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Latin American Legal History: Some Essential Spanish Terms

M.C. Mirow[†]

I.

VOCABULARY FOR A GROWING FIELD OF STUDY

Recent scholarly activity attests to the growing importance of Latin American legal history as a field of academic pursuit, and researchers are increasingly turning to the field. In the past few years, books have addressed such widely divergent topics as: the changes of law and society in Aztec culture during the colonial period, the development of commercial law in Argentina, the social history of the colonial and early-republic bar of Colombia, the colonial legal culture of Northern New Spain, and court systems in nineteenth-century Latin America.¹ The works of Andrés Bello, the noted drafter of the highly influential Chilean Civil Code of 1855, have been edited and translated, and are now available to a wide readership in English.² A selection of recent articles include a similarly wide range of interests and areas of study with particular emphasis on constitutional law and legal theory.³ Works dealing with Latin American law generally, and yet touching on historical aspects, are too numerous to mention here.

Lawyers, law students, and professors working with present-day Latin American legal materials will find these sources even more revealing when taken in the context of their historical development. This study should provide them with an easy source for terms as they research the historical foundations of legal practices, viewpoints, and attitudes that are becoming important as the United States establishes ever-growing economic, educational, social, and cultural ties with Latin

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1. JEREMY ADELMAN, *REPUBLIC OF CAPITAL: BUENOS AIRES AND THE LEGAL TRANSFORMATION OF THE ATLANTIC WORLD* (1999); CHARLES R. CUTTER, *THE LEGAL CULTURE OF NORTHERN NEW SPAIN, 1700-1810* (1995); *JUDICIAL INSTITUTIONS IN NINETEENTH-CENTURY LATIN AMERICA* (Eduardo Zimmermann ed., 1999); SUSAN KELLOGG, *LAW AND THE TRANSFORMATION OF AZTEC CULTURE, 1500-1700* (1995); VICTOR M. URIBE-URAN, *HONORABLE LIVES: LAWYERS, FAMILY, AND POLITICS IN COLOMBIA, 1780-1850*, at 265-68 (2000).

2. ANDRÉS BELLO, *SELECTED WRITINGS OF ANDRÉS BELLO* (Iván Jaksic ed., Frances M. López-Morillas trans., 1997).

3. E.g., Jorge L. Esquirol, *The Fictions of Latin American Law (Part I)*, 1997 UTAH L. REV. 425-470 (1997); Jonathan M. Miller, *The Authority of a Foreign Taskmaster: A Study of U.S. Constitutional Practice as Authority in Nineteenth-Century Argentina and the Argentine Elite's Leap of Faith*, 46 AM. U. L. REV. 1483-1572 (1997); Jonathan M. Miller, *Courts and the Creation of a "Spirit of Moderation": Judicial Protection of Revolutionaries in Argentina 1863-1929*, 20 HASTINGS INT'L & COMP. L. REV. 231-329 (1997); M.C. Mirow, *The Power of Codification in Latin America: Simón Bolívar and the Code Napoléon*, 8 TUL. J. INT'L & COMP. L. 83-116 (2000); Luz Estella Nagle, *Evolution of the Colombian Judiciary and the Constitutional Court*, 6 IND. INT'L & COMP. L. REV. 59-90 (1995).

America. Latin Americanists and historians are making increasing use of court records and legal documents in their research. This present work seeks to provide scholars with a useful tool as they explore the legal background of these sources. A greater use of legal sources and a greater appreciation of the legal context of researchers' investigations can only improve a researcher's understanding and presentation of social, political, economic, and environmental change.

Few English works on Latin American legal and institutional history contain glossaries, and those that do often provide perfunctory definitions of important terms.⁴ The merit of these works, of course, stands completely independent of whether they contain a wordlist or not. Nonetheless, students of Latin American legal history in English-speaking countries are left with a need for a somewhat fuller description of important terms, or at least a handy collection of such terms with references to further sources. Modern Spanish-English legal dictionaries usually do not contain terms of exclusively historical importance, nor are the definitions of such terms easily available through modern legal databases. Beginning researchers must rely on large Spanish-language works whose entries are frequently too lengthy. These works also suffer from being limited in historical scope, but are useful for less common terms.⁵

The following pages are meant to provide a ready-list of common Spanish terms with English definitions related to legal history in Latin American countries. References have been provided that are the source of the definition here and will hopefully lead the reader to general discussions of the defined term. In this way, this wordlist seeks to provide references for further research. The brief references here are not meant to be comprehensive, nor to replace the available bibliographies on Latin American law and its history, especially for terms related to the colonial era for which Dagrossa's recent bibliography will be very helpful.⁶ Where varying

4. Brief glossaries: *e.g.*, WOODROW BORAH, *JUSTICE BY INSURANCE: THE GENERAL INDIAN COURT OF COLONIAL MEXICO AND THE LEGAL AIDES OF THE HALF-REAL* 439-45 (1983); FRANÇOIS CHEVALIER, *LAND AND SOCIETY IN COLONIAL MEXICO* 320-24 (Alvin Eustis trans., Lesley Byrd Simpson ed., 1970); MALCOLM EBRIGHT, *LAND GRANTS AND LAWSUITS IN NORTHERN NEW MEXICO* 381-83 (1994); FIVE CENTURIES OF LAW AND POLITICS IN CENTRAL MEXICO 248-52 (Ronald Spores & Ross Hassig eds., 1984); KELLOGG, *supra* note 1, at 221-28; JOHN LEDDY PHELAN, *THE KINGDOM OF QUITO IN THE SEVENTEENTH CENTURY: BUREAUCRATIC POLITICS IN THE SPANISH EMPIRE* 341-43 (1967); WILLIAM B. TAYLOR, *LANDLORD AND PEASANT IN COLONIAL OAXACA* 259-61 (1972); URIBE-URAN, *supra* note 1, at 265-68; RALPH H. VIGIL, *ALONSO DE ZORITA: ROYAL JUDGE AND CHRISTIAN HUMANIST, 1512-1585*, at 295-301 (1987).

No glossaries: *e.g.*, ADELMAN, *supra* note 1; CUTTER, *supra* note 1; COLIN M. MACLACHLAN, *CRIMINAL JUSTICE IN EIGHTEENTH CENTURY MEXICO: A STUDY OF THE TRIBUNAL OF THE ACORDADA* (1974); ROBERT CHARLES MEANS, *UNDERDEVELOPMENT AND THE DEVELOPMENT OF LAW: CORPORATIONS AND CORPORATION LAW IN NINETEENTH-CENTURY COLOMBIA* (1980); JUDICIAL INSTITUTIONS IN NINETEENTH-CENTURY LATIN AMERICA, *supra* note 1.

5. *E.g.*, RAFAEL ALTAMIRA Y CREVEA, *DICCIONARIO CASTELLANO DE PALABRAS JURÍDICAS Y TÉCNICAS TOMADAS DE LA LEGISLACIÓN INDIANA* (1987); 1-4 JOAQUÍN ESCRICHE, *ESCRICHE DICCIONARIO RAZONADO DE LEGISLACIÓN Y JURISPRUDENCIA (1874-76)*. Other such dictionaries are listed in ALTAMIRA Y CREVEA, *supra*, at 375-80; NORBERTO C. DAGROSSA, *BIBLIOGRAFÍA DE HISTORIA DEL DERECHO INDIANO*, in *COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA* 34 (José Andrés-Gallego coord., 2000); ALFONSO GARCÍA-GALLO, *MANUAL DE HISTORIA DEL DERECHO ESPAÑOL* 469 (4th ed. 1971).

6. American Association of Law Libraries, *Workshop on Latin American Law and Law Related Reference Sources* (conference director Daniel L. Wade, Atlanta, Ga., June 30, 1988); S.A. BAYITCH, *LATIN AMERICA AND THE CARIBBEAN; A BIBLIOGRAPHICAL GUIDE TO WORKS IN ENGLISH* (1967), HELEN L. CLAGETT & DAVID M. VALDERRAMA, *A REVISED GUIDE TO THE LAW AND LEGAL*

definitions are found for the same term, both are listed, again with applicable references. Terms may also differ in meaning from country to country or time period to time period; this work tries to provide some indication of these elements as well, particularly when traced through the references provided. Most words whose meanings are similar to their present common usage are not included here.

II. TERMS

<i>abogado</i> -	university-trained lawyer, an advocate, a lawyer who argues in court or prepares legal arguments, <i>letrado</i> ⁷
<i>abrevadero</i> -	water source with public access ⁸
<i>acato pero no cumple</i> -	I obey, but do not carry out. A possible response of a royal official to a crown directive, sometimes rendered “ <i>se respeta, pero no se cumple</i> ” ⁹ or “ <i>se acataban pero no se cumplan</i> ” ¹⁰ or “ <i>se obedece pero no se cumple</i> ” ¹¹

LITERATURE OF MEXICO (1973); NORBERTO C. DAGROSSA, BIBLIOGRAFÍA DE HISTORIA DEL DERECHO INDIANO, in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); JOHN GILISSEN, INTRODUCTION BIBLIOGRAPHIQUE À L'HISTOIRE DU DROIT ET À L'ETHNOLOGIE JURIDIQUE (1963-) (organized by country); FREDERICK E. SNYDER, LATIN AMERICAN SOCIETY AND LEGAL CULTURE: A BIBLIOGRAPHY (1985); 1 & 2 ALBERTO VILLALÓN-GALDAMES, BIBLIOGRAFÍA JURÍDICA DE AMÉRICA LATINA (1810-1965) (1969, 1985); Mike Widener, *Mexican Legal History: General Works*, in RESOURCES ON AZTEC AND MAYAN LAW, at <http://www.law.utexas.edu/rare/aztec.htm>.

7. RICHARD L. KAGAN, LAWSUITS AND LITIGANTS IN CASTILE, 1500-1700, at 60-77 (1981). See also María Paz Alonso Romero & Carlos Garriga Acosta, *El Régimen Jurídico de la Abogacía en Castilla (Siglos xiii-xviii)* (Rapport particulier, Société Jean Bodin pour l'Histoire Comparative des Institutions, Congrès de Copenhague, 1993); Hans W. Baade, *Law and Lawyers in Pre-Independence Texas*, in COMMITTEE ON HISTORY AND TRADITION OF THE STATE BAR OF TEXAS, CENTENNIAL HISTORY OF THE TEXAS BAR 1882-1982, at 240-55 (1981); Hans W. Baade, *Número de Abogados y Escribanos en la Nueva España, la Provincia de Texas y la Luisiana*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 119-28 (José Luis Soberanes Fernández coord., 1984); John Kicza, *The Legal Community of Late Colonial Mexico: Social Composition and Career Patterns*, in FIVE CENTURIES OF LAW AND POLITICS IN CENTRAL MEXICO 127-44 (Ronald Spores & Ross Hassig eds., 1984); Ricardo Levene, *Notas para la Historia de los Abogados en Indias*, 1 REVISTA CHILENA DE HISTORIA DEL DERECHO 9-12 (1959); Andrés Lira González, *Abogados, Tinterillos y Huizacheros en el México del Siglo xix*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 375-92 (José Luis Soberanes Fernández coord., 1984); José M. Mariluz Urquilo, *Maziel, Jurista del Setecientos*, 16 REVISTA DE HISTORIA DEL DERECHO 171-92 (1988); Raquel Sagaón Infante, *Historia de la Abogacía*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 631-40 (José Luis Soberanes Fernández coord., 1984); VICTOR M. URIBE-URAN, *supra* note 1; Victor M. Uribe, *The Lawyers and New Granada's Late Colonial State*, 27 J. LAT. AM. STUD. 517-49 (1995).

8. EBRIGHT, *supra* note 4, at 106.

9. HUMBERTO BELLO LOZANO, HISTORIA DE LAS FUENTES E INSTITUCIONES JURÍDICAS VENEZOLANAS 296, 410 (6th ed. 1983).

10. JOSÉ MARÍA OTS CAPDEQUÍ, ESPAÑA EN AMÉRICA 90 (1952).

<i>acequia</i> -	irrigation ditch ¹²
<i>Acordada</i> -	see <i>Santa Hermandad, Tribunal de Acordada</i>
<i>acuerdo</i> -	administrative session of an <i>audiencia</i> ¹³
<i>adelantado</i> -	title granted to a leader of an expedition who settled and managed newly discovered lands ¹⁴
<i>afuerino</i> -	landless, migratory, seasonal worker ¹⁵
<i>albacea</i> -	executor ¹⁶
<i>albedrío</i> -	customary law, legal custom ¹⁷
<i>alcabala</i> -	sales tax ¹⁸
<i>alcalde</i> -	<i>cabildo</i> official ¹⁹
<i>alcalde de barrio</i> -	municipal official charged with police supervision in a subdivision of a large city ²⁰
<i>alcalde de crimen</i> -	judge of the <i>audiencia</i> of Mexico with criminal jurisdiction ²¹

11. JOSÉ MANUEL PÉREZ-PRENDES Y MUÑOZ DE ARRACÓ, *LA MONARQUÍA INDIANA Y EL ESTADO DE DERECHO* 167 (1989).

12. EBRIGHT, *supra* note 4, at 73.

13. C.H. HARING, *THE SPANISH EMPIRE IN AMERICA* 134 (2d ed. 1952).

14. OTS CAPDEQUÍ, *supra* note 10, at 59; ALTAMIRA Y CREVEA, *supra* note 5, at 5-9.

15. WILLIAM C. THIESENHUSEN, *BROKEN PROMISES: AGRARIAN REFORM AND THE LATIN AMERICAN CAMPESINO* 8 (1995).

16. KELLOGG, *supra* note 1, at 221.

17. PHANOR J. EDER, *ANGLO-AMERICAN AND LATIN-AMERICAN LAW* 67 (1950).

18. HARING, *supra* note 13, at 279; PÉREZ PRENDES, *supra* note 11, at 265.

19. HARING, *supra* note 13, at 61.

20. *Id.* at 151.

21. José Luis Soberanes Fernández, *Tribunales Ordinarios*, in *LOS TRIBUNALES DE LA NUEVA ESPAÑA* 49 (José Luis Soberanes Fernández ed., 1980).

<i>alcalde de la hermandad</i> -	police magistrate for a rural district ²²
<i>alcalde de la mesta</i> -	police magistrate for a rural district ²³
<i>alcalde ordinario</i> -	town magistrate ²⁴
<i>alcalde provincial</i> -	additional members of the <i>cabildos</i> of Peru and New Spain who served as an additional police magistrate for rural districts, added to these <i>cabildos</i> in the mid-17 th century ²⁵
<i>alcadía mayor</i> -	local jurisdiction, run by an <i>alcalde mayor</i> ²⁶
<i>alférez real</i> -	<i>cabildo</i> member, herald or municipal standard bearer ²⁷
<i>alguacil mayor</i> -	<i>cabildo</i> member, chief constable; ²⁸ <i>audiencia</i> official charged with enforcing the orders of the <i>audiencia</i> ²⁹
<i>aljería</i> -	<i>hacienda</i> store, Bolivia ³⁰
<i>almojarifazgo</i> -	duty on exported or imported goods ³¹
<i>alvedriador</i> -	mediator ³²
<i>alzada</i> -	appeal ³³

22. HARING, *supra* note 13, at 162-63.

23. *Id.*

24. *Id.*

25. *Id.*

26. PÉREZ PRENDES, *supra* note 11, at 226-32.

27. HARING, *supra* note 13, at 162; BELLO LOZANO, *supra* note 9, at 342.

28. HARING, *supra* note 13, at 162; BELLO LOZANO, *supra* note 9, at 344.

29. Soberanes Fernández, *supra* note 21, at 52.

30. THIESENHUSEN, *supra* note 15, at 54.

31. HARING, *supra* note 13, at 258; PÉREZ PRENDES, *supra* note 11, at 264. See also José Antonio Cuairán Ruidíaz, *El Almojarifazgo en la Nueva España*, MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 171-80 (José Luis Soberanes Fernández coord., 1981).

32. EDER, *supra* note 17, at 66.

33. Soberanes Fernández, *supra* note 21, at 66.

<i>Antiguo Cuaderno</i> -	collection of mining regulations enacted by Philip II, 1563 ³⁴
<i>arancel</i> -	published, official tariff for fees related to filing a legal action ³⁵
<i>arbitrios</i> -	municipal taxes ³⁶
<i>árbol de justicia</i> -	pillar of stone or wood in main square of town ³⁷
<i>arrendero</i> -	agricultural worker who resides on the estate, Bolivia ³⁸
<i>arriendo</i> -	borrowed plot of land under a <i>colonato</i> , Bolivia ³⁹
<i>asentamiento</i> -	temporary form of production cooperative in which the participants vote after three years to determine the form of organization; established in Chile during the Frei administration, 1964-1970; ⁴⁰ a form of production cooperative in the Dominican Republic, 1985 ⁴¹
<i>asesor</i> -	legal counsel to a governing official charged with deciding legal disputes ⁴²
<i>asiento</i> -	exclusive right to import a certain number of slaves for a period of years; ⁴³ contract or written memorial ⁴⁴
<i>atarque</i> -	dam ⁴⁵

34. JORGE VERA ESTAÑOL, *LA EVOLUCIÓN JURÍDICA* 43 (reprint of 1900 ed. 1994).

35. KAGAN, *supra* note 7, at 38.

36. HARING, *supra* note 13, at 158.

37. *Id.* at 150.

38. THIESENHUSEN, *supra* note 15, at 54.

39. *Id.*

40. PETER DORNER, *LATIN AMERICAN LAND REFORMS IN THEORY AND PRACTICE* 39 (1992).

41. *Id.* at 41.

42. HARING, *supra* note 13, at 115.

43. ROLANDO MELLAFE, *NEGRO SLAVERY IN LATIN AMERICA* 44-50 (J.W.S. Judge trans., 1975).

44. ALTAMIRA Y CREVEA, *supra* note 5, at 22-23.

<i>audiencia</i> -	governmental body with administrative and judicial functions, usually the highest level appellate body located in a geographic area governed by a viceroy or other royal official ⁴⁶
<i>auditor de guerra</i> -	<i>asesor</i> to the <i>capitán-general's</i> exercise of military judicial jurisdiction under the military <i>fuero</i> ⁴⁷
<i>auto</i> -	legal document of various types ⁴⁸
<i>auto acordado</i> -	administrative decision of an <i>audiencia</i> ⁴⁹
<i>auto de cargos</i> -	document charging a defendant with a specific crime ⁵⁰
<i>auto de confesión</i> -	declaration by a defendant after an arrest ⁵¹
<i>auto de prisión</i> -	arrest warrant ⁵²
<i>Autos Acordados</i> -	supplement to the <i>Nueva Recopilación de Castilla</i> of 1567, compiled separately in the 1770s ⁵³

45. EBRIGHT, *supra* note 4, at 76.

46. ALTAMIRA Y CREVEA, *supra* note 5, at 25-26. See also Linda Arnold, *La Audiencia de México durante la Fase Gaditana 1812-1815 y 1820-1821*, MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 361-75 (José Luis Soberanes Fernández coord., 1981); JAVIER BARRIENTOS GRANDON, LA REAL AUDIENCIA DE SANTIAGO DE CHILE (1605-1817) LA INSTITUCIÓN Y SUS HOMBRES, in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); MARK A. BURKHOLDER, FROM IMPOTENCE TO AUTHORITY: THE SPANISH CROWN AND THE AMERICAN AUDIENCIAS, 1687-1808 (1977); FERNANDO MAYORGA GARCÍA, LA AUDIENCIA DE SANTAFÉ EN LOS SIGLOS XVI Y XVII (1991); RIGOBERTO GERARDO ORTIZ TREVIÑO, NUEVA GALICIA Y QUITO: LA INSUBORDINACIÓN DE DOS AUDIENCIAS SUBORDINADAS (1546-1680), in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); J.H. PARRY, THE AUDIENCIA OF NEW GALICIA IN THE SIXTEENTH CENTURY (1948); PÉREZ PRENDES, *supra* note 11, at 140-42, 206-19; ENRIQUE RUÍZ GUIÑAZÚ, LA MAGISTRATURA INDIANA (1916). For charts of organizational structure see PÉREZ PRENDES, *supra* note 11, at 23rd-28th and 39th-40th unpaginated pages at end of volume.

47. HARING, *supra* note 13, at 124.

48. ALTAMIRA Y CREVEA, *supra* note 5, at 26-28.

49. HARING, *supra* note 13, at 134.

50. CUTTER, *supra* note 1, at 126.

51. *Id.* at 122.

52. *Id.* at 119-120.

53. GUILLERMO FLORIS MARGADANT S., INTRODUCCIÓN A LA HISTORIA DEL DERECHO MEXICANO 42 (9th ed. 1990).

<i>avería</i> -	convoy tax collected by the <i>Casa de Contratación</i> ⁵⁴
<i>ayuntamiento</i> -	town council ⁵⁵
<i>balanza</i> -	shipping tax based on amount of cargo, Chile, except between 1647 and 1675 ⁵⁶
<i>baldías</i> -	<i>tierras baldías</i> , vacant public lands held by crown ⁵⁷
<i>bozal</i> -	slave unfamiliar with Spanish whose qualities were unknown ⁵⁸
<i>caballería</i> -	unit of land, approximately 105 acres ⁵⁹
<i>cabildo</i> -	local or municipal council ⁶⁰
<i>cabildo abierto</i> -	open <i>cabildo</i> , a broader municipal meeting than the regular <i>cabildo</i> addressing important matters
<i>cacicazgo</i> -	estate of a native chieftain, often held in a similar manner as a <i>mayorazgo</i> ⁶¹
<i>cacique</i> -	indigenous chief ⁶²
<i>caja de comunidad</i> -	community fund of an Indian municipality ⁶³

54. HARING, *supra* note 13, at 297; see PÉREZ PRENDES, *supra* note 11, at 268.

55. EBRIGHT, *supra* note 4, at 73.

56. PÉREZ PRENDES, *supra* note 11, at 265.

57. EBRIGHT, *supra* note 4, at 87, 383.

58. MELLAFE, *supra* note 43, at 84.

59. EBRIGHT, *supra* note 4, at 18.

60. ALTAMIRA Y CREVEA, *supra* note 5, at 45-46; HARING, *supra* note 13, at 131; PÉREZ PRENDES, *supra* note 11, at 238-44, 29th-32nd unpaginated pages at end of volume (charts of organizational structures).

61. TAYLOR, *supra* note 4, at 35, 44.

62. José Miranda, *Indios*, in *LOS TRIBUNALES DE LA NUEVA ESPAÑA 165* (José Luis Soberanes Fernández ed., 1980).

63. HARING, *supra* note 13, at 174.

<i>Caja de Consolidación</i> -	Consolidation Treasury, royal institution created as receiver of church lands, 1799 ⁶⁴
<i>Capitán General</i> -	regional royal official with military and civil powers ⁶⁵
<i>capitulación</i> -	contract between crown and <i>adelantado</i> setting out the grant of wealth, powers, and honors to be given upon successful discovery or settlement of new territories ⁶⁶
<i>careo</i> -	judicially supervised face-to-face meeting of the parties to a legal dispute ⁶⁷
<i>carimba</i> -	a brand burned into a slave indicating that the slave entered the colonies legally and that duties had been paid ⁶⁸
<i>carta de poder</i> -	power of attorney, often used to permit a lawyer to represent client ⁶⁹
<i>Casa de Contratación</i> -	the Royal House of Trade located in Seville and later Cádiz, governed all aspects of trade with the colonies, 1503-1790 ⁷⁰
<i>casa de fundación</i> -	royal smeltery ⁷¹
<i>Casa de las Indias</i> -	see <i>Consulado de Mercaderes</i>
<i>Casa de Océano</i> -	see <i>Consulado de Mercaderes</i>

64. MARGADANT S., *supra* note 53, at 104-08.

65. PÉREZ PRENDES, *supra* note 11, at 59.

66. BELLO LOZANO, *supra* note 9, at 254-56; PÉREZ PRENDES, *supra* note 11, at 200-04.

67. CUTTER, *supra* note 1, at 128.

68. MELLAFE, *supra* note 43, at 70.

69. KAGAN, *supra* note 7, at 57.

70. ALTAMIRA Y CREVEA, *supra* note 5, at 58-59; OTS CAPDEQUÍ, *supra* note 10, at 115-16; PÉREZ PRENDES, *supra* note 11, at 87-91, 139-40, 194-200, 332, and 17th-22nd unpaginated pages at end of volume (charts of organizational structure).

71. HARING, *supra* note 13, at 276.

<i>Casos de Corte</i> -	form of original jurisdiction for <i>audiencias</i> based on crimes committed within a five league radius of the <i>audiencia</i> , or on questions concerning <i>encomiendas</i> of Indians ⁷²
<i>casta</i> -	racial stock, often applied to shipments of slaves ⁷³
<i>Cátedra de Clementinas</i> -	law professor who lectured on the <i>Clementines</i> ⁷⁴
<i>Cátedra de Decreto</i> -	law professor who lectured on Gratian's <i>Decretum</i> ⁷⁵
<i>Cátedra de Prima de Cánones</i> -	law professor who lectured on the <i>Decretals</i> ⁷⁶
<i>Cátedra de Sexto</i> -	law professor who lectured on the <i>Sexto</i> ⁷⁷
<i>cédula</i> -	legal document of various types ⁷⁸
<i>Cedulario de Vasco de Puga</i> -	chronological collection of royal decrees affecting New Spain, compiled in 1563 ⁷⁹

72. BELLO LOZANO, *supra* note 9, at 300; KAGAN, *supra* note 7, at 103.

73. MELLAFFE, *supra* note 43, at 65.

74. LUCIO MENDIETA Y NÚÑEZ, *HISTORIA DE LA FACULTAD DE DERECHO* 69 (2^d ed. 1975). Initiated by Pope Clement V, the *Clementines*, or *Decretales Clementinas*, are a collection of canon law containing the constitutions of the Council of Vienne and the decretals of Clement V from 1305 to 1314. MANLIO BELLOMO, *THE COMMON LEGAL PAST OF EUROPE, 1000-1800*, at 73 (Lydia G. Cochrane trans., 2^d ed. 1995).

75. MENDIETA Y NÚÑEZ, *supra* note 74, at 68. The *Decretum*, or *Concordia Discordantium Canonum*, is a foundational work of the canon law dating from the mid-12th century. *See also* BELLOMO, *supra* note 74, at 65-68.

76. MENDIETA Y NÚÑEZ, *supra* note 74, at 68. The *Decretales*, or *Liber Extra*, drafted under the supervision of Raymond de Peñafort during the papacy of Gregory IX, is a foundational work of the canon law dating from the mid-13th century. *See also* BELLOMO, *supra* note 74, at 71-74.

77. MENDIETA Y NÚÑEZ, *supra* note 74, at 65-71. The *Liber Sextus*, promulgated in 1298 by Boniface VIII, is a foundational work of canon law. *See also* BELLOMO, *supra* note 74, at 72-74.

78. ALTAMIRA Y CREVEA, *supra* note 5, at 62-64. *See also* Antonio Muro Orejón, *Los Cedularios como Fuente de la Historia Jurídica Mexicana*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 449-453 (José Luis Soberanes Fernández coord., 1984); Fernando Muro Romero, *Los Libros Generales de Cédulas para Nueva España (1605-1788)*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 455-459 (José Luis Soberanes Fernández coord., 1984); PÉREZ PRENDES, *supra* note 11, at 170.

79. OTS CAPDEQUÍ, *supra* note 10, at 91.

<i>censo</i> -	contractual form of mortgage annuity ⁸⁰
<i>censo al quitar</i> -	“short-term loan disguised as a sale to avoid prohibitions of usury” ⁸¹
<i>censo consignativo</i> -	purchase of an annual pension for a cash payment secured by land ⁸²
<i>censo enfiteútico</i> -	contractual, long-term mortgage loan ⁸³
<i>censo perpetuo</i> -	contractual grant of land, reserving a fixed annual rent, prohibiting the sale of the land, attaching the rent to any subsequent permitted owners and requiring them to pay a fee for transfer ⁸⁴
<i>censo reservatio</i> -	reserving an annual pension of fruits or money from land ⁸⁵
<i>certificado de inafectabilidad</i> -	certificate exempting lands from expropriation of land reform ⁸⁶
<i>chacra</i> -	lands worked collectively by <i>inquilinos</i> for their own benefit, Chile ⁸⁷
<i>chanciller</i> -	<i>audiencia</i> official charged with keeping the royal seal ⁸⁸
<i>Chancillería de Valladolid</i> -	most important civil appellate tribunal in Castile in the 16 th and 17 th centuries ⁸⁹

80. KAGAN, *supra* note 7, at 14. See also Gisela von Wobeser, *El Uso del Censo Conignativo para Realizar Transacciones Crediticias en la Nueva España. Siglos XVI al XVIII*, 2 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 1163-77 (Raul Marquez Romero ed., 1988).

81. KAGAN, *supra* note 7, at 132.

82. OTS CAPDEQUÍ, *supra* note 10, at 49.

83. KAGAN, *supra* note 7, at 132; OTS CAPDEQUÍ, *supra* note 10, at 48.

84. TAYLOR, *supra* note 4, at 115.

85. OTS CAPDEQUÍ, *supra* note 10, at 49.

86. GEORGE A. COLLIER & ELIZABETH LOWERY QUARATIELLO, BASTA! LAND AND THE ZAPATISTA REBELLION IN CHIAPAS 51 (1994); THIESENHUSEN, *supra* note 15, at 38.

87. THIESENHUSEN, *supra* note 15, at 93.

88. Soberanes Fernández, *supra* note 21, at 52-53.

89. KAGAN, *supra* note 7, at 165-209.

<i>chorrillo</i> -	small <i>obraje</i> , with 10 to 20 workers ⁹⁰
<i>cimarrón</i> -	runaway slave ⁹¹
<i>cinco hermanas</i> -	“five sisters” or five codes of Mexican Salvador Alvarado: farm land, finances, property registration, municipal government, and labor ⁹²
<i>coartación</i> -	ability of a slave to purchase freedom by him or herself or through another ⁹³
<i>cobos</i> -	tax of 1 ½ % applied, to determine a metal’s quality, originally a grant by Charles V to Francisco Cobos, but later allocated to the treasury ⁹⁴
<i>Código de 1550</i> -	see <i>Ordenanzas de Minería de 1550 para la Nueva Galicia</i>
<i>Código Andrés Bello</i> -	Chilean civil code of 1855 ⁹⁵
<i>Código Arandino</i> -	Venezuelan code of civil procedure drafted by Francisco Aranda, 1836 ⁹⁶
<i>Código Arosemena</i> -	Colombian commercial code of 1853, drafting by Justo Arosemena is disputed; ⁹⁷ Panamanian state commercial code of 1869 ⁹⁸

90. PHELAN, *supra* note 4, at 69.

91. MELLAFFE, *supra* note 43, at 33, 104-06.

92. MARGADANT S., *supra* note 53, at 193.

93. ALAN WATSON, SLAVE LAW IN THE AMERICAS 50-56 (1989).

94. BELLO LOZANO, *supra* note 9, at 361; PÉREZ PRENDES, *supra* note 11, at 266.

95. BELLO, *supra* note 2; 1 & 2 ALEJANDRO GUZMÁN BRITO, ANDRÉS BELLO CODIFICADOR: HISTORIA DE LA FIJACIÓN Y CODIFICACIÓN DEL DERECHO CIVIL EN CHILE (1982). See also IVÁN JAKSIC, ANDRÉS BELLO: SCHOLARSHIP AND NATIONALITY IN NINETEENTH-CENTURY LATIN AMERICA, chapter 6 (forthcoming 2001). The author thanks Professor Jaksic for his willingness to share this chapter. M.C. Mirow, *Borrowing Private Law in Latin America: Andrés Bello's Use of the Code Napoléon in Drafting the Chilean Civil Code*, 61 LA. L. REV. (forthcoming).

96. BELLO LOZANO, *supra* note 9, at 453.

97. MEANS, *supra* note 4, at 154-58.

98. *Id.* at 191.

<i>Código Barranta</i> -	Mexican federal commercial code, 1884 ⁹⁹
<i>Código Béistegui</i> -	procedural code for Puebla, Mexico, 1880 ¹⁰⁰
<i>Código de Bustamante</i> -	code of private international law drafted by Antonio Sánchez de Bustamante y Sirven seeking to unify private international law and addressing private law, commercial law, criminal law, and procedural law, 1928 ¹⁰¹
<i>Código Negro</i> -	set of laws addressing the treatment and obligations of slaves ¹⁰²
<i>Código Justo Sierra</i> -	draft civil code for Mexico, late 1850s ¹⁰³
<i>Código Lares</i> -	Mexican commercial code, 1854; repealed 1855; ¹⁰⁴ re-established 1863 ¹⁰⁵
<i>Código Ocampo</i> -	Chilean commercial code, enacted 1865, effective 1867 ¹⁰⁶
<i>Código Vélez Sársfield</i> -	Argentine civil code, enacted 1869, effective 1871 ¹⁰⁷
<i>collera</i> -	judicial punishment of forced labor usually imposed on Indians because they could not be punished by monetary fines ¹⁰⁸

99. MARGADANT S., *supra* note 53, at 180.

100. *Id.* at 183.

101. BELLO LOZANO, *supra* note 9, at 490; JULIO ROMAÑACH, JR., BUSTAMANTE CODE = CÓDIGO BUSTAMANTE (English translation, 1996).

102. MANUEL LUCENA SALMORAL, LOS CÓDIGOS NEGROS DE LA AMÉRICA ESPAÑOLA (1996).

103. MARÍA DEL REFUGIO GONZÁLEZ, ESTUDIOS SOBRE LA HISTORIA DEL DERECHO CIVIL EN MÉXICO DURANTE EL SIGLO XIX 106 (1981).

104. CLAGETT & VALDERRAMA, *supra* note 6, at 128.

105. MARGADANT S., *supra* note 53, at 171.

106. ARMANDO BRAUN MENENDEZ, JOSÉ GABRIEL OCAMPO Y EL CÓDIGO DE COMERCIO DE CHILE (1951).

107. 1 & 2 ABEL CHÁNETON, HISTORIA DE VÉLEZ SÁRSFIELD (2d ed. 1938); DALMACIO VÉLEZ SÁRSFIELD, ESCRITOS JURÍDICOS (1971).

108. José Miranda, *supra* note 62, at 172.

<i>colonato</i> -	system of agricultural production where land is exchanged agricultural labor on a large estate, Bolivia ¹⁰⁹
<i>colono</i> -	agricultural worker who resides on the agricultural estate ¹¹⁰
<i>composición de tierra</i> -	governmental confirmation or legalization of land title ¹¹¹
<i>conceguiles</i> -	<i>tierras conceguiles</i> , public lands held by municipality ¹¹²
<i>conciliación</i> -	informal dispute resolution, Mexican legislation provided for this under the law of 23 May 1837 ¹¹³
<i>Consejo de las Indias</i> -	Council of the Indies, charged with the executive, administrative, and judicial control of the Spanish colonies ¹¹⁴
<i>constitución</i> -	governing law of certain ecclesiastical bodies such as hospitals or universities ¹¹⁵
<i>consulado</i> -	commercial tribunal ¹¹⁶

109. THIESENHUSEN, *supra* note 15, at 54

110. *Id.* at 8.

111. ALTAMIRA Y CREVEA, *supra* note 5, at 77-83; TAYLOR, *supra* note 4, at 6-7.

112. EBRIGHT, *supra* note 4, at 87.

113. *Id.* at 62.

114. OTS CAPDEQUÍ, *supra* note 10, at 119; PÉREZ PRENDES, *supra* note 11, at 138-39, 187-94, 327-31. See also PÉREZ PRENDES, *supra* note 11, at 13th-16th unpaginated pages at end of volume (Charts of organizational structure); Daisy Ripodas Ardanaz, *Contribución a la Iconografía del Consejo de Indias*, 16 REVISTA DE HISTORIA DEL DERECHO 193-208 (1988).

115. ALTAMIRA Y CREVEA, *supra* note 5, at 88-89.

116. Ana María Barrero García, *Las Ordenanzas de los Consulados Castellanos e Indianos (Siglos xvi-xvii)*, 14 REVISTA CHILENA DE HISTORIA DEL DERECHO 53-69 (1991); Ana María Barrero García, *Notas para una Nueva Edición de las Ordenanzas del Consulado de la Universidad de Mercaderes de Nueva España*, 1 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 145-62 (Beatriz Bernal coord., 1988); Juan de Hevia Bolaños, *Consulado*, in LOS TRIBUNALES DE LA NUEVA ESPAÑA 123-41 (José Luis Soberanes Fernández ed., 1980); MARTA MILAGROS DEL VAS MINGO, LOS CONSULADOS EN EL TRÁFICO INDIANO, in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); Rubén Ruiz Guerra, *El Consulado de Comerciantes de la Ciudad de México*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 619-29 (José Luis Soberanes Fernández coord., 1984); Matilde Souto Mantecón, *Los Consulados de Comercio en Castilla e Indias: su Establecimiento y Renovación (1494-1795)*, 2 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 227-50 (1990).

<i>Consulado de Mercaderes</i> -	commercial tribunal established in Seville to handle disputes arising from colonial trade and to lessen the case load of the <i>Casa de Contratación</i> ¹¹⁷
<i>contador</i> -	comptroller, one of the <i>oficiales reales</i> ¹¹⁸
<i>contratación</i> -	business or commercial contract ¹¹⁹
<i>cordel</i> -	rope for measuring land, varying from 50 to 100 <i>varas</i> ¹²⁰
<i>corregidor de indios</i> -	official charged with collecting Indian tribute; ¹²¹ judicial and political official over a <i>corregimiento de indios</i> ¹²²
<i>corregimiento</i> -	a local jurisdiction, theoretically, but not practically, of a smaller area than an <i>alcaldía mayor</i> , in Spain the <i>corregidor</i> was usually a university-trained lawyer, but not in Latin America ¹²³
<i>costumbre</i> -	custom ¹²⁴
<i>criollo</i> -	person of Spanish descent born in the colonies; in the slaving context, an individual of African blood born in the colonies ¹²⁵

117. BELLO LOZANO, *supra* note 9, at 283.

118. HARING, *supra* note 13, at 279.

119. KAGAN, *supra* note 7, at 108-09.

120. EBRIGHT, *supra* note 4, at 24.

121. HARING, *supra* note 13, at 63.

122. *Id.* at 143-44.

123. *Id.* at 73; PÉREZ PRENDES, *supra* note 11, at 232-38.

124. ALTAMIRA Y CREVEA, *supra* note 5, at 94-95; Alejandro Guzmán Brito, *El Régimen de la Costumbre en las Codificaciones Civiles de Hispanoamérica y España Emprendidas durante el Siglo xix*, 12 REVISTA DE ESTUDIOS HISTÓRICO-JURÍDICOS 237-54 (1987-88); Carlos Salinas Aranedo, *Un Aporte sobre la Costumbre Indiana como Fuente del Derecho en Chile*, 11 REVISTA DE ESTUDIOS HISTÓRICO-JURÍDICOS 165-81 (1986); VÍCTOR TAU ANZOÁTEGUI, EL PODER DE LA COSTUMBRE, ESTUDIOS SOBRE EL DERECHO CONSUETUDINARIO EN AMÉRICA HISPANA HASTA LA EMANCIPACIÓN, in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); Víctor Tau Anzoátequi, *Elementos Consuetudinarios en la "Política Indiana" de Solórzano*, 15 REVISTA DE HISTORIA DEL DERECHO 469-502 (1987).

125. MELLAFE, *supra* note 43, at 84.

<i>cruzada</i> -	ecclesiastical tax based on the Bulls of the Crusade, a type of indulgence; after mid-18 th century, administered by royal officials and usually collected every two years ¹²⁶
<i>Cuadernillo de Gutiérrez</i> -	see <i>Prontuario de los Juicios, su Orden, Sustanciación e Incidencias</i> ¹²⁷
<i>Curia Philipica</i> -	work on court procedure and commercial law by Juan de Hevia Bolaños, perhaps first published in Lima, 1603, but with many subsequent editions ¹²⁸
<i>dávida</i> -	loan of money ¹²⁹
<i>dehesa</i> -	lands held as a municipal enclosed pasture ¹³⁰
<i>demasías</i> -	surplus lands between granted plots ¹³¹
<i>depositario general</i> -	member of the <i>cabildo</i> who serves as public trustee ¹³²
<i>derecho de unión de armas</i> -	mid-17 th century sales tax to provide a fleet to protect Atlantic shipping ¹³³
<i>derecho indiano</i> -	laws applicable to the Indies, or Spanish colonies ¹³⁴
<i>derecho vulgar</i> -	term used by Cutter to describe the body of customary equitable law applied by peripheral courts ¹³⁵

126. HARING, *supra* note 13, at 286-87.

127. BELLO LOZANO, *supra* note 9, at 451.

128. KAGAN, *supra* note 7, at 242.

129. RICARDO LEVENE, *MANUAL DE HISTORIA DEL DERECHO ARGENTINO* 117 (5th ed. 1985).

130. ALTAMIRA Y CREVEA, *supra* note 5, at 151; EBRIGHT, *supra* note 4, at 105; HARING, *supra* note 13, at 170.

131. CHEVALIER, *supra* note 4, at 265.

132. HARING, *supra* note 13, at 162.

133. *Id.* at 288.

134. NORBERTO C. DAGROSSA, *supra* note 5.

135. Charles R. Cutter, *The Legal Culture of Spanish America on the Eve of Independence, in JUDICIAL INSTITUTIONS IN NINETEENTH-CENTURY LATIN AMERICA* 17-18 (Eduardo Zimmermann ed., 1999).

<i>diezmo</i> -	personal royal tax mostly redistributed for ecclesiastical purposes, ¹³⁶ tax of one-tenth applied to precious metals ¹³⁷
<i>ejidatario</i> -	holder or beneficiary of <i>ejido</i> lands ¹³⁸
<i>ejido</i> -	lands held as a municipal commons, ¹³⁹ municipally held common lands used for several purposes including threshing, dumping garbage, or keeping stray animals, ¹⁴⁰ lands vested in a peasant community through land reform, ¹⁴¹ usufructuary property which cannot be sold, rented, or mortgaged, ¹⁴² also " <i>exido</i> " ¹⁴³
<i>embargo de bienes</i> -	seizure of property of accused ¹⁴⁴
<i>encomienda</i> -	a grant of land and services of inhabitants to an <i>encomendero</i> based on a duty to Christianize the inhabitants, defend them and their property. In return the <i>encomendero</i> received the inhabitants' tribute payments or labor ¹⁴⁵
<i>esclavo</i> -	slave ¹⁴⁶

136. PÉREZ PRENDES, *supra* note 11, at 263-64.

137. BELLO LOZANO, *supra* note 9, at 361.

138. THIESENHUSEN, *supra* note 15, at 39.

139. HARING, *supra* note 13, at 170.

140. EBRIGHT, *supra* note 4, at 105.

141. COLLIER, *supra* note 86, at 31.

142. THIESENHUSEN, *supra* note 15, at 39.

143. ALTAMIRA Y CREVEA, *supra* note 5, at 150.

144. CUTTER, *supra* note 1, at 119.

145. ALTAMIRA Y CREVEA, *supra* note 5, at 128-29; HARING, *supra* note 13, at 40; ROBERT HIMMERICH Y VALENCIA, *THE ENCOMENDEROS OF NEW SPAIN, 1521-1555* (1991); PÉREZ PRENDES, *supra* note 11, at 114-18; LESLEY BIRD SIMPSON, *THE ENCOMIENDA IN NEW SPAIN* (1950).

146. CARMEN BERNARD, NEGROS ESCLAVOS Y LIBRES EN LAS CIUDADES AMERICANAS, *in* COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); JESÚS GARCÍA-AÑOVEROS, LOS ARGUMENTOS DE LA ESCLAVITUD, *in* COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); Hugo Hanisch Espíndola, *La esclavitud de los indios en el Reino de Chile. Sus Fuentes Jurídicas. Prácticas y Tráfico Esclavista*, 14 REVISTA CHILENA DE HISTORIA DEL DERECHO 91-129 (1991); LUCENA SALMORAL, *supra* note 102; Ana Luisa Izquierdo, *La esclavitud en Mesoamérica: Concepto y Realidad*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 361-74 (José Luis Soberanes Fernández coord., 1984); MANUEL LUCENA, LEYES PARA ESCLAVOS: EL ORDENAMIENTO JURÍDICO SOBRE LA CONDICIÓN, TRATAMIENTO,

<i>escribano</i> -	scribe, notary ¹⁴⁷
<i>escribano de cámara</i> -	scribe for an <i>audiencia</i> ¹⁴⁸
<i>escribano público de número</i> -	public scribe ¹⁴⁹
<i>escritura de compromiso</i> -	agreement compromising or settling a dispute ¹⁵⁰
<i>Espéculo</i> -	mid-13 th century work on law under Alfonso X, similar in substance to the prologue and parts 1, 2, and 3 of the <i>Seite Partidas</i> ¹⁵¹
<i>esquina de provincia</i> -	see <i>Juzgado de Provincia</i>

DEFENSA Y REPRESIÓN DE LOS ESCLAVOS EN LAS COLONIAS DE LA AMÉRICA ESPAÑOLA, in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); Raquel Sagaón Infante, *La Esclavitud*, 8 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 431-61 (1996).

147. ALTAMIRA Y CREVEA, *supra* note 5, at 138. See also MIGUEL ANGEL DE MARCO, ABOGADOS, ESCRIBANOS Y OBRAS DE DERECHO EN EL ROSARIO DEL SIGLO XIX (1973); Pilar Gonzalbo Aizpuru, *De Escrituras y Escribanos*, 1989 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 77-93 (1989); Francisco de Icaza Dufour, *Las Escribanías Mayores de la Gobernación y Guerra de la Nueva España*, 1 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 545-61 (Beatriz Bernal coord., 1988); José Luis Iara Valdés, *Minuta del Escribanos de la Nueva España, 1810*, 8 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 199-206 (1996); Jorge Luján Muñoz, *Los Escribanos en Pueblos de Indios en el Reino de Guatemala durante la Colonia*, MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 241-48 (José Luis Soberanes Fernández coord., 1981); Bernardo Pérez Fernández del Castillo, *Los Protocolos Antiguos del Archivo de Notarías como Fuente de Investigación Histórico-Jurídica*, MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 489-503 (José Luis Soberanes Fernández coord., 1984); Guadalupe Pérez San Vicente et al., *Los Inicios de la Actividad Notarial en México y su Importancia para la Historia del Derecho Mexicano*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 505-524 (José Luis Soberanes Fernández coord., 1984); Robert A. Potash, *Los Archivos Notariales: Cómo Revelar sus Tesoros Escondidos*, in MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 715-20 (José Luis Soberanes Fernández coord., 1981).

148. Soberanes Fernández, *supra* note 21, at 55-56.

149. Gonzalbo Aizpuru, *supra* note 147, at 77-93.

150. KAGAN, *supra* note 7, at 20.

151. E.N. VAN KLEFFENS, *HISPANIC LAW UNTIL THE END OF THE MIDDLE AGES* 184-88 (1968).

<i>estancia</i> -	common unit of land for the raising of livestock in New Spain established by the <i>Ordenanzas y preceptos para medir sitios criaderos de ganados mayores y menores, caballerias y demas tierras, 1536</i> ; ¹⁵² a large farm ¹⁵³
<i>estancia de ganado mayor</i> -	unit of agricultural land of about 6.7 square miles ¹⁵⁴
<i>estatuto</i> -	law governing a group or body with sufficient legal autonomy to govern its internal life ¹⁵⁵
<i>exido</i> -	see <i>ejido</i>
<i>expediente</i> -	documentation of a land grant including the grantee's petition, a report by the <i>alcalde</i> , the grant by a royal official, and a description of the ceremony of possession; ¹⁵⁶ a case file in a legal proceeding ¹⁵⁷
<i>factor</i> -	business manager, one of the <i>oficiales reales</i> ¹⁵⁸
<i>fiel ejecutor</i> -	member of the <i>cabildo</i> charged with inspecting weights and measures, ensuring the supply of foodstuffs, and adjusting market prices ¹⁵⁹
<i>finca de mozo</i> -	serf farm, Guatemala ¹⁶⁰
<i>fiscal</i> -	crown attorney; ¹⁶¹ prosecutor, <i>audiencia</i> official charged with defending the interests of the royal fisc ¹⁶²

152. José Miranda, *Mesta*, in *LOS TRIBUNALES DE LA NUEVA ESPAÑA* 231, 238-39 (José Luis Soberanes Fernández ed., 1980).

153. ALTAMIRA Y CREVEA, *supra* note 5, at 145-46; HUMERTO GUTIÉRREZ SARMIENTO, *EL DERECHO CIVIL EN LA CONFIRMACIÓN DE AMÉRICA* 72 (1992).

154. CHEVALIER, *supra* note 4, at vi.

155. ALTAMIRA Y CREVEA, *supra* note 5, at 147-48.

156. EBRIGHT, *supra* note 4, at 24.

157. CUTTER, *supra* note 1, at 125.

158. HARING, *supra* note 13, at 279.

159. *Id.* at 151; BELLO LOZANO, *supra* note 9, at 343-44.

160. THIESENHUSEN, *supra* note 15, at 73.

161. HARING, *supra* note 13, at 130.

<i>fuero</i> -	grant of special rights and privileges through a charter; ¹⁶³ a collection of such laws
<i>Fuero Juzgo</i> -	mid-7 th century Visigothic law code incorporating much Roman law, also known as <i>Liber Judiciorum</i> , <i>Libro de las Leyes</i> , <i>Lex Barbara Visigothorum</i> ¹⁶⁴
<i>Fuero Real</i> -	collection of royal laws drafted to provide uniformity under Alfonso X, 1255 ¹⁶⁵
<i>fundo</i> -	subdivision of a <i>hacienda</i> , Chile ¹⁶⁶
<i>gañán</i> -	native worker who hired himself out voluntarily ¹⁶⁷
<i>gobernación</i> -	geographical area covered by a civil jurisdiction ¹⁶⁸
<i>gobernador</i> -	head of a <i>gobernación</i> ¹⁶⁹
<i>gobernador intendente</i> -	head of an <i>intendencia</i>
<i>gobierno</i> -	local jurisdiction originating in an <i>adelantado's</i> jurisdiction or in an outlying area ¹⁷⁰
<i>Gobierno de Perú</i> -	work of Juan de Matienzo, a 16 th century jurist who was <i>oidor</i> of the <i>audiencia</i> of Charcas ¹⁷¹

162. Soberanes Fernández, *supra* note 21, at 49-51.

163. KAGAN, *supra* note 7, at 23-31; VAN KLEFFENS, *supra* note 151, at 124-35.

164. VAN KLEFFENS, *supra* note 151, at 74-80. An English translation of the table of contents is found at *Id.* at 285-87.

165. *Id.* at 167-171. An English translation of the table of contents is found at *Id.* at 288-90.

166. THIESENHUSEN, *supra* note 15, at 89.

167. CHEVALIER, *supra* note 4, at 280.

168. ALTAMIRA Y CREVEA, *supra* note 5, at 162-163; PÉREZ PRENDES, *supra* note 11, at 219-26.

169. ALTAMIRA Y CREVEA, *supra* note 5, at 163-64; PÉREZ PRENDES, *supra* note 11, at 58-59.

170. HARING, *supra* note 13, at 128.

171. BELLO LOZANO, *supra* note 9, at 253.

<i>golondrina</i> -	landless, migratory, or seasonal worker ¹⁷²
<i>hacienda</i> -	large landed estate, an “economic entity devoted to supplying local markets with both grain and animal products” ¹⁷³
<i>hacienda de beneficio</i> -	large landed estate for mining ¹⁷⁴
<i>hacienda de ganado</i> -	large landed estate for raising livestock ¹⁷⁵
<i>hacienda de labor</i> -	large landed estate for raising crops ¹⁷⁶
<i>Hacienda Real</i> -	Treasury ¹⁷⁷
<i>hato</i> -	private grazing land ¹⁷⁸
<i>hijuela</i> -	deed, possibly divided land into several tracts; ¹⁷⁹ a subdivision of a <i>fundo</i> , Chile ¹⁸⁰
<i>honorario</i> -	fee paid to a lawyer for services ¹⁸¹
<i>huasipunguero</i> -	agricultural worker who resides on the estate, Ecuador ¹⁸²

172. THIESENHUSEN, *supra* note 15, at 8.

173. TAYLOR, *supra* note 4, 121; CHEVALIER, *supra* note 4, at 288-99

174. EBRIGHT, *supra* note 4, at 18.

175. *Id.*

176. *Id.*

177. PÉREZ PRENDES, *supra* note 11, at 256-74, 356-60, 35th-36th unpaginated pages at end of volume (classification chart of treasury income).

178. HARING, *supra* note 13, at 255.

179. EBRIGHT, *supra* note 4, at 382.

180. THIESENHUSEN, *supra* note 15, at 96.

181. Alonso Romero & Garriga Acosta, *supra* note 7, at 38-51.

182. THIESENHUSEN, *supra* note 15, at 8.

<i>Ilustración del Derecho Real de España -</i>	work by Juan Sala on Spanish law published in 1803, widely used in the colonial and early republic period, Mexican editions often used a derivative title of <i>Sala Mexicano</i> ¹⁸³
<i>indultos -</i>	blanket fines assessed against ships to offset loss of royal revenue from customs evasion ¹⁸⁴
<i>información de derecho -</i>	legal brief stating client's argument ¹⁸⁵
<i>inquilino -</i>	agricultural worker who resides on the estate, Chile ¹⁸⁶
<i>Inquisición -</i>	<i>Tribunal del Santo Oficio de la Inquisición</i> , the Inquisition ¹⁸⁷
<i>instrucción -</i>	instructions to an official stating how to exercise the office ¹⁸⁸
<i>Instrucción de lo que deben observar los Regentes de las Reales Audiencias de América -</i>	royal legislation from 1776 appointing regents to colonial <i>audiencias</i> ¹⁸⁹
<i>Instrucción de Regentes -</i>	see <i>Instrucción de lo que deben observar los Regentes de las Reales Audiencias de América</i>

183. Mariano Peset, *Novísimo Sala Mexicano o el Final del Viejo Derecho Hispano*, in 2 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 895-913 (Beatriz Bernal coord., 1988).

184. HARING, *supra* note 13, at 328-29.

185. KAGAN, *supra* note 7, at 61.

186. THIESENHUSEN, *supra* note 15, at 8.

187. Alicia Gojman Goldberg, *El Auto de Fé en el Proceso Inquisitorial*, in 1 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 399-412 (Beatriz Bernal coord., 1988); Alicia Gojman Goldberg & Luis Manuel Martínez Escutia, *La Función del Edicto de Fé en el Proceso Inquisitorial*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 261-280 (José Luis Soberanes Fernández coord., 1984); Alfonso Martínez Rosales, *Los Comisarios de la Inquisición en la Ciudad de San Luis Potosí, 1621-1820*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 409-429 (José Luis Soberanes Fernández coord., 1984); Javier Piña y Palacios & Graciela Rocío Magaña, *La Cárcel del Tribunal del Santo Oficio y su Régimen*, in MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 337-45 (José Luis Soberanes Fernández coord., 1981).

188. PÉREZ PRENDES, *supra* note 11, at 170.

189. Soberanes Fernández, *supra* note 21, at 39.

<i>intendencia</i> -	Bourbon government administrative unit, replacing <i>corregimientos</i> , <i>gobiernos</i> , and <i>alcaldías mayores</i> ¹⁹⁰
<i>interrogatorio</i> -	written questions to be answered by witnesses ¹⁹¹
<i>juez</i> -	judge ¹⁹²
<i>juez arbitro arbitrador y amigable compendidor</i> -	designated <i>abogado</i> to serve as an arbitrator of a dispute ¹⁹³
<i>juez cuadrillero</i> -	judge of the <i>Santa Hermandad</i> ¹⁹⁴
<i>juez de comisión</i> -	investigating judge appointed by viceroy, president, or <i>audiencia</i> ¹⁹⁵

190. HARING, *supra* note 13, at 144. See also Edberto Oscar Acevedo, *Actualización de la Bibliografía sobre Intendencias en el Imperio Español*, 20 REVISTA DE HISTORIA DEL DERECHO 443-53 (1992); Guillermo F. Margadant S., *La Ordenanza de Intendentes para la Nueva España: Ilusiones y Logros*, in 2 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 655-84 (1988); Ricardo Rees Jones, *El Ramo de Intendencia del Archivo General de la Nación*, in MEMORIA DEL PRIMER CONGRESO DE HISTORIA DEL DERECHO MEXICANO 133-34 (Beatriz Bernal coord., 1981).

191. BORAH, *supra* note 4, at 241.

192. ALTAMIRA Y CREVEA, *supra* note 5, at 180-81. See also Fernando Arilla Bas, *Los Antecedentes Gaditanos sobre Administración de Justicia Criminal de la Constitución del Estado de México de 14 de Febrero de 1827*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 67-73 (José Luis Soberanes Fernández coord., 1984); Fernando Arilla Bas & Graciela Macedo Jaimes, *Los Antecedentes de los Órganos del Poder Judicial del Estado de México*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 61-66 (José Luis Soberanes Fernández coord., 1984); LINDA ARNOLD, POLÍTICA Y JUSTICIA: LA SUPREMA CORTE MEXICANA (1824-1855) (José Luis Soberanes Fernández & Julián Bunster trans., 1996); Linda Arnold, *La Administración, la Adjudicación y la Política en la Rama Judicial en México, 1825 a 1835*, in 1 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 59-69 (Beatriz Bernal coord., 1988); Linda Arnold, *The Suprema Corte de Justicia in Mexico: Its First Step, 1825-1826*, 1989 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 3-14 (1989); LINDA ARNOLD & LUCIO CABRERA ACEVEDO, LA SUPREMA CORTE DE JUSTICIA: SUS ORÍGENES Y PRIMEROS AÑOS, 1080-1847 (1986); BORAH, *supra* note 4, at 74-75; JAVIER BARRIENTOS GRANDON, GUÍA PROSOPOGRÁFICA DE LA JUDICATURA LETRADA INDIANA (1503-1898), in COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000); Jonathan M. Miller, *Courts and the Creation of a "Spirit of Moderation": Judicial Protection of Revolutionaries in Argentina, 1863-1929*, 20 HASTINGS INT'L & COMP. L. REV. 231-329 (1997); Daisy Ripodas Ardanaz, *La Administración de Justicia en el Último Siglo Colonial*, 20 REVISTA DE HISTORIA DEL DERECHO 377-96 (1992); JOSÉ LUIS SOBERANES FERNÁNDEZ, LOS TRIBUNALES DE LA NUEVA ESPAÑA (1980); RODOLFO TROSTINÉ, JOSÉ DE DARREGUEYRA: EL PRIMER CONJUEZ PATRIOTA (1771-1817) (1945); VIGIL, *supra* note 4.

193. KAGAN, *supra* note 7, at 244.

194. LEVENE, *supra* note 129, at 120.

195. HARING, *supra* note 13, at 156.

<i>juez de competencias -</i>	jurisdictional arbitrator ¹⁹⁶
<i>juez de menores -</i>	<i>alcalde ordinario</i> charged with protecting the interests of children ¹⁹⁷
<i>juez del estudio -</i>	Castilian ecclesiastical judge with jurisdiction over university students ¹⁹⁸
<i>juez de residencia -</i>	commissioned judge charged with conducting an investigation of an official at the end of the official's term, usually one of the <i>audiencia's oidores</i> ¹⁹⁹
<i>juez pesquisidor -</i>	special investigator, ²⁰⁰ <i>visitador-general</i> , <i>juez de residencia</i> ²⁰¹
<i>juicio plenario -</i>	summary legal proceeding ²⁰²
<i>juicio sumario -</i>	summary legal proceeding ²⁰³
<i>junta de diezmos -</i>	tithe collection agency under the intendency system ²⁰⁴
<i>Junta Superior de Real Hacienda -</i>	council of finance, Bourbon supervisory council for <i>intendentes</i> , composed of viceroy, regent of the <i>audiencia</i> , fiscal of the exchequer, senior members of the Tribunal of Accounts and others ²⁰⁵

196. KAGAN, *supra* note 7, at 171.

197. LEVENE, *supra* note 129, at 222.

198. KAGAN, *supra* note 7, at 249.

199. HARING, *supra* note 13, at 149-53.

200. *Id.* at 85.

201. *Id.* at 156.

202. CUTTER, *supra* note 1, at 125.

203. *Id.*

204. HARING, *supra* note 13, at 285.

205. *Id.* at 136.

<i>jurisprudencia definida</i> -	binding case law ²⁰⁶
<i>juro</i> -	annuity ²⁰⁷
<i>justicia mayor</i> -	deputy of the governor or <i>corregidor</i> appointed to preside in the <i>cabildo</i> of towns within the jurisdiction of the governor or <i>corregidor</i> ²⁰⁸
<i>Juzgados de Alzadas</i> -	appellate tribunal for mining disputes in New Spain during the late 18 th and early 19 th centuries ²⁰⁹
<i>Juzgado de Bienes de Difuntos</i> -	<i>oidor</i> of an <i>audiencia</i> serving as a probate judge ²¹⁰
<i>Juzgado de Provincia</i> -	court of original civil and criminal jurisdiction sitting in the city of the <i>audiencia</i> on Tuesday, Thursday and Saturday afternoons ²¹¹
<i>Juzgado General de Indios de la Nueva España</i> -	General Indian Court of New Spain with a jurisdiction over Indian disputes ²¹²
<i>labor</i> -	farm, small rural estate ²¹³

206. MARGADANT S., *supra* note 53, at 236-37.

207. HARING, *supra* note 13, at 297.

208. *Id.* at 163.

209. WALTER HOWE, THE MINING GUILD OF NEW SPAIN AND ITS TRIBUNAL GENERAL 65 (1949, 1968 reprint).

210. LEVENE, *supra* note 129, at 116.

211. Soberanes Fernández, *supra* note 21, at 72.

212. BORAH, *supra* note 79.

213. TAYLOR, *supra* note 4, at 47, 135.

<i>ladino</i> -	in the slave trade, a black person born in Africa, but who had adopted the Spanish language and customs; ²¹⁴ in Mexico, a non-indigenous Mexican in the south of the country; ²¹⁵ in Guatemala, a person of Creole and Indian descent ²¹⁶
<i>latifundio</i> -	large landed estate consisting of several <i>haciendas</i> ²¹⁷
<i>letrado</i> -	university-trained lawyer, see <i>abogado</i>
<i>Lex Barbara Visigothorum</i> -	see <i>Fuero Juzgo</i>
<i>ley</i> -	law ²¹⁸
<i>Leyes de Burgos</i> -	laws requiring the humane treatment of Indians forced to work under the <i>encomienda</i> system, 1512 ²¹⁹
<i>Leyes de Estilo</i> -	14 th century collection of Castilian procedural law, explaining the <i>Fuero Real</i> ²²⁰
<i>Leyes de Toro</i> -	collection of Castilian law addressing private law and the order of precedence of extant laws, 1505 ²²¹
<i>Leyes hechas por la brevedad y orden de los pleitos</i> -	<i>Leyes hechas por los mas altos y muy poderosos principes e señores el rey Don Fernando y la reyna Isabel soberanos señores por la brevedad y orden de peitos fechas en la villa de Madrid</i> ; a collection of Castilian procedural law, 1499 ²²²

214. MELLAFE, *supra* note 43, at 84.

215. COLLIER, *supra* note 86, at 7.

216. THIESENHUSEN, *supra* note 15, at 70.

217. BELLO LOZANO, *supra* note 9, at 521-23.

218. ALTAMIRA Y CREVEA, *supra* note 5, at 186-87.

219. BELLO LOZANO, *supra* note 9, at 365-366; PÉREZ PRENDES, *supra* note 11, at 114-18.

220. KAGAN, *supra* note 7, at 21; VAN KLEFFENS, *supra* note 151, at 215-16.

221. VAN KLEFFENS, *supra* note 151, at 232-35.

222. KAGAN, *supra* note 7, at 21.

<i>Leyes Nuevas</i> -	set of laws protecting Indians from poor treatment, establishing their legal status, and reorganizing the administrative structure of the Indies, 1542 ²²³
<i>Ley Lerdo</i> -	<i>Ley de Desamortación</i> of 1856, Mexico, gave those who worked Church or Indian lands the opportunity to buy them ²²⁴
<i>Ley Vallarta</i> -	Mexican Law of Aliens, 1886 ²²⁵
<i>Liber Judiciorum</i> -	see <i>Fuero Juzgo</i>
<i>Libro de las Leyes</i> -	see <i>Fuero Juzgo</i>
<i>libros de acuerdo</i> -	records of an <i>audiencia</i> 's administrative session ²²⁶
<i>limosna de la Santa Bula de Cruzada</i> -	see <i>Santa Cruzada</i>
<i>limpieza de sangre</i> -	purity of blood
<i>manzana</i> -	unit of land of approximately 1.75 acres ²²⁷
<i>mayor</i> -	adjective added to office to imply powers of patronage ²²⁸
<i>mayorazgo</i> -	entailed estate of land passing in primogeniture inheritance pattern ²²⁹

223. MARGADANT S., *supra* note 53, at 58-59; PÉREZ PRENDES, *supra* note 11, at 128-30.

224. MARGADANT S., *supra* note 53, at 165.

225. CLAGETT & VALDERRAMA, *supra* note 6, at 246-47; MARGADANT S., *supra* note 53, at 154.

226. HARING, *supra* note 13, at 155.

227. DORNER, *supra* note 40, at 43.

228. PHELAN, *supra* note 4, at 142.

229. BELLO LOZANO, *supra* note 9, at 383-84. See also BARTOLOMÉ CLAVERO, MAYORAZGO: PROPIEDAD FEUDAL EN CASTILLA 1369-1836, at 125, 297 (1974). See also 1-3 DOMINGO AMUNÁTEGUI SOLAR, LA SOCIEDAD CHILENA DEL SIGLO XVIII: MAYORAZGOS I TÍTULOS DE CASTILLA (1901, 1903, 1904) (describing more than a dozen Chilean *mayorazgos* in depth and the related practice of purchasing Castilian titles of nobility); RICARDO DONOSO, LAS IDEAS POLÍTICAS EN CHILE 90-93 (2^d ed. 1967) (listing Chilean families holding *mayorazgos*); and GUILLERMO S. FERNÁNDEZ DE RECAS, MAYORAZGOS DE LA NUEVA ESPAÑA (Mexico, 1965) (transcribing documents relating to over 60 *mayorazgos* in Mexico).

<i>mayordomo</i> -	manager of a large landed estate; when used in the context of municipal government, a custodian of civic property ²³⁰
<i>mediero</i> -	sharecropper, Chile ²³¹
<i>media anata</i> -	Hapsburg-period tribute exaction from <i>encomenderos</i> equivalent to one-half annual income; ²³² one-half annual income paid to crown for taking an office; replaced <i>mesada</i> for royal officials in 1631; after 1754, applied to higher ecclesiastical offices ²³³
<i>mejora</i> -	portion of the testator's estate that can be freely devised to family members selected by the testator, between one-fifth and one-third of the estate ²³⁴
<i>merced</i> -	a grant of land or water ²³⁵
<i>meritorio</i> -	unpaid apprentice in colonial bureaucracy ²³⁶
<i>mesada</i> -	one month's income of new royal or ecclesiastical official paid to crown ²³⁷
<i>Mesta</i> -	guild of ranchers raising livestock that maintained a jurisdiction in related disputes ²³⁸
<i>minifundio</i> -	agricultural holding too small to maintain its owner ²³⁹
<i>ministro</i> -	minister in governmental service ²⁴⁰

230. HARING, *supra* note 13, at 163; EBRIGHT, *supra* note 4, at 18.

231. THIESENHUSEN, *supra* note 15, at 93.

232. HARING, *supra* note 13, at 72.

233. *Id.* at 292-93; PÉREZ PRENDES, *supra* note 11, at 267.

234. KELLOGG, *supra* note 1, at 106. See also Carlos Salinas Aranedo, *Notas sobre los Orígenes de la Cuarta de Mejoras en Nuestra Legislación Civil*, 2 REVISTA DE ESTUDIOS HISTÓRICO-JURÍDICOS 147 (1977).

235. EBRIGHT, *supra* note 4, at 382.

236. URIBE-URAN, *supra* note 1, at 29.

237. HARING, *supra* note 13, at 273; PÉREZ PRENDES, *supra* note 11, at 267.

238. BELLO LOZANO, *supra* note 9, at 322; José Miranda, *supra* note 152, at 232-248.

239. THIESENHUSEN, *supra* note 15, at 8.

<i>mita</i> -	periodic conscription of Indian laborers in Peru; ²⁴¹ one-seventh of population was subject at any given time; ²⁴² decrees of 1601 and 1609 required that one-quarter of the able-bodied population be hired out for pay, abolished by decree in 1601 ²⁴³
<i>monte</i> -	municipally held public lands used for gathering wood and low-quality pasturing ²⁴⁴
<i>montepío</i> -	charitable fund for incapacitated members of a group or guild, or for their widows and orphans ²⁴⁵
<i>mulecón</i> -	slave child between the ages of 12 and 16 ²⁴⁶
<i>muleque</i> -	slave child between the ages of 7 and 12 ²⁴⁷
<i>mulequillo</i> -	slave child up to the age of 7 ²⁴⁸
<i>novenos</i> -	payment to the crown in recognition of the Royal Patronage equivalent to two-ninths of half the tithes collected ²⁴⁹
<i>Novísima Recopilación</i> -	compilation of Castilian laws, 1805 ²⁵⁰

240. ALTAMIRA Y CREVEA, *supra* note 5, at 195-98.

241. *Id.* at 199-202; HARING, *supra* note 13, at 63-64. n.3; BELLO LOZANO, *supra* note 9, at 367.

242. HARING, *supra* note 13, at 48.

243. *Id.* at 65.

244. EBRIGHT, *supra* note 4, at 105.

245. I HECTOR PARRA MARQUEZ, HISTORIA DEL COLEGIO DE ABOGADOS DE CARACAS 199-212 (1952).

246. MELLAFE, *supra* note 43, at 84.

247. *Id.*

248. *Id.*

249. BELLO LOZANO, *supra* note 9, at 362.

250. VAN KLEFFENS, *supra* note 151, at 235.

<i>Nueva Cuaderno</i> -	collection of mining laws amending the <i>Antiguo Cuaderno</i> , enacted by Philip II, 1584; later annotated by Francisco Javier de Gamboa ²⁵¹
<i>Nueva Recopilación</i> -	compilation of Castilian laws, compiled under Philip II, 1567 ²⁵²
<i>Nuevas Leyes</i> -	see <i>Leyes Nuevas</i>
<i>obraje</i> -	textile plant ²⁵³
<i>oficial real</i> -	exchequer official, royal revenue collector ²⁵⁴
<i>oficial real de hacienda</i> -	see <i>oficial real</i>
<i>oidor</i> -	judge belonging to an <i>audiencia</i> ²⁵⁵
<i>Ordenamiento de Alcalá</i> -	collection of Castilian laws confirming prior laws, giving new provisions on private law and the nobility, and stating the order of precedence of existing laws, 1348 ²⁵⁶
<i>ordenamientos</i> -	collection of laws ²⁵⁷
<i>ordenanzas</i> -	collection of laws on a particular topic ²⁵⁸
<i>Ordenanzas de Alfaro</i> -	early 17 th century set of laws regulating reductions of Indians written by Francisco de Alfaro ²⁵⁹
<i>Ordenanzas de Aranjuez</i> -	see <i>Ordenanzas de Minería de Nueva España</i>

251. VERA ESTAÑOL, *supra* note 34, at 43.

252. PÉREZ PRENDES, *supra* note 11, at 156; VAN KLEFFENS, *supra* note 151, at 235.

253. HARING, *supra* note 13, at 66; PHELAN, *supra* note 4, at 67.

254. HARING, *supra* note 13, at 163.

255. Soberanes Fernández, *supra* note 21, at 46-49.

256. VAN KLEFFENS, *supra* note 151, at 217-28.

257. ALTAMIRA Y CREVEA, *supra* note 5, at 226.

258. *Id.*; PÉREZ PRENDES, *supra* note 11, at 169-70.

259. LEVENE, *supra* note 129, at 218-220.

<i>Ordenanzas de Bilbao</i> -	set of commercial rules dating from the mid-15 th century, reaffirmed as authority in commercial matters in 1737 ²⁶⁰
<i>Ordenanzas de Minería de 1550</i> -	mining laws for Zacatecas and New Galicia drafted by Hernán Martínez de la Marcha ²⁶¹
<i>Ordenanzas de Minería de Nueva España</i> -	mining laws established by Charles III in 1783, drafted by Joaquín Velázquez Cárdenas de Leon and Lucas de La-saga ²⁶²
<i>Ordenanzas de Población</i> -	laws setting out method for establishing new settlements enacted by Philip II in 1573 ²⁶³
<i>Ordenanza del Patronazgo</i> -	royal laws setting out the powers and limitations of secular and religious clergy in the colonies, 1574 ²⁶⁴
<i>Ordenanzas de Montalvo</i> -	see <i>Ordenanzas Reales de Castilla</i>
<i>Ordenanzas del Perú</i> -	expanded version of the <i>Ordenanzas de Toledo</i> enforced throughout the colonies in 1683 ²⁶⁵
<i>Ordenanzas de Toledo</i> -	collection of laws governing mining law established by Viceroy Francisco de Toledo ²⁶⁶
<i>Ordenanzas Reales de Castilla</i> -	collection of laws updating the <i>Siete Partidas</i> and glossing the <i>Fuero Real</i> drafted by Alfonso Díaz de Montalvo (1405-1499), also known as <i>Ordenamiento Real</i> or <i>Ordenanzas de Montalvo</i> , 1485 ²⁶⁷
<i>palenque</i> -	community of runaway slaves ²⁶⁸

260. CLAGETT & VALDERRAMA, *supra* note 6, at 127.

261. José Enciso Contreras, *Las Ordenanzas e Minería de 1550 para la Nueva Galicia*, 8 ANUARIO MEXICANO DE HISTORIA DEL DERECHO 89-120 (1996).

262. VERA ESTAÑOL, *supra* note 34, 43.

263. BELLO LOZANO, *supra* note 9, at 356.

264. MARK A. BURKHOLDER AND LYMAN JOHNSON, *COLONIAL LATIN AMERICA* 97 (3d ed. 1998).

265. LINIERS DE ESTRADA, *MANUAL DE HISTORIA DE DERECHO* 171 (1978).

266. BELLO LOZANO, *supra* note 9, at 353.

267. KAGAN, *supra* note 7, at 146; VAN KLEFFENS, *supra* note 151, at 230-31.

268. MELLAFE, *supra* note 43, at 33.

<i>palmeo</i> -	measuring each slave to determine the <i>piezas</i> in a shipment ²⁶⁹
<i>papel sellado</i> -	paper sealed with a mark indicating that payment has been made to royal or state officials, used for all types of legal transactions and relationships between individuals ²⁷⁰
<i>paraje</i> -	boundary marker ²⁷¹
<i>partido</i> -	in mining law, right of worker to one-half of ore extracted beyond daily quota ²⁷²
<i>penas de cámara</i> -	local judicial fines; ²⁷³ court costs ²⁷⁴
<i>peón acasillado</i> -	agricultural worker who resides on the estate, Mexico ²⁷⁵
<i>perito</i> -	expert ²⁷⁶
<i>pesquisa</i> -	investigation ²⁷⁷
<i>pieza de Indias</i> -	measurement for slaves in a shipment, one <i>pieza</i> was equal to a slave measuring at least 5 feet, 7 inches tall ²⁷⁸
<i>Plan de Ayala</i> -	Zapata's revolutionary platform for land reform, Mexico, 1911 ²⁷⁹

269. *Id.* at 70.

270. PÉREZ PRENDES, *supra* note 11, at 269-70.

271. TAYLOR, *supra* note 4, at 84.

272. HARING, *supra* note 13, at 69 n.62.

273. *Id.* at 170.

274. KAGAN, *supra* note 7, at 188.

275. THIESENHUSEN, *supra* note 15, at 8, 31.

276. EBRIGHT, *supra* note 4, at 74.

277. TAMAR HERZOG, RITOS DE CONTROL, PRÁCTICAS DE NEGOCIACIÓN: PESQUISAS, VISITAS Y RESDENCIAS EN LAS RELACIONES ENTRE QUITO Y MADRID (1650-1750), *in* COLECCIÓN PROYECTOS HISTÓRICOS TAVERA (I) NUEVAS APORTACIONES A LA HISTORIA JURÍDICA DE IBEROAMÉRICA (José Andrés-Gallego coord., 2000).

278. MELLAFFE, *supra* note 43, at 70.

<i>plenario</i> -	phase of a legal proceeding in which evidence is evaluated and final sentence given ²⁸⁰
<i>pliego de mortaja</i> -	sealed letter given to a viceroy stating who should temporarily fill his position upon his death, 18 th century ²⁸¹
<i>Política Indiana</i> -	work describing colonial institutions by Juan Solórzano de Pereira, a famous 17 th century jurist specializing in the law of the Indies, 1647 ²⁸²
<i>práctico</i> -	legal practitioner without formal legal training ²⁸³
<i>prado</i> -	municipally held public lands used as high quality pasture, often irrigated ²⁸⁴
<i>pragmática</i> -	royal law addressing areas of general interest and concern or major aspects of judicial system ²⁸⁵
<i>pregón</i> -	public announcement, often required for sale of Indian lands ²⁸⁶
<i>Prima de Cánones</i> -	university lectures on canon law ²⁸⁷
<i>Prima de Instituta</i> -	university lectures on Justinian's <i>Institutes</i> ²⁸⁸

279. THIESENHUSEN, *supra* note 15, at 34. *See also* Mario Ruiz Massieu, *Principios Agrarios del Plan de Ayala de 28 de Noviembre de 1911*, in MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 695-704 (José Luis Soberanes Fernández coord., 1981).

280. Osvaldo Barreneche, *Criminal Justice and State Formation in Early Nineteenth-Century Buenos Aires*, in JUDICIAL INSTITUTIONS IN NINETEENTH-CENTURY LATIN AMERICA 100 (Eduardo Zimmermann ed., 1999).

281. HARING, *supra* note 13, at 134.

282. BELLO LOZANO, *supra* note 9, at 254; OTS CAPDEQUÍ, *supra* note 10, at 96. *See also* RICARDO LEVENE, EN EL TERCER CENTENARIO DE "POLÍTICA INDIANA" DE JUAN DE SOLÓRZANO PEREIRA (1948).

283. URIBE-URAN, *supra* note 1, at 28.

284. EBRIGHT, *supra* note 4, at 105.

285. PÉREZ PRENDES, *supra* note 11, at 169.

286. TAYLOR, *supra* note 4, at 44.

287. JAVIER BARRIENTOS GRANDON, LA CULTURA JURÍDICA EN LA NUEVA ESPAÑA 39 (1993).

288. *Id.*

<i>Prima de Leyes</i> -	university lectures on Roman law ²⁸⁹
<i>primitivo patrimonio</i> -	Indian lands with legal claim dating from pre-conquest period ²⁹⁰
<i>procesillo</i> -	determination of applicant's racial, religious, family, and economic background when applying to <i>colegio mayor</i> ²⁹¹
<i>procurador</i> -	solicitor; ²⁹² an expert in the procedural aspects of a lawsuit ²⁹³
<i>procurador de número</i> -	municipal lawyers who assisted <i>vecinos</i> in legal actions ²⁹⁴
<i>procurador de pobres</i> -	lawyer appointed by an <i>audiencia</i> to assist the poor ²⁹⁵
<i>Procurador del Cabildo</i> -	see <i>Procurador General</i>
<i>Procurador General</i> -	lawyer charged with representing a municipality ²⁹⁶
<i>promesa de dote</i> -	dowry agreement ²⁹⁷
<i>propios del consejo</i> -	municipal lands rented to individuals for gardens and other purposes ²⁹⁸

289. *Id.*

290. TAYLOR, *supra* note 4, at 73.

291. URIBE-URAN, *supra* note 1, at 23.

292. HARING, *supra* note 13, at 103.

293. Alonso Romero y Garriga Acosta, *supra* note 7, at 32-33.

294. BELLO LOZANO, *supra* note 9, at 343; KAGAN, *supra* note 7, at 57-58.

295. Woodrow Borah, *Assistance in Conflict Resolution for the Poor and Indians in Colonial Mexico* 10 (General Report, Société Jean Bodin pour l'Histoire Comparative des Institutions, Congrès de Copenhague, 1993).

296. HARING, *supra* note 13, at 162; BELLO LOZANO, *supra* note 9, at 342-43.

297. KAGAN, *supra* note 7, at 85.

298. HARING, *supra* note 13, at 170.

<i>Protomedicato</i> -	judicial and administrative tribunal to regulate public health and health professions ²⁹⁹
<i>Protomédico</i> -	official charged with protecting the health by examining and licensing those involved with health care ³⁰⁰
<i>Prontuario de los Jucios, su Orden, Sustanciación e Incidencias</i> -	early work on procedure by Bolivian Francisco Gutiérrez ³⁰¹
<i>provincia</i> -	geographic subdivision of governmental administration ³⁰²
<i>provisión</i> -	law addressing a particular concern or problem, or legislative act in general ³⁰³
<i>prueba</i> -	presentation of evidence at a trial ³⁰⁴
<i>querella</i> -	complaint ³⁰⁵
<i>quilombo</i> -	community of runaway slaves ³⁰⁶
<i>quinto</i> -	a fifth, portion reserved to the crown from precious metals, by mid-18 th century became a tenth, <i>diezmo</i> ³⁰⁷
<i>quinto de azogue</i> -	5% tax on mercury ³⁰⁸

299. Regina María del Carmen González Lozano & María Guadalupe Almeida López, *El Protomedicato*, in MEMORIA DEL III CONGRESO DE HISTORIA DEL DERECHO MEXICANO 309-17 (José Luis Soberanes Fernández coord., 1984); Manuel de Jesús Fébles, *Protomedicato*, in LOS TRIBUNALES DE LA NUEVA ESPAÑA 281-91 (José Luis Soberanes Fernández ed., 1980).

300. BELLO LOZANO, *supra* note 9, at 322; Manuel de Jesús Fébles, *supra* note 299, at 289-91.

301. BELLO LOZANO, *supra* note 9, at 451.

302. ALTAMIRA Y CREVEA, *supra* note 5, at 256-60.

303. PÉREZ PRENDES, *supra* note 11, at 170.

304. BORAH, *supra* note 4, at 241.

305. CUTTER, *supra* note 1, at 116.

306. MELLAFE, *supra* note 43, at 33.

307. HARING, *supra* note 13, at 260.

308. BELLO LOZANO, *supra* note 9, at 361.

<i>quita</i> -	remission of a debt ³⁰⁹
<i>quitación</i> -	income, profit, or salary ³¹⁰
<i>Real Academia Carolina de Leyes y Práctica Forense</i> -	institute established in 1779 in Chile to teach royal law ³¹¹
<i>Real Hacienda</i> -	see <i>Hacienda Real</i>
<i>Real Ordenanza para el Establecimiento de Intendentes de Ejército y Provincia en el Reino de Nueva España</i> -	royal ordinance establishing the intendency system in New Spain, 1786 ³¹²
<i>Real Patronato</i> -	<i>Patronato Real</i> , Royal patronage of the Catholic Church that gave the Crown substantial control over church government and revenue in the colonies ³¹³
<i>Real y Supremo Consejo de las Indias</i> -	see <i>Consejo de las Indias</i>
<i>realengas</i> -	<i>tierras realengas</i> , public lands owned by crown; ³¹⁴ "royal woodlands, rivers, hunting areas, and lime deposits" ³¹⁵
<i>rebeldía</i> -	failure to answer in a legal proceeding ³¹⁶

309. ALTAMIRA Y CREVEA, *supra* note 5, at 266-68.

310. *Id.*

311. BARRIENTOS GRANDON, *supra* note 287, at 46-49.

312. Andrés Lira, *Indios*, in LOS TRIBUNALES DE LA NUEVA ESPAÑA 191 (José Luis Soberanes Fernández ed., 1980).

313. MARGADANT S., *supra* note 53, at 110-18. See also Alberto de la Hera, *El Patronato Indiano en la Historiografía Eclesiástica*, in MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 187-220 (José Luis Soberanes Fernández coord., 1981); PÉREZ PRENDES, *supra* note 11, at 163-64; Guadalupe Rivera Marín, *El Patronato Real: Instrumento de Control de la Riqueza del Clero*, in 2 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 915-32 (1988); Manuel Rodríguez Lapuente, *El Regio Patronato y la Formación del Estado en México*, in 2 MEMORIA DEL IV CONGRESO DE HISTORIA DEL DERECHO MEXICANO 933-50 (1988).

314. EBRIGHT, *supra* note 4, at 78.

315. TAYLOR, *supra* note 4, at 72.

<i>receptor de penas -</i>	<i>cabildo</i> member charged with collecting judicial fines ³¹⁷
<i>receptor de penas de cámara, gastos de estrado y justicia -</i>	<i>audiencia</i> official charged with collecting judicial fines ³¹⁸
<i>reconvención -</i>	counter-complaint ³¹⁹
<i>Recopilación de Leyes de los Reinos de las Indias -</i>	compilation of law concerning the Indies enacted by Charles II in 1680 addressing mostly public law aspects of the colonies, often abbreviated as "L.I." or "R.I." ³²⁰
<i>Recopilación Granadina -</i>	collection of Colombian laws and decrees, 1845 ³²¹
<i>recurso de fuerza -</i>	see <i>via de fuerza</i>
<i>recusación -</i>	complaint of improper conduct on part of a legal official ³²²
<i>reducción -</i>	Indians gathered into a municipality under their own <i>alcalde</i> and <i>alguaciles</i> , and later called a <i>corregimiento</i> , usually under the supervision of regular clerics ³²³
<i>regente -</i>	regent ³²⁴

316. BORAH, *supra* note 4, at 242.

317. ALTAMIRA Y CREVEA, *supra* note 5, at 232-33, 281; HARING, *supra* note 13, at 162.

318. Soberanes Fernández, *supra* note 21, at 57.

319. BORAH, *supra* note 4, at 241.

320. RAFAEL ALTAMIRA Y CREVEA, ANÁLISIS DE LA RECOPIACIÓN DE LAS LEYES DE INDIAS, DE 1680 (1941); BELLO LOZANO, *supra* note 9, at 235. See also Beatriz Bernal, *Las Leyes de Indias a la Luz de Dos Comentaristas Novohispanos de xviii*, 9 REVISTA CHILENA DE HISTORIA DEL DERECHO 325-54 (1984); Antonio Dougnac Rodríguez, "Anotaciones a las Leyes de Indias," de Manuel José de Ayala, *Manuscrito Hallado en el Archivo Nacional de Chile. Estudio, Transcripción e Índices*, 14 REVISTA CHILENA DE HISTORIA DEL DERECHO 139-76 (1991); PÉREZ-PRENDES, *supra* note 11, at 174-80; Ismael Sánchez Bella, *La "Recopilación de las Indias" de Leon Pinelo*, 14 REVISTA CHILENA DE HISTORIA DEL DERECHO 49-52 (1991); 1 & 2 JUAN DE SOLÓZANO PEREIRA, LIBRO PRIMERO DE LA RECOPIACIÓN (1945).

321. MEANS, *supra* note 4, at 141.

322. BORAH, *supra* note 4, at 242.

323. ALTAMIRA Y CREVEA, *supra* note 5, at 283; MARGADANT S., *supra* note 53, at 83; OTS CAPDEQUÍ, *supra* note 10, at 75; PÉREZ PRENDES, *supra* note 11, at 244-52.

324. PÉREZ PRENDES, *supra* note 11, at 344-45.

<i>regidor</i> -	alderman, town councillors, a <i>cabildo</i> member with a right to speak and vote ³²⁵
<i>Reglamento de Comercio Libre de España e Indias</i> -	legislation of 1778 opening all peninsular ports to trade directly with ports in the Indies ³²⁶
<i>relator</i> -	reporter; ³²⁷ <i>audiencia</i> official charged with preparing summaries of litigation documents for the court and determining whether the documents have satisfied the formalities for filing ³²⁸
<i>remate</i> -	forced seizure and sale of property, usually as a remedy for debt ³²⁹
<i>repartimiento</i> -	general term for division, partition, or distribution of something; a division of lands ³³⁰
<i>repartimiento de bienes</i> -	distribution of goods, monopoly of selling goods to Indians in Indian municipalities; ³³¹ sale of goods to Indians by <i>corregidores</i> ³³²
<i>repartimiento de indios</i> -	assignment of Indians for tasks as required by the colonial community; the "labor gang" itself, ³³³ granted by viceroy or <i>audiencia</i> , or in New Spain by the <i>juzgados de indios</i> ; ³³⁴ abolished by decree in some areas in 1601 ³³⁵

325. HARING, *supra* note 13, at 162-77; BELLO LOZANO, *supra* note 9, at 339-42.

326. BELLO LOZANO, *supra* note 9, at 361.

327. HARING, *supra* note 13, at 103.

328. Soberanes Fernández, *supra* note 21, at 55.

329. KAGAN, *supra* note 7, at 85.

330. OTS CAPDEQUÍ, *supra* note 10, at 81; PÉREZ PRENDES, *supra* note 11, at 114-18.

331. HARING, *supra* note 13, at 143.

332. *Id.* at 73.

333. *Id.* at 64.

334. *Id.*

335. *Id.* at 65.

<i>requerimiento</i> -	statement read to indigenous populations before military action requesting they surrender and accept authority of the Spanish crown and Christianity, used as a justification for aggression against these populations ³³⁶
<i>residencia</i> -	judicial review of an official's conduct, sent to Council of the Indies ³³⁷
<i>residenciado</i> -	official under investigation at the close of term of his office ³³⁸
<i>resguardo</i> -	lands belonging to a <i>reducción</i> ³³⁹
<i>Sala Mexicana</i> -	see <i>Ilustración del Derecho Real de España</i>
<i>saneamiento</i> -	obligation to make good a hidden defect in a thing sold ³⁴⁰
<i>Santa Cruzada</i> -	royal tax originating the church's practice of selling indulgences and ecclesiastical privileges attached to the <i>Bula de la Santa Cruzada</i> . A specialized tribunal with this name determined the rights of those exercising such ecclesiastical privileges ³⁴¹
<i>Santa Hermandad</i> -	organization that kept the highways free from banditry, violent crime and prohibited liquors ³⁴²
<i>Santo Oficio</i> -	see <i>Inquisición</i>
<i>sementera</i> -	communally owned cultivated land ³⁴³

336. ALTAMIRA Y CREVEA, *supra* note 5, at 289-90; BELLO LOZANO, *supra* note 9, at 243-44; OTS CAPDEQUÍ, *supra* note 10, at 62-63; PÉREZ PRENDES, *supra* note 11, at 118-20.

337. HARING, *supra* note 13, at 149; HERZOG, *supra* note 277; PHELAN, *supra* note 4, at 215-16.

338. HARING, *supra* note 13, at 149.

339. OTS CAPDEQUÍ, *supra* note 10, at 75-76.

340. EDER, *supra* note 17, at 57.

341. PÉREZ PRENDES, *supra* note 11, at 267; Soberanes Fernández, *supra* note 21, at 73.

342. Colin MacLachlan, *Acordada*, in *LOS TRIBUNALES DE LA NUEVA ESPAÑA* 85-122 (José Luis Soberanes Fernández ed., 1980).

343. TAYLOR, *supra* note 4, at 71.

<i>Setenario</i> -	work by Kings Ferdinand and Alfonso X touching on law, 1250s ³⁴⁴
<i>sentencia</i> -	decision of the court in a dispute ³⁴⁵
<i>sentencia fundada</i> -	written explanation of a judge's decision ³⁴⁶
<i>servicio</i> -	payment by Indians in addition to tribute ³⁴⁷
<i>Siete Partidas</i> -	legal code with broad coverage of topics used as a practical basis of private law in Castile and colonial Latin America; drafted by Jácome Ruiz (Maestro Jacobo de las Leyes), Maestro Fernando Martinez, and Maestro Roldán, under Alfonso X; greatly influenced by Roman law, 1265 ³⁴⁸
<i>síndico</i> -	lawyer charged with representing a municipality ³⁴⁹
<i>sis</i> -	excise tax on food stuffs ³⁵⁰
<i>sitio</i> -	unit of grazing land equal to 18 <i>caballerías</i> , or about 780 hectares ³⁵¹
<i>sitio de ganado mayor</i> -	unit of grazing land for cattle, in Mexico, about 4000 acres ³⁵²
<i>sitio de ganado menor</i> -	unit of grazing land for sheep, in Mexico, about 2000 acres ³⁵³

344. VAN KLEFFENS, *supra* note 151, at 155, 164-67.

345. CUTTER, *supra* note 1, at 130-31.

346. *Id.* at 296.

347. HARING, *supra* note 13, at 277.

348. VAN KLEFFENS, *supra* note 151, at 171-214. *See also* Bernardo Bravo Lira, *Vigencia de las Partidas en Chile*, 10 REVISTA DE ESTUDIOS HISTÓRICO-JURÍDICOS 43-105 (1985); JOSÉ MARTÍNEZ CÁRDOS, GREGORIO LÓPEZ, CONSEJERO DE INDIAS, GLOSADOR DE LAS PARTIDAS (1496-1560) (1960); VAN KLEFFENS, *supra* note 151, at 291-373 (English translation of the table of contents).

349. HARING, *supra* note 13, at 151.

350. *Id.* at 276; PÉREZ PRENDES, *supra* note 11, at 268.

351. CHEVALIER, *supra* note 4, at 70.

352. EBRIGHT, *supra* note 4, at 18.

353. *Id.*

<i>solar de casa</i> -	building lot in a municipality ³⁵⁴
<i>suerte</i> -	garden plot in a municipality ³⁵⁵
<i>Suma de Tratos y Contratos</i> -	work by Fray Tomás de Mercado, a 16 th century commercial lawyer
<i>sumaria</i> -	phase of a legal proceeding in which evidence is collected and the case presented ³⁵⁶
<i>superintendente general</i> -	superior of intendentes in the capital city ³⁵⁷
<i>tacha</i> -	disqualification of a witness ³⁵⁸
<i>tasación</i> -	appraisal of the tribute rate ³⁵⁹
<i>tasador repartidor</i> -	<i>audiencia</i> official charged with dividing court filings between scribes and <i>relatores</i> ³⁶⁰
<i>teniente</i> -	deputy of a local official, needed to be approved by the <i>audiencia</i> or the Council of the Indies ³⁶¹
<i>terrasguerro</i> -	native laborer occupying <i>cacicazgo</i> lands ³⁶²
<i>tesorero</i> -	treasurer, one of the <i>oficiales reales</i> ³⁶³
<i>testimonio</i> -	grantee's copy of the <i>expediente</i> ³⁶⁴

354. *Id.*

355. *Id.*

356. Osvaldo Barreneche, *Criminal Justice and State Formation in Early Nineteenth-Century Buenos Aires*, in JUDICIAL INSTITUTIONS IN NINETEENTH-CENTURY LATIN AMERICA 100 (Eduardo Zimmermann ed., 1999); CUTTER, *supra* note 1, at 105-24.

357. HARING, *supra* note 13, at 146.

358. CUTTER, *supra* note 1, at 126.

359. OTS CAPDEQUÍ, *supra* note 10, at 76-77.

360. Soberanes Fernández, *supra* note 21, at 57-58.

361. HARING, *supra* note 13, at 141.

362. TAYLOR, *supra* note 4, at 41; CHEVALIER, *supra* note 4, at 286-87.

363. HARING, *supra* note 13, at 279.

<i>tienda del raya</i> -	company or <i>hacienda</i> store ³⁶⁵
<i>tinterillo</i> -	legal practitioner without formal legal training ³⁶⁶
<i>tonelada</i> -	tonnage of a ship; in slaving one ton was equivalent to one slave, later 3 slaves, but in practice it was accepted that a ton could be up to 7 slaves; ³⁶⁷ a royal tax based on tonnage ³⁶⁸
<i>Tratado de Confirmaciones Reales, Encomiendas, Oficios y Casos en que se requieren para las Indias</i> -	Treatise on law of the Indies by Antonio de León Pinelo ³⁶⁹
<i>tribunal de alzadas</i> -	appellate tribunal ³⁷⁰
<i>tribunal de cuentas</i> -	tax courts created in 1605 in Mexico, Lima, and Bogotá ³⁷¹
<i>Tribunal de la Acordada</i> -	court to investigate and try crimes concerning the safety of roads, the production of prohibited drink, as well as theft, physical violence, homicide, robbery and the like in villages and rural areas ³⁷²
<i>Tribunal de Minería</i> -	late 18 th and early 19 th century judicial and administrative guild-like body handling disputes related to mining in New Spain ³⁷³

364. EBRIGHT, *supra* note 4, at 24.

365. THIESENHUSEN, *supra* note 15, at 31.

366. URIBE-URAN, *supra* note 1, at 28.

367. MELLAFE, *supra* note 43, at 71.

368. PÉREZ PRENDES, *supra* note 11, at 265.

369. BELLO LOZANO, *supra* note 9, at 254.

370. LEVENE, *supra* note 129, at 239.

371. LINIERS DE ESTRADA, *supra* note 264, at 62; OTS CAPDEQUÍ, *supra* note 10, at 117.

372. MACLACHLAN, *supra* note 4; MacLachlan, *supra* note 341; Demetrio Ramos Pérez, *El Tribunal de la Acordada en las Cortes de Cádiz y su Posible Duplicación*, in MEMORIA DEL II CONGRESO DE HISTORIA DEL DERECHO MEXICANO 455-80 (José Luis Soberanes Fernández coord., 1981).

373. HOWE, *supra* note 209, at 64; PÉREZ PRENDES, *supra* note 11, at 348.

<i>tributo de indios</i> -	tribute payment or tax placed on Indians as royal subjects ³⁷⁴
<i>unión de armas</i> -	sales tax ³⁷⁵
<i>Universidad de Mercaderes</i> -	see <i>Consulado de Mercaderes</i>
<i>vara</i> -	unit of measurement of approximately 33 inches, ³⁷⁶ staff of authority ³⁷⁷
<i>vecindad</i> -	allotment to a settler of a town carrying the title of <i>vecino</i> , and usually consisting of a building lot in the town, a garden, one or two <i>caballerías</i> , and a sheep pasture ³⁷⁸
<i>veedor</i> -	inspector; ³⁷⁹ one of the <i>oficiales reales</i> ³⁸⁰
<i>via de fuerza</i> -	procedure for removing or appealing a case from an ecclesiastical to a royal court ³⁸¹
<i>vinculación</i> -	entail or family trust of property ³⁸²
<i>Virrey</i> -	Viceroy ³⁸³
<i>visita</i> -	secret judicial investigation of an official at any time during his office ³⁸⁴

374. PÉREZ PRENDES, *supra* note 11, at 261-63.

375. BELLO LOZANO, *supra* note 9, at 361.

376. EBRIGHT, *supra* note 4, at 276.

377. KAGAN, *supra* note 7, at 232.

378. CHEVALIER, *supra* note 4, at 54.

379. HARING, *supra* note 13, at 298.

380. *Id.* at 299.

381. KAGAN, *supra* note 7, at 34; Soberanes Fernández, *supra* note 21, at 74-76.

382. VERA ESTAÑOL, *supra* note 34, at 21.

383. PÉREZ PRENDES, *supra* note 11, at 58.

384. ALTAMIRA Y CREVEA, *supra* note 5, at 338-39; HARING, *supra* note 13, at 148; HERZOG, *supra* note 277; KAGAN, *supra* note 7, at 198-209.

<i>visita general</i> -	broadly based <i>visita</i> usually investigating an entire <i>audiencia</i> and revenue officials ³⁸⁵
<i>visitador</i> -	inspector-general ³⁸⁶
<i>visitador-general</i> -	judge selected by the Council of the Indies to conduct a <i>visita</i> ³⁸⁷
<i>Vispera de Cánones</i> -	university lectures on Canon law ³⁸⁸
<i>Vispera de Decreto</i> -	university lectures on Gratian's <i>Decretum</i> ³⁸⁹
<i>vista</i> -	initial hearing ³⁹⁰
<i>vista de ojos</i> -	judicial survey of land ³⁹¹
<i>yanacona</i> -	special class of natives in viceroyalty of Peru, attached to soil ³⁹²

385. PHELAN, *supra* note 4, at 216-18.

386. HARING, *supra* note 13, at 87.

387. *Id.* at 142.

388. BARRIENTOS GRANDON, *supra* note 287, at 39.

389. *Id.* The *Decretum*, or *Concordia Discordantium Canonum*, is a foundational work of the canon law dating from the mid-12th century. BELLOMO, *supra* note 74, at 65-68.

390. KAGAN, *supra* note 7, at 42.

391. TAYLOR, *supra* note 4, at 84.

392. ALTAMIRA Y CREVEA, *supra* note 5, at 342-43; HARING, *supra* note 13, at 54-55.