

“To live and dye in the state of Grace and perfection”:¹ Navigating Catholic
Space in the Last Wills and Testaments of Ireland and Mexico, 1553-1699

Hana Gallagher

Columbia University in the City of New York

Department of History

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Advisor: Rhiannon Stephens

Second Reader: Caterina Pizzigoni

¹ Last will and testament of Thomas Gould, 2 December 1630, National Archives of Ireland, Record Commission’s collection 5/18.

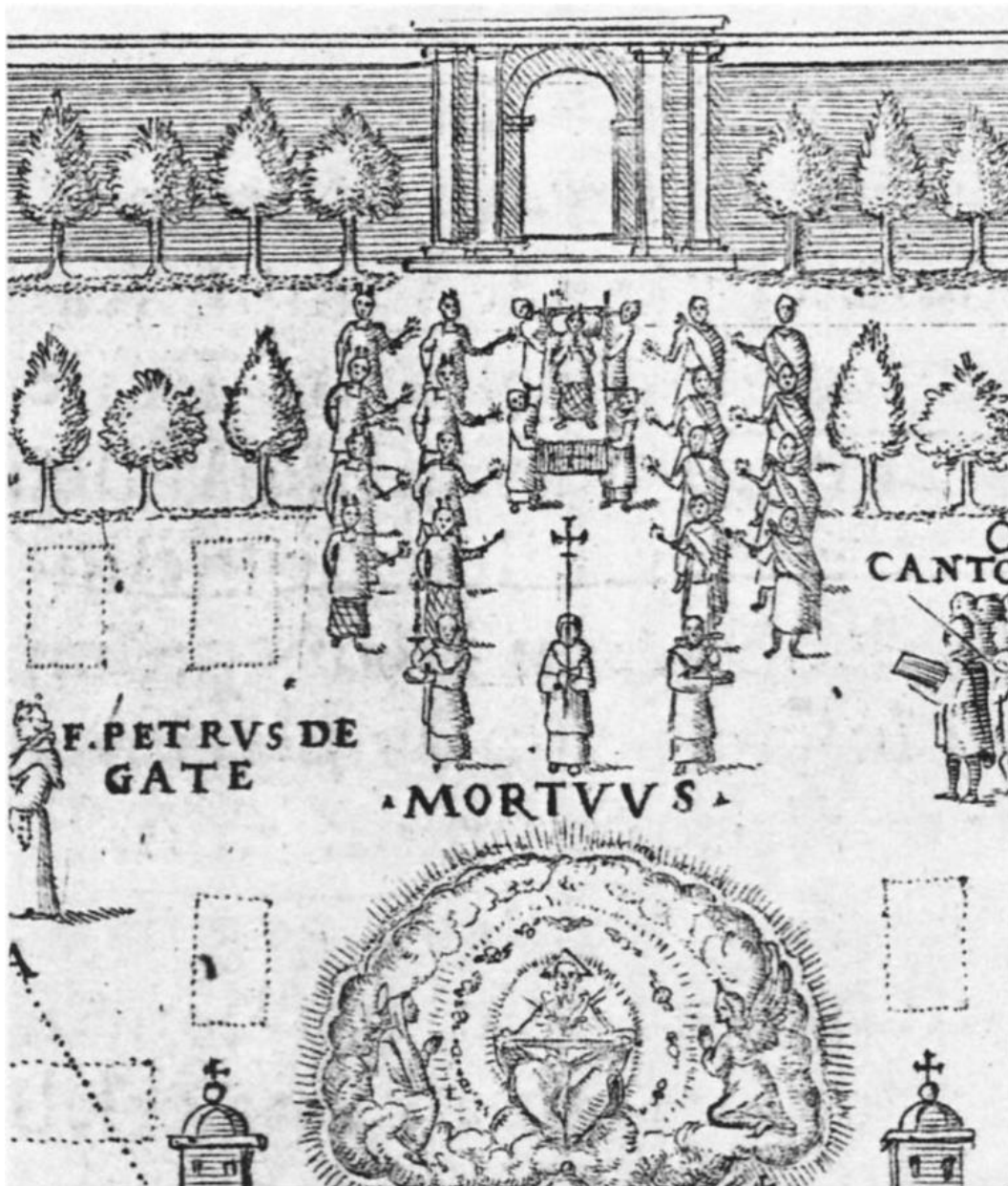


Fig. 1 Detail from an engraving by fray Diego Valadés depicting a funeral procession of Franciscans and native Mexicans, 16th century, published in *Nahuatl Theater: Death and Life in Colonial Nahua Mexico*, ed. Barry D. Sell and Louise Burkhart (Norman, OK: University of Oklahoma Press, 2004), 37.

“Ar tús tiomna sé anm do dhia agus do mhuire agus do chum[airc agus do] fhairead mhichel
ar[dangil agus] na huile naomh ina bfhilthas dei”²

(In the first place he bequeaths his soul to God and Mary and to the protection and vigilance of Michael the
archangel and all the saints in the kingdom of God)

“huel achtopa y- nanima ymactzinco noco-tlalia yn tot o dios. ca oquimo-chihuilli yuan cenca
nicnotlahtlauhtilia ynic nech-motlaocoliliz nechmopolhuiliz y- notlahtlacol.”³

(First of all I place my soul in the hands of our lord God, for he made it, and I urgently implore him to show me the
favor of pardoning me of my sins and carrying me to his heavenly home when my soul has left my earthly form)

² The will of Edmund Grace of Ballywalter in the county of Carlow, diocese of Leighlin 1606, in M.J. McEnery, ‘Supplement,’ *The Catholic Bulletin*, 16 (1926), 494-495.

³ Testament of don Juan Ximénez of Cuernavaca Tecpan, 16 September 1579, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1579hask>

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INTRODUCTION

On December 20, 1606, Edmund Grace of Ballywalter, Co. Carlow “bequeath[ed] his soul to God and Mary and to the protection and vigilance of Michael the archangel and all the saints in the kingdom of God.” Writing, or more likely dictating, in Irish, Grace left his “worldly goods” in three parts: the first to his soul, the second to his daughter and son-in-law, and the third to his wife.¹ Some months later across the Atlantic in Cuernavaca, approximately sixty miles south of Mexico City, a Nahua noblewoman doña María Ximénez too bequeathed her soul to God, urgently imploring him to favor her by pardoning her sins and “carrying [her] to his precious home in heaven when [her] soul has left [her] body.”² What these two testators have in common is that they are both Catholics living in colonial systems. For Ximénez, however, Catholicism was the foreign religion intended to replace indigenous religious practices, with Catholic evangelization being a core part of Spanish imperial policy since the late fifteenth century. Grace’s Catholicism, on the other hand, was under threat from the civilizing and land dispossession policies of the English Crown that sought to establish Protestant rule over Ireland. Yet while the mendicant orders succeeded in converting a significant proportion of Mexico’s indigenous population, the Protestant Reformation failed in Ireland on a popular level. By comparing and contrasting the ways that people negotiated these complex religious and social dynamics in their last wills and testaments, this thesis hopes to offer insight into the varying dynamics of Catholicism in the Atlantic world and assess how individuals used such religious and legal structures to negotiate and at times challenge colonial cultural hegemonies.

¹ The will of Edmund Grace of Ballywalter in the county of Carlow, diocese of Leighlin 1606, in M.J. McEnery, ‘Supplement,’ *The Catholic Bulletin*, 16, (1926), 494-495.

² Testament of Doña María Ximénez, Cuernavaca, 1607, ed. and trans. by Robert Haskett. <https://enl.wired-humanities.org/1607hask>.

In the sixteenth and seventeenth centuries, active colonizations of Ireland and Mexico took place concurrently; religion was a major factor in both, albeit with varying results, and the legal and administrative landscapes of both Irish and indigenous Mexican communities were drastically changed. There is some engagement with British and Iberian empires in the historiography of comparative empires and the Atlantic World, although this tends to focus on the activities of the British Empire in what is now the United States and the Caribbean. The work of Jorge Cañizares-Esguerra in particular engages with the parallel religious ideology underlying the colonizing missions of the Puritan settlers in New England and the Spanish conquistadors in New Spain, laying an important groundwork for the study of comparative religion and empire.³

The inclusion of Ireland in comparative studies of early modern empires has been particularly limited. Scholarship in both regions has established the role of legal systems in the consolidation of colonial administrative and cultural hegemony in both Ireland and Mexico.⁴ A growing branch in the historiography of early modern empire also evaluates the role of jurisprudence and legal systems in colonial domination and situates Ireland in a position of mutual influence in Atlantic world imperialism. Ireland has been considered by scholars such as Nicholas Canny and John Patrick Montaña as something of a “test lab” for further European expansion in

³ Jorge Cañizares-Esguerra, *Puritan Conquistadors: Iberianizing the Atlantic, 1550-1700* (Stanford, Calif: Stanford University Press, 2006); See also Jorge Cañizares-Esguerra, ed., *Entangled Empires: The Anglo-Iberian Atlantic, 1500-1830* (Philadelphia: University of Pennsylvania Press, 2018) for various studies on the interactions between agents of Iberian and British empire in the early modern period.

⁴ Hans S. Pawlisch, *Sir John Davies and the Conquest of Ireland: A Study in Legal Imperialism*, Cambridge Studies in the History and Theory of Politics (Cambridge [Cambridgeshire]; New York: Cambridge University Press, 1985); Susan Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700* (Norman, Okla: University of Oklahoma Press, 1995). Kellogg’s monograph is an example of a broader work dealing with the social and cultural aspects of legal imperialism. For a detailed study on indigenous uses of the colonial legal system in the seventeenth century see Brian Philip Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, Calif: Stanford University Press, 2008). For an analysis of the adaptation and adjustment of indigenous and colonial legal systems through the General Indian Court of Mexico, see Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley: University of California Press, 1983). Interestingly, Borah opens with a discussion of the issues posed by the numerous imposed legal systems imposed in early modern Ireland as a point of comparison, from Brehon to Norman to English law.

the so-called “New World,” while simultaneously being subject to the results of the Spanish jurisprudential debate regarding the natural rights of indigenous peoples and social-anthropological ideas of civilization that justified the displacement of indigenous peoples in the Americas.⁵ Nicholas Canny and Anthony Pagden, historians of colonialism in Ireland and Mexico respectively, introduce Ireland in discussions of colonial cultural identities in their 1987 edited volume *Colonial Identity in the Atlantic World, 1500-1800*. Placing discussions of colonial identity in Ireland alongside those of the Americas, they analyze the overarching common concerns, requirements, and pressures that resulted in the formation of distinctive colonial identities common to *criollo* and Old and New English populations from Ireland to Peru.⁶

There is not yet any scholarship that places indigenous cultural change and identity formation in such a large-scale comparative perspective. Against this backdrop, this thesis aligns with this limited branch of historiography that places imperial activities in comparative and transnational perspective on both sides of the Atlantic. Unlike the existing scholarship, however, I am primarily concerned with the way colonial religious and legal traditions interacted to assert colonial domination on a social and cultural level. By conducting a comparative analysis of themes of religion and piety across fifty-nine last wills and testaments assembled from various sources, thirty from Ireland and twenty-nine from central Mexico, all created between 1553 and 1699, this thesis provides a qualitative analysis of how various individuals in Ireland and Mexico operated within these systems to establish and assert their own identities, cultures, and religions during a crucial period of transition in both societies.

⁵ Hans S. Pawlisch, *Sir John Davies and the Conquest of Ireland*, 8; Nicholas P. Canny, *The Elizabethan Conquest of Ireland: A Pattern Established, 1565-76* (Hassocks: Harvester Press, 1976); John Patrick Montaña, *The Roots of English Colonialism in Ireland*, *Critical Perspectives on Empire* (Cambridge, UK: Cambridge University Press, 2011).

⁶ Nicholas Canny and Anthony Pagden, eds., *Colonial Identity in the Atlantic World, 1500-1800* (Princeton University Press, 1987), <https://doi.org/10.2307/j.ctv173f23t>.

The availability of early modern wills in Ireland is limited, posing some challenges to historians. During the Irish Civil War of 1922, the Public Records Office in Dublin burned down along with the majority of the valuable historical documents stored there, making it most difficult to reconstruct the experiences of women, the poor, and the native Irish population who may have been recorded nowhere else but in the wills, parish registers, court proceedings, and other documents stored there.⁷ The main extant body of full-length wills remaining is held in Record Commission's collection at the National Archives of Ireland. Although the majority of the testators in this collection can be presumed to be Protestant, twenty-six of the Irish wills in my corpus come from this collection and have been carefully identified as Catholic. One other will, that of Edmund Grace in 1606 was found in a 1926 journal and is the only one I could find that retains an Irish-language transcript. The testators are all wealthy or noble, with significant landholdings, and most appear to be of Old English backgrounds. With the exception of Margaret als Keevanagh in 1642, they are also all male, an unfortunate consequence of the great loss of records. As the Gaelic Irish population is barely represented in the extant transcripts of wills, the corpus has also been supplemented with other kinds of records pertaining to this community, namely the annals compiled by Irish ecclesiastics abroad that contain particularly useful burial and funeral records.

The identities of Irish testators reflected a number of overlapping religious and ethnic groups. As Jane Ohlmeyer states: "multiple colonisations, occurring at a variety of levels, took place at different times and with varying degrees of intensity during this era," and that therefore no one imperial or civilizing model can be readily applied.⁸ The ethnic and religious composition

⁷ Clodagh Tait, "Writing the Social and Cultural History of Ireland, 1550–1660: Wills as Example and Inspiration," in *Early Modern Ireland*, ed. Sarah Covington, Valerie McGowan-Doyle, and Vincent Carey (London: Routledge, 2018), 28.

⁸ Jane H. Ohlmeyer, *Making Ireland English: The Irish Aristocracy in the Seventeenth Century* (New Haven: Yale University Press, 2012), 11, <https://ezproxy.cul.columbia.edu/login?qurl=https%3a%2f%2fsearch.ebscohost.com%2flogin.aspx%3fdirect%3dtrue%26AuthType%3dip%26db%3de025xna%26AN%3d462894%26site%3dehost-live%26scope%3dsite>.

of Ireland by the seventeenth century consisted of the Catholic native or Gaelic Irish, the Catholic “Old English” who had settled in Ireland following the Anglo-Norman conquest and the mostly Protestant “New English”, who began colonizing Ireland in the 1530s. Most of the nobility in Ireland was Catholic at the end of the sixteenth century, but by 1641, following the uptick in aggressive English expansionist policy under Elizabeth I, the religious composition changed drastically, with half of all land held by Protestant landowners.⁹ Catholic landownership had reduced even more drastically approaching the eighteenth century.¹⁰

Unlike in Ireland, there is an abundance of indigenous testaments from the colonial period in Mexico. It is estimated that testaments represent approximately half of the known surviving native-language documents from colonial Spanish America.¹¹ As of yet, there is no cohesive published collection of Nahuatl testaments from the seventeenth century, making it necessary to construct my corpus from a variety of sources in order to maintain a consistent chronology. I have assembled 28 testaments from various localities in central Mexico which have been gathered from several published sources, including published collections of testaments such as the *Testaments of Culhuacan*, the *Testaments of Toluca*, and *Vidas y bienes olvidados*, digitized manuscripts from the Early Nahuatl Library, and the appendices of *Native Wills from the Colonial Americas: Dead Giveaways in the New World*. All of these testaments have been translated from Nahuatl, the lingua franca of colonial central Mexico, and were made by Nahuas, an ethno-linguistic category referring to speakers of the Nahuatl language after the conquest.¹² Nine testators in my corpus are women,

⁹ Jane H. Ohlmeyer, *Making Ireland English: The Irish Aristocracy in the Seventeenth Century* (New Haven: Yale University Press, 2012), 135.

¹⁰ For a visualization of this, see: <http://downsurvey.tcd.ie/religion.php>.

¹¹ Susan Kellogg and Matthew Restall, eds., *Dead Giveaways: Indigenous Testaments of Colonial Mesoamerica and the Andes* (Salt Lake City: University of Utah Press, 1998), 2.

¹² James Lockhart, *The Nahuas after the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth through Eighteenth Centuries* (Stanford, Calif: Stanford University Press, 1992), 1. Lockhart specifically rejects the use of the term “Aztec” to refer to the indigenous people of colonial central Mexico as it a) implies a sense of national unity that did not exist, b) is something of an imperial agglomeration, c) tends to be attached to the

and testators come from all social and economic statuses made testaments, although my corpus emphasizes the testaments of indigenous nobles in order to facilitate a more effective comparative study with those from Ireland.

One of the main challenges when working with early modern last wills and testaments is discerning the formulaic elements from the personal. The religious elements of early modern wills and testaments were generally formulaic and thus what some scholars argue to be the most impersonal part of a testament: affirming Christian beliefs, arranging for Christian burial and the recitation of masses for their souls, and making bequests to the Church and its personnel.¹³ Sarah Cline emphasizes the formulaic nature of indigenous Mexican wills, much like European wills, and their limits in terms of understanding religious beliefs.¹⁴ Yet there is still value to be found in these elements upon closer examination, particularly in terms of understanding the place of religion in these societies. Clodagh Tait asserts that in the case of early modern Ireland, changing emphases in preambles and in provisions for the soul can provide “valuable glimpses of the religious concerns of the Irish Catholic community” by identifying Catholics, showing their compromises on religious matters necessitated by the time, and suggesting the impact of the Reformation and English settler colonialism in Ireland through even the standardized elements of the documents.¹⁵ For Mexico too, the ways in which indigenous people negotiated burials, church grounds, and their own land in religious terms can demonstrate the position of religion, specifically the Catholic Church, in their communities and societies.

preconquest period, and d) would have been inaccurate for anyone other than the inhabitants of the imperial capital Tenochtitlan, the Mexica, anyway.

¹³ Sarah Cline, “Fray Alonso de Molina’s Model Testament and Antecedents to Indigenous Wills in Spanish America,” in *Dead Giveaways: Indigenous Testaments of Colonial Mesoamerica and the Andes*, ed. Susan Kellogg and Matthew Restall (Salt Lake City: University of Utah Press, 1998), 16.

¹⁴ Cline, 16.

¹⁵ Clodagh Tait, “‘As Legacie upon My Soule’: The Wills of the Irish Catholic Community, c. 1550-c.1660,” in *Community in Early Modern Ireland*, ed. Robert Armstrong and Tadhg Ó hAnnracháin (Dublin; Portland, OR: Four Courts Press, 2006), 179.

The scholarship pertaining to indigenous wills in colonial Mexico is well established. Susan Kellogg and Matthew Restall's 1998 volume *Dead Giveaways: Indigenous Testaments of Colonial Mesoamerica and the Andes* is a comprehensive study of the significance of will-making in indigenous colonial Latin America; including the history of will production, the impact of testament making of colonial society, and the opportunities they present for analyzing indigenous cultures.¹⁶ Kellogg and Restall acknowledge the significance of wills as an ethnohistorical source, because they offered widespread access to what they call "legal literacy", making available the voices of the non-elites.¹⁷ While this is something we unfortunately cannot recover from sixteenth and seventeenth Ireland, the content of the testaments provides similar insights into the lives of the testators, including the individual and their relationship to society's institutions and beliefs, piety, material culture, and social and kinship networks, as well as in the Mexican case, gender and class.

Interest in Nahuatl testaments spiked around the 1980s and the historiography split into two strands observed by Restall and Kellogg: the New Philology strand, which stresses the use of native-language documents for understanding social history and emphasizes pre- and post-conquest cultural continuities, and the strand centered on understanding post-conquest social and cultural change. Studies have been published addressing land, housing, and inheritance patterns, material culture and Christian saints, and death and mortality.¹⁸ The most comprehensive analysis

¹⁶ Kellogg and Restall, *Dead Giveaways*, 2.

¹⁷ Kellogg and Restall, 2.

¹⁸ S. L. Cline, "Culhuacan 1572-1599: An Investigation Through Mexican Indian Testaments" (Ph.D., United States -- California, University of California, Los Angeles, 1981), <https://www.proquest.com/docview/303106174/abstract/5513EBCC8CD94498PQ/1>; Stephanie Wood, "Adopted Saints: Christian Images in Nahua Testaments of Late Colonial Toluca," *The Americas* 47, no. 3 (1991): 259-93, <https://doi.org/10.2307/1006801>; Erika R. Hosselkus, "Living with Death between the Volcanoes: Nahua Approaches to Mortality in Colonial Puebla's Upper Atoyac Basin" (Ph.D., United States -- Louisiana, Tulane University), accessed October 9, 2022, <https://www.proquest.com/docview/903798330/abstract/D0E9A41F87D341A2PQ/2>; Erika R. Hosselkus,

of the role of law in the establishment of colonial cultural hegemony in Mexico is found in Susan Kellogg's monograph *Law and the Transformation of Aztec Culture*, yet Kellogg only analyses wills specifically in terms of property rights, kinship structures, and gender relations.¹⁹ The relationship between the law and religion in the social and cultural arena is ripe for further study.

The application of Irish wills to studies on the social and cultural history of early modern Ireland has so far been limited. The cultural and religious elements are often dismissed in favor of studies on landholding, and the limited nature of the documents has meant that they more often than not assume only a supporting role in scholarly works. Tait has written the most extensively on the subject of religion and wills in early modern Ireland, showing that the sorting out of the deposition of one's soul and body, ensuring equitable allocation of property, distributing mementos to friends, providing for children and dependents and settling of affairs, was associated the demonstration of one's spiritual and practical readiness to accept death.²⁰ In her article "As Legacie upon My Soule': The Wills of the Irish Catholic Community, c. 1550-c.1660," Tait argues that while few of the Record Commission's collection of wills were explicitly Catholic due to their Protestant administration and the political climate of seventeenth-century Ireland, testators found ways to express Catholicity covertly through veiled references to charity, bequests for the sake of one's soul after death, and vague references to figures like the Virgin Mary.²¹

The paramount importance of maintaining a nuanced understanding of such cultural complexities is echoed by scholars of Ireland and colonial Mexico. When dealing with social and cultural history, Tait warns that "comparative history should not be overly imitative and should be

"Disposing of the Body and Aiding the Soul, Death, Dying, and Testaments in Colonial Huexotzinco," in *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (University of Utah Press, 2015), 195–214.

¹⁹ Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700*.

²⁰ Tait, "As Legacie upon My Soule," 179.

²¹ Tait, "As Legacie upon My Soule."

attentive to local peculiarities.”²² Kellogg and Restall observe that when searching for social and cultural inference in testaments, historians must be mindful of the fact that pre-Hispanic phenomena are not necessarily or solely represented, and that the “evaluation of the effects of acculturation, transculturation, or ‘interculturation’ becomes still more complex when we turn from the material world to social relations and cultural beliefs.”²³ Extensive work has been carried out on the idea of cultural contact and interculturalization in colonial central Mexico by historians such as Louise Burkhart and James Lockhart, who emphasize the complexity of society as indigenous peoples were confronted with foreign colonial powers.²⁴ Identity and cultural contact in Ireland were immensely complex, increasingly so with each colonization, which has rendered the social, political, and religious identities of the Irish difficult to categorize. As Raymond Gillespie observes, religious change in Ireland was “not one of simple binary opposition, but a set of social relationships traversed by a lattice of potential fracture lines.”²⁵ While the cultural context may be different, frameworks for considering the complexities of cultural contact, integration, and acculturation can be more broadly applied, particularly in the case of Irish and Mexican wills as we seek to piece together the lives, identities, and experiences of the testators that reveal themselves to be more complex with each document.

This thesis aims to introduce a new perspective on the way the Catholic Church and its members positioned itself in the Atlantic world by analyzing the way people, particularly native nobility, interacted with it in conjunction with colonial legal structures. Key questions that emerge are: how did people use colonial legal systems as an arena of cultural conflict, and how did wills,

²² Tait, “Writing the Social and Cultural History of Ireland, 1550–1660,” 29.

²³ Kellogg and Restall, *Dead Giveaways*, 5.

²⁴ Louise M. Burkhart, *The Slippery Earth: Nahuatl-Christian Moral Dialogue in Sixteenth-Century Mexico* (Tucson: University of Arizona Press, 1989), 7; Lockhart, *The Nahuas after the Conquest*, 26.

²⁵ Raymond Gillespie, *Seventeenth-Century Ireland: Making Ireland Modern*, New Gill History of Ireland 3 (Dublin: Gill & Macmillan, 2006), 14, 18.

in their relatively unique position at the intersection of law and piety, reflect this? What was the significance of sacred Catholic spaces in colonial societies and how may they have been used to negotiate cultural hegemonies? Sacred spaces have been chosen as the window through which to center this approach. The main Catholic space addressed by this thesis is predictably the parish church, although the wills also reveal that private land and the household also served as significant spaces of worship and devotion. As well as being a common feature of wills from both Ireland and Mexico in a variety of ways, space is also a key point of contention within a colonial system on both a national or regional scale through conquest and land dispossession and on a local, community scale through acts like the restructuring of parishes and reassignment of sacred spaces, particularly the parish church and monasteries.

The first chapter serves as an in-depth methodological introduction to the wills and testaments, contextualizing this legal tradition in both Ireland and Mexico and evaluating the social role of will-making by assessing how widespread the practice was, who made, executed, and notarized them, and the legal and religious structures surrounding early modern wills and testaments. This chapter also contains an overview of the structure of early modern wills and the range of information that may be gleaned from them as sources for social, cultural, and economic history.

When making arrangements for oneself after death, the self was conceived of in two parts: the “earthly body” and the soul. These had to be dealt with separately after death: the body by burial rites and the soul by intercession. In 1559, Don Toribio Cortés of Cuernavaca summarized this convention, stating that “First, I am leaving my soul in God’s hands, for it is his creation. And I leave my flesh to the earth, for it emerged from there; it is just dirt, just clay.”²⁶ Irish testators

²⁶ Testament of don Toribio Cortés, Cuernavaca, 5 December 1559, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1559hask>

similarly distinguished between the physical and spiritual self after death, asking to “bequeath my soule to almightie God and my boddye to be buried in wholy grave.”²⁷ Central to the care of both body and soul after death was the parish church, which is revealed by the wills and testaments across Ireland and central Mexico.

The next chapter therefore focuses on the role of the parish church space in the care of the testator’s body. Burials and funeral instructions were one of the first ways testators engaged with sacred space in their wills, and requests for burial in different parish churches, monasteries, and even different places within the church varied in both Ireland and Mexico, reflecting the individual desires of the testator. By comparing and contrasting the ways Nahua and Irish Catholic testators sought to deal with their earthly selves after death, we may understand how these decisions reflected testators’ religious, ethnic, communal, and family identities.

The other part of the self, the soul, is addressed in chapter three. The parish church and its personnel again played an important role in the care of a testator’s soul after they died, in the form of masses and prayers for oneself and other, which were an essential feature of Nahua testaments and became a signpost of Catholicity in Irish wills. Private land and the household, however, also acted as sacred spaces in this regard, particularly in Mexico with the rise of the cult of saints in the latter part of the seventeenth century. The relationship between religion and public and domestic space reveals shifting practices towards domestic spaces from the latter half of the seventeenth century in both Ireland and Mexico – despite vastly different contexts.

²⁷ Last will and testament of Walter Synnott, 8 February 1637, NAI RC5/15.

CHAPTER 1: A Legal and Social History of Wills

The last will and testament is known nowadays as a legal document expressing one's wishes regarding their property and assets prepared in advance of death. While it certainly served this purpose in the sixteenth and seventeenth centuries, it also possessed a second, spiritual function of arguably equal importance as a religious and legal document concerned with the sorting of the body and soul after death on the one hand, and the bequest of property on the other.¹ The purpose of this chapter is to introduce the origins of will-making in the early modern colonial world, before introducing the key people and structures involved in the process of making and legitimating a last will and testament. A brief overview of the content and structure of the last will and testament will be provided before exploring the preamble, the opening of each will and most formally religious aspect of these documents, in-depth as indicators of faith (or not). While an essential legal document to many people, the role of the last will and testament in preserving and reflecting personal and social relationships cannot be ignored or forgotten.

The last will and testament in Europe can trace its roots back to ancient Rome. The early Catholic Church adopted it as both a secular and religious tool to arrange for the settlement of estates and aid the soul after death.² Generally prevalent since the Middle Ages, the tradition varied across Europe: while there are thousands of wills found in England dating back to the Middle Ages, testaments only appear in great numbers in Paris until after 1550.³

The practice of testament-making was introduced in colonial Mexico when the mendicant orders, in particular the Franciscans, Dominicans, and Augustinians, began arriving in the 1520s,

¹ Cline, "Culhuacan 1572-1599," 27.

² Jonathan Truitt and Mark Z. Christensen, *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: University of Utah Press, 2015), 2, <https://muse.jhu.edu/book/46377>.

³ Cline, "Culhuacan 1572-1599," 27.

shortly after the Spanish conquest. Historians believe, however, that there may have been some form of oral testamentary institution in Mexico prior to the conquest.⁴ Indigenous central Mexico possessed a strong tradition of recordkeeping, and oral traditions, speeches, and final declarations that served a similar purpose existed in indigenous societies prior to the conquest.⁵ To the friars, testaments were a key part of the Spanish Catholic evangelizing mission, but they also formed part of a conscious effort to serve as a legal, religious, and cultural instrument.⁶ Louise Burkhart argues that “colonizing death helped colonize the living” as the practice of will-making familiarized Nahuas with Catholic practices and discourses related to death and the afterlife.⁷ In other words, the Church’s intrusion into the emotional experience of death and bereavement and the social realignment brought about by death can be seen as a strategy for shaping and controlling indigenous behavior in a way that furthered the Spanish hegemony of religious and legal institutions.⁸

There were some known rules and customs regarding indigenous inheritance in central Mexico independent of will-making. Chimalpahin’s version of Francisco López de Gómara’s account of the conquest of Mexico describes some diversity in Nahua inheritance practices in the sixteenth century:

It is customary for the eldest to inherit all the land and possessions of his father and to support all his brothers and nephews, so long as they obey his command. Therefore, many people live in one house. They do not divide this inheritance, so as not to diminish it through successive partitioning.⁹

⁴ Cline, “Culhuacan 1572-1599,” 25.

⁵ Mark Z. Christensen and Jonathan G. Truitt, eds., *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: The University of Utah Press, 2016), 3.

⁶ Cline, “Fray Alonso de Molina’s Model Testament and Antecedents to Indigenous Wills in Spanish America,” 18.

⁷ Louise M. Burkhart, “Death and the Colonial Nahua,” in *Nahuatl Theater: Death and Life in Colonial Nahua Mexico*, vol. I (Norman, OK: University of Oklahoma Press, 2004), 43.

⁸ Burkhart, 43.

⁹ Domingo Francisco de San Antón Muñón Chimalpahin Cuauhtlehuānītzin and Francisco López de Gómara, *La Conquista de México*, 17th century, in *Chimalpahin’s Conquest: A Nahua Historian’s Rewriting of Francisco López de Gómara’s La Conquista de México*, ed. and trans. Susan Schroeder, Series Chimalpahin (Stanford: Stanford

If there were no legitimate heirs, “the inheritance reverts to the lord or the people, who then give it to whomever they wish with no more than corresponding tribute and service.”¹⁰ As Cline notes, however, there are no surviving preconquest sources to confirm this.

The history of will-making in Ireland goes further back than that of Mexico, likely having been brought over from Britain in the late Middle Ages but faced new challenges starting in the sixteenth century. Aside from being considered “the cause of much lewdnes and barbarisme,” the persistence of Brehon law, the Gaelic customary legal tradition, was a significant roadblock in establishing British domination over the island, particularly due to Irish inheritance and landholding practices.¹¹ In the sixteenth century, England began to introduce a series of policies attempting to subjugate and rationalize the Irish polity through its common law.¹² Gavelkind, the partible inheritance of land “in which division the bastardes had their porcions as well as the legitimate,” and tanistry, an elective system of succession in which the tanist, or chief’s successor, was elected during the current chief’s lifetime from a pool of eligible males, which could be but was not necessarily kin, were the most troublesome customs.¹³ The English travel writer Fynes Moryson wrote in an unfavorable account of the *Manners and Customs of Ireland* between 1599 and 1603:

When they be sick, they never speak to them of making any wills, neither care they to have any made, for the wife hath the third of goods, and the children the rest divided amongst them, and the land, after their law of tanistry, (which they willingly observe rather than the

University Press, 2010), 449. Chimalpahin was a seventeenth-century Nahuatl historian who lived and worked at the church of San Antonio Abad in Xoloco, known for his histories of the conquest in Nahuatl from an indigenous perspective. He copied López de Gómara’s book in Spanish (a Nahuatl translation is said to exist but has not yet been found by modern scholars) and added, deleted, and corrected details about Nahuatl life during the conquest, making this a valuable addition to the New Conquest historiography.

¹⁰ Chimalpahin Cuauhtlehuanitzin, *La Conquista de México*, 450.

¹¹ Sir John Davies, *Of the Lawes of Ireland*, 1609, ed. Benjamin Hazard, University College Cork CELT (Corpus of Electronic Texts), 11. <https://celt.ucc.ie/published/E610001/index.html>

¹² Pawlisch, *Sir John Davies and the Conquest of Ireland*, 58. English Common Law was present on the island of Ireland at this point but had failed to take root beyond small pockets controlled by the English.

¹³ Sir John Davies, 7-8.

English) is commonly possessed by the most active and powerful of the sept and kindred, bearing all one surname.¹⁴

According to Moryson, the practice of gavelkind mitigated the need to make wills as the custom predetermined the fate of their property. Sir John Davies, however, suggested that the practice of will-making had reached Gaelic Irish communities, at least for moveable goods.¹⁵ Perhaps wills were custom for immovable goods while other customs took care of matters of land and succession.

*“Who will Verify my Testament before God:”*¹⁶ *The Community of Will-Making*

Aside from the testators discussed above, a number of people and institutions were involved in the process of creating and executing a last will and testament. Notaries, executors, witnesses and sometimes courts played important roles in producing and legitimating the document legally, spiritually, and socially.

One of the most important people involved in the creation of wills in colonial Mexico was the indigenous notary, a role for which there was no significantly known counterpart in Ireland. Like any wills, somebody would have written it down, particular those labelled as having been expounded in Irish, but they were not specified in the documents themselves. The role of the notary, or scribe, in Mexico predated the conquest, having kept a variety of religious and legal records in pictorial and glyphic form.¹⁷ After the conquest, notaries gained an enhanced legal and cultural significance, playing an important mediating role between indigenous litigants and

¹⁴ Fynes Moryson, *The Manners and Customs of Ireland, 1599-1603*, ed. Beatrix Färber and Janet Crawford and trans. Charles Hughes, University College Cork CELT (Corpus of Electronic Texts). <https://celt.ucc.ie/published/T100073/index.html>

¹⁵ Sir John Davies, *Of the Lawes of Ireland, 1609*, ed. Benjamin Hazard, University College Cork CELT (Corpus of Electronic Texts), 10. <https://celt.ucc.ie/published/E610001/index.html>

¹⁶ Testament of Jacinto de la Cruz, San Pablo Tepemaxalco, Pasiontitlan, 1 November 1693, in *Testaments of Toluca*, ed. and trans. Caterina Pizzigoni (Stanford: Stanford University Press, 2007), 130-132.

¹⁷ Kellogg, *Law and the Transformation of Aztec Culture, 1500-1700*, 23.

Spanish officials.¹⁸ Notaries were also closely linked to the ecclesiastical functions of Nahua towns, where the civil and religious hierarchies were intertwined.¹⁹ It was notaries that produced the majority of Nahuatl documents, including testaments, for which they were tasked with guiding the testator, applying a religious preamble, and regularizing statements.²⁰

Executors played another important role in the will-making process. In Ireland, the executors of wills were typically spouses, family members, or friends. Hubbert Dalton named his brothers Garrett, Hobert, Richard, and Nicholas executors and overseers of his wills, while Paul Strange named his “wellbeloved wife Beale Dobbin” sole executor.²¹ Overseers were often named to assist the executors. This aligned with a wider European tradition. In central Mexico too testators sometimes named family members or friends as their executors or *albacea*, such as don Juan de Guzmán who appointed don Lorenzo de Guzmán and doña Ana, his children.²² This was not always the case, however, and there appears to have existed a town official who looked after the sale of testators’ goods and delivery of money to the church for masses to be said for the deceased.²³ The Nahuatl term, *topile* was occasionally added to the title of *albacea*, which has been considered by Cline to be suggestive of a prehispanic precedent.²⁴ The role of the official *topile/albacea* seems to have dwindled in the seventeenth century, however, in favor of family and friends as executors.

Both Nahua and Irish wills were also witnessed by various people, usually from the testator’s community. At least two credible witnesses were required in Ireland; many testators had

¹⁸ Kellogg, 23.

¹⁹ Cline, “Culhuacan 1572-1599,” 107.

²⁰ Cline, 70.

²¹ Last will and testament of Hubbert Dalton, 4 April 1608, NAI RC5/11; Last will and testament of Paul Strange, NAI RC5/4.

²² Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library, <https://enl.wired-humanities.org/bc04>

²³ Cline, “Culhuacan 1572-1599,” 107.

²⁴ Cline, 109-112.

up to five.²⁵ The lists of witnesses represented various social, spiritual, and kin relationships. Edmund Grace's will, for example, was witnessed by "his testamentary priest, that is Mulroney MacGriffy, and John son of Walter Stecombe, and Connla and Donnucuan O'Cullen," reflecting his relationships with other trusted members of his community as well as his priest, granting the will added spiritual authority, conceivably as well as comfort to Grace himself.²⁶ Witnesses of wills in Ireland could also represent political connections, which when cleverly applied could, as Ohlmeyer suggests, further legitimate the will and ensure the speedy granting of probate.²⁷

The witnesses of Nahua testaments played a particularly important role in publicly legitimating the testament. Nahua testators differed from Spanish in two ways: the long and varied lists of both male and female witnesses and the emphasis of altepetl officials, who formed an audience who would "give assent on behalf of and in the eyes of the community."²⁸ María Salomé, for example, listed nine witnesses in 1654, five male and four female. This list included a number of officials, including the governor, a former *acalde*, the *fiscal*, and a church *topile*. Over the course of the seventeenth century, the lists of witnesses became shorter and more male, likely under Spanish influence.²⁹

Wills in Ireland fell under the jurisdiction of the Church of Ireland until the 1857 Probate and Letters of Administration Act. Wills involving property greater than £5 in value were proved by the Prerogative Court to establish their authenticity and confer power to settle the estate upon

²⁵ Ohlmeyer, *Making Ireland English*, 451.

²⁶ The will of Edmund Grace of Ballywalter in the county of Carlow, diocese of Leighlin 1606, in M.J. McEnery, 'Supplement,' *The Catholic Bulletin*, 16, (1926), 494-495..

²⁷ Testament of María Salomé, San Pablo Tepemaxalco, Pasiontitlan, November 1652, in *Testaments of Toluca*, ed. and trans. Caterina Pizzigoni (Stanford: Stanford University Press, 2007), 134-138

²⁸ Lockhart, *The Nahuas after the Conquest*, 370. This was particularly important in legal disputes regarding rightful land ownership, as the silent audience could be taken to confirm the testator's legitimate holding of assets and allocation of goods.

²⁹ Lockhart, 139.

executors.³⁰ The wills of those with more substantial holdings may have been subject to Chancery or Exchequer inquisitions. Chancery inquisitions were typically held upon the death of someone who owned land for the purpose of settling the division of land, while Exchequer inquisitions, from which there are fewer wills, were primarily concerned with crown revenue.³¹ In colonial Mexico, there was no comparable court system concerning testaments as they were solely handled by the church and notary, unless consulted as evidence in a legal dispute.

Establishing Faith: The Preamble

Wills followed somewhat similar structures in Mexico and Ireland, although the structure seemed to be less standard in the Irish wills, always beginning with a religious preamble and statement of mental fitness, followed by burial instructions, then moving on to the details of specific bequests before ending the document with a list of witnesses and executors. Irish wills dedicated more time to discussions of lineage, sometimes omitting some of the richer religious references found in Mexican testaments. Religious bequests apart from the burial or funeral were usually found at the end of the will, whereas they were more foregrounded in Mexico, situated earlier in the list of bequests; this type of bequest will be discussed in detail in chapter three.

Each will began with a preamble that was religious in nature. In Mexico, these preambles generally involved a declaration of faith, an expression of wishes for intercession, and a declaration of the state of the testator's mind and body, in keeping with Spanish tradition. The standard content of the preamble is illustrated by the Franciscan Fray Alonso de Molina, who in 1569 prepared a confessional manual for mendicants entitled *Confesionario Mayor en Lengua Mexicana y Castellana*, outlining how priests should conduct the sacraments and should instruct people in

³⁰ "Irish Wills," accessed February 18, 2023, https://www.johngrenham.com/browse/retrieve_text.php?text_contentid=86.

³¹ National Archives of Ireland, "Irish Record Commission." Obtained November 2022.

belief and practice. This manual included a model testament, written in both Spanish and Nahuatl, which outlined the basic structure of a testament and procedural directions, presumably for the instruction of an indigenous notary. The model testament opens with the standard phrase “In the name of the Father, the son, and the Holy Spirit, I begin to make my testament,” and continues to lay out the essential elements of the testament, including a declaration of mental fitness, burial and funeral instructions, bequests to family and friends, money to be left to the church, in this case “in order to buy some ornaments,” and the bequest of the testator’s soul to God:

I commend and place my soul in the hands of our lord God, who made it, and I ask him for mercy. I beg him to keep my soul, and I desire that he pardon all my sins, and I wish that he carry me to his house in heaven, after my soul has left my body. And my said body I leave and commend to the earth, from which it came, because it is earth and mud.³²

While based on this model, the formula for the preamble varied from one notary to another and between regions, as its content and wording was typically decided by the notary. Yet while the preambles were the most orthodox and doctrinal aspects of Nahua wills, Lockhart suggests that they revealed important negotiations in the adoption of Catholicism into the Nahua worldview.³³

The testament of Pascual Erlandes in Tlaxcala in 1629 used a standard preamble, invoking the standard features of the holy trinity, the intercession of the Virgin Mary, a statement of fitness to make the testament, and a reference to the redemption:

In the name of God the father, the son and the Holy Spirit, three people and one true God and the ever-virgin Saint Mary my intercessor. Let all those who see this testament know how I, Pascual Erlandes, a native of the town of Santa Ana Acolco, of the cabecera of Ocotelulco, have made this my testament. And although I am sick, my soul is healthy and fortified with the redemption of the Lord Jesus Christ, with his precious blood.³⁴

³² Cline, “Fray Alonso de Molina’s Model Testament and Antecedents to Indigenous Wills in Spanish America,” 28.

³³ Cline, “Culhuacan 1572-1599,” 66; Lockhart, *The Nahuas after the Conquest*, 251.

³⁴ Testament of Pascual Erlandes del Pueblo de Santa Ana Acolco, 17 March 1629 in *Vidas y Bienes Olvidados: Testamentos Indígenas Novohispanos*, ed. and trans. Teresa Rojas Rabiela et al. (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1999), 186-188.

A more elaborate example is that of don Juan de Guzmán in Coyoacan in 1622, which contains the aforementioned features and adds a reference to God the creator, the handing of his soul to God, and a plea for intercession from “his saint,” San Juan Bautista, seemingly the patron saint of his home:

In the name of our lord God, may everyone know that I am issuing this memorandum of testament as my last will; I don Juan de Guzmán, citizen here in the altepetl and town of Coyoacan, in the tlaxilacalli of Santiago Xochac, declare that I believe in the most Holy Trinity, God the father, God the child, and God the Holy Spirit, but only one true God omnipotent who created and fashioned the heaven and the earth, all that is seen and not seen; I believe all that our mother the holy Catholic church deems true, etc. Now I am very sick, my body is very ill and not healthy, but my understanding is very sound, as our lord God gave it to me, and I am not confused. If God takes me now and I die, I leave my spirit and soul in his hands; may he come take it, for I greatly implore the precious lady Santa María, eternal virgin, to speak on my behalf before her precious child our lord Jesus Christ; may he view me compassionately, because he died for me; he was stretched out on the cross and spilled his precious blood so that I might be redeemed; and may San Juan Bautista, my saint, also speak for me before God.³⁵

Cline notes that elites like don Juan de Guzmán often had more elaborate preambles, likely a notarial choice for a testament that was likely to be the subject of more public attention; like the burials and mass requests discussed in the following chapters, “appropriate to the elites’ station would be a testament with all the religious accoutrements.”³⁶

Preambles like this one can also reveal the notaries’ attitudes towards their formulaic nature. Lockhart found the preambles to be the sections of testaments most riddled with errors, which he attributed to the notaries’ boredom and inattentiveness when writing repetitive preambles.³⁷ Cline too noticed that notaries would sometimes cut off the formulas with “etc.” and even cut off testators who would go off on a tangent: they were probably fed up with the repetitive nature of the work, and talkative testators tried their patience.³⁸ Despite the piety of don Juan de

³⁵ Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc04>

³⁶ Cline, “Fray Alonso de Molina’s Model Testament and Antecedents to Indigenous Wills in Spanish America,” 25.

³⁷ Lockhart, *The Nahuas after the Conquest*, 251.

³⁸ Cline, “Culhuacan 1572-1599,” 69.

Guzmán's preamble, he was not spared the notary's "etc." when it came to reiterating the testator's belief in the main tenets of the Catholic church, something he had probably written down hundreds of times already. Thus while more elaborate than other testaments, don Juan de Guzmán's is probably just as formulaic and this difference is likely regional or even notary-specific.

The wills of both Catholic and Protestant testators in Ireland also made use of standardized preambles, the variations in which are a valuable tool in determining the most likely denomination of the testator. Due to the scarcity of the literature and primary source material in Ireland, the existing historiography of early modern England may be employed to help explain, contextualize, and provide probable points of comparison for the Irish wills. Caroline Lizenberger deals extensively with religious policy and change in sixteenth-century England, tracing this with wills in particular. Her work on the Gloucestershire wills from 1540 to 1580 provides important context for some of the elements found in the Irish wills and a framework of analysis for discontinuities and incongruence from the latter half of the sixteenth and first half of the seventeenth centuries. This framework is a useful methodological tool in determining which testators may have been Catholic in the extant collection from Ireland.

In classifying the preambles of the English wills, Lizenberger denotes 'traditional' (Catholic) wills as containing references to the Blessed Virgin Mary, the company of heaven, or both. An example of a particularly Catholic-leaning preamble is that of James Moroghe. He states that:

In the name of God amen. I [James Moroghe] of Corke Alderman [probably the day and month] Anno Dni 1633. Beinge god be praised in perfecte sence and memorie. knowinge nothinge more certaine then deathe, and nothinge more uncertaine than the hour of death [I make my] Will and Testamente in manner and forme followinge ffirst I bequeathe my soule to the holie Trinitie the father the sonne and the holie ghoste. And to the intercefsion of the most blessed Virgin Maria and all the heavenlie [company].³⁹

³⁹ Last will and testament of James Moroughe, 1633, NAI RC5/18.

Moroghe directly requests the intercession of the Virgin Mary, also a common feature of Nahua wills, and the company of heaven, meaning the saints, associated with the Catholic belief in purgatory and judgment, fitting Litzenberger's Catholic criteria for a Catholic will.

Those classified by Lizenberger as Protestant may address God directly or express unqualified assurance of salvation by the death and passion of Jesus Christ, "and by no other means" or "without any doubt or mistrust", thus explicitly refuting traditional Catholic means of salvation by good works or postmortem prayers for the soul.⁴⁰ A very Protestant preamble would be that of Peter Butler:

"In the name of God Amen I Peter Butler fitz Thomas of the old Alibay in the com of Kilkenny esquier being sic of boddie and in perfect memorie do make my last will and testament in manner followinge first I do bequeath my soul to almightie God my redeemer and saviour throughe whose death and passion I hope to dwell in perpetual felicitie amongst his elect and chosen people."⁴¹

Butler explicitly references Christ as the redeemer and "his elect and chosen people," a fairly straightforward reference to the Protestant belief in predestination. Similar to how Nahua and Irish Catholic testators hoped to be expediently sent to heaven, Butler seems to hope that he is already one of those chosen.

A final category of will according to Litzenberger is those from which a specific denomination cannot be determined. A neutral, or standard, preamble may include anything ranging from bequests to the Holy Trinity, Almighty God, and/or Jesus Christ, as well as mentions of God's mercy, the merits, blood, and/or passion of Christ, and references to the resurrection.⁴² This category includes wills with either Catholic or Protestant leanings, or explicit elements of

⁴⁰ Caroline Litzenberger, "Local Responses to Changes in Religious Policy Based on Evidence from Gloucestershire Wills (1540–1580)," *Continuity and Change* 8, no. 3 (December 1993): 420, <https://doi.org/10.1017/S0268416000002174>.

⁴¹ Last Will and Testament of Peter Butler, 6 October 1601, NAI RC5/4.

⁴² Litzenberger, "Local Responses to Changes in Religious Policy Based on Evidence from Gloucestershire Wills (1540–1580)," 421.

both. Most of the preambles of Irish wills were brief and an obvious formality, or just ambiguous in the ways described by Litzenberger. The preamble of the will of Robert Ash in 1608 is an example of the standard phrase found in most wills:

In the name of God amen I Robert Ash of the Naas in the county of Kildare Merchant beinge thankes be to god of perfect memory thought sicke in boddy doe make this my last will and testament in manner followinge.....first I bequeath my soule to my Creatore and maker and my body to be buried in St. David's Church nere my father Grave.⁴³

Ash's denomination cannot be derived from this preamble alone. Many had even less information, bequeathing their souls to God and swiftly moving on to describe their heirs and landholdings at length. In such cases, attention must be paid to other clues that draw upon Catholic or Protestant-specific beliefs and practices, such as bequests for the sake of soul and references to clergy.

The Function of Wills

The practical, secular purpose of wills in the division of assets after death is well understood. Land and possessions were left to friends and family members, heirs were determined, debts settled, and children cared for in Mexico and Ireland. They also served an important social and spiritual function, however, which is the focus of this thesis to be explored in the following chapters. Therefore, it is necessary to first account for the general social and cultural significance wills held for early modern Catholic testators. In colonial Nahua societies, testaments seem to have been considered spiritually as well as practically necessary. There was an explicit link between the testament and the health of one's soul, no doubt instilled by the friars, but also expressed by the testators themselves. In 1559, Don Toribio Cortés of Cuernavaca expressed fear of punishment should he not properly divide his assets, stating that "at the end of my life, again I am dividing the land among my nephews and grandchildren so that my deity, God, will not punish me."⁴⁴ The

⁴³ Last will and testament of Robert Ash, 6 April 1606, NAI RC5/3.

⁴⁴ Testament of don Toribio Cortés, Cuernavaca, 5 December 1559, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1559hask>

Nahuatl-language play “Souls and Testamentary Executors” also implies this relationship. Written for public performance by a Nahua scribe trained by the friars, it tells the story of a pair of executors of a testament who are encouraged by Lucifer to conspire with a dead man’s widow to sell his goods and property for cash instead of properly administering it to the church for masses to be said for his soul.⁴⁵ The play dramatically ends with the offenders being sent to suffer in hell, wailing to “you people on earth, take an example from us.”⁴⁶ The play conveys a range of religious reminders and messages, but its underlying message demonstrates the importance of making bequests to the church for the good of one’s soul and the subsequent importance of the proper management of such bequests for fear of eternal punishment; thus these testaments had an important spiritual function that went beyond their content.⁴⁷

As well as providing for the dead, wills also provided for the living, both in practical and sentimental ways that reveal much about the relationships they had with others.⁴⁸ In an analysis of 68 wills proved in Canterbury of Irish peers who died in England, Jane Ohlmeyer has identified a number of general trends. Testators provided for spouses, minor children, and often adult children as required by law, arranged for to payment of debts, made some charitable bequests, and bequests to other friends and servants.⁴⁹ While bequeathing a sum of money to a relative or even for masses to be said for your soul were overwhelmingly practical, they also served as a way to remain in their memory even after death. Most wills and testaments in both Ireland and Mexico were made in anticipation of imminent death.⁵⁰ This meant grappling with not only legal and spiritual

⁴⁵ Barry D. Sell, Louise M. Burkhart, and Gregory Spira, *Nahuatl Theater: Death and Life in Colonial Nahua Mexico* (Norman, OK: University of Oklahoma Press, 2004).

⁴⁶ Sell, Burkhart, and Spira, 189.

⁴⁷ This play and associated themes of trust and mistrust in testaments in colonial central Mexico will be further explored in my forthcoming Capstone Project for Trinity College Dublin, May 2023.

⁴⁸ Ohlmeyer, *Making Ireland English*, 450.

⁴⁹ Ohlmeyer, 450.

⁵⁰ Ohlmeyer, 449; Cline, “Culhuacan 1572-1599,” 55.

concerns, but intimate social and personal one's as testators prepared to depart from their loved ones. In 1673, Diego Felipe of Santa Ana Acoltzinco asked of his children that "may they live in peace and treat their mother well in words and deeds in the house of God, and may nobody disrupt anything."⁵¹ Thomas Lally of Tullmedaly, Co. Galway echoed this sentiment in 1677, stating that "I leave all my cattle and ceorne to my said wife and doe injoyne her to be kind to her children and my eldest son to be very kind to her."⁵² These two men, separated by many miles, serve as a reminder of the very human experience at the heart of these documents.

⁵¹ Testament of Diego Felipe of Santa Ana Acoltzinco, 7 August 1673 in *Vidas y Bienes Olvidados: Testamentos Indígenas Novohispanos*, ed. and trans. Teresa Rojas Rabiela et al. (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1999), 192-195.

⁵² Last will and testament of Thomas Lally, 7 June 1677, NAI RC 10/5.

CHAPTER 2: The Earthly Body in the Church Space

One of the most lasting ways individuals interacted with the church space was at death in the form of burial and funeral rituals, as their bodies entered the church, marking the transition from life to death and, often, resting there for eternity. Most testators in both central Mexico and Ireland left burial and sometimes funeral instructions with varying degrees of specificity in the late sixteenth and seventeenth centuries. At the core of almost all of these requests was the parish church, yet testators made a number of decisions that dictated where, with whom, and how they were to be buried, the conventions and significance of which differed between Irish and Nahua testators. This chapter will first assess the role of the parish church in communities, before analyzing the features of burial locations, preparations of the body, and funerary rituals in order to understand the social, political, and religious significance of such requests and the place of the parish church in the care of the earthly body as testators navigated periods of transition in colonial societies.

The Parish Church in the Community

Parishes were established fairly quickly in Nahua territories, beginning in the 1520s and reaching completion in the 1540s, reflected in Don Toribio Cortés' instruction to be buried in the "newly built church" in Cuernavaca in 1559.¹ Parish churches were closely linked to indigenous socio-political organization. The monastery churches, associated with one of the Franciscan, Dominican, or Augustinian orders prior to the secularization of the parishes in the mid-seventeenth century, were generally associated with a single altepetl and built on or near the site of the preconquest altepetl temple.² According to Lockhart, the Nahuas took the parish church as the

¹ Testament of don Toribio Cortés, Cuernavaca, 5 December 1559, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1559hask>

² Lockhart, *The Nahuas after the Conquest*, 206.

counterpart to the temple.³ The preconquest altepetl, or ethnic state, was a territory consisting of a number of constituent parts called calpolli and a dynastic ruler.⁴ Postconquest, membership determined where one delivered tribute, worked on labor crews, attended mass, and received baptism.⁵ It is perhaps unsurprising that this sense of altepetl identity would also be reflected in testators' approaches to death: eleven out of the twenty-eight testaments in this sample explicitly referenced a parish church in relation to their burials, and those that did not likely felt it was unnecessary to even specify. Of those eleven, eight further specified a location in relation to the church structure; it seems a testator was more likely to explicitly reference their parish church when they had a more specific request in relation to it.

The altepetl carried a strong sense of identity in both the pre- and postconquest periods. Rebecca Horn states that "altepetl membership carried implications of identity, including one's ethnicity, home territory, and historical roots," and this is reflected in the subjects of Nahuatl documents identifying themselves by altepetl as opposed to any other ethnic or cultural group.⁶ Throughout the colonial period "micro-patriotism" of the calpolli surfaced and the altepetl became increasingly fragmented, and as described by Horn in the case of Coyoacan, establishing an independent parish and cabildo representation were "postconquest expressions of the identity and integrity of the constituent altepetl."⁷ One way to express this was by building an impressive calpolli church, which could be an argument for a new parish but also for political independence from the altepetl, such as in 1653 when a group of altepetl authorities and elders of San Martín in Guadalajara petitioned the bishop to support their building of a new church.⁸ San Martín, at least

³ Lockhart, 206.

⁴ Lockhart, 15.

⁵ Rebecca Horn, *Postconquest Coyoacan: Nahuatl-Spanish Relations in Central Mexico, 1519-1650* (Stanford, Calif: Stanford University Press, 1997), 20.

⁶ Horn, 21.

⁷ Horn, 36.

⁸ Lockhart, *The Nahuas after the Conquest*, 209.

for Spanish administrative purposes, was classified under the altepetl of Cocula. According to the petition, “the acaldes of Cocula say we are to go to the head town with all our wives and are to work there; and our holy church will be as if abandoned and we citizens are very troubled.”⁹ The petitioners were unhappy with this arrangement and play on the need for proper pastoral care as in a crucial step towards asserting their independent socio-political identity. Thus, we can also see the parish church as a space of active social and political negotiation.

Not unlike central Mexico, the Irish parish had a significant role as a community unit, which Raymond Gillespie argues was “as much a state of mind as a geographically bounded place.”¹⁰ Parish churches were also, however, highly contested spaces having been overtaken by colonizing religious authorities after the Reformation, conflict over which persisted into the seventeenth century. Father Richard Bermingham, an Irish priest, wrote a petition to the Philip III of Spain in 1619, in which he complained that “the Protestants have taken possession of all the cathedrals and other churches, their rents, tithes, etc. And in every church there is a parson who tries to pervert the people,” and makes numerous references to “the violated churches.”¹¹ Most monasteries were dissolved by King Henry VIII in the mid-sixteenth century and, according to Bermingham, taken apart to construct new houses and buildings, occupied by wealthy families, used as courts, or even stables.¹² The recusancy revolt of 1603 saw Protestant ministers dispossessed and churches reconsecrated, elaborate Catholic public processions and masses held,

⁹ Petition about the Church of San Martín, Guadalajara (Jalisco), 2 April 1653, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc28>

¹⁰ Raymond Gillespie, “Urban Parishes in Early Seventeenth-Century Ireland”: The Case of Dublin,” in *The Parish in Medieval and Early Modern Ireland: Community, Territory and Building*, ed. Elizabeth Fitzpatrick and Raymond Gillespie (Dublin ; Portland, OR: Four Courts Press, 2006), 229.

¹¹ Richard Bermingham, “A Memorial Presented to the King of Spain on Behalf of Irish Catholics,” ed. Reginald Walsh in *Archivium Hibernicum*, 6 (1917), 52.

¹² Reginald Walsh, “A Memorial Presented to the King of Spain on Behalf of the Irish Catholics, A.D. 1619,” *Archivium Hibernicum* 6 (1917): 52, <https://doi.org/10.2307/25485510>.

and Protestant books destroyed in a number of towns across Ireland in response to the death of Queen Elizabeth I.¹³ Some abbeys were also stormed and reclaimed.¹⁴

Despite this conflict, Catholic burials remained relatively undisturbed, and the parish church was a common burial location for both Catholics and Protestants alike.¹⁵ Indeed, even though the recusancy revolt was accompanied by Catholic burials that incorporated the full rituals of the Catholic church that perhaps were not as accessible before, Walter notes that no Protestant burials in these churches were exhumed despite the complaints of Protestant “pollution.”¹⁶ It seems as though parochial organization in seventeenth-century Ireland was remarkably pluralistic, and while people broadly identified with a parish church in their wills, this was not indicative of a particular confessional leaning. Thus other details were necessary to assert an ethnic, family, or community identity either beyond or within the parish church itself.

Burial

In Ireland, testators consistently referenced either a parish church, a family member’s burial place, or both when arranging for their burials. Twelve testators explicitly referenced their parish church, ten specified a family or ancestral burial place, while five referred to a monastery or abbey. Nine testators expressed uncertainty regarding their burials. Family burial places were a prominent feature of the wills, indicative of a strong hereditary tradition that at times transcended parochial boundaries. Gaelic Ireland in particular had a strong preoccupation with familial burials and families were often buried together and in association with monasteries that they had founded,

¹³ John Walter, “The ‘Recusancy Revolt’ of 1603 Revisited, Popular Politics, and Civic Catholicism in Early Modern Ireland,” *The Historical Journal* 65, no. 2 (March 2022): 255, <https://doi.org/10.1017/S0018246X21000327>.

¹⁴ Walter, 256.

¹⁵ Clodagh Tait, *Death, Burial, and Commemoration in Ireland, 1550-1650*, Early Modern History (New York: Palgrave Macmillan, 2002), 78.

¹⁶ Walter, “The ‘Recusancy Revolt,’” 268.

patronized, or protected, which were intimately tied with the identity of the kin group.¹⁷ The *Annals of the Four Masters* record several burials of Gaelic Irish nobility on monastic grounds, such the 1601 burial of Edmond O'Reilly in the monastery of St. Francis at Cavan and the 1602 burial of Brian Oge O'Rourke in "the monastery of Ross-Iriala with the Franciscan Friars."¹⁸ Many of these families have recorded burials in the same monasteries going back decades.

Hereditary burials were important to those of likely Old English backgrounds too, however, such as John Coppinger, alderman of Cork City and believer in the "holy Catholique church and all the rest of the articles of my faith", asked to be buried "heare at Christ's Church in the grave where my father and mother were buryed."¹⁹ Robert Ash, a merchant in Naas, Co. Kildare requested to be buried in St. David's Church near his father's grave, like Thomas Gould who requested burial in his father's grave in Christ Church in Cork in 1630.²⁰ In May 1610, James Duke of Ross, Co. Wexford requested that if he died in Ross, that he was to "be buried in the grave or monument of my father Jesper Duke whose soule God take to mercy in Our Lady Church of Ross," but should he die elsewhere, his "boddy be buried in Christian sepulchre where my Executors or friends shall see fit."²¹ These examples show that individuals invariably preferred to be buried with family members, but should this prove impossible, a proper Christian burial was the minimum requirement.²²

¹⁷ Tait, *Death, Burial, and Commemoration in Ireland, 1550-1650*, 66.

¹⁸ *Annals of the Four Masters*, vol. 6, 1589-1616, ed. Karen O'Brien and trans. John O'Donovan, University College Cork CELT (Corpus of Electronic Texts), 2245, 2249. <https://celt.ucc.ie/published/T100005F/index.html>

¹⁹ Last will and testament of John Coppinger, n.d., NAI RC5/18.

²⁰ Last Will and Testament of Robert Ash, 6 April 1608, NAI RC; Last Will and Testament of Thomas Gould, 2 December 1630, NAI RC5/18.

²¹ Last will and testament of James Duke, 1 May 1610, NAI RC10/7.

²² Some testators left the decision regarding burial up to others, either because they assumed they would know where to bury them or in case of factors preventing their preferred burial. Walter Synnott in 1637 only asked to be buried in a "wholy grave." In June 1677 Thomas Lally requested a family burial "where my father was buried if possible if no such place in the parish church as father Colld(?) shall think fit and appoint."

Ties to ancestral burial grounds could even transcend denominational boundaries in Ireland. The unusual case of Piers Kyrowane of Galway in April 1618 demonstrates an instance of a Protestant man, perhaps a conformer as indicated by the reference to the “only meritte of Jesus Christ my saviour” in his soul’s salvation, who requested to be buried in “the abbey of St. Francis with the rest of my ancestors.”²³ Kyrowane’s case demonstrates the thorny nature of religious relations in seventeenth-century Ireland, which often involving conflicting loyalties and interests.

The *Annals* emphasize hereditary burials, or a lack thereof, in particularly political terms. The death of Red Hugh O’Donnell in 1602 after fleeing to Spain following defeat at the Battle of Kinsale apparently created a pitiful situation for the “Gaels of Ireland”, who had to go abroad and “were buried in strange places and unhereditary churches.”²⁴ Some deaths in “strange places” are recorded in the annals, particularly those of lords that fled Ireland for continental Europe during the Flight of the Earls in 1607. Particularly illustrative is that of Rury O’Donnell, Earl of Tirconnell died on the 28th of July 1608 in Rome, and was recorded as having been buried in the Franciscan monastery “on the hill on which St. Peter the Apostle was crucified, after lamenting his faults and crimes, after confession, exemplary penance for his sins and transgressions, and after receiving the body and blood of Christ from the hands of the psalm-singing clergy of the Church of Rome.”²⁵ His brother, Caffar, died on September 17th of the same year and was buried with him, establishing a family burial.²⁶ The emphasis on O’Donnell’s “good death” highlights the significance of his Catholicism. The hill the *Annals* refer to is the Vatican Hill, an extremely prestigious and important location for Catholics. The invocation of the crucified and martyred Saint Peter in particular

²³ Last will and testament of Piers Kyrowane, 15 April 1618, NAI RC5/29.

²⁴ *Annals of the Four Masters*, vol. 6, 1589-1616, ed. Karen O’Brien and trans. John O’Donovan, University College Cork CELT (Corpus of Electronic Texts), 2300. <https://celt.ucc.ie/published/T100005F/index.html>

²⁵ *Annals of the Four Masters*, 2366.

²⁶ *Annals of the Four Masters*, 2369.

reveals the politicization of O'Donnell's death: he was also described as having been "often in the gap of danger with his brother, Hugh Roe....in defence of his religion and his patrimony." The significance of burials abroad is explained in regard to the death of Hugh O'Neill in 1616, where "although he died far from Armagh, the burial-place of his ancestors, it was a token that God was pleased with his life that the Lord permitted him a no worse burial-place, namely Rome, the head city of the Christians."²⁷ O'Neill too was praised for "defending his religion and his patrimony against his enemies."²⁸ While the *Annals* certainly lament "unhereditary burials" as perhaps the greatest blow of all to the Gaels, the burials of Irishmen in prestigious Catholic locations abroad was some compensation, bolstering the narrative of their position as defenders of the homeland and Church.

Burials near family members were also requested in sixteenth and seventeenth century central Mexico, although less frequently. Out of those who specified a location within the church for their burials, three referenced a spouse or other family member. Burial with a deceased spouse was more often seen in Mexico than in Ireland, as testators such as don Juan Ximénez of Cuernavaca requested in 1579 to be buried "where my late spouse doña María lies buried, for this is our agreement."²⁹ His daughter María made her testament in 1607 and requested to be buried with him, "where my late lord don Juan Ximénez lies buried," in a presumably prestigious location in the main church.³⁰

²⁷*Annals of the Four Masters*, 2374.

²⁸*Annals of the Four Masters*, 2375.

²⁹ Testament of don Juan Ximénez of Cuernavaca Tecpan, 16 September 1579, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1579hask>

³⁰ Testament of doña María Ximénez, Cuernavaca, 9 October 1607, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1607hask>. Her husband is also named Juan Ximénez, which makes her testament slightly confusing, but considering the timeline it makes more sense that she would be requesting to be buried with her father.

Within the church, testators like don Martín Cerón y Alvaro often requested to be buried in a certain area. This could be in relation to other deceased family members as seen, a saint's image, or an area of liturgical significance. Don Juan de Guzmán requested to be buried "facing [the altar of] the burial and death of our lord God; there is our burial place, where my father, my older brothers, and my younger siblings all lie buried."³¹ Such a location would have been fitting for a nobleman: the altar was the locus of sacrality in the church, while the establishment of a family burial place there would attest to the importance of the entire family line. For Nahua testators of high status, a family burial could be as much a public display of status within the community as a reflection of personal kinship ties. Conversely, the contested nature of church spaces in Ireland meant that the community and kin associations had to be constructed in slightly different ways, resulting in an emphasis on family burials above all other factors.

In Ireland, references to specific locations within the church structure were almost always associated with a family or ancestral burial chapel or other structure. Whether one was buried inside the church structure or in the churchyard was typically a matter of wealth and prestige; due to the nature of the surviving corpus of wills, most refer to burials relating to the church structure.³² Chantry chapels were one means of a prestigious burial, again typically associated with one's family, such as the case of Geoffrey Gallway who requested burial in his "ancestors' grave in their Chappel in Kinsale."³³ Beyond this, however, Irish burial instructions did not typically contain the same level of detail as those by wealthy Nahua testators like don Juan de Guzmán.

Many Irish wills in fact expressed uncertainty when it came to their desired burial locations that may have reflected the changing ecclesiastical and political landscape of early

³¹ Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc04>

³² Tait, *Death, Burial, and Commemoration in Ireland, 1550-1650*, 60.

³³ Last will and testament of Geoffrey Gallway, 8 March 1636, NAI RC5/21.

modern Ireland. The most illustrative example is found in the 1618 will of Matthew Archbold, which stated:

I bequeath my soule to god and my body to be buried in the Abbey of multefernon (Multyfarnham) if it be not polluted or the franciscan ffryers from hence banished before my burial time and if soe as Godd forbid I leave my boddy to be buried wheare the same shall seeme moste convenient to the executors and overseers of this my last will.³⁴

Archbold wanted an unpolluted Catholic burial, to use his term, or nothing, and its association with the Franciscans was paramount. Employing the language of pollution used to refer to Protestant activity in Catholic spaces, Archbold conveys the tension surrounding the state of Catholic spaces in Ireland.

The most popular specific location within a church among Nahua testators was by the image of a certain saint, appearing five times, a phenomenon that appears only once in the Irish corpus. Saints that reflected local or regional patrons or, from the mid-seventeenth century, popular cults, were popular burial locations in Nahua testaments but highly uncommon in Ireland. San Diego, a popular saint who became particularly prominent after he was considered responsible for the rescue of an indigenous boy who fell down a well in 1600, was invoked by don Martín Cerón y Alvaro.³⁵ A later seventeenth-century testament by Andrés Nicolás from Toluca in 1671 wished to lie buried “facing the shrine of San Francisco,” with his body shrouded in the Franciscan habit, no doubt a testament to the prominence of the Franciscan order in the area. Only one Irish testator, Peter Lynche, requested to be buried by an image of a saint. in 1553, Lynche requested his “body be buried before the Image of the Blessed Virgin Mary in my parish Churche.”³⁶ This is also the earliest will in the Irish corpus; It is possible that this tradition eventually died off after the

³⁴ Last will and testament of Matthew Archbold, 22 July 1618, NAI RC5/11.

³⁵ Last will and testament of don Martín Cerón y Alvaro, n.d. (but before 1650), in Richard Conway, “Accessories to Inheritance: Nahua Pictorial Documents and Testaments in Early Colonial Central Mexico,” *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: University of Utah Press, 2015), 107-113.

³⁶ Last Will and Testament of Peter Lynche, 12 June 1553, NAI RC10/10.

Reformation and the overtaking of the churches by the Church of Ireland, but this case shows that in post-Reformation Ireland the practice still held some significance, at least for individual testators. Nahua testators requested burials in front of a range of saints' images, including the Virgin Mary, but also frequently the patron saint of the town or saints of general regional significance or popularity, reflecting a more local, communal identity after death.

Preparing the Body

The preparation of the body for burial could vary. Many Nahua testators specified how their body should be wrapped. Seven requested a Franciscan habit, and five requested another more general kind of shroud. Esteban de San Juan of San Miguel Totocuitlapilco in the Toluca area requested his shroud to "just be with my cloak."³⁷ Pascual Ernandes of Santa Ana Acolco requested for his body to be shrouded with an old *tilma* in 1629.³⁸ The *tilma* was a type of indigenous woven cloak typically worn by Nahua men that could be richly embroidered and persisted well into the seventeenth century among even the most Hispanicized Nahua men, recorded alongside European-style trousers and other garments.³⁹ Ernandes' decision for his body to be shrouded in a *tilma* suggest the persistence of indigenous tradition in colonial religious spaces, not only in life but after death. In the Toluca valley, a correlation between requests for the shroud and the request for bells to be ring has been observed, indicative of a possible relationship between wealth and the shroud; this raises the question of where the *tilma* fits into this conception, as perhaps another way of demonstrating status in a Nahua community.⁴⁰

³⁷ Testament of Esteban de San Juan, San Miguel Totocuitlapilco, 1 March 1652 in *Testaments of Toluca*, ed. and trans. Caterina Pizzigoni (Stanford: Stanford University Press, 2007), 81-83.

³⁸ Testament of Pascual Ernandes, March 17 1629. Santa Ana Acolco, Ocotelulco, Tlaxcala in *Vidas y Bienes Olvidados: Testamentos Indígenas Novohispanos*, ed. and trans. Teresa Rojas Rabiela et al. (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1999), 188-190.

³⁹ Lockhart, *The Nahuas after the Conquest*, 199.

⁴⁰ Caterina Pizzigoni, "Introductory Study," in *Testaments of Toluca*, ed. Caterina Pizzigoni (Stanford: Los Angeles: Stanford University Press: UCLA Latin American Center Publications, 2007), 15.

While shrouds were of great importance to Nahua testators, I encountered no references to them in the extant corpus of Irish wills. It has been suggested that the standard preparation of the body in early modern Ireland involved shrouding in a white linen sheet.⁴¹ Testators likely did not find this as important to specify than other concerns like burial location. Analysis by Tait, however, has shown that Catholics in Ireland sometimes did request to be buried wearing the shroud of a monastic order they felt particularly connected to, which apparently increased in the seventeenth century as a way of securing the intercession of relevant saints.⁴² Perhaps there was the assumption that family members could handle those details, while the financial aspect of funerals and requests for specific burial locations took precedence for the testator. It is also possible that this phenomenon was more common among the Gaelic Irish nobility, who had emphasized ancestral connections with monastic orders in their burial customs, and as the extant corpus pertains mostly to those of Old English identities, the connection to specific orders may have been weaker.

Funerals

Funeral arrangements bridged the sendoff for the body and soul, taking the first step towards aiding the soul's journey while the individual retained a corporeal presence in the church space and community. The ceremony typically took place in the church where the funeral functioned to "dispose of the remains of a deceased individual, while attempting to heal the social dislocation caused to society by the death of one of its members."⁴³ Some wealthy Nahua testators also referenced public processions to the church. In the case of more prominent members of society such as the nobility, the social dislocation caused by their deaths could be greater, and therefore their funerals had to be more public and prominent.⁴⁴ Describing heraldic funerals in fifteenth and

⁴¹ Tait, *Death, Burial, and Commemoration in Ireland, 1550-1650*, 31.

⁴² Tait, 33.

⁴³ Tait, 39.

⁴⁴ Tait, 39–40.

sixteenth century Britain and Ireland, Tait suggests that elaborate funeral processions and displays gave an impression of immemorial and permanent social relationships designed to not only reflect power already attained but make a case for future greatness.⁴⁵ The funerals of Nahua nobility were also elaborate affairs since preconquest times. Chimalpahin's translation of López de Gómara's 1559 *La Historia de las Indias y conquista de México* describes an elaborate four-day ritual following the death of a king, involving weeping, singing, offerings, human sacrifice, and a large bonfire where the king was cremated alongside his weapons, headdresses, featherwork, and flags.⁴⁶ A distinction is made between the nobility and commoners: the latter were usually buried, while "lords and wealthy men were cremated and their ashes wrapped in shrouds and buried, since their burial practices were very different."⁴⁷ It is possible that at least part of this funerary difference followed a similar function to that described by Tait.⁴⁸

In Mexico, the most extensive funeral instructions were provided by wealthy and noble testators. There was no specific word for "funeral," although the Spanish loanword *entierro* (burial) could sometimes be given a broader interpretation as a comparable event.⁴⁹ Eight testators explicitly referenced a funeral or one of more of its constituent parts, such as bells, candles, and

⁴⁵ Tait, 44.

⁴⁶ Domingo Francisco de San Antón Muñón Chimalpahin Cuauhtlehuauitzin and Francisco López de Gómara, *La Conquista de México*, 17th century, in *Chimalpahin's Conquest: A Nahua Historian's Rewriting of Francisco López de Gómara's La Conquista de México*, ed. and trans. Susan Schroeder, Series Chimalpahin (Stanford: Stanford University Press, 2010), 455.

⁴⁷ Chimalpahin Cuauhtlehuauitzin, 455.

⁴⁸ Martina Will de Chaparro discusses death practices in Spanish borderlands in what is now the United States, and compares the elaborate mortuary rituals of Protestant New England to those of Catholics in New Mexico, stating that "in contrast to Protestant groups in the British North American colonies, the Roman Catholics who represent the focus of the present work found solace not in ornate funerary monuments, sentimental literature, and embalmed and painted corpses but in the firm belief that they could affect the postmortem fate of their loved ones through private meditation and prayer, masses for the souls of the dead, and ritual, communal participation in confraternities." Martina Will de Chaparro, *Death and Dying in New Mexico*, electronic resource (Albuquerque : [Dallas]: University of New Mexico Press ; Published in cooperation with the William P. Clements Center for Southwest Studies, Southern Methodist University, 2007), <http://www.columbia.edu/cgi-bin/cul/resolve?clio14058235>, xix.

⁴⁹ Caterina Pizzigoni, ed., *Testaments of Toluca*, UCLA Latin American Studies, v. 90 (Stanford, Los Angeles: Stanford University Press, UCLA Latin American Center Publications, 2007), 14.

singers. Don Juan de Guzmán of Coyoacan offers a glimpse into the ritual proceedings, stating in 1622 that “a priest will come wearing a cape to take me, along with the cantors; the offering usually given will be made to ring the bells.”⁵⁰ The offering was to be funded by “the sale of a house located at Tetla behind the house of señor don Juan Cortés.”⁵¹ Funeral instructions were always accompanied by instructions for funding these activities. Juan Fabián of San Bartolomé Atenco in Coyoacan provided a comprehensive breakdown of his funeral costs in 1617. He requested that “if our lord God removes me,” funds should be allocated as follows:

- 1 real to ring the bells at the church of Our Lady,
- 2 reales to ring the bells at San Jacinto,
- 1 real to ring the bells at his home of San Bartolomé,
- 1 real to ring the bells at Santa María Nativitas,
- 2 reales “from which will come candles,”
- 4 reales for the cantors, and finally;
- One high mass for the aid of his soul.”⁵²

Juan Fabián’s funeral was clearly a serious matter. He requested that bells be rung at not one but four different churches. One of these was his parish church in his home tlaxilacalli of San Bartolomé Atenco, but the others seem to correspond to neighboring parishes in Coyoacan. Like other wealthy testators, he also left money for an offering of candles at his funeral and for cantors to accompany his body. This is the testament of a man who wanted to surely assure a clear path to heaven, but his co-optation of public spaces, particularly Catholic ones, beyond his immediate locality also suggests that he was asserting his place in the community. This was not uncommon, as Pizzigoni’s work on the late seventeenth and eighteenth-century testaments of Toluca shows,

⁵⁰ Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc04>

⁵¹ Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc04>

⁵² Testament of Juan Fabián of San Bartolomé Atenco, Coyoacan, 1 August 1617, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc03>

but did tend to have a correlation with wealth, demonstrated by the testaments of don Juan de Guzmán and Juan Fabián of early seventeenth-century Coyoacan.⁵³

Early modern Catholic convention dictated a hierarchy of pious bequests that also corresponded with higher costs: high masses were better than low masses, Sunday masses better than requiem masses, and generally the more masses said the more effectively the soul was aided.⁵⁴ These requests could be used to express one's worldly status, but also could have been motivated by genuine religious beliefs. Don Juan Ximénez of Cuernavaca told us this when in 1579, he requested that "when I am buried....the cantors be given 1 peso to help me concerning my soul." Indeed, don Juan Ximénez's requests concerning his soul appear to have been made in particularly pious terms. He referenced his wish to not spend long in purgatory and stated that he left himself "in the hands of the noblewoman my spouse doña Bárbara; she is to help me as much as she can" when it came to arranging and funding masses beyond just the customary one. Ximénez's concerns for the state of his soul seem genuine – any of the typical fanfare surrounding a funeral typical of a wealthy man of the time is described explicitly in relation to the state of his soul.

As don Juan Ximénez indicates, these considerations are not to be ignored or dismissed. While it is almost impossible to determine "how Christian" anyone really was, religious and spiritual concerns should be taken just as seriously as sociopolitical ones as they often reflect an individual's complex navigation of cultural interactions in a colonial system. It is entirely possible that this group of testators was motivated by spiritual concerns, just as much as sociopolitical ones – neither of these exist in a vacuum and thus two are best understood in dialogue with one another, not separated. Changing spiritual and religious concerns, particularly regarding concepts that are

⁵³ Pizzigoni, "Introductory Study," 17.

⁵⁴ Carlos M. N. Eire, *From Madrid to Purgatory: The Art and Craft of Dying in Sixteenth-Century Spain*, Cambridge Studies in Early Modern History (Cambridge ; New York, NY: Cambridge University Press, 1995), 175.

generally central to religious beliefs such as death and the afterlife, were a significant part of the colonial religious experience, that, in the case of Mexico, required the radical restructuring of a very different indigenous worldview.⁵⁵ Numerous core Catholic concepts had to be translated not only in terms of vocabulary but in concept, particularly when dealing with death and the afterlife. As Burkhart highlights, the Christian concept of the self as a two-part composite of body and soul did not apply to the Nahua worldview, who believed the self was comprised of a number of fleshly and spiritual elements.⁵⁶ Similarly, in indigenous beliefs the fate of the souls after death was not decided on the basis of moral merit but according to their date of birth and manner of death; thus the friars had to resort to colorful descriptions and sometimes reenactments to try to convey the Christian concepts of sin, hell, and purgatory.⁵⁷

In Ireland, by contrast, the Reformation and the imposition of the Anglican church did not require as radical restructuring in people's conception of the afterlife as was the case in Mexico, as these changes were all happening within a Christian framework. Strong connections with continental Europe, particularly Rome, can be seen in the accounts of the funerals of Irish lords written by chroniclers who emphasize the splendor and honor of the funerals of the Gaelic Irish nobility abroad. The funeral of the Earl of Tyrconnell in Rome was described in Tadhg Ó Cianáin's account of the *Flight of the Earls* as "large and splendid...ordered by his Holiness the Pope, and on either side of the body there were large numbers of lighted waxen torches and sweet, sad, sorrowful singing."⁵⁸ The funerals of others that died abroad are described in similar terms, emphasizing the grandiosity of the funeral processions and support from locals in these foreign

⁵⁵ For more on this, see Louise Burkhart, *The Slippery Earth: Nahua and Christian Moral Dialogue*.

⁵⁶ Burkhart, *The Slippery Earth*, 49.

⁵⁷ Burkhart, 50–52.

⁵⁸ Tadhg Ó Cianáin, *The Flight of the Earls, 1607-1609*, ed. Benjamin Hazard and trans. Paul Walsh, University College Cork CELT (Corpus of Electronic Texts), 240-241. <https://celt.ucc.ie/published/T100070/index.html>

lands: “though their retinue and their followers in the city were not numerous, still, when their doings and their nobility were spoken of, a number of the clergy and noblemen of the city gathered about them in splendid procession.”⁵⁹ Nonetheless, these accounts are accompanied by laments for the bad fortune for Ireland that “so many of the choicest of the descendants of Míl Easpáinne died suddenly, one after another, in a foreign and strange land, far removed from their own native soil,” emphasizing the role of funerals in commemorating and venerating the dead, as well as the importance for these events to occur on Irish land.⁶⁰

Funeral requests made by testators in Ireland typically concerned the financing of funerals as most testators either left the organizing of the funeral up to their executors and loved ones. One of the more illustrative examples is that of Thomas Casey of Rathcannon, Limerick, who asked that his executors “shall bestowe and expend upon my funeral expences the some of fiftie pounds sterling and if they will any more I leave it to their discretions to expend as much as they shall thincke fit either out of the profits of my lands or out of my personal estate at their election.” Cusack extended his executors considerable freedom in organizing his funeral – should the fifty pounds he has allowed not be enough for the funeral proceedings that they see fit, they make source the money from elsewhere in his assets. Later on in his will, Casey also bequeaths a quantity of corn “to dispose as my executors shall thincke fit towards my funeral.” While illustrative of the extent to which Casey was willing to fund his funeral, the details of the event remain unknown, as they did in most Irish wills from this time.

⁵⁹ Ó Cianáin, 242. Ó Cianáin is referring to Maguidhir and Séamus Mag Mathghamhna in Genoa, who died of fever while en route to Spain.

⁶⁰ Ó Cianáin, 243. Míl Easpáinne is the Irish name of Milesus, a mythical ancestor of the final inhabitants of Ireland believed to represent the majority of the Irish Gaels. Milesus was believed to have come from Spain, but is acknowledged by scholars nowadays to have been a medieval Irish invention. The evocation of Milesus in this document aligns with other Irish documents from continental Europe in the early 17th, which emphasize ancient Irish connections to Spain and go as far as to claim that the Irish are, in fact, descended from the Spanish. Considering that the Irish were trying to convince Spain to invade Ireland to oust the English at this time, the true motivation behind these claims is not much of a mystery.

Concluding Thoughts

The burial and funeral requests of Catholic testators across these two distinct regions reveal the varying positionalities of religion and religious spaces in these colonial societies. There are some continuities between the wills from central Mexico and Ireland discussed above, particularly the prominence of the parish church as a ritual and communal space at death which may of course reflect general trends in early modern Catholicism. It is necessary to look beyond these initial impressions, however, to interrogate how testators represented and negotiated their positions within their communities. Caroline Walker Bynum warns of making superficial equivalences when dealing with comparative religious history, instead proposing an approach from a phenomenological, structural, or representational perspective as opposed to mere likeness, centered on the question: “where do religious presence and power reside?”.⁶¹ In this case the question is thus not what the Irish and Nahua approaches to their bodies at death have in common, but where the respective loci of community and identity reside.

Identification with the parish church linked Irish and Nahua testators, but not necessarily in the same way. In central Mexico, the strong identification with the parish structure, the frequent desire to be buried by saints associated with the parish or *altepetl*, and the preconquest legacy of temples as exemplary of the *altepetl* identity indicate a centering of social identity around the parish church. Thus burial and funeral rites in the space of the parish church could serve as an expression of a social, cultural, and even political identity as the individual’s final corporeal action in the community. The situation in Ireland was not quite the same. While most testators did refer to a local church in their burial requests, this served as no substantial indicator of religious identity as burial in the parish churches was confessionally heterogeneous. The parish church may have

⁶¹ Caroline Walker Bynum, *Dissimilar Similitudes: Devotional Objects in Late Medieval Europe* (Princeton University Press, 2020), 211.

reflected one's community during their lifetime, but family burials were the significant distinguishing factor for Irish Catholic testators, which the Annals confirm were of utmost importance in consolidating one's social, political, and religious identity after death. Although Father Richard Bermingham complained that when a Catholic died, he was "not to be buried as a Catholic, but without any rite in one of the violated churches as if he were a Protestant," it does not seem as though Catholic testators themselves saw it that way.⁶² Rather, with their burials they claimed their places in their communities and among their ancestors, Catholic and all.

Thus, this chapter argues, the significance of burials associated with the parish church held the same significance for seventeenth-century Nahua testators as the ancestral burial place did for Irish Catholic testators. This is facilitated by the varying positionalities of Catholicism at this time; while the Catholic churches took over the role of the old altepetl temples in colonial central Mexico, the parish churches in Ireland were removed from the jurisdiction of the Catholic Church. Whether this difference was cultural, relating to preconquest and pre-Reformation norms, or a reaction to the colonial realities of the time, remains to be known; regardless, patterns associated with burials and funeral rites were doubtlessly informed by contemporary social realities and interactions that gave rise to complex and dynamic interactions with sacred spaces.

⁶² Richard Bermingham, "A Memorial Presented to the King of Spain on Behalf of Irish Catholics," ed. Reginald Walsh in *Archivium Hibernicum*, 6 (1917), 51.

CHAPTER 3: “To be the help of my soul and spirit:”¹ Pious Bequests

In 1630, Edmonde Malone of Bolinahowne, Co. Westmeath bequeathed ten pounds sterling “as legacie upon my soule.”² Sometime before 1650, don Martín Cerón y Alvaro ordered the sale of a house “in order to help my soul before God, and not to spend a long time in purgatory, the place of cleansing.”³ Having first provided for their bodies, both of these men moved onto their next spiritual concern: the soul. Religious spaces, particularly the parish church, were crucial to testators as they hastened to arrange for a “good death” that would minimize the time their souls would spend in purgatory. The Catholic belief in purgatory permeated wills, in direct contrast to the Protestant belief in the predestination of the soul. This core tenet of Catholic religion was taken seriously by testators in both Ireland and Mexico as they considered their souls’ legacies after death. Who and where the testators were, however, impacted how and when the soul was assisted.

Various provisions facilitated by the parish church ensured that while their earthly bodies were returned to the earth, their souls were remembered in the hearts and minds of their kin and community. This was not only confined to the physical space of the church, however, and the sale of private land or use of rents to fund masses and prayers in both Mexico and Ireland served to link the private, domestic space and church functions in the aid of the soul. In Mexico in particular, the crossing of the saints over from the church into the household constituted a significant part of Nahua Catholicism in the latter half of the seventeenth century, while Irish requests for the soul retreated away from the physical structure of the parish church. This chapter therefore first

¹ Testament of Juana Francisca, San Luis, 3 January 1699 in *Testaments of Toluca*, ed. and trans. Caterina Pizzigoni (Stanford: Stanford University Press, 2007), 55-56.

² Last will and testament of Edmonde Malone, 1630, NAI RC5/6.

³ Last will and testament of don Martín Cerón y Alvaro, n.d. (but before 1650), in Richard Conway, “Accessories to Inheritance: Nahua Pictorial Documents and Testaments in Early Colonial Central Mexico,” *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: University of Utah Press, 2015), 107-113.

analyzes the various ways in which testators utilized the parish church to ensure the wellbeing of their souls after death, intertwining interpersonal relationships, economic assets, and acts of charity to solicit masses and prayers. The latter parts of the chapter turn to the role of privately held land and the household in this phenomenon, assessing the rising role of the domestic sphere in personal piety over the course of the seventeenth century.

*“All that is needed for the aid of my soul:”*⁴ *Church and Community*

In 1579, don Juan Ximénez asked “for the aid of my soul, so that it will not spend a long time in purgatory, that a mass be said for me on the seventh day [after his death].” He then made an offering of five pesos.⁵ The one mass provision in the Nahuatl testaments can be considered a standardized feature for testators of all social groups, similar in nature to the preambles and other declarations of faith: nineteen testators in this corpus referenced at least one mass. Seven testators requested multiple masses, and seven, typically wealthier ones, also requested masses for deceased spouses or other family members. As elsewhere in the early modern Catholic world, individual spiritual concerns and priorities drove some Nahuatl testators to request additional masses for themselves or family members and helped to define the nature of death-related practices in indigenous New Spain.⁶ The number of masses requested could reflect wealth and status as well as piety as some testators requested up to ten masses, although occasionally such references were absent altogether.

Masses were such an essential part of a Nahuatl testament that the absence of such requests did not necessarily mean the absence of masses. Pizzigoni has suggested that the mass was such a

⁴ Testament of don Juan de Guzmán, Coyoacan, 12 June 1622, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc04>

⁵ Testament of don Juan Ximénez, Cuernavaca Tecpan, 16 September 1579, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1579hask>

⁶ Hosselkus, “Disposing of the Body and Aiding the Soul, Death, Dying, and Testaments in Colonial Huexotzinco,” 203.

standardized feature that in many cases where the specific request is absent the testator may have simply assumed that their executors would handle it for them.⁷ Andrés Nicolás made no such reference in 1671, yet an addendum to the testament confirmed that a mass was said anyway.⁸ In some cases, the absence of a mass request may have been related to a testator's economic status. For example, Ernando Mixocatl he stated that he had no money before proceeding to divide up his land and animals.⁹ This testament featured no reference to any mass or other offering nor a relevant addendum, presumably a consequence testator's lack of means to fund a mass.

Bequests that may have generally been related to the soul pose interpretive problems in the Irish wills, as has been discussed, and the majority of references to the soul, nine, were ambiguous. There was only one explicit reference to a mass in the Irish wills. Instead, Catholic Irish testators usually made general requests for their souls or requested that someone pray for them after death. Tait suggests that common phrases such as “for the soul” with no further elaboration were intentionally vague requests that coded Catholic causes for the soul and charity.¹⁰ Bequests to “the poor” could also have concealed other Catholic aims.¹¹ In June 1576, Christopher Darcey seems to have corroborated both of these ideas, asking that “Item to be given to poore people for my soule according to the discretion of mine overseers.”¹² William Wadding from Co. Wexford was even more elusive in 1640, leaving “to be disposed of for me tenne pounds.”¹³ Father Richard Bermingham alleged that “whenever it becomes known to the Protestants that formerly lands, etc. were left for founded Masses, they are not content with seizing those lands, etc. but they make

⁷ Pizzigoni, “Introductory Study,” 15.

⁸ Pizzigoni, *Testaments of Toluca*, 54.

⁹ Testament of Ernando Mixocatl, n.d, in *Vidas y Bienes Olvidados*, ed. and trans. Teresa Rojas Rabiela et al. (México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1999), 184-185.

¹⁰ Tait, “As Legacie upon My Soule,” 197.

¹¹ Jane H. Ohlmeyer, *Making Ireland English: The Irish Aristocracy in the Seventeenth Century* (New Haven: Yale University Press, 2012), 154.

¹² Last will and testament of Christopher Darcey, 25 June 1576, NAI RC 10/9.

¹³ Last will and testament of William Waddinge, 6 April 1640, NAI RC5/15.

them over to their own church in order that all memory of the founded Masses may be destroyed.”¹⁴ Even if this account is exaggerated, blatant Catholicity such as a reference to Mass could cause administrative problems as wills were proved by the Church of Ireland and the granting of probate or settlement of an estate could be delayed. Catholic testators therefore had to make arrangements for their souls in alternate ways, often using vague and elusive language.

The mass was not the only way to expedite one’s journey through purgatory, and testators in both Ireland and Mexico also interacted with their wider communities as they looked after their souls. Eight Nahua testators left charitable bequests to the *cofradías* and four left something to hospitals or the sick. Don Juan Ximénez’ did both, linking the good of his soul with his community when he offered “4 reales to the cofradía [and] 4 reales to be delivered to the hospital, which is to belong to those who are ill.”¹⁵ Some material bequests also involved *cofradías*, such as don Martín Cerón y Alvaro’s “rather large painting of San Nicolás,” which was to be delivered to the church and situated near the image of San Diego where “the cofrades are to be in charge of it.”¹⁶ *Cofradías* were lay confraternities which in some times and places were used to ensure funeral arrangements and funding, although in this corpus testators only made direct offerings or donations.¹⁷ The *cofradia* served as another community through which testators could engage with the church. Leaving money or goods to the *cofradia* (or *cofradías*, in the case of don Juan de Guzmán),

¹⁴ Richard Bermingham, “A Memorial Presented to the King of Spain on Behalf of Irish Catholics,” ed. Reginald Walsh in *Archivium Hibernicum*, 6 (1917), 50.

¹⁵ Testament of don Juan Ximénez, Cuernavaca Tecpan, 16 September 1579, ed. and trans. Robert Haskett, Early Nahuatl Library. <https://enl.wired-humanities.org/1579hask>

¹⁶ Last will and testament of don Martín Cerón y Alvaro, n.d. (but before 1650), in Richard Conway, “Accessories to Inheritance: Nahua Pictorial Documents and Testaments in Early Colonial Central Mexico,” *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: University of Utah Press, 2015), 107-113.

¹⁷ For more on the role of *cofradías* in negotiating autonomy, community and identity, see: Javiera Jaque Hidalgo and Miguel A. Valerio, eds., *Indigenous and Black Confraternities in Colonial Latin America: Negotiating Status through Religious Practices*, Connected Histories in the Early Modern World 5 (Amsterdam: Amsterdam University Press, 2022).

particularly those which required ongoing attention, provided more aid for the soul's health and ensured the individual's survival in their community's memory.

In Ireland, there were no bequests made to lay religious organizations comparable to the *cofradías*, although they did exist. Religious guilds and confraternities were popular in the Middle Ages, and no formal move was made to repress them in Ireland after the Reformation despite the Crown's general religious policy.¹⁸ Colm Lennon argues that these organizations played an important role in the crystallization of politico-religious issues and the emergence of corporate Counter-Reformation Catholicism from the 1590s onwards.¹⁹ Why no testators mentioned any of these organizations despite their importance is unclear, but possibly explained by the fact that they were strongest in larger urban settings, particularly Dublin, from which there are few wills in this corpus.²⁰ At least two charitable bequests were made, however, to the sick or poor, and more to the church or specified ecclesiastics.

A form of charity not seen in the Mexican testaments and a likely product of the religious and political landscape in Ireland was the occasional bequest directly to priests or friars. Four of these kinds of bequests can be found, and I count only those that are clearly independent of requests for prayers or masses. In 1629, Thomas Hussey requested that sixteen pounds “bee bestowed upon the covenants of the fryers in Dublin.”²¹ Piers Goulde asked his wife to pay a yearly sum “to some poore priest for the remembrance of my soule every yeare dureing her naturall life.”²² Others like

¹⁸ Colm Lennon, “The Survival of the Confraternities in Post-Reformation Dublin,” *Confraternitas* 6, no. 1 (January 1, 1995): 6, <https://doi.org/10.33137/confrat.v6i1.13438>.

¹⁹ Lennon, 9.

²⁰ Cormac Begadon, “Devotion and the Promotion of Public Morality: Confraternities and Sodalities in Early Modern Ireland,” in *Space, Place, and Motion: Locating Confraternities in the Late Medieval and Early Modern City*, ed. Diana Bullen Presciutti (Leiden ; Boston: Brill, 2017), 106, https://doi.org/10.1163/9789004339521_007. Curiously, it was the opposite case in seventeenth century colonial Mexico: Lockhart observed that *cofradías* were strongest where altepetl organization and centralization was at its weakest, resulting in the majority of colonial *cofradía* activity occurring in more rural areas on the fringes of central Mexico.

²¹ Last will and testament of Thomas Hussey, 16 September 1629, NAI RC10/6.

²² Last will and testament of Piers Goulde, n.d., NAI RC5/16.

Edmonde Malone in 1630, possibly reflected personal connections as he left money to his parish priest, Cahir Coghlan, and three pounds sterling to the Franciscans of Athlone.²³ The contested nature of the parish church, it seems, eliminated the physical church as the mediator for these kinds of relationships and Catholic testator became increasingly reliant on direct personal connections to ecclesiastics.

Some of these bequests illustrate the tensions in Irish society. Matthew Archbold presented an interesting case in 1618 with some rather politically charged bequests to Catholic causes. First, he left four pounds “to the Church to be disposed of as Mr. Coyle shall thinke fit,” sounding like a typically veiled Catholic bequest.²⁴ His next bequest, however, was “mony to the priests that are prisoners in the castle.” According to Fr. Richard Bermingham in 1619, authorities had the power to arrest priests and search houses they suspected them to be hiding in, an authority that according to Bermingham was “publicly announced over and over again... a Proclamation to this effect was posted up everywhere” in 1617.²⁵ Bermingham further claimed that “priests in prison get no food from the civil authorities, but are entirely dependent on the charity of the faithful for their support.”²⁶ Matthew Archbold was obviously one of these faithful, also leaving five pounds to the “fryers of Maltfernan [Multyfarnham],” a friary that was reclaimed by the Franciscans in the 1610s and known as a refuge for fleeing friars and priests, where he also hoped to be buried.²⁷

²³ Last will and testament of Edmonde Malone, 1630, NAI RC5/6.

²⁴ Last will and testament of Matthew Archbold, 22 July 1618, NAI RC 5/11.

²⁵ Richard Bermingham, “A Memorial Presented to the King of Spain on Behalf of Irish Catholics,” ed. Reginald Walsh in *Archivium Hibernicum*, 6 (1917), 49.

²⁶ Bermingham, 40-50.

²⁷ Last will and testament of Matthew Archbold, 22 July 1618, NAI RC 5/11; Brian De Breffny and George Mott, *The Churches and Abbeys of Ireland* (London: Thames & Hudson, 1976), 113.; John McCafferty, “The Communion of Saints and Catholic Reformation in Early Seventeenth-Century Ireland,” in *Community in Early Modern Ireland*, ed. Robert Armstrong and Tadhg Ó hAnnracháin (Dublin ; Portland, OR: Four Courts Press, 2006), 201.

Archbold's piety, however, had explicitly crossed over the political threshold even in his will as he openly supported and wished to fund Catholic resistance.²⁸

Three of the Nahua testaments illustrate a relationship between debt, charity, and postmortem masses, something that is not present in the Irish wills. Death was no excuse to avoid repaying debts, and the settlement of debts was a standard feature of a will, but it is only from central Mexico that we see more explicit links between the settling of debts and the health of the soul; these stories also provide an interesting window into testators' interpersonal relationships. Juan Fabián briefly narrated a story about his son Diego Francisco, who borrowed and then lost his mule, owing him 84 pesos. Juan Fabián elected to pardon him of 44 pesos and stipulated that Diego Francisco pay the remaining 40 pesos, "with which I am redeeming myself before our lord God."²⁹ A Spaniard, Andrés de Tapia, also owed him 5 pesos, which was to fund a high mass for his late spouse Cecilia Anastasia, strengthening the link between outstanding debts and piety.³⁰ By allocating this money to masses, Juan Fabián placed some of the responsibility for his soul on his debtor and made sure that the money benefited him and his wife even after they both died.

Doña María Juárez had the opposite problem. She owed 15 pesos to Diego Ramírez, but he died before she could pay him back. Nonetheless, she requested that some chinampas, a type of raised or floating garden plot, be sold and the money "delivered to the church in order to acquire

²⁸ His "Honorable friend Richard," one of the named overseers of his will and the Lord Baron of Delvin, was a known Catholic peer who although became a supporter of the Crown, was an active member of the Irish House of Lords and known advocate for Catholics, playing a key role in the negotiation of the concessions known as of the 1620s known as "the Graces." From this will, it seems as though he and Archbold were quite close, and thus it is interesting to consider the degree to which their relationship may have influenced each other's political and religious stances. For more on Richard, see "Nugent, Richard, Second Earl of Westmeath (1626–1684), Army Officer," Oxford Dictionary of National Biography, accessed February 22, 2023, <https://doi.org/10.1093/ref:odnb/20398>.

²⁹ Testament of Juan Fabián of San Bartolomé Atenco, Coyoacan, 1 August 1617, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc03>. What Juan Fabián exactly means by this is unclear. He may be simply requesting that the money is to be used for more masses for his soul or referring to his pardoning of half of this large debt as a good deed to be looked favorably upon by God.

³⁰ Testament of Juan Fabián, 1617.

and buy things for the church.”³¹ Any leftover money was to be given to the hospital and the poor to “cure the sick”, but if this was not possible, then it was “to be delivered to the church to say masses for us.”³² Doña María Juárez offers an insight into how people conceived of debt, morality, and charity beyond the effectively obligatory mass for the soul, redeeming her outstanding debt to Diego Ramírez through contributions to the church and potentially the poor and the sick in her community. Only after these were fulfilled to the best of their capability would she use the money for her own benefit. Doña María Juárez too placed the church at the center of her financial affairs, granting it an intermediary position through which debts could be settled postmortem.

*“The land with which our souls will be helped:”*³³ *Sanctifying Household and Land*

After the standard declaration of faith, doña María Juárez turned to “what I guard on Earth for our lord God:” her own property.³⁴ Eight Nahua testators linked their house or land to posthumous provisions for their souls, selling or renting land in order to fund masses and funerals. While this was common in the sixteenth and first half of the seventeenth century, the later testaments of Toluca feature very few of these references, suggesting temporal and/or regional variation.³⁵ What the testaments from the latter half of the seventeenth century do demonstrate is a connection between the land, household and saints, however, which merits further discussion in the next section. While a practical means of funding these spiritual provisions, many of these bequests also create a linkage between the self after death and private or domestic spaces beyond the church space. Doña María Juárez’s requested that her field in Coatlan with peach trees “be sold

³¹ Testament of doña María Juárez, Culhuacan, 17 April 1577 in *The Testaments of Culhuacan*, ed. and trans. S. L. Cline and Miguel León Portilla (Los Angeles: UCLA Latin American Center Publications, University of California, Los Angeles, 1984.), 246-251.

³² Testament of doña María Juárez, 1577.

³³ Testament of doña María Juárez, 1577.

³⁴ Testament of doña María Juárez, 1577.

³⁵ Pizzigoni, *Testaments of Toluca*, 15.

in order for masses to be said for me.” She also states that this land is not to be sold to a Spaniard, and her field in Tlallacho “is not to be sold, rather it is just to be rented out each year, and with the money that is acquired there, masses are to be said for me.”³⁶ With this plot of land, the continuous renting for the purpose of funding masses for her ensured that her soul could continue to be vouched for an indefinite amount of time, in a sense sanctifying that land through its ongoing association with an integral religious function.

Ana Juana of Santa Ana Tlacuilocan described a another situation in 1580, stating that: “I gave to my son, Juan Francisco, a house that faces Xochimilco; it was the inheritance of my late sister-in-law who died. And I declare that they are not to tear it down. Let my son Juan Francisco pay something for it; he is to offer a little money to the church so she will be helped before God our lord.” Her son was to receive this house on the condition that he made an offering to the church in honor of its original owner, not Ana Juana herself but her sister-in-law. Ana Juana’s request demonstrates a connection between the house and its deceased owner long after her death. Perhaps this is indicative of a broader link between the land and its inhabitants’ souls in heaven, or maybe, as we saw with other debts, she felt that her son should have to pay for his new house and since its original owner was dead, posthumous payment via masses for her soul was the next best thing.

This phenomenon was less common in the extant Irish wills; there are ostensibly three examples. The scarcity of requests for masses or prayers for the soul, coupled with the veiled nature of the existing requests meant that the detail provided by Nahua testators when it came to devoting land for the sake of their souls and for the expenses of the masses was not necessarily possible to replicate. Edmund Grace left “his worldly goods in three parts...the first third to his

³⁶ Testament of doña María Juárez, Culhuacan, 17 April 1577, 246-251.

soul,” which may have included land.³⁷ Paule Strange provided the most interesting example, having donated his house to presumably a priest in exchange for yearly prayers for his and his wife’s souls, stating that “I doe appoint upon my dwelling house in St. Peter’s parish for ever to be delivered to certaine psous to pray for me and my wife Beale Dobin for the salvacon of our soules Xs yerely.”³⁸ This case somewhat reminiscent of Ana Juana’s dedication of her late sister-in-law’s house for masses or prayers to be said for its former owner, in which the house provided a space for its former inhabitants to live on through prayer and devotion. Since Paul Strange and his wife would no longer need an earthly “dwelling house,” it was donated directly to the priest to provide continual prayers for their soul. While surely a transactional move that would cover their souls while also making sure the house would not go to waste, this case also represents a sacralization of the private dwelling space. Even after its original inhabitants’ deaths, they were to live on in the prayers associated with this domestic space.

The Domestic Turn of the Seventeenth Century

The association between the land, home, and religion strengthened over the course of the seventeenth century in both Ireland and Mexico, albeit in radically different ways. An inward turn of Catholicism in Ireland from the latter half of the seventeenth century is well recorded, as freelance priests travelled between homes under the protection the Catholic gentry, who made available “mass-houses” and other facilities for Catholic worship.³⁹ Catholic bequests to the church itself appeared only in the sixteenth century wills of this corpus, such as the case of Walter Goldinge, who in 1573 left “to be bestowed upon the patrishe Church of [blank] for the

³⁷ The will of Edmund Grace of Ballywalter in the county of Carlow, diocese of Leighlin 1606, in M.J. McEnery, ‘Supplement,’ *The Catholic Bulletin*, 16, (1926), 494-495.

³⁸ Last will and testament of Paule Strange, n.d., NAI RC5/4. I interpret “psous” as “pious;” “Xs” likely means ten times.

³⁹ Colm Lennon, “Mass in the Manor House: The Counter-Reformation in Dublin, 1560-1630,” in *History of the Catholic Diocese of Dublin*, ed. James Kelly and Dáire Keogh (Dublin: Four Courts Press, 2000), 118–21.

repayinge and mainteainyng thereof two cowple of ceorne that is to saye to the vicare of the said Church [blank] the chancell and the other cowple for the repayinge of the body of the said churche.”⁴⁰ No such bequests are found after the turn of the seventeenth century, although Tait has observed that they increased among Protestant testators at this time.⁴¹ This shift away from the physical space of the parish church in relation to the soul also corresponds to Catholic testators’ tendency to directly rely on relationships with the people of the church, namely priests or friars as previously discussed. There is no observable pattern of this kind in the Mexican testaments, but another kind of domestic turn can be understood through the rise in household saints over the course of the seventeenth century.

Over the course of the seventeenth century, the saints made their way from objects of devotion in churches to residents of people’s homes. References to and bequests of saint’s images are the main indicator of this type of devotion. These images, which testators often refer to as the name of the saints themselves rather than specifying them as images, particularly in the latter part of the century, were usually small oil paintings, prints, or carved statuettes known as *imagenes de bulto*.⁴² The cult of the saints grew over the seventeenth century, picking up in the 1680s and reaching complete development in the 1690s to carry on into the eighteenth century.⁴³ The testaments from other areas corroborate the timeline for the Toluca Valley observed by Pizzigoni. Sometime before 1650, don Martín Cerón y Alvaro from Xochimilco listed a number of saint’s images in his possession: a “rather large and very splendid” Niño Jesús in addition to two small Niño Jesús’, three Santo Cristos, one ecce homo painting, three paintings of “our precious mother,”

⁴⁰ Last will and testament of Walter Goldinge, 11 January 1573, NAI RC5/9.

⁴¹ Tait, “As Legacie upon My Soule,” 188.

⁴² Wood, “Adopted Saints,” 270.

⁴³ Caterina Pizzigoni, *The Life within: Local Indigenous Society in Mexico’s Toluca Valley, 1650-1800* (Stanford, California: Stanford University Press, 2012), 38.

one of which is small, one of Jesus feeding the apostles, and paintings of San Josef and San Nicolás.⁴⁴ The painting of San Nicolás was to go to the church, while whether or not the others were to be sold seems to have been left up to the executors. Don Martín warns that they “are not to be sold frivolously:” if they were sold, all of the proceeds were to go towards masses for his soul.⁴⁵ At this point, the saints are not explicitly described in relation to the land, although don Martín does seem to have a great interest in them in terms of his soul. Recalling the intercessory role of the saints previously discussed with the preambles, it seems that at this point, while the images of the saints had an important place in don Martín’s collection of property, they were still closely tied to their intercessory role as assisting the soul’s journey to heaven and God after death.

This conception shifts as the century progresses and the saints seem to take on a life of their own. In 1661, Augustina Juana of Coyoacan provides an early example of the relationship between the household and saints that was to develop by the end of the century. She declared that “concerning Santa María Magdalena and some other saints, that I am giving them a small piece of [rocky?] land next to the house at Tecamolco, on which three fig and one pear tree stand; from there will come the incense, flowers, and candles with which Diego de la Cruz is to serve them on their precious feast days.”⁴⁶ Santa María Magdalena and the other unspecified saints were incorporated as part of Augustina Juana’s landholdings. These saints seem to stand alone as objects of devotion and servitude for the family as another part of the household complex, particularly on their own feast days.

⁴⁴ Last will and testament of don Martín Cerón y Alvaro, n.d. (but before 1650), in Richard Conway, “Accessories to Inheritance: Nahua Pictorial Documents and Testaments in Early Colonial Central Mexico,” *Native Wills from the Colonial Americas: Dead Giveaways in a New World* (Salt Lake City: University of Utah Press, 2015), 107-113.

⁴⁵ Last will and testament of don Martín Cerón y Alvaro.

⁴⁶ Last will and testament of Augustina Juana, Coyoacan, 29 December 1661, in Rebecca Horn, “Testaments and Trade: Interethnic Ties among Petty Traders in Central Mexico (Coyoacan, 1550-1620),” *Dead Giveaways: Indigenous Testaments of Colonial Mesoamerica and the Andes* (Salt Lake City: University of Utah Press, 1998), 78-80.

The most illustrative example emerges perhaps unsurprisingly from 1695. A testator named Angelina from San Simón Pochtlan bequeathed several saints' images to her grandchildren on the condition that they serve the saints on certain plots of land. Her grandson, Tomás de los Santos, received an image of her "precious revered mother of Candelaria," which he was to serve with a piece of land behind the church of her "dear honored father Santo Domingo." Her other grandchild, Teresa de Jesús was to receive "the celestial virgin Santa Catalina," who she was to serve with another piece of land given to her by her grandmother. A small, ruined shack was given to another grandchild, Nicolasa Jacinta, at Tianquiztenco, where she was to serve her "dear honored mother of the Rosary." Finally, the "celestial virgin Santa Catalina" was granted a structure of her own facing the woods, which was to "be her home; no one can take it away from her."⁴⁷ Angelina granted these saints permanent positions in the complex, whose legacies were to be tended to by younger members of her family.

Associating spaces in the house or on testator's land with certain saints brought the church into the domestic space, creating smaller, personalized sacred spaces within the broader domestic sphere. There is a possibility that this was derived from a pre-Hispanic practice, although this cannot be said for certain.⁴⁸ What is crucial about this phenomenon, as Wood points out, is that this land remained under the control of the individual or their family, not the Spanish colonial church.⁴⁹ Whether this was caused by a resurgence in preconquest indigenous practices or not, it reflects the cultural complexity of this time as this phenomenon arose out of a series of complex interactions and negotiations between indigenous and Hispanic cultures over the sixteenth and seventeenth centuries that shaped new forms and spaces of religious practice.

⁴⁷ Testament of Angelina of San Simon Pochtlan, 16 August 1695, ed. and trans. James Lockhart, Early Nahuatl Library. <https://enl.wired-humanities.org/bc05>

⁴⁸ Wood, "Adopted Saints," 281.

⁴⁹ Wood, 287.

Concluding Thoughts

While there appears to have been a parallel strengthening of religion in the domestic space in both Ireland and Mexico, this took very different forms and was informed by different circumstances. As the first section of this chapter has shown, a testator's surrounding community played an important role in looking after their soul's journey through purgatory when they died. Nahua testators relied on living spouses and family members to settle their spiritual affairs, resolving issues of debt with other community members, and charity towards structured church-oriented communities such as the *cofradías* and hospitals. These could also serve as a vehicle through which to express one's status and legacy among the wider community, negotiating and maintaining one's place even after death through insurance that you will be remembered by your charitable bequests, masses, and prayers. In Ireland, the community's role in looking after Catholic testators' souls came to replace the role of the parish church itself as clergy, family members, and friends became the subjects of bequests and requests for the soul.

While the alienation from the parish church in Ireland corresponded with a domestic turn as the parish church dwindled in the seventeenth century, in Mexico, the rise in household saints was not a response to such an alienation. A more personal and intimate form of devotion, the entrance of the saints into Nahua households perhaps represented an adoption or interpretation of Catholicism on Nahua terms. Lockhart has suggested that to some extent household saints represented family and/or household identity.⁵⁰ Through this lens we may see the rise in household saints as another means of asserting one's status and identity within the community, gaining control over and adapting Catholic worship onto one's own land and property.

⁵⁰ Lockhart, *The Nahuas after the Conquest*, 238.

CONCLUSION

Reading through individuals' last wills and testaments from Ireland and Mexico, a surprising number of similarities emerged. Some were superficial, or at least not isolated, like the apparent popularity of the Franciscan Order in both regions, but others, when placed in a comparative perspective, tell us a little bit more about the way religion, specifically Catholicism, operated in the daily lives and afterlives of individuals living and dying in early modern colonial settings. The parish church, community, and household were all key components of Irish and Nahua negotiations with personal and public piety. This often took shape in different ways, however, in response to the different contexts and roles the Catholic Church took on as either challenging or being challenged. While Catholic Irish testators had to navigate the increasingly Protestant hegemony over official religious and state affairs, Nahuas had to navigate Catholicism as a key facet of the Spanish colonial system.

This thesis has been a qualitative study of the ways that individuals in Ireland and Mexico interacted with the Catholic Church they as they grappled with the prospect of death. The last will and testament provided a key means to do so, facilitating requests to be remembered and honored that were bound by law as well as God. As part of colonially established legal systems, the last wills and testament was one space where individual testators could assert themselves even in death.

A common thread that has persisted throughout the last wills and testaments from both Ireland and Mexico over the course of the late sixteenth and seventeenth centuries is the parish church. The parish church recurred in burial directives, funeral instructions, and the various means by which testators sought to aid their soul's journey in the afterlife. In Nahua communities of central Mexico, the parish church provided a core structure through which religious life was organized and served as a space in which one's status and identity could be expressed. In Ireland,

the complicated religious dynamics meant that over time, the physical space of the parish church became less important than the people it represented. This idea recurs in both burial references and actions to look after the soul, as Irish testators gravitated towards ancestral or family burial grounds and relied on specific priests and their family members to remember them in their prayers. During this time, alternate spaces to the parish church emerged, yet ancestral burial grounds and church burials remained a means through which Catholic testators could assert the continuity of a collective family identity and presence after death in a testament to the many layers that made up the religious character of early modern Ireland.

That is not to say that the parish church stood in for such community connections in indigenous central Mexico. Rather the opposite: the parish church served as an organizational center by which testators were able to engage with their communities, whether *cofradías*, public masses, or charitable acts to community structures like hospitals. At the same time, the rise in domestic forms of devotion rooted in the land and household represents a new form of negotiation with this relatively new religious system. It is important to remember that in Ireland, Christianity as a whole had been around for over a millennium; the post-Reformation politics required of Old English and Gaelic Irish Catholics was nothing like the radical restructuring in worldview required of indigenous Mexicans. The Catholic Church provided Nahuas with a new arena for negotiating identity and autonomy and new mechanisms of adapting and existing within a brutal colonial system. The church was a space through which prestige and status could be expressed just as much as piety. At the same time, the cult of saints of the later seventeenth century offered Nahuas a more personalized approach to devotion that they adapted to bring the family, land, and saint together in a heavenly intrusion into the household.

Yet as Lockhart has observed, “neither category, conversion or resistance, truly hits the mark” when it comes to characterizing religious change in colonial central Mexico.¹ Popular understanding in Ireland has had a similar tendency to assume a narrative of either persecution or resistance when it comes to Irish Catholicism during the early modern period. What these parallel collections of last wills and testaments from these two distinct regions reveal, I hope, is the complexities that underly religious devotion in a colonial setting. While sacred and religious spaces served as locations of active negotiation of spirituality, identity, and autonomy, they also served as vital loci of community, piety, and devotion as testators navigated uncertain periods of transition in their respective histories.

¹ Lockhart, 203.

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