador y alcaldes del pueblo de Tlaquilpa, la justicia del los ampare en sus tierras y magueyes" 1648, Vol. 2977, Exp. 133.

³⁵² AGN Tierras, Vol. 2977 Exp. 133, fol. 1r; AGN Indios, Vol. 23 Exp. 129.

³⁵³ AGN Indios, Vol. 23 Exp. 129, fol. 1r.

Conclusion

Over the course of the mid-sixteenth to mid-seventeenth centuries, the location of maguey cultivating areas and pulque producing areas showed some significant variation. Several regions which had reported intensive maguey cultivation during the 1570s and 1580s appeared infrequently in seventeenth-century records. Conversely, a number of towns which had been mentioned sparingly or not at all in the *relaciones geográficas* became significant loci of pulque making during the last decade of the sixteenth century into the seventeenth century. As Mexico City became an attractive market for pulque, the regions immediately north of and surrounding Mexico City were home to the greatest number of pulque-producing settlements. As John Kicza has shown, the large pulque *haciendas* that would later force many Native pulque traders out of the market tended to be located in these areas.³⁵⁴ Indigenous pulque producers laid out a geographical template for profitable cultivation that Spanish *hacienda* owners would appropriate for themselves during the eighteenth and nineteenth centuries. The prominence of this central-north region was due not only to its proximity to Mexico City but to the thriving regional trade connections which enabled pulque producers to profit without travelling to the city. These trade networks were also vitally important in regions such as Puebla and Tlaxcala, where transporting pulque to Mexico City was infeasible.

Geography shaped trade patterns to a significant extent, however Native participants in the pulque trade took full advantage of any opportunity to mitigate the impact of their location on their business. This could be by using pack animals and boats to lessen the weight of their cargos and to facilitate travel over longer distances, or by pursuing their trade only as a seller. Often willing to travel considerable distances, early colonial pulque traders were exceptionally mobile in the pursuit of their business. Despite their frequent movement between towns and territories, the importance of belonging to a certain place remains clear throughout the documentary record. Relocated communities and individuals fought to retain access to their magueyes, whilst ties to a community of origin could be claimed or rejected depending on the use of maguey resources. Proximity to trade locales and maguey plots was key but could be negotiated. People, not place, determined the extent and success of the pulque trade, and it was Indigenous people who would continue to exploit their knowledge of the colonial state to pursue their livelihood

³⁵⁴ Kicza, "The Late Colonial Pulque Trade", p. 202.

as pulque producers and sellers. Accordingly, the next chapter emphasises the agency of Nahua pulque traders within the colonial state, exploring the diverse range of actors who engaged in pulque commerce, thereby shedding further light on the central role of pulque trading in the social and economic life of individuals and communities across New Spain.

Chapter 4: Indigenous agents in the early colonial pulque trade

In 1641, eight Native women from the town of Tlalmanalco— Juana de Ojeda, Ana María, María Jiménez, Francisca Pérez, Sebastiana de San Miguel, Francisca de la Fuente, Cristina Constantina and Juana Rodríguez— brought their case to the *Juzgado de Indios* in Mexico City.³⁵⁵ The women were full-time pulque producer-sellers who plied their trade in the markets of their region and complained of being continually harassed and fined by local authorities. Since no resolution had been found on a local level, the *pulqueras* of Tlalmanalco travelled to the *Juzgado de Indios*. The problems described in their petition were fairly typical of the kind of pulque-related lawsuits which appeared before the *Juzgado* and the viceroy ruled in the petitioners' favour, ordering the cessation of any interference in their pulque business. This should have been the end of the matter. Yet, the Tlalmanalca pulque makers would return to the *Juzgado* twice more.³⁵⁶ The extraordinary persistence of the women of Tlalmanalco, who made a sixty-mile round trip to the city each of the three times they submitted a petition, testified to the central role that their participation in pulque commerce played in their lives.

Pulque producers and sellers like the women of Tlalmanalco have so far tended to be overlooked as historical agents. In the previous chapter, I referred to the way in which histories of pulque have generally emphasised consumption rather than production, concentrating largely on *pulquerías*. As well as obscuring the relationship between urban markets and outside production, focusing on consumption tells us very little about the Indigenous agents who developed the pulque trade through their engagement in production and sale. A marked scholarly emphasis on the pulque trade during the eighteenth and nineteenth centuries has further contributed to the marginalisation of Indigenous traders within the historiography. Studies by José Jesus Hernández Palomo, John Kicza, Arturo Soberón Mora and Miguel Ángel Vázquez Meléndez have demonstrated that by this time participation in pulque production was greatly homogenised and dominated by wealthy creole landowners.³⁵⁷ Shifting temporal focus to

³⁵⁵ AGN Indios, “Para que la justicia de Tlalmanalco no haga molestias a las indias contenidas en el expediente por sacar y vender el pulque blanco”, 1641, Vol. 13 Exp. 325.

³⁵⁶ AGN Indios, “Para que no se impida a unas indias de Tlalmanalco vender pulque blanco”, 1642, Vol. 14 Exp. 38.

³⁵⁷ Arturo Soberón Mora and Miguel Ángel Vázquez Meléndez, *El consumo del pulque en la Ciudad de México, 1750-1800* (México D.F.: UNAM, Facultad de Filosofía y Letras, 1992); John E. Kicza, “The Pulque Trade in Late Colonial Mexico City”, *The Americas*, 37:2 (1980), pp. 193-221; José Jesús Hernández Palomo, *La renta del pulque en Nueva España, 1663-1810* (Seville: Escuela de Estudios Hispano-Americanos, 1979).

the sixteenth and seventeenth centuries shows a very different picture. The records of pulque producers and sellers from this time reveal a diversity in participation that spanned social class, gender, individual and communal involvement, demonstrating the vital role that Indigenous pulque traders played in local economies.

This chapter examines the multitude of Indigenous agents involved in the early colonial pulque trade: who they were and what drove them to make their living in pulque. Where the previous chapter focused on the geographical spread of the trade, emphasising the importance of rural locales in maintaining the pulque businesses of the capital, this chapter focuses on the agents who created and maintained these trade networks and how their activity underpinned the social lives of both individuals and communities. To understand the central role of pulque commerce in the social reality of New Spain, I turn to court documentation from the *Juzgado de Indios*, rather than the pulque legislation on which the second thesis chapter focused. Pulque legislation and other documentation authored by colonial officials provides a clear image of what colonial authorities understood the pulque trade to be and how they thought it should function, rather than how it actually did. The language of these documents does not differentiate between the diverse Indigenous agents involved in the pulque trade, referring to participants only as *indios*. There is little to no indication in pulque legislation of what kind of individuals or communities were involved in the pulque trade and why they chose to participate in an occupation which the colonial administration continually tried to restrict.

The focus on Indigenous actors as historical agents is a key development in the study of colonial Mexico, initially spearheaded by such scholars as Charles Gibson and Miguel León-Portilla who emphasised Native perspectives on events which had previously only been studied from the Spanish point of view.³⁵⁸ The increasing use of Native-language materials by scholars of the New Philology from the 1980s onwards—already examined in detail in the introduction to the thesis—further advanced the degree to which historians were able to access, or at least, approximate Indigenous voices and experiences. More recently, Mónica Díaz has taken up the question of how Indigenous peoples of the Americas perceived their own identities within a colonial framework that identified them purely as “Indians”, centring Indigenous actors as “active producers of

³⁵⁸ See Miguel León-Portilla, *Visión de los vencidos: Relaciones indígenas de la conquista* (Mexico D.F.: Universidad Nacional Autónoma de México, 1959); Charles Gibson, *Tlaxcala in the Sixteenth Century* (New Haven, CT: Yale University Press, 1952); Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810* (Stanford, CA: Stanford University Press, 1964).

their own identities”.³⁵⁹ The related issue of how and when Indigenous people began to utilise the category of “Indian” or “Indigenous” has also been recently addressed by Susan Kellogg, who persuasively argues that although Nahuas rarely described themselves as *indios* in Nahuatl-language writings, they were aware that “such a legal status existed in the minds and institutions of Spaniards and that the status could be mobilized when it proved useful”.³⁶⁰ Self-identification as an *indio* was therefore far more common in Spanish-language documents, where the term invoked a specific legal status and the privileges or protections associated with this.³⁶¹ This chapter responds to these ideas through examining the identities presented in pulque petitions as constructs, rooted in both the categories petitioners assigned to themselves and the categories that they perceived the colonial state had already assigned to them. Pulque petitioners were aware that their Indigeneity was connected to certain legal provisions regarding the drink and utilised this idea accordingly in their petitions.

A history of early colonial pulque production and sale necessitates the positioning of Indigenous individuals and communities as active and influential agents, not least because pulque commerce survived the conquest and its aftermath solely through the efforts of Native pulque makers and sellers. This chapter draws from works of the New Philology which have emphasised language as a tool of agency by analysing Nahuatl-language wills alongside the Spanish-language legal records which form the bulk of documentation for the thesis. Petitioners appear in these documents as independent agents, in which a colonising language nonetheless records Indigenous actors who determinedly pursued their own agendas.

This chapter therefore focuses on the petitions brought by Native pulque producers and sellers as expressions of Indigenous agency. Whilst the colonial administration complained of drunkenness and social disorder in Native communities, I argue that the petitions of the Indigenous agents who made their living in pulque emphasise the ways in which pulque commerce actually facilitated the maintenance of households and communities. The rise of pulque production and sale had not created

³⁵⁹ Mónica Díaz, “*Indio* Identities in Colonial Spanish America” in Díaz (ed.) *To Be Indio in Colonial Spanish America* (Albuquerque, NM: University of New Mexico Press, 2017), pp. 6-7.

³⁶⁰ Susan Kellogg, “The Early Colonial Origins of Indigeneity in and around the Basin of Mexico”, in Milena Sántoro and Erick D. Langer (eds.), *Hemispheric Indigeneities: Native Identity and Agency in Mesoamerica, the Andes and Canada* (Lincoln, NE: University of Nebraska Press, 2018), p. 16.

³⁶¹ See for instance the letter sent by the Nahua *cabildo* of Xochimilco to Philip II in 1563 (“Letter from the Nahua Nobles of Xochimilco to the King of Spain, 1563”, in Matthew Restall, Lisa Sousa, Kevin Terraciano (eds.), *Mesoamerican Voices: Native-Language Writings from Colonial Mexico, Oaxaca, Yucatan and Guatemala* (Cambridge: CUP, 2005), pp. 65-71.

towns full of miserable drunkards; rather participation in the pulque trade allowed individuals and communities to provide for themselves and their families, to meet communal and religious responsibilities.

Social class in the pulque trade

In 1650, the Native residents of Puebla city submitted a petition to the *Juzgado* in response to attempts by local authorities to prevent them transporting pulque using mules.³⁶² The petitioners cited a ruling from the previous year that had granted any Indigenous person, “whether *cacique* [nobleman/woman] or *macehuale* [commoner]” permission to transport goods with horses or mules.³⁶³ *Sea cacique o macehuale* (“whether noble or commoner”) could almost have served as a slogan for the colonial administration’s treatment of social difference amongst pulque petitioners. In other words, one rule applied to all Indigenous inhabitants of New Spain, regardless of social class. The archival record clearly demonstrates the participation of all social classes in the sixteenth- and seventeenth-century pulque trade. Despite the existence of social differentiation between Indigenous elites and commoners, social class had little influence on one’s ability or inclination to participate in pulque commerce. Although the law rarely distinguished between elite and non-elite pulque producers and sellers, the tendency of elite petitioners to provide details of their noble status indicates that social difference continued to shape Nahua elites’ perception of themselves and what they were entitled to in colonial society. For their part, Nahua commoners utilised certain arguments in their petitions which referenced their social position, showing clear recognition of the colonial state’s responsibility towards them as non-elite subjects.

Prior to the conquest, Nahua society distinguished two main social categories: commoners (*macehualli/macehualtin*) and nobles (*pilli/pipiltin*). Both classes were expected to pay tribute to the *tlatoani* (dynastic leader of the city-state), though *pipiltin* did not contribute communal labour.³⁶⁴ Nobles were granted numerous privileges which differentiated them from *macehualtin*, from the right to wear certain types of clothing and adornments, to the allocation of lands (*pillalli*- “noble lands”) and the exemption from

³⁶² AGN Tierras, “Sobre carta que se despachó al común y naturales de la Ciudad de los Ángeles, para que el alcalde mayor no les impida el trajín y venta del pulque blanco”, 1650-1653, Vol. 2990 Exp. 61.

³⁶³ AGN Tierras Vol. 2990 Exp. 61, fol. 1r.

³⁶⁴ Lockhart, *The Nahuas After the Conquest*, p. 96.

paying tribute.³⁶⁵ During the fifteenth century, the divide between noble and commoner had been more flexible and exceptionally able *macehualtin* could be promoted to noble status, though they still ranked below hereditary nobles in Mexica society.³⁶⁶ Reforms introduced during the reign of Moteuczoma Xocoyotzin (1502-1520), however, excluded any commoner from serving in the Mexica court.³⁶⁷ Though Ross Hassig has argued that these reforms did not significantly limit the possibility of being promoted to noble status, they did serve to enforce the idea that high office was the natural preserve of the nobility, a concept which was echoed in the prevalence of Native elites as governors in the later sixteenth century.³⁶⁸ Noble status did not necessarily correspond to personal wealth. Some nobles were no richer than many *macehualtin* of their community, whilst commoners could become very wealthy and occasionally rise to noble status.³⁶⁹

The basic model of a commoner class and an elite class persisted into the colonial period, as did the tenuous link between wealth and noble status. Elites continued to hold certain privileges, but found their position now required considerable effort to maintain. As Kelly McDonough points out, commoner access to the courts opened up possibilities to challenge traditional structures of labour and tribute distribution and served as an arena where “[Indigenous nobles’] power was subject to question”.³⁷⁰ Social privilege was still generally concentrated in the hands of elite lineages, yet this status was no longer as unassailable as it had once been. Nor were Nahua nobles as certain of retaining their lands and wealth unchallenged. The presence of elite Nahuas in the pulque trade suggested not only a desire on the part of nobles to assert their right to participate in any trade they pleased, but a willingness to pursue profit wherever it presented itself, even in a trade generally associated with commoners. This represented a considerable shift from the pre-Hispanic patterns already outlined in Chapter 1; prior to the conquest, nobles did not directly participate in market commerce. Native elites during the early colonial period

³⁶⁵ *Pillalli* described lands held by a person by virtue of their elite status (Victor M. Castillo Farreras, *Estructura económica de la sociedad mexicana según sus fuentes documentales* (Mexico D.F.: UNAM IIIH, 1996), pp. 79-82). For a more detailed examination of class-based sumptuary laws, see Patricia Anawalt, “Costume and Control: Aztec Sumptuary Laws”, *Archaeology*, 33:1 (1980), pp. 33-43.

³⁶⁶ Alfredo López Austin, “Organización política en el altiplano central de México durante el posclásico”, *Historia Mexicana*, 23:4 (1974), p. 535.

³⁶⁷ Inga Clendinnen, *Aztecs: an interpretation* (Cambridge: CUP, 1991), p. 39.

³⁶⁸ Ross Hassig, *Aztec Warfare: Imperial Expansion and Political Control* (Norman, OK: University of Oklahoma Press, 1988), p. 221.

³⁶⁹ Lockhart, *The Nahuas*, pp. 95-96.

³⁷⁰ Kelly McDonough, “‘Love’ Lost: Class Struggle among Indigenous Nobles and Commoners in Seventeenth-Century Tlaxcala”, *Mexican Studies/Estudios Mexicanos*, 32:1 (2015), p. 14.

were no longer guaranteed income from tribute; the pulque trade must have presented an attractive opportunity to financially compensate for this loss.

By far the most prolific participation in the pulque trade during the early colonial period came from Indigenous commoners. Commoner petitioners are easy to identify in the documentary records. Only elite petitioners used either the honorifics *don* or *doña*, or mentioned they were *principales* (rulers) or *caciques* (chiefs); any petitioners who included neither were sure to be commoners. Of the thirty-four non-communal petitions regarding pulque production and/or sale which were brought to the *Juzgado de Indios* between 1550 and 1668, twenty-two were instigated by commoner pulque producers and sellers.³⁷¹ A further nine suits were initiated by commoner petitioners over the possession of maguey plots. The collection of wills used in the thesis further indicates that maguey ownership was most prominent amongst commoners. Out of the forty-two wills left by *macehualtin* which appear in this collection from 1550 to 1668, twenty-eight wills listed plots of maguey amongst the testator's goods.³⁷²

Commoner testators tended to own at least one set of maguey plantings, regardless of their wealth. Those who owned very little land or personal property still usually had magueyes. The unusually short 1653 will of Martina Luisa from Xochimilco, for instance, listed her total goods as one small house plot containing five structures and an area of land in San Mateo planted with magueyes.³⁷³ Martina had almost nothing compared with other commoner testators in the collection of wills, yet she still owned a maguey plot. Given that the plot was of a decent size and that the will refers only to *metl* ("magueyes of unspecified number"), she may actually have owned quite a few maguey plants.

Since magueyes could take up to twenty-five years to mature, those who wished to cultivate maguey would have benefited from acquiring plants that were already growing. The 1632 will of Francisco Pérez stated that he had purchased his magueyes for two *pesos* and four *reales*, while María Atempaxochitl had increased her maguey holdings with the purchase of five maguey plants for the price of eleven *reales*.³⁷⁴ The presence of a market for buying and selling maguey plants testified to the importance of maguey agriculture for many commoner domestic economies. The will of a noblewoman, doña

³⁷¹ See Appendix 2, "Pulque and *aguamiel* producers, 1580-1668".

³⁷² See Appendix 3a, "Wills of maguey owners, 1550-1668: Commoners".

³⁷³ "Testamento de Martina Luisa, 1653", in Teresa Rojas Rabiela, Elsa Leticia Rea López, Constantino Medina Lima (eds.), *Vidas y bienes olvidados: testamentos indígenas novohispanos*, Vol. 3 (Mexico D.F.: CIESAS, 2000), pp. 258-262.

³⁷⁴ "Testamento de Francisco Pérez, 1632", in *Vidas y bienes olvidados*, Vol. 3; "Testamento de María Atempaxochitl, sin fecha", in *Vidas y bienes olvidados*, Vol. 1, pp. 238-239.

María Salomé, suggests that an alternative also existed for those who wished to make use of maguey plantings on a less permanent basis. Doña María's testament of 1589 recorded that a commoner named Mateo rented one of her *magueyales* for two *pesos*, entitling him to make use of the magueyes without purchasing the land.³⁷⁵

Commoner pulque traders often tended to stress their poverty as a motivation for their participation in pulque commerce. Felipe de la Cruz and Lorenzo Felipe, pulque producers from Cuauhtitlan, described themselves in their 1655 petition as “poor, wretched persons”.³⁷⁶ This probably also had a metaphorical dimension, intended to inspire pity and compassion, just as the nobles of the Huejotzingo cabildo had referred to themselves in a 1560 letter to the king, Philip II, as *timocnomacehualtzitzihuan* (“we who are your poor and needy vassals”).³⁷⁷ A variant of this strategy was to argue that the income generated through pulque was needed to “sustain oneself” (*sustentarse*). *Sustentarse* in the sense that it was used in pulque-related petitions referred to obtaining the bare necessities to keep oneself alive, not including other essential expenses such as tribute payments and contributions to the church or community works. This was probably accurate for a large proportion of pulque producers. Even for those who had other sources of income, the sale of pulque could make a significant difference to their standard of living.

The frequent use of *sustentarse* to describe an individual's pressing need to sell their pulque was not a mere statement of fact. By employing this phrase, Nahuas created a direct relationship between their participation in the pulque trade and their survival. Following periods of depopulation during the sixteenth century, the colonial state needed Native labour and participation in local structures of government more than ever.³⁷⁸ The continuous appearance of *sustentarse* in commoner petitions, with its connotations of walking a thin line between survival and starvation, indicates a keen awareness from Indigenous petitioners of the essential role that their lives and labour played in the operation of the colonial state. It was in the interest of the colonial administration, pulque

³⁷⁵ “Testamento de doña María Salomé, 1589”, in *Vidas y bienes olvidados Vol. 1*, p. 139.

³⁷⁶ AGN Indios, “Para que las justicias de Su Majestad no impidan a los naturales contenidos en el expediente trajinar el pulque blanco”, 1655, Vol. 18 Exp. 116.

³⁷⁷ “Letter of the council of Huejotzingo to the king, 1560 (Doc 165, Archivo Histórico Nacional, Madrid)” in Arthur J.O. Anderson, Frances Berdan, James Lockhart (eds.), *Beyond the Codices: The Nahuatl View of Colonial Mexico* (Berkeley, CA: University of California Press, 1976), p. 178.

³⁷⁸ For a thorough examination of the sixteenth-century “demographic collapse”, see Robert McCaa, “Spanish and Nahuatl Views on Smallpox and Demographic Catastrophe in Mexico”, *Journal of Interdisciplinary History*, 25:3 (1995), pp. 397-431.

producers and sellers implied, to allow them to eke out a living in pulque, since only by doing so could their capacity to “sustain themselves” be maintained.

Some petitioners opted for a strategy of necessity based on the poor quality of their land resources. One communal petition from 1655 claimed that the Native inhabitants of Tacuba were compelled to make their living from pulque “on account of having no other profitable crops”.³⁷⁹ The governor of Amecameca likewise argued that no other trades or agriculture existed in the town and that therefore those living in Amecameca had no choice but to produce and sell pulque.³⁸⁰ The residents of San Miguel Chapultepec related their struggle to cultivate other crops, lamenting that they had:

never been able to grow any other produce and when they attempted to sow *milpas* of maize managed only to harvest half a *fanega* [of maize] because there were so few lands and [those that they had] were sterile and located by the *camino real* [main road] so that passers-by would take the maize [cobs] and [the residents] had therefore only been able to make profit from their magueyes.³⁸¹

While petitioners generally pre-empted suggestions that they should make their living through other means, some participants in the pulque trade brought suit in response to being warned off the pulque trade as a source of income. One group of female pulque producer-sellers from San Gaspar Tetela petitioned in 1657, complaining that they had been continually prevented from taking their produce to market.³⁸² María Juana and her co-litigants Clara Elena, Francisca de la Cruz, Elena de la Cruz, Antonia María, Magdalena, Petronila Juana, Francisca María and Juana Ursula, related that local authorities argued that “as there were fruit trees in the town, [the women] should support themselves from those and not from selling pulque”.³⁸³ These petitioners recognised their own value to the everyday operation of colonial structures in New Spain and utilised it to argue for the right to continue trading pulque.

The argument of “sustaining oneself” not only served to emphasise the importance of Indigenous bodies to the colonial state but also appealed to the Crown’s rhetoric of

³⁷⁹ AGN Indios, “A la justicia de Tacuba y sus ministros no impida al gobernador y naturales de dicho pueblo beneficiar el pulque blanco”, 1655, Vol. 18 Exp. 12, fol. 1r.

³⁸⁰ AGN Indios, “Su Excelencia manda a la justicia de Chalco, que no impidan a Diego Bernal, gobernador de Amecameca sacar y vender pulque blanco”, 1655, Vol. 18 Exp. 201.

³⁸¹ AGN Indios, “Su Excelencia manda que los naturales y el pueblo de San Miguel Chapultepec, ocurran al corregidor y les de licencia y señale puesto en que vendan el pulque”, 1654, Vol. 17 Exp. 36, fols. 1v-1r.

³⁸² AGN Indios, “Su Excelencia manda al alcalde mayor de la villa de Cuernavaca guarde y cumpla las ordenanzas de gobierno que dan la forma en que los naturales han de vender el pulque blanco de sus cosechas y no les impida tal cosa a las indias Magdalena, María Juana, Petronila Juana, Elena de la Cruz, Clara Elena, Juana Ursula”, 1657, Vol. 21 Exp. 115.

³⁸³ AGN Indios, Vol. 21 Exp. 115, fol. 1r.

“protecting” the Native peoples of New Spain. Abuse of Indigenous populations by Spanish colonists had been persistent and severe throughout the early sixteenth century. This was greatly facilitated by the practice of *encomienda*: in theory, the assignment of Native tribute and labour grants to Spanish colonists, in practice often more akin to slavery.³⁸⁴ The idea that Native populations should be entitled to certain protections from the Crown owed much to the ravages of *encomienda*, which sparked debate throughout the sixteenth century regarding the status of Indigenous peoples as rational beings deserving of compassionate treatment.³⁸⁵ The duty of the monarch to provide special protections to certain of his subjects was already well-established in Spanish law by the sixteenth century. According to the *Siete Partidas* (the thirteenth-century legal treatise on which much of Castilian law was based), the monarch was expected to show particular care towards his most vulnerable subjects “as they are defenceless and have no other form of counsel... [the king’s] sense of pity shall move him to liberate them himself or hand them to those who will liberate them”.³⁸⁶ These subjects were known in Castilian law as *miserables*, a category which in Spain referred chiefly to widows, underage orphans and the very poor.³⁸⁷ The term’s application in Mexico saw the category expanded to include all Native inhabitants, excepting Native elites, because of their high standing within their own societies. Alejandro Cañeque has demonstrated that the attitude of civil and ecclesiastical authorities towards Native populations was characterised by this “rhetoric of wretchedness”, which held that Indigenous peoples were by nature childlike and weak, and therefore in desperate need of protection from the monarch.³⁸⁸ As we have seen in this section, however, Native petitioners recognised that this image could be exploited to further their own agendas. By arguing their poverty and their limited access to any other

³⁸⁴ See Lesley Byrd Simpson, *The Encomienda in New Spain: The Beginning of Spanish Mexico* (Berkeley, CA: University of California Press, 1950); Silvio A. Zavala, *La encomienda indiana*, 3rd ed. (Mexico D.F.: Editorial Porrúa, 1992); Timothy J. Yeager, “Encomienda or Slavery?: The Spanish Crown’s Choice of Labor Organization in Sixteenth-Century Spanish America”, *The Journal of Economic History*, Vol. 55:4 (1995), pp. 842-859.

³⁸⁵ The literature on the debate regarding the “nature of the Indian” in the sixteenth century is too extensive to be recapped here. Some key works include: Lewis Hanke, *Aristotle and the American Indian: A Study in Race Prejudice in the Modern World* (London: Hollis & Carter, 1959); Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (New York CUP, 1982); Patricia Seed, “‘Are These Not Also Men?’ The Indians’ Humanity and Capacity for Spanish Civilisation”, *Journal of Latin American Studies*, 25:3 (1993), pp. 629-652.

³⁸⁶ Alfonso X de Castilla, *Las Siete Partidas del rey don Alfonso el Sabio, cotejadas con varios códigos antiguos por la Real Academia de la Historia* (Madrid: Imprenta Real, 1807), tomo 3, título 23, ley 20.

³⁸⁷ Paulino Castañeda Delgado, “La condición miserable del indio y sus privilegios”, *Anuario de Estudios Americanos*, XXVIII (1971), pp. 9-14.

³⁸⁸ Alejandro Cañeque, *The King’s Living Image: The Culture and Politics of Viceregal Mexico* (New York and London: Routledge, 2004), pp. 186-192.

means of income but pulque making, petitioners positioned themselves doubly as *miserables*, deserving of protection not only by virtue of their Native identities but also through their struggle for survival against forces threatening their livelihoods. In their petitions, Nahua commoners therefore invoked the Crown's duty to intercede on the behalf of vulnerable subjects, a recourse that was uniquely available to those of their social class.

While commoner participation was high in the early colonial pulque trade, elite Nahuas were also frequently involved. Native elites usually identified themselves in the documentary records by using the Spanish titles *don* or *doña*. Those who did not include these titles in their petitions made sure to describe themselves as *caciques/cacicas* (a loanword from Arawak for Indigenous rulers) or as *naturales y principales* ("natives and chiefs").³⁸⁹ Noble lineage continued to influence how Native elites attempted to negotiate privilege throughout the colonial period. The pulque trade had never been an occupation attached to social prestige or considerable wealth. Indeed, most participants, as shown in the previous section, were essentially subsistence farmers who relied on pulque to cover their basic costs. Yet participation in the trade by Indigenous elites remained fairly high throughout the seventeenth century. One reason for elite involvement was likely the resources that many nobles already possessed. Wealthy Nahua nobles often owned substantial land holdings, allowing for the cultivation of large numbers of maguey plants. From the corpus of Native wills used in this thesis, fifteen testators with the elite titles *don* or *doña* bequeathed lands with magueyes.³⁹⁰ These individuals generally appear to have been rather wealthy, given the lands and other goods they also listed in their wills. Doña María Salomé de Cuauhtitlan, for instance, listed eight tracts of land with magueyes in her will.³⁹¹ One plot of land contained eighty-five *magueyales* and another had been purchased for twenty gold pesos, both indicators that these lands were of considerable size. In addition to her maguey plots, doña María owned at least nine houses and fifteen additional parcels of land; she also mentioned a number of individuals to whom she had lent money totalling around forty pesos.³⁹²

³⁸⁹ For instance in AGN Indios, "Su Excelencia concede licencia a Juan Antonio, Mateo Juárez y Salvador Andrés, naturales de la ermita de Nuestra Señora de Guadalupe, caciques y principales de Santiago Zacualco, para que puedan vender pulque blanco", 1667, Vol. 24 Exp. 200; AGN Indios, "Para que la justicia de Zacatlan ampare a Ana de Olmos, sin que le ponga en impedimento en vender pulque blanco", 1641, Vol. 13 Exp. 329; AGN Indios, "Se concede licencia a Ana María, principal de Teoloyucan para vender pulque y miel", 1649, Vol. 15 Cuaderno 2 Exp. 106.

³⁹⁰ See Appendix, section 3, "Wills of maguey owners, 1554-1667", Table 2 "Elite testators".

³⁹¹ "Testamento de doña María Salomé", in *Vidas y bienes olvidados, Vol. 1*, pp. 136-143.

³⁹² "Testamento de doña María Salomé", in *Vidas y bienes olvidados, Vol. 1*, p. 140.

A number of petitioners clearly felt that their elite status entitled them to the permissions they requested, since they made sure to mention their noble lineages. One noblewoman, doña Gertrudis Guzmán de Tolinque, who petitioned twice to sell her pulque, described herself as a *cacica* “descended from those who were lords of Coyoacan”.³⁹³ In this instance, doña Gertrudis was referring to a pre-Hispanic lineage; the ancestors she mentioned had probably been rulers of Coyoacan prior to the conquest. Don Gabriel García Mecameca of San Juan Tepehuisco took things slightly further in his petition, claiming that it was necessary for his *mulato* servant, Nicolás de la Peña, to transport the pulque made by Don Gabriel and his wife Gerónima de Mendoza, “as [I am] a *cacique*... and married to Gerónima de Mendoza, the daughter of noble persons.”³⁹⁴ As a noble who had formed a desirable marriage alliance with another elite lineage, Don Gabriel seemed to consider that it was beneath his dignity to transport the pulque himself. Don Gabriel also made sure to mention that the maguey plots belonged to his *cacicazgo* (estate ruled by an Indigenous noble) and further argued that he was deserving of permission to send a servant with his pulque “as a distinguished person and [one] married to a noble”.³⁹⁵ The insistence of some noble petitioners on emphasising their elite status suggests that these individuals were accustomed to certain privileges in their own communities as a result of their descent and believed that presenting themselves pointedly as elites in their petitions would similarly aid their success. In the case of doña Gertrudis Guzmán de Tolinque, her noble descent did seem to influence the outcome of her petition, since the viceroy ordered that nobody was to prevent doña Gertrudis from producing and selling pulque “as she is a noblewoman and descended from *caciques*”.³⁹⁶

On occasion, however, the strategy of emphasising one’s noble lineage could backfire. When the nobleman don Alonso de Guzmán petitioned the viceroy in 1668, he began by describing his elite descent through both parents.³⁹⁷ Don Alonso emphasised the status of his mother, doña Gerónima de Guzmán, as the daughter of a prominent *cacique*, don Juan de Guzmán. The Guzmán family had dominated the rulership of

³⁹³ AGN Indios, “Su Excelencia da permiso a Gertrudis de Guzmán Tolinque, cacica y principal descendiente de los señores de la villa de Coyoacan, para que pueda cultivar sus magueyes y hacer pulque blanco”, 1666, Vol. 24 Exp. 117, fol. 1v.

³⁹⁴ AGN Indios, “Para que las justicias de Su Majestad no impidan a Nicolás de la Peña, su mayordomo, traer a la Ciudad de México dos cargas de pulque blanco”, 1648, Vol. 15 Exp. 68, fol. 1r. *Mulato* described a man of mixed Spanish and Black African descent.

³⁹⁵ AGN Indios, Vol. 15 Exp. 68, fol. 1r.

³⁹⁶ AGN Indios, Vol. 24 Exp. 117, fol. 1v.

³⁹⁷ AGN Indios, “Su Excelencia ordena se cumpla el auto sobre el acarreo del pulque, que solicita Alonso Guzmán”, 1668, Vol. 24 Exp. 232.

Coyoacan throughout the sixteenth century; the aforementioned don Juan de Guzmán had served as governor for well over twenty years, and don Alonso himself had been elected as governor in 1633.³⁹⁸ Don Alonso went on to mention that his family had been granted the privilege of bearing arms. Since high-ranking noblemen were the only Indigenous group who could obtain permission to carry a sword, the inclusion of this information was yet another way for don Alonso to emphasise his position as a member of the Nahuatl elite in Coyoacan.³⁹⁹ Like don Gabriel García Meca, don Alonso clearly considered that his elite status provided ample justification for bending the rules in his pulque dealings. Don Alonso openly admitted to using a non-licensed vendor named Pascuala de los Reyes to sell his pulque and requested that a new licensed position be created for Pascuala as a pulque seller. This was an especially bold move, given that from the early 1650s, the colonial administration had been very much concerned with restricting the number of licenses granted to vendors who bought pulque from producers to sell on.⁴⁰⁰ One 1654 report on the availability of pulque licences in Mexico City included a viceregal order that only three licenses be granted per *barrio* for a total of twenty-four licences.⁴⁰¹ Given that the same report estimated that the *Juzgado de Indios* had already granted 116 licenses, this was a drastic measure.⁴⁰²

The judge was not swayed by don Alonso's elite lineage, stating curtly that "the privileges which [the petitioner] has demonstrated do not entitle them to that which they request" (*no conduce a lo que pide*).⁴⁰³ This was reflected in the viceroy's eventual judgement, which stated that don Alonso was entitled as a Native pulque producer to transport and sell his pulque, but did not grant Pascuala de los Reyes a license to sell pulque on his behalf. Whilst noble status could prove a formidable social advantage in many contexts, it was rarely a decisive factor in the success of one's pulque business. The majority of petitions to produce and sell pulque were successful, regardless of the petitioner's socioeconomic status. The common factor was self-identification as Indigenous; colonial pulque legislation did not distinguish noble from commoner.

³⁹⁸ Rebecca Horn, *Postconquest Coyoacan: Nahuatl-Spanish Relations in Central Mexico, 1519-1650* (Stanford, CA: Stanford University Press, 1997), p. 243.

³⁹⁹ Robert C. Schwaller, "'For Honor and Defense': Race and the Right to Bear Arms in Early Colonial Mexico", *Colonial Latin American Review*, 21:2 (2012), pp. 247-250.

⁴⁰⁰ AGN Reales Cédulas Duplicadas, "Para que Don Felipe de Ledesma, juez del pulque, cumpla el mandamiento relativo a la limitación de licencias", 1653, Vol. 20 Exp. 14; AGN Reales Cédulas Duplicadas, "Sobre el número de puestos de pulque", 1653, Vol. 20 Exp. 33.

⁴⁰¹ AGN Indios, "Vuestra Excelencia encarga haga guardar y cumplir las ordenanzas para vender pulque", Vol. 17 Exp. 1, fol. 10v.

⁴⁰² AGN Indios Vol. 17 Exp. 1, fol. 8r.

⁴⁰³ AGN Indios Vol. 24 Exp. 232, fol. 1v.

Provided that the petitioner was Indigenous and was selling their own pulque that they themselves had produced, the viceroy almost always ruled in their favour. Nevertheless, Nahuas continued to utilise strategies of self-presentation that were based on social class. The participation of both commoners and elites in the pulque trade represented a considerable shift from pre-conquest commercial patterns, yet traditional Nahua ideas of social differentiation continued to influence how pulque petitioners presented themselves to the courts.

Gender and marriage

Just as both social classes worked as active participants in the pulque trade, so too did both Nahua men and women. Gender constituted a key factor in how Nahuas conceived of their responsibilities and duties within society prior to the conquest and continued to influence the ways in which Nahuas lived and worked in colonial society. Yet even as gender continued to influence some forms of labour designated as “women’s work”, such as weaving, the pulque trade remained an area in which both men and women were free to participate.⁴⁰⁴ As the first chapter of the thesis demonstrated, despite the general designation of food and drink preparation as women’s work amongst pre-Hispanic Nahuas, pulque production and sale prior to the Spanish conquest seems to have been carried out by both men and women alike. The involvement of both genders in the pre-Hispanic pulque trade thus serves to contextualise the widespread participation of both women and men in early colonial pulque commerce as part of a far longer trend in Indigenous labour patterns. The pulque trade not only functioned as an arena in which both women and men could ply their trade, but as an area of colonial life in which women could exercise real control and influence through their businesses. Women showed a consistently high rate of participation in the pulque trade and often did so independently. Inherently linked to the idea of Indigenous gender identity was the institution of marriage, the importance of which was reflected in married couples’ joint involvement in the pulque trade. In this way, cooperative labour between husband and wife continued to function as the basic unit of productivity for many pulque-producing households. The participation of both husband and wife in pulque trading, while useful, was not a strict necessity, as the

⁴⁰⁴ For more on weaving as women’s work in Nahua culture, see Geoffrey McCafferty and Sharisse D. McCafferty, “Spinning and Weaving as Gender Identity in Post-Classic Mexico”, in Margot Schevill, Janet Berlo, and Edward B. Dwyer (eds.), *Textile Traditions of Mesoamerica and the Andes: An Anthology* (New York: Garland Publishing, 1991), pp. 19-44.

presence of widowed pulque makers in the archival record indicates. In the absence of their spouses, widows were often able to support themselves through the trade in pulque and *aguamiel*, frequently making use of resources that their husbands had left them.

The significant presence of women as alcohol producers and sellers has been frequently noted in the historiography of Latin American drinking, emphasising women as social actors. In pre-Hispanic Peru, Justin Jennings and Melissa Chatfield's study of *chicha* (maize beer) production demonstrated that the designation of brewing as women's work allowed Andean women to exercise social power through their control over the *chicha* that was essential to any feast.⁴⁰⁵ This trend was persistent: as Gina Hames has shown, the women of post-independence Bolivia were also able to carve out an influential social niche for themselves as proprietors of *chicha* taverns.⁴⁰⁶ Women in the alcohol trade played a vital role in local and national economies. Pablo Lacoste's study of Chilean women in wine making from the seventeenth to nineteenth centuries shows a consistently high rate of female participation in wine production and sale, when regional demand for wine was largely met by women.⁴⁰⁷ René Reeves has further emphasised the role of women in colonial Guatemala as the linchpins of a national economy that relied heavily on alcohol revenue. The participation of Guatemalan women in alcohol production and sale moreover involved them as political agents in wider questions of nation-building and gender politics, within a context that did not consider women as full civic actors.⁴⁰⁸

The frequent presence of Nahua women in the early colonial pulque trade of Mexico, and their choice of the Spanish courts as an arena in which to assert their right to trade, indicates that female alcohol traders had long been accustomed to engaging with systems that actively worked against them and used these systems to pursue their own ends. This presents a striking contrast to the late colonial period, by which time female participation in pulque production was restricted primarily to wealthy and usually aristocratic creole women.⁴⁰⁹ Poorer creole and Spanish women worked as *pulquería* proprietors, but by this time, Indigenous women worked only in proximity to the pulque

⁴⁰⁵ Justin Jennings and Melissa Chatfield, "Pots, Brewers and Hosts: Women's Power and the Limits of Central Andean Feasting" in Justin Jennings and Brenda Bowser (eds), *Drink, Power and Society in the Andes* (Gainesville, FL: University Press of Florida, 2009), p. 206.

⁴⁰⁶ Gina Hames, "Maize-Beer, Gossip and Female Slander: Female Tavern Proprietors and Urban, Ethnic Cultural Elaboration in Bolivia, 1870-1930", *Journal of Social History*, 37:2 (2003), pp. 351-364.

⁴⁰⁷ Pablo Lacoste, "Wine and Women: Grape Growers and *Pulperas* in Mendoza, 1561-1852", *The Hispanic American Historical Review*, 88:3 (2008), pp. 361-391.

⁴⁰⁸ René Reeves, "From Household to Nation: The Economic and Political Impact of Women and Alcohol in Nineteenth-Century Guatemala", in David Carey Jr (ed.), *Distilling the Influence of Alcohol: Aguardiente in Guatemalan History* (Gainesville, FL: University Press of Florida, 2012), pp. 42-70.

⁴⁰⁹ Toxqui, "Breadwinners or Entrepreneurs?", pp. 112-114.

trade as peddlers of food to accompany the drink.⁴¹⁰ Very little examination has been undertaken of the sizeable contribution that women made to the development of pulque culture in early colonial central Mexico, though scholars have hinted as to the importance of Native women's involvement. Both William B. Taylor, examining early colonial drinking from a socio-historical perspective, and José Jesús Hernández Palomo, writing on the economic structure of late colonial pulque commerce, have identified Native women as key participants in the colonial pulque trade.⁴¹¹ The mention of female pulque producers and sellers in these works is brief, however, and sheds little light on the true extent to which women facilitated the success of early pulque commerce.

Out of a total forty-five petitions regarding pulque and *aguamiel* which were brought to the *Juzgado* between 1590 and 1668, thirty-two featured Native women as primary litigants. An additional seven petitions concerning the ownership of maguey plots were also brought by Indigenous female litigants.⁴¹² Of the producers who were mentioned by name in their petitions, thirty-two were male and forty-two were female.⁴¹³ The pattern was quite different for pulque sellers who did not produce their own pulque; these sellers were chiefly women, and the men who participated in the trade as sellers did so in tandem with their wives.⁴¹⁴ Although the overall balance between male and female

⁴¹⁰ Toxqui, "Breadwinners or Entrepreneurs?", p. 104.

⁴¹¹ William B. Taylor, *Drinking, Homicide and Rebellion in Colonial Mexican Villages* (Stanford, CA: Stanford University Press, 1979), p. 53; Hernández Palomo, *La renta del pulque*, p. 36.

⁴¹² These were Cecilia María of Xocotitlan (AGN Tierras, "Para que la justicia del pueblo de Xocotitlan ampare a Cecilia María y sus hijos naturales en sus tierras y magueyes" 1655, Vol. 2992 Exp. 126), Marta Ana of San Juan Temamatla (AGN Indios, "Hace saber al alcalde de Chalco y manda se averigüe si las tierras y magueyes son de la viuda e hijos de Martín Vázquez", 1590, Vol. 3 Exp. 58), Magdalena Cuauhxoch of Hueytenango (AGN Indios, "Al corregidor de Hueytenango, para que averigüe si el pedazo de tierra con magueyes es de la dicha Magdalena", 1591, Vol. 3 Exp. 330), Francisca Mónica of Tlalnepantla (AGN Indios, "Al corregidor de Tenayuca, para que averigüe si la parte de tierra y magueyes, son de Francisca Mónica, india", 1591, Vol. 3 Exp. 465), Agustina Melchora of Ixtapalapa (AGN Indios, "Para que el corregidor de Ixtapalapa ampare a Agustina Melchora, india natural de dicho pueblo", 1633, Vol. 12 Exp. 71), Petrona of Tacuba (AGN Indios, "Para que el alcalde mayor de la villa de Tacuba, ampare a los naturales Juan Andrés y Petrona, india viuda, y no consienta que ninguna persona les quite ni aproveche los magueyes", 1657, Vol. 21 Exp. 22), Jerónima Luisa and Francisca María of Chiconautla (AGN Tierras, "Demanda presentada por Andrés Francisco, Francisca María, Gerónima Luisa y demás familiares contra Diego Rodríguez de Luna sobre que pague los daños que causo en sus magueyales", 1663, Vol. 2877 Exp. 17).

⁴¹³ See Appendix, section 2 "Pulque and *aguamiel* producers, 1580-1667".

⁴¹⁴ These were Francisca de Castañeda (AGN Tierras, "Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa", 1592, Vol. 2879 Exp. 12), Ana María (AGN Indios, "A las justicias de Su Majestad, para que no impidan comprar pulque blanco para venderlo en los tianguis a María, india", 1629, Vol. 10 Exp. 40), Tomás de Zárate and Ana María (AGN Indios, "Al juez repartidor del pulque para que averigüe lo que piden Tomás de Zárate y Ana María", 1629, Vol. 10 Exp. 111), Ana de Jesús (AGN Indios, "Se concede licencia a Ana de Jesús para vender pulque blanco", 1629, Vol. 10 Exp. 127), Francisca Moreno and Francisco de San Juan (AGN Indios, "Su Excelencia concede licencia a Francisca Moreno, para que libremente pueda vender pulque blanco", 1651, Vol. 16 Exp. 52), Pascuala de los Reyes (AGN Indios, "Su Excelencia ordena se cumpla el auto sobre el acarreo del pulque, que solicita Alonso Guzmán", 1667, Vol. 24 Exp. 232), Angelina Elena and Agustín Diego, Nicolasa Diega and

litigants was fairly even, women were represented in a greater number of petitions. Many women chose to work in partnership with their husbands, whilst a number worked as part of mixed-gender groups, possibly consisting of family members. Mixed-gender participation was fairly typical of pulque producers but selling on pulque purchased from others was an exclusively female occupation. No example exists in the corpus of documents assembled for this thesis of a Native man working solely as a pulque seller; men who made their living from pulque always stated that they sold pulque which they themselves had produced. This was primarily due to legislation that stated only Native women were to work solely as vendors.⁴¹⁵ The reason for favouring women as pulque sellers is not entirely clear. One possibility is that the colonial government was simply incorporating a long tradition of female involvement in the marketplace, where women could serve as market administrators prior to the conquest, as well as working as vendors.⁴¹⁶ Alone, this factor does not account for preferring women as sellers; after all, Nahua men also worked as vendors and administrators in pre-Hispanic markets. Jonathan Truitt's study of Nahua women and their participation in colonial religious life brings to mind another possibility.⁴¹⁷ Truitt demonstrates that Nahua women were deeply involved in Catholic religious activity, to the point that they were credited with having persuaded their communities to adopt certain elements of religious engagement such as becoming members of *cofradías*.⁴¹⁸ The upstanding behaviour that Nahua women had already shown in their religious devotions could well have led the administration to believe that they could rely on these women to maintain similar standards in their roles as vendors. Nahua women who did not own their own magueyes therefore were able to carve out a niche for themselves in the lucrative pulque market in a way that was not available to men.

One of the largest demographic groups of participants in the pulque trade was married couples who worked as partners in producing and selling their pulque. Marriage was part of the expected life cycle for Nahuas and was conceptualised in Nahua culture

Francisco Miguel (AGN Indios, "Su Excelencia manda al alcalde mayor de la ciudad de Texcoco guarden y cumplan la ordenanza que da la forma que los naturales del pueblo de San Miguel Tocuila, han de observar en el trajín y venta del pulque blanco), 1668, Vol. 24 Exp. 240.

⁴¹⁵ AGN Indios, Vol. 17 Exp. 1, fol. 2r.

⁴¹⁶ Susan Kellogg "From Parallel and Equivalent to Separate but Unequal: Tenochca Women, 1500-1700" in *Indian Women of Early Mexico*, eds. Susan Schroeder, Stephanie Wood, and Robert Haskett, (Norman, OK: University of Oklahoma Press, 1997), p. 129.

⁴¹⁷ Jonathan Truitt, "Courting Catholicism: Nahua Women and the Catholic Church in Colonial Mexico City", *Ethnohistory*, Vol. 57:3 (2010), pp. 415-444.

⁴¹⁸ Truitt, "Courting Catholicism", p. 420, pp. 427-431.

as the most desirable state for adult men and women, both prior to and after the conquest.⁴¹⁹ The marriage ceremony represented the act of maturing, taking on the responsibilities of men and women rather than children and of assuming one's full role as a member of their community.⁴²⁰ The idea of marriage as the natural state for adult men and women is encapsulated in the Nahuatl terms for a widow or widower: *icnocihuatl* and *icnoquichtli* respectively. The terms translate essentially as "orphan woman/orphan man". As Lisa Sousa has noted, the phrase serves to associate the loss of one's spouse with an incomplete life of hardship, as the remaining spouse struggled to fulfil their duties which had previously been shared as a couple, just as a child would struggle without its parents.⁴²¹

The importance of marriage in colonial Nahua societies was reflected in the high rate of participation by married couples in the pulque trade. What is interesting, however, is not the prevalence of married pulque producers and sellers but the prevalence of producers and sellers who worked actively with their spouses as vital partners in their business. Whilst Susan Kellogg has argued that the seventeenth century saw a significant decline in the legal participation of native women in Mexico, often characterised by a tendency for husbands to bring suit on behalf of their wives, this trend is strikingly absent from the legal record of the pulque trade during this same period.⁴²² The continued presence of women as legal agents was expressed through the significant number of petitions in which married couples represented themselves as equal litigants and partners in their pulque businesses. Lisa Sousa has employed the frequent appearance of husband-and-wife merchant teams in the archival record as evidence for the continued "cooperative nature of labour in marriage" in colonial Nahua societies.⁴²³ Records of the early colonial pulque trade indicate that this was indeed true for many pulque producer-sellers, who relied on the joint labour of both spouses in their businesses.

Couples sometimes divided responsibility for different aspects of their business, most notably in designating wives as the sellers of their joint produce. Gendered division of labour by married couples was certainly not a new phenomenon, indeed it had

⁴¹⁹ For more on Nahua marriage and courtship, see Susan Schroeder, "The First American Valentine: Nahua Courtship and Other Aspects of Family Structuring in Mesoamerica", *Journal of Family History*, Vol. 23:4 (1998), pp. 341-354; Burkhart, *The Slippery Earth*, pp. 150-159.

⁴²⁰ Clendinnen, *Aztecs*, p. 160.

⁴²¹ Lisa Sousa, *The Woman Who Turned Into a Jaguar and Other Narratives of Native Women in Archives of Colonial Mexico* (Stanford, CA: Stanford University Press, 2017), p. 86.

⁴²² Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, OK: University of Oklahoma Press, 1995), p. 33.

⁴²³ Sousa, *The Woman Who Turned Into a Jaguar*, pp. 210-211.

characterised pre-Hispanic labour patterns, with men and women performing a number of separate but complementary duties.⁴²⁴ Division of labour functioned most importantly as a response to the tendency of legislation to favour Native women as pulque sellers. In 1648, for instance, when the viceroy, Marcos de Torres y Rueda, was petitioned to create more approved posts for pulque vendors, he instituted twelve new posts, but only for Native women.⁴²⁵ Francisca Moreno, the pulque seller from Puebla who appeared in the previous chapter, worked together with her husband, Francisco de San Juan, but divided their labour so that Francisca was responsible for selling pulque, while Francisco purchased and transported the pulque to the city.⁴²⁶ Similarly, Juan Cano reported in his petition that he transported his pulque to Mexico City along with his wife, Juana Agustina, and her mother, where the two women sold the pulque.⁴²⁷ Juan appeared to have been more involved in making the pulque and handling the mules which carried the product.

In contrast to the pattern identified by Kellogg in land tenure suits, the ability of female pulque producers and sellers to participate in litigation during the seventeenth century was not noticeably impaired by marriage. Indeed, married *pulqueras* almost always brought suit either alone or as co-litigants with their spouses. Only in a few cases did husbands petition on behalf of their wives. In 1641, don Gabriel de San Antonio requested a licence to sell pulque, but revealed in his petition that his wife doña Petronila María was the one responsible for selling their pulque at markets.⁴²⁸ However doña Petronila did not appear as a joint litigant despite the fact that the petition directly involved her business. A similar case occurred regarding the possession of some lands with magueyes in Xocotitlan, which were withheld from a widow, Isabel María, due to her late husband's debts.⁴²⁹ Yet Isabel María herself did not bring suit to claim her

⁴²⁴ Louise M. Burkhart, "Mexican Women on the Home Front: Housework and Religion in Aztec Mexico", in Susan Schroeder, Stephanie Wood, Robert Haskett (eds.), *Indian Women of Early Mexico* (Norman, OK: University of Oklahoma Press), pp. 25-54; Elizabeth M. Brumfiel, "Weaving and Cooking: Women's Production in Aztec Mexico", in Joan Gero and Margaret W. Conkey (eds.), *Engendering Archaeology: Women and Prehistory* (Oxford: Wiley Blackwell, 1991), pp. 224-251; Kellogg, "From Parallel and Equivalent", pp. 125-132.

⁴²⁵ AGN Indios, "Su Excelencia da facultad al corregidor de esta ciudad, juez de la comisión del pulque para que dé doce licencias más", 1648, Vol. 15 Exp. 71.

⁴²⁶ AGN Indios Vol. 16 Exp. 52.

⁴²⁷ AGN Indios Vol. 10 Exp. 28.

⁴²⁸ AGN Indiferente Virreinal, "Solicitud de licencia que presenta don Gabriel de San Antonio para que se le permita vender su producción de pulque blanco", 1641, Caja 6063 Exp. 46.

⁴²⁹ AGN Indios, "Su Excelencia manda al alcalde mayor del partido de Xocotitlan, haga justicia a Pedro Gonzales, quien se queja embargo de sus bienes por haberse casado con una viuda", 1658, Vol. 23 Exp. 57.

inheritance, instead her new husband, don Pedro de Gonzales, undertook the business of reclaiming her magueyes himself.

Petitions did sometimes refer to the women involved as the wife of their spouse: Francisca de Castañeda, the alleged *pulquería* owner from Mexico City, was repeatedly referred to in the accusations against her as “the wife of Pedro Monteboca”, and on occasion, wives did so themselves, often emphasising the status of their husband, or any special position they held.⁴³⁰ Juana de la Cruz, a pulque producer-seller from Cuauhtitlan, introduced herself in her 1666 petition, for instance, as “the legitimate wife of Juan de Loya, *asistente* of this city”.⁴³¹ The term *mujer legítima* (“legitimate wife”) was employed during the early colonial period to indicate that the couple in question had been married in a Catholic ceremony, and that the woman was recognised as the man’s only spouse.⁴³² By using this term, Juana deliberately presented herself as a respectable Christian married woman, whilst by mentioning her husband’s position in the local Spanish-style administration she associated herself with the colonial structures of government in her town.⁴³³ Her local influence and her adherence to Christian ways, Juana suggested, made her a trustworthy person to be involved in this often controversial line of work. The reverse of this phenomenon also appeared in the documentary record, as in the joint suit brought by María Nicolasa and Francisco Antonio of Coyoacan, the latter of whom was referred to as “Francisco Antonio, husband of María Nicolasa”.⁴³⁴

Not all married participants in the pulque trade did work with their spouses. Juana de la Cruz worked alone despite her pointed mention of her husband. Juan Gregorio of Zumpango, the producer mentioned in the previous chapter who used mules to transport great quantities of pulque to Mexico City, mentioned in his petition that he was married with children, but gave no indication that his wife was involved in his pulque business.⁴³⁵ Nor did the pulque producer-seller, Diego de Contreras, who pleaded his case for a licence

⁴³⁰ AGN Tierras, “Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa”, 1592, Vol. 2879 Exp. 12.

⁴³¹ AGN Indios Vol. 24 Exp. 88, fol. 1r.

⁴³² Polygamous marriage seems mostly to have existed amongst elite Nahuas prior to the conquest and appears to have been rather uncommon compared to monogamous marriage (Caroline Dodds Pennock, *Bonds of Blood: Gender, Lifecycle and Sacrifice in Aztec Culture* (Basingstoke: Palgrave Macmillan, 2008), pp. 99-100).

⁴³³ *Asistente* often translates as aide or aide-de-camp, in this case, it probably indicates a public official who assisted higher members of the city government.

⁴³⁴ AGN Indios, “Para que la justicia y sus ministros no impidan a Francisco Antonio y María Nicolasa, de Coyoacan, traer pulque blanco sin raíz”, 1640, Vol. 13 Exp. 103, fol. 1r.

⁴³⁵ AGN Indios, “Para que la justicia no impida a Juan Gregorio, natural de Zumpango traer a la Ciudad de México doce cargas de pulque blanco”, 1649, Vol. 15 Cuaderno 2 Exp. 47.

to sell pulque on the grounds that he was “a poor married man with children”.⁴³⁶ A number of female pulque sellers made no mention of their marital status at all.⁴³⁷ Usually pulque producers or sellers only included information as to whether they were married if they worked with their husbands (or if, like Juana de la Cruz, their husband had social clout), though married men often stated that they participated in the pulque trade to support their wives and children. Doña Josefa de los Reyes of Tequizistlan, for instance, mentioned her elite status in her petition to continue selling her pulque, but gave no indication that she was married, let alone that she worked with her spouse.⁴³⁸ While Ana de Jesús mentioned in her petition of 1629 that she sold pulque to support her four young children, she pursued this trade alone.⁴³⁹ Evidently, these women were not only well accustomed to independently running their own pulque businesses but were more than willing to initiate lawsuits without the input of their husbands. In situations of dire need, a wife might assume the responsibility of being the household’s only wage earner. Doña Ana María of Teoloyucan, who petitioned the *Juzgado* in 1649, was the sole support of her family following an accident which had left her husband bedridden.⁴⁴⁰ The household was dependent upon the income from the pulque business that doña Ana ran alongside her daughter, María Gerónima. Doña Ana’s petition for a license to produce and sell pulque emphasised her “suffering from extreme want and poverty”.⁴⁴¹ Without the cooperative labour that husband and wife so often engaged in, doña Ana suggested, her household had been plunged into poverty. The two women of the household were just about able to support themselves without her husband’s labour but, as doña Ana María communicated to the court in her description of their wretched condition of living, this was not the desired state for a married woman. The strategy used in this petition had much more in

⁴³⁶ AGN Indios, “Licencia que concede Su Señoría a Diego de Contreras para vender el aguamiel de maguey y pulque”, 1629, Vol. 10 Exp. 108, fol. 1r.

⁴³⁷ The Indigenous women who worked in pulque and *aguamiel* alone and without mentioning widowhood were: María Pérez (AGN Indios, “Licencia a María Pérez para que pueda vender miel negra de la sierra y de la blanca” 1591, Vol. 3 Exp. 760), María de la Cruz (AGN Indios, “Licencia a María de la Cruz, india, para que libremente pueda beneficiar los magueyes y traer a vender el aguamiel”, 1591, Vol. 3 Exp. 967), Ana María (AGN Indios Vol. 10 Exp. 40), Ana de Jesús (AGN Indios, Vol. 10 Exp. 127), Ana Isabel (AGN Indios, “A la justicia de Chalco y sus ministros para que no impidan a Ana Isabel el beneficio y venta de pulque blanco”, 1655, Vol. 18 Exp. 157); doña Ana María (AGN Indios, Vol. 15 Cuaderno 2 Exp. 106); Juana de la Cruz (“Su Excelencia concede licencia a Juana de la Cruz, natural del pueblo de Cuauhtitlan. para que el pulque de su cosecha lo pueda vender”, 1666, Vol. 24 Exp. 88), doña Josefa de los Reyes (“Para que el alcalde mayor de San Juan Teotihuacan no moleste a Josefa de los Reyes porque comercie con pulque”, 1656, Vol. 20 Exp. 209); a large group led by Magdalena María (AGN Indios, Vol. 21 Exp. 115).

⁴³⁸ AGN Indios Vol. 20 Exp. 209.

⁴³⁹ AGN Indios Vol. 10 Exp. 127.

⁴⁴⁰ AGN Indios Vol. 15 Cuaderno 2 Exp. 106.

⁴⁴¹ AGN Indios, Vol. 15 Cuaderno 2 Exp. 106, fol. 1r.

common with the petitions brought by Nahua widows, another group of agents who were deeply engaged in the pulque trade.

Participation in the pulque trade by widows was probably facilitated to a significant extent by inheritance patterns, whereby magueyes were a common bequest from husbands to their surviving spouses. Husbands often tended to leave lands with magueyes to their wives, as Gaspar Tochquimile did in his will, leaving three rows of magueyes to his “dear wife María Castilaxochitl, by this means she will bring up my dear children.”⁴⁴² A number of widows mentioned in their own wills that the magueyes they owned had been left to them by their deceased spouses.⁴⁴³ Catalina Quetzalamel, for instance, inherited three plots of magueyes in different locations from her first husband, Pedro Tlapalpolo, one of which had in fact been bequeathed to Pedro on the death of his first wife.⁴⁴⁴ Catalina, in turn, left all her magueyes to her second husband, Juan Becador.

Another use that widows frequently found for their magueyes on approaching their own deaths was to pay for masses to be said for their souls and those of their departed husbands. In her will, doña María Salomé of Cuauhtitlan dedicated a significant portion of her large maguey plots to masses for her second husband, Diego Flores.⁴⁴⁵ Eighty-five *magueyales* were to be tapped to fund masses for Diego’s soul, even though she had bequeathed the land itself to her granddaughter, Ana Pilantli.⁴⁴⁶ Widows were certainly aware that magueyes could prove a valuable resource for sustaining the household after their husbands had passed, as demonstrated by various suits brought by Native widows regarding their claim to maguey plots inherited from deceased spouses.⁴⁴⁷ Marta Ana, a widow with three children from San Juan Temamatla petitioned the *Juzgado* in 1590, complaining that her late husband’s *terrazgueros* had tapped fifteen of the magueyes he had left her, worth sixty gold pesos⁴⁴⁸ The fact that Marta had been married to a local *principal*, Martín Vázquez, suggested that even elite widows were perceived as vulnerable. It was clear that while inheriting magueyes from a spouse could prove an invaluable resource for widows, this inheritance was often contested by those who saw widows as helpless and unprotected. This perception was not necessarily always a bad

⁴⁴² “Testamento de Gaspar Tochquimile, sin fecha”, in *Vidas y bienes olvidados*, Vol. 1, p. 309. See also “Testamento de don Matías de la Mota Torrijos, 1631”, in *Vidas y bienes olvidados*, Vol. 3, pp. 178-179.

⁴⁴³ “Testamento de María Atempaxochitl”, *Vidas y bienes olvidados* Vol. 1, pp. 238-239.

⁴⁴⁴ “Testamento de Catalina Quetzalamel, 1590”, *Vidas y bienes olvidados* Vol. 1, pp. 224-228.

⁴⁴⁵ “Testamento de doña María Salomé”, in *Vidas y bienes olvidados* Vol. 1, p. 139.

⁴⁴⁶ “Testamento de doña María Salomé”, in *Vidas y bienes olvidados* Vol. 1, p. 138.

⁴⁴⁷ AGN Indios Vol. 3 Exp. 330.

⁴⁴⁸ AGN Indios Vol. 3 Exp. 58.

thing; some pulque-making widows recognised the potential of the trope to add force to their petitions and utilised it accordingly.

A number of widows found that selling the produce of their magueyes, whether as pulque or *aguamiel*, was an excellent method of supporting themselves after the death of their spouses. These women always made sure to state that they were widows and often chose to present themselves as poor, unfortunate women struggling to continue after their husbands had passed on. Juana Agustina of Tacuba pleaded for a license to produce and sell pulque on the grounds that she had “no other means of relief”.⁴⁴⁹ As we have seen, the argument of having no profitable lands or crops was popular amongst pulque producers; here, however, it served to emphasise Juana’s vulnerable status, since as a widow she had no husband to whom she could turn for support. The first piece of information that appears in the petition of doña Francisca Cecilia, also from Tacuba, is her status as a widow. Doña Francisca describes herself as “very poor and [having] no other thing to make use of or to support myself, since I have many children”.⁴⁵⁰ Unusually, doña Francisca made use of the first person to appeal directly to the reader; generally the suits and petitions brought by Native pulque producers and sellers used the third person. Doña Francisca’s petition also placed emphasis on her age alongside her widowhood. The witnesses who provided supporting testimony claimed to have known doña Francisca for thirty and fifteen years respectively and described her as “very poor and old” and as “an aged widow”.⁴⁵¹

Though doña Francisca and doña Cecilia were both noblewomen, their status as widows placed them in a social category far closer to the commoner petitioners who pleaded their case as *miserables*. Without husbands to look out for their interests, widows were thought to be in need of protection. The success of pulque businesses run by widows, however, suggests that they in fact were well able to provide for themselves. Pulque concerns such as the one run by Ana de Olmos of Zacatlan, who, as examined in Chapter 3, presided over such a profitable independent business that she employed workers to cultivate her magueyes, do not quite match up with the picture of helplessness that the petitions often presented. Pulque-producing widows who utilised this image in their petitions played into perceptions of widows as helpless unfortunates in both Nahua

⁴⁴⁹ AGN Indiferente Virreinal, “Petición que presentó doña Juana Agustina para que se le de licencia y pueda vender su pulque blanco”, 1639, Caja 6224 Exp. 27, fol. 1v.

⁴⁵⁰ AGN Indiferente Virreinal, “Francisca Cecilia, viuda india principal, solicitó licencia para trajinar y vender pulque en la Ciudad de México”, 1653, Caja 128 Exp. 7, fol. 2r.

⁴⁵¹ AGN Indiferente Virreinal, Caja 128 Exp. 7, fol. 2v.

culture and Spanish law and were able to obtain favourable verdicts in so doing.

Communities

Throughout the early colonial period, communities banded together to assert the right of all members of their settlement to make their living in pulque. Far from the picture of social breakdown and disorder that Charles Gibson has associated with the increased availability of pulque following the conquest, the frequency of communal petitions during this period indicates the persistence of strong corporate identities and social cohesion between members in pursuit of a common goal.⁴⁵²

There were several advantages to bringing community petitions as opposed to individual suits. Communal petitions granted blanket privileges that applied to all residents of a town; where producing and selling pulque and/or *aguamiel* was a source of income for many members of a community, it was more efficient to pursue one communal suit rather than many individual cases. Moreover, as Richard Conway has shown in his study of Nahua community policing, Indigenous petitioners often risked reprisal for circumventing the jurisdiction of local authority figures, who were often wealthy, influential or both.⁴⁵³ Communal lawsuits avoided any one person being singled out for revenge, since even if names were mentioned, these were inevitably those of officials such the governor or *alcaldes* of the community, whose status would serve to a certain extent as protection.

In Chapter 3, I examined the relationship between pulque production and geography, emphasising the links between place, corporate identity and the rights to produce and sell pulque associated with belonging to certain places. When examining communal suits, it is therefore essential to be aware that petitioners were claiming rights based not only on a common location, but on a shared image of corporate identity, a shared space of social interactions and a shared experience over time. Caterina Pizzigoni's work on everyday life in Indigenous towns of the Toluca Valley has applied a similar approach to late colonial Mexican history, analysing the operation of Indigenous communities under the categories of "identity", "interaction" and "activity".⁴⁵⁴

⁴⁵² Most notably Charles Gibson's assertion that "few peoples in the whole of history were more prone to drunkenness than the Indians of the Spanish colony" (Gibson, *The Aztecs*, p. 409).

⁴⁵³ Richard Conway, "Violence and Vigilance in Nahua Communities of Seventeenth-Century Central Mexico", *Colonial Latin American Review*, 26:4 (2017), p. 451.

⁴⁵⁴ Caterina Pizzigoni, *The Life Within: Local Indigenous Society in Mexico's Toluca Valley, 1650-1800* (Stanford, CA: Stanford University Press, 2012), pp. 16-17. The chapters in question are Chapters 3-5, titled "Identities" (pp. 93-117), "Interactions" (pp. 118- 141) and "Activities" (pp. 142- 163) respectively.

Jonathan Amith's study of the formation and sustenance of the town of Palula during the seventeenth to eighteenth centuries envisions the process of constructing communities as "place-making", the production of place through shared experience.⁴⁵⁵ In pulque-producing towns, the shared experience of livelihood was an important "place-maker", and one which communities clung to even when relocated, as we saw in the previous chapter. Living in an early colonial Nahua community was also about how individuals communicated, solved problems and created social bonds. Pulque producers and sellers were highly socially mobile and the petitions of pulque-producing communities suggest that agents in the pulque trade were engaged in networks of interaction. The members who made up Indigenous communities were by no means uniform and social interactions were not always harmonious, even within communities, as the next chapter on conflict and negotiation explores in more detail. An important aspect of what it meant to be part of an early colonial pulque-producing community was in fact constructed through social interactions that threatened participation in the trade, which gave these communities a common purpose. The framework of envisioning colonial Indigenous communities as process emphasises constant change in how people interacted and expressed themselves over time. Nahua communities were not static, rather they were dynamic entities that changed over time, as the adaptation to changing colonial legislation and the evolving participation of varied communities in the pulque trade demonstrates.

Communal petitions regarding possession of magueyes and permission to sell the maguey produce demonstrate frequent inter-community cooperation between settlements who relied on the trade. Communal petitions referred on occasion to permissions that neighbouring settlements had managed to obtain. In 1591, the residents of San Pedro Xaloxtoc and their neighbours living in the towns of Santa María Tolpetlac, San Francisco Huixtlan and Santiago Cacualco petitioned the *Juzgado* regarding their production of *aguamiel*.⁴⁵⁶ The petitioners requested a licence to sell *aguamiel* on the grounds that the nearby town of Santa Clara Coatitlan had already been granted permission to do so. There had clearly been some discussion between the inhabitants of the petitioning towns and those living in Coatitlan, since the petitioners were fully aware of the reasons that the

⁴⁵⁵ Jonathan D. Amith, "Place Making and Place Breaking: Migration and the Development Cycle of Community in Colonial Mexico", *American Ethnologist*, 32:1 (2005), pp. 162-163.

⁴⁵⁶ AGN Indios, "Para que el corregidor de dicho pueblo no les impida a los naturales de las estancias que pertenecen a México, vender aguamiel", 1591, Vol. 6 Pt 2 Exp. 36.

Coatitlan residents had put forward to support their request for a licence. The people of San Pedro Xaloxtoc and its neighbouring towns, needed a licence, they stated “for the same reason [as Santa Clara Coatitlan], since they can grow no other crops nor make any use of their lands apart from their magueyes”.⁴⁵⁷ In their petition which had successfully obtained a licence for the inhabitants of Coatitlan, they had indeed argued that “they had few lands and those which they possessed were sterile” and therefore could only support magueyes.⁴⁵⁸ Santa Clara Coatitlan was apparently so close to San Pedro Xaloxtoc, that the houses of the one town backed up against the houses of the other; a convenient distance for neighbours to share information.⁴⁵⁹ As we saw in the second chapter of the thesis, the residents of Coatitlan had also been pursuing a roaring trade in pulque alongside their usual business of selling *aguamiel*. Perhaps Coatitlan’s neighbours hoped that a licence for *aguamiel* would also open the way for their towns to profit from the rising demand for pulque in the city. The success of the petition from the residents of San Pedro Xaloxtoc and its neighbouring towns clearly owed much to the network of information sharing that existed between these settlements and Santa Clara Coatitlan.

Inter-town cooperation was a common feature of a number of further communal petitions brought by small settlements, who often banded together to pursue their case as a group. Joining forces to bring a suit to the *Juzgado de Indios* was likely the only way that residents of small towns could afford a communal lawsuit at all, since the legal insurance that covered fees for Native litigants in the *Juzgado* did not apply to communal suits.⁴⁶⁰ In these cases, small towns were able to identify a common interest or problem and effectively communicate with each other to bring suit. In some cases, representatives of a larger town brought suit both on behalf of their town and of its subject towns; on other occasions, small pulque-making towns cooperated to protect their right to produce and sell pulque. Nine settlements in the jurisdiction of Puebla at some point discovered from each other that all were being mistreated by the city's Spanish *corregidor*, Diego de Galicia, who charged each pulque producer four pesos every three months to allow them to transport and sell their produce.⁴⁶¹ Given that there were around forty-three pulque

⁴⁵⁷ AGN Indios, Vol. 6 Pt 2 Exp. 36, fol. 1r.

⁴⁵⁸ AGN Indios, “Al corregidor de Chiconautla, para que compela los naturales a que cada año beneficien sus sementeras, y cumpliendo, los deje trabajar en el aguamiel”, 1590, Vol. 4 Exp. 709, fol. 1r.

⁴⁵⁹ AGN Indios, Vol. 6 Pt 2 Exp. 36.

⁴⁶⁰ Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, CA: University of California Press, 1983), p. 97.

⁴⁶¹ AGN Tierras, “Para que el alcalde mayor de la Ciudad de los Ángeles ampare a estos naturales y no consienta que don Diego de Galicia les lleve derechos por razón de vender pulque blanco”, 1667, Vol. 2947 Exp. 23. These were the towns of San Toribio Xiatzingo, San Luis Teolocholco, Santa María

producers spread across these towns and that these illegal fines had been levied for the previous twelve years, this represented a significant amount of money for the petitioning communities. The small towns of San Felipe, Santa María Nativitas, Santo Toribio, San Juantzingo and Santa Inés in the province of Tlaxcala likewise joined forces to protest the fines levied on their produce by local officials, as did the communities of San Agustín de las Cuevas and San Andrés Axuchco, along with their unnamed subject towns.⁴⁶² Communal suits between towns required a great amount of inter-community organisation. The litigating communities had to hear testimony from those affected within the communities, to arrange how the lawsuit would be funded and to assemble testimony into a single narrative. These tasks could prove difficult within a single community; the involvement of numerous towns further complicated the process. Selecting who would represent the towns was less complicated: the representatives named in communal suits were almost always the governors and alcaldes of the towns involved. Although on occasion these high-ranking officials were themselves involved in pulque commerce, bringing a communal suit required officials to represent the wider interests of their community rather than a personal agenda.

Communal suits often incorporated references to local traditions of pulque making to argue for their right to continue their involvement in producing and selling the drink. As briefly examined in Chapter 2 of the thesis, communities frequently claimed that they had always been accustomed to make their living through pulque commerce. The residents of Santa María Ozumba argued in their 1641 petition that “it [had] always been an ancient custom [*costumbre antigua*] in the towns of this province for the Indians to sell *aguamiel* and pulque blanco in their towns” and pleaded for the viceroy to prevent outsiders selling pulque in Santa María Ozumba “in accordance with the custom”.⁴⁶³ The phrase *costumbre antigua* (“ancient custom”) creates a clear link between the colonial community bringing the petition and their community as it had existed prior to the conquest. This initially appears an unusual choice, given the association of pre-Hispanic

Acutlapilco, San Gerónimo, San Antonio Auquamantla, Santa Isabel Xiloxochitlan, San Francisco Topoyango, Santa Inés Sacabeles and San Francisco Peyolotitlan.

⁴⁶² AGN Indios, “Su Excelencia manda a los tenientes de la provincia de Tlaxcala y sus ministros guarden y cumplan las ordenanzas de gobierno que traen la forma que han de tener los naturales en hacer y vender el pulque blanco permitido”, 1659, Vol. 23 Exp. 309; AGN Indios, “Para que el teniente de San Agustín de las Cuevas y sus ministros guarden las ordenanzas de gobierno que indican que los naturales pueden hacer y vender el pulque blanco de sus cosechas, y no les impida tal cosa a los naturales de los pueblos de San Agustín de las Cuevas y San Andrés Axuchco”, 1656, Vol. 20 Exp. 108.

⁴⁶³ AGN Indios, “Para que el alcalde mayor de Chalco no permita que los naturales de otros pueblos entren al de Ozumba a vender agua miel y pulque blanco”, 1641, Vol. 13 Exp. 224, fol. 1r.

pulque making and consumption with religious practices that were condemned as idolatry throughout the colonial period. The chronicler fray Diego Durán was firmly convinced that consuming pulque served as a means of continuing to venerate pre-Hispanic deities. “One prays,” Durán wrote, “that it would please [our Lord] to destroy the memory [of the pulque god Ometochtli] by eliminating drunkenness. The memory [of Ometochtli] lives through the latter, and I state that there is no judge stern enough to prohibit it.”⁴⁶⁴ However, the attitude of the colonial government towards local Indigenous traditions during the sixteenth and seventeenth centuries was generally rather *laissez-faire*, provided that these traditions did not conflict with Christianity or with existing Iberian law. As Brian Owensby has argued, Spanish rule in Mexico often displayed “a fundamental conservatism”, favouring a certain degree of adherence to Native tradition as “an emblem of a well-ordered society”.⁴⁶⁵ *Costumbre* appealed to sources of traditional authority, even as the colonial state demanded the loyalty of Indigenous subjects towards king and Christ.

Provided that the pulque they made was not then used in any non-Christian rites, local custom was recognised as a valid reason for continuing traditions of pulque making and sale and pulque producing communities and individuals proceeded to make great use of this. The idea of *costumbre*— recognising Native tradition as a legitimate source of precedent— was a persistent feature of colonial legal discourse, as Yanna Yannakakis has shown in her study of eighteenth-century Villa Alta.⁴⁶⁶ By the eighteenth century, Yannakakis finds, the employment of *costumbre* “served the needs of empire more than it reflected the practices of Indigenous groups or protected their autonomy”, influenced by the wider context of state centralisation and the decline of legal pluralism under the Bourbon monarchs.⁴⁶⁷ During the early colonial period, however, pulque petitions show a clear picture of how *costumbre* had been utilised by Native communities for the very purposes which it was failing to serve by the eighteenth century: as a means of protecting traditional practices for the benefit of the community. Whether or not these communities had indeed always made pulque, they drew on the language of *costumbre* to argue for the recognition of their trade as an indivisible part of their way of life.

⁴⁶⁴ Diego Durán, *Book of the Gods and Rites and the Ancient Calendar*, trans. Doris Heyden and Fernando Horcasitas (Norman, OK: University of Oklahoma Press, 1971), p. 307.

⁴⁶⁵ Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, CA: Stanford University Press, 2008), p. 219.

⁴⁶⁶ Yanna Yannakakis, “*Costumbre*: A Language of Negotiation in Eighteenth-Century Oaxaca” in Ethelia Ruiz Medrano and Susan Kellogg (eds.), *Negotiation within Domination: New Spain’s Indian Pueblos Confront the Spanish State* (Boulder, CO: University Press of Colorado, 2010), pp. 137-172.

⁴⁶⁷ Yannakakis, “*Costumbre*”, p. 161.

Individuals also employed variants of this argument in their petitions, but rather than centring communal tradition, focused on familial custom or individual lifelong habit. The married pulque producers María Nicolasa and Francisco Antonio, for instance, mentioned that not only had they been accustomed throughout their lives to produce pulque and take it to sell in Mexico City, but also that their ancestors had engaged in pulque commerce before them.⁴⁶⁸ Another couple, Juan Francisco and María Magdalena, identified a particular spot in their home town of Tlalnepantla “in the street of the arches [*calzada de los arcos*] that leads from this city to Tacuba, next to the houses of the Marqués del Valle” where they had always sold their pulque.⁴⁶⁹ In providing the exact location, the petitioners invited the court to verify the information, apparently secure in the knowledge that residents would confirm having seen the couple selling their pulque year after year. Interestingly, *costumbre* was also accepted as a justification for one Juan Diego’s business selling *coapatle*, the additive which had been so thoroughly condemned in the legislation which had attempted to ban mixed pulque.⁴⁷⁰ Juan Diego argued that it was “the custom [*costumbre*] amongst the natives to take to neighbouring towns a kind [of plant] which they call *coapatle*... which is a good kind and without which [their] pulque is worthless.”⁴⁷¹ As discussed in the second chapter of the thesis, authorities often knew very little about what was needed to make pulque. Here, Juan Diego was able to exploit the gaps in official knowledge, arguing that the use of *coapatle* to lengthen shelf life so integral to pulque making that no town in his area had ever been known to make pulque without it. The rhetoric of tradition and *costumbre* was evidently so well-established as precedent in the courts at this time that it could even be used to defend the sale of additive herbs, which *ordenanzas* had repeatedly described as highly dangerous.⁴⁷² By employing the language of *costumbre*, petitioners played into the colonial administration’s preference for leaving undisturbed those aspects of Nahuatl life that did not threaten the maintenance of colonial rule or the acceptance of Christianity by Native populations. Since by the seventeenth century, the colonial government had altered its

⁴⁶⁸ AGN Indios, Vol. 13 Exp. 103.

⁴⁶⁹ AGN Indios, “Para que Juan Francisco, indio, ocurra al corregidor de la Ciudad de México para que le señale puesto y pueda vender el pulque de su cosecha”, 1653, Vol. 17 Exp. 2.

⁴⁷⁰ AGN Indios, “Para que las justicias de Su Majestad no impidan a Juan Diego, natural de La Asunción Amilpa, trajinar la raíz que entre los naturales llaman coapatle”, 1649, Vol. 15 Cuaderno 2 Exp. 114.

⁴⁷¹ AGN Indios, Vol. 15 C2 Exp. 114, fol. 1r.

⁴⁷² AGN Reales Cédulas Duplicadas, “Ordenanza sobre prohibir que se compre y contrate la raíz que sirve para la elaboración del pulque”, 1588, Vol. 3 Exp. 48; AGN RCD, “Declaración de la ordenanza del pulque en lo relativo a los indios”, 1588, Vol. 3 Exp. 54; AGN RCD, “Ordenanza sobre el pulque en la Ciudad de México”, 1597, Vol. 3 Exp. 175.

position to condemning only *pulque amarillo*, traders who sold *pulque blanco* were now free to reference Indigenous tradition in their petitions without automatically sparking suspicion. After all, by coming to the *Juzgado* to seek justice, petitioners had already demonstrated that they accepted the authority of the colonial state to pass judgement. The argument that making pulque to sell was the way that things had always been done is also highly reminiscent of the ideas of “authenticity” and retaining a “pure” Indigenous culture surrounding the categorisation of *pulque blanco* which I examined in Chapter 2. *Costumbre* often relied on the idea of long-standing communal tradition, where the pulque trade was identified as the factor which had allowed communities to survive and prosper for generations. As we will see in the next section, pulque trading did indeed underwrite numerous aspects of Nahuatl communal life during the colonial period and these communities were determined to defend this trade, whether or not they really had been pursuing it “since time immemorial”.

Living in a colonial-era Indigenous community meant accepting and fulfilling certain essential responsibilities. For the majority of participants in the pulque trade, success in their business was a vital factor in their ability to meet their obligations to their community. The most pressing of these duties was the payment of tribute. A system of tribute collection already existed in Mexico long before the arrival of the Spanish, bringing everything from basic necessities to luxury artisan goods into the Mexica capital from tributary towns across Mexico.⁴⁷³ Recognising the potential of the tribute system to supplement the Crown’s income, colonial authorities continued to demand tribute from Indigenous peoples in New Spain. Most communities dedicated some portion of their communal lands as *tequitlalli* (“tribute land”) which would be used to pay tribute, either in the form of the harvested crops or in the form of the income from selling communal produce.⁴⁷⁴

The most common justification given by pulque producers and sellers as to why they should be permitted to continue in their trade was that they used the resulting income to pay their tributes. We have already seen in this chapter how Native pulque producers and sellers linked their participation in the pulque trade to their survival, thereby invoking the colonial state’s duty of care and referencing the centrality of Indigenous labour to the

⁴⁷³ Frances F. Berdan and Michael E. Smith, “Imperial Strategies and Core-Periphery Relations”, in Frances F. Berdan; Richard E. Blanton; Elizabeth Hill Boone; Mary G. Hodge; Michael E. Smith; Emily Umberger (eds.), *Aztec Imperial Strategies* (Washington D.C: Dumbarton Oaks Research Library, 1986), pp. 209-210.

⁴⁷⁴ Lockhart, *The Nahuas*, p. 161.

maintenance of the colonial state. Petitioners also used a similar strategy where tribute was concerned. By suggesting that they might be unable to pay tribute if prevented from selling pulque, petitioners reminded the colonial authorities of the wealth that tribute collection from Indigenous communities generated for the Crown. Of the eighty-one petitions brought regarding the production and sale of pulque and *aguamiel* between the 1580s and 1660s, fifty-five petitions listed tribute payment as a reason why the litigants had chosen to participate in pulque commerce.⁴⁷⁵ This strategy proved successful; the viceroy ruled in favour of the petitioners in every one of these suits. Just as pulque producers and sellers had used the language of *sustentarse* to reference the necessity of their labour to the maintenance of the colonial state, so too did they emphasise their payment of tribute as financial contribution towards the upkeep of the state. It was no coincidence that out of the fifty-five petitions, twenty-five described tributes as a direct payment to the monarch, referring to “royal tributes” and “His Majesty’s tributes”.⁴⁷⁶ By stating their desire to pay their tributes and their inability to do so if prevented from producing or selling pulque, petitioners presented themselves as loyal subjects, who might be prevented from fulfilling their duty to their sovereign, should their petition be rejected.

A number of communities dedicated communal lands to cultivating magueyes for tribute payment. The residents of San Salvador Quauhtlatzingo mentioned in their suit against a local Spaniard who had been exploiting their magueyes that the lands were communally owned.⁴⁷⁷ Likewise, a petition brought by pulque traders from Texcoco also described their maguey plots as “belonging to the community”.⁴⁷⁸ The issues that Indigenous migrants faced in retaining their lands once they had left their towns of origin, as examined in the previous chapter, were also rooted in the usage of communal tribute lands for maguey cultivation. Diego Raimundo from Amecameca and the group of petitioners from Los Reyes had their lands seized in their hometowns for the purpose of using the magueyes as a source of communal income.⁴⁷⁹ Indeed, Diego identified the tribute officials of Amecameca as those responsible for confiscating his maguey plots.

⁴⁷⁵ See Appendix, section 2

⁴⁷⁶ See Appendix, section 2.

⁴⁷⁷ AGN Indios, “Su Excelencia manda que la justicia del partido de Otumba, ampare al gobernador y naturales del pueblo de San Salvador Quauhtlatzingo, en las tierras y magueyes que fueron suyos”, 1658, Vol. 23 Exp. 190.

⁴⁷⁸ AGN Tierras Vol. 2944 Exp. 321, fol. 1v.

⁴⁷⁹ AGN Indios Vol. 12 Exp. 65.

However useful the pulque trade was for paying tribute, reliance on pulque commerce was problematic when participants encountered disruption to their trade. Pulque traders who found themselves unable to pay tributes risked not only the ire of the colonial authorities but also of their own community. In Cuauhtitlan, Juana de la Cruz claimed that she had been so frequently prevented from taking her pulque into the town to sell that she owed a quantity of tribute which she could not pay.⁴⁸⁰ The governor had little sympathy for Juana's plight and threatened her with arrest if she did not promptly pay her mounting debts. Juana's inability to pay her tributes placed her community in a difficult position, threatening the whole community's ability to meet its tribute quota. Whilst failure to properly pay tribute could certainly result in punishment, it was also in the community's interest to pay its designated tribute, since it was from these monies that essential aspects of community life such as communal infrastructure, maintenance of public buildings and the salaries of public officials were funded. Where a maguey owner owed back tribute, their magueyes might be tapped on the governor's orders to cover the balance. In Tacubaya, Nila Francisca, a woman accused in 1644 of tapping her neighbour Juana Francisca's maguey plants, claimed that the governor had ordered Juana's magueyes to be harvested to meet tribute obligations that Juana's parents had failed to pay.⁴⁸¹ The nobles mentioned in the third chapter who brought suit to claim the maguey plantings of the migrant Melchor de la Cruz had also done so because he owed back tribute to the community. Maguey cultivation, even by private individuals, was often a profoundly communal affair.

Tribute payment was just one of the responsibilities that members of Nahua communities were expected to fulfil; another key aspect of early colonial Native communal life was contribution to the town's church. The church was the symbolic heart of the Nahua *pueblo*. In maps of Indigenous settlements, Native painters often chose to portray their church as the town's central point, even if this entailed shifting the entire composition of the map, as Barbara Mundy has shown.⁴⁸² Religious celebrations in Nahua communities were usually large-scale social events in which all community members participated, and which pulque-producing towns often funded with the profits from their trade. The chapel of the Virgin of Guadalupe in the town of Santiago Zacoalco held a

⁴⁸⁰ AGN Indios, Vol. 24 Exp. 88.

⁴⁸¹ AGN Tierras, "Queja de Juana Francisca, contra Nila Francisca, por haberse introducido a sus terrenos y abierto gran cantidad de magueyes", 1644, Vol. 2829 Exp. 3, fols 5r-6v.

⁴⁸² Barbara E. Mundy, *The Mapping of New Spain: Indigenous Cartography and the Maps of the Relaciones geográficas* (Chicago, IL: University of Chicago Press, 1996), pp. 68-76.

festival dedicated to the Virgin each year, which was paid for entirely by the nobleman don Juan Antonio with the proceeds from his pulque business.⁴⁸³ Along with two other *principales*, don Juan provided oil, wine, chalices and “everything else necessary for divine worship, [the funds for which] proceed from the pulque that is taken to be sold every morning”.⁴⁸⁴ One couple from Xochimilco, Juan Miguel and his wife Mariana, cultivated magueyes for pulque solely to pay for a yearly religious festival.⁴⁸⁵ The inhabitants of Quauhtlatlalca paid alms to their church using the proceeds of their pulque sales, which also covered a bonus payment (*obvención*) for their priest.⁴⁸⁶ The community of Tepeapulco, in their suit against a local Spanish landowner for destruction of their magueyes, expressed their fear that without their magueyes they would have nothing “for our church and the support of our priests”. Tepeapulco’s church evidently relied heavily on the income from the community’s maguey cultivation.⁴⁸⁷

Alongside the records which directly state that donations to local churches came from pulque, some wills also specified that money obtained from tapping plots of magueyes should be dedicated to religious purposes. Given that the high demand for pulque throughout the seventeenth century made it by far the most profitable maguey product of this period, it is very likely that these donations from testators were generated through making and selling pulque. On making his will in 1568, Ignacio Antonio Carrillo dedicated all the produce of his magueyes to religious purposes, including one plot to pay for celebrations on the feast of the Assumption, another measuring around 800 square metres for the feasts of San Pedro and San Juan and a third *magueyal* of approximately 1200 square metres to be used by the *cofradía* of Santo Entierro de Cristo.⁴⁸⁸ Some testators were more specific as to what exactly the *aguamiel* or pulque from their magueyes would pay for: Martina Luisa of Xochimilco, for instance, stated in her will that the produce of her magueyes should go towards buying candles for the church.⁴⁸⁹

⁴⁸³ AGN Indios, “Su Excelencia concede licencia a Juan Antonio, Mateo Juárez y Salvador Andrés, naturales de la ermita de Nuestra Señora de Guadalupe, caciques y principales de Santiago Zacualco, para que puedan vender pulque blanco”, 1667, Vol. 24 Exp. 200.

⁴⁸⁴ AGN Indios Vol. 24 Exp. 200, fol. 1v.

⁴⁸⁵ AGN Indios Vol. 20 Exp. 149.

⁴⁸⁶ AGN Tierras, “Para que los naturales que en esta se refiere no se les impida el beneficiar de sus magueyes y vender el pulque blanco”, 1667, Vol. 2946 Exp. 591.

⁴⁸⁷ AGN Indios, “Su Excelencia manda al corregidor del partido de Tepeapulco, reciba la informacion que ofrecen los naturales de dicho pueblo de los agravios que han recibido en sus ranchos del mayordomo Alonso Pérez y otros vaqueros, del Conde de Orizaba, quien les ha destruido sus magueyes”, 1657, Vol. 21 Exp. 162.

⁴⁸⁸ Testamento de Ygnacio Antonio Carrillo, 1568, in *Vidas y bienes olvidados Vol. 1*, pp. 125-127.

⁴⁸⁹ “Testamento de Martina Luisa”, pp. 260-261.

Likewise, María Salomé from the pulque-producing town of Santa Clara Coatitlan dedicated one of her maguey plots “to the saint, San Juan, my children shall possess it and the magueyes, with this they will buy candles for the [worship of the] saint.”⁴⁹⁰

Pulque not only funded public religious celebration but paid for more personal spiritual practices. The will of Francisco Pérez specified that all his magueyes were to be dedicated to commemorating the dead, in particular that the produce of his magueyes should pay for candles to be bought every year for these rites.⁴⁹¹ Dedicating the produce of magueyes to fund rites for the dead was a popular choice, likely more so in communities where pulque production was a major source of income. In 1621, María Verónica, a resident of Santa María Asuncion (Toluca), left a *solar* planted with magueyes “to my son, Pedro San Francisco, so that at this time the dead will be remembered”.⁴⁹² María apparently intended the produce of the magueyes or the plants themselves to be sold to fund remembrance rites. This is confirmed by a later section of the will, where María ordered that two or three magueyes be sold “at the time of the dead...so that we will be remembered.”⁴⁹³ In a similar fashion, María Salomé of Santa Clara Coatitlan specified that the lands bequeathed to her granddaughter Ana were to be used for planting magueyes “so that those who have died will not be neglected.”⁴⁹⁴ While the testament of Juana Verónica indicated that she wished her magueyes to be tapped to pay for masses, she also stated that the land would be *animan tlalli* (“land for the souls”), indicating that the produce of the land would go towards remembrance of the dead.⁴⁹⁵ The concern of testators for their departed ancestors was also reflected in the wills of those who used the produce of their magueyes to lessen the time that these souls would spend in purgatory, just as many widows did for their deceased husbands. Communal responsibilities did not only concern the living; many Nahuas clearly also felt a responsibility to their dead and were keen to ensure that their descendants would continue to fulfil these duties.

⁴⁹⁰ “Testamento de María Salomé, 1625”, in *Vidas y bienes olvidados Vol. 3*, pp. 152-153. Dedicating a plot of agricultural land to a saint indicated that its produce would go towards paying for the necessary supplies to celebrate that saint’s feast day, in this case the feast of St John the Evangelist on 27th December.

⁴⁹¹ “Testamento de Francisco Pérez”, in *Vidas y bienes olvidados Vol. 3*, pp. 192-193.

⁴⁹² “Testamento de María Verónica”, in *Vidas y bienes olvidados Vol. 3*, pp. 136-137.

⁴⁹³ “Testamento de María Verónica”, in *Vidas y bienes olvidados Vol. 3*, pp. 136-137.

⁴⁹⁴ “Testamento de María Salomé”, in *Vidas y bienes olvidados Vol. 3*, pp. 154-155.

⁴⁹⁵ “Testamento de Juana Verónica, 1624”, in *Vidas y bienes olvidados Vol. 3*, p. 143.

Conclusion

The diversity of participants in the early colonial pulque trade is a testament to how profoundly the trade impacted daily life in regions where it formed a major source of income. Commoner and elite, men and women, married and widowed, all relied on their participation in the pulque trade to provide for themselves, in some cases to underwrite their survival. In keeping with trends that alcohol historians of the late colonial and post-independence periods have identified throughout Latin America, women were exceptionally active agents in alcohol production and sale. The participation of Nahua women in the early colonial pulque trade reveals their political agency in shaping the course of colonial legislation. Pulque producers and sellers pursued their living in the trade with equally diverse motivations and strategies, utilising their awareness of their rights as colonial subjects to maximise the effectiveness of petitions. In this respect, they were highly successful; not a single petitioner or group of petitioners from the documents used in this thesis was denied permission to continue trading in pulque. In some cases, a positive ruling for the plaintiffs did not necessarily correspond to the enforcement of that judgement, as in the case of the producer-sellers from Tlalmanalco who returned to court several times. Yet the fact that petitioners steadily continued to bring their cases to the *Juzgado* suggests that pulque producers and sellers often did find that the rulings they obtained were effective.

Individual agents often pursued their agendas within the legal system, either alone or as part of small groups affected by the same issue. However, the archival record of the pulque trade is dominated by communal suits. Bringing a communal suit as far as the *Juzgado de Indios* was a complex process, involvement in communal pulque litigation was therefore a phenomenon which encouraged social cohesion in pursuit of a common goal. Those communities which persisted in arguing their right to produce and sell pulque did so in a way that drew upon their corporate identities and local tradition, invoking a common history and set of customs. For pulque-producing communities, their product influenced almost all aspects of communal life. Members of these communities were linked in a network of communal obligations, which their participation in the pulque trade allowed them to meet. Pulque production provided significant contributions to communal funds; in towns where magueyes were the main crop, maguey produce must have been a vital factor in the town's ability to keep up tribute payments. Religious duties to churches were also underwritten by the proceeds from pulque. In this way, Church institutions benefited directly from the success of rural pulque commerce.

This chapter has examined who pulque producers were and how they portrayed themselves in their petitions to the *Juzgado de Indios*, showing a keen awareness of which strategies best suited their social and economic positions. However different from each other their respective position was, each individual or community that brought a case to the *Juzgado* shared one thing in common; they had come to Mexico City in response to a threat to their livelihood. Pulque producers and sellers had made their trade into a thriving industry that stretched across central Mexico; their success would prove enticing. The documentation used in this thesis exists as a product of conflict between pulque traders and agents who sought to profit personally from obstructing Nahuatl participation in pulque commerce. In the next chapter, I therefore move on to examine how pulque traders reacted to conflict, using strategies of negotiation within the colonial courts to pressure the colonial government into supporting their trade.

Chapter 5: Conflict and negotiation in the early colonial pulque trade

“Experience has shown the great inconveniences that result from the transport of pulque, having become the living of so many people”, the officials of the *Real Audiencia* reflected in 1658, passing their verdict on a complaint of harassment brought by the pulque producers of Texcoco.⁴⁹⁶ The influential Spaniards who made up the high court of New Spain were socially very far removed from the Indigenous rural pulque traders who constituted the majority of participants in pulque commerce, yet had nonetheless become aware of their difficulty in making a living. The expansion of the pulque trade was a double-edged sword for those who relied on it for their main income. On the one hand, the success of pulque traders had created an opportunity for prosperity. On the other hand, conflict and harassment became part of the fabric of daily social interaction for many Nahua pulque traders, as their flourishing businesses attracted those keen to scavenge from their efforts. It is due to the presence of conflict in the lives of pulque traders that the primary sources used in this thesis exist at all, generated as they were by pulque traders who sought resolution of their problems through the Spanish legal system.

The previous chapter demonstrated that the pulque trade had become a vital source of income for a diverse body of Indigenous agents by the mid-seventeenth century. Having established the centrality of the pulque trade to communal and individual social life for many Nahuas, this chapter moves on to examine how Indigenous pulque producers and sellers approached conflict when their right to make and sell pulque was challenged. The chapter highlights the use of negotiation through the Spanish legal system as the primary recourse for Indigenous pulque traders who experienced obstacles to their commerce. Pulque traders negotiated their interests through the courts in three key areas that were crucial to the survival of their businesses: the issue of access to pulque markets across New Spain, tenure of lands containing maguey plantings, and the right of Indigenous agents to participate in pulque commerce without harassment by local authorities. By holding the colonial state accountable for the protections that Indigenous peoples were promised as subjects, pulque traders furthermore negotiated acceptance of their trade and recognition of their right to make a living in pulque.

The documentary record reveals that participating in the pulque trade could make life very difficult. Indigenous traders often risked harassment and fines when they

⁴⁹⁶ AGN Tierras, “Para que se guarde y cumpla lo mandado en este auto, que se da facultad a los naturales que son dueños de magueyes el acarreo es libremente del pulque”, 1658, Vol. 2944 Exp. 321, fol. 1v.

ventured out to sell their wares; in several cases, they were subject to housebreaking, theft and even arrest. Conflict between pulque traders and other social groups could prove so persistent or severe that petitioners sought the ultimate mediating power of the *Juzgado de Indios*, usually at the cost of significant time and expense. Indigenous persistence in negotiating their interests when they encountered conflict forced the colonial state to accommodate their trade and in doing so made pulque commerce increasingly profitable throughout the seventeenth century. The pulque *haciendas* that would go on to generate huge revenues throughout the eighteenth and nineteenth centuries owed their existence to Indigenous petitioners who pressured the colonial state to accept their pulque businesses as legitimate.

The colonial pulque trade developed and thrived across central Mexico because participants in the trade were prepared to negotiate their interests with the colonial state. Across the colonial period, Native communities and individuals saw in the Spanish legal system an opportunity to contest and negotiate power within the colonial state, even as this same state supposedly dominated its subjects. Pursuing a case through the Spanish courts necessitated recognising the authority of the Spanish colonial state to pass judgment. Yet this recognition came with strings attached. As subjects of the Spanish Crown, Mexico's Indigenous peoples expected some degree of reciprocity, demanding that the colonial government offer and enforce certain protections and administer justice. Ethelia Ruiz Medrano has identified spaces of negotiation as a defining element of the relationship between Crown and Native subject, which shaped the quotidian experience of Indigenous communities under Spanish rule.⁴⁹⁷ The colonisation of Mexico, Ruiz Medrano argued, "was a phenomenon that implied force, but at the same time, negotiation with the dominated society".⁴⁹⁸ Ruiz Medrano further expanded on this framework in her monograph, *Mexico's Indigenous Communities*, in which she identified a clear and long-lasting "willingness and determination to capitalise on the opportunity the Crown gave [Native peoples] for negotiation".⁴⁹⁹ Ruiz Medrano's characterisation rings especially true for the early colonial pulque trade, whose participants seized upon any protections

⁴⁹⁷ Ethelia Ruiz Medrano, "De indicios y artificios: fuentes para el estudio del poder y de la negociación indígena en el siglo XVI", in Mario Camarena and Lourdes Villafuerte García (eds.), *Los andamios del historiador: construcción y tratamiento de fuentes* (México D.F.: Archivo General de la Nación, 2001), pp. 53-69.

⁴⁹⁸ Ruiz Medrano, "De indicios", p. 57.

⁴⁹⁹ Ethelia Ruiz Medrano, *Mexico's Indigenous Communities: Their Lands and Histories, 1500-2010* (Boulder, CO: University of Colorado Press, 2010), p. 285.

guaranteed by the colonial state, whilst keeping up a continual pressure on the state to accommodate their needs even further.

The historiography of negotiation between the Spanish colonial state and its subjects has been closely linked with the historiography of colonial law. As Brian Owensby argues, looking at Native engagement with the legal system allows us to appreciate how Indigenous individuals and communities “created a new legal reality” through their frequent use of the courts.⁵⁰⁰ Alcira Dueñas furthermore shows that, as Native litigants gained increasing knowledge of legal procedure and language, they became active participants in the production of colonial laws, redefining relations between state and subject.⁵⁰¹ Referring to colonial law in a broader sense, Lauren Benton has described the creation of a set of “rules of engagement”, which she defines as “a set of shifting procedural and legal rules about the relations between cultural (and religious) groups”, created through processes of legal conflict.⁵⁰² This chapter demonstrates that the architects of the “rules of engagement” for the pulque trade were Indigenous litigators, who by engaging with the Spanish legal system mapped out a vision of how the state should relate to pulque commerce and demanded that the state observe it. In this chapter I show that, as legal actors, pulque traders who appeared at the *Juzgado* were simultaneously political actors, directly influencing policy regarding the pulque trade. I argue that by negotiating a place for pulque as a legitimate commodity in the colonial economy, Nahua pulque traders were active participants in the process of constructing the colonial state in Mexico as an entity that recognised and was eventually financed by the trade in Native alcohol.

Access to markets

As participation in the pulque trade increased throughout the first half of the seventeenth century, the issue of access to pulque markets became more pressing. Using the colonial courts, pulque traders had, by the seventeenth century, managed to negotiate conditions that were more favourable to large-scale Native participation in pulque production and sale, but in doing so had created a situation in which selling one’s pulque proved more

⁵⁰⁰ Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, CA: Stanford University Press, 2008), p. 306.

⁵⁰¹ Alcira Dueñas, “Indian Colonial Actors in the Lawmaking of the Spanish Empire in Peru”, *Ethnohistory*, 65:1 (2018), pp. 51-52, p. 65.

⁵⁰² Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: CUP, 2002), p. 11.

difficult. Access to the marketplaces of New Spain that allowed their businesses to flourish. Yet in trying to reliably access markets, pulque traders consistently faced obstacles and delays. The appeal of pulque commerce as a source of income meant increased competition between traders, whilst those who travelled to Mexico City had to contend with legislation restricting the city's pulque market. In their travels between towns and across administrative boundaries, pulque traders also found that their right to move freely was called into question. Throughout the seventeenth century, the pulque traders of New Spain communicated to the courts that access to markets was their inalienable right and claimed protection for their trade.

In the previous chapter, we saw how the common aim of making one's livelihood in pulque often served as a unifying force between communities, who banded together to defend their participation in the pulque trade. Yet conflict also arose from the rise of widespread participation in the pulque trade, as pulque makers sought to maintain a dominant presence in the pulque marketplace. A fellow pulque maker might be a potential ally in contesting harassment from authorities. They could, however, also turn out to be a rival in New Spain's increasingly crowded pulque markets. Litigation brought by pulque traders was often characterised by a desire to negotiate around restrictions on their own activity. This kind of lawsuit was unusual in that it focused instead on insisting that restrictions be imposed on others while arguing for one's own right to continue trading in pulque. Through pursuing this genre of litigation against their competitors, petitioners attempted to reduce local participation on their own terms, playing into the colonial administration's anxieties regarding the expansion of the pulque trade, but simultaneously ensuring that the same administration's ruling would protect the petitioner's pulque business.⁵⁰³

The legal precedent of bringing suit against competitors in the pulque and *aguamiel* trade was first set in the sixteenth century by a dispute over *aguamiel* sale between several *barrios* of Tacubaya in 1596.⁵⁰⁴ A group of *aguamiel* producers from the town had successfully obtained a licence in September of 1595 to sell *aguamiel* with

⁵⁰³ This kind of litigation occurred in Tacubaya (AGN Indios, "Concede Su Señoría licencia a los indios de Tacubaya, para que libremente puedan beneficiar la miel blanca", 1595, Vol. 6 Pt 1 Exp. 1094; AGN Indios, "Para que durante cuatro meses, beneficien los naturales de los barrios de Tacubaya, la miel blanca de maguey", 1596, Vol. 6 Pt 1 Exp. 1166); Santa María Ozumba (AGN Indios, "Para que el alcalde mayor de Chalco no permita que los naturales de otros pueblos entren al de Ozumba a vender agua miel y pulque blanco", 1641, Vol. 13 Exp. 224); Tlacotepec (AGN Indios, "A la justicia de Toluca para que no consienta que los de Xocotitlan y Calimaya entren con pulque", 1651, Vol. 16 Exp. 6) and Texcoco (AGN Tierras, Vol. 2944 Exp. 321).

⁵⁰⁴ AGN Indios, Vol. 6 Pt 1 Exp. 1166.

additives, which they proceeded to argue had been intended only for their use, rather than as a blanket permission for Nahua residents of Tacubaya. The ruling had indeed granted a licence to “the aforementioned Indian men and women” and could well be interpreted as applying only to those who had brought the suit.⁵⁰⁵ However, this document neglected to mention any of the petitioners by name. The petition looked far more like a communal suit than one brought by individuals. Yet the following November, a group of petitioners from Tacubaya returned to the *Juzgado*, complaining that *aguamiel* producers from the *barrios* of Itzacacoac, Quizquinahuac and Tlacolteco had taken over the *aguamiel* trade entirely, preventing residents of the town’s other *barrios* from selling their own *aguamiel*. Having obtained the licence, the offending *aguamiel* producers clearly saw no reason why others should benefit from their efforts when an opportunity lay before them to dominate Tacubaya’s pulque market. Using the justification that the licence only applied to those who had travelled to Mexico City to request it, the original petitioners saw the chance to reduce potential competition within Tacubaya’s pulque market. Later cases would capitalise on the precedent set here that the courts could be used as a means of restricting access to certain pulque markets.

The practice of negotiating restriction on a competitor’s trade was a phenomenon that took place almost exclusively over access to small local markets. The chance to dominate these markets was highly appealing since it allowed sole access to a known body of consumers and thereby a reliable income. For those who lived too far from Mexico City for pulque transport to be feasible, local markets were a lifeline, whilst pulque traders who could have travelled to the city often preferred the relative convenience and low cost of selling in nearby towns. A pulque market contained within a small town, however, relied on a delicate balance between the number of buyers and sellers, giving resident pulque makers a pressing motivation to restrict the entrance of outsiders to their markets.

In 1641, the community of Santa María Ozumba petitioned the *Juzgado* to keep outside pulque traders from entering the town’s markets.⁵⁰⁶ This was the same town whose utilisation of *costumbre* to support this request appeared in Chapter 4; the petition stated that the towns of the region had always kept to their own markets and did not sell pulque in other settlements. However, the *alcalde mayor* had issued an order that pulque makers from other towns should be allowed to sell their wares in Santa María Ozumba.

⁵⁰⁵ AGN Indios, Vol. 6 Pt 1 Exp. 1094, fol. 1r.

⁵⁰⁶ AGN Indios, Vol. 13 Exp. 224.

The influx of traders from neighbouring towns had left the Ozumbans “without any way to sell that which they produced... causing them to suffer extreme want”.⁵⁰⁷ If the pulque traders of Santa María Ozumba really had always sold only within their town, they were unusually static for pulque traders; even those participants who sold in their own community usually also ventured to neighbouring towns.⁵⁰⁸ Whether Ozumba actually had traditionally functioned as a closed pulque economy or not, it was plain that the town’s residents wanted sole access to its pulque market.

Ten years later, the communities of Toluca and Tlacotepec brought a similar request to the *Juzgado*, asking for pulque traders from the nearby towns of Xocotitlan and Calimaya to be banned from selling their pulque either in the markets of Tlacotepec or in those of Toluca.⁵⁰⁹ The Toluca Valley, where these towns were all situated, is located approximately forty to forty-five miles from Mexico City. Although pulque traders were known in other records to travel this far or further, the Tolucan and Tlacotepecan traders clearly preferred the ease and reduced expense of selling locally.⁵¹⁰ The petitioners had brought with them to the *Juzgado* a written *mandamiento* they had already obtained, ordering local authorities to ensure that no pulque traders from Xocotitlan or Calimaya entered markets in Tlacotepec or Toluca. The fact that the case was brought to the *Juzgado* after the petitioners had obtained a favourable ruling at the local level was a clear sign that the markets of the petitioning towns would not be so easily closed off to outsiders. Toluca was a major settlement: loss of access to its markets must have been a bitter prospect for the traders from Xocotitlan and Calimaya.

⁵⁰⁷ AGN Indios, Vol. 13 Exp. 224, fol. 1r.

⁵⁰⁸ AGN Indios, “Para que la justicia de Zacatlan ampare a Ana de Olmos, principal de dicho pueblo sin que se le ponga en impedimento en vender pulque blanco de su cosecha, 1641, Vol. 13 Exp. 329; AGN Indios, “Su Excelencia manda a la justicia de Chalco, que no impidan a Diego Bernal, gobernador de Amecameca sacar y vender pulque blanco”, 1655, Vol. 18 Exp. 201; AGN Indios, “Para que la justicia del partido de Chietla y sus ministros, no impidan a los naturales del pueblo de San Francisco Chietla y sus sujetos hacer y vender pulque blanco”, 1656, Vol. 20 Exp. 168; AGN Indios, “Su Excelencia manda al alcalde mayor de la villa de Cuernavaca, guarde y cumpla las ordenanzas de gobierno que dan la forma en que los naturales han de vender el pulque blanco de sus cosechas y no les impida tal cosa a las indias Magdalena María, Juana, Petronila Juana, Elena de la Cruz, Clara Elena, Juana Ursula”, 1657, Vol. 21 Exp. 115; AGN Indios, “Para que la justicia de Tlalmanalco no haga molestias a las indias contenidas en el expediente por sacar y vender el pulque blanco”, 1641, Vol. 13 Exp. 325; AGN Indios, “Para que las justicias de Chicoloapa no impidan a los naturales beneficiar sus magueyes y vender el pulque blanco”, 1655, Vol. 18 Exp. 158; AGN Indios, “Para que el corregidor de Coyoacan, guarde las ordenanzas del gobierno hechas en relación de hacer y vender los naturales pulque blanco”, 1656, Vol. 20 Exp. 139; AGN Indios, “Su Excelencia concede licencia a Juana de la Cruz natural del pueblo de Guautitlan, para que el pulque de su cosecha lo pueda vender”, 1666, Vol. 24 Exp. 88.

⁵⁰⁹ AGN Indios, Vol. 16 Exp. 6.

⁵¹⁰ AGN Indios, “Su Excelencia concede licencia a los naturales del pueblo de Tlocayuca [sic], para que puedan trajinar el pulque blanco”, 1658, Vol. 23 Exp. 103.

Although all three sets of petitioners were successful in obtaining the desired verdicts from the viceroy, they adopted varying strategies to achieve these outcomes. The petitioners in the *aguamiel* dispute from Tacubaya presented the competition between the town's traders as a violation of the viceroy's will, implying that their rivals had intentionally misapplied his ruling. The pulque traders from Tlacotepec and Toluca altered this strategy and emphasised the fact that local authorities had failed to enforce the viceroy's *mandamiento*.⁵¹¹ In the case of Santa María Ozumba, competition over the town's pulque market was portrayed as a significant source of poverty and suffering.⁵¹² The Ozumban petitioners described their region as one in which pulque traders had always done business only within their own towns.⁵¹³ In this way, they identified the expansion of pulque trade networks as an unwelcome new innovation which threatened peaceful traditional commerce. It cannot have escaped the petitioners' notice how closely this attitude to the increased geographical spread of pulque trading patterns matched the stance of the colonial government. Even as they appealed to the colonial administration's strong wish to restrict the geographical reach of pulque trading, the petitioners from Ozumba outlined the extent to which they would abide by this restriction, firmly defending their right to continue pulque trading in a closed local market.

As indicated by the cases recording fierce competition between rival pulque-producing settlements, participation in the pulque trade continued to grow throughout the seventeenth century. Attempts by the colonial government to regulate and keep records of pulque sale in Mexico City through issuing licences were a patent failure. Even when pulque traders applied for a licence, they did so in response to challenges from local authorities and had plainly been active in unlicensed pulque trading before petitioning the viceroy. Another measure that the colonial administration tried out was the introduction of general permissions for towns that lay within five *leguas* of Mexico City. Producer-sellers from these nearby towns were allowed to sell their pulque in the city without a vendor's licence, in the hope that producers from further afield would be discouraged from travelling to the city.⁵¹⁴ The ruling turned out, however, to serve an entirely different function. Though the five *leguas* rule was initially challenged, pulque-producing communities close to Mexico City found that it provided an additional strategy in their

⁵¹¹ AGN Indios, Vol. 16 Exp. 6, fol. 1r.

⁵¹² AGN Indios, Vol. 13 Exp. 224, fol. 1r.

⁵¹³ AGN Indios, Vol. 13 Exp. 224, fol. 1r.

⁵¹⁴ AGN Indios, "Vuestra Excelencia encarga haga guardar y cumplir las ordenanzas para vender pulque", 1654, Vol. 17 Exp. 1, fol. 10v.

litigating arsenal. Not only could pulque producers argue for their right to participate in the pulque trade as Natives who sold their own pulque, but also as those travelling from locations now protected in legislation.

The five *leguas* rule first appeared in the archival record in 1639.⁵¹⁵ However, it seems to have been largely disregarded until 1653, when the viceroy commanded the *ordenanzas* regarding pulque be clarified and publicly announced in the main plazas of Chalco, Otucpan, Mixquiahuala, Texcoco, Tepeapulco and Cempoala.⁵¹⁶ The governor of San Juan Teotihuacan and San Luis Tecuauhtitlan, don Diego Luis, was quick to attempt to negotiate an exception for himself and his community. Don Diego Luis asked that the residents of these towns be permitted to take their pulque to Mexico City, although the towns were located six *leguas* away.⁵¹⁷ Don Diego was clearly aware of the restriction, indeed he began the petition with a reference to “the proclamation in which His Excellency forbade the transport of pulque from outside the five *leguas*”.⁵¹⁸ Knowing that the colonial administration had just attempted to reinforce the restriction on pulque from outside the five *leguas*, it was a bold move to challenge the ruling so soon. Yet don Diego Luis did so with a light touch, presenting himself as a reliable and well-connected individual, whose community lay in such an unfavourable land area that they had no choice but to make and sell pulque for their living. The petition included the testimonies of four Spanish witnesses, one of whom was an acquaintance of the *corregidor* who witnessed the testimonies. One witness furthermore testified to being the former *corregidor* of Otumba, a significant position in the region’s colonial administration. Each witness confirmed that they knew don Diego well, that the town’s lands were too sterile for other crops and that the witnesses did not know how the petitioners would manage to support their wives and children if they were denied permission to transport pulque to Mexico City.⁵¹⁹ As governor, don Diego could have chosen from any number of local Indigenous officials. By choosing instead to display his connections with Spanish residents of high social status, he positioned himself as a respectable person of influence. Moreover, as Woodrow Borah has pointed out, “the witnesses most likely to gain

⁵¹⁵ AGN Indios, Vol. 17 Exp. 1, fol. 10v.

⁵¹⁶ AGN Indios, Vol. 17 Exp. 1, fols. 11r-16r.

⁵¹⁷ AGN Indiferente Virreinal, “Petición de Diego Luis, gobernador del pueblo de San Juan Teotihuacan para que se les recibiera información sobre propiedad de magueyes y poder vender pulque”, 1653, Caja 3473 Exp. 4.

⁵¹⁸ AGN Indiferente Virreinal, Caja 3473 Exp. 4, fol. 1r.

⁵¹⁹ AGN Indiferente Virreinal, Caja 3473 Exp. 4, fols. 1r-2r.

credence from a court were Spaniards of substance and long residence in the area”.⁵²⁰ Furthermore, although don Diego was challenging one legal provision, he made it clear that he and his community intended to adhere to the licensing system. The pulque traders of San Juan Teotihuacan and San Luis Tecuauhtitlan, don Diego stated, would sell their wares only “to those Indian women who have licence [to work as pulque vendors]”.⁵²¹ This was the only suit to petition for an exception to the five *leguas* ruling; communities soon realised that the ruling could be more usefully mobilised to defend their pulque businesses.

Of the remaining cases brought to the *Juzgado* which cited the five *leguas* ruling, all save one were brought in 1668. By this point, Nahuatl participation in the pulque trade had reached its peak; the trade had become so profitable that within the year, the colonial administration had introduced the pulque *asiento* for Mexico City.⁵²² Since the pulque trade involved more Nahuas than ever before, the five *leguas* rule served as a way for petitioners to distinguish themselves amongst the pulque producers vying for a place in the city’s pulque markets, using the viceroy’s own words. The residents of Santa Marta and Los Reyes argued in their petition in 1668 that since their town was only four *leguas* removed from Mexico City, the harassment they suffered from local authorities was unjust.⁵²³ The viceroy concurred and imposed a 100-*peso* penalty for anyone who further attempted to prevent the petitioners from freely bringing their pulque to the city.⁵²⁴ When the community of San Miguel Chapultepec told the *Juzgado* in 1654 that the poor quality of the soil in their communal lands left them little choice but to make pulque for a living, they also argued that they were entitled to do so “given that [this town] is one of those included in the five *leguas*.”⁵²⁵

Two further cases which cited the five *leguas* ruling were unusual for the fact that the only reason they gave for pursuing a living in the pulque trade was that they were entitled to do so by being within five *leguas* of Mexico City. The petition brought by the

⁵²⁰ Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley, CA: University of California Press, 1985), p. 242.

⁵²¹ AGN Indiferente Virreinal, Caja 3473 Exp. 4, fol. 1r.

⁵²² Juan Pedro Viqueira Albán, trans. Sonya Lipsett-Rivera and Sergio Rivera Ayala, *Propriety and Permissiveness in Bourbon Mexico* (Lanham, MD: SR Books, 2004), p. 132.

⁵²³ AGN Indios, “Su Excelencia manda al corregidor del partido de Mexicaltzingo, sus ministros y otras justicias, no impidan a los naturales de los pueblos de Santa Marta y Los Reyes trajinar y vender el pulque blanco”, 1668, Vol. 24 Exp. 223.

⁵²⁴ AGN Indios, Vol. 24 Exp. 223, fol. 1v.

⁵²⁵ AGN Indios, “Su Excelencia manda que los naturales y el pueblo de San Miguel Chapultepec, ocurran al corregidor y les de licencia y señale puesto en que vendan el pulque de su cosecha”, 1654, Vol. 17 Exp. 36, fol. 1v.

pulque makers of Santa María Tolpetlac stated only that they were accustomed to making pulque and taking it to sell in Mexico City “because their lands are within the five *leguas* which are included in the *auto* [initiating the five *leguas* rule]”.⁵²⁶ Two months later, a group of petitioners from Chimalhuacan Atenco also used the location of their town—four *leguas* from Mexico City—as their only justification for their participation in pulque commerce.⁵²⁷ As examined in Chapter 4, pulque producers and sellers often used the justification that they had no other way to support themselves or pay their tributes.⁵²⁸ Other suits that cited the five *leguas* ruling had combined their mention of their town’s location with one of these narratives that appealed to the colonial administration’s duty to protect its Native subjects. These two cases, however, made no reference to tribute payment or to economic necessity. The petitioners from Chimalhuacan Atenco and Santa María Tolpetlac clearly felt confident enough in the five *legua* protections that they were able to drop the rhetoric of poverty and survival which appeared so frequently in other suits.

Just as pulque traders quickly saw that the five *leguas* rule could be useful to them, their adversaries also attempted to make use of the ruling, as one 1654 case from the town of San Juan Cuauhtlatzingo demonstrates.⁵²⁹ The town’s pulque traders complained in their petition that the *alcalde mayor* of Cholula had been extorting money from them on the pretext that they were selling pulque without a licence. It appears that at some point, the *alcalde mayor* had argued in his defence that he was enforcing the five *leguas* rule, since the *alcalde del crimen* to whom the viceroy referred the case stated that “[the *alcalde mayor*] may not forbid [the petitioners] to transport pulque wherever they please, as the limitation of five *leguas* applies only to [Mexico City], they require no licence.”⁵³⁰ As far as the archival record shows, the five *leguas* ruling ultimately served the interests of

⁵²⁶ AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, cumplan la ordenanza que da la forma sobre la venta del pulque blanco que se les permite a los naturales del pueblo de Santa María Tulpetlac”, 1668, Vol. 24 Exp. 224, fol. 1r.

⁵²⁷ AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, guarden y cumplan la ordenanza que da la forma sobre el trajín del pulque blanco”, 1668, Vol. 24 Exp. 234.

⁵²⁸ AGN Indios, Vol. 17 Exp. 36; AGN Indios, “Su Excelencia manda a la justicia de Chalco que no impidan a Diego Bernal, gobernador de Amecameca sacar y vender pulque blanco”, 1655, Vol. 18 Exp. 201; AGN Indios, “A la justicia de Tacuba y sus ministros no impida al gobernador y naturales de dicho pueblo beneficiar el pulque blanco”, 1655, Vol. 18 Exp. 12; AGN Indios, “Su Excelencia concede licencia a Juana de la Cruz natural del pueblo de Guautitlan [sic], para que el pulque de su cosecha lo pueda vender”, 1666, Vol. 24 Exp. 88; AGN Indiferente Virreinal, “Francisca Sesilia [sic] viudad india principal, solicitó licencia para trajinar y vender pulque”, 1653, Caja 128 Exp. 24.

⁵²⁹ AGN Indios, “Para que el alcalde mayor de Cholula deje trajinar y vender libremente el pulque blanco a los naturales de San Juan Cuautlaltzingo”, 1654, Vol. 17 Exp. 189.

⁵³⁰ AGN Indios, Vol. 17 Exp. 189, fol. 1r.

Nahua pulque traders, granting those who lived within the prescribed distance an extra measure of legal protection, while failing to deter traders from travelling further afield to sell their pulque in Mexico City.

As the mapping of trade pathways in Chapter 3 of this thesis demonstrated, pulque traders were exceptionally mobile, traveling extensively within and across the boundaries of their jurisdictions to access a wider range of markets. Those who preferred to trade locally visited many small towns in their vicinity to counterbalance the less concentrated population of consumers offered by rural location. Pulque makers who travelled between their hometown and Mexico City often faced long journeys that took them across various administrative boundaries and brought them into contact with members of different communities. Passing into other jurisdictions often created situations in which travelling pulque traders were harassed or fined by local authorities. Where their right to move freely through central Mexico was contested, pulque traders turned to negotiation through the courts to defend the spatial mobility that was so essential to making a living in an increasingly competitive trade.

The pulque traders of Tolcayucan who brought suit to the *Juzgado* in 1658 related to the court that they usually passed through a number of towns on their route to Mexico City, including the town of San Cristóbal Guadalupe.⁵³¹ These petitioners reported that in each town they travelled through, local authorities demanded to be paid one to two *reales* per load of pulque. The total sum of all the charges placed on their movement through towns, the petitioners argued, “tend to be much more than the value of the pulque that they carry”.⁵³² Yet despite the high cost they incurred in each trip, the Tolcayucans continued to travel to Mexico City with their pulque rather than staying within their own jurisdiction to sell. In the city, after all, demand was so consistently high that traders could generally be certain of selling their produce. Moreover the Tolcayucan traders claimed they already had an arrangement to sell to women approved as licensed pulque vendors in the city. The model that their business followed was reliant on getting a perishable product over a distance of forty-plus miles with minimal interruption. This form of commerce, however, could only function if their right to move freely as traders was recognised. Given that the petitioners were not residents in the towns and jurisdictions they passed through, local *justicias* must have believed they were unlikely to be held accountable by their own community for fines levied illegally on outsiders, whilst the

⁵³¹ AGN Indios, Vol. 23 Exp. 103.

⁵³² AGN Indios Vol. 23 Exp. 103, fol. 1r.

general boom in pulque commerce singled the Tolcayucans out as participants in a profitable trade.

In one case from Tepeapulco, attempts to block the free movement of pulque traders took a more demanding form. The governor and *alcaldes* of Tepeapulco presented their petition on behalf of their town in 1651, complaining that their pulque traders were still being harassed on their way to Mexico City through “the roads of San Cristóbal”, possibly the same town of which the petitioners from Tolcayucan would later complain.⁵³³ Despite having obtained a *mandamiento* against this, the petitioners related that pulque traders from the town were prevented from travelling through the road by night and kept standing about until sunrise, by which time their cargos of pulque had spoiled.⁵³⁴ The petitioners argued that they could only travel by night because the sun caused their pulque to sour before they could reach the city, but that local officials claimed that they had orders not to let mules pass along the road at night.⁵³⁵ The Tepeapulcans were contesting not only their right to move freely through territories but to do so at whichever time best suited them. The petitioners’ movements were further slowed on their way home, at which point the pulque producers were compelled to transport stone with their mules for repairs to the San Cristóbal road, adding a *legua* onto their journey.⁵³⁶ Although none of the pulque traders lived in or around San Cristóbal, as they crossed into its jurisdictions, local authorities held these transient visitors to obligations more usually asked of permanent residents. As a general rule, the repair of a road or bridge was the responsibility of the towns in its jurisdiction.⁵³⁷ María Luisa Pérez-González has pointed out, however, that many towns did not actually have the public revenues to pay for these works, a possible factor in the contribution the Tepeapulcans were compelled to make.⁵³⁸

The law regarding the upkeep of public roads was vague, stating only that “the cost and labour should be drawn from those who receive the benefit [of using the

⁵³³ AGN Indios, “Para que las justicias de Su Majestad, teniente de San Cristóbal y guardas del consulado, no impidan a los naturales de Tepeapulco pasar y trajinar pulque”, 1651, Vol. 16 Exp. 135, fol. 1r. The phrase probably indicates roads running across the jurisdiction of San Cristóbal Ecatepec and possibly through the large town of the same name, which lay south-east of Tepeapulco. In modern-day Mexico, the quickest route to Mexico City from Tepeapulco still goes through San Cristóbal Ecatepec (now Ecatepec de Morelos).

⁵³⁴ AGN Indios, Vol. 16 Exp. 135, fol. 1v.

⁵³⁵ AGN Indios, Vol. 16 Exp. 135, fol. 1v.

⁵³⁶ AGN Indios, Vol. 16 Exp. 135, fol. 1v.

⁵³⁷ María Luisa Pérez-González, “Royal Roads in the Old and New World: The Camino de Oñate and its Importance in the Spanish Settlement of New Mexico”, *Colonial Latin American Historical Review*, Vol. 7:2 (1998), p. 203.

⁵³⁸ Pérez-González, “Royal Roads”, p. 205.

road].”⁵³⁹ Although they frequently made use of the road, the pulque traders in this case plainly did not believe that they had a responsibility to help repair a road for a community to which they did not belong. The *Juzgado*, however, did not agree. Whilst the Tepeapulcans were successful in persuading the court to rule that they had the right to freedom of movement along the San Cristóbal road, the court ruled that passing along the road also obligated the Tepeapulcan pulque producers to participate in its upkeep.⁵⁴⁰ The Tepeapulcans had managed only to negotiate half of what they had come to the *Juzgado* hoping to achieve. Clearly, pulque petitioners did not always get what they wanted. The denial and acceptance of requests in the same document suggest that petitioners could be more successful if they invoked agreements already set out in legislation, thereby challenging the colonial government to keep up their end of the bargain. To successfully negotiate, petitioners needed to pick the right strategy.

The necessity for some pulque traders to travel long distances to maximise their profits made them more vulnerable to having their movements challenged in unfamiliar territories. Selling closer to home, however, was no guarantee of free movement. The town of Santa Catalina Cuitlahuac appears several times in the *Juzgado*'s records as a pulque-producing town, whose residents sold in nearby markets such as Coyoacan or Xochimilco and also took their pulque to Mexico City.⁵⁴¹ Don Juan Bautista, a resident of Santa Catalina, told that court that his pulque was transported on his behalf by two local men, Pedro de Santiago and Pascual Felipe, to markets in Coyoacan and San Jacinto, along with other small nearby towns.⁵⁴² The *alguaciles* of these towns, however, refused to let either man pass through with don Juan's pulque unless they handed over a *real* for each load carried. A second group of producers from Santa Catalina on their way to Mexico City also found their passage through the neighbouring jurisdictions of Coyoacan

⁵³⁹ “Que se hagan y reparen puentes y caminos a costa de los que recibieren beneficio” (1563) in *Recopilación de Leyes de los Reynos de las Indias*, Vol. 2 Edición facsímil coeditada por el Centro de Estudios Políticos y Constitucionales y el Boletín Oficial del Estado (Madrid: Imprenta Nacional del Boletín Oficial del Estado, 1998 [1681]), libro 4, título 16, ley 1, p. 55.

⁵⁴⁰ AGN Indios, Vol. 16 Exp. 135, fol. 2r.

⁵⁴¹ Gabriel Juan travelled to Xochimilco, whilst transport to Mexico City was mentioned in a communal petition and in a petition brought by two nobles, don Pedro Juan and don Miguel de los Ángeles (AGN Indios, “Para que las justicias de Chalco y ciudad de Xochimilco no impidan a Gabriel Juan, natural de dicho pueblo de Santa Catalina Tlahuac, vender pulque blanco de su cosecha siendo del permitido por reales ordenanzas”, 1657, Vol. 21 Exp. 163; AGN Indios, “La justicia de Santa Catalina Cuitlahuac a fin de que impida que los alguaciles les pongan impedimento a los naturales para comerciar con el pulque blanco”, 1640, Vol. 13 Exp. 110; AGN Indios, “Su Excelencia manda a los corregidores de Mexicalzingo y Coyoacan, no impidan a los naturales del pueblo de Santa Catalina pasar con sus cargas de pulque blanco de sus cosechas”, 1659, Vol. 23 Exp. 298.

⁵⁴² AGN Indios, “Su Excelencia manda al corregidor de Mexicalzingo, deje pasar libremente a los naturales del pueblo de Santa Catalina con el pulque blanco”, 1659, Vol. 23 Exp. 299.

and Mexicaltzingo denied unless they agreed to pay the same sum.⁵⁴³ The *corregidores* of Mexicaltzingo and Coyoacan were apparently taxing movement through their jurisdiction on a large scale: during this sitting of the *Juzgado*, the *corregidores* were accused of wrongfully charging pulque producers to travel through these jurisdictions by three separate groups of petitioners.⁵⁴⁴ The expansion of the pulque trade clearly created opportunity for officials of the colonial state to exploit their position of authority for profit. Since they could not legally participate in pulque commerce, these officials nonetheless found a way of reaping some of the trade's financial benefits.

The right to move freely through towns and across jurisdictional borders was fiercely defended by early colonial pulque traders, since their ability to participate in pulque commerce was invariably linked to the ease with which they were able to traverse territories. Pulque traders' frequent use of the colonial courts as a method of pushing for free movement in commercial networks had a very material effect in shaping legislation. A *real cédula* issued in 1661 eventually confirmed that "His Majesty's *justicias*, *tenientes* and officers, of whichever place that [Natives] transporting sanctioned *pulque blanco* might pass through, may not impede the carrying nor transport [of pulque] nor levy fees on any pretext."⁵⁴⁵ The legislation seemed to have at least some of the desired impact: between the date of issue and the introduction of the pulque *asiento*, no petitions to the *Real Audiencia* mentioned conflict over movement along pulque trading routes. If the legislation had indeed proved successful, this was the result of concerted action by Nahua pulque makers who made the decision to bring their case to the courts in Mexico City and demand a resolution.

This section has sought to demonstrate that the issue of access to markets was a crucial concern for Nahua pulque traders throughout the seventeenth century. Persistent negotiation through the courts served to reinforce favourable legal provisions where they existed and to establish precedents regarding access to markets and free movement. In each of the areas examined in this section, Nahua pulque traders actively influenced the creation of law. In dealing with competitors, petitioners successfully pushed for the recognition of existing trade patterns, whilst the frequent use of the five *leguas* provision

⁵⁴³ AGN Indios, Vol. 23 Exp. 298.

⁵⁴⁴ AGN Indios, "Su Excelencia manda al corregidor de Coyoacan, no impidan a los dichos naturales del pueblo de San Jacinto plantar magueyes y vender pulque blanco", Vol. 23 Exp. 297; AGN Indios, Vol. 23 Exp. 298; AGN Indios, Vol. 23 Exp. 299.

⁵⁴⁵ AGN Reales Cédulas Duplicadas, "Concediendo permiso a los comerciantes de pulque blanco transitar por los caminos.", 1661, Vol. 23 Exp. 80, fol. 1v.

ensured its prominent place in pulque litigation. As pulque traders defended their freedom of movement, they achieved legal recognition of this right in its most formalised and official shape, the *ordenanza*. Precedent and regulations on the rights to move freely, to defend local trade patterns against change, and to have certain locations protected against trading restrictions existed precisely because Nahuas had used the courts to demand them.

Land tenure

Whilst defending their right to sell at marketplaces, simultaneously pulque makers were facing conflict at the other end of the commodity chain, fighting to retain control of the magueyes that enabled them to produce their pulque. The success of pulque traders in expanding and intensifying pulque commerce across central Mexico made maguey plantings— already recognised as resources of significant value in Nahua communities— even more desirable.

Owning land, or having access to communal lands, was essential for growing magueyes to any profitable extent and access to these lands needed to be maintained over the years it took magueyes to reach maturity. Land pressures mounted significantly in New Spain during the seventeenth century as the colony's population expanded. As Robert Haskett and Stephanie Wood have shown, retaining control over land in the face of these pressures was vital for the survival of Nahua communities as corporate entities in central Mexico.⁵⁴⁶ Conflict over land tenure thus became a significant obstacle for maguey growers and therefore pulque makers and sellers. Disputes over ownership of lands with magueyes were a persistent genre of court case between 1590 and 1668, during which time the *Real Audiencia* in Mexico City heard more than twenty cases which revolved around maguey plots.⁵⁴⁷ These suits can be divided into two categories: those in

⁵⁴⁶ Robert Haskett, "Visions of Municipal Glory Undimmed: The Nahuatl Town Histories of Colonial Cuernavaca", *Colonial Latin American Historical Review*, Vol. 1:1 (1992), p. 28; Stephanie Wood, "The Social Vs Legal Context of Nahuatl *Títulos*", in Elizabeth Hill Boone and Tom Cummins (eds.), *Native Traditions in the Postconquest World* (Washington D.C.: Dumbarton Oaks, 1998), pp. 209-210.

⁵⁴⁷ To give a sense of the variety of these cases, they included a dispute between a convent and a Nahua community (AGN Tierras, "Ecatepec, San Cristóbal, pueblo- los naturales de dicho pueblo, contra el procurador general y comisario de corte de la orden de San Francisco, sobre despojo de magueyes y tierras", 1667, Vol. 1728 Exp. 17), a widow who was attempting to reclaim magueyes for the upkeep of her young son (AGN Indios, "Al corregidor de Tenayuca, para que averigüe si la parte de tierra y magueyes, son de Francisca Mónica, india", 1591, Vol. 3 Exp. 465), a Spaniard and a Nahua who had teamed up to challenge another Nahua man's inheritance (AGN Indios, "Al corregidor de Toluca, para que averigüe si la parte de tierra de Diego de San Miguel es de su propiedad así como los magueyes", 1591, Vol. 3 Exp. 656), a maguey owner whose right to use his maguey plots were suddenly challenged after twenty years of using the land (AGN Indios, "Al corregidor de Toluca para que haga averiguación sobre si el pedazo de tierra y magueyes es de Juan Tlalolin", 1591, Vol. 692), a communal complaint about a herd of destructive cattle (AGN Indios, "Para que las justicias de San Cristóbal Ecatepec amparen

which ownership of the maguey plants was the primary objective, and those in which the parties opposing the petitioners had destroyed magueyes in an attempt to obtain the land. As might be expected in regard to a crop most highly valued by Indigenous cultivators, the cases in which magueyes were destroyed were overwhelmingly brought by Nahuas against Spaniards. Following this pattern, suits that prioritised obtaining maguey plants as a resource in their own right often involved conflict between two Indigenous parties. Yet these categories both occasionally revealed a convergence of values between Natives and non-Natives. Cases appeared throughout the seventeenth century in which both parties fought bitterly to gain control of maguey plots. Just as Indigenous peoples had found that some aspects of Hispanic colonial culture could be used to their benefit, some Spaniards were apparently also discovering the appeal of resources that were recognised as distinctly Native.

Disputes over lands containing magueyes took place more frequently between Indigenous litigants, with these petitions making up three-quarters of the maguey suits which appeared before the *Juzgado*. This trend was very much in keeping with the high value that was traditionally placed on maguey cultivation in Nahua communities. Producing pulque from one's own magueyes also guaranteed a higher level of protection in pulque legislation. Even in legislation that tried to reduce participation in the pulque trade, those who produced pulque *de sus cosechas* ("from their own harvest/crop") were a favoured group. The 1608 *ordenanza* re-legalising pulque stated that "no pulque may be sold by any person, unless it is sold publicly in markets and plazas by those same Indians from their own *cosecha*."⁵⁴⁸ The pulque producer María Petronila of Iztapalapa could not have put it better when she argued in 1648 that her request for a vendor's license for pulque "should be favoured [over others], as she has magueyes of her own *cosecha*."⁵⁴⁹ The term became an established trope in the language of pulque negotiation, appearing in a total of forty-nine pulque petitions between 1591 and 1668.⁵⁵⁰ Many petitioners also chose to include the information that they were *dueños de magueyes*

a los naturales en sus tierras y magueyes, y que los ganados no se metan en sus sementeras", 1634, Vol. 12 Exp. 115) and a dispute over magueyes left in trust for two orphan girls, which culminated in the litigator (their godmother) being deliberately trampled by a horse (AGN Indios, "Para que el corregidor de Ixtapalapa ampare a Agustina Melchora, india natural de dicho pueblo", 1633, Vol. 12 Exp. 71).

⁵⁴⁸ Reproduced in AGN Indios, "Vuestra Excelencia encarga a los señores alcaldes del crimen de esta Real Audiencia y manda a don Garcitello de Zandoval corregidor de esta ciudad y alcaldes ordinarios, haga guardar y cumplir las ordenanzas para vender pulque", 1654, Vol. 17 Exp. 1, fol. 2v.

⁵⁴⁹ AGN Indios, "Su Excelencia da facultad al corregidor de esta ciudad, juez de la comisión del pulque para que dé doce licencias más", 1648, Vol. 15 Exp. 71, fol. 1r.

⁵⁵⁰ See Appendix, section 2.

(“maguey owners”) for the same effect. This legal foothold for pulque producer-sellers created a strong connection between a person’s ability to make a profitable living in the pulque trade and the land resources they owned, which in its turn brought issues of inheritance and communal versus individual ownership into the social world of pulque commerce.

The popularity of the *cosecha* argument as a justification for why a petitioner was legally permitted to sell pulque that they had produced did not go unnoticed by the colonial administration. One 1635 communal petition from Chimalhuacan requested an exception to a ruling which prevented maguey owners from selling their own pulque in Mexico City and required them instead to sell it to one of the licensed vendors.⁵⁵¹ Since there were only a few women licensed for each *barrio* and large quantities of pulque were continually being brought into the city, the Chimalhuacans could not find any available licensed vendor and therefore had to turn to unlicensed sellers. “The profit which ought to go to the maguey owners,” the petitioners related, “is enjoyed instead by the women who sell [the pulque]”, who, it was claimed, would only pay four *pesos* for pulque that was worth six.⁵⁵² The implication was that the status of the Chimalhuacans, as owners of the magueyes from which their pulque was made, should rightfully have elevated them above the licensed vendors who had no magueyes of their own. Yet the vendors were apparently the only ones to benefit from the sale of the Chimalhuacan pulque, while the Chimalhuacans themselves, deprived of the protection previously afforded them as maguey owners, saw little profit from the pulque they had taken such care to make and transport. In the eyes of the Chimalhuacans, those who owned magueyes had a greater “right” to sell their product in Mexico’s increasingly crowded pulque markets. The colonial government’s refusal to recognise this right was presented in this petition as the reason that obliged them to disregard the legislation banning unlicensed pulque vendors. The suggestion that the colonial administration’s own laws were forcing Natives to break others must have hit home; the viceroy ruled in favour of the Chimalhuacan petitioners.⁵⁵³ Cases such as this were almost certainly behind the surreptitious discontinuation of this aspect of pulque legislation, the failure of which was amply demonstrated by the dozens of cases that used the *cosecha* argument between 1635 and 1668.⁵⁵⁴

⁵⁵¹ AGN Reales Cédulas Duplicadas, “Que no hagan vejación ni causen molestias a los indios de Chimalhuacan por vender el pulque blanco”, 1635, Vol. 49 Exp. 11.

⁵⁵² AGN RCD, Vol. 49 Exp. 11, fol. 1r.

⁵⁵³ AGN RCD, Vol. 49 Exp. 11, fol. 1v.

⁵⁵⁴ See Appendix, section 2.

It was also common for suits between Native litigators to refer to the issue of inheritance. Since magueyes were often bequeathed to family members in wills, inheritance became a recurring justification behind claims to lands which contained maguey plantings. Nahua inheritance had its own patterns and norms but also functioned as a way of reinforcing and defining familial relationships and of expressing one's affections at the point in life where it mattered most, just before death. As Sarah Cline has remarked of colonial wills from Culhuacan, "among the most important things [this body of documents] gives us is insight into the quality of human relations."⁵⁵⁵ Inheriting goods from a deceased family member was important not only in terms of material resources, but, as Cline notes, was a deeply meaningful way of honouring the bond between the testator and the legatee.⁵⁵⁶ Mentioning in a petition that maguey plantings had been inherited from a family member therefore carried positive implications about the petitioner's character.

The mention of inheritance in maguey litigation carried a further implication that seems very reminiscent of the use of *costumbre* rhetoric in pulque petitions. In a number of pulque petitions, elite pulque traders portrayed themselves in their petitions as the most recent link in a long chain of inheritance which stretched back into the pre-conquest past.⁵⁵⁷ Don Francisco Temascalapa and don Gabriel García Mecameca, the nobles who had argued their right to sell pulque based on their elite status, stated that their maguey holdings had been inherited from their "*abuelos y antepasados*" (grandparents and ancestors), a line of descent which drew its legitimacy from pre-Hispanic times.⁵⁵⁸ This association was strengthened even further by the petitioners' claim that the lands in question belonged to their *cacicazgo* (lands traditionally held by the ruler of a pre-Hispanic polity). The phrases *abuelos y antepasados* or *padres y antepasados* (parents and ancestors) recurred in suits that mentioned inheritance of magueyes. These set phrases

⁵⁵⁵ Sarah Cline, "The Testaments of Culhuacan", in Stephanie Wood, James Lockhart, Lisa Sousa (eds.), *Sources and Methods for the Study of Postconquest Mesoamerican Ethnohistory* (Eugene, OR: Wired Humanities Project, University of Oregon, 2007), p. 11. Accessed at < <http://whp.uoregon.edu/Lockhart/index.html> > on 07/06/2021.

⁵⁵⁶ Cline, "Testaments of Culhuacan", p. 11.

⁵⁵⁷ AGN Indios, "Para que las justicias de Su Majestad no impidan a Nicolás de la Peña, su mayordomo, traer a la Ciudad de México dos cargas de pulque blanco", 1648, Vol. 15 Exp. 68; AGN Indios, "Su Excelencia concede licencia a Agustín Marcos y Agustina María, principales del pueblo de Culgoacan [sic], para que puedan traer a esta ciudad pulque blanco", 1657, Vol. 21 Exp. 253; AGN Indios, "Se concede licencia a Ana María, principal de Teoloyucan para vender pulque y miel", 1649, Vol. 15 Cuaderno 2 Exp. 106; AGN Indios, "Su Excelencia manda a la justicia del partido de Otumba, ampare a Esteban Juan López natural del pueblo de San Francisco Yxamalco en las tierras y magueyes", 1659, Vol. 23 Exp. 396.

⁵⁵⁸ AGN Indios, Vol. 15 Exp. 68.

bear a striking resemblance to *multifrasismos* that Julia Madajczak and Justyna Olko have identified in colonial-era Nahuatl, which made use of kinship terms to create a metaphor of distant (and usually distinguished) ancestry.⁵⁵⁹ Doña Ana María, who sold her pulque in Teoloyucan, also reminded the court of her position in an unbroken line of inheritance, when she explained that she had acquired her magueyes from her own *padres y antepasados*.⁵⁶⁰ The usage of these phrases in pulque petitions did not always carry the same sense of elite lineage. The commoner pulque makers María Nicolasa and Francisco Antonio from Coyoacan told the *Juzgado* in 1640 that they had inherited their magueyes from “their parents and ancestors”, as did Ana Isabel of Chalco in her 1655 petition.⁵⁶¹ The crucial element of this argument was to create an idea of maguey inheritance as an ancient custom, in a way that also referenced the willing adoption of Hispanic inheritance processes by Nahuas.

Just as maguey litigation revealed tensions within Nahua communities regarding inheritance in the colonial world, it also hinted at the way in which social status and connections influenced the struggle for valuable maguey resources. As participation in the pulque trade increased, so too did the appeal of magueyes as a material resource. Accordingly, powerful figures began to recognise the opportunity for ready-made profit that lands with cultivated magueyes presented. Juan Andrés, the *regidor* of Tacuba, along with a widowed woman named Petrona, brought their dispute over access to magueyes to the *Juzgado* in 1657.⁵⁶² Petrona and Juan Andrés complained that their magueyes were being tapped “by force and against their will” by a group of Natives they described as “powerful and esteemed in this jurisdiction”.⁵⁶³ The influence that the unnamed offenders held in Tacuba was apparently such that they saw little risk of reprisal for appropriating maguey plantings. Whilst Petrona seemed a likely target for this kind of harassment, given her status as a widow, Juan Andrés was a *cabildo* member and therefore must have been a person of some influence within his own community. Neither social standing nor rank

⁵⁵⁹ Julia Madajczak and Justyna Olko, “Diálogo con Europa, diálogo con el pasado. Antepasados y tradición entre la nobleza colonial nahua”, *Revista Española de Antropología Americana*, 45:1 (2015), pp. 60-61.

⁵⁶⁰ AGN Indios, Vol. 15 Cuaderno 2 Exp. 106, fol. 1r.

⁵⁶¹ AGN Indios, “Para que la justicia y sus ministros no impidan a Francisco Antonio y María Nicolasa, de Coyoacan, traer pulque blanco sin raíz a la Ciudad de México”, 1640, Vol. 13 Exp. 103; AGN Indios, “A la justicia de Chalco y sus ministros para que no impidan a Ana Isabel el beneficio y venta de pulque blanco”, 1655, Vol. 18 Exp. 157.

⁵⁶² AGN Indios, “Para que el alcalde mayor de la villa de Tacuba, ampare a los naturales Juan Andrés y Petrona, india viuda, y no consienta que ninguna persona les quite ni aproveche los magueyes”, 1657, Vol. 21 Exp. 22.

⁵⁶³ AGN Indios Vol. 21 Exp. 22, fol. 1r.

guaranteed protection against well-connected individuals who wished to gain control of maguey resources.⁵⁶⁴

In 1655, don Juan de Guzmán, who self-identified as a *principal y natural* of his town, related to the *Juzgado* that a plot of magueyes which he had owned for many years had been invaded and his magueyes tapped. The culprit, Francisco de la Cruz, certainly seemed to rank lower in the social order than don Juan, given his lack of noble title, yet he apparently had friends in high places. Don Juan told the court that Francisco de la Cruz's intrusion had been allowed by local authorities because de la Cruz was "an intimate friend of the governor of this province".⁵⁶⁵

Litigation over magueyes was not always confined to Indigenous parties. When Spaniards claimed ownership of magueyes, a surprising convergence of values was revealed between Nahuas and Spaniards. The dispute that took place in 1667 between the residents of San Cristóbal Ecatepec and the town's Franciscan convent illustrates clearly both the high value placed on maguey plantings by both Native and non-Native agents, and the powerful opponents against whom maguey-growing communities were willing to litigate.⁵⁶⁶ The petitioners stated that a quantity of lands with magueyes had been wrongly taken from them by the convent of San Francisco, whose representatives claimed that the lands had been left to the convent by deceased Nahuas in their wills.⁵⁶⁷ The governor of San Cristóbal Ecatepec claimed that the lands were the property of the community and that no testator had any right to bequeath them to the Church.⁵⁶⁸ The viceroy ruled swiftly in favour of the petitioners when they first brought their case in July of 1667, yet despite this early decision, the case dragged on until November of the same year.⁵⁶⁹

The persistence of the convent in attempting to have the initial verdict overturned suggests that the magueyes represented a significant source of income for the convent. Both the convent and the people of San Cristóbal Ecatepec were clearly willing to pay legal costs over the months that the lawsuit continued, as neither qualified for assistance from the *Juzgado*. If the numbers of bequeathed magueyes provided by the convent were even vaguely accurate, the justification for incurring these expenses to gain control of the

⁵⁶⁴ AGN Indios, "A la justicia de Jilotepec [sic], a fin de que haga justicia a Juan Guzmán y no consienta que Francisco de la Cruz y el gobernador le impidan el uso y aprovechamiento de sus magueyes", 1655, Vol. 18 Exp. 139.

⁵⁶⁵ AGN Indios, Vol. 18 Exp. 139, fol. 1v.

⁵⁶⁶ AGN Tierras, Vol. 1728 Exp. 17.

⁵⁶⁷ AGN Tierras, Vol. 1728 Exp. 17, fol. 1r.

⁵⁶⁸ AGN Tierras, Vol. 1728 Exp. 17, fol. 14r.

⁵⁶⁹ AGN Tierras, Vol. 1728 Exp. 17, fol. 1v.

magueyes was obvious. The convent listed more than fifty testators who had allegedly bequeathed them maguey plants, totalling around 700 rows of magueyes.⁵⁷⁰ Unlike the Spaniards who saw maguey plantings as a waste of land which could be better used for ranching or other farming, the representatives of the convent were fully aware that such a large quantity of maguey plants could provide significant financial support.

The representatives of the convent of San Francisco were not the only non-Natives to recognise the value of maguey plots as material resources, nor were they the only ones to attempt to gain control of communal maguey plantings. The governor and *alcaldes* of San Salvador Cuauhtlatzingo had appeared before the *Juzgado* in 1658, almost a decade prior to the convent case, with a similar complaint.⁵⁷¹ Having successfully regained control of a number of communal lands, the community members then had to contend with Nicolás de Espinosa, a local Spaniard who claimed that he had purchased the lands and magueyes from the petitioners' ancestors. Not to be outdone by Espinosa's attempt to create a link to past leaders as a means of legitimising his claim, the petitioners countered that any such purchase "had never been celebrated".⁵⁷² Transferring possession of lands in Native communities drew from existing Nahuatl practice and Spanish legal conventions through a formal ritual in which the seller gave possession to the purchaser.⁵⁷³ If sizeable amounts of land were involved, the governor or *cacique* participated and the ceremony might end with a feast for the community.⁵⁷⁴ Without the performance of the *acto de posesión* ("act of possession"), the transaction was not considered binding.⁵⁷⁵ In this petition, the residents of San Salvador Cuauhtlatzingo positioned communal consensus as the only legitimate source in determining the validity of land transactions in their town and would not permit any encroachment on these lands, particularly where they contained valuable magueyes.

Whilst disputes between Indigenous litigants over lands with magueyes tended to emphasise the value of the maguey plants, cases where Nahuas were in conflict with Spaniards over rights to land with magueyes often involved damage to or total destruction

⁵⁷⁰ AGN Tierras, Vol. 1728 Exp. 17, fols. 2v-4r, fols. 12v-13r.

⁵⁷¹ AGN Indios, "Su Excelencia manda que la justicia del partido de Otumba, ampare al gobernador y naturales del pueblo de San Salvador Cuauhtlatzingo, en las tierras y magueyes que fueron suyos", 1658, Vol. 23 Exp. 190.

⁵⁷² AGN Indios, Vol. 23 Exp. 190, fol. 1v.

⁵⁷³ Lockhart, *The Nahuas*, pp. 148-149.

⁵⁷⁴ Lockhart, *The Nahuas*, p. 149.

⁵⁷⁵ Owensby, *Empire of Law*, pp. 90-91.

of the plants.⁵⁷⁶ In sharp contrast to the later valorisation of maguey plantings by Spaniards, who dominated the eighteenth and nineteenth century pulque trade with extensive maguey *haciendas*, the destruction described in sixteenth and seventeenth century records indicate that many Spaniards placed little value on maguey plots.⁵⁷⁷ The land itself was the desirable resource, not its plantings. Destruction of magueyes was often motivated by the desire to repurpose the land or to induce its Native owners to abandon the plot once their crop had been ruined.

One such instance occurred in 1659, when don Esteban Juan López, a noble from Axapuchco, petitioned the *Juzgado* for aid in regaining possession of lands with magueyes that he had inherited in the nearby town of San Francisco Ixamalco.⁵⁷⁸ Apparently emboldened by the fact that don Esteban Juan did not actually reside in San Francisco Ixamalco, a Spaniard named Jerónimo de Dueñas had entered the maguey plots and destroyed the plants to use the land for ranching.⁵⁷⁹ Each maguey plant, the petitioner argued, was worth a *peso*; considering that the lands were extensive enough that Dueñas not only used them for his own ranching but was renting out the land to *mestizo* and *mulato* ranchers, don Esteban Juan must have lost a considerable sum.⁵⁸⁰ The case strongly suggests that Dueñas had little awareness of the cash value of the magueyes he had destroyed, since rather than having the magueyes tapped for his own profit, he had them cleared. For Spaniards such as Dueñas, the maguey was a worthless foreign plant, the products of which were of no value to Europeans. The land was therefore put to better use, in their opinion, by simply destroying them and repurposing the land area.

⁵⁷⁶ AGN Indios, “Su Excelencia manda al corregidor del partido de Tepeapulco, reciba la información que ofrecen los naturales de dicho pueblo de los agravios que han recibido en sus ranchos de quien les ha destruido sus magueyes”, 1657, Vol. 21 Exp. 162; AGN Indios, “Su Excelencia manda a la justicia del partido de Otumba, ampare a Esteban Juan López natural del pueblo de San Francisco Yxamalco en las tierras y magueyes que fueren suyas”, 1659, Vol. 23 Exp. 396; AGN Indios, Vol. 12 Exp. 115; AGN Indios, “Su Excelencia manda a la justicia del partido de Zempoala, ampare a los naturales del mismo”, 1658, Vol. 23 Exp. 129; AGN Tierras “Para que la justicia del pueblo de Zempoala ampare a don Joseph Andrés en sus tierras y magueyes”, 1653, Vol. 2990 Exp. 106; AGN Tierras, “Demanda presentada por Andrés Francisco, Francisca María, Gerónima Luisa, y demás familiares, contra Diego Rodríguez de Luna sobre que pague los daños que causó en sus magueyales sitios en Zempoala”, 1663-1693, Vol. 2877 Exp. 17.

⁵⁷⁷ John E. Kicza, “The Pulque Trade of Late Colonial Mexico City”, *The Americas*, Vol. 37:2 (1980), pp. 202-203. For more on pulque haciendas, see Carlos Maya, “Estructura y funcionamiento de una hacienda jesuita: San José Acolman (1740-1840)”, *Ibero-amerikanisches Archiv*, Vol. 8:4 (1982), pp. 329-359; Herman W. Konrad, *A Jesuit Hacienda in Colonial Mexico: Santa Lucía, 1576-1767* (Stanford, CA: Stanford University Press, 1980); Juan Felipe Leal and Mario Huacuja Rountree, *Economía y sistema de hacienda en México: La hacienda pulquera en el cambio, siglos XVIII, XIX Y XX* (México D.F.: Ediciones Era, 1982).

⁵⁷⁸ AGN Indios, Vol. 23 Exp. 396.

⁵⁷⁹ AGN Indios, Vol. 23 Exp. 396, fols. 1r-1v.

⁵⁸⁰ AGN Indios, Vol. 23 Exp. 396, fol. 1r.

A 1657 petition from Tepeapulco demonstrated the lengths to which this disregard for magueyes as a profitable use of land could be taken.⁵⁸¹ The residents of Tepeapulco described to the court how the servant of the Count of Orizaba, along with a number of *vaqueros* (ranch workers, or cowboys) destroyed the maguey plantings of each town, to graze livestock and to lease the lands to other ranchers. Over the course of forty years, the petitioners related, so many lands and maguey plantings had been taken in this way that there were no longer any lands for cultivating crops, and the livestock had furthermore damaged water channels so seriously that the towns no longer had access to drinking water.⁵⁸² The destruction of their magueyes, the petitioners implied, had been the first step on the slippery slope that had finally left the inhabitants of the petitioning towns without even clean water to keep themselves alive. On occasion, damage to magueyes arose through carelessness, rather than deliberate destruction of the plants. In 1634, a group of Spaniards released more than 2000 cattle into lands belonging to the towns of San Cristóbal Ecatepec, Huacalco and Santa María Tolpetlac.⁵⁸³ The lands had been dedicated to growing magueyes and prickly pear, which were razed to the ground by the cattle.⁵⁸⁴ This constituted a devastating loss for the towns, since lands large enough to accommodate so many cows must have contained a great number of plants. Whilst the petitioners did not suggest that the damage was intentional, they made sure to inform the court that the Spaniards responsible had paid no compensation for the community's loss.⁵⁸⁵ In the context of other cases which demonstrate a clear disregard for the value of magueyes as crops, this refusal was likely based not only on a certain disdain for Native *pueblo* residents and a disinclination to lose money, but on their evaluation of the lands as fit only for cattle grazing, given that they contained plants which at the time were of little use to Spaniards.

Deliberate destruction of magueyes also occurred for reasons more complex than simply to free up the land. Some Spaniards were aware of their importance and destroyed the plants with the aim of causing distress to their owners. One such case, brought in 1663 by two married couples from the town of Chiconautla— Andrés Francisco, Juan Francisco, and their wives, doña Francisca María and doña Jerónima Luisa— offers an insight into how destruction of maguey plantings could be used to put pressure on Natives

⁵⁸¹ AGN Indios, Vol. 21 Exp. 162.

⁵⁸² AGN Indios, Vol. 21 Exp. 162, fol. 1v.

⁵⁸³ AGN Indios, Vol. 12 Exp. 115.

⁵⁸⁴ AGN Indios, Vol. 12 Exp. 115, fol. 1r.

⁵⁸⁵ AGN Indios, Vol. 12 Exp. 115, fol. 1v.

involved in disputes with Spaniards.⁵⁸⁶ The petitioners in this case argued that Diego Rodríguez de Luna, a Spaniard living in Cempoala, had ordered 105 of their magueyes to be tapped and then destroyed. The value of the magueyes was estimated by the petitioners at fifty *pesos*, which they demanded be paid to them as compensation for the theft of their produce and damage to their plants. There was evidently bad blood between Diego Rodríguez and the two couples from Chiconautla, who claimed that Rodríguez had destroyed their magueyes “with no other cause than the enmity he held [against them]”.⁵⁸⁷ This enmity seems to have been related to an ongoing dispute regarding ownership of the lands where the magueyes were planted, which Rodríguez claimed had been granted as a *merced* (land awarded by order of the Crown).⁵⁸⁸ Until the magueyes were destroyed, however, it appeared Diego Rodríguez had not initiated any legal arbitration to confirm his ownership of the lands. The Spaniard was likewise slow to employ a lawyer or respond to any requests for his testimony. For somebody disinclined to appear in court, ordering the magueyes to be destroyed must have seemed like a comparatively simple option for persuading the couples from Chiconautla to relinquish their claim. The area surrounding Cempoala, where the disputed lands were located, was a zone of intensive maguey cultivation and had been since at least the late 1570s.⁵⁸⁹ The physical presence of so many maguey plots alone must have made it clear to Rodríguez that these plants represented a significant source of income for Indigenous peoples of the region, and therefore that his rivals were unlikely to drop their claim whilst their maguey plantings remained. While simultaneously recognising the value of magueyes for the Nahuas with whom he was in conflict, Diego Rodríguez had no interest in using them for his own means. Instead, destroying the magueyes was an attempt to gain the upper hand in an ongoing personal conflict.

Through examining instances of conflict between maguey owners and various other agents, this section has shown that magueyes were clearly recognised as objects of value by various groups throughout New Spain. Making pulque from their own magueyes secured traders a privileged position in legislation. Between Nahua actors, therefore, the ownership of magueyes became a point of contention, rooted not only in the commercial opportunities that owning magueyes presented, but in a long-standing tradition of

⁵⁸⁶ AGN Tierras, Vol. 2877 Exp. 17.

⁵⁸⁷ AGN Tierras, Vol. 2877 Exp. 17, fols. 1v and 3v.

⁵⁸⁸ AGN Tierras, Vol. 2877 Exp. 17, fol. 6r, fol. 7v.

⁵⁸⁹ “Relación de Cempoala” in Acuña (ed.), *Relaciones geográficas del siglo XVI: México, Vol. 1*, p. 67.

bequeathing magueyes as valuable resources in wills. Where the worth of magueyes was not acknowledged, tensions between Nahua and Hispanic values were thrown into sharp relief, as Nahuas demanded justice and financial compensation for their precious magueyes. Yet on occasion, Spaniards showed themselves to be very aware of the value placed on magueyes, seeking either to profit through appropriating magueyes or to damage maguey plantings as a means of pressuring their owners. Through their negotiations in the courts, petitioners established a system of value regarding magueyes that drew on a profoundly Indigenous valorisation of the plant. Litigation over ownership of magueyes and over damage to the plants were linked by this common thread. Both categories of lawsuit revolved around the central premise that the importance of maguey in Nahua culture determined its value in the colonial courts. The “rules of engagement” that Native peoples created in colonial law, according to Benton, are visible in the context of maguey litigation in the way that petitioners actively constructed a place for maguey in the legal norms of the *Juzgado*.⁵⁹⁰ In this case, Nahuas did not only set the terms of engagement with the courts, they defined a new body of legal precedent that privileged a Nahua system of value even as these values were counted in *pesos*.

Contesting harassment

By far the most common cause pulque traders had for petitioning the *Juzgado* was harassment from local authorities. Virtually every single petition that was heard by the court regarding pulque trading between 1590 and 1668 contained some complaint of misconduct by the *justicias* of the petitioner’s town. In this section, I build on Dueñas’ work concerning Indigenous familiarity with legal language and processes and how Indigenous actors utilised their knowledge to critique elements of the Spanish colonial system.⁵⁹¹ However, I extend her argument beyond the realm of Indigenous elites and scholars to examine how these critiques were expressed in petitions by pulque trading commoners, elites and communities. In their petitions, participants in pulque commerce outlined standards of behaviour for how officials should engage with pulque traders, through their critiques of the practices of illegal fines, confiscation of goods and intrusion on domestic spaces.

⁵⁹⁰ Benton, *Law and Colonial Cultures*, p. 11.

⁵⁹¹ Alcira Dueñas, *Indians and Mestizos in the ‘Lettered City’: Reshaping Justice, Social Hierarchy and Political Culture in Colonial Peru* (Boulder, CO: University Press of Colorado, 2010); Dueñas, “Indian Colonial Actors in the Lawmaking of the Spanish Empire in Peru”, *Ethnohistory*, 65:1 (2018), pp. 51-73.

To understand why so many local authorities turned to harassing pulque traders during the sixteenth and seventeenth centuries, we first need to understand how the administration of justice worked on a local level in Nahua communities. The basic unit of local administration and law enforcement in the towns of New Spain was the *cabildo*, or municipal council. Few towns had large enough Spanish populations to have a Spanish *cabildo*; the majority of *cabildos* were made up of Indigenous residents, generally local elites, though *macehualli* were sometimes also elected.⁵⁹² The *cabildo* was responsible for issuing local *ordenanzas*, holding courts, overseeing tribute collection and dealing with public works. Each *cabildo* consisted of two main offices: the *alcalde* and the *regidor*. Both offices were elected, but the *alcalde* held a higher level of authority and, in addition to his duties in the *cabildo*, would also serve as a judge in local civil and criminal court proceedings.⁵⁹³ Because of their position in the administration of towns, *alcaldes* were often amongst the representatives sent to the *Juzgado* in communal pulque suits. Perhaps also due to their elevated position, *alcaldes* were not accused of wrongdoing by litigants at the *Juzgado* in relation to the pulque trade; the risk and effort of interfering with pulque businesses probably outweighed any benefit they might have gained.

To locate the most frequent offenders in pulque-related harassment, we need to go down a level in the pecking order of local administration to the group of officials known as *alguaciles*. Often translated as “constable”, the role of an *alguacil* was essentially to enforce the rulings of the *cabildo* and to ensure compliance with *ordenanzas*.⁵⁹⁴ *Alguaciles* were the lowest ranking agents in the local justice system and therefore the worst-paid. It makes sense, therefore, that *alguaciles* were determined to eke out every last advantage that they could obtain through wielding their authority over other community members, whose participation in a lucrative trade singled them out as targets.

Pulque petitions on occasion levelled accusations at a very different class of colonial official: the *corregidor*, or *alcalde mayor*. Though the latter term became more commonly used during the seventeenth century, the two titles essentially referred to the same office: a position which ranked higher than the *cabildo* and was invariably held by

⁵⁹² Norma Angélica Castillo Palma and Francisco González-Hermosillo Adams, “La justicia indígena bajo la dominación española: funciones del cabildo indígena y manejo de los procesos jurídicos en el caso de la república india de Cholula, siglos XVI-XVIII, *TRACE*, Vol. 46 (2004), p. 26.

⁵⁹³ Clarence H. Haring, *The Spanish Empire in America* (New York: OUP, 1947), p. 168.

⁵⁹⁴ María Luisa Pazos Pazos and María Justina Sarabia Viejo, “Orden y delincuencia: los alguaciles de las ciudades novohispanas, siglos XVI-XVII”, XIV Encuentro de Latinoamericanistas Españoles congreso internacional, Sep 2010, Santiago de Compostela, España, pp. 684-685.

a Spaniard, who was responsible for overseeing law enforcement across a jurisdiction.⁵⁹⁵ *Corregidores* received formal salaries, depending on the size and strategic value of their jurisdiction. By the seventeenth century, the standard salary for the *corregidor* of Mexico City was 550 *pesos* per year, and even the *corregidor* of a less important jurisdiction such as Cuauhtitlan or Tacuba earned 200 *pesos* annually.⁵⁹⁶ *Corregidores* did not have a pressing financial motivation to engage in harassment of pulque traders, but on several occasions petitions reached the *Juzgado* complaining that powerful *corregidores* had participated in exactly the same kind of behaviour as the lowest-ranking *justicias* in the colonial justice system.⁵⁹⁷ The interference of *corregidores* in the pulque trade was not an isolated phenomenon; corrupt behaviour amongst *corregidores* was common throughout the early colonial period.⁵⁹⁸ Cases involving *corregidores*, however, demonstrate the prominent role that pulque trading came to play in early colonial commercial networks. Petty trade in a traditional beverage produced for a largely Indigenous consumer market did not seem on paper like a form of commerce that would attract the notice of this level of colonial official. Yet the news of local success in pulque trading not only made it to the ears of *corregidores* but proved enticing enough that the *corregidores* were eager to get a piece of the pie, probably in the full confidence that their influential position would shield them from any negative consequences. The *corregidores* were to be proved wrong. Pulque traders were fully prepared to bring suit against these high-ranking officials, holding the colonial administration accountable through the courts for the unfitting conduct of those who were supposed to act as agents of the King's justice.

The most common form of harassment experienced by pulque traders throughout the early colonial period was the illegal levying of fines by local authorities. Forty-one petitions were heard before the *Juzgado* between 1590 and 1668 in which pulque traders

⁵⁹⁵ Owensby, *Empire of Law*, p. 42.

⁵⁹⁶ See Table 6 “*Corregimiento* salaries, Seventeenth Century”, in Gibson, *The Aztecs under Spanish Rule*, p. 95.

⁵⁹⁷ AGN Indios, Vol. 20 Exp. 139; AGN Indios, “Su Excelencia manda al corregidor de Atitalaquia no impida a los naturales Francisco Hernández, Juan Agustín y Andrés Santillán beneficiar sus magueyes y vender el pulque blanco”, 1657, Vol. 21 Exp. 289; AGN Indios, “Su Excelencia, habiendo visto lo pedido por Miguel Jerónimo y demás naturales del pueblo de Istapalapa, manda al corregidor de Mexicaltzingo les vuelva las cinco cargas de pulque”, 1656, Vol. 20 Exp. 61 bis; AGN Indios, Vol. 23 Exp. 298; AGN Indios, Vol. 13 Exp. 224; AGN Indios, “Su Excelencia manda que Juan Carrillo de Guzmán y Gertrudis de Guzmán Tolinque, caciques, principales y descendientes de los señores que fueron de la villa de Coyoacan puedan vender el pulque y demás frutos de sus cosechas”, 1667, Vol. 24 Exp. 141; AGN Indios, “Su Excelencia manda que Juan Carrillo de Guzmán y Gertrudis de Guzmán Tolinque puedan vender el pulque de sus cosechas”, 1667, Vol. 24 Exp. 193.

⁵⁹⁸ Alejandro Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Mexico* (New York and London: Routledge, 2004), p. 176.

complained of being made to pay fines, representing more than half of all petitions brought by pulque traders during this period.⁵⁹⁹ Almost every *Juzgado* case involving harassment in the pulque trade mentioned that money had been demanded by local authorities in exchange for being allowed to continue their pulque business. The amount demanded by officials varied, as did the frequency with which the money was taken. Nahua residents of a number of small towns surrounding Puebla reported in 1667 that the *governor* of Puebla had been charging them four *pesos* every three months to sell their pulque in the city's markets.⁶⁰⁰ The pulque makers of Quauhtlatlalca, who petitioned in the same year, were far more unfortunate; they were made to pay six *pesos* every month to their local *justicias*.⁶⁰¹ One petitioner, Juan Diego of San Francisco Temascalapa, claimed that local authorities had tried to fine him the vast sum of 100 *pesos* upon entering his house and finding four bull hides and a number of jars containing his own fermenting pulque.⁶⁰² It seems unlikely that these officials really believed that Juan Diego had this much money to hand; perhaps they intended to tie him to a long-term debt, or simply wanted to ascertain how much the pulque trader would pay to keep his product.

In addition to levying fines just to allow pulque makers to leave or enter towns with cargos of pulque, some *justicias* also charged extra depending on how much pulque was being transported. The pulque traders from Tolcayucan and Santa Catalina, mentioned earlier in this chapter, were fined for each cargo of pulque that they carried through towns on the way to Mexico City.⁶⁰³ The Quauhtlatlalcans were also made to pay a *real* for each load of pulque taken out of the town, in addition to the six *pesos* already demanded in exchange for being allowed to leave the town and travel to markets. The *justicias* of San Jacinto, a small town near Coyoacan, demanded an even higher fine of two *reales* per cargo.⁶⁰⁴ Fines were often then compounded with the confiscation of pulque cargos. María Gerónima, Agustín Francisco and Miguel Gerónimo, a group of producer-sellers travelling by boat from Iztapalapa to Mexico City, were unlucky enough to be stopped en route by the *corregidor* of Mexicaltzingo, who confiscated the five loads

⁵⁹⁹ See Appendix, section 2.

⁶⁰⁰ AGN Tierras, "Para que el alcalde mayor de la Ciudad de los Ángeles ampare a estos naturales y no consienta que don Diego de Galicia les lleve derechos por razón de vender el pulque blanco", 1667, Vol. 2947 Exp. 23.

⁶⁰¹ AGN Tierras, "Para que los naturales que en esta se refiere no se les impida el beneficiar de sus magueyes y vender el pulque blanco", 1667, Vol. 2946 Exp. 591.

⁶⁰² AGN Indios, "Para que el corregidor del partido de San Juan Teotiguacan [sic], no moleste a Juan Diego ni a su padre, naturales del pueblo de san Francisco Temascalapa, por razón de tener en su casa pieles de su ganado ni les impida hacer y vender pulque blanco", 1656, Vol. 20 Exp. 161.

⁶⁰³ AGN Indios, Vol. 23 Exp. 103; AGN Indios, Vol. 23 Exp. 298; AGN Indios, Vol. 23 Exp. 299.

⁶⁰⁴ AGN Indios, Vol. 23 Exp. 297.

of pulque that they had been carrying.⁶⁰⁵ Lorenzo Felipe and Felipe de la Cruz were travelling with six mules loaded with pulque when they were stopped by the *teniente* of Cuauhtitlan, who confiscated their pulque and sold it to passers-by for three *pesos* per cargo.⁶⁰⁶

Officials did not always demand payment in cash; some preferred to take their cut of the income generated by pulque traders in the form of goods. The aforementioned Lorenzo Felipe and Felipe de la Cruz not only had their pulque confiscated but also their mule, which the *alguacil* kept after offering to sell it back to them at the inflated price of four-and-a-half *pesos*.⁶⁰⁷ One case from 1640 provides an extreme example of the demands that local officials could place upon pulque-making communities in exchange for allowing pulque out of the town.⁶⁰⁸ The residents of Santa Catalina Cuitlahuac were no longer willing to put up with the escalating greed of the town's *alguaciles*, whose demands were excessive even in the extensive record of harassment by officials. Not only did the *alguaciles* extort money from the town's residents before allowing them to board the boats in which they transported their pulque, but they expected the people of Cuitlahuac to provide them with a luxurious night's stay. The petition recorded that the *alguaciles* "stayed to eat and sleep in [the residents'] houses, making them seek out cushions and clothing to sleep in and made [the residents] give [the *alguaciles*] hens, roosters and many other things to eat, chocolate to drink, and also made them feed their servants and mounts."⁶⁰⁹ Tomás de Zarate and Ana María, a married couple who sold pulque in the San Juan neighbourhood of Mexico City, brought suit in 1629 against a number of local *alguaciles* who had been continually harassing them, reported that these *alguaciles* not only took money from the couple (to the tune of forty *pesos* in one month alone) but also a variety of goods. Tomás and Ana had seen the *alguaciles* searching storage chests in their house, "stealing [from them] and causing many *tilmas* and *huipiles* to go missing".⁶¹⁰ Woven blankets (*tilmas*, *tilmatli*) and women's long blouses (*huipiles*, *huipilli*) were objects of some value and in their wills, Nahua women often bequeathed these items or ordered them to be sold after their deaths.⁶¹¹ The San Juan *alguaciles* had

⁶⁰⁵ AGN Indios, Vol. 20 Exp. 61 bis, fol. 1r.

⁶⁰⁶ AGN Indios, Vol. 18 Exp. 116.

⁶⁰⁷ AGN Indios, Vol. 18 Exp. 116.

⁶⁰⁸ AGN Indios, Vol. 13 Exp. 110.

⁶⁰⁹ AGN Indios Vol. 13 Exp. 110, fol. 1r.

⁶¹⁰ AGN Indios, "Al juez repartidor del pulque para que averigüe lo que piden Tomás de Zarate y Ana María", 1629, Vol. 10 Exp. 111, fol. 1r.

⁶¹¹ "Testament of Angelina Moxel, May 2, 1581" in S.L. Cline, Miguel León-Portilla (eds.), *The Testaments of Culhuacan* (Los Angeles, CA: UCLA Latin American Center Publications, 1984), p. 81;

evidently taken the opportunity to further increase their profit by stripping Tomás and Ana's residence of clothing that could easily be sold on. This unwanted presence of local officials in the homes of pulque makers was a consistent problem throughout the late sixteenth century into the mid to late seventeenth century. Just as pulque traders refused to let the extortion of money and goods go unchallenged, so too would they litigate with determination to protect their domestic spaces.

As explored in Chapter 4, pulque making often took place either within or close to domestic premises, particularly where women were the producers of the drink; houses were generally also the most common place to store pulque before it was transported to markets. The house was apparently so well known as a site of pulque making that the 1570 *ordenanza* stated that no person was to produce it "whether in their house or in any other place".⁶¹² The *ordenanza* did not specifically state that officials were authorised to seek out any pulque that might be hidden in Nahuatl houses. It did, however, mention that individuals could be arrested "were pulque to be found in their house", implying that local officials did indeed have authorisation to enter houses if they suspected the law was being broken.⁶¹³ The scope for abuse of this permission was obvious, and became a common occurrence so rapidly that in 1571 the viceroy clarified the wording of the previous *ordenanza*, stating that:

Since I have been informed that the *alcaldes mayores*, *corregidores* and their deputies and *alguaciles* cause harassment and nuisance to the Indians on the pretext of the aforementioned *ordenanza*, entering their houses, mistreating them, taking from them quantities of money and committing other excesses, it is necessary to remedy this. The *ordenanza* is to be left in its full force and rigour as it applies to Spaniards, *mulatos* and *mestizos*. I revoke and nullify it as regards the Indians[...] nobody is to enter their houses to search for pulque unless they know of [the pulque] from somebody having denounced it.⁶¹⁴

"Testament of María Teicuh, July 28, 1586" in *The Testaments of Culhuacan*, p. 109; "Posthumous statement for Ana Xoco, January 5, 1588", in *The Testaments of Culhuacan*, p. 118, "Testamento de Juana Verónica, 1624", in Teresa Rojas Rabiela, Elsa Leticia Rea López, Constantino Medina (eds.), *Vidas y bienes olvidados: Testamentos indígenas novohispanos, Vol. 2, Testamentos en náhuatl y castellano de Ocotelulco del siglo XVII*, Lima (Mexico: CIESAS, 1999), pp. 144-145; "Testamento de doña Petronila de Turcio, 1625", in *Vidas y bienes olvidados Vol. 2*, pp. 162-165.

⁶¹² AGI Audiencia de México, "Carta del virrey Álvaro Manrique de Zúñiga, marqués de Villamanrique", 1587, 21, N. 19, fol. 18r. This document reproduces a number of *ordenanzas* passed by Manrique's predecessor, Martín Enriquez de Almanza.

⁶¹³ AGI Audiencia de México, 21, N. 19, fol. 18r.

⁶¹⁴ AGN Reales Cédulas Duplicadas, "Declaración de la ordenanza del pulque en lo relativo a los indios", 1588, Vol. 3 Exp. 54, fols. 1v-2r. The modified *ordenanza* still prescribed punishments for Natives who made or sold pulque: fifty lashes and two months of compulsory labour in their town, or two months of exile. Revoking the previous *ordenanza* was intended to resolve the ambiguity regarding what officials could or could not do, not to remove penalties for Native pulque makers.

These changes to the 1570 *ordenanza* stopped short of making the crucial provision of banning officials from entering Native domestic spaces to search for pulque, specifying only that they had to be acting on a tip-off. Although the ruling had been conceived as part of the pulque ban, the cases brought to the *Juzgado* post-1608 in which the litigants complained about invasion of domestic space, suggest that the practice of entering homes to confiscate pulque continued even after the ban was revoked.⁶¹⁵ The motivation for intruding on Nahua domestic space was usually money. As shown in the previous section of this chapter, illegal fines and confiscation were obstacles faced by pulque traders across central Mexico. The extension of this harassment into the homes of pulque traders is, like the practice of fines and confiscation, best understood as a result of the system of poor wages that drove much of the extortion and theft committed by local authorities in public spaces. Generally, the offenders were *alguaciles*, sometimes Spanish, sometimes Native. In small communities particularly, it was probably widely known who in the town was a pulque producer, and the fact that the homes of pulque producers were so frequently targeted by local authorities suggests that these officials recognised pulque as a fairly lucrative trade. Legislation allowed officials to access Native domestic spaces throughout the late sixteenth century and into the seventeenth century, however, Nahuas persistently made use of the *Juzgado* to challenge entry into their houses.

Pulque and *aguamiel* traders were quick to make use of the advantages that the creation of the *Juzgado de Indios* afforded them, to obtain legal recognition of their right to determine who could enter their homes. The first petitions regarding officials breaking into houses appeared early on in the records of the *Juzgado*. By 1591, three verdicts had already been passed forbidding local authorities from entering houses to search for pulque.⁶¹⁶ The *Juzgado* nonetheless heard a number of similar cases during the 1650s,

⁶¹⁵ AGN Indios, Vol. 10 Exp. 111; AGN Indios, Vol. 20 Exp. 161; AGN Indios, Vol. 21 Exp. 89; AGN Indios, “Su Excelencia manda al teniente de la villa de Tacubaya ni otro alguno impidan a los naturales el trajín y venta del pulque blanco”, 1659, Vol. 23 Exp. 417; AGN Indios, “Para que no se impida a unas indias de Tlalmanalco vender pulque blanco”, 1642, Vol. 14 Exp. 38; AGN Indios, “Para que la justicia de Tepotzotlan y Cuauhtitlan ampare a los naturales de dichos pueblos sin consentir que alguacil alguno entre en sus casas a quitarles el pulque”, 1648, Vol. 15 Exp. 97; AGN Tierras, “Sobre carta que se despachó al común y naturales de la Ciudad de los Ángeles, para que el alcalde mayor no les impida el trajín y venta del pulque blanco”, 1653, Vol. 2990 Exp. 61.

⁶¹⁶ AGN Indios, “Confirmación del mandamiento de esta otra parte, sobre que las justicias, so color de buscar pulque, no entren en las casas”, 1591, Vol. 6 Pt 2 Exp. 82; AGN Indios, “Para que las justicias no entren en las casas de los naturales”, 1591, Vol. 6 Pt 2 Exp. 140; AGN Indios, “Al corregidor para que no entre de noche a las casas de los naturales”, 1590, Vol. 3 Exp. 260.

testifying not only to the persistence of this form of harassment, but the determination of traders to keep their private space private.⁶¹⁷

Some petitioners chose to emphasise the illicit nature of the break-ins by stating the officials had gained entry through devious or forceful means. When the residents of Xochimilco brought their case to the *Juzgado* in 1590, they told the court that the *corregidor* and his deputies had accessed the houses of community members by climbing over the walls.⁶¹⁸ These petitioners seem also to have mentioned that doors were forced, since the court's verdict stated that the *justicias* of Xochimilco were to refrain from entering Nahua residents' houses "either by the walls or through the doors".⁶¹⁹ It was an achievement for the Xochimilcans to have obtained a favourable result, since the officials of whom they complained had actually found pulque in the houses, a fact which the residents admitted freely. In 1590, pulque was still an illegal substance, yet the weight of the officials' conduct in forcing entry to Native houses was apparently sufficient for the court to rule against the local *justicias*.⁶²⁰ Even after pulque had been legalised, officials continued to invade Nahua homes. The long-suffering Tomás de Zarate and Ana María told the court in their petition that a group of local *alguaciles* regularly climbed their walls and broke down their doors.⁶²¹ Pulque makers also emphasised the unsociable hours that officials chose to enter their homes, informing the court that local authorities tended to enter houses at night. The Xochimilco petitioners had told the *Juzgado* that the offending *alguaciles* in their town always came at night, as did the pulque trading women of Tlalmanalco, whose case was examined at the beginning of Chapter 4.⁶²² One can only imagine that waking up to a group of unexpected and uninvited officials breaking into the house must have been a distressing experience for producers who were conducting a legitimate business.

Aside from forcing entry into houses where they had no business to be, some petitions also described the offending *justicias* as behaving in a violent or intimidating

⁶¹⁷ AGN Indios, Vol. 10 Exp. 111; AGN Indios, Vol. 20 Exp. 161; AGN Indios, Vol. 21 Exp. 89; AGN Indios, Vol. 23 Exp. 417; AGN Indios, "Para que no se impida a unas indias de Tlalmanalco vender pulque blanco", 1642, Vol. 14 Exp. 38; AGN Indios, Vol. 15 Exp. 97; AGN Tierras Vol. 2990 Exp. 61; AGN Indios, "Se concede licencia a los naturales congregados en la Ciudad de los Ángeles, para que libremente puedan vender el aguamiel", 1597, Vol. 6 Pt 1 Exp. 1186.

⁶¹⁸ AGN Indios, Vol. 3 Exp. 260.

⁶¹⁹ AGN Indios, Vol. 3 Exp. 260, fol. 1r.

⁶²⁰ AGN Indios, Vol. 3 Exp. 260, fol. 1r. For the 1570 ruling banning pulque, see AGI-México, "Carta del virrey Álvaro Manrique de Zúñiga, marqués de Villamanrique", 1587, 21, N.19, fols. 18r-19r.

⁶²¹ AGN Indios, Vol. 10 Exp. 111.

⁶²² AGN Indios, Vol. 3 Exp. 260, fol. 1r; AGN Indios, Vol. 14 Exp. 38, fol. 2r.

manner.⁶²³ According to Francisco Fernández, don Juan Agustín and Andrés de Santillán, a group of pulque producers from Apaseo who brought suit in 1657, it was common practice for officials to spill any pulque they found and smash the vessels afterwards.⁶²⁴ The husband-and-wife pulque traders from Mexico City, Ana María and Tomás de Zarate, were so incensed by the treatment they received from officials— who had a habit of tying up anyone found in the house and only releasing them in exchange for large sums of money— that they named each individual offender in their suit. The majority of petitioners did not include names in their complaints; clearly Tomás and Ana had had quite enough of being manhandled and imprisoned in their own home and wished to see to it that the correct officials received their just deserts. The couple also mentioned that any vessels were routinely smashed by the *alguaciles* if they smelled of pulque.⁶²⁵ Petitioners from San Francisco Temascalapa and Tacubaya told the court that the local authorities “terrorised” pulque makers in their homes, while the pulque traders of San Agustín de las Cuevas and San Andrés Axuchco complained that several of their number had been arrested in their homes and taken to the local jail.⁶²⁶ Nahua pulque traders made it clear through their petitions that they expected certain behaviours of local officials if these officials were to be tolerated in their homes, just as they would hold invited guests to codes of behaviour.

Not only did pulque makers negotiate the terms of who they would allow to enter their domestic space and under what circumstances, they also defended their right to use their homes for pulque production. When the pulque makers of Tacubaya litigated in 1659, the petitioners informed the *Juzgado* that the *alguaciles* “[had given the petitioners] to understand that if they made [pulque] in their houses, they would be arrested and punished.”⁶²⁷ Legislation had tended to look unfavourably on pulque sale from the home, generally specifying that the drink should be sold only from markets or from public plazas, however, the question of whether pulque makers could produce in the home was

⁶²³ AGN Indios, Vol. 21 Exp. 89; AGN Indios, Vol. 10 Exp. 111; Archivo General del Estado de Tlaxcala (AGET), Tlaxcala, Fondo Colonial, “Real provisión para que no les haga agravio a los naturales el alguacil Diego de la Rosa”, 1639, Caja 80 Exp. 22; AGN Indios, Vol. 20 Exp. 161.

⁶²⁴ AGN Indios, Vol. 21 Exp. 89.

⁶²⁵ AGN Indios, Vol. 10 Exp. 111, fol. 1r.

⁶²⁶ AGN Indios, Vol. 20 Exp. 161, fol. 1r; AGN Indios Vol. 23 Exp. 417, fol. 1r; AGN Indios, “Para que el teniente de San Agustín de las Cuevas y sus ministros guarden las ordenanzas de gobierno que indican que los naturales pueden hacer y vender el pulque blanco de sus cosechas, y no les impida tal cosa a los naturales de los pueblos de San Agustín de las Cuevas y San Andrés Axuchco”, 1656, Vol. 20 Exp. 108, fol. 1r.

⁶²⁷ AGN Indios, Vol. 23 Exp. 417.

not addressed.⁶²⁸ The Tacubayans argued, however, that “as the [pulque making] must take place in their houses not in the fields because otherwise the [pulque] would spoil and it would not be possible to profit from the fruit [of their magueyes]”, they were behaving in a perfectly acceptable and law-abiding manner by running both the production and sale aspects of their businesses from their houses.⁶²⁹ The petitioners emphasised that they were selling the drink “in small quantities”, that pulque making was permitted by *reales ordenanzas* and that, in their experience, the practice of making pulque in domestic space had proved most effective in avoiding spoilage.⁶³⁰

The pulque producer-sellers of Coyoacan had brought a similar suit three years prior to the Tacubayans, arguing that “they [were] unable to make [pulque] or store it in any place other than their houses”.⁶³¹ What use was the colonial government’s guarantee that all Natives could make pulque, these petitioners asked, if the domestic space which housed so many aspects of its production was continually invaded. Having obtained the right to produce pulque, pulque traders demanded the right to do so in whichever space was best suited to them. The designation of Nahua domestic space as private space by pulque traders adds a further dimension to our understanding of the contested relationship between state and subject, as Nahua pulque traders rejected the jurisdiction of the colonial state within the home but were willing to accede to its jurisdiction in matters of legal negotiation. Unless a crime were being committed, these petitioners held that the state’s presence in homes as personified by its representatives was unwelcome and unnecessary.

Whether they were protesting fines and confiscation of goods, or defending their domestic spaces, one discursive thread which ran through many petitions was their depiction of local *justicias* as lawbreakers, in contrast to the petitioners’ self-presentation as loyal subjects who observed the king’s *ordenanzas* to the letter. The suits brought by pulque traders protesting mistreatment by local officials drew from a body of set phrases that developed over the years into a language of complaint which emphasised concepts of harm and injustice. In his work on the colonial courts of Mexico, Brian Owensby identifies a range of “idioms of harm”, used by Native petitioners to invoke the Crown’s

⁶²⁸ AGN Indios, Vol. 17 Exp. 1, fol. 2v; AGN Ordenanzas, “Nuevas ordenanzas prohibiendo la bebida del pulque amarillo, tepache, aguardiente, miel negra de cañas y otras”, 1635, Vol. 2 Exp. 52, fol. 2r; AGN Indios, Vol. 17 Exp. 1, fols. 7r-7v).

⁶²⁹ AGN Indios, Vol. 23 Exp. 417, fol. 1r.

⁶³⁰ AGN Indios, “Su Excelencia manda al corregidor de la villa de Coyoacan, no impida que los naturales hagan y vendan pulque blanco de sus cosechas del permitido”, 1656, Vol. 20 Exp. 162, fol. 1r.

⁶³¹ AGN Indios, Vol. 20 Exp. 162, fol. 1r.

duty to help and protect its subjects.⁶³² Whilst portraying oneself as a poor *miserable* deserving of protection was an option largely reserved for commoner petitioners, idioms of harm were utilised in individual and communal petitions and by elites and commoners alike. Concepts of damage and harm were frequently referenced in pulque petitions, metaphorically linking threats to Nahua livelihoods with physical damage to Indigenous bodies.

As early as 1583, the *aguamiel* producers of Periban told the *Juzgado* of the “damage and poor treatment” (*daños y malos tratamientos*) that they received from local officials, a phrase that was later recycled by the Tlalmanalca women.⁶³³ The Tolcayucan traders who brought suit to defend their freedom of movement made use of this phrase too, describing obstacles to their movement as “causing them in all respects the most serious harm”.⁶³⁴ The language of pulque consumption as a *daño* for Indigenous communities was also seen in documentation that decried the drink as a menace to Native communities.⁶³⁵ The failed 1570 *ordenanza* banning pulque was a choice example, beginning as it did in condemning “the harm which comes to the natives [*los daños que se siguen a los naturales*] from making and selling pulque...who make idolatrous sacrifices and, being drunk, commit incest and other crimes”.⁶³⁶ In pulque legislation and petitions, the term *daño* was increasingly associated with *tepache* or *pulque amarillo*, as for instance in a 1635 *ordenanza* introducing harsher restrictions on *tepache* because of the “grave harm caused to the Indians [by drinking *tepache*], not only to their souls by these offences to our Lord God, but to their health, lives and livelihoods”.⁶³⁷ By identifying those who harassed them with the same terminology in their petitions, pulque makers suggested parallels between the harassment they endured and the physical harm and sickness ascribed first to all pulque then to *tepache*.

Petitions from pulque producers and sellers were very clear about what they considered to be justice served. Ideas of fairness and morality were continually constructed in the process of presenting a petition to the *Juzgado*, and the colonial

⁶³² Owensby, *Empire of Law*, p. 52. The actual phrase “idioms of harm” appears in the index of this work, not the main body, but I consider it a very useful description and so use it here.

⁶³³ AGN Indios, “Permitiendo a los naturales la venta de mieles”, 1583, Vol. 3 Exp. 810, fol. 1r; AGN Indios, Vol. 14 Exp. 38, fol. 2r.

⁶³⁴ AGN Indios, Vol. 23 Exp. 103, fol. 1r.

⁶³⁵ AGN Tierras, “Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa”, 1592, Vol. 2879 Exp. 12, fol. 1r; AGN General de Parte, “Para que el corregidor de Cholula pueda arbitrar con los españoles que aquí hicieron el pulque”, 1602, Vol. 6 Exp. 64, fol. 1v; AGN Indios, Vol. 17 Exp. 1, fol. 6r.

⁶³⁶ AGI Audiencia de México, 21, N. 19, fol. 18r.

⁶³⁷ AGN Ordenanzas, Vol. 2 Exp. 52, fol. 1r.

administration was thereby called upon to uphold these. In their descriptions of offending behaviours from officials, petitioners often made sure to tell the court that the treatment to which they were being subjected was unjust. In their 1648 joint communal suit against local authorities for various forms of harassment, the people of Cuauhtitlan and Tepotzotlan stated plaintively that “it is unjust that [such a thing] should take place” (*no es justo se dé lugar*).⁶³⁸ The Chimalhuacan petitioners who had been compelled to sell their pulque at a lower price to approved vendors likewise told the court that “it was unjust that, being well capable of selling [the pulque] themselves as their own concern and of profiting thereby, that they should have to sell to others whose business it was not”.⁶³⁹ These accusations of unjust behaviour were accompanied by affirmations that the petitioners themselves were law-abiding and claiming only those rights to which they were entitled. The pulque makers of Tequizistlan, for instance, argued vehemently in this vein in 1629, when they described their trade as “a most lawful thing [permitted to] all the natives of New Spain”.⁶⁴⁰ As mentioned in Chapter 2, references to pulque were usually combined with the information that the pulque was *del permitido* (“of the kind that is permitted”). Pulque was inevitably described in petitions as *pulque blanco [del] permitido* while participation in the trade was defended using phrases such as “since it is permitted to them” (*siendoles permitido*) and “as they are permitted to do” (*como les está permitido*). These phrases appeared in fifty-two petitions brought by pulque traders between 1629 and 1668, out of a total seventy-three petitions heard by the court during this period from participants in pulque commerce.⁶⁴¹

In defending their right to make and sell pulque, petitioners referenced the ultimate authority—the will of the King via his representative the viceroy—by emphasising their compliance with *reales ordenanzas*. On one notable occasion, the litigants cited a previous ruling of the *Juzgado* itself to bolster their claim. Doña Gertrudis de Guzmán Tolinque, a noblewoman who had previously petitioned the *Juzgado* alone in December 1666, returned with her husband the following month and pressed the court to recognise her right to sell her own pulque without a licence, “like [the one] dispatched to Juana de la Cruz, an Indian woman from Cuauhtitlan”.⁶⁴² The producer-seller Juana de la

⁶³⁸ AGN Indios, Vol. 15 Exp. 97, fol. 1r.

⁶³⁹ AGN RCD, Vol. 49 Exp. 11, fols. 1r-1v.

⁶⁴⁰ AGN Indios, “A la justicia de Tequisistlan a fin de que ampare a los naturales en los agravios que el teniente de Teotihuacan les hace impidiéndoles vender el pulque blanco”, 1629, Vol. 10 Exp. 123, fol. 1r.

⁶⁴¹ See Appendix, section 2.

⁶⁴² AGN Indios, Vol. 24 Exp. 141, fol. 1r.

Cruz had successfully petitioned the *Juzgado* on a similar issue seven months prior to doña Gertrudis' first appearance in the court.⁶⁴³ In Chapter 4, I demonstrated that towns who brought joint communal suits made use of local information networks. The fact that doña Gertrudis knew about the outcome of Juana de la Cruz's petition suggests that information concerning successful appeals to the *Juzgado* may have circulated in a similar way among pulque traders. By citing a previous judgement, doña Gertrudis suggested that in order for justice to be served, the court should apply their rulings consistently in all similar cases, whilst also making it clear that she respected previous decisions of the *Juzgado*.

In one interesting case from Tlaxcala, those responsible for harassing pulque traders were actually doing so as a means to committing an even more serious infraction. In 1639, the people of San Luis Huamantla brought suit against a local Spanish *alguacil*, Diego de la Rosa, who had been entering their houses, spilling their pulque and demanding money.⁶⁴⁴ De la Rosa was apparently acting on the orders of the town's *teniente*, don Miguel de Isaba, who had been forcing Nahua residents to work on the *haciendas* of local Spaniards "as though they were slaves".⁶⁴⁵ The language was deliberately emotive, emphasising that enslavement of Indigenous peoples, or the approximate conditions created in many *encomiendas*, had been outlawed from 1501 in the former case and 1542 in the latter.⁶⁴⁶ Don Miguel was clearly aware that pulque making represented the primary means of income for the Nahua townspeople of Huamantla and intended to leave them with no other way of earning money except through labour on a *hacienda*. The fact that a serious offence (in the eyes of the colonial administration) was being committed in conjunction with unwarranted harassment of the Huamantla pulque makers lent considerable weight to the petitioners' portrayal of their harassers as brazen lawbreakers with no regard for the King's provisions.

Analysing complaints of harassment brought by pulque traders to the *Juzgado de Indios* shows that these agents often engaged with concepts of justice in their negotiations with the court. As pulque commerce expanded throughout the seventeenth century, the

⁶⁴³ AGN Indios, "Su Excelencia concede licencia a Juana de la Cruz natural del pueblo de Guautitlan [sic], para que el pulque de su cosecha lo pueda vender", 1666, Vol. 24 Exp. 88.

⁶⁴⁴ AGET Colonial, Caja 80 Exp. 22.

⁶⁴⁵ AGET Colonial, Caja 80 Exp. 22, fol. 1v.

⁶⁴⁶ See Lesley Byrd Simpson, *The Encomienda in New Spain: The Beginning of Spanish Mexico* (Berkeley, CA: University of California Press, 1950); Timothy J. Yeager, "Encomienda or Slavery?: The Spanish Crown's Choice of Labor Organization in Sixteenth-Century Spanish America", *The Journal of Economic History*, Vol. 55:4 (1995), pp. 842-859.

opportunity emerged for groups who could not lawfully participate in the trade to profit through fining traders and confiscating their goods. Of the petitions that appear in the archival record, the majority of the offenders belonged to the very group who should by rights have least been expected to engage in illegal behaviour: the officials responsible for enforcing local justice. Communities and individuals of both commoner and elite backgrounds chose the colonial courts as an arena in which to express their critique of corrupt officials who levied illegal fines, stole from traders and broke into their homes. The common thread that linked Native protest against these different forms of harassment was their clear delineation of what constituted unacceptable treatment of pulque traders. By bringing suits against their harassers, pulque traders not only held the court responsible for the duty of protection promised to Natives as subjects of the Crown but posed fundamental questions about whether local justice administration was fit for purpose. That the court so consistently ruled in favour of Nahua pulque traders who brought suit against their harassers is a strong indicator that these traders were successful in compelling the court to take the ideas of justice and proper behaviour into consideration as it passed judgement after judgement that pulque traders must not be harassed or prevented from pursuing their trade.

Conclusion

The archival record makes one fact very plain: pursuing a living in the pulque trade could be difficult. The popularity of pulque commerce as a profession raised the problem of accommodating large numbers of traders in pulque markets, giving rise on occasion to fierce competition. The petitions from pulque makers who came to the *Juzgado*, complaining that they had been threatened, assaulted, or imprisoned, that they had been forced to hand over their hard-won earnings, that their possessions had been destroyed or stolen, show that, despite the appeal and profitability of pulque commerce, participation could bring with it some serious problems. Pulque traders defended themselves against this harassment and they used the tools of the colonial state to do so. In negotiating with the colonial administration through its own channels, pulque traders demanded accountability in exchange for loyalty, recognising the authority of Spanish courts to pass judgement but steadfastly pursuing their own agendas. Even as the colonial government strove to curb the pulque trade using legislative powers, pulque traders identified legal protections contained within those same rulings and made use of them to defend their businesses.

Through their choice to negotiate with the colonial state, pulque makers profoundly influenced the way in which the legal status of pulque trading developed, pushing for the recognition and enforcement of the right to freely move and trade, as well as for acknowledgement of the commercial and cultural value of their product. It was the persistent activity of pulque traders as legal and political agents that steered the position of pulque trading in central Mexico from an illicit practice during the attempted pulque ban to a thriving commercial network that the Crown estimated was worth around 140,000-150,000 *pesos* in potential tax revenue by the early 1660s.⁶⁴⁷ At times, the processes of litigation and negotiation in which pulque traders engaged so frequently to protect their livelihoods must have been exhausting and demoralising. Yet pulque traders across central Mexico consistently made the decision that their participation was worth the hardship they experienced. For many individuals and communities, the stakes were simply too high to do otherwise; the profits of pulque underwrote so many aspects of family and communal life. The story of the early colonial pulque traders was one of human determination, not just to survive but to thrive as Indigenous agents protecting their right to make their living as they pleased, in the drink that their ancestors had so treasured for centuries.

⁶⁴⁷ Viqueira Albán, *Propriety and Permissiveness*, p. 132.

Thesis conclusion

In December 1668, the pulque *asiento* for Mexico City and the five *leguas* surrounding it first came up for auction. For the price of 66,000 *pesos* annually, the owner of the *asiento* would have the right to charge a set rate on all pulque coming into Mexico City. Additionally, the colonial government would now benefit from a duty of twelve *reales* on each load of pulque that entered the city, ten of which went directly to the treasury and two which went towards funding the aqueduct in Mexico City. The balance of power had shifted. Whereas previously, the pulque trade had served only the interests of Indigenous participants, it had now been co-opted into working for the colonial administration. As we saw in Chapter 5, pulque traders sometime only sold a few *reales* worth of their product per trip to market. A duty of twelve *reales* was more than many petty pulque traders could afford. Yet even as the introduction of the *asiento* spelled the end of their participation in pulque trading for many Indigenous agents, in some ways it was the ultimate vindication of their achievements in developing and proliferating pulque commerce up until 1668. In regulating and imposing a tax on pulque, the colonial administration officially recognised the trade as a valuable form of commerce in the colonial economy. From this point onward, the pulque trade was a direct financial contributor to government coffers and therefore closely identified with the colonial administration itself, a far cry from the suspicion and disapproval that had earlier characterised the administration's attitude towards the drink. If we think back to Queen Isabella's *real cédula* of 1529, describing the murderous orgies that resulted from pulque consumption, the dramatic scale of this change in attitude is clear. The queen could hardly have imagined as she sat down to compose her missive that the colonial state would one day be eager to involve itself in the large-scale traffic of this nefarious drink.

The successful development of far-reaching and efficient pulque trade networks that linked towns, cities and rural areas played a significant role in the change of the colonial state's position. In Chapter 3, I mapped the geographical spread and expansion of the pulque trade between 1550 and 1668 and in doing so, I have demonstrated the scale of the contribution that Nahua pulque traders made during this time to the later infrastructure of the trade. The spatial elements that characterised the eighteenth and nineteenth century pulque trade—the concentration of maguey agriculture to the north of Mexico City and the prominence of the city itself as a destination for pulque sale—were derived from the trade patterns of Indigenous pulque traders during the sixteenth and

seventeenth century. By examining the prevalence of local trade networks in early colonial pulque commerce, I have also shown that whilst the city was dependent on an influx of pulque from outlying settlements, producers from these settlements had a range of options for selling their pulque. The presence in the historical record of traders who chose to sell locally rather than travelling to cities demonstrates the independence of rural trade. The approach I have taken to decentring Mexico City may be productively applied by any scholars seeking to address questions of decline in Indigenous pulque trading beyond the introduction of the *asiento*. I suspect that for the communities and individuals who did not travel to Mexico City, Puebla or Oaxaca— the only cities large enough to have a pulque *asiento*— the impact of regulation and taxation on small-scale pulque traders was mitigated by their participation in regional trade networks.

As this thesis has consistently sought to demonstrate, the change in the status of pulque and pulque commerce throughout the late sixteenth to mid-seventeenth century was the result of tireless Indigenous effort. At the beginning of this study, I asked how the actions of Nahua pulque traders in bringing petitions might have influenced the way in which pulque was seen and valued by the colonial administration between 1550 and 1668. My findings in Chapters 2 and 5 have shown a clear relationship between the issues on which Nahuas brought petitions and the development of legislation regarding pulque. Nahuas defined a set of legal precedents and tropes through their engagement with the courts which would determine future verdicts handed down to pulque petitioners. Prior to 1668, the colonial state was little concerned with the details of pulque commerce outside of how they might on occasion restrict it. Pulque traders were therefore the ones to tell the administration what they were experiencing and outline what provisions needed to be made in order for them to proceed in their businesses. In considering how legalisation was achieved in 1608, I have also highlighted the role of activity outside petitioning. A significant factor in the decision was the persistence of pulque traders in continuing to produce and sell pulque despite the threat of punishment. My emphasis in this thesis on Indigenous peoples as colonial state-makers has significant implications for how we view their position as “colonised” populations, allowing us to conceptualise them not as passive but as powerful.

This thesis has emphasised the agency of Nahuas as litigants, outlining the wide variety of strategies used by petitioners in negotiating with the colonial courts. This has been made possible by viewing the legal sources generated by Nahua litigants as records of their intentions and decisions. I have recognised in this thesis that these documents

existed because Nahua agents made use of colonial tools to pursue their own interests. In Chapter 4, I explored how Nahua pulque traders presented themselves to the court as litigants. In doing so, this thesis has also revealed which strategies Nahuas adopted as most fitting to their social identities. Self-presentation before the courts undoubtedly contained an element of performance but also highlighted the aspects that Nahua petitioners considered most important in their social identity. In this respect, there was some continuity with pre-conquest phenomena, as examined in Chapter 1. The social categories of commoner and noble continued to shape the way in which Nahuas thought of themselves and therefore which strategies they selected for use in their petitions. Likewise, the principles of complementary labour were still visible in the relationship between men and women working together in pulque commerce. The idea of continuity with pre-Hispanic custom was also utilised as a petitioning strategy, in the employment of *costumbre* rhetoric by individuals and communities.

I do not, however, mean to suggest that pulque commerce in the early colonial period was essentially the same as it had been before 1521. Nahua pulque traders of this period knew that they were operating in a very different reality, but also that this reality presented certain possibilities which had not existed before. Participating in pulque commerce now meant negotiating a relationship with the colonial state, complicated by the state's frequent misinterpretations of the nature of pulque culture and pulque trading. Acceptable usages for pulque changed, as did patterns of consumption with the introduction of *pulquerias*, both of which influenced the attitude of the colonial administration towards the pulque trade. Yet this change in consumption provided an opportunity for increased participation in the trade, a trend which intensified throughout the seventeenth century. The relationship between state and pulque trader, too, evolved throughout the early colonial period, shifting from confrontation between administration and subject over the legality of pulque to ground-level conflict between pulque traders and local authorities. By 1668, the trade in *pulque blanco* had been transformed from a nebulous social menace (in the eyes of the colonial government at least) to a legitimate and thriving form of commerce that supported Nahua communities across Mexico and whose success had begun to look extremely tempting to the Crown.

The unifying theme in the strategies utilised by Nahua pulque traders was a keen awareness of the protections and duties now owed to them as subjects of the Spanish Crown. Commoners and widows who presented themselves as *miserables* invoked the state's duty to care for the vulnerable, whilst the traders who contested harassment held

local officials to codes of behaviour that referenced these same standards of protection towards Native peoples. Pulque litigants knew what their contribution was to the colonial project in Mexico, and they consistently utilised this as a legal strategy. Petitioners were careful to mention that their income from pulque commerce went to pay tributes, to financially support their churches, and to maintain themselves and their families, fully conscious that New Spain ran on Indigenous labour. Accordingly, not only has this thesis demonstrated that Nahuas were profoundly involved in building the colonial state, but it has also shown that they were aware of their own importance in this process. Experience had taught pulque traders that they were more likely to get what they wanted if they emphasised what they contributed to the colonial state, but also what the colonial state had promised to them in exchange for their compliance. Interactions between pulque traders and the colonial state are therefore best viewed as processes of negotiation in which petitioners made it plain that they accepted the fact of colonial rule but expected in return that they would be entitled to certain privileges and protections by virtue of embracing their legal status as “Indians”.

As a work of social history, this thesis has focused on the actions and decisions undertaken by Nahuas to further their participation in pulque commerce. Where their exact words do not survive in the historical record, what Nahua pulque traders actually did and what their intentions were in doing so speaks volumes about how they understood the world in which they pursued their trade. Pulque traders supported their families and gave back to their communities as part of a reciprocal system of obligation. They inherited and passed down the knowledge of maguey agriculture and pulque technology and they continued to recognise this knowledge as a viable and valuable way to make a living in the colonial world. At its heart, this thesis is about Nahua determination to keep what belonged to them and about how the ancient and intimate relationship between human and maguey evolved and adapted over time. Pulque culture was not the same by 1668 as it had been for Nahuas before the conquest, but it was still theirs. The research contained within this thesis belongs to them too.

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Appendix

Section 1

Maguey cultivation and pulque production in the large jurisdictions of New Spain, 1550-1668

Chalco

1590: Petition of Marta Ana over ownership of land with magueyes, San Juan Temamatla.

AGN Indios, “Hace saber al alcalde de Chalco y manda se averigüe si las tierras y magueyes son de la viuda e hijos de Martín Vázquez”, 1590, Vol 3 Exp 58.

1625: Will of doña Petronila de Turcio, Amecameca.

“Testamento de doña Petronila de Turcio, 1625”, in *Vidas y bienes olvidados vol. 2*, pp. 156-171.

1633: Petition of Diego Raimundo over ownership of land with magueyes, Amecameca. AGN Indios, “Para que la justicia de Amecameca ampare a Diego Raimundo en sus tierras y magueyes”, 1633, Vol 12 Exp 65.

1640: Communal petition from residents of Santa Catalina Cuitlahuac.

AGN Indios, “La justicia de Santa Catalina Cuitlahuac a fin de que impida que los alguaciles les pongan impedimento a los naturales para comerciar con el pulque blanco de sus cosechas”, 1640, Vol 13 Exp 110.

1641: Communal petition from residents of Santa Maria Ozumba.

AGN Indios, “Para que el alcalde mayor de Chalco no permita que los naturales de otros pueblos entren al de Ozumba a vender agua miel y pulque blanco”, 1641, Vol 13 Exp 224.

1649: Communal petition from residents of Cuitlahuac.

AGN Indios, “Para que las justicias de Su Majestad no impidan a don Sebastián Mateo, gobernador y demás contenidos, trajinar el pulque blanco de sus cosechas para venderlo en la Ciudad de México, 1649, Vol 15 Cuaderno 2 Exp 129.

1655: Petition of Ana Isabel to sell own pulque, Chalco.

AGN Indios, “A la justicia de Chalco y sus ministros para que no impidan a Ana Isabel el beneficio y venta de pulque blanco”, 1655, Vol 18 Exp 157.

1655: Communal petition from residents of Chicoalapa.

AGN Indios, “Para que las justicias de Chicoalapa no impidan a los naturales beneficiar sus magueyes y vender el pulque blanco”, 1655, Vol 18 Exp 158.

1655: Communal petition to sell own pulque, residents of Amecameca.

AGN Indios, “Su Excelencia manda a la justicia de Chalco, que no impidan a Diego Bernal, gobernador de Amecameca sacar y vender pulque blanco”, 1655, Vol 18 Exp 201.

1656: Communal petition from residents of San Juan Tlapitzahuayan.

AGN Indios, “Para que la justicia del pueblo y partido de Chalco guarde y cumpla las órdenes del gobierno que indica que los naturales pueden beneficiar los magueyes; en conformidad no se les impida a los naturales de San Juan Tlapitzahuayan el beneficio de los mismos”, 1656, Vol 20 Exp 82.

1657: Petition of Gabriel Juan to sell own pulque, Santa Catalina Tlahuac.

AGN Indios, “Para que las justicias de Chalco y ciudad de Xochimilco no impidan a Gabriel Juan, natural de dicho pueblo de Santa Catalina Tlahuac, vender pulque”, 1657, Vol 21 Exp 163.

1659: Communal petition from residents of Santa Catalina.

AGN Indios, “Su Excelencia manda a los corregidores de Mexicalzingo y Coyoacan, no impidan a los naturales del pueblo de Santa Catalina pasar con sus cargas de pulque blanco”, 1659, Vol 23 Exp 298.

1659: Communal petitions from residents of Santa Catalina.

AGN Indios, “Su Excelencia manda al corregidor de Mexicalzingo, deje pasar libremente a los naturales del pueblo de Santa Catalina con el pulque blanco”, 1659, Vol 23 Exp 299.

San Cristóbal Ecatepec

1554: Will of don Juan Francisco, Camino Real Ychinoco.

“Testamento de don Juan Francisco, 1554”, in *Vidas y bienes olvidados vol. 1*, pp. 111-113.

1590: Denunciation of residents of Santa Clara Coatitlan for making pulque.

AGN Indios, “Al corregidor de Chiconautla, para que compela los naturales a que cada año beneficien sus sementeras, y cumpliendo, los deje trabajar en el aguamiel”, 1590, Vol 4 Exp 709.

1591: Communal petition by residents of San Pedro Xaloxtoc to sell own *aguamiel*.

“Para que el corregidor de dicho pueblo no les impida a los naturales de las estancias que pertenecen a México, vender aguamiel”, 1591, Vol 6 Pt 2 Exp 36.

1625: Will of María Salomé, Santa Clara Coatitlan.

“Testamento de María Salomé, 1625”, in *Vidas y bienes olvidados vol. 3*, pp. 146-156.

1629: Petition of Diego de Contreras to sell own pulque and *aguamiel*.

AGN Indios, “Licencia que concede Su Señoría a Diego de Contreras para vender el aguamiel de maguey y pulque”, 1629, Vol 10 Exp 108.

1634: Communal petition from residents of San Cristobal Ecatepec, Xalostoc, Santa Maria Tolpetlaxco and Huacalco over damage to magueyes.
AGN Indios, “Para que las justicias de San Cristóbal Ecatepec amparen a los naturales en sus tierras y magueyes, y que los ganados no se metan en sus sementeras”, 1634, Vol 12 Exp 115.

1634: Will of don Mateo Juárez de Gante, San Cristóbal Ecatepec.
“Testamento de don Mateo Juárez de Gante, 1634”, in *Vidas y bienes olvidados vol. 3*, pp. 196-207.

1635: Communal petition from residents of Chimalhuacan Atenco.
AGN Reales Cédulas Duplicadas, “Que no hagan vejación ni causen molestias a los indios de Chimalhuacan por vender el pulque blanco”, 1635, Vol. 49 Exp 11.

1663: Petition of Andres Francisco, Francisca Maria and Jerónima Luisa over damage to magueyes.
AGN Tierras, “Demanda presentada por Andrés Francisco, Francisca María, Gerónima Luisa y demás familiares contra Diego Rodríguez de Luna sobre que pague los daños que causo en sus magueyales”, 1663, Vol. 2877 Exp 17.

1667: Petition of Andrés Francisco, Juan Tomás, Juan Francisco, Sebastian Miguel and María Francisca, Chiconautla.
AGN Indios, “Su Excelencia manda a los naturales del pueblo de Chiconautla de la jurisdicción de San Cristóbal Ecatepec, se les despache mandamiento, inserta ordenanza para saber la forma en que han de tener y trajinar el pulque blanco, 1667, Vol. 24 Exp 204.

1667: Residents of San Cristóbal Ecatepec, land dispute with local convent.
AGN Tierras, “Ecatepec, San Cristóbal, pueblo- los naturales de dicho pueblo, contra el procurador general y comisario de corte de la orden de San Francisco, sobre despojo de magueyes y tierras”, 1667, Vol. 1728 Exp 17.

1668: Petition of don Pedro de Santiago, alcalde and don Lucas Sebastian, Santa María Tolpetlac.
AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, cumplan la ordenanza que da la forma sobre la venta del pulque blanco que se les permite a los naturales del pueblo de Santa María Tulpetlac, jurisdicción de San Cristóbal Ecatepec”, 1668, Vol. 24 Exp 224.

1668: Petition of don Juan Mateo et al to sell own pulque, Chimalhuacan Atenco.
AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, guarden y cumplan la ordenanza que da la forma sobre el trajín del pulque blanco”, 1668, Vol. 24 Exp. 234.

Cuauhtitlan

1589: Will of doña María Salomé, Cuauhtitlan.

“Testamento de doña María Salomé, 1589”, in *Vidas y bienes olvidados*, vol. 1, pp. 136-143.

1631: Will of don Matías de la Mota Torrijos.

“Testamento de don Matías de la Mota Torrijos, 1631”, *Vidas y bienes olvidados*, vol. 3, pp. 172-187.

1639: Will of don Baltasar de Torrijos, Santiago Quatlapan.

“Testamento de don Baltasar de Torrijos, 1639” in *Vidas y bienes olvidados*, vol. 3, pp. 208-217.

1648: Communal petition from residents of Cuauhtitlan and Tepotzotlan.

AGN Indios, “Para que la justicia de Tepotzotlan y Cuauhtitlan ampare a los naturales de dichos pueblos sin consentir que alguacil alguno entre en sus casas a quitarles el pulque”, 1648, Vol. 15 Exp. 97

1649: Petition of Juan de Estrada et al to transport pulque to an approved seller, Cuauhtitlan.

AGN Indios, “A las justicias de Su Majestad no impidan a Juan de Estrada y a los naturales contenidos en el expediente traer cada uno dos cargas de pulque blanco para venderlo en la Ciudad de México”, 1649, Vol 15 Cuaderno 2 Exp 125.

1649: Petition of Juan Gregorio to transport pulque to an approved seller, Zumpango.

AGN Indios, “Para que la justicia no impida a Juan Gregorio, natural de Zumpango traer a la Ciudad de México doce cargas de pulque blanco de su cosecha para entregarlo a la venta”, 1649, Vol 15 Cuaderno 2 Exp 47.

1649: Pulque licence granted to doña Ana Maria for her own magueyes, Teoloyucan.

AGN Indios, “Se concede licencia a Ana María, principal de Teoloyucan para vender pulque y miel de su cosecha en la Ciudad de México”, 1649, Vol 15 Cuaderno 2 Exp 106.

1657: Petition protesting sale of pulque on Sundays and feast days, Tepotzotlan.

AGN Indios, “Para que el alcalde mayor de Cuautitlan, guarde el decreto relativo que prohíbe que se venda pulque en los días de cuaresma y en especial en los que se predica como es el sábado de dicha cuaresma, porque los naturales no acuden al sermón y oficios divinos, embriagándose”, 1657, Vol. 21 Exp 69.

1666: Petition of Juana de la Cruz to sell pulque from own magueyes.

AGN Indios, “Su Excelencia concede licencia a Juana de la Cruz natural del pueblo de Guautitlan [sic], para que el pulque y demás frutos que sacare de sus cosechas lo pueda vender en cualquier parte que le pareciere, sin necesidad de otra licencia ni por ello pague cosa alguna”, 1666, Vol 24 Exp 88.

Section 2

Pulque and aguamiel producers/sellers, 1580-1668

2a: Native women as producers/sellers (alone or all-female groups)

1590

Unnamed women of Santa Clara Coatitlan (juris. San Cristóbal Ecatepec)

Aguamiel

Commoner petitioners

AGN Indios, “Al corregidor de Chiconautla, para que compela a los naturales a que cada año beneficien sus sementeras, y cumpliendo, los deje trabajar en el aguamiel que tienen de granjería, y cuando haya denuncia de que hacen pulque, les haga justicia”, 1590, Vol 4 Exp 709.

1591

María de la Cruz, San Juan (juris. México)

Aguamiel

Commoner petitioner

AGN Indios, “Licencia a María de la Cruz, india, del pueblo de San Juan, sujeto a la Ciudad de México, para que libremente pueda beneficiar los magueyes y traer a vender el aguamiel a la ciudad, guardando la ordenanza”, 1591, Vol 3 Exp 967.

1592

Doña Francisca de Castañeda, Mexico City (juris. Mexico)

Pulque

Elite woman (document is a denunciation rather than a petition), seller not producer

AGN Tierras, “Denuncia hecha contra Francisca de Castañeda, de vender pulque en su casa”, 1592, Vol. 2879 Exp. 12.

1594

Unnamed women of Tacubaya (juris. Coyoacan)

Aguamiel

Commoner petitioners

AGN Indios, “Se concede licencia a las indias de Tacubaya, para que cada una de ellas pueda traer a México un cantarillo de miel blanca de maguey”, 1594, Vol 6 Pt 2 Exp 908.

1629

Ana de Jesús, Mexico City (juris. Mexico).

Pulque

Commoner petitioner, seller not producer

AGN Indios, “Se concede licencia a Ana de Jesús para vender pulque blanco”, 1629, Vol. 10 Exp. 127.

Ana María, Mexico City (juris. Mexico)

Pulque

Commoner petitioner, seller not producer

AGN Indios, "A las justicias de Su Majestad, para que no impidan comprar pulque blanco para venderlo en los tianguis a María, india", 1629, Vol. 10 Exp. 40.

Fines mentioned

1639

Doña Juana Agustina, Tacuba (juris. Tacuba)

Pulque ("de su cosecha")

Elite petitioner

AGN Indiferente Virreinal, "Petición que presento doña Jhoana [sic] Agustina, natural de la villa de Tacuba, para que se le dé licencia y pueda vender su pulque blanco en el barrio de San Hipólito", 1639, Caja 6224 Exp 27.

1641

Juana de Ojeda, Ana María, María Jiménez, Francisca Pérez, Sebastiana de San Miguel, Francisca de la Fuente, Cristina Constantina and Juana Rodríguez, Tlalmanalco (juris. Chalco)

Pulque ("de sus cosechas")

Commoner petitioners

AGN Indios, "Para que la justicia de Tlalmanalco no haga molestias a las indias contenidas en el expediente por sacar y vender el pulque blanco de sus cosechas guardando la ordenanza", 1641, Vol 13 Exp 325.

Tribute mentioned, fines mentioned

Ana de Olmos, Zacatlan (juris. Zacatlan)

Pulque ("de su cosecha")

Elite petitioner

AGN Indios, "Para que la justicia de Zacatlan ampare a Ana de Olmos, principal de dicho pueblo sin que se le ponga en impedimento en vender pulque blanco de su cosecha", 1641, Vol 13 Exp 329.

Tribute mentioned, fines mentioned

1642

Juana de Ojeda, Ana María, María Jiménez, Francisca Pérez, Sebastiana de San Miguel, Francisca de la Fuente, Cristina Constantina and Juana Rodríguez, Tlalmanalco (juris. Chalco)

Pulque ("de sus cosechas")

Commoner petitioners

AGN Indios, "Para que se cumpla el mandamiento inserto, a fin de que no se impida a unas indias de Tlalmanalco vender pulque blanco, y que las personas de quienes se quejan les paguen lo que les hubieren quitado", 1642, Vol 14 Exp 38.

Tribute mentioned, fines mentioned

1648

María Petronila, Iztapalapa (juris. Mexicalzingo)

Pulque (“de su cosecha”)

Elite petitioner

AGN Indios, “Su Excelencia da facultad al corregidor de esta ciudad, juez de la comisión del pulque para que dé doce licencias más, señalando puestos”, 1648, Vol 15 Exp 71.

Tribute mentioned

1649

Ana María, Teoloyucan (juris. Cuauhtitlan)

Pulque and maguey syrup (“de su cosecha”)

Elite petitioner

Worked with her daughter, María Gerónima

AGN Indios, “Se concede licencia a Ana María, principal de Teoloyucan para vender pulque y miel de su cosecha en la Ciudad de México”, 1649, Vol 15 Cuaderno 2 Exp 106.

Tribute mentioned

1653

Doña Francisca Cecilia, Tacuba (juris. Tacuba)

Pulque (“de su cosecha”)

Elite petitioner

AGN Indiferente Virreinal, “Francisca Sesilia [sic] viuda india principal, vecina y natural de la villa de Tacuba del barrio de Santorum solicitó licencia para trajinar y vender pulque en la Ciudad de México”, 1653, Caja 128 Exp 24.

Tribute mentioned

1655

Ana Isabel, Chalco (juris. Chalco)

Pulque (“de su cosecha”)

Commoner petitioner

AGN Indios, “A la justicia de Chalco y sus ministros para que guarden y cumplan la ordenanza inclusa y en su conformidad no impidan a Ana Isabel el beneficio y venta de pulque blanco que refiere, sin que por ello reciba agravio”, 1655, Vol 18 Exp 157.

Fines mentioned

1656

Josefa de los Reyes, Tequizistlan (juris. Teotihuacan)

Pulque

Commoner petitioner

AGN Indios, “Para que el alcalde mayor de San Juan Teotiguacan, no moleste a Josefa de los Reyes, natural del pueblo de Tequisistlan de dicha jurisdicción, porque comercie con pulque. y para que todas las justicias de su majestad de esta gobernación y sus

ministros guarden las ordenanzas relativas al trajín del pulque blanco”, 1656, Vol 20 Exp 209.

Tribute mentioned, fines mentioned

1657

Magdalena María; Juana; Petronila Juana; María Juana; Elena de la Cruz; Clara Elena; Francisca de la Cruz; Francisca María; Juana Úrsula and Antonia María, San Gaspar Tetela (juris. Cuernavaca)

Pulque (“de sus cosechas”)

Commoner petitioners

AGN Indios, “Su Excelencia manda al alcalde mayor de la villa de Cuernavaca, guarde y cumpla las ordenanzas de gobierno que dan la forma en que los naturales han de vender el pulque blanco de sus cosechas y en su conformidad no les impida tal cosa a las indias Magdalena, María Juana, Petronila Juana, Elena de la Cruz, Clara Elena, Juana Úrsula naturales del pueblo de San Gaspar Tetela de esa jurisdicción”, 1657, Vol 21 Exp 115.

Tribute mentioned

1666

Juana de la Cruz

Pulque (“de su cosecha”)

Commoner petitioner

AGN Indios, “Su Excelencia concede licencia a Juana de la Cruz natural del pueblo de Guautitlan [sic], para que el pulque y demás frutos que sacare de sus cosechas lo pueda vender en cualquier parte que le pareciere, sin necesidad de otra licencia ni por ello pague cosa alguna”, 1666, Vol 24 Exp 88.

Tribute mentioned, fines mentioned

Gertrudis de Guzmán Tolinque

Pulque (“de su cosecha”)

Elite petitioner

AGN Indios, “Su Excelencia da permiso a Gertrudis de Guzmán Tolinque, cacica y principal descendiente de los señores de la villa de Coyoacan, para que pueda cultivar sus magueyes y hacer pulque blanco no siendo del prohibido y que ninguna justicia se lo impida”, 1666, Vol 24 Exp 177.

2b: Native men as producers (alone or all-male groups)

1629

Diego de Contreras, San Cristóbal Ecatepec (juris. San Cristóbal Ecatepec)

Pulque and *aguamiel*

Commoner petitioner

AGN Indios, “Licencia que concede Su Señoría a Diego de Contreras para vender el aguamiel de maguey y pulque en los tianguis de esta ciudad”, 1629, Vol 10 Exp 108.

1648

Don Gabriel García Mecameca and don Francisco Temascalapa, San Juan Tepehuisco (juris. not given)

Pulque (“de sus cosechas”)

Elite petitioners

AGN Indios, “Para que las justicias de Su Majestad no impidan a Nicolás de la Peña su mayordomo, traer a la Ciudad de México dos cargas de pulque blanco”, 1648, Vol 15 Exp 68.

Fines mentioned

1649

Juan Gregorio, Zumpango (juris. Zumpango)

Pulque (“de su cosecha”)

Commoner petitioner

AGN Indios, “Para que la justicia no impida a Juan Gregorio, natural de Zumpango traer a la Ciudad de México doce cargas de pulque blanco de su cosecha para entregarlo a la venta”, 1649, Vol 15 Cuaderno 2 Exp 47.

Tribute mentioned

1655

Lorenzo Felipe and Felipe de la Cruz, Azcapotzalco (juris. Tacuba)

Pulque

Commoner petitioners

AGN Indios, “Para que las justicias de Su Majestad no impidan a los naturales contenidos en el expediente trajinar el pulque blanco permitido y el alcalde mayor de Cuautitlan haga se les devuelvan las mulas y lo procedido en dinero de las cargas de pulque”, 1655, Vol 18 Exp 116.

Tribute mentioned, fines mentioned

1656

Juan Diego and father (unnamed), San Francisco Temascalapa (juris. San Juan Teotihuacan)

Pulque (“de su cosecha”)

Commoner petitioners

AGN Indios, “Para que el corregidor del partido de San Juan Teotiguacan [sic], no moleste a Juan Diego ni a su padre, naturales del pueblo de San Francisco Temascalapa, por razón de tener en su casa pieles de su ganado ni les impida hacer y vender pulque blanco del permitido”, 1656, Vol 20 Exp 161.

Tribute mentioned, fines mentioned

1657

Gabriel Juan, Santa Catalina Cuitlahuac (juris. Chalco)

Pulque (“de su cosecha”)

Commoner petitioner

AGN Indios, “Para que las justicias de Chalco y ciudad de Xochimilco no impidan a Gabriel Juan, natural de dicho pueblo de Santa Catalina Tlahuac, jurisdicción de Chalco, vender pulque blanco de su cosecha siendo del permitido por reales ordenanzas”, 1657, Vol 21 Exp 163.

Tribute mentioned

Francisco Fernández, don Juan Agustín and Andrés de Santillán, Apaseo (juris.

Atitalaquia)

Pulque (“de sus cosechas”)

Elite petitioners

AGN Indios, “Su Excelencia manda al corregidor de Atitalaquia, no impida a los naturales Francisco Hernández, Juan Agustín y Andrés Santillán, del pueblo de Apaseo, de esa jurisdicción, beneficiar sus magueyes y vender el pulque blanco que está permitido por reales ordenanzas”, 1657, Vol 21 Exp 289.

Tribute mentioned, fines mentioned

1667

Don Juan Antonio, don Mateo Juárez and don Salvador Andrés, Santiago Zacoalco

(juris. Sayula)

Pulque (“de sus cosechas”)

Elite petitioners

AGN Indios, “Su Excelencia concede licencia a Juan Antonio, Mateo Juarez y Salvador Andres, naturales de la Ermita de Nuestra Señora de Guadalupe, caciques y principales de Santiago Zacualco [sic], para que puedan vender pulque blanco”, 1667, Vol 24 Exp 200.

Tribute mentioned

1668

Don Alonso de Guzmán, Coyoacan (juris. Coyoacan)

Pulque

Elite petitioner

AGN Indios, “Su Excelencia ordena se cumpla el auto acordado aquí inserto sobre el acarreo del pulque de la villa de Coyoacan a la Ciudad de México, que solicita Alonso Guzmán, cacique y gobernador de dicha villa”, 1668, Vol 24 Exp 232.

Don Juan Mateo, Juan Nicolás, Tomas Mateo and Diego de la Cerona, Chimalhuacan

Atenco (juris. Coatepec)

Pulque

Elite and commoner petitioners

AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, guarden y cumplan la ordenanza que da la forma sobre el trajín del pulque blanco, so las

penas, de pedimento de Juan Mateo, Juan Nicolás y Tomás Mateo, naturales del pueblo de Chimalhuacan Atenco, jurisdicción Coatepec”, 1668, Vol 24 Exp 234.
Fines mentioned

Don Pedro de Santiago and don Lucas Sebastian, Santa María Tolpetlac (juris. San Cristóbal Ecatepec)
Pulque (“de sus cosechas”)
Elite petitioners
AGN Indios, “Su Excelencia manda a las justicias de Su Majestad y sus ministros, cumplan la ordenanza que da la forma sobre la venta del pulque blanco que se les permite a los naturales del pueblo de Santa María Tulpetlac, jurisdicción de San Cristóbal Ecatepec”, 1668, Vol. 24 Exp 224.

2c: Mixed groups and married couples

1629

Juan Cano and Juana Agustina, Tacuba (juris. Tacuba)
Married couple
Commoner petitioners
Pulque
AGN Indios, “Concede licencia Su Señoría a Juan Cano, para que no siendo prohibido por la ordenanza pueda vender pulque blanco”, 1629, Vol 10 Exp 28.

Tomás de Zarate and Ana María, Mexico City (juris. Mexico)
Married couple
Commoner petitioners, sellers not producers
Pulque
AGN Indios, “Al juez repartidor del pulque para que averigüe lo que piden Tomás de Zárate y Ana María”, 1629, Vol. 10 Exp. 111
Fines mentioned

1640

María Nicolasa and Francisco Antonio, Santo Domingo (juris. Coyoacan)
Married couple
Commoner petitioners
Pulque (“de sus cosechas”)
AGN Indios, “Para que la justicia y sus ministros no impidan a Francisco Antonio y María Nicolasa, de Coyoacan, traer pulque blanco sin raíz a la Ciudad de México”, 1640, Vol 13 Exp 103.
Tribute mentioned, fines mentioned

1641

Don Gabriel de San Antonio and doña Petronila Francisca, Tacuba (juris. Tacuba)
Married couple

Elite petitioners

Pulque “de su cosecha”)

AGN Indiferente Virreinal, “Solicitud de licencia que presenta don Gabriel de San Antonio, indio principal de la villa de Tacuba para que se le permita vender su producción de pulque blanco”, 1641, Caja 6063 Exp 46.

1649

Doña María de Estrada, Juan de Estrada and Bartolomé de Estrada, Cuauhtitlan (juris. Cuauhtitlan)

Mixed group (possibly relatives)

Elite petitioners

Pulque

AGN Indios, “A las justicias de Su Majestad no impidan a Juan de Estrada y a los naturales contenidos en el expediente traer cada uno dos cargas de pulque blanco para venderlo en la Ciudad de México”, 1649, Vol 15 Cuaderno 2 Exp 125.

Tribute mentioned, fines mentioned

1651

Francisca Moreno and Francisco de San Juan, Puebla (juris. Puebla)

Married couple

Commoner petitioners, sellers not producers

Pulque

AGN Indios, “Su Excelencia concede licencia a Francisca Moreno, para que libremente pueda vender pulque blanco”, 1651, Vol. 16 Exp. 52.

Tribute mentioned, fines mentioned

1653

Juan Francisco and María Magdalena, Tlalnepantla (juris. Chalco)

Married couple

Commoner petitioners

Pulque (“de sus cosechas”)

AGN Indios, “Para que Juan Francisco indio, ocurra al corregidor de la Ciudad de México, juez de la comisión del pulque para que le señale puesto y pueda venderle el pulque de su cosecha”, 1653, Vol 17 Exp 2.

1656

Miguel Gerónimo, María Gerónima and Agustín Francisco, Iztapalapa (juris. Mexicalcingo)

Mixed group

Commoner petitioners

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia, habiendo visto lo pedido por Fernando Olivares de Carmona por Miguel Jerónimo y demás naturales del pueblo de Istapalapa [sic], manda

al corregidor de Mexicaltzingo les vuelva las cinco cargas de pulque y demás cosas que les quitó”, 1656, Vol 20 Exp 61 BIS.

Juan Miguel and Mariana, Santa Ana (juris. Xochimilco)

Married couple

Commoner petitioners

Pulque

AGN Indios, “Para que la justicia de la ciudad de Xochimilco, ampare en sus tierras y magueyes a los naturales del pueblo de Santa Ana, de dicha jurisdicción, sin dar motivo a que queden agraviados”, 1656, Vol 20 Exp 149.

1657

Doña Agustina María and don Agustín Marcos, Culhuacan (juris. Mexicalcingo)

Married couple

Elite petitioners

Pulque (“de su cosecha”)

AGN Indios, “Su Excelencia concede licencia a Agustín Marcos y Agustina María, principales del pueblo de Culgoacan, para que puedan traer a esta ciudad pulque blanco de sus magueyes del permitido y venderlo, sin que las justicias se lo impidan”, 1657, Vol 21 Exp 253.

Tribute mentioned

Antonia de Padua and Gregorio Morales; Juan Jiménez and Bárbola María; Francisca de Galicia and Diego Hernández, Amozoc (juris. Puebla)

Married couples bringing suit together

Commoner petitioners

Pulque (“de sus cosechas”)

AGN Indios, “Para que el teniente de Amozoque y sus ministros guarden y cumplan las ordenanzas del gobierno que dan la forma que los indios han de tener en vender el pulque blanco de sus cosechas”, 1657, Vol 21 Exp 86.

Fines mentioned

1667

Gertrudis de Guzmán Tolinque and Juan Carrillo de Guzmán, Coyoacan (juris.

Coyoacan)

Married couple

Elite petitioners

Pulque (“de su cosecha”)

AGN Indios, “Su Excelencia manda que Juan Carrillo de Guzmán y Gertrudis de Guzmán Tolinque, caciques, principales y descendientes de los señores que fueron de la villa de Coyoacan del Estado del Valle, puedan vender el pulque y demás frutos de sus cosechas, sin necesidad de otra licencia”, 1667, Vol 24 Exp 141.

Fines mentioned

Andrés Francisco, Juan Tomás, Juan Francisco, Sebastián Miguel and María Francisca,
Chiconautla (juris. San Cristóbal Ecatepec)
Commoner petitioners

1668

Agustin Diego and Angelina Elena; Francisco Miguel and Nicolasa Diega, San Miguel
Tocuila (juris. Texcoco)

Married couples

Commoner petitioners

Pulque

AGN Indios, “Su Excelencia manda al alcalde mayor de la ciudad de Texcoco y a sus ministros, guarden y cumplan la ordenanza que da la forma que los naturales del pueblo de San Miguel Tocuila, han de observar en el trajín y venta del pulque blanco”, 1668, Vol 24 Exp 240.

Tribute mentioned, fines mentioned

2d: Communities

1583

Periban (juris. Xiquilpa)

Aguamiel

AGN Indios, “Permitiendo a los naturales la venta de mieles, sin hacer uso de la raíz del pulque”, 1583, Vol 3 Exp 810.

Tribute mentioned.

1591

San Pedro Xaloxtoc, Santa María Tolpetlac, San Francisca Huixaxtlan, Santiago
Cacualco (juris. Mexico)

Aguamiel (“de sus cosechas”)

AGN Indios, “Para que el corregidor de dicho pueblo, no le impida a los naturales de las estancias que pertenecen a México, vender aguamiel”, 1591, Vol 6 Pt 2 Exp 36.

Fines mentioned

1595

Tacubaya (juris. Coyoacan)

Aguamiel

AGN Indios, “Concede Su Señoría licencia a los indios de Tacubaya, para que libremente puedan beneficiar la miel blanca que sacaren de sus magueyes”, 1595, Vol 6 Pt 1 Exp 1094.

Tribute mentioned, fines mentioned

1596

Tacubaya (juris. Coyoacan)

Aguamiel

AGN Indios, “Para que durante cuatro meses, beneficien los naturales de los barrios de Tacubaya, la miel blanca de maguey”, 1596, Vol 6 Pt Exp 1166.

1597

Puebla city (juris. Puebla)

Aguamiel

AGN Indios, “Se concede licencia a los naturales de los barrios congregados en la Ciudad de los Ángeles, para que libremente puedan vender el aguamiel que sacan de sus magueyes”, 1597, Vol 6 Pt 1 Exp 1186.

Tribute mentioned, fines mentioned

1629

Tequizistlan (juris. San Juan Teotihuacan)

Pulque (“de sus cosechas”)

AGN Indios, ““A la justicia de Tequisistlan a fin de que ampare a los naturales en los agravios que el teniente de Teotihuacan les hace impidiéndoles vender el pulque blanco”, 1629, Vol 10 Exp 123.

Tribute mentioned, fines mentioned

1635

Chimalhuacan Atenco (juris. Coatepec)

Pulque (“de sus cosechas”)

AGN Reales Cédulas Duplicadas, “Pulque blanco. Su Excelencia, el conde de Salvatierra manda que las justicias de Su Majestad, en conformidad de la ordenanza del Marqués de Cerralvo, no hagan vejación ni causen molestias a los indios de Chimalhuacan por vender el pulque blanco de sus cosechas”, 1635, Vol 49 Exp 11.

Tribute mentioned

1640

Santa Catalina Cuitlahuac (juris. Chalco)

Pulque (“de sus cosechas”)

AGN Indios, “La justicia de Santa Catalina Cuitlahuac a fin de que impida que los alguaciles les pongan impedimento a los naturales para comerciar con el pulque blanco de sus cosechas”, 1640, Vol 13 Exp 110.

Tribute mentioned, fines mentioned

1641

Santa Maria Ozumba (juris. Chalco)

Pulque and *aguamiel* (“de sus cosechas”)

AGN Indios, “Para que el alcalde mayor de Chalco no permita que los naturales de otros pueblos entren al de Ozumba a vender agua miel y pulque blanco”, 1641, Vol 13 Exp 224.

Tribute mentioned.

1648

Tepetzotlan and Cuauhtitlan (juris. Cuauhtitlan)

Pulque (“de sus cosechas”)

AGN Indios, “Para que la justicia de Tepetzotlan y Cuauhtitlan ampare a los gobernadores y naturales de dichos pueblos sin consentir que alguacil alguno entre en sus casas a quitarles el pulque”, 1648, Vol 15 Exp 97.

Tribute mentioned, fines mentioned

1649

Santa Catalina Cuitlahuac (juris. Chalco)

Pulque (“de sus cosechas”)

AGN Indios, “Para que las justicias de Su Majestad no impidan a don Sebastián Mateo, gobernador y demás contenidos, trajinar el pulque blanco de sus cosechas para venderlo en la Ciudad de México”, 1649, Vol 15 Cuaderno 2 Exp 129.

Tribute mentioned

1651

Toluca (juris. Toluca) and Santiago Tlacotepec (juris. Metepec)

AGN Indios, “A la justicia de Toluca para que cumpla y guarde el mandamiento despachado a los naturales de Tlacotepec, y no consienta que los de Xocotitlan y Calimaya entren con pulque”, 1651, Vol 16 Exp 6.

Tepeapulco (juris. Apa y Tepeapulco)

Pulque

AGN Indios, “Para que las justicias de Su Majestad, teniente de San Cristóbal y guardas del consulado, no impidan a los naturales de Tepeapulco pasar y trajinar pulque”, 1651, Vol 16 Exp 135.

Fines mentioned

1653

San Juan Teotihuacan and San Luis Tecuauhtitlan (juris. San Juan Teotihuacan)

Pulque (“de sus cosechas”)

AGN Indiferente Virreinal, “Petición de Diego Luis, gobernador del pueblo de San Juan Teotihuacan para que se les recibiera información sobre propiedad de magueyes y poder vender pulque”, 1653, Caja 3473 Exp. 4.

Puebla city (juris. Puebla)

Pulque (“de sus cosechas”)

AGN Tierras, “Sobre carta que se despachó a los caciques principales y demás común y naturales de la Ciudad de los Ángeles, para que el alcalde mayor no les impida el trajín y venta del pulque blanco”, 1653, Vol 2990 Exp 61.

Fines mentioned

1654

San Miguel Chapultepec (juris. Mexico)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia manda que los naturales y el pueblo de San Miguel Chapultepec, ocurran al corregidor y les de licencia y señale puesto en que vendan el pulque de su cosecha”, 1654, Vol 17 Exp 36.

Tribute mentioned

San Juan Cuauhtlaltzingo (juris. Cholula)

Pulque

AGN Indios, “Para que el alcalde mayor de Cholula, deje trajinar y vender libremente el pulque blanco a los naturales de San Juan Cuauhtlaltzingo”, 1654, Vol 17 Exp 189.

Tribute mentioned, fines mentioned

1655

Tacuba (juris. Tacuba)

Pulque

AGN Indios, “A la justicia y teniente de alcalde mayor de Tacuba y sus ministros, guarden la ordenanza inclusa y no impida al gobernador y naturales de dicho pueblo beneficiar el pulque blanco de sus magueyes ni les causen agravio”, 1655, Vol 18 Exp 12.

Tribute mentioned, fines mentioned

Chicoalapa (juris. Chalco)

Pulque (“de sus cosechas”)

AGN Indios, “Para que la justicia de Chicoalapa y sus ministros no impidan a los naturales beneficiar sus magueyes y vender en las plazas y tianguis de su jurisdicción el pulque blanco”, 1655, Vol 18 Exp 158.

Tribute mentioned, fines mentioned

Amecameca (juris. Chalco)

Pulque

AGN Indios, “Su Excelencia manda a la justicia de Chalco, a fin de que no impidan a Diego Bernal, gobernador de Amecameca sacar y vender pulque blanco”, 1655, Vol 18 Exp 201.

Tribute mentioned

1656

San Juan Tlapitzahuayan (juris. Chalco)

Pulque

AGN Indios, “Para que la justicia del pueblo y partido de Chalco guarde y cumpla las órdenes del gobierno que indica que los naturales pueden beneficiar los magueyes; en conformidad no se les impida a los naturales de San Juan Tlapitzaguayan el beneficio de los mismos”, 1656, Vol. 20 Exp 82.

Fines mentioned

San Agustín de las Cuevas and San Agustín Axuchco

Pulque (“de sus cosechas”)

AGN Indios, “Para que el teniente de San Agustín de las Cuevas y sus ministros guarden las ordenanzas de gobierno que indican que los naturales pueden hacer y vender el pulque blanco de sus cosechas, y no les impida tal cosa a los naturales de los pueblos de San Agustín de las Cuevas y San Andrés Axuchco”, 1656, Vol 20 Exp 108.

Fines mentioned

Coyoacan (juris. Coyoacan)

Pulque (“de sus cosechas”)

AGN Indios, “Para que el corregidor de Coyoacan, guarde las ordenanzas del gobierno hechas en relación de hacer y vender los naturales pulque blanco sin llevarles pensiones por ello ni se les haga molestia ni agravio”, 1656, Vol 20 Exp 139.

Tribute mentioned, fines mentioned

Coyoacan (juris. Coyoacan)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia manda al corregidor de la villa de Coyoacan, no impida que los naturales hagan y vendan pulque blanco de sus cosechas del permitido; cumpliendo las ordenanzas, no se les lleven penas, pensiones ni se les haga agravio”, 1656, Vol 20 Exp 162.

Fines mentioned

San Francisco Chietla (juris. Chietla)

Pulque (“de sus cosechas”)

AGN Indios, “Para que la justicia del partido de Chietla y sus ministros, no impidan a los naturales del pueblo de San Francisco Chietla y sus sujetos hacer y vender pulque blanco”, 1656, Vol 20 Exp 168.

Tribute mentioned, fines mentioned

1658

Tolcayucan (juris. Pachuca)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia concede licencia a los naturales del pueblo de Tlalcayuca [sic], para que puedan trajinar el pulque blanco de sus cosechas”, 1658, Vol 23 Exp 103.

Tribute mentioned, fines mentioned

Texcoco (juris. Texcoco)

Pulque

AGN Tierras, “Para que se guarde y cumpla lo mandado en este auto, que se da facultad a los naturales que son dueños de magueyes el acarreo es libremente del pulque”, 1658, Vol 2944 Exp 321.

1659

San Jacinto (juris. Coyoacan)

Pulque

AGN Indios, “Su Excelencia manda al corregidor de Coyoacan, no impidan a los dichos naturales del pueblo de San Jacinto de esa jurisdicción, plantar magueyes, vender pulque blanco”, Vol 23 Exp 297.

Tribute mentioned, fines mentioned

Santa Catalina Cuitlahuac (juris. Chalco)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia manda al corregidor de Mexicalzingo, deje pasar libremente a los naturales del pueblo de Santa Catalina, jurisdicción Chalco, con el pulque blanco”, 1659, Vol 23 Exp 298.

Tribute mentioned, fines mentioned

San Felipe, Santa Maria Nativitas, Santo Toribio, San Juantzinco and Santa Ines (juris. Tlaxcala)

Pulque

AGN Indios, “Su Excelencia manda a los tenientes de la provincia de Tlaxcala y sus ministros guarden y cumplan las ordenanzas de gobierno que traen la forma que han de tener los naturales en hacer y vender el pulque blanco permitido”, 1659, Vol 23 Exp 309.

Tribute mentioned, fines mentioned

Tacubaya (juris. Coyoacan)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia manda al teniente de la villa de Tacubaya y a Miguel Juan, Cristóbal de Munguia sus ministros, ni otro alguno impidan a los naturales de dicha villa, el trajín y venta del pulque blanco”, 1659, Vol 23 Exp 417.

Tribute mentioned, fines mentioned

1667

Quauhtlatlalca (juris. unclear, possibly Tepeaca)

Pulque

AGN Tierras, “Para que los naturales que en esta se refiere no se les impida el beneficiar de sus magueyes y vender el pulque blanco”, 1667, Vol 2946 Exp 591.

Tribute mentioned, fines mentioned

San Francisco Sopeyango; Santa Ynes Sacabeles; Santo Toribio Xiatzingo; San Luis Teolocholco; San Francisco Peyanlotitlan; San Antonio Auaquamantla; Santa Ysabel Xiloxochitlan; Santa Maria Acuitlapilco; San Geronimo (juris. Puebla)

Pulque

AGN Tierras, “Para que el alcalde mayor de la Ciudad de los Ángeles, que el presente y adelante fuere ampare a estos naturales y no consienta que don Diego de Galicia les

lleve derechos por razón de vender el pulque blanco de lo permitido”, 1667, Vol 2947 Exp 23.

Tribute mentioned, fines mentioned

1668

Santa Marta and Los Reyes (juris. Mexico)

Pulque (“de sus cosechas”)

AGN Indios, “Su Excelencia manda al corregidor del partido de Mexicaltzingo, sus ministros y otras justicias, no impidan a los naturales de los pueblos de Santa Marta y Los Reyes trajinar y vender el pulque blanco”, 1668, Vol 24 Exp 223.

Tribute mentioned, fines mentioned

Section 3

Wills of maguey owners, 1550-1668

3a: Commoners

1568: Will of Ignacio Antonio Carrillo, San Juan Bautista Metepec.

“Testamento de Ignacio Antonio Carrillo, 1568”, in *Vidas y bienes olvidados vol. 1*, pp. 124-127.

1585: Will of Agustín Tlamaotli, San Bartolomé Tenango.

“Testamento de Agustín Tlamaotli, 1585”, in *Vidas y bienes olvidados vol. 1*, pp. 248-254.

1587: Will of Juan Chacaltzin, Santa Bárbara Tamasolco.

“Testamento de Juan Chaclatzin, 1587”, in *Vidas y bienes olvidados vol. 1*, pp. 254-258.

1588: Will of Bartolomé Quaquauh, Santa Bárbara.

“Testamento de Bartolomé Quaquauh, 1588”, in *Vidas y bienes olvidados vol. 1*, pp. 320-326.

1590: Will of Mónica Xilotl, Santa Bárbara Tamasolco.

“Testamento de Mónica Xilotl, 1590”, in *Vidas y bienes olvidados vol. 1*, pp. 230-233.

1590: Will of Catalina Quetzalamel, San Damián, Chimalpan.

“Testamento de Catalina Quetzalamel, 1590” in *Vidas y bienes olvidados vol. 1*, pp. 224-228.

1592: Will of Feliciano Xochipane, Santa Bárbara Maxoxotlan.

“Testamento de Feliciano Xochipane, 1592”, in *Vidas y bienes olvidados vol. 1*, pp. 282-285.

1596: Will of Nocencio Quetzpal, no place mentioned.

“Testamento de Nocencio Quetzpal, 1596”, in *Vidas y bienes olvidados vol. 1*, pp. 262-265.

1596: Will of Lorenzo Acolatzin, San Andrés Algotitlan.

“Testamento de Lorenzo Acolatzin, 1596”, in *Vidas y bienes olvidados vol. 1*, pp. 314-319.

1597: Will of Polonia Tzilotl, Santa Bárbara.

“Testamento de Polonia Tzilotl, 1597”, in *Vidas y bienes olvidados vol. 1*, pp. 296-301.

1597: Will of Gaspar Ycotemos, no place mentioned.

“Testamento de Gaspar Ycotemos, 1597”, in *Vidas y bienes olvidados vol. 1*, pp. 310-314.

1597: Will of Francisca, Santa María de la Concepción Acayac, Texcoco.

“Testamento de Francisca, 1597”, in *Vidas y bienes olvidados vol. 1*, pp. 158-159.

1597: Will of Toribio Moisés, Santo Domingo Mixcoac, Coyoacan.

“Testamento de Toribio Moisés, 1597” in *Vidas y bienes olvidados vol. 1*, pp. 159-161.

1598: Will of Francisco Gutiérrez, Santa Bárbara.

“Testamento de Francisco Gutiérrez, 1598”, in *Vidas y bienes olvidados vol. 1*, pp. 302-307.

1599: Will of Alonso Tetlipopocatzin, Santa Ana Chiauhltlenpa, Tizatlan.

“Testamento de Alonso Tetlipopocatzin, 1599”, in *Vidas y bienes olvidados vol. 1*, pp. 314-319.

1599: Will of Gabriel Ortiz, Cholula.

“Testamento de Gabriel Ortiz, 1599”, in *Vidas y bienes olvidados vol. 2*, pp. 320-327.

1624: Will of Juana Verónica, Coyoacan.

“Testamento de Juana Verónica, 1624”, in *Vidas y bienes olvidados vol. 3*, pp. 140-145.

1625: Will of María Salomé, Santa Clara Coatitlan.

“Testamento de María Salomé, 1625”, in *Vidas y bienes olvidados vol. 3*, pp. 146-156.

1632: Will of Francisco Pérez, San Lorenzo Acxotlan, Huexotla.

“Testamento de Francisco Pérez, 1632”, in *Vidas y bienes olvidados vol. 3*, pp. 188-195.

1641: Will of Ana Tozcacamatzin, San Francisco Topoyanco.

“Testamento de Ana Tozcacamatzin, 1641”, in *Vidas y bienes olvidados vol. 3*, pp. 220-225.

1653: Will of Martina Luisa, Xochimilco.

“Testamento de Martina Luisa, 1653”, in *Vidas y bienes olvidados vol. 3*, pp. 258-263.

1667: Will of Pasquala María Xiuhcozcatl, Cholula.

“Testamento de Pasquala María Xiuhcozcatl, 1667”, in *Vidas y bienes olvidados vol. 3*, pp. 262-271.

No date: Will of María Salomé, Santa Bárbara Maxoxotlan.

“Testamento de María Salomé, sin fecha” in *Vidas y bienes olvidados vol. 1*, pp. 216-218.

No date: Gaspar Tochquimile, Santa Bárbara.

“Testamento de Gaspar Tochquimile, sin fecha”, in *Vidas y bienes olvidados vol. 1*, pp. 306-311.

No date: María Atempaxochitl, Santa Bárbara Maxoxotlan.

“Testamento de María Atempaxochitl, sin fecha”, in *Vidas y bienes olvidados vol. 1*, pp. 236-238.

No date: Sebastián Xaiacamachantzin, Santa María Ichcaquiztlan, Tizatlan.

“Testamento de Sebastian Xaiacamachantzin, sin fecha”, in *Vidas y bienes olvidados vol. 1*, pp. 238-244.

No date: Will of Pascual Ystleio, Santa Águeda Mixtetelco.

“Testamento de Pascual Ystleio, sin fecha”, in *Vidas y bienes olvidados, vol. 1*, pp. 204-207.

No date: Luisa Tlamiatzin, no place mentioned.

“Testamento de Luisa Tlamiatzin, sin fecha”, in *Vidas y bienes olvidados, vol. 1*, pp. 290-293.

3b: Elites

1554: Will of don Juan Francisco, Camino Real Ychinoco.

“Testamento de don Juan Francisco, 1554”, in *Vidas y bienes olvidados vol. 1*, pp. 111-113.

1570: Will of don Juan Francisco de Victoria Cortés, Santa María Asunción, Hueytenango del Valle.

“Testamento de don Juan Francisco de Victoria Cortés, 1570”, in *Vidas y bienes olvidados vol. 2*, pp. 154-157.

- 1577: Will of don Miguel Quetzalmaquiz, Coyoacan.
“Testamento de don Miguel Quetzalmaquiz, 1577”, in in *Vidas y bienes olvidados vol. 2*, pp. 198-203.
- 1586: Will of don Pedro de San Francisco Tlaquixtecatl.
“Testamento de don Pedro de San Francisco Tlaquixtecatl, 1586”, in *Vidas y bienes olvidados, vol. 2*, pp. 258-269.
- 1589: Will of doña María Salomé, Cuauhtitlan.
“Testamento de doña María Salomé, 1589”, in *Vidas y bienes olvidados, vol. 1*, pp. 136-143.
- 1590: Will of don Alonso de la Cruz Tezozomoc, San Felipe y Santiago Apóstoles, Azcapotzalco.
“Testamento de don Alonso de la Cruz Tezozomoc, 1590”, in *Vidas y bienes olvidados, vol. 1*, pp. 144-146.
- 1602: Will of don Gabriel de San Antonio, San Pedro Atocpan, Xochimilco.
“Testamento de don Gabriel de San Antonio, 1602”, in *Vidas y bienes olvidados vol. 3*, pp. 44-52.
- 1610: Will of don Juan Bernardino, Cempoala.
“Testamento de don Juan Bernardino, 1610”, in in *Vidas y bienes olvidados, vol. 3*, pp. 74-97.
- 1621: Will of María Verónica, Santa María la Asunción, Toluca.
“Testamento de María Verónica, 1621” in *Vidas y bienes olvidados vol. 3*, pp. 130-140.
- 1625: Will of doña Petronila de Turcio, Amecameca.
“Testamento de doña Petronila de Turcio, 1625”, in *Vidas y bienes olvidados vol. 2*, pp. 156-171.
- 1631: Will of don Matías de la Mota Torrijos, San Pedro Tepotzotlan.
“Testamento de don Matías de la Mota Torrijos, 1631”, *Vidas y bienes olvidados, vol. 3*, pp. 172-187.
- 1634: Will of don Mateo Juárez de Gante, San Cristóbal Ecatepec.
“Testamento de don Mateo Juárez de Gante, 1634”, in *Vidas y bienes olvidados vol. 3*, pp. 196-207.
- 1639: Will of don Baltasar de Torrijos, Santiago Quatlapan, Cuauhtitlan.
“Testamento de don Baltasar de Torrijos, 1639” in *Vidas y bienes olvidados, vol. 3*, pp. 208-217.
- 1650: Will of don Martín Cerón de Alvarado, Xochimilco.
“Testamento de don Martín Cerón de Alvarado, 1650”, in in *Vidas y bienes olvidados vol. 3*, pp. 234-251.

1659: Will of doña María Salomé, Tlaxcala.

“Testamento de doña María Salomé, 1659”, AGET, Fondo Colonial, Caja 115 Exp 1.

1666: Will of don Diego Jiménez, Quiahuiztlan.

“Testamento de don Diego Jiménez, 1666”, AGET, Fondo Colonial, Caja 121 Exp 1.