

CHAPTER II.

SUCCESSION TO THE CROWN.—AZTEC NOBILITY.—JUDICIAL SYSTEM.—LAWS AND REVENUES.—MILITARY INSTITUTIONS.

THE form of government differed in the different states of Anahuac. With the Aztecs and Tezcucans it was monarchical and nearly absolute. The two nations resembled each other so much, in their political institutions, that one of their historians has remarked, in too unqualified a manner indeed, that what is told of one may be always understood as applying to the other.¹ I shall direct my inquiries to the Mexican polity, borrowing an illustration occasionally from that of the rival kingdom.

The government was an elective monarchy. Four of the principal nobles, who had been chosen by their own body in the preceding reign, filled the office of electors, to whom were added, with merely an honorary rank however, the two royal allies of Tezcuco and Tlacopan. The sovereign was selected from the brothers of the deceased prince, or, in default of them, from his nephews. Thus the election was always restricted to the same family. The candidate preferred must have distinguished himself in war, though, as in the case of the last Montezuma,

¹ Ixtlilxochitl, Hist. Chich., MS., cap. 36.

he were a member of the priesthood.² This singular mode of supplying the throne had some advantages. The candidates received an education which fitted them for the royal dignity, while the age, at which they were chosen, not only secured the nation against the evils of minority, but afforded ample means for estimating their qualifications for the office. The result, at all events, was favorable; since the throne, as already noticed, was filled by a succession of able princes, well qualified to rule over a warlike and ambitious people. The scheme of election, however defective, argues a more refined and calculating policy than was to have been expected from a barbarous nation.³

The new monarch was installed in his regal dignity with much parade of religious ceremony; but not until, by a victorious campaign, he had obtained a sufficient number of captives to grace his triumphal entry into the capital, and to furnish victims for the dark and bloody rites which stained the Aztec superstition. Amidst this pomp of human sacrifice, he was crowned. The crown, resembling a mitre

² This was an exception. — In Egypt, also, the king was frequently taken from the warrior caste, though obliged afterwards to be instructed in the mysteries of the priesthood: *ὁ δὲ ἐκ μαχίμων ἀποδιδυγμένος εὐθὺς ἐγένετο τῶν ἱερῶν.* Plutarch, de Isid. et Osir., sec. 9.

³ Torquemada, Monarch. Ind., lib. 2, cap. 18; lib. 11, cap. 27. — Clavigero, Stor. del Messico, tom.

II. p. 112. — Acosta, Naturall and Morall Historie of the East and West Indies, Eng. trans. (London, 1604.)

According to Zurita, an election by the nobles took place only in default of heirs of the deceased monarch. (Rapport, p. 15.) The minute historical investigation of Clavigero may be permitted to outweigh this general assertion.

in its form, and curiously ornamented with gold, gems, and feathers, was placed on his head by the lord of Tezcucó, the most powerful of his royal allies. The title of *King*, by which the earlier Aztec princes are distinguished by Spanish writers, is supplanted by that of *Emperor* in the later reigns, intimating, perhaps, his superiority over the confederated monarchies of Tlacopan and Tezcucó.⁴

The Aztec princes, especially towards the close of the dynasty, lived in a barbaric pomp, truly Oriental. Their spacious palaces were provided with halls for the different councils, who aided the monarch in the transaction of business. The chief of these was a sort of privy council, composed in part, probably, of the four electors chosen by the nobles after the accession, whose places, when made vacant by death, were immediately supplied as before. It was the business of this body, so far as can be gathered from the very loose accounts given of it, to advise the king, in respect to the government of the provinces, the administration of the revenues, and, indeed, on all great matters of public interest.⁵

⁴ Sahagun, *Hist. de Nueva España*, lib. 6, cap. 9, 10, 14; lib. 8, cap. 31, 34. — See, also, Zurita, *Rapport*, pp. 20–23.

Ixtlilxochitl stoutly claims this supremacy for his own nation. (*Hist. Chich.*, MS., cap. 34.) His assertions are at variance with facts stated by himself elsewhere, and are not countenanced by any

other writer whom I have consulted.

⁵ Sahagun, who places the elective power in a much larger body, speaks of four senators, who formed a state council. (*Hist. de Nueva España*, lib. 8, cap. 30.) Acosta enlarges the council beyond the number of the electors. (*Lib. 6*, ch. 26.) No two writers agree.

In the royal buildings were accommodations, also, for a numerous body-guard of the sovereign, made up of the chief nobility. It is not easy to determine with precision, in these barbarian governments, the limits of the several orders. It is certain, there was a distinct class of nobles, with large landed possessions, who held the most important offices near the person of the prince, and engrossed the administration of the provinces and cities.⁶ Many of these could trace their descent from the founders of the Aztec monarchy. According to some writers of authority, there were thirty great *caciques*, who had their residence, at least a part of the year, in the capital, and who could muster a hundred thousand vassals each on their estates.⁷ Without relying on such wild statements, it is clear, from the testimony of the Conquerors, that the country was occupied by numerous powerful chieftains, who lived like independent princes on their domains. If it be true that the kings encouraged, or, indeed, exacted, the residence of these nobles in the capital, and required hostages in their absence, it is evident that their power must have been very formidable.⁸

⁶ Zurita enumerates four orders of chiefs, all of whom were exempted from imposts, and enjoyed very considerable privileges. He does not discriminate the several ranks with much precision. Rapport, p. 47, et seq.

⁷ See, in particular, Herrera, *Historia General de los Hechos de los Castellanos en las Islas y Tierra*

Firme del Mar Océano, (Madrid, 1730,) dec. 2, lib. 7, cap. 12.

⁸ Carta de Cortés, ap. Lorenzana, *Hist. de Nueva España*, p. 110. — Torquemada, *Monarch. Ind.*, lib. 2, cap. 89; lib. 14, cap. 6. — Clavigero, *Stor. del Messico*, tom. II. p. 121. — Zurita, *Rapport*, pp. 48, 65.

Ixtlilxochitl (Hist. Chich., MS.,

Their estates appear to have been held by various tenures, and to have been subject to different restrictions. Some of them, earned by their own good swords, or received as the recompense of public services, were held without any limitation, except that the possessors could not dispose of them to a plebeian.⁹ Others were entailed on the eldest male issue, and, in default of such, reverted to the crown. Most of them seem to have been burdened with the obligation of military service. The principal chiefs of Tezcucan, according to its chronicler, were expressly obliged to support their prince with their armed vassals, to attend his court, and aid him in the council. Some, instead of these services, were to provide for the repairs of his buildings, and to keep the royal demesnes in order, with an annual offering, by way of homage, of fruits and flowers. It was usual, if we are to believe historians, for a new king, on his accession, to confirm the investiture of estates derived from the crown.¹⁰

cap. 34) speaks of thirty great feudal chiefs, some of them Tezcucan and Tlacopan, whom he styles "grandees of the empire"! He says nothing of the great tail of 100,000 vassals to each, mentioned by Torquemada and Herrera.

⁹ *Macehual*, — a word equivalent to the French word *roturier*. Nor could fiefs originally be held by plebeians in France. See Hallam's *Middle Ages*, (London, 1819,) vol. II. p. 207.

¹⁰ Ixtlilxochitl, *Hist. Chich.*, MS., ubi supra. — Zurita, *Rapport*, ubi supra. — Clavigero, *Stor. del Messico*, tom. II. pp. 122–124. — Torquemada, *Monarch. Ind.*, lib. 14, cap. 7. — Gomara, *Crónica de Nueva España*, cap. 199, ap. *Barcia*, tom. II.

Boturini (*Idea*, p. 165) carries back the origin of *fiefs* in Anahuac, to the twelfth century. Carli says, "Le système politique y étoit féodal." In the next page he tells us, "Personal merit alone made

It cannot be denied that we recognise, in all this, several features of the feudal system, which, no doubt, lose nothing of their effect, under the hands of the Spanish writers, who are fond of tracing analogies to European institutions. But such analogies lead sometimes to very erroneous conclusions. The obligation of military service, for instance, the most essential principle of a fief, seems to be naturally demanded by every government from its subjects. As to minor points of resemblance, they fall far short of that harmonious system of reciprocal service and protection, which embraced, in nice gradation, every order of a feudal monarchy. The kingdoms of Anahuac were, in their nature, despotic, attended, indeed, with many mitigating circumstances, unknown to the despotisms of the East; but it is chimerical to look for much in common — beyond a few accidental forms and ceremonies — with those aristocratic institutions of the Middle Ages, which made the court of every petty baron the precise image in miniature of that of his sovereign.

The legislative power, both in Mexico and Tezucuco, resided wholly with the monarch. This feature of despotism, however, was, in some measure, counteracted by the constitution of the judicial tribunals, — of more importance, among a rude people, than the legislative, since it is easier to make good laws for such a community, than to enforce them, and the

the distinction of the nobility"! Carli was a writer of a lively imagination. (Lettres Américaines, trad. Fr., (Paris, 1788,) tom. I. let. 11.)

best laws, badly administered, are but a mockery. Over each of the principal cities, with its dependent territories, was placed a supreme judge, appointed by the crown, with original and final jurisdiction in both civil and criminal cases. There was no appeal from his sentence to any other tribunal, nor even to the king. He held his office during life; and any one, who usurped his ensigns, was punished with death.¹¹

Below this magistrate was a court, established in each province, and consisting of three members. It held concurrent jurisdiction with the supreme judge in civil suits, but, in criminal, an appeal lay to his tribunal. Besides these courts, there was a body of inferior magistrates, distributed through the country, chosen by the people themselves in their several districts. Their authority was limited to smaller causes, while the more important were carried up to the higher courts. There was still another class of subordinate officers, appointed also by the people, each of whom was to watch over the conduct of a certain number of families, and report any disorder or breach of the laws to the higher authorities.¹²

¹¹ This magistrate, who was called *cihuacoatl*, was also to audit the accounts of the collectors of the taxes in his district. (Clavigero, Stor. del Messico, tom. II. p. 127. — Torquemada, Monarch. Ind., lib. 11, cap. 25.) The Mendoza Collection contains a painting of the courts of justice, under Montezuma, who introduced great changes in them. (Antiq. of Mexico, vol. I., Plate 70.) According to the interpreter, an appeal lay from them, in certain cases, to the king's council. Ibid., vol. VI. p. 79.

¹² Clavigero, Stor. del Messico, tom. II. pp. 127, 128. — Torquemada, Monarch. Ind., ubi supra.

In Tezcuco the judicial arrangements were of a more refined character;¹³ and a gradation of tribunals finally terminated in a general meeting or parliament, consisting of all the judges, great and petty, throughout the kingdom, held every eighty days in the capital, over which the king presided in person. This body determined all suits, which, from their importance, or difficulty, had been reserved for its consideration by the lower tribunals. It served, moreover, as a council of state, to assist the monarch in the transaction of public business.¹⁴

Such are the vague and imperfect notices that can be gleaned, respecting the Aztec tribunals, from the hieroglyphical paintings still preserved, and from the most accredited Spanish writers. These, being usually ecclesiastics, have taken much less interest

In this arrangement of the more humble magistrates we are reminded of the Anglo-Saxon hundreds and tithings, especially the latter, the members of which were to watch over the conduct of the families in their districts, and bring the offenders to justice. The hard penalty of mutual responsibility was not known to the Mexicans.

¹³ Zurita, so temperate, usually, in his language, remarks, that, in the capital, "Tribunals were instituted which might compare in their organization with the royal audiences of Castile." (Rapport, p. 93.) His observations are chiefly drawn from the Tezcuacan courts, which, in their forms of procedure, he says, were like the Aztec. (Loc. cit.)

¹⁴ Boturini, *Idea*, p. 87. Torquemada, *Monarch. Ind.*, lib. 11, cap. 26.

Zurita compares this body to the Castilian *córtes*. It would seem, however, according to him, to have consisted only of twelve principal judges, besides the king. His meaning is somewhat doubtful. (Rapport, pp. 94, 101, 106.) M. de Humboldt, in his account of the Aztec courts, has confounded them with the Tezcuacan. *Comp. Vues des Cordillères et Monumens des Peuples Indigènes de l'Amérique*, (Paris, 1810,) p. 55, and Clavigero, *Stor. del Messico*, tom. II. pp. 128, 129.

in this subject, than in matters connected with religion. They find some apology, certainly, in the early destruction of most of the Indian paintings, from which their information was, in part, to be gathered.

On the whole, however, it must be inferred, that the Aztecs were sufficiently civilized to evince a solicitude for the rights both of property and of persons. The law, authorizing an appeal to the highest judicature in criminal matters only, shows an attention to personal security, rendered the more obligatory by the extreme severity of their penal code, which would naturally have made them more cautious of a wrong conviction. The existence of a number of coördinate tribunals, without a central one of supreme authority to control the whole, must have given rise to very discordant interpretations of the law in different districts. But this is an evil which they shared in common with most of the nations of Europe.

The provision for making the superior judges wholly independent of the crown was worthy of an enlightened people. It presented the strongest barrier, that a mere constitution could afford, against tyranny. It is not, indeed, to be supposed, that, in a government otherwise so despotic, means could not be found for influencing the magistrate. But it was a great step to fence round his authority with the sanction of the law; and no one of the Aztec monarchs, as far as I know, is accused of an attempt to violate it.

To receive presents or a bribe, to be guilty of collusion in any way with a suitor, was punished, in a judge, with death. Who, or what tribunal, decided as to his guilt, does not appear. In Tezcuco this was done by the rest of the court. But the king presided over that body. The Tezcucan prince, Nezahualpilli, who rarely tempered justice with mercy, put one judge to death for taking a bribe, and another for determining suits in his own house, — a capital offence, also, by law.¹⁵

The judges of the higher tribunals were maintained from the produce of a part of the crown lands, reserved for this purpose. They, as well as the supreme judge, held their offices for life. The proceedings in the courts were conducted with decency and order. The judges wore an appropriate dress, and attended to business both parts of the day, dining, always, for the sake of despatch, in an apartment of the same building where they held their session; a method of proceeding much commended by the Spanish chroniclers, to whom despatch was not very familiar in their own tribunals. Officers attended to preserve order, and others summoned the parties, and produced them in court. No counsel was employed; the parties stated their own case, and supported it by their witnesses. The oath of the accused was also admitted in evidence.

¹⁵ "Ah! si esta se repitiera hoy, que bueno seria!" exclaims Sahagun's Mexican editor. Hist. de Nueva España, tom. II. p. 304, nota. — Zurita, Rapport, p. 102. Torquemada, Monarch. Ind., ubi supra. — Ixtlilxochitl, Hist. Chich., MS., cap. 67.

The statement of the case, the testimony, and the proceedings of the trial, were all set forth by a clerk, in hieroglyphical paintings, and handed over to the court. The paintings were executed with so much accuracy, that, in all suits respecting real property, they were allowed to be produced as good authority in the Spanish tribunals, very long after the Conquest; and a chair for their study and interpretation was established at Mexico in 1553, which has long since shared the fate of most other provisions for learning in that unfortunate country.¹⁶

A capital sentence was indicated by a line traced with an arrow across the portrait of the accused. In Tezcuco, where the king presided in the court, this, according to the national chronicler, was done with extraordinary parade. His description, which is of rather a poetical cast, I give in his own words. "In the royal palace of Tezcuco was a court-yard, on the opposite sides of which were two halls of justice. In the principal one, called the 'tribunal of God,' was a throne of pure gold, inlaid with turquoises and other precious stones. On a stool, in front, was placed a human skull, crowned with an immense emerald, of a pyramidal form, and surmounted by an aigrette of brilliant plumes and precious stones. The skull was laid on a heap of

¹⁶ Zurita, Rapport, pp. 95, 100, 103. — Sahagun, Hist. de Nueva España, loc. cit. — Humboldt, Vues des Cordillères, pp. 55, 56. — Torquemada, Monarch. Ind., lib. 11, cap. 25.

Clavigero says, the accused might free himself by oath; "Il reo poteva purgarsi col giuramento." (Stor. del Messico, tom. II. p. 129.) What rogue, then, could ever have been convicted?

military weapons, shields, quivers, bows, and arrows. The walls were hung with tapestry, made of the hair of different wild animals, of rich and various colors, festooned by gold rings, and embroidered with figures of birds and flowers. Above the throne was a canopy of variegated plumage, from the centre of which shot forth resplendent rays of gold and jewels. The other tribunal, called 'the King's,' was also surmounted by a gorgeous canopy of feathers, on which were emblazoned the royal arms. Here the sovereign gave public audience, and communicated his despatches. But, when he decided important causes, or confirmed a capital sentence, he passed to the 'tribunal of God,' attended by the fourteen great lords of the realm, marshalled according to their rank. Then, putting on his mitred crown, incrustated with precious stones, and holding a golden arrow, by way of sceptre, in his left hand, he laid his right upon the skull, and pronounced judgment."¹⁷ All this looks rather fine for a court of justice, it must be owned. But it is certain, that the Tezcucans, as we shall see hereafter, possessed both the materials, and the skill requisite to work them up in this manner. Had they been a little further advanced in refinement, one might well doubt their having the bad taste to do so.

The laws of the Aztecs were registered, and ex-

¹⁷ Ixtlilxochitl, Hist. Chich., MS., cap. 36.

bolical meaning, according to Boturini, Idea, p. 84.

These various objects had a sym-

hibited to the people, in their hieroglyphical paintings. Much the larger part of them, as in every nation imperfectly civilized, relates rather to the security of persons, than of property. The great crimes against society were all made capital. Even the murder of a slave was punished with death. Adulterers, as among the Jews, were stoned to death. Thieving, according to the degree of the offence, was punished by slavery or death. Yet the Mexicans could have been under no great apprehension of this crime, since the entrances to their dwellings were not secured by bolts, or fastenings of any kind. It was a capital offence to remove the boundaries of another's lands; to alter the established measures; and for a guardian not to be able to give a good account of his ward's property. These regulations evince a regard for equity in dealings, and for private rights, which argues a considerable progress in civilization. Prodigals, who squandered their patrimony, were punished in like manner; a severe sentence, since the crime brought its adequate punishment along with it. Intemperance, which was the burden, moreover, of their religious homilies, was visited with the severest penalties; as if they had foreseen in it the consuming canker of their own, as well as of the other Indian races in later times. It was punished in the young with death, and in older persons with loss of rank and confiscation of property. Yet a decent conviviality was not meant to be proscribed at their festivals, and they possessed the means of indulging it, in a mild fer-

mented liquor, called *pulque*, which is still popular, not only with the Indian, but the European population of the country.¹⁸

The rites of marriage were celebrated with as much formality as in any Christian country; and the institution was held in such reverence, that a tribunal was instituted for the sole purpose of determining questions relating to it. Divorces could not be obtained, until authorized by a sentence of this court, after a patient hearing of the parties.

But the most remarkable part of the Aztec code was that relating to slavery. There were several descriptions of slaves: prisoners taken in war, who were almost always reserved for the dreadful doom of sacrifice; criminals, public debtors, persons who, from extreme poverty, voluntarily resigned their freedom, and children who were sold by their own parents. In the last instance, usually occasioned also by poverty, it was common for the parents, with the master's consent, to substitute others of

¹⁸ Paintings of the Mendoza Collection, Pl. 72, and Interpretation, ap. *Antiq. of Mexico*, vol. VI. p. 87.—Torquemada, *Monarch. Ind.*, lib. 12, cap. 7. — Clavigero, *Stor. del Messico*, tom. II. pp. 130–134. — Camargo, *Hist. de Tlascala*, MS.

They could scarcely have been an intemperate people, with these heavy penalties hanging over them. Indeed, Zurita bears testimony that those Spaniards, who thought they were, greatly erred. (Rapport, p.

112.) Mons. Ternaux's translation of a passage of the Anonymous Conqueror, "aucun peuple n'est aussi sobre," (*Recueil de Pièces Relatives à la Conquête du Mexique*, ap. *Voyages, &c.*, (Paris, 1838,) p. 54,) may give a more favorable impression, however, than that intended by his original, whose remark is confined to abstemiousness in eating. See the *Relatione*, ap. Ramusio, *Raccolta delle Navigazioni et Viaggi*. (Venetia, 1554–1565.)

their children successively, as they grew up; thus distributing the burden, as equally as possible, among the different members of the family. The willingness of freemen to incur the penalties of this condition is explained by the mild form in which it existed. The contract of sale was executed in the presence of at least four witnesses. The services to be exacted were limited with great precision. The slave was allowed to have his own family, to hold property, and even other slaves. His children were free. No one could be born to slavery in Mexico;¹⁹ an honorable distinction, not known, I believe, in any civilized community where slavery has been sanctioned.²⁰ Slaves were not sold by their masters, unless when these were driven to it by poverty. They were often liberated by them at their death, and sometimes, as there was no natural repugnance founded on difference of blood and race, were married to them. Yet a refractory or vicious slave might be led into the market, with a collar round his neck, which intimated his bad character,

¹⁹ In Ancient Egypt the child of a slave was born free, if the father were free. (Diodorus, *Bibl. Hist.*, lib. 1, sec. 80.) This, though more liberal than the code of most countries, fell short of the Mexican.

²⁰ In Egypt the same penalty was attached to the murder of a slave, as to that of a freeman. (*Ibid.*, lib. 1, sec. 77.) Robertson speaks of a class of slaves held

so cheap in the eye of the Mexican law, that one might kill them with impunity. (*History of America*, (ed. London, 1776,) vol. III. p. 164.) This, however, was not in Mexico, but in Nicaragua, (see his own authority, *Herrera, Hist. General*, dec. 3, lib. 4, cap. 2,) a distant country, not incorporated in the Mexican empire, and with laws and institutions very different from those of the latter.

and there be publicly sold, and, on a second sale, reserved for sacrifice.²¹

Such are some of the most striking features of the Aztec code, to which the Tezcucan bore great resemblance.²² With some exceptions, it is stamped with the severity, the ferocity, indeed, of a rude people, hardened by familiarity with scenes of blood, and relying on physical, instead of moral means, for the correction of evil.²³ Still, it evinces a profound respect for the great principles of morality, and as clear a perception of these principles as is to be found in the most cultivated nations.

The royal revenues were derived from various sources. The crown lands, which appear to have been extensive, made their returns in kind. The places in the neighbourhood of the capital were bound to supply workmen and materials for building the king's palaces, and keeping them in repair. They were also to furnish fuel, provisions, and whatever was necessary for his ordinary domestic expenditure, which was certainly on no stinted scale.²⁴ The principal cities, which had numerous

²¹ Torquemada, *Monarch. Ind.*, lib. 12, cap. 15; lib. 14, cap. 16, 17. — Sahagun, *Hist. de Nueva España*, lib. 8, cap. 14. — Clavigero, *Stor. del Messico*, tom. II. pp. 134–136.

²² Ixtlilxochitl, *Hist. Chich.*, MS., cap. 38, and *Relaciones*, MS.

The Tezcucan code, indeed, as digested under the great Nezahualcoyotl, formed the basis of the

Mexican, in the latter days of the empire. Zurita, *Rapport*, p. 95.

²³ In this, at least, they did not resemble the Romans; of whom their countryman could boast, "Gloriari licet, nulli gentium mitiorès placuisse pœnas." Livy, *Hist.*, lib. 1, cap. 28.

²⁴ The Tezcucan revenues were, in like manner, paid in the produce of the country. The various

villages and a large territory dependent on them, were distributed into districts, with each a share of the lands allotted to it, for its support. The inhabitants paid a stipulated part of the produce to the crown. The vassals of the great chiefs, also, paid a portion of their earnings into the public treasury; an arrangement not at all in the spirit of the feudal institutions.²⁵

In addition to this tax on all the agricultural produce of the kingdom, there was another on its manufactures. The nature and variety of the tributes will be best shown by an enumeration of some of the principal articles. These were cotton dresses, and mantles of featherwork exquisitely made; ornamented armor; vases and plates of gold; gold dust, bands and bracelets; crystal, gilt, and varnished jars

branches of the royal expenditure were defrayed by specified towns and districts; and the whole arrangements here, and in Mexico, bore a remarkable resemblance to the financial regulations of the Persian empire, as reported by the Greek writers; (see Herodotus, Clio, sec. 192;) with this difference, however, that the towns of Persia proper were not burdened with tributes, like the conquered cities. Idem, Thalia, sec. 97.

²⁵ Lorenzana, Hist. de Nueva España, p. 172. — Torquemada, Monarch. Ind., lib. 2, cap. 89; lib. 14, cap. 7. — Boturini, Idea, p. 166. — Camargo, Hist. de Tlascalala, MS. — Herrera, Hist. General, dec. 2, lib. 7, cap. 13.

The people of the provinces were distributed into *calpulli* or tribes, who held the lands of the neighbourhood in common. Officers of their own appointment parcelled out these lands among the several families of the *calpulli*; and, on the extinction or removal of a family, its lands reverted to the common stock, to be again distributed. The individual proprietor had no power to alienate them. The laws regulating these matters were very precise, and had existed ever since the occupation of the country by the Aztecs. Zurita, Rapport, pp. 51 - 62.

and goblets; bells, arms, and utensils of copper; reams of paper; grain, fruits, copal, amber, cochineal, cacao, wild animals and birds, timber, lime, mats, &c.²⁶ In this curious medley of the most homely commodities, and the elegant superfluities of luxury, it is singular that no mention should be made of silver, the great staple of the country in later times, and the use of which was certainly known to the Aztecs.²⁷

²⁶ The following items of the tribute furnished by different cities will give a more precise idea of its nature:—20 chests of ground chocolate; 40 pieces of armor, of a particular device; 2400 loads of large mantles, of twisted cloth; 800 loads of small mantles, of rich wearing apparel; 5 pieces of armor, of rich feathers; 60 pieces of armor, of common feathers; a chest of beans; a chest of *chian*; a chest of maize; 8000 reams of paper; likewise 2000 loaves of very white salt, refined in the shape of a mould, for the consumption only of the lords of Mexico; 8000 lumps of unrefined copal; 400 small baskets of white refined copal; 100 copper axes; 80 loads of red chocolate; 800 *xícaras*, out of which they drank chocolate; a little vessel of small turquoise stones; 4 chests of timber, full of maize; 4000 loads of lime; tiles of gold, of the size of an oyster, and as thick as the finger; 40 bags of cochineal; 20 bags of gold dust, of the finest

quality; a diadem of gold, of a specified pattern; 20 lip-jewels of clear amber, ornamented with gold; 200 loads of chocolate; 100 pots or jars of liquid-amber; 8000 *handfuls* of rich scarlet feathers; 40 tiger-skins; 1600 bundles of cotton, &c., &c. Col. de Mendoza, part 2, ap. Antiq. of Mexico, vols. I., VI.

²⁷ Mapa de Tributos, ap. Lorenzana, Hist. de Nueva España. —Tribute-roll, ap. Antiq. of Mexico, vol. I., and Interpretation, vol. VI., pp. 17–44.

The Mendoza Collection, in the Bodleian Library at Oxford, contains a roll of the cities of the Mexican empire, with the specific tributes exacted from them. It is a copy made after the Conquest, with a pen, on European paper (See Foreign Quarterly Review, No. XVII. Art. 4.) An original painting of the same roll was in Boturini's museum. Lorenzana has given us engravings of it, in which the outlines of the Oxford copy are filled up, though some-

Garrisons were established in the larger cities, — probably those at a distance, and recently conquered, — to keep down revolt, and to enforce the payment of the tribute.²³ Tax-gatherers were also distributed throughout the kingdom, who were recognised by their official badges, and dreaded from the merciless rigor of their exactions. By a stern law, every defaulter was liable to be taken and sold as a slave. In the capital were spacious granaries and warehouses for the reception of the tributes. A receiver-general was quartered in the palace, who rendered in an exact account of the various contributions, and watched over the conduct of the inferior agents, in whom the least malversation was summarily punished. This functionary was furnished with a map of the whole empire, with a minute specification of the imposts assessed on every part of it. These imposts, moderate under the reigns of the early princes, became so burdensome under those at the close of the dynasty, being rendered still more oppressive by the manner of collection, that

what rudely. Clavigero considers the explanations in Lorenzana's edition very inaccurate, (Stor. del Messico, tom. I. p. 25,) a judgment confirmed by Aglio, who has transcribed the entire collection of the Mendoza papers, in the first volume of the Antiquities of Mexico. It would have much facilitated reference to his plates, if they had been numbered; — a strange omission!

²³ The caciques, who submitted to the allied arms, were usually confirmed in their authority, and the conquered places allowed to retain their laws and usages. (Zurita, Rapport, p. 67.) The conquests were not always partitioned, but sometimes, singularly enough, were held in common by the three powers. Ibid., p. 11.

they bred disaffection throughout the land, and prepared the way for its conquest by the Spaniards.²⁹

Communication was maintained with the remotest parts of the country by means of couriers. Post-houses were established on the great roads, about two leagues distant from each other. The courier, bearing his despatches in the form of a hieroglyphical painting, ran with them to the first station, where they were taken by another messenger and carried forward to the next, and so on till they reached the capital. These couriers, trained from childhood, travelled with incredible swiftness; not four or five leagues an hour, as an old chronicler would make us believe, but with such speed that despatches were carried from one to two hundred miles a day.³⁰ Fresh fish was frequently served at Montezuma's table in twenty-four hours from the time it had been taken in the Gulf of Mexico, two hundred miles from the capital. In this way intelligence

²⁹ Collec. of Mendoza, ap. Antiq. of Mexico, vol. VI. p. 17. — Carta de Cortés, ap. Lorenzana, Hist. de Nueva España, p. 110. — Torquemada, Monarch. Ind., lib. 14, cap. 6, 8. — Herrera, Hist. General, dec. 2, lib. 7, cap. 13. — Sahagun, Hist. de Nueva España, lib. 8, cap. 18, 19.

³⁰ The Hon. C. A. Murray, whose imperturbable good-humor under real troubles forms a contrast, rather striking, to the sensitiveness of some of his predecessors to imaginary ones, tells us, among other marvels, that an

Indian of his party travelled a hundred miles in four and twenty hours. (Travels in N. America, (New York, 1839,) vol. I. p. 193.) The Greek, who, according to Plutarch, brought the news of victory to Plataea, a hundred and twenty-five miles, in a day, was a better traveller still. Some interesting facts on the pedestrian capabilities of man in the savage state are collected by Buffon, who concludes, truly enough, "L'homme civilisé ne connaît pas ses forces." (Histoire Naturelle; De la Jeunesse.)

of the movements of the royal armies was rapidly brought to court; and the dress of the courier, denoting by its color that of his tidings, spread joy or consternation in the towns through which he passed.³¹

But the great aim of the Aztec institutions, to which private discipline and public honors were alike directed, was the profession of arms. In Mexico, as in Egypt, the soldier shared with the priest the highest consideration. The king, as we have seen, must be an experienced warrior. The tutelary deity of the Aztecs was the god of war. A great object of their military expeditions was, to gather hecatombs of captives for his altars. The soldier, who fell in battle, was transported at once to the region of ineffable bliss in the bright mansions of the Sun.³² Every war, therefore, became a crusade; and the warrior, animated by a religious enthusiasm, like that of the early Saracen, or the Christian cru-

³¹ Torquemada, *Monarch. Ind.*, lib. 14, cap. 1.

The same wants led to the same expedients in ancient Rome, and still more ancient Persia. "Nothing in the world is borne so swiftly," says Herodotus, "as messages by the Persian couriers"; which his commentator, Valckenaer, prudently qualifies by the exception of the carrier pigeon. (Herodotus, *Hist.*, *Urania*, sec. 98, nec non *Adnot. ed. Schweighäuser.*) Couriers are noticed, in the thirteenth century, in China, by

Marco Polo. Their stations were only three miles apart, and they accomplished five days' journey in one. (*Viaggi di Marco Polo*, lib. 2, cap. 20, ap. Ramusio, tom. II.) A similar arrangement for posts subsists there at the present day, and excites the admiration of a modern traveller. (Anderson, *British Embassy to China*, (London, 1796,) p. 282.) In all these cases, the posts were for the use of government only.

³² Sahagun, *Hist. de Nueva España*, lib. 3, *Apend.*, cap. 3.

sader, was not only raised to a contempt of danger, but courted it, for the imperishable crown of martyrdom. Thus we find the same impulse acting in the most opposite quarters of the globe, and the Asiatic, the European, and the American, each earnestly invoking the holy name of religion in the perpetration of human butchery.

The question of war was discussed in a council of the king and his chief nobles. Ambassadors were sent, previously to its declaration, to require the hostile state to receive the Mexican gods, and to pay the customary tribute. The persons of ambassadors were held sacred throughout Anahuac. They were lodged and entertained in the great towns at the public charge, and were everywhere received with courtesy, so long as they did not deviate from the highroads on their route. When they did, they forfeited their privileges. If the embassy proved unsuccessful, a defiance, or open declaration of war, was sent; quotas were drawn from the conquered provinces, which were always subjected to military service, as well as the payment of taxes; and the royal army, usually with the monarch at its head, began its march.³³

The Aztec princes made use of the incentives employed by European monarchs to excite the ambition of their followers. They established various

³³ Zurita, Rapport, pp. 68, 120. — Col. of Mendoza, ap. Antiq. of Mexico, vol. I. Pl. 67; vol. VI. p. 74. — Torquemada, Monarch. Ind., lib. 14, cap. 1.

The reader will find a remarkable resemblance to these military usages, in those of the early Romans. Comp. Liv., Hist., lib. 1, cap. 32; lib. 4, cap. 30, et alibi

military orders, each having its privileges and peculiar insignia. There seems, also, to have existed a sort of knighthood, of inferior degree. It was the cheapest reward of martial prowess, and whoever had not reached it was excluded from using ornaments on his arms or his person, and obliged to wear a coarse white stuff, made from the threads of the aloe, called *nequen*. Even the members of the royal family were not excepted from this law, which reminds one of the occasional practice of Christian knights, to wear plain armor, or shields without device, till they had achieved some doughty feat of chivalry. Although the military orders were thrown open to all, it is probable that they were chiefly filled with persons of rank, who, by their previous training and connexions, were able to come into the field under peculiar advantages.³⁴

The dress of the higher warriors was picturesque and often magnificent. Their bodies were covered with a close vest of quilted cotton, so thick as to be impenetrable to the light missiles of Indian warfare. This garment was so light and serviceable, that it was adopted by the Spaniards. The wealthier chiefs sometimes wore, instead of this cotton mail, a cuirass made of thin plates of gold, or silver. Over it was thrown a surcoat of the gorgeous feather-work in which they excelled.³⁵ Their helmets

³⁴ Ibid., lib. 14, cap. 4, 5. — Acosta, lib. 6, ch. 26. — Collec. of Mendoza, ap. Antiq. of Mexico, vol. I. Pl. 65; vol. VI. p. 72. — Camargo, Hist. de Tlascalá, MS.

³⁵ "Their mail, if mail it may be called,
was woven
Of vegetable down, like finest flax,
Bleached to the whiteness of new-
fallen snow.

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were sometimes of wood, fashioned like the heads of wild animals, and sometimes of silver, on the top of which waved a *panache* of variegated plumes, sprinkled with precious stones and ornaments of gold. They wore also collars, bracelets, and earrings, of the same rich materials.³⁶

Their armies were divided into bodies of eight thousand men; and these, again, into companies of three or four hundred, each with its own commander. The national standard, which has been compared to the ancient Roman, displayed, in its embroidery of gold and feather-work, the armorial ensigns of the state. These were significant of its name, which, as the names of both persons and places were borrowed from some material object, was easily expressed by hieroglyphical symbols. The companies and the great chiefs had also their appropriate banners and devices, and the gaudy hues of their many-colored plumes gave a dazzling splendor to the spectacle.

Their tactics were such as belong to a nation, with whom war, though a trade, is not elevated to the rank of a science. They advanced singing, and

Others, of higher office, were arrayed
In feathery breastplates, of more gorgeous
hue
Than the gay plumage of the mountain-
cock,
Than the pheasant's glittering pride. But
what were these,
Or what the thin gold hauberk, when op-
posed
To arms like ours in battle?"

MADOC, P. 1, canto 7.

Beautiful painting! One may

doubt, however, the propriety of
the Welshman's vaunt, before the
use of fire-arms.

³⁶ Sahagun, Hist. de Nueva
España, lib. 2, cap. 27; lib. 8,
cap. 12. — Relatione d'un gentil'
huomo, ap. Ramusio, tom. III.
p. 305. — Torquemada, Monarch.
Ind., ubi supra.

shouting their war-cries, briskly charging the enemy, as rapidly retreating, and making use of ambuscades, sudden surprises, and the light skirmish of guerilla warfare. Yet their discipline was such as to draw forth the encomiums of the Spanish conquerors. "A beautiful sight it was," says one of them, "to see them set out on their march, all moving forward so gayly, and in so admirable order!"³⁷ In battle, they did not seek to kill their enemies, so much as to take them prisoners; and they never scalped, like other North American tribes. The valor of a warrior was estimated by the number of his prisoners; and no ransom was large enough to save the devoted captive.³⁸

Their military code bore the same stern features as their other laws. Disobedience of orders was punished with death. It was death, also, for a soldier to leave his colors, to attack the enemy before the signal was given, or to plunder another's booty or prisoners. One of the last Tezcucan princes, in the spirit of an ancient Roman, put two sons to death,—

³⁷ *Relatione d'un gentil' huomo*, ubi supra.

³⁸ *Col. of Mendoza*, ap. *Antiq. of Mexico*, vol. I. Pl. 65, 66; vol. VI. p. 73. — *Sahagun, Hist. de Nueva España*, lib. 8, cap. 12. — *Toribio, Hist. de los Indios*, MS., Parte I. cap. 7. — *Torquemada, Monarch. Ind.*, lib. 14, cap. 3. — *Relatione d'un gentil' huomo*, ap. *Ramusio*, loc. cit.

Scalping may claim high authority, or, at least, antiquity.

The Father of History gives an account of it among the Scythians, showing that they performed the operation, and wore the hideous trophy, in the same manner as our North American Indians. (*Herodot., Hist., Melpomene*, sec. 64.) Traces of the same savage custom are also found in the laws of the Visigoths, among the Franks, and even the Anglo-Saxons. See *Guizot, Cours d'Histoire Moderne*, (Paris, 1829,) tom. I. p. 283.

after having cured their wounds,—for violating the last-mentioned law.³⁹

I must not omit to notice here an institution, the introduction of which, in the Old World, is ranked among the beneficent fruits of Christianity. Hospitals were established in the principal cities, for the cure of the sick, and the permanent refuge of the disabled soldier; and surgeons were placed over them, "who were so far better than those in Europe," says an old chronicler, "that they did not protract the cure, in order to increase the pay."⁴⁰

Such is the brief outline of the civil and military polity of the ancient Mexicans; less perfect than could be desired, in regard to the former, from the imperfection of the sources whence it is drawn. Whoever has had occasion to explore the early history of modern Europe has found how vague and unsatisfactory is the political information which can be gleaned from the gossip of monkish annalists. How much is the difficulty increased in the present instance, where this information, first recorded in the dubious language of hieroglyphics, was interpreted in another language, with which the Spanish chroniclers were imperfectly acquainted, while it related to institutions of which their past experience enabled them to form no adequate conception! Amidst such uncertain lights, it is in vain to expect nice accuracy of detail. All that can be done is, to

³⁹ Ixtlilxochitl, Hist. Chich., lib. 12, cap. 6; lib. 14, cap. 3.—MS., cap. 67.

⁴⁰ Torquemada, Monarch. Ind., cap. 36.

attempt an outline of the more prominent features, that a correct impression, so far as it goes, may be produced on the mind of the reader.

Enough has been said, however, to show that the Aztec and Tezcucan races were advanced in civilization very far beyond the wandering tribes of North America.⁴¹ The degree of civilization which they had reached, as inferred by their political institutions, may be considered, perhaps, not much short of that enjoyed by our Saxon ancestors, under Alfred. In respect to the nature of it, they may be

⁴¹ Zurita is indignant at the epithet of *barbarians* bestowed on the Aztecs; an epithet, he says, "which could come from no one who had personal knowledge of the capacity of the people, or their institutions, and which, in some respects, is quite as well merited by the European nations." (Rapport, p. 200, et seq.) This is strong language. Yet no one had better means of knowing than this eminent jurist, who, for nineteen years, held a post in the royal *audiencias* of New Spain. During his long residence in the country he had ample opportunity of acquainting himself with its usages, both through his own personal observation and intercourse with the natives, and through the first missionaries who came over after the Conquest. On his return to Spain, probably about 1560, he occupied himself with an answer to queries which had been propounded by the government, on the character of the Aztec laws

and institutions, and on that of the modifications introduced by the Spaniards. Much of his treatise is taken up with the latter subject. In what relates to the former he is more brief than could be wished, from the difficulty, perhaps, of obtaining full and satisfactory information as to the details. As far as he goes, however, he manifests a sound and discriminating judgment. He is very rarely betrayed into the extravagance of expression so visible in the writers of the time; and this temperance, combined with his uncommon sources of information, makes his work one of highest authority on the limited topics within its range. — The original manuscript was consulted by Clavigero, and, indeed, has been used by other writers. The work is now accessible to all, as one of the series of translations from the pen of the indefatigable Ternaux.

better compared with the Egyptians; and the examination of their social relations and culture may suggest still stronger points of resemblance to that ancient people.

Those familiar with the modern Mexicans will find it difficult to conceive that the nation should ever have been capable of devising the enlightened polity which we have been considering. But they should remember that in the Mexicans of our day they see only a conquered race; as different from their ancestors as are the modern Egyptians from those who built, — I will not say, the tasteless pyramids, — but the temples and palaces, whose magnificent wrecks strew the borders of the Nile, at Luxor and Karnac. The difference is not so great as between the ancient Greek, and his degenerate descendant, lounging among the master-pieces of art which he has scarcely taste enough to admire, — speaking the language of those still more imperishable monuments of literature which he has hardly capacity to comprehend. Yet he breathes the same atmosphere, is warmed by the same sun, nourished by the same scenes, as those who fell at Marathon, and won the trophies of Olympic Pisa. The same blood flows in his veins that flowed in theirs. But ages of tyranny have passed over him; he belongs to a conquered race.

The American Indian has something peculiarly sensitive in his nature. He shrinks instinctively from the rude touch of a foreign hand. Even when this foreign influence comes in the form of civiliza-

tion, he seems to sink and pine away beneath it. It has been so with the Mexicans. Under the Spanish domination, their numbers have silently melted away. Their energies are broken. They no longer tread their mountain plains with the conscious independence of their ancestors. In their faltering step, and meek and melancholy aspect, we read the sad characters of the conquered race. The cause of humanity, indeed, has gained. They live under a better system of laws, a more assured tranquillity, a purer faith. But all does not avail. Their civilization was of the hardy character which belongs to the wilderness. The fierce virtues of the Aztec were all his own. They refused to submit to European culture, — to be engrafted on a foreign stock. His outward form, his complexion, his lineaments, are substantially the same. But the moral characteristics of the nation, all that constituted its individuality as a race, are effaced for ever.

Two of the principal authorities for this Chapter are Torquemada and Clavigero. The former, a Provincial of the Franciscan order, came to the New World about the middle of the sixteenth century. As the generation of the Conquerors had not then passed away, he had ample opportunities of gathering the particulars of their enterprise from their own lips. Fifty years, during which he continued in the country, put him in possession of the traditions and usages of the natives, and enabled him to collect their history from the earliest missionaries, as well as from such monuments as the fanaticism of his own countrymen had not then destroyed. From these ample sources he compiled his bulky tomes, beginning, after the approved fashion of the ancient Castilian chroniclers, with the creation of the world, and embracing the whole circle of the Mexican institutions, political, religious, and social, from the earliest period to his own time. In handling

these fruitful themes, the worthy father has shown a full measure of the bigotry which belonged to his order at that period. Every page, too, is loaded with illustrations from Scripture or profane history, which form a whimsical contrast to the barbaric staple of his story; and he has sometimes fallen into serious errors, from his misconception of the chronological system of the Aztecs. But, notwithstanding these glaring defects in the composition of the work, the student, aware of his author's infirmities, will find few better guides than Torquemada in tracing the stream of historic truth up to the fountain head; such is his manifest integrity, and so great were his facilities for information on the most curious points of Mexican antiquity. No work, accordingly, has been more largely consulted and copied, even by some, who, like Herrera, have affected to set little value on the sources whence its information was drawn. — (Hist. General, dec. 6, lib. 6, cap. 19.) The *Monarchia Indiana* was first published at Seville, 1615, (Nic. Antonio, Bibliotheca Nova, (Matriti, 1783,) tom. II. p. 787,) and since, in a better style, in three volumes folio, at Madrid; in 1723.

The other authority, frequently cited in the preceding pages, is the Abbé Clavigero's *Storia Antica del Messico*. It was originally printed towards the close of the last century, in the Italian language, and in Italy, whither the author, a native of Vera Cruz, and a member of the order of the Jesuits, had retired, on the expulsion of that body from America, in 1767. During a residence of thirty-five years in his own country, Clavigero had made himself intimately acquainted with its antiquities, by the careful examination of paintings, manuscripts, and such other remains as were to be found in his day. The plan of his work is nearly as comprehensive as that of his predecessor, Torquemada; but the later and more cultivated period, in which he wrote, is visible in the superior address with which he has managed his complicated subject. In the elaborate disquisitions in his concluding volume, he has done much to rectify the chronology, and the various inaccuracies of preceding writers. Indeed, an avowed object of his work was, to vindicate his countrymen from what he conceived to be the misrepresentations of Robertson, Raynal, and De Pau. In regard to the last two, he was perfectly successful. Such an ostensible design might naturally suggest unfavorable ideas of his impartiality. But, on the whole, he seems to have conducted the discussion with good faith; and, if he has been led by national zeal to overcharge the picture with brilliant colors, he will be found much more temperate, on this score, than those who preceded him, while he has applied sound principles of criticism, of which they were incapable. In a word, the diligence of his researches has gathered into one focus the scattered lights of tradition and antiquarian lore, purified in a great