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The Council of the Indies and Religion in the Spanish New World

by

Ashley Ellington

(Under the Direction of Kathleen M. Comerford)

Abstract

The Council of the Indies was responsible for the governing of the Spanish Empire, including issues of religion. During the reign of Philip II, the Council gained independence from the Council of Castile and was able to take more control of the Spanish territories. In response to outside factors, the Council codified its laws regarding the spread of the Catholic faith, which became the basis for Council control of religion under the authority of the king. A review of the Council during this time led to many changes in an effort to make the Council less corrupt and more efficient. These changes were not all successful, but they did change the appearance of the Council and they reveal how it functioned. A case study of two Spanish colonies, La Florida and New Spain demonstrates the role of the Council of the Indies in the area it supposedly governed. These two colonies are vastly different and illustrate how the Council adapted to serve the needs of the empire. During Philip's reign, the high point of the Council's power concerning religion, the Council of the Indies was more involved with the spread of religion in the areas of evangelization and establishing the Church in the Spanish territories.

INDEX WORDS: Council of the Indies, Philip II, Religion, La Florida, New Spain

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A Thesis Submitted to the Graduate Faculty of Georgia Southern University in Partial
Fulfillment of the Requirements for the Degree

MASTER OF ARTS IN HISTORY

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Ashley Ellington

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DEDICATION

To my big family,

Mama, Daddy, David, Amber, Gran, Papa, Laise, Jason, Chris and Trevor.

Who love and support me, even when I couldn't come home because of school work.

And Will, who believed in me and told me I could finish.

I love you all.

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I would like to thank my fellow graduate students for all their help. You were always willing to read rough drafts and offer criticism, even if you really did not have the time.

The faculty in the History Department has pushed me to succeed and grow, as both a historian and a person and I will forever be grateful. Several faculty members deserve special thanks including: Dr. Teeter for tracking down my application and accepting me to the program, Dr. Burson for helping me attend my first conference and Dr. Comerford for directing my thesis.

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CHAPTER 1

INTRODUCTION

When the members of the Council of the Indies began writing *On the Spiritual Governance of the Indies* in 1569, they were quick to point out that the expansion of the Catholicism was the first and most important goal.¹ During the reign of Phillip II (1556-1598), the Council of the Indies began to act independently as an administrative board, and its power increased. Originally, the Council dealt with the judicial and legal aspects of the New Empire of Castile, however, under Philip, issues of religion often came before the Council. The Council in its original form was under the administrative power of the Council of Castile and of a close advisor to the king, Mercurino Gattinara (1465-1530). This was in part because the Spanish territory across the Atlantic belonged solely to the province of Castile, not the whole of Spain. In Spain, the bureaucracy not only controlled the temporal government but also the Church. The Council of the Indies as the supreme board for the colonies dealt with not only government policy but also religion including the spread of Catholicism. During the reign of Philip II, the Council became an independent board, and gained more control of the empire, including control over the Catholic Church and its activities in the empire.

During an administrative reformation of the Council of Castile, Grand Chancellor Mercurino Gattinara began the Council of the Indies in 1524. The Council was part of a much larger project, which created a number of other smaller councils as well. Each council was to advise the king on its respective areas of specializations. The Council of the Indies answered to the Council of Castile, the larger governing body for that region, which included the imperial

¹ The Council of the Indies, *De la gobernación espiritual de las Yndias*, (1571-1572), in La Biblioteca Digital Hispánica, <http://bdh.bne.es/bne/search/CompleteSearch.do?text=&field1val=%22Am%c3%a9rica+espa%c3%b1ola+Historia+eclesi%c3%a1stica+%22&showYearItems=&field1Op=AND&numfields=1&exact=on&textH=&advanced=true&field1=materia&completeText=&pageSize=1&pageSizeAbrv=10&pageNumber=6>, accessed November 13, 2013, 4.

possessions annexed solely to the ruler of Castile, not the United Spanish king. This form of government had served the rulers of Spain for some time, beginning with Ferdinand and Isabella. The idea of a privileged body governing an autonomous section had its roots in Aragonese tradition and the Catholic Monarchs employed this model when governing their different regions. The formation of a new council to oversee the Spanish empire fit well within the established Spanish custom. The first Council of the Indies consisted of a president and eight councilors, which served as an extension of the more powerful Council of Castile. Throughout the reign of Charles V (r. 1516-1556), Philip's father, this continued to be true and it was only under Philip that the Council gained independence from the Council of Castile and the freedom to present its finding to the king. The reign of Philip II brought with it a new freedom for the Council of the Indies that included its control of religion. With the new freedom from the Council of Castile came a review led by Juan de Ovando and changes to make the council perform better and more quickly. The Council's role varied depending on the colony and its influence can be felt even in the most developed and independent colonies. The Council of the Indies appears in a variety of works, which reflect the differing perspectives on its importance.

To date there is only one book wholly devoted to the study of the Council of the Indies. The two-volume work by Ernst Schäfer, entitled *El Consejo Real y Supremo de las Indias: La labor del Consejo de Indias en administración colonial* (1935) and is an in depth survey of the Council of the Indies during the time of the Hapsburgs, focusing more on Charles V and Philip II.² This is the most cited reference to the Council of the Indies, which most authors include as a footnote for further reading. The work follows the Council of the Indies from its inception during the reign of Charles V and continues to trace the changing face of the Council throughout the

² Ernst Schäfer, *El Consejo Real y Supremo de las Indias: su historia, organización y labor administrativa hasta la terminación de la casa de Austria* (Seville: Imp. M. Carmona, 19 35).

subsequent generation. Schäfer's detailed research and clear writing have made this book a must read for anyone studying the Council of the Indies. The author also includes a wealth of appendices, which are the product of painstaking research. The appendices are divided by position and list the men who held it. Each entry is marked with the dates of tenure and the reason for leaving. This book has remained the standard for the study of the Council of the Indies. To date, this book offers the most comprehensive history of the Council for this period and reinforces the importance of the Council's role within the Spanish State and in its empire overseas. The only other work available that solely addresses the Council of the Indies was an unpublished dissertation by Robert John Dworkoski from Columbia University. In his work, Dworkoski focuses on the Council during the reign of Charles V and the men that served as councilors.³ Both works focus specifically on the men who ran the Council, however, Schäfer extends his study of the Council past the reign of Charles V and studies the relationship between the Council of the Indies and other government bodies.

The relative scarcity of books solely dedicated to the Council of the Indies does not mean that historians avoid the topic. However, most sources tend to give a summary description of the Council and then a footnote telling the reader to seek more information in Schäfer's work. Studies of the Spanish bureaucracy tend to devote at least a small portion of space dedicated to the Council of the Indies. The various works by renowned historian J. H. Elliott follow this strategy, though they admittedly do give a more in-depth coverage of the entire bureaucracy.⁴ However, books such as these are in the minority. The most common secondary sources that list information about the Council of the Indies are the many biographies of Philip II.⁵ While the

³ Robert John Dworkoski, "The Council of the Indies in Spain, 1524-1558" (PhD diss., Columbia University, 1981).

⁴ J. H. Elliott, *Imperial Spain 1469-1716* (New York: Meridian, 1977).

⁵ Patrick Williams, *Philip II* (New York: Palgrave, 2001).

persona of the Spanish king interests many scholars, most also include a section detailing the bureaucracy of the state during this time in conjunction with Philip's need to be involved personally with the governing of his country and empire. The analysis of the Council of the Indies appears in the discussion of the latter and covers an average of two pages, with only the most basic of information, including the observation that the Council dealt with the Spanish imperial possessions and that its main purpose was simply advisory. One of the exceptions to the comprehensive studies of the Council are the few works that reference specific events or men. One such work is by Stafford Poole and focuses on Juan de Ovando, the man responsible for reforming the Council during Philip II's reign.⁶ This book attempts not only to detail the life of Ovando but also explore his role within the Council of the Indies first as an outside observer and then as its president.

While the Council of the Indies appears most often in works that focus specifically on the Spanish state, it also had an important part to play in the Spanish empire. The Council of the Indies was responsible for the management of the Spanish territorial possessions and yet studies on this topic most often leave out a detailed analysis of the Council's role, only including a brief mention of it. Historians, such as John Michael Francis and Kathleen M. Kole, often associate the House of Trade, another governing board, with the actual funding of the colonies.⁷ This is clear in works concerning the Guale Indian Revolt, and the colonization of La Florida. While the House of Trade did provide the funds needed for the missions, it was acting on the orders that originally came from the Council of the Indies. Those who study this period often look to the

⁶ Stafford Poole, *Juan de Ovando: Governing the Spanish Empire in the Reign of Phillip II* (Norman, Oklahoma: University of Oklahoma Press, 2004).

⁷ John Michael Francis and Kathleen M. Kole, *Murder and Martyrdom in Spanish Florida: Don Juan and the Guale Uprising of 1597* (New York: American Museum of Natural History, 2011)

House of Trade because it supplied the funds used to send friars from Spain to the new colony.⁸ If there is no mention of the House of Trade, historians attributed these actions directly to the king. When the Council of the Indies is included, historians summarize the role of the Council as merely an advisory, and often accompanied this with a footnote to Schäfer. In studies of colonial Mexico, the story is different. Most historians tend to lump the history of New Spain into periods and unfortunately, the reign of Philip II spans two distinct periods, one of conquest and another of early colonial New Spain. The Council of the Indies receives little to no attention from historians of Spanish colonial possessions, who should be the most interested in this government body. This is especially true in the latter half of Philip II's reign, when the colony of New Spain was almost entirely self-sufficient. No history of the Spanish colonies should ignore such an integral part of the Spanish ruling body. The same is true when discussing European events and their effect on the Council.

The Council of the Indies is distinctly Spanish; however, some events from outside Spain influenced it. This is most evident in the conflicts that raged between the papacy and Philip II concerning which had the right to control evangelization. Though the histories detailing these clashes omit the Council of the Indies, it affected them and should be included in the discussion of the repercussions within Spain and the empire. The conflict between Philip and the papacy directly affected the Council of the Indies because it concerned evangelization in the Americas. Studies of the papacy understandably omit the Council. On the other hand, the works detailing the effects of these conflicts in Spain tend to leave the Council separate. This period of change and revitalization of the Council of the Indies relates directly to the events of Europe. Studies

⁸ Peggy K. Liss, *Mexico Under Spain, 1521-1556: Society and The Origins of Nationality* (Chicago: University of Chicago Press, 1975) and Francis and Kole, *Murder and Martyrdom*.

often separate the Council of the Indies, and overlook these events when analyzing why the Council of the Indies changed during this period.

The Council of the Indies needs to be integrated into the history of the Spanish empire. The spread of the Catholic faith was an important element of Spanish imperialism and the Council's place in this system illustrates how the state pushed religion in the overseas colonies. The Council of the Indies played a major role in this process by submitting nominations for positions, and ensuring that enough clergy were present in the colonies. It was part of the highly sophisticated bureaucracy within Spain, but this does not limit scholarship on the Council to only this avenue. The Council of the Indies belongs in both the study of the colonies and the world beyond Spain's borders. To limit the study of this governing body to the borders of Spain in an era of such interconnectedness in Europe is misleading at best, but to limit it to Europe when it was supposedly the highest authority outside the king for the colonies is a mistake. The Council of the Indies was part of Philip's grand bureaucracy and as such, it changed when faced with challenges from both within and without Spain including problems with corruption and conflicts with other leaders. The supreme purpose of the Council was to aid Philip in governing the Spanish possessions in the New World. These aspects, while briefly touched on by various authors, have been neglected in modern scholarship. The Council was more than just a group of educated men and thus needs more analysis.

The Council of the Indies had a great task to perform in helping Philip to govern the Spanish empire; but this task is even greater when considering that a major part of this job included spreading the Catholic faith. The Council of the Indies was composed of a board of men educated in law, not theology (in most cases, with Gómez Zapata being a notable exception), who became responsible for the success of evangelization in the Americas. The most common

types of issues that confronted the Council were civil and temporal affairs, such as legal disputes, but one of the most delicate was the work they undertook to spread the knowledge of the Catholic faith. They also followed the wishes of their king in this duty because Philip was in many instances a temporal leader of the Catholic Reformation in as many ways as the papacy. The Council of the Indies needs to be included in the larger story of the spread of the Catholic religion in the Spanish territory since this was where it held domain and power in the name of the Spanish king.

The following chapters address the lacunae in Spanish Imperial studies by examining the Role of the Council of the Indies in the larger context of Europe, on its own, and in the colonies. The first chapter specifically deals with the Spanish right of patronage and the conflict between Philip and the papacy. When Philip II became king of Spain, he inherited a special privilege from his ancestors known as the *Patronato Real* (royal patronage). This granted the Spanish king the right to control the Church within his territory, including the Spanish imperial possessions. The rulers of Spain, through various papal bulls, had slowly accumulated this right. Each bull granted more and more privileges, concerning the control of the Church and eventually the Spanish kings had complete control over the Church in the Spain and its overseas territories.

During the reign of Philip II, several popes challenged this authority. Pius V (1504-1572) exerted the most pressure on Philip and caused the Spanish to become more defensive of the right to control the church. Various treatises from religious and secular authorities from across Spain supported Philip II's right to rule over religion in the empire. This conflict with the papacy did not weaken Philip's desire to spread Catholicism. There was a concerted effort on the part of Philip to ensure that the Church in the Spanish empire was Catholic, but under his own conditions. Philip continued to maintain his right of patronage and to rebuff any attempts by the

papacy to regain any control over the Church especially in the Americas. More pertinent to the current thesis, this situation had an impact on the role of the Council of the Indies. The Council defended the right of their king and they did so by writing a treatise completed in 1569 called *On the Spiritual Governance of the Indies* codifying the laws concerning religion. Once the Council of the Indies completed this work, Philip put the laws into effect. In the modern compilation of statutes, known as the *Laws of the Indies*, these laws account for a majority of the section on religion. This is a testament to how comprehensive they were. The Council's role in this conflict was to ensure a functioning Church hierarchy and among other things, to promote and to teach Catholicism across the Spanish territories. With these new laws, the Council mediated between the papacy and the empire, which effectively solidified its control over religion.

The next section (Chapter 3) explores the Council of the Indies during the reign of Philip II. While an analysis of the personnel and functions of the Council is included, there is also a discussion of some problems facing this body. More specifically, while the battle with the papacy concerned who should control evangelization, Philip saw this as the appropriate time to reform his council that governed that area of the empire. He ordered that an outsider review the Council in 1567 to find its shortcomings and to determine what areas needed fixing to make the Council as a whole function better. Philip chose Juan de Ovando to review the Council. An apt administrator, he reviewed the Council and made many suggestions to improve it. Among these suggestions were a limitation on the number of positions within the Council and a detailed list of duties for all positions. In order to curb what Ovando saw as corruption and ignorance, he codified the laws governing the Spanish imperial possessions. Today they appear in the *Recopilación de leyes*. Additionally, he added positions for men whose only task was to compile information on the Spanish possessions and supply it to the councilors. This new information

also exemplifies how the Council of the Indies interceded between its king's territories and the rest of Europe, because the information was supposed to be secret and available only to the king and anyone he deemed fit.

While this chapter details the reformation of the Council, it also goes on to analyze whether these new regulations succeeded in fixing the problems or not. Some of the problems were a direct result of the design of the Spanish bureaucracy of which the Council was a part. The Council of the Indies was not as prestigious as some other councils, such as the Council of Castile, and the rate at which men moved through the Council on to better positions is evidence of this. This chapter also describes the process by which the Council of the Indies worked and how it communicated with the king. The direct contact with the king illustrates how much power the Council had gained, in part because previously their decisions filtered through both the Council of Castile and the Grand Chancellor during the reign of Charles V. The Council's opinions for the empire needed the approval or changes of superior councils and administrators. Overall, this chapter allows the reader to understand who the councilors were, and how the Council functioned. The addition of an analysis of problems, such as corruption, which plagued the Council also illustrate why the papacy thought it should control evangelization in the Americas and why Philip felt the need to reform it.

The last chapter examines the effects of the events discussed in the previous two sections by analyzing the role of the Council of the Indies in the Spanish colonies of La Florida and New Spain. These two case studies are very different, and reassert the importance of including the Council in the study of the empire. Not all colonies needed the same things from the Council and the study of these two colonies exemplifies these differences. The chapter begins by giving a brief description of the development of the colonies prior to Philip's accession as king. For New

Spain, the rapid growth of the church within that territory follows the conquest of the Aztecs. In La Florida, the history begins with several unsuccessful voyages and many attempts to colonize that met with failure until the Pedro Menéndez de Aviles expedition in 1560. Founded during the reign of Philip II, the La Florida colony needed more intervention and aid from the Council of the Indies, because it lacked the hierarchy to sustain missionary efforts without the direct involvement of the mother country. This colony lacked a local bishop and religious houses but was almost perpetually short of friars to minister to both the Spaniards and fill the missions on the frontier. On the other hand, Charles V conquered New Spain, and it had a functioning hierarchy by the time Philip became king. This hierarchy included numerous bishoprics and religious houses, which oversaw the evangelization efforts without the aid of the Council of the Indies in sending new friars. In New Spain, the existing hierarchy meant that the Council interfered less than it did in La Florida. This chapter seeks to extend the study of the Council to a transatlantic perspective by adding the colonies to the study of this governing body residing in Spain. It is in the Spanish imperial possessions that the Council held sway and thus it is with this area that the role of the Council is evident.

This period is when the Council held the most power, especially concerning religion, and resulted in part because it gained its autonomy during the time when the papacy tried to regain some control of the Spanish church. The Council gained freedom from the supervision of higher councils, such as the Castile of Castile, and the right to rule on its own. More importantly, new laws properly defined this new role. Not only did the law outline the regulations concerning the function of the Council on a daily basis, but they also explained how the Council was to govern the spread of the Catholic faith in the empire. The new, independent Council of the Indies set the precedent for governing religion in the Spanish empire that would continue until the end of the

Spanish Hapsburgs and their replacement with the Bourbon dynasty in 1700. The Spanish colonization of the Americas is associated with the spread of Catholicism to that area. This board played a major role in that process by facilitating the establishment of missions and churches across the Spanish territories, making it important to the study of religion in the Spanish New World.

CHAPTER 2

THE *PATRONATO REAL* AND THE PAPACY

Philip II held a unique place among the rulers of Europe when dealing with religion in the Spanish empire. More specifically, as the ruler of the Spanish empire, he inherited the privilege of the *Patronato* granted to Spanish rulers. This was a series of Papal bulls conceding exclusive control over the Church in the Spanish territorial possessions to the king and by extension to his councils. However, during the reign of Philip II, a succession of popes urged Spain to return control to the papacy. The Council of the Indies was often at the center of this conflict, because it had to advise Philip on issues relating to the colonies. Ultimately, the Council promoted Catholicism and retained Spanish sovereignty by acting as an intermediary between their king and the pope.

When Philip ascended to the Spanish throne in 1556, he inherited the *Patronato Real*, which allowed Spain an exclusive right to oversee the Church within its domains. Throughout the reign of Ferdinand (1469-1516) and Isabella (1451-1504), and later Charles V (1500-1558), the monarchs of Spain had diligently negotiated with the papacy to secure multiple papal bulls. Though the bulls were issued independently of each other, together they constitute the *Patronato Real* and are the basis for Philip's control over the Church in the empire. Originally, the papacy granted the right to control Christianity in another part of the world to Portugal, but the Spanish example soon grew to encompass many more privileges.

Portugal, not Spain, was the first nation to gain control of religion outside of Europe with a series of bulls issued between 1452 and 1456 by Pope Nicholas V (r. 1447-1455) and Callixtus III (r. 1455-1458). The Portuguese completed their re-conquest in the thirteenth century and had begun expanding into Africa. The bulls allowed the Portuguese to attack and conquer non-Christian nations in Africa and the East Indies. This aided and encouraged the efforts of the

Portuguese to send missionaries to Africa, in part to undermine the Muslim leaders they encountered.¹ The bulls also granted Portugal a monopoly on various aspects of trade, and more importantly, granted the nation control over religion in all areas conquered.² These papal bulls became the basis for the Spanish Patronato Real, when Alexander VI (r. 1492-1503) issued the bull *Eximie devotionis* on May 3, 1493. This bull gave all the powers previously granted to Portugal to Spain as well. That same year Alexander also issued the papal bull *Inter caetera divinae* in which he granted the right of evangelization in the Americas to the Spanish crown, stating:

We order you in virtue of holy obedience...that you dispatch to the mainlands and islands virtuous and God-fearing men endowed with training, experience and skill, to instruct the natives and inhabitants before mentioned and to imbue them with the same Christian faith and sound morals, using all speed in the premises.³

In 1499 and 1501 Pope Alexander issued two more bulls with title *Eximie devotionis* to Spain. The March 21, 1499 bull approved the application of a royal tax on personnel of the Church, while the November 16, 1501 bull gave the monarch the right to collect and use the ecclesiastical tax, or tithe, within his domain.⁴

The bulls granted by Alexander VI's successor further cemented Spanish control of the Church within its territories, some inadvertently. This was the case with Julius II's (r. 1503-1513) bull which erected the first bishoprics in the American colonies. In the bull *Illus fulciti presidio*, issued on November 15, 1504, the regions of Hyaguata, Maugua, and Bayuna, located on the island of Hispaniola, were raised to the level of cities. Hyaguata became a metropolitan, which made its bishop an archbishop and the cities of Maugua and Bayuna were made

¹ John Frederick Schwaller, *The History of the Catholic Church in Latin America: From Conquest to Revolution and Beyond* (New York: New York University Press, 2011), 34.

² *Ibid.*, 35.

³ Elliott, *Imperial Spain*, 99.

⁴ Schwaller, *Catholic Church in Latin America*, 47.

bishoprics.⁵ The king and queen requested these elevations according to the bull, and the monarchs could “determine the size and style of the metropolitan and cathedral churches.”⁶ Ferdinand requested that no men be selected to fill positions without his permission. Julius granted this request in the bull *Universalis ecclesiae regimini* that he issued in 1510. This bull gave the Spanish monarchs the right to build and endow churches and benefices among other acts usually reserved for the pope or high clergy. In addition, the king could appoint and nominate candidates for positions in his territories.⁷ By the time Philip became king, this process had become a formality as the papacy accepted any candidate the king put forth without question. Local bishops put into power by the king decided whom to place in lower clergy positions, which reinforced allegiance to the king. The crown slightly altered the hierarchy of the church to accommodate the distance from the mother country. Archbishops oversaw the actions of the bishops in their regions and older dioceses oversaw the newly established sites and mission efforts. In the case of La Florida, the new colony came under the spiritual jurisdiction of the Diocese of Santiago de Cuba. Once created, all dioceses in the Americas were subject to the authority of the Archdiocese of Seville in Spain, which was the pinnacle of the church hierarchy for the Spanish colonies.⁸ The entire structure would owe allegiance to the monarchy of Spain, and not the papacy, once again reinforcing the king’s authority. Julius II’s last bulls even conceded the ecclesiastical tax to the Spanish crown forever, effectively solidifying the *Patronato Real* into what Philip inherited as king.⁹

Using the power bequeathed to Philip, the Council of the Indies functioned as part of the

⁵ “Illus fulciti presidio,” quoted in W. Eugene Shiels, *King and Church. The Rise and Fall of the Patronato Real* (Chicago: Loyola University Press, 1961), 102.

⁶ *Ibid.*, 102.

⁷ Schwaller, *Catholic Church in Latin America*, 47.

⁸ Johannes Meier, “The Organization of the Church,” in *The Church in Latin America, 1492-1992*, ed. Enrique D. Dussel (Maryknoll, New York: Orbis Books, 1992), 59.

⁹ Schwaller, *Catholic Church in Latin America*, 47.

bureaucracy to ensure that the colonies had the necessary personnel to fulfill the Spanish destiny of converting the natives of the Spanish Empire. The Council of the Indies was responsible for nominating men for positions in the Church hierarchy during the early years of Philip's reign, but the nominations still filtered through the Council of Castile, at which time the nominations could be changed or discarded all together. In some cases, these appointments reinforced the connection between bishops and the government that had given them their positions. Philip, while regent, attempted to transfer the existing bishopric at Santa Marta to a new location at Santa Fe, both within the New Granada. This was not a new occurrence, due to the expansion of the Spanish presence in the Americas. The Council of the Indies informed the new bishop, Fray Juan de los Barrios, of his appointment without waiting for the approval from the pope; thus, de los Barrios arrived before the pope conferred the title, indeed before the bishopric was officially moved by the papacy.¹⁰ The Council of the Indies also chose the mendicant orders responsible for converting natives. Once an order was chosen, men from the upper ranks presented names for approval by the Council. After a nominee passed a test of his skills, background, and training, the Council of the Indies gave a license to the approved friar to go to a specified place as dictated in the orders. The law stated that disembarking anywhere other than the destination given them by the Council was a punishable offense by the Spanish administration.¹¹ In addition, the Council of the Indies and the Crown helped the clergy going to the colonies by paying for their transportation via Seville, and provided everything they would need to perform their duties including books and vestments.¹² Once the religious personnel arrived at their destination, the Prelate of their region was responsible for their wellbeing, freeing the Council of responsibility.

Issuing these papal bulls to the Spanish monarchs was in response to factors unrelated to

¹⁰ Schäfer, *El Consejo Real*, 186.

¹¹ Council of the Indies, *De la gobernación spiritual*, 37, 39 and 45.

¹² Schäfer, *El Consejo Real*, 203.

religion. Alexander VI issued his bulls to set up a functional Church hierarchy in the newly recaptured province of Granada. Later bulls responded to the discovery of the Americas and expanded this privilege of controlling the Church within the empire. Both Alexander VI and Julius II issued bulls because they required Spanish assistance with the constant warfare in the Italian peninsula against the French. In order to gain the support of the Spanish in their endeavors to remove the French from the peninsula, the popes issued bulls authorizing more and more Spanish control over the Catholic Church in the Americas as a bribe for their military aid. Alexander issued his first two bulls during the Italian Wars of 1494 until 1498, when the French King Charles VIII invaded the peninsula. The last of the Alexandrian bulls was issued during the Italian Wars between 1499 and 1504. The bull issued during the War of the League of Cambrai (1508-1516), when shifting alliances and the French seizure of Venetian territory, resulted in a new alliance between Spain and the papacy. As a result, by the time that Philip became king, the papacy had very little power over the church within Spanish domains. The only power the pope still had was issuing bulls for the establishment of new bishoprics in the Spanish empire when requested by the king. However, the Council of the Indies carefully dictated the requests before their departure to Rome and including vague descriptions in the papal bulls in order to limit the information known by other European powers, including the Pope.

During Philip's reign, nine different men served as pope. Philip had to set up diplomatic relations with the different pontiffs after each election. This did not always go smoothly, and Philip attempted to tame the independent popes from his first days as king.¹³ Philip's relationship with Pope Paul IV (r. 1555-1559), for example, was strained when the pope declared war on Spain in 1555 and excommunicated Philip. Paul IV was from the Carafa family of Naples, which

¹³ Michael Jacob Levin, *Agents of Empire: Spanish Ambassadors in Sixteenth-Century Italy* (Ithaca, New York: Cornell University Press, 2005), 66.

was under the authority of the Spanish and therefore created hostility between Paul and Philip because the pope saw the Spanish as an outside occupier in his native country. The pope relented when the Duke of Alba threatened to invade Rome with Philip's approval. Following Paul IV's death in 1559, the king used his representatives in Rome to sway papal elections in hopes of selecting a pope who was not hostile to Spanish ambitions.¹⁴ Each papal election was a source of concern for the monarchs of Europe. At every conclave, the resident ambassadors from Spain attempted to sway votes to acceptable candidates. While the cardinals frowned upon these tactics of persuasion, they were mostly effective in electing popes who were not completely hostile towards the Spanish. However, the elected candidate often surprised the monarch who had supported them. This was true of the election of Pope Pius V (r.1566-1572). Once elected, Pius began to pressure Philip about the papacy's right to lead evangelization in the new Spanish territories. This was the first and only challenge to the *Patronato Real*.¹⁵

Until the late 1560s, both Philip and the papacy focused exclusively on Europe. Philip was a natural ally for papacy during the Counter-Reformation because he was a devoted Catholic intent on keeping his kingdom Catholic as well. However, his relationship with the papacy was tenuous. The expansion of Protestant religions absorbed the attention of Catholic leaders. However, various popes seeking to limit the expansion of Spanish power often strained the alliance between Philip and the papacy. When Pius V attempted to renegotiate the terms granted to Spain by his predecessors, and this action threatened to destroy their uneasy alliance. The Church retained some power during the early years of Philip's reign solely through the underdeveloped status of the Council of the Indies; now, the pope saw this as an opportunity to

¹⁴ Elliott, *Imperial Spain*, 224.

¹⁵ Shiels, *King and Church*, 19.

regain the Church's rightful authority.¹⁶ In order to do this Pius V formed two congregations of cardinals to co-ordinate missionary activity in 1568. Philip saw these congregations as a direct threat to his control of evangelization in the Americas. However, this was not the main source of contention between the two leaders.¹⁷

The conflict began in part over Philip's control of the Church in Spain. Upon his election, Pius V had begun implementing the canons of the Council of Trent and attempting to regain the papacy's control over the Hispanic church. More specifically, Pius and Philip disagreed over the *Pase Regio*, which was a key part of the *Patronato Real*.¹⁸ The *Pase Regio* dictated that the Council of the Indies or the king reviewed all correspondence between the papacy and the kingdoms of Spain. The bulls for publication throughout the Spanish empire therefore needed the approval of the Council of the Indies. While in the past this had not been a cause for much concern on the part of the papacy, growing tension with the Spanish king, among other rulers, in 1568 led Pius V to include new articles in an annually issued bull titled *In coena domini*. This bull was released every Holy Thursday (as indicated by the bull's opening line and title), and traditionally included articles against heresy, schisms, and infringement of papal or ecclesiastical privilege, among other crimes. The 1568 issuance followed closely behind another controversial bull, in which the papacy prohibited bullfighting because it was sinful. Philip refused to publish this in his domains and actually found theologians to disprove the pope.¹⁹ In 1568, *In coena domini* included five new clauses against caesaropapism under the category of infringement of papal authority.

Caesaropapism describes secular rulers who attempt to govern religion as well and

¹⁶ Shiels, *King and Church*, 19 and Rodríguez León, "Invasion and Evangelization," 60.

¹⁷ Stafford Poole, *Juan de Ovando*, 111.

¹⁸ Shiels, *King and Church*, 180.

¹⁹ Eamon Duffy, *Saints & Sinners: A History of the Popes* (New Haven Connecticut: Yale University Press, 1997), 176.

function as superior to the Papacy. This term is often associated with Philip's reign, but the papacy did not direct the bull at the Spanish king alone. The bull also included an order for all high clergy to publish the bull within their ecclesiastical domain, and they failed to do this. When the bull reached Spain, Philip ordered the Council of the Indies to forbid its publication anywhere in the empire.²⁰ The bishops in the colonies followed the ruling of the Council and their king. The Council was responsible for approving all correspondence between Europe and the American colonies. This duty meant that in addition to examining books destined for the Americas, the councilors also examined correspondence from the papacy in order to prevent a usurpation of authority in the system they had set up.²¹ The Council was quick to respond and the bull never reached the Spanish colonies.

When the papacy questioned the Spanish Monarch's right to interfere with a papal bull, Philip was forced to defend the *Pase Regio* as a key function of the Spanish right of patronage in the Spanish territories. In Philip's eyes, the right to filter the correspondence from another European leader to his subject was fundamental to the system of churches his Council oversaw in the colonies and his authority there.²² The Council of the Indies had been preventing direct communication between the empire and the pope since the reign of Philip's father, Charles V, with only few exceptions, such as the publication of the papal bull *Sublimus Deus* in 1537.²³ Since the Council of the Indies dictated the papal bulls of erection, which were often vague, mentioning "regions, places, and towns" interchangeably, this left many of the details for the monarch and the Council of the Indies to decide.²⁴ Philip received the support of many of his clergy. At this time, the hierarchy of the Church and king was well established and all men in the

²⁰ Shiels, *King and Church*, 186.

²¹ Schäfer, *El Consejo Real*, 217.

²² Shiels, *King and Church*, 180.

²³ Rodríguez León, "Invasion and Evangelization," 58.

²⁴ "Illus fulciti presidio," quoted in Shiels, *King and Church*, 102.

positions in some way owed their benefices to the Council of the Indies and the king. Though originally intended, as an honorary right bestowed on the Spanish monarchs, by the time of Philip's reign the right of recommending men had expanded to the point that the nomination by the king of the candidates put forward by the Council of the Indies was effectively a guarantee of that position. In some sense, the king took over every step of the process short of consecration, which made clergy more likely to follow the orders of the king rather than wait for confirmation from the pope.²⁵

Even the men holding positions in religious orders supported the king's decision. Philip set up a system of Spanish commissary where every order represented in the colonies had a counterpart in the Royal court. The religious (friars or priests) in the Americas thus followed the directive of the General of their order who resided at Court in Spain. In addition, Philip and his Council worked to prevent clergy from outside of Spain, and often times from outside of Castile, from going to the colonies. During the first year of his reign, Philip ordered that all appointments for the Spanish colonies must come from the clergy already residing in the colonies.²⁶ In this way, Philip not only saved money on the cost of transporting them to the colonies, but also rewarded men already serving the crown.

The response from clergy was surprising. Some men, such as Jean Focher, O.F.M. (1501-1572) and José de Acosta, S.J. (1539-1600), supported Philip's position with written treatises in which they compared his efforts to early apostles and missionaries. Jerónimo de Mendieta (1525-1604), a Franciscan missionary and historian, privately expressed the idea that Philip had the right to control the church, and more specifically missionary efforts, from 1565 when he wrote

²⁵ Shiels, *King and Church*, 27.

²⁶ Schäfer, *El Consejo Real*, 184.

that Philip was Vicar of Christ and he alone ruled the church in Spain.²⁷ Others also published tracts solely for the king and the Council of the Indies, openly stating that King Philip II was the sub delegate of the Pope in the Spanish empire and ruled as such through the granting of papal bulls.²⁸ The first public expression of the theory of the king as a vicar-pope came from French theologian Jean Focher. He wrote a tract entitled *Itinerarium catholicorum proficiscentium ad infieles convertendos* which was published in 1574 in Seville after his death. He argued that the king was an intermediary of the pope. Historians credit Focher with the origin of the idea of Philip as a vicar-pope, but in the following years, other clerics expounded on his initial thesis.

One such person was the Jesuit missionary José de Acosta. While Acosta is most known for his histories of the Indies, he also wrote a defense of the Spanish efforts to evangelize the natives.²⁹ In *De Procuranda Indorum*, Acosta calls Spain's possession of the American colonies a "historic instrument of providence," which the Spanish should use to convert the natives they encountered.³⁰ Acosta describes the efforts of the Spanish to convert the natives to Christianity. Acosta acknowledges that the papacy had the obligation to spread Catholicism, but this process had to be done by missionaries, which at this time the Spanish supplied.³¹ The Spanish empire in the Americas should follow the precedence set by the papacy in the past, which included the Apostle Peter sending Mark to bring the gospel to Egypt and Gregory the Great sending Augustine to convert the Anglo-Saxons of the British Isles among other examples.³² Once the papacy designated a leader, it became that person or nation's duty to convert the natives.

²⁷ Rafael Gómez Hoyos, *La iglesia de america en las leyes de indias* (Madrid: Instituto Gonzalo Fernández de Oviedo, 1961), 23.

²⁸ *Ibid.*, 24-25.

²⁹ Works by José de Acosta include: *De Natura Novi Orbis* (1588), *De promulgatione Evangelii apud Barbaros* (1588), *sive De Procuranda Indorum salute*, and *Historia natural y moral de las Indias* (1590).

³⁰ José de Acosta, *De procuranda Indorum salute: pacificacion y colonizacion*, ed. Luciano Pereña (Consejo Superior de Investigaciones Científicas, 1984), 7.

³¹ *Ibid.*, 387.

³² *Ibid.*, 387.

Moreover, Acosta argued that the papacy granted the Catholic Monarchs the authority to convert the natives as they saw fit.³³ The Catholic Monarchs and their successors had received that privilege because they had discovered the new lands and sent the first Christians to those lands. In addition, the current state of Christianity rested solely on the shoulders of Philip of Spain and his civil administration, who worked to complete the mission granted to them by God and the papacy.³⁴ While Acosta acknowledged the papacy's right to lead evangelization, he managed to flatter and defend his Spanish king's administration and rights based on Church history.

Other royalists were quick to defend their king's position as well. One such group was the Council of the Indies. As part of an audit conducted during this time, the Council began a new collection of legislation in order to govern the Indies more effectively. With this in mind, the Council of the Indies, led by Juan de Ovando, compiled a book of older statutes and new suggestions in order to govern the colonies. This was supposed to be done for all the laws concerning the empire; however, the only book the Council completed and sent to the king for his review was the first book, which covered those governing religion in the American colonies. The councilors thought that the issue of religion was pressing enough that they completed the first volume, entitled *On the Spiritual Governance of the Indies* in 1569. Philip reviewed the work and returned it to the Council of the Indies where six councilors and Ovando, acting a president of the Council, signed it.³⁵ The names of the signatories date the document to between the years 1571 and 1572.

This volume composed of twenty-two sections details the organization of religion in the empire by combining new and old statutes. Each section covers a specific area of interest

³³ Ibid., 389.

³⁴ Ibid., 401.

³⁵ The document was signed by Juan de Ovando, Gómez Zapata, Luis de Molina, Antonio de Aguilera, Francisco Botello Maldonado, Diego Gasca de Salazar, and Miguel Ruiz de Ojalora.

concerning the propagation of the faith for both Spaniards and native populations. The councilors had three distinct goals when writing this. The first was to ensure that the Church in the colonies was Catholic. Next, the Council of the Indies had to protect the Spanish right of patronage, and lastly, they sought to set up sound foundation for Christianity in the colonies by detailing the hierarchy and infrastructure in the Church functions in the empire.

Philip remained a devout Catholic despite his conflicts with the Papacy and it was necessary that his possessions in the Americas be Catholic as well. However, the colonies had to remain outside the direct control of the papacy in order to protect Spanish authority. The Council of the Indies addressed this concern first. The first three sections of the volume deal exclusively with the issue of the doctrine; however, it does resurface throughout the entire composition. The first *título* is rather short, but pertains to the Spanish right to rule. The last section declares that the laws from this book enabled the Spanish to carry out the apostolic mission appointed to them by the papacy.³⁶ Moving on from this blanket statement, the next section is a lengthy discussion of the Roman Catholic faith and the Holy Trinity. The section details customs of the church, including how to teach them. Included in *título II* are verbatim transcriptions of Catholic orations in Latin, which the natives must learn as part of the catechism. From there, the Council listed the key concepts of the Catholic faith, including the seven sacraments, the seven deadly sins, and the Christian virtues, among other information. Moving on, the Council decided to include other prayers in both Latin and Spanish.³⁷ The chapter ends with the plea to install the Inquisition in the Americas alongside bishoprics to police the Catholic faith in the empire as they had done in Spain.³⁸ The subject of the last section was the seven sacraments. This section includes a bull from Pope Paul III (r.1534-1549), which details the rite of baptism. Four other sacraments were

³⁶ The Council of the Indies, *De la gobernación spiritual*, 4.

³⁷ *Ibid.*, 13-14.

³⁸ *Ibid.*, 17.

discussed in a subsection, which detailed who performed the ceremony, when it was to be performed, and how. The detailed treatment of the catechism and sacraments illustrate how important it was for the Spanish territories to be Catholic. Disagreements over these issues had split the church during the Protestant Reformation. In order to have a theoretical break between the king and the pope, there had to be a strong continuation in other areas of the Catholic faith. This included enforcing the decrees from the Council of Trent.³⁹ Philip II was certainly aware of the Henrician Reformation (and had been married to Mary I of England), and therefore he was particularly careful while treading this path. Unlike Henry VIII of England, Philip did not desire to have a complete break with the Catholic Church. Later sections deal exclusively with excommunications and religious holidays, in which the practice of the Catholic Church followed the king's discretion. Though these sections specifically deal with the Catholic faith, this issue continues to reappear throughout the entire work, ensuring that the Church in the Spanish colonies would be Roman Catholic, even if the head was the king and not the pope. It seems that Philip thought religion was too important to be left to the papacy.⁴⁰ In addition, the councilors were careful to make certain that in all ways possible the Church of the Americas would mirror the existing structures of the Old World in creed, practice, and structure, with some changes to accommodate the vast distances between the two.⁴¹

The title of the work, *On the Spiritual Governance of the Indies*, illustrates the perspective of the Council during the writing process. Issues of religion in the colonies were handled in a similar manner to affairs of the state. More specifically, they were writing laws for governing the spirituality of the empire. In the prologue, the Council of the Indies points out that the temporal governments on both sides of the Atlantic funded religious building and personnel.

³⁹ Ibid., 57.

⁴⁰ Elliott, *Imperial Spain*, 227.

⁴¹ Council of the Indies, *De la gobernación espiritual*, 58.

⁴² Priests in the colonies could even request aid from the king and his councils if they encountered problems, such as short supplies.⁴³ Thus, religion was a matter of state. The Council of the Indies even took credit for the foundation of bishoprics in the Spanish empire in addition to other religious institutions.⁴⁴ In line with this reasoning, the Council of the Indies then called on not only religious leaders and clergy to spread the Christian faith but also the provincial governors and secular leaders.⁴⁵

One of the main jobs of the Council of the Indies was to oversee the Church hierarchy throughout the empire. The work is replete with references to the structure of the Church and the duties of higher members to police the actions and teaching of their brothers serving under them. Prelates have the most arduous task of visiting and correcting the *doctrinas* or missions. The laws for the prelates stipulate that they must personally visit all of the missions within their diocese annually.⁴⁶ The visitation of higher clergy offered a way to prevent poor treatment of natives and poor teaching by clergy. However, it also had a more practical purpose of bringing orders that were more independent, such as those running the missions, under the king's authority. Some of the other parts of the church hierarchy, especially monasteries, also received a section in the work. The Council included these sections as a way to start the Church hierarchy in the colonies and extend its authority to the orders residing there whether in missions serving the natives or in religious houses.

Along the same line of thinking, the Council of the Indies was very interested in keeping a list of who was serving where and what was occurring in the missions. Prelates were required to keep a list of clergy under their supervision accompanied by notes on the caliber of their work.

⁴² Ibid., 2.

⁴³ Ibid., 4.

⁴⁴ Ibid., 2.

⁴⁵ Ibid., 4.

⁴⁶ Ibid., 6, 26, and 27.

The clergy serving the missions were to keep lists of the natives residing there to present to the prelate when he came to visit.⁴⁷ If any religious wanted to leave his assigned post for any reason, he had to request and receive permission from the prelates.⁴⁸ On the other side of the Atlantic, a similar process was occurring within the Council of the Indies. In order to go to the colonies, clerics who wanted to serve in the missions had to receive a license from the Council, given only after a thorough examination of the person's religious training, beliefs, and past.⁴⁹ Once the cleric received a license, the Council's secretary would put that man on a list of all the clerics licensed to go to the colonies.⁵⁰ The same was true of monks wishing to make the journey.⁵¹ The Council of the Indies also ordered that no ship sailing for the Americas could depart without some religious personnel on board.⁵² In this way, the bureaucracy of Spain came to include religion in the Spanish imperial possessions.

One of the major issues for the Council was the codifying of the *Patronato Real* in defense of Royal Authority. The Council of the Indies included an entire section devoted to discussing the *Patronato*. This was a key aspect of the entire work, because it allowed the Council to govern religion in a manner similar to how they governed the secular matters concerning the colonies. The section began by outlining the basis for the *Patronato* in various papal bulls. This section is the only section in which Philip made a correction in the margin by changing the year of a bull that had been incorrectly dated. In the margin of page forty-six there is a barely legible note correcting a date in the passage, meaning that it was important enough for him to change to be more accurate. This section of the work protects Philip's inheritance and

⁴⁷ Ibid., 7.

⁴⁸ Ibid., 44.

⁴⁹ Ibid., 37.

⁵⁰ Ibid., 38.

⁵¹ Ibid., 44.

⁵² Ibid., 40.

authority in the face of mounting pressure from the papacy to gain control over evangelization and carefully written. The first goal of the composition had been a very specific view of Catholicism, which enabled the Council to argue that they were promoting the true Roman Catholic faith, even if the king was the theoretical head of the Church in the Spanish empire. This section was to codify into Spanish Law the king's privilege of the *Patronato* as expressed in the papal bulls. A larger section detailing the treatment of religious personnel in general hides the treatment of this very important issue and includes provisions that no licenses were to be given to friars from outside of Spain, and in many cases from outside the province of Castile.⁵³ The section also includes a brief mention of the Council of Trent, and discusses how the church in the colonies would reflect as closely as possible the Church in the mother country.⁵⁴ This odd mixture seems to navigate between holding to the Catholic faith and ensuring Spanish authority. Several references blur the distinction between the secular and spiritual spheres, when discussing authority in the empire. The bureaucracy of the Spanish state influenced religion in the Americas.

The Council of the Indies was immensely interested in protecting the *Patronato* because it was the basis for the Council's power as well. In *On the Spiritual Governance of the Indies*, the Council reserved the right to revisit the laws concerning the Indies and revise them every six years.⁵⁵ It also held the right to put forth men to fill vacant ecclesiastical positions in the colonies, as well as to monitor the clergy ministering to both the native populations and Spanish populations. Additionally, the Council of the Indies included a section that discussed the rights of the clergy under the *Patronato* in which the councilors conferred the duty of evangelization to

⁵³ Ibid., 44.

⁵⁴ Ibid., 57-58.

⁵⁵ Ibid., 53.

the clergy, but held the right to enforce and defend the Spanish privilege for themselves.⁵⁶ In essence, they held the ultimate responsibility for evangelization in the Spanish territories, and by extension control of the Church there as well.

The overlapping of the secular and the ecclesiastical in the Spanish empire is another theme throughout the work. The degree to which the two spheres overlap is often surprising. The secular leaders and the ecclesiastical leaders had to work together to fulfill the needs of the Catholic Church in the colonies and protect Spanish authority, two things which coincided in the minds of the Council of the Indies. One of the additional issues that they tried to deal with was preventing any future encroachment on Spanish authority, especially in area of the provincial synods, or gatherings of clergy in the Americas where leaders of the Church discussed questions of religious doctrine or teaching. The papacy had traditionally initiated these gatherings and published the results. The councilors felt that if this practice continued, eventually the pope would use synods as an entry to regain power within the church in the Spanish empire. With the goal of stopping this possibility, the Council included an entire section devoted to provincial councils. The main goal of these suggested laws was to bring such meetings under the control of the Council (and therefore the crown) while at the same time limiting the involvement of the papacy. Using the justification of the vast distance between Spain and the Indies, the Council of the Indies gave the privilege of calling provincial synods to the prelates. Theoretically, the prelates could better understand and deal with the issues the Church in the colonies was currently facing. The councilors included a section to ensure that all clergy in attendance were represented adequately and no group overshadowed another. The local government officials were also encouraged to be involved in order to protect the Crown's interests. However, the Council wanted to retain some power. Before a provincial synod could begin, the local bishops informed

⁵⁶ Ibid., 80.

the Council of the Indies. Another way in which the Council of the Indies held control over the provincial synods was through the publication of the findings. Once the synod concluded, the participants had to send their decisions to the Council in Spain. The councilors then examined the proceedings to determine whether to publish them. The Council of the Indies held the final approval in the publication of council decrees, similar to what they had done with the papal bulls.

The Council gave the prelates more power in the colonies, but they also restricted them as well. The main objective was to protect the Spanish crown's authority and in order to do this they codified certain regulations that would keep the entire system under the Council's and the king's watchful gazes. In addition to guarding the print and publication privileges of material about the Spanish colonies, the Council codified laws that created an intermediary between the papacy and the king, in hopes of gaining a firmer hold over some of the religious orders. It was *On the Spiritual Governance of the Indies* that proposed that all religious orders, such as the Franciscans, in the colonies have a leader reside in Court. This person would be the highest member of the order in Spain, and would directly manage the lower ranking members residing in the far reaches of the Spanish empire. They were supposed to keep a list of clerics who had passed the Council's examination and put these men forward as prospects when vacancies appeared.⁵⁷ The Council also forbade holding more than one benefice in the colonies in an attempt to prevent the absenteeism that plagued some areas of the empire and Spain, especially in areas where there was already a scarcity of clerics.⁵⁸ In addition, the new regulations enabled the Council to gain better control over some of the orders that attempted to act independently. The local governmental officials were also involved, because the Council required them to police the religious coming to the colonies and ensure that they allowed only those with licenses. The

⁵⁷ Ibid., 41.

⁵⁸ Ibid., 82.

government in the region treated anyone entering with a license well.⁵⁹

In some areas, councilors attempted to extend the privileges under the *Patronato*. They codified the existing system held by the council of the Indies, whereby the Spanish state and more specifically the king was solely responsible for deciding the boundaries of diocese. This arrangement that allowed the king to manipulation of diocese was already in place unofficially before the Council proposed this addition to the laws as evidenced by the movement of diocese such as Santa Marta to Santa Fe within New Granada to accommodate changes in the colonies. However, the councilors sought to claim officially this right as part of the *Patronato*. The Council also sought to codify a privilege granted to Ferdinand in order to guarantee it for Philip. According to the Council's treatise, the erection of churches needed the permission of the Council or designated person within the province, such as the viceroy. In an effort to extend this privilege, the proposed statutes stated that the council had to approve all religious facilities, such as monasteries and colleges. The local government and Spaniards living in the area were also required to contribute to the building process, once the Council and the king gave permission. This section also included a law that formalized the king's right to nominate candidates for vacant benefices and high ecclesiastical offices, though these nominations had become almost an outright appointment.⁶⁰

On the Spiritual Governance of the Indies was a part of a much larger project. The prologue dictates that this was to be the first of many books of compiled laws governing the Spanish empire and suggested new laws for consideration by Philip. However, the Council finished only the first book concerning religion in the empire. Philip eventually passed most of the proposals from this book, including some under the Ordinances of the Patronage. Those

⁵⁹ Ibid., 45.

⁶⁰ Ibid., 78.

omitted in the original Ordinances of Patronage Philip passed separately later as reforms continued to the Council of the Indies. This book is the foundation of what today is Book 1 of the *Recopilación de Leyes de las Indias*. The twenty-four chapters coincide exactly with the original sections of *On the Spiritual Governance of the Indies*. In essence, the book passed into law by Philip II and his successors continued to expand. Yet, Philip passed more statutes concerning religion than any of the other Spanish Hapsburgs. The sheer volume added by the Council of the Indies and Philip illustrate how encompassing the work was in the area of religion and how to incorporate the Church into the state bureaucracy. The *Recopilación* today includes laws from not only Philip, but also his father Charles V, and his Spanish successors. The most important contribution of this work is that it shows how the decrees came about in response to outside pressure on Spanish authority and how the Council of the Indies processed this information in order to codify already existing privileges into Spanish law.

However, in order to understand the laws, the reader must understand the Council from which they came. The Council wrote *On the Spiritual Governance of the Indies* when it had just undergone an audit to correct issues relating to corruption and inefficiency: it needed reorganizing in order to function properly. In addition to the audit, the Council was also emerging from a long period in which the Council of Castile or a royal favorite supervised every action which shifted the balance of power. These regulations emerged from a Council in a state of reform because Philip needed a strong Council of the Indies to serve him effectively. More importantly, Philip thought religion was too important to be left to the papacy, much less a corrupt Council.

CHAPTER 3

FORM AND FUNCTION

During the reign of Phillip II, the papacy pressed for more control over religion in the New World, which Philip viewed as an encroachment of the *Patronato*. He rebuffed the attempts of various popes to control evangelization in the New World. To justify his position and because he knew they would continue to pressure him, Phillip II felt the need to prepare his government, specifically the Council that dealt with the New World possessions, to better manage the overseas empire. He began reforming the Council of the Indies with the intent of ending corruption and promoting efficiency. The reforms made during Philip's reign attempted to accumulate a vast array of information concerning the Spanish lands on the other side of the Atlantic and to set down laws for how the Council of the Indies should function. The new information made the Council the intellectual authority for the empire, which translated into bureaucratic authority even if the members of the Council had no interest in collected material.

The reviewed resulted in several fundamental changes in the day-to-day operations of the Council of the Indies. Many of these changes had to do with Philip's obsession with the minutiae of government administration. The Council of the Indies was in dire need of reorganization and reform, especially given its growth in authority and position within the government since Philip's accession as king. Under Philip, the Council of the Indies had more autonomy from other government Councils than it had had during the reign of Charles V, when the Council of Castile reviewed all its acts before it reached the king. Inefficiency and corruption plagued the Council as a whole throughout the reign of both Charles and Philip. In order to end these problems, Philip ordered a *vista*, or judicial review, for the Council of the Indies, which lasted from June 7, 1567 until August 12, 1571. It was conducted by Juan de Ovando, who had held several positions in the government, including serving as a member of the Council governing the Inquisition. Philip

chose Ovando in part because he came from another council not closely affiliated with the Council of the Indies and thus was an outsider. The Council functioned normally throughout the review. During this *vista*, Ovando interviewed not only Council members, but also extended his review to encompass a variety of people who interacted with the Council on a regular basis.

In May 1568, Philip called for a meeting of a special board known as the *Junta Magna* to review royal policy in the Indies and the results of Ovando's *vista*.¹ The *Junta Magna* consisted of officials from various governing bodies similar to the Council of the Indies, including the Viceroy of Peru and members from the king's private Council of State, the *camára* of Castile, and the king's financial Council, and lastly theologians and clerics.² Of the twenty-two participants, only three came from the Council of the Indies, which arguably should have been the most involved in the proceedings.³ The need for an entirely different board to conduct a policy review shows that Spanish officials in general viewed the Council of the Indies as incompetent and corrupt. The only members from that Council allowed to attend were its current president, Méndez de Quijada (fl. 1568-1570), and two of the oldest and most experienced councilors, Vázquez de Arce (fl.1554-1571) and Gómez Zapata (fl. 1560-1576).⁴ Before the first meeting in July 1568, Ovando met with Council of the Indies officials to set an agenda for the discussion of policies it thought most important. The list included protecting the rights of royal patronage over the church, establishing a patriarchate of the Indies, and beginning the Inquisition in the New World. The *Junta Magna* debated these topics for several months, but was unable to come up with any firm solutions to resolve the issues. In response, Juan de Ovando received

¹ Poole, *Juan de Ovando*, 129.

² Manfredi Merluzzi, "Religion and State Policies in The Age of Philip II: the 1568 Junta Magna of the Indies and the New Political Guidelines for the Spanish American Colonies," in *Religion and power in Europe: Conflict and Convergence*, ed. Joachim Carvalho (Pisa: Plus-Pisa University Press, 2007), 183.

³ *Ibid.*, 192.

⁴ *Ibid.*, 130.

permission from Philip II to write a series of Ordinances governing the Council of the Indies in detail, effectively codifying how the Council functioned for the first time. With the laws outlining the Council's personnel and functions, Philip was better able to use the Council to manage the New World, and specifically to protect his sole authority there.

As a reward for his thorough review, Philip appointed Juan de Ovando to the Council's presidency. However, Ovando's review was not the first, but actually the third judicial review of the Council since its foundation. It was unique because it was the only one to result in codified laws concerning its operations. The implementation of Ovando's reforms and suggestions for organization became law in 1571 by order of Philip II. These Ordinances of 1571 were the first comprehensive set of rules for governing internal administrative councils and remained in effect with little variance until the end of the Spanish Hapsburgs in 1700. They set the positions within the Council down to the guards and clerks, as well as the duties of each position. The Ordinances call for a president to head the Council of the Indies and supervise the councilors who worked under him and deliberated with him. The new laws prescribed the inclusion of a secretary, two notaries, two clerks, and an advocate for the poor, among other positions. The Ordinances also set down rules to govern who should be included in the Council, down to the doorkeepers and the duties of each position. According to the Ordinances, the President became the most important position within the Council.

Over the forty-year period from 1559 to 1598, eight different men, whose tenure totaled only twenty-three years, occupied the position of President of the Council. The Council existed without a president for an additional seventeen years during this period. The role of president came with an extensive list of duties as prescribed in the *Recopilación de Leyes*, a work that compiles all the laws passed by the Spanish Hapsburg kings and began during Philip's reign but

not completed until 1681.⁵ Title Three of this work details the obligations of the President of the Council of the Indies, written as laws. The ordinances passed during Philip's reign account for thirteen of the twenty-three laws in this section, more than any other king. The first law details the daily duties of the president. He was required to go to the Council twice a day, specifically in the morning and evening to distribute the caseloads for that day. If the Council was without a president, the oldest councilor was to take on the duties of that post. In addition to his daily duties of distributing the work for the day, the President was also responsible for knowing all cases the Council needed to hear and attending to the docket in a timely manner. In addition, the president was responsible for personally handing out any additional information to the councilors for cases coming before the Council. To this end, he was required to meet with the councilors during the afternoon on Tuesdays, Thursdays, and Saturdays of every week.⁶ With laws like these, Philip was trying to end the problem of inefficiency in the Council of the Indies. The president would be personally responsible for daily operations of the Council, and any issues of slowness or laziness on the part of the Council would reflect directly on him. Even with the new regulations, inefficiency still surfaced at various times throughout the period, including in 1593 when the Viceroy of Peru, García de Mendoza, complained to the king that he had received no response to his letters to the Council. The Council in turn responded that all mail had been reviewed and answered.⁷

Generally during the reign of Philip II, all government positions were filled by *letrados*, young men who had training at a university (usually in law), but who were not necessarily from a noble family. Unfortunately, the Council of the Indies failed to gather enough prestige to attract accomplished *letrados* for long periods, if at all. Attempts to resolve this problem are included in

⁵ *Recopilación de Leyes de los Reynos de las Indias.*, II, III.

⁶ *Recopilación de Leyes de los Reynos de las Indias.*, II, II, 10.

⁷ Schäfer, *El Consejo Real*, 111.

the *Recopilación* statutes governing the duties and privileges of the President of that Council. A President who was not a *letrado* had the ability to vote on issues of government, war, grace and mercy which the Council dealt with; but if the President was a *letrado*, like Ovando, he could also vote on cases of *vista* (judicial review) and *residencia* (examination of an executive functionary).⁸ While there was an attempt to include advantages for prospective *letrados*, there were also attempts to limit the power available with other new laws in the Ordinances.

After the President, the Councilors were the most important part of the Council; together they were the supreme body of government for the New World below the king and reporting to him through a secretary. They worked to decide cases, and their votes decided governmental and religious policy in the New World. Often, *letrados* filled the role of councilors, much like the position of president. In addition to the set rules for the position of the president, the Ordinances also included the number and description of all positions in the Council of the Indies down to the guards and clerks. In doing this, Philip limited the number of positions available, and more importantly, curbed the ability to create new positions and form networks of patronage, potentially harming any chances of continued advancement. The Ordinances also mandated that the children of Council members could not come before the Council; nor could they be married to, or marry in the future, anyone bringing suit in front of the Council.⁹ The prohibition of family members presenting also allowed the councilors to be objective by separating their personal life from matters of the state. In making such prohibitions, the Ordinances prevented those who were personally involved in issues appearing before the Council. The new laws also prohibited the councilors from accompanying and aiding petitioners or giving them any information on current negotiations within the Council, especially intelligence, which might have a bearing on the

⁸ Poole, *Juan de Ovando*, 213.

⁹ *Recopilación de Leyes de los Reynos de las Indias.*, II, III, 15 and 18

solicitor's case.¹⁰ This prevented Councilors from giving their support to litigants and foiled attempts of Council members at pursuing their own goals or the goals of their supporters in proceedings in the Council of the Indies, if only in theory. In addition to the networks of patronage that Ovando attempted to curb, he also had to address bribery. The Ordinances dictated that no one working within the Council should accept anything given by litigants or anyone associated with them, or write recommendations for petitioners. By avoiding corruption and inefficiency, the Council of the Indies could provide for the good spiritual and temporal government of the New World as prescribed in the Ordinances.¹¹

In addition to ending corruption and inefficiency in positions already in existence within the Council, the Ordinances created new positions. Two of the new positions were to end the general ignorance of the members of Council of the Indies. In Ovando's initial report to the king regarding his *vista*, he argued that in addition to the personal faults of the Councilors concerning corruption, the councilors were ignorant of the area they were supposed to provide for.¹² Ovando described this problem as ignorance of the New World in general, along with the laws that governed the territories, and the bureaucracy that already existed.¹³ Ovando's reorganization included the position of cartographer, which gathered information to educate Council members about the New World. According to the Ordinances, the cartographer was required to create maps and catalogue descriptions of the New World.¹⁴ He was also obliged to include a history of all the voyages from Spain that had gone to the New World, along with documentation of the sea

¹⁰ Ibid., II, III, 19.

¹¹ Ibid., II, III, 2.

¹² "La Consulta de la Vista del Consejo de Indias con S. M." in *Antecedentes de la Recopilacion de Yndias*, ed. Victor M. Maurtua (Madrid: Impr. de B. Rodríguez, 1906), 6.

¹³ Ibid., 6-7.

¹⁴ *Recopilación de Leyes de los Reynos de las Indias*. II, XIII, 4.

routes used.¹⁵ By detailing the Spanish expeditions to the New World, the cartographer compiled a book that justified Spanish titles in the New World. The new maps and descriptions of the Spanish empire would help the Council of the Indies better govern the Spanish territories, without ever having been there. The creation of the position of historian had the same motivation. The first law to appear in the *Recopilación* about this position ordered that a general history of the Spanish territories be written, designed to encompass the native people and their customs.¹⁶ The historian was also required to collect all the documents that the Council issued governing the Indies, include them in his history, and begin the process of educating the councilors on the laws already in place for the Indies in general. The Ordinances also included a law allowing the historian access to other Council documents, and mandated that other officials within the Council aide him with the collection of documents.¹⁷ The historian was supposed to update the chronicle every year and collect the work in the newly created archive.¹⁸ Detailing the history of the provinces would help the Council better understand its new subjects. The collection of documents archiving the work by the historian and cartographer was supposed to help educate the councilors on the territories they were governing and on laws already in place in the New World.

The general ignorance of the New World continued to be a problem, regardless of the efforts of Ovando. While Philip was intensely interested in the new information, the councilors were less inclined to study the wealth of information coming from the New World. When this new information reached Europe, the Council hoarded it and protected it from any of Philip's European counterparts. The new information, specifically maps, was to be kept secret and only

¹⁵ Ibid., II, XIII, 3.

¹⁶ Ibid., II, XII, 1.

¹⁷ Ibid., II, XII, 3.

¹⁸ Ibid., II, XII, 4.

Council members and the king could view them. Theoretically, the other nations of Europe could not attack the New World without prior geographical knowledge of area.¹⁹ The circulation of the new information coming from the New World would have threatened the crown's spiritual and political hegemony in the New World.²⁰ Philip pored over the maps and histories coming from the new cartographer and historian, but generally the councilors did not. This is in part due to the dominant view of the time that a position within the Council of the Indies was only a way of attaining a more prestigious position elsewhere. In the minds of the councilors, their position was only a temporary stop on their way to much higher ambitions. The need to familiarize themselves with the New World did not strike the members of the Council as important because they only intended to stay for a short time as evident from the number of men Philip appointed to these positions.²¹

Despite the official regulations for size and personnel, the Council of the Indies during the reign of Philip II fluctuated in size. The lowest number of councilors was during 1561, when only five men ran the Council without a president. On the other hand, during the years 1587 through 1589, there were ten councilors in addition to the President. Overall, there was an increase during Philip's reign from an average of five to seven councilors from 1556 until 1568, and then to nine or ten between 1569 and 1591. In the years before his death, the number of councilors once again decreased. In total, Philip appointed thirty-nine councilors during his reign. While such jobs should have been coveted within the Spanish bureaucracy, they were not. The rate at which men moved on to larger or more prestigious Councils was rapid. One explanation is that the Council of the Indies position did not have the prestige of long standing

¹⁹ María M. Portuondo, *Secret Science: Spanish Cosmography and the New World* (Chicago: University of Chicago Press, 2009), 103.

²⁰ *Ibid.*, 6-7.

²¹ Williams, *Philip II*, 95.

councils such as the Council of Castile, which the Council of the Indies had served under until recently. When combined with the new regulations, men in the Council of the Indies were politically restricted and only moving to another appointment would improve their situation.

This aspect of the Council is clear from a quick glance at the roster created by Ernest Schäfer as an appendix to his two-volume work entitled *El Consejo Real y Supremo de las Indias*, first published in 1935. The appointment of thirty-nine different men to the Council of the Indies alludes to one aspect of the continued problems. Council of the Indies members moved on to better positions within the bureaucracy quickly during Philip's reign. Therefore, while there were attempts to fix other issues within the Council, the rapid movement of councilors often negated any of the reforms. Of the total, fourteen councilors moved on to the Council of Castile as councilors.²² The length of time these councilors spent before they moved highlights the role of the Council of Indies as a stepping-stone to better positions. The majority of those who moved to the Council of Castile stayed for less than ten years before they made the transition. This was not a new trend, but something that continued from the reign of Charles V. Of the eight councilors appointed by Charles V that continued to serve on the Council upon the accession of Philip as king, six moved councils, although the time served ranges from less than one year to fourteen years before the transition.²³ Two of these men would return to the Council of the Indies to serve as President.

Ovando and Philip wrote and passed the Ordinances to end corruption in the Council; however, they also prevented positions in the Council from gaining the prestige that would draw suitable *letrados* and retain them for long periods. Philip often contradicted his own efforts to reform the Council by failing to select new men for the position of presidency when it became

²² Schäfer, *El Consejo Real*, 337-339.

²³ *Ibid.*

vacant, as he did after the death of Juan de Ovando in 1575 and Antonio de Padilla y Meneses in 1580. Philip appointed eight presidents to the Council of the Indies, the first only in 1563, after a vacancy of fourteen years. Prior to this, the Grand Chancellor, Diego de los Cobos, supposedly took on the added responsibilities of supervising the Council. Unfortunately, de los Cobos received the appointment to this position at the age of nine through the maneuvering of his father's supporters, and not his own ability.²⁴ He would have reached maturity by the time Philip became king and could perform his appointed duties. The Ordinances regulated the position of Grand Chancellor, but after the death of de los Cobos in 1575, none was appointed until 1648. The absence of a Grand Chancellor during the reign of Philip II was partially due to the king's personal involvement with Council affairs. Between the lack of a Grand Chancellor and vacancies in the presidency of the Council of the Indies, Philip counteracted most of the ordinances aimed to improve the performance of the Council in general. There are many possible reasons for why Philip did not appoint a president, ranging from cost saving measures to lack of suitable men available for the position.

In addition, Philip's attempts to end the problem of inefficiency in the Council of the Indies did not succeed completely. The vast distance was in part the cause of this problem, but the Council's irregular meetings before the reforms only added to the time it took for the colonies to hear from Spain. Even with the new regulations, inefficiency still surfaced at various times throughout the period. Eventually, Philip requested another *vista* in 1587 by Pedro Moyas de Contreras, who became President of the Council in much the same way as Ovando.²⁵ The Ordinances were only partially effective in curbing the issues of corruption and inefficiency in the Council. In part, this was due to Philip's neglect in choosing men to fill the position of

²⁴ Schafer, 125.

²⁵ Stafford Poole, *Pedro Moya de Contreras: Catholic Reform and Royal Power in New Spain, 1571-1591*(Norman, Oklahoma: University of Oklahoma Press, 2012), 206.

president and the transient nature of members of the Council, always looking for a way to advance beyond their current positions.

While the Ordinances did not completely solve the problems of the Council of the Indies, they did expand the Council's power. Before Ovando's reforms, members of the different governmental boards needed an *entrada*, or written permission from the king to have access to the proceedings of another Council. According to Law Twenty-one of Book Three, the Council of the Indies had a permanent place in the Office of the Sacred Cross due in part to its sovereignty over all aspects of the administration of New World territories, and in this case religious issues. The Council of the Indies was required to assist and serve the Office of the Sacred Cross, founded by Fernando the Catholic in 1509 to help propagate the Catholic faith in the New World.²⁶ The Council of the Indies took many of the powers of this subordinate branch in this same law, which mandated that the Councilor selected from the Council of the Indies assist in all the boards and councils of the Order.²⁷ The formation of a fully independent *cámara de Indies*, which exclusively handled patronage and beneficiaries in the Indies, would not happen until 1601, under Philip III. Even then, existing councilors served on the new board. In addition to the Council's inclusion in these government bodies, the Council of the Indies also gained power over the House of Trade in Seville.²⁸ This organization was responsible for all money collected and brought to Spain from the New World. In addition, it was the main source of funds when the government decided to send money, supplies, or personnel to the New World. When the Council of the Indies required funds for governing the overseas territories, they had to send notice to the House of Trade. In July of 1557, Philip ordered that requests for funding from both the Council of the Indies be endorsed by not only the Council, but also himself to ensure that

²⁶ *Recopilación de Leyes de los Reynos de las Indias.*, II, III, 21.

²⁷ *Ibid.*

²⁸ Schäfer, *El Consejo Real*, 65.

Philip was aware of what money was spent and that it was only given for the approved reasons. The House of Trade could not, and would not, dole out money without the approval of both the Council and the king.²⁹

This relationship showed another important aspect of the Council of the Indies. Like all the contemporary government councils, it answered directly to the king. During the reign of Philip II, this interaction took on a more complex dynamic. Philip was notorious for his intense interest in overseeing every action of his government to the point of obsession. This extended to his Councils. The decision to have Ovando conduct a *vista* for the Council of the Indies stemmed from his need to use the Council more effectively. The various attempts at reforming the Council and the passage of the Ordinances illustrate the interest Philip had in changing what at that point was a subordinate Council. As an independent board, it could respond more quickly to Philip's requests concerning the territories in the Americas.

One of the ways the Council of the Indies functioned was by issuing a *cédula* or royal proclamation in the name of the king. During the reign of Philip II, the Council issued *cédulas* and then the king confirmed them. This was in part due to Philip II's compulsion to observe personally all the inner most workings of the Spanish administration of his reign, and to continue the precedent set by his father. During the reign of Charles V, the king had signed *cédulas* coming from the Council when he was in Spain; in his absence, his secretary, Francisco de los Cobos, signed instead.³⁰ The Council issued this type of document for a variety of reason, one of which was to facilitate the transportation of clergy to the New World. Philip II ordered that each friar sent to the New World would receive all the necessary furnishings and articles required for a proper Catholic Mass, as well as transportation to the New World and to their assigned

²⁹ Ibid., 117.

³⁰ Dworkski, "The Council of the Indies in Spain, 1524-1558," 285.

mission.³¹ Under these circumstances, a warrant instructed the treasurer of the Council to pay a specific person. The Council would then issue a *cédula* to the House of Trade, which served as evidence of the government's intention to pay.³² On the back of the document, a summary of the agreements prevented fraud.³³ This process was common during the early days of the La Florida evangelization efforts as the crown tried to establish missions in that territory.

The decision of what orders to send to the New World demonstrates another of the Council's functions. While a *cédula* could be issued, the most common type of document issued by the Council was a *consulta*, or advisory paper, which suggested men to fill positions or rulings for cases. The Council of the Indies submitted these to the king for his revisions, comments, and final decisions.³⁴ Under the reorganized Council of the Indies, the law established both a meeting schedule and set of procedures. The Council would meet every Wednesday for ordinary business and the first Monday of every month to draw up *consultas* to send to the king on larger issues. Under the new laws, these *consultas* went to the king in secret. In this way, all deliberations by the king would remain secret and the Council of the Indies would act as a buffer between the king and litigants. Thus the king could reject the proposals without incurring the blame, since the king's councilors took responsibility for decisions. Even if the king decided against the petition, the litigants would still be loyal to the king.

Information sent to the king by the Council of the Indies generally fell into the categories of selecting high officials such as bishops, and establishing religious buildings and/or dioceses in the New World. Through the *Patronato* granted to the Spanish Monarchy by Rome, the king acted as a head of the Church in Spain and in the New World. The Council's role in this process

³¹ Michael Gannon, *The Cross in the Sand: The Early Catholic Church in Florida, 1513-1870* (Gainesville: University Presses of Florida, 1983), 37.

³² John Tate Lanning, *The Spanish Missions of Georgia* (Chapel Hill: University of North Carolina Press, 1935), 64.

³³ *Ibid.*, 65.

³⁴ Poole, *Juan de Ovando*, 99.

was to supply the king with advice on what orders to send to the New World. In the case of La Florida, the king decided according to the advice of the Council of the Indies to send the Jesuits. The decision of what order to send rested with the king and Council of the Indies, but the right to select specific members from their ranks to send rested with the superiors of the order within Spain.³⁵ The decision of where to establish missions within the territory rested with the order, and more specifically with the member who made the journey.³⁶ In the case of La Florida, the king and Council required that the 1560 expedition led by Pedro Menéndez de Aviles must include between ten and twelve friars, with an additional four friars elected from the Jesuit order to go to the Spanish territory of La Florida in 1565.³⁷

These *consultas* also had an effect on the balance of power within the Council itself. Officially, the position of President was the highest position within the Council; however, the position of secretary came with the added influence of more contact with the king. The Secretary's job as prescribed in the laws governing the Council was to be the intermediary between the Council and the King, giving them more influence with the king than the councilors of the Council to which they were theoretically responsible.³⁸ In addition, prior to 1571, the president, in conjunction with the councilors, compiled a list of candidates, and sent it to the king for consideration. After this year, Juan de Ovando became president of the Council; he alone recommended candidates to the King until his death in 1575.³⁹ Not until after 1584, under the leadership of Hernando de Vega would all councilors sign *consultas* issued to the king. The effect of these changes was a shift in the balance of power. The secretary would continue to hold more influence with the king, but the position of the councilors weakened with the changes made

³⁵ Lanning, *The Spanish Missions*, 34.

³⁶ *Ibid.*, 34.

³⁷ Francis and Kole, *Murder and Martyrdom*, 30.

³⁸ Williams, *Philip II*, 70.

³⁹ Poole, *Juan de Ovando*, 119.

by Ovando. Only in 1584 were those changes reversed. The positions within the Council of the Indies were stepping stones to better and more influential positions on other councils, such as the Council of Castile. The periods in which Philip left the position of president vacant upset the balance of power within the Council. The king was able more easily to exert his will over the Council of the Indies in these years. Therefore, while the new Ordinances aimed to attract men to those positions, they also made the positions less desirable by stopping opportunities to gain prestige, money, or a network of patronage with prohibitions. One of the clearest examples of the position as a stepping-stone is that of Juan de Ovando, who at the time of the review was quickly climbing the social ladder by attaining positions in government councils. His appointment to the Council of the Indies seems to have been both a gift and a curse. Ovando had made the suggestions that formed the basis for the Ordinances and they resulted from his *vista*, which investigated the allegations of corruption. Philip then appointed him to the position of president when it came time to reform the Council, which would occupy his life until his death. During his tenure as President of the Council of the Indies, Ovando continued to garner other positions within the Spanish bureaucracy up until his death.

During the Reign of Philip II, the Council of the Indies experienced many changes. While the basic operations and tasks remained unchanged, the form and rules for the Council did change. The New Ordinances simultaneously gave the members more power over subordinate branches and independence from superior Councils. The new laws also formally set the duties, personnel, and rules for the Council of the Indies. Together, these changes shaped the way in which the Council of the Indies functioned by attempting to end corruption and inefficiency. The laws were measures to strengthen that body in order for it to be the Council Philip II needed when facing other European leaders, such as the Pope. Philip's attempts to reform the Council

were only partially successful when considering the continued corruption and inefficiency. The main cause of these issues was the lack of continuity because of the use of the Council of the Indies as a stepping-stone to better, more prestigious positions within the Spanish bureaucracy. It did provide Philip with a functioning filter between the colonies and any other power that might attempt to encroach on the right of Spain.

CHAPTER 4

CASE STUDIES: LA FLORIDA & NEW SPAIN

The Council of the Indies was responsible for overseeing the administration of the entire Spanish Empire in the Americas, and during the reign of Philip II, its charge expanded to include Southeast Asia. As part of these duties, the Council also had the task of overseeing the Church in the Spanish possessions. The way in which it performed this duty changed according to the level of development of a given colony. The Council faced different circumstances in each colony and the comparison of two cases will better illustrate this. Certain differences are apparent when comparing La Florida and New Spain. The colony of La Florida was recently established and needed the Council's direct assistance. New Spain had been conquered and settled during the reign of Philip's father and was still expanding when Philip became king. While the Council was involved with the initial setting up of the Church in the colonies, its role diminished as the colony developed. Understanding how these colonies began, and in New Spain's case, its development before Philip's accession, is key to making sense of the Council's differing roles.

During the reign of Philip II, Spain's empire continued to grow. Philip's predecessors sent twelve different expeditions to the territory of La Florida, including the expeditions of Ponce de Leon in 1521 and Hernando de Soto in 1539. These explorers mark the first official attempts to bring Christianity to the new territory. None of these resulted in an established colony within La Florida. When Ponce de Leon first sighted the coastline of La Florida in 1513, he had no priests with him, but when he returned in 1521, he brought clergy, including a secular priest.¹ One reason for the presence of the friars was to convert the natives, as ordered by King

¹ James M. Woods, *A History of the Catholic Church in the American South: 1513-1900* (Gainesville: University of Florida Press, 2011), 1 and 2.

Charles V.² Clergy accompanied the subsequent expeditions as well, and in 1526, there was an ill-fated attempt to start a colony by Lucas Vázquez de Ayllón (d. 1526). De Soto took religious with him on his expedition too, although he showed no real attempts at conversion of the native population. He did construct two of crosses during his journey, including one near present day Macon, Georgia.³ The purpose of bringing the clergy in these cases was to minister to the Spanish subjects traveling to the territory, not to convert natives. The first person to attempt to convert the native population of La Florida was Friar Luis Cáncer de Barbastro in 1549; however, the mission ended disastrously when the people he sought to convert beat him to death.⁴

The beginning of the first official and lasting colony in La Florida began with the expedition of Pedro Menéndez de Aviles (1519-1574). By September 1561, Philip expressed doubts that La Florida was worth another attempt at colonization because of its low sandy shoreline, making building difficult; and it lacked the valuable resources, such as gold and silver present in other Spanish colonies. Despite this Menéndez received a commission from Philip II to go to Florida to establish a colony and convert the native populations in 1565.⁵ Four diocesan priests accompanied the expedition. On August 28, 1565, Menéndez sighted land from the ship and disembarked on September 7 in St. Augustine, named for Saint Augustine of Hippo, on whose feast day the Spanish first sighted it. The difficulties of colonizing La Florida meant that the first successful expedition and colony occurred during Philip's reign. However, the conquest and settlement of New Spain occurred during the reign of Charles V and had much more success.

² Gannon, *Cross in the Sand*, 2.

³ Woods, *A History of the Catholic Church*, 5.

⁴ *Ibid.*, 6.

⁵ *Ibid.*, 7.

Hernán Cortes first claimed New Spain for Spain in 1519. What followed was a war with the indigenous population, the Aztecs, which ended in 1521 with the conquest of the capital city (Tenochtitlán), which the Spanish renamed Mexico City. Cortes set up the first government of New Spain and personally governed the territory from 1521 until 1524. In 1535, Don Antonio de Mendoza (1493-1552) became the first viceroy of New Spain, marking the foundation of the colony as a viceroyalty; meaning that a viceroy, in the name of the king, governed the colony and it was able to function without the direct involvement of Spain. The colony of Spain only continued to grow from that point, rapidly expanding to encompass much of what is today the Western United States all the way to Central America.

Catholicism expanded rapidly as well. During the original expedition, Cortes brought two priests with him and more soon followed. In 1523, Charles V sent a group of Spanish friars to organize a Franciscan province in New Spain.⁶ From this point, the Church in New Spain grew quickly, with the first Franciscans arriving in 1524, and the foundation of the first diocese of Tlaxcala, near modern Puebla, in 1526 (though it was not formally constituted by the papacy until 1530).⁷ In the next twenty years, three more dioceses were created: Antequera in 1534, Michoacán in 1536, and New Galicia in 1548. With the growth of New Spain, in both population and size, the original diocese of Tlaxcala was elevated to a metropolitan in 1548 as well.⁸ Mendicant orders also grew in number during this time. While the first order represented in New Spain was the Franciscans, by 1533, Dominicans and Augustinians had joined their ranks and were busy converting the native populations and founding religious houses.⁹ Some of their

⁶ Liss, *Mexico Under Spain*, 69.

⁷ Robert Ricard, *The Spiritual Conquest of Mexico: An Essay on the Apostolate and the Evangelizing Methods of the Mendicant Orders in New Spain, 1523-1572* (Berkeley: University of California Press, 1966), 5.

⁸ *Ibid.*, 5-6.

⁹ Liss, *Mexico Under Spain*, 70.

members even served as bishops, including the famous Bartolomé de las Casas (1484- 1556), who served as the Bishop of Chiapas beginning in 1543.¹⁰

In one area, religious and temporal spheres collided: schools. In 1533, the Franciscans opened two schools for mestizos. San Juan de Letrán taught boys and Nuestra Señora de la Caridad taught girls.¹¹ Before the foundation of these schools, Flemish Franciscan Pedro de Gante (1480- 1572) began a school attached to the church of San José de Belen de los Naturales. At this school, indigenous boys learned how to read and write in Latin, how to sing and play instruments, and how to engage in other “civilized” pastimes. Later, these pupils served as interpreters or teachers for their own people at the behest of the Spanish authorities or religious leaders.¹² The Spanish established the first major university in the Americas in January of 1551 called the Royal and Pontifical University of Mexico, and ecclesiastics worked as teachers.¹³ The establishment of a higher-level school meant that the area was firmly under Spanish control and was in turn educating Spanish-born men in the same manner as the mother country.

When Philip came to the throne of Spain in 1556, he inherited the territorial possessions of Castile in the Americas. Soon after Philip’s accession, Pedro de Gante wrote to Philip stating that the Spanish monarch had a “moral obligation to augment and conserve Christianity.”¹⁴ This duty to augment the Catholic faith required the Council to adapt to the different circumstances in the various colonies. The development of the Church in the colonies was at different stages as well. In New Spain, the Church was well established by the time Philip became king in comparison the colonies established during his reign, such as La Florida depended on the

¹⁰ *Ibid.*, 70.

¹¹ Clarence Henry Haring, *The Spanish Empire in America* (New York: Oxford University Press, 1947), 228.

¹² Liss, *Mexico Under Spain*, 71.

¹³ Haring, *The Spanish Empire in America*, 229.

¹⁴ Liss, *Mexico Under Spain*, 72.

involvement of Spain for its Church to function. Philip entrusted the governing of the empire overseas to the Council of the Indies. It was responsible for meeting the needs of the individual colonies, including providing religious services and spreading Catholicism. In more established colonies, the Council of the Indies was less involved directly with the Church and were mainly supervisory, ensuring that the Church hierarchy functioned properly, and enough friars were available. In the new territory of La Florida, Philip entrusted the Council of the Indies with setting up the Church from the very beginning with the help of his chosen governor, Pedro Menéndez de Aviles.

La Florida had strategic value for the Spanish Empire because it could guard the Spanish Caribbean and Central American possessions. While earlier attempts at colonization had failed, the expedition led by Menéndez had to succeed. This was in part due to the presence of French Huguenots in La Florida since 1562. Menéndez's original contract with Spain, included a condition that he should go forth and convert the native to Catholicism.¹⁵ The Huguenots posed two very distinct threats to the Spanish claim of La Florida. Though the French government did not officially support them, the settlers at Fort Caroline could potentially threaten the Spanish claim to that territory because it had yet to be settled by Spaniards. The French had established Fort Caroline and fortified their position with a fleet and soldiers. Philip saw the potential for the French monarch to claim the territory around La Florida by claiming his subjects had settled there first. Next, the Huguenots were Protestant. Philip and the Council had a duty to spread Catholicism, not just Christianity, to the native populations of the Americas. Historians are unsure if news of the French fort reached Spain before or after Menéndez received his orders to sail for La Florida. Regardless of the timing of the information, the removal of the French

¹⁵ Woods, *A History of the Catholic Church*, 7.

became a primary objective for the expedition. The Menéndez expedition captured and executed French leaders and the remaining settlers either fled or were taken captive. The destruction of Fort Caroline made way for Spanish missionaries to convert the natives to Catholicism without the threat of Protestants nearby.

When Menéndez received his contract from the Spanish crown to go to La Florida, one of his first actions was to begin recruiting priests to accompany him. He landed in La Florida, with four diocesan priests in his company, and requested Jesuits to convert the natives, soon after his arrival.¹⁶ In the territory of La Florida, the entire Church hierarchy had to be created from scratch. This process began with the arrival of friars, who went into the hinterlands of the territory, and founded missions known as *doctrinas* in areas where local populations congregated. Beyond this, they established smaller residences outside the mission for when they ministered to people outside the range of the mission.¹⁷ The decision of where to set up missions within the territory rested with the order, and more specifically, the member who made the journey.¹⁸

The mendicant orders were responsible for the task of converting natives and establishing missions. The Council's role in this process was twofold: to supply the king with advice on what orders to send to the colonies, and to aid the friars in their mission in the Americas. The decision of what order to send rested with the king and Council of the Indies, but the right to select specific members to send rested with the order in Spain.¹⁹ In the case of La Florida, the king chose the Jesuits. The king and Council required that the expedition led by Menéndez must

¹⁶ Lanning, *The Spanish Missions*, 41.

¹⁷ *Ibid.*, 16.

¹⁸ *Ibid.*, 34.

¹⁹ *Ibid.*, 34.

include between ten and twelve friars, with an additional four men elected from the Jesuit order to go to the Spanish territory of La Florida in 1565.²⁰ In the initial efforts by the Spanish to convert the natives of La Florida, Jesuits controlled most of the missions. While the Jesuits are known for their success in converting peoples from around the globe, including other areas of the Spanish Empire, they faced resistance from the natives of La Florida. During their brief tenure, natives murdered several Jesuit missionaries in February 1571, resulting in the orders withdrawal by their General Francisco de Borja. Menéndez turned to the Franciscan order to replace the lost missionaries in La Florida, and they became the dominant group in that region.²¹ The Franciscans had been creating missions since 1566, but their efforts intensified during the 1580s after the exodus of the Jesuits. The change of orders left La Florida with a shortage or even absence of clergy in much of Spanish Florida in the 1570s; however, the Franciscans persisted in their efforts to establish missions and to convert the natives.

The Council of the Indies was responsible for paying the expenses of friars and other religious going to the Spanish colonies by working jointly with the House of Trade to cover the travel expenses. After the selection of the Jesuits to accompany Menéndez in 1566, the Council of the Indies issued *cédulas*, which dictated that the House of Trade should pay muleteers that carried them and their belongings to Seville from their monasteries in which they had been residing prior to their appointment to the La Florida expedition.²² The House of Trade also had to furnish money for living expenses, which meant that they paid Jesuits one and a half *reales* daily for food and other necessities while they made arrangements in Seville and waited to embark.²³

²⁰ Francis and Kole, *Murder and Martyrdom*, 30.

²¹ *Ibid.*, 31.

²² Amy Turner Bushnell, *Situado and Sabana: Spain's Support System for the Presidio and Mission Provinces of Florida* (New York: American Museum of Natural History, 1994), 51.

²³ *Ibid.*, 51.

Menéndez worked with the *fiscal* (the royal attorney) of the Council of the Indies and was able to pay for the expenses of the galleon San Pelayo to transport the religious.²⁴ When the Franciscans began replacing the Jesuits, the process changed slightly, but the crown continued to pay new regulars to go to La Florida. The Franciscans traveled on foot to Seville, instead of by mule, so they were given seven *reales* per day by the crown to cover expenses.²⁵ Once there, the Franciscans collected either one and a half or two *reales* per day to cover living expenses while they waited to embark on their journey to La Florida.²⁶ Both the Jesuits and the Franciscans received money to cover necessities for the trip across the Atlantic, including bedding paid for by the House of Trade at the request of the Council of the Indies. In addition to paying for transportation to La Florida, the crown paid for passage to their assigned missions (where these already existed).²⁷ Later, the clergy could request assistance without an order from the king, if they were working in the interest of conversion in the Spanish territories. In November 1583, Father Alonso de Reynoso paid thirty-two ducats to transport eight friars to Seville and then to La Florida. Ten days after issuing a warrant to pay him, the Council of the Indies sanctioned a *cédula* to the House of Trade to repay him these expenses and to give him permission to return to the La Florida.²⁸ When Reynoso returned from La Florida later in February 1587, he received four hundred ducats to obtain all the needed materials for living in a mission and performing mass. The *cédula* issued to him on February 23 by the Council stipulated the materials to be purchased included a complete wardrobe and bed furnishings.²⁹

²⁴ Lanning, *The Spanish Missions*, 41.

²⁵ Bushnell, *Situado and Sabana*, 51.

²⁶ *Ibid.*, 51.

²⁷ Gannon, *Cross in the Sand*, 37.

²⁸ Royal Cédulas Relative to Florida Affairs, September-December 1583, John Batterson Stetson Collection, St. Augustine Historical Society Research Library, St. Augustine, Florida.

²⁹ Lanning, *The Spanish Missions*, 66.

Some orders, such as the Franciscans, relied on the collection of alms for support. However, mission work in the frontiers of the Spanish Empire was not conducive to begging for alms. The support of mendicant orders came from the coffers of the Spanish crown, and more specifically, the House of Trade. However, the Council issued a *cédula* before the House of Trade dispensed the funds. The Franciscans of Florida, who replaced the Jesuits after 1571, relied on the money and items sent by the Council of the Indies to cover their personal needs and to provide all the objects needed to perform mass.³⁰ The stipend included certain items required to convert the natives and to perform mass, including a breviary, prayer books, missals, and manuals.³¹ Friars could request items they found lacking once they reached the *doctrinas*, in addition to the three *reales* per day from the governor for their maintenance and clothing.³² This covered the cost of food supplies and items for mass, including one and a half *arrobas* (just over six gallons) of sacramental wine for a six-year period and enough oil collectively to keep the lamp of the Blessed Sacrament burning.³³ By 1595, temporal officials forwarded requests for bells, vestments, and chalices for the missions without asking questions.³⁴

The relationship between the missionaries and the Crown is apparent during the Guale Rebellion of 1597. Of the few violent uprisings during Philip's reign, the Guale Rebellion was one of the worst.³⁵ The Guale were a tribe in the area of La Florida, among whom the Franciscans were successful in founding missions with five missions established at the time of the revolt.³⁶ Most accounts of the rebellion attribute the initial uprising to missionary interference

³⁰ Woods, *A History of the Catholic Church*, 11.

³¹ Bushnell, *Situado and Sabana*, 51.

³² Gannon, *Cross in the Sand*, 37.

³³ Bushnell, *Situado and Sabana*, 77.

³⁴ *Ibid.*, 76.

³⁵ Francis and Kole, *Murder and Martyrdom*, 25.

³⁶ *Ibid.*, 39.

with their affairs and marriage practices, specifically the practice of polygamy.³⁷ In 1597, the son of a Guale chief, and next in line to inherit his father's position, gathered a group of malcontents and murdered the Franciscan priest working in the Tolomato mission. The revolt spread from this mission to the other four main missions and the Guale killed several other Franciscans from different missions. The letters and documents written by the friars who escaped death at the hands of their native parishioners illustrate this relationship. Several Franciscan wrote to Philip II that they left certain vestments used to say mass "which your majesty gave us" due to the revolt and the local native *caciques* (leaders) had since taken possession of them.³⁸ During the expedition to recover the territory, any ornaments, chalices, or other church items recovered were supposed to be returned to one of the remaining Franciscans.³⁹ Though this revolt did cost some Franciscan missionaries their life, the order was quick to return as soon as possible even against the wishes of the then Governor Gonzalo Méndez de Cancio y Donlebún (1554-1622), who wrote the king on February 23, 1598 to report the religious were disobeying him and returning to the missions.⁴⁰ Despite the uprisings among the natives, historians consider the period a golden age of missions, which continued after Philip II's death in September 1598. During this period, the Franciscans were successful in founding new missions and converting the natives to Christianity.

The church was also active in St. Augustine. The initial settlement included Spanish families, and the Council of the Indies was responsible for providing them with priests. The priests of St. Augustine were responsible for the normal duties of a diocesan priest: they were required to perform mass, baptisms, marriages, and final rites. During the year 1595, records

³⁷ Ibid., 11.

³⁸ Ibid., 70.

³⁹ Ibid., 82.

⁴⁰ Ibid., 98.

show an influx of friars for St. Augustine, bringing the total number from six to seventeen.⁴¹ The shortage of clergy that plagued the mission was a problem from the Spanish town as well. In 1578, two of St. Augustine's religious received new assignments in New Spain. This prompted Governor Pedro Menéndez Marquez (1499-1600) to write to the king requesting that they be allowed to stay in La Florida, since there was a shortage of friars and one in particular, a Fray Alonso Caveças, was a "most excellent and learned theologian of the order of Saint Francis."⁴² Unlike the friars residing in the missions, these men did not depend entirely on funds from the Spanish government, because they received money for performing certain rites from the citizens. The Spanish leaders also made helped convert the natives through the establishment of schools. Governor Domingo Martínez de Avendano (d.1595) founded in St. Augustine as a part of a 1595 accord. At the school, native children learned Christian doctrine and Spanish. These children became interpreters for the Spanish temporal government, and they aided Franciscans in establishing missions among their various tribes.⁴³ In this case, state and religion overlapped.

One of the additional duties of the Council of the Indies was to ensure that the Church hierarchy mirrored the one in Spain, with bishops governing over lower clergy. The Church in the Americas functioned through a system in which older diocese supervised the newer colonies and La Florida was no different. During the initial conquest and evangelization efforts, the missionaries and clergy serving St. Augustine were directly responsible to the Council of the Indies. However, the colony was officially a parish of the diocese of Santiago de Cuba, established in 1546. The notices of changes in clergy often passed through Cuba, as was the case

⁴¹ Ibid., 32.

⁴² Pedro Menedez Marquez to the King, June 15, 1578, in *Colonial Records of Spanish Florida: Letters and Reports of Governors and Secular Persons*, ed. Jeanette Thurber Connors, vol. 2 (Florida: Florida State Historical Society, 1925), 87.

⁴³ Francis and Kole, *Murder and Martyrdom*, 95.

with the June 1578 letter concerning Fray Alonso Caveças mentioned. La Florida struggled throughout much of its history under Spanish rule, because the yearly episcopal shares of tithes were so small that the diocesan clergy seldom bothered with collecting them at all.⁴⁴ By 1684, a Provincial Council held in Santiago de Cuba held a special session to discuss the fate of the colony of La Florida as a diocese.⁴⁵

The colony and viceroyalty of New Spain is a direct contrast to the fledgling colony of La Florida. While Philip's Council of the Indies had to be very involved in the transportation of the religious to La Florida because that was a new foundation, the Council had the benefit of inheriting the colonies established by Philip's predecessors, including New Spain. When Philip took the throne, that colony was already self-sufficient in religious matters, such as supplying friars for missions. In addition, New Spain had several features of a developed colony that were absent or only just beginning in the case study of La Florida. New Spain had three discernible regions: the central highlands controlled by the Spanish; the conquered periphery, which faced threats from native populations; and the outer periphery consisting of independent native populations.⁴⁶ These distinct regions reveal that New Spain was still expanding by 1556 when Philip became king. The founding of missions among settled native populations and the natives converting to Christianity aided Spanish expansion.⁴⁷ Unlike La Florida, several different orders were present in New Spain: at Philip's accession, Franciscans, Dominicans, and Augustinians were active, and by 1571, the Jesuits had arrived. The orders often competed for space and, though the mendicant orders had a spiritual claim to the natives of certain areas, they could not always provide the population with adequate friars because of the size of the territory. By 1559,

⁴⁴ Bushnell, *Situado and Sabana*, 199.

⁴⁵ Gannon, *Cross in the Sand*, 69.

⁴⁶ Alan Knight, *Mexico: The Colonial Era* (New York City: Cambridge University Press, 2002), 9

⁴⁷ *Ibid.*, 22.

the mendicants numbered less than 1,000, with the Franciscans dominating the center, west, and northwest, and the Dominicans congregating in the south, mostly Oaxaca.⁴⁸ Even these distinctions were fluid because there are instances when the high clergy invited other mendicants to establish missions in areas where the dominant order failed to provide sufficient numbers to evangelize. This occurred, for example, in Chiapas in 1577, when Bishop Pedro de Feria (1524-1588) invited the Franciscans to establish missions in his bishopric because the dominant Dominicans could not properly attend to everyone.⁴⁹ The friars residing there were unable to fulfill their duties for the entire native population due to vast expanse of territory claimed by the order. The Dominicans of Chiapas resided in friaries and were supposed to perform *visitas*, which lasted for about fifteen days when they visited between three and seven native communities.⁵⁰ The Dominicans practiced mass baptisms with a focus on personal religious commitment. This changed in 1570 with the new regulations for conversion, that required the potential converts to be able to recite certain Catholic prayers and doctrines.⁵¹ The practice of most orders in New Spain was to congregate the native population into settled communities and to convert them to Catholicism. This was easier in communities that had a majority of Spanish inhabitants, or that had been under Spanish control for longer. The problem facing the Dominicans was a lack of numbers and the Bishop of Chiapas fixed this problem by requesting new friars from another order within New Spain, not by requesting more religious from the mother country, as was the case with La Florida. Areas that had only recently come under Spanish rule and still contained native people unaccustomed to the Spanish laws, known as

⁴⁸ *Ibid.*, 33.

⁴⁹ Amos Megged, *Exporting the Catholic Reformation: Local Religion in Early-Colonial Mexico* (New York: E. J. Brill, 1996), 46.

⁵⁰ *Ibid.*, 51.

⁵¹ *Ibid.*, 66-68.

borderlands, required missionaries to convert the natives and to familiarize them to the confines of Spanish rule.

This process also occurred through education. The first schools in New Spain began before Philip became king, but the students who were educated in these institutions provided the interpreters and intermediaries that the Spanish temporal government needed to continue expanding. These native men and women (though mostly men) were taught by mendicant orders. The Jesuits continued the practice of creating new schools for both Spanish and non-Spanish. Within twenty years of the arrival in New Spain, they had established seven colleges.⁵² In essence, what had just begun in La Florida had a model in the schools of New Spain. In 1557, Philip did limit the autonomy of the various religious orders by subjecting them to episcopal authority and limiting their religious construction including that of schools.⁵³ These actions reinforced the authority of the Spanish monarchy. This decree is proof that the hierarchies, which were still forming in the colony of La Florida, were becoming more set in New Spain.

The religious orders of New Spain played a role in areas where Spanish families were the majority of the population. The various orders in addition to founding missions in the borderlands, they also ministered to the Spanish population. While St. Augustine was barely able to keep enough priests to attend to the natives, New Spain was able to provide its own clergy from the Spanish men residing in the various religious houses. It was only during the last years of Philip II's reign that the municipal council of Ciudad Real, outside of Mexico City, appealed to the king and his council to recruit more religious from the monasteries of Spain.⁵⁴ The circulation of clergy was also common between La Florida and New Spain such as Fray Alonso

⁵² Haring, *The Spanish Empire in America*, 228.

⁵³ Liss, *Mexico Under Spain* 88.

⁵⁴ Megged, *Exporting the Catholic Reformation*, 52.

Caveças, which a governor of La Florida wrote to about keeping in his current position.⁵⁵ Some Spanish subjects were also responsible for teaching the natives about Catholicism and convert them. In return, they received the *encomienda*. The Spanish employed this system during the early years of the conquest of New Spain, but encountered problems due to corruption and the ill-treatment of natives. By the mid sixteenth century, the *repartimiento* system had replaced the old system. This system was similar to the *encomienda* system, but the natives worked for Spaniards on a rotating basis with a set wage.⁵⁶ By using this system, the natives were acclimated to Spanish customs and non-nomadic life. Even in areas that were predominantly Spanish some natives were present. In this case, the religious had assembled the remaining natives and formed *cofradías*, which were lay organization supported saints' cults.⁵⁷ In structure, they often resembled some of the Spanish religious houses, to which natives had no access. By 1585, there were 300 *cofradías* in Mexico City alone. The religious houses were important for the development of religion in New Spain.

In 1574, there were over 200 religious houses in New Spain, while in La Florida during this time there were none.⁵⁸ By the end of the sixteenth century, the number in New Spain had risen to 274 houses located predominantly in native pueblos.⁵⁹ This slowing of growth resulted from a royal decree issued in 1557, according to which religious orders needed the permission of their superiors in order to build religious houses. In 1593, the province of Monterrey had to relinquish the license of its convent because the Council and king denied its license.⁶⁰ The orders

⁵⁵ Pedro Menedez Marquez to the King, June 15, 1578, in *Colonial Records of Spanish Florida*, ed. Jeanette Thurber Connors, 87.

⁵⁶ Knight, *Mexico: The Colonial Era*, 22.

⁵⁷ *Ibid.*, 42.

⁵⁸ Haring, *The Spanish Empire in America*, 187.

⁵⁹ Karen Melvin, *Building Colonial Cities of God: Mendicant Orders and Urban Culture in New Spain* (Stanford: Stanford University Press, 2012), 25.

⁶⁰ *Ibid.*, 31.

grew unchecked until Philip II's accession to the Spanish throne, as evidenced by the sheer number of religious houses established prior to his accession. After the decree, there is a period of less rapid growth. The slowdown in the construction of religious houses resulted from restrictions imposed by the strengthened Spanish authority. The Council continued to use the mendicant orders in evangelization, but as the Church and Spanish authority became more developed in New Spain, there was an effort to curb the autonomy and to bring them under their authority of the bishops. This development did not occur in La Florida, a province without its own bishops.

By the time Philip became king, New Spain already had several established dioceses, which should have allowed for greater episcopal control of the orders. However, the mendicant orders, which controlled evangelization of the natives, were often autonomous after they arrived in the Americas because of their limited contact with the higher clergy and state officials. This allowed them to hold more control for themselves over the natives, and to free them from the authority of bishops. As part of the Council of Trent decrees, Philip imposed stricter control over the religious orders and attempted to replace regular clergy in missions with secular clergy. The imposition of the Church hierarchy was more easily done in areas where bishops were actually close enough to make the *visitas* that were required of them, for example in New Spain; in La Florida, the religious were still free from direct episcopal control, since their bishop resided in Cuba. The bishoprics of New Spain were scattered throughout the viceroyalty and exercised control over the religious within their dioceses. More importantly, where the Council of the Indies had to manage the religious orders in La Florida, the various bishops of New Spain ensured there were enough religious and facilitated relations with the temporal authorities. The transition to more episcopal control was not smooth. The mendicant orders were protective of

their authority, and were unwilling to subject themselves to the control of the upper clergy in any sense. The papal brief *Exponi nobis* issued on March 24, 1567, resulted from these disputes. The brief allowed orders to have independence of the bishops and suspended the imposition of the decrees from the Council of Trent. Philip only resorted to asking for this because some of the mendicant orders were threatening to leave their parishes if they came under the authority of bishops and prelates. This led to the selection of secular clergy over regulars for mission positions, and the official acceptance of this position with a *cédula* issued in 1583 with this exact purpose.⁶¹ The orders also retained their independence in other ways because the vast distance between the mother country and the colony was still a problem. In New Spain, this problem is most evident in the absence of bishops for long periods. The maintenance of the Church hierarchy was the responsibility of the Council of the Indies and this meant making sure that men occupied the positions at the upper levels of the church in the Spanish Empire. This was often not the case and some bishoprics such as the diocese of Tlaxcala, were often vacant for years at a time.⁶² This could be because of inefficiency by either the Council of the Indies, who provided candidates, or Philip, whose preoccupation with the minutia of government kept him from quickly selecting a candidate presented by the Council.

In addition to governing the lower clergy, the bishops of the Americas had the authority to call provincial councils, something that could not occur in La Florida. New Spain held one provincial council, the Third Provincial Council of Mexico (1585), during Philip II's reign. The Council of the Indies addressed provincial synods in the decrees governing religion, which they wrote and Philip signed into law. At this council the main topic was the imposition of the Tridentine decrees, but the discussion of evangelization among the native populations, in

⁶¹ Bushnell, *Situado and Sabana*, 32.

⁶² Ricard, *The Spiritual Conquest of Mexico*, 6.

particular the ones within New Spain, was also a major concern. The provincial council was concerned with instructing the lower clergy in proper theology and ensuring that they conveyed these concepts to the natives.⁶³ The attendees thought that the natives were not as Christian as they should have been at that point of Spanish control, and they blamed this on the religious orders entrusted with their Christian education.⁶⁴ The full report of the synod consisted of 327 folios, which addressed not only proper theology, but also how to teach it.⁶⁵ The Council of the Indies found fault with some of the sections so decrees from the provincial synod went unpublished officially. Portions of the work appeared in letters and some of the sections were circulated as manuscripts.⁶⁶ One of the issues that the Council denounced was the section detailing how temporal leaders should behave in terms of the Catholic faith. The bishops condemned the repartimiento system criticized the local leaders for their failure to protect the natives.⁶⁷ The synod included an entire section detailing how temporal leaders could easily fall into sin and asking the Council to appoint “God-fearing men of good habits” to the positions in the empire.⁶⁸ The Third Provincial Council would be the last held in New Spain for nearly two centuries, but this was not the only signifier how well developed the Church was in New Spain.

One of the most important signifiers of how well established the church was in New Spain was the introduction of the Inquisition to New Spain in 1571. The Inquisition was the only governing body that rivaled the power of the Council of the Indies in the Spanish Empire. More

⁶³ John F. Schwaller, Introduction to “*Directorio Para Confesores: ‘Lords Who Hold Temporal Government Over Vassals,’*” eds. Richard E. Boyer and Geoffrey Spurling, *Colonial Lives: Documents on Latin American History, 1550-1850* (New York: Oxford University Press, 2000), 32.

⁶⁴ Stafford Poole, “The Declining Image of the Indian Among Churchmen in Sixteenth Century New Spain” in *Indian-Religious Relations in Colonial Spanish America*, ed. Susan E. Ramírez (Syracuse: Syracuse University, 1989), 13.

⁶⁵ Boyer and Spurling, eds., *Colonial Lives*, 32.

⁶⁶ *Ibid.*, 32.

⁶⁷ Poole, “The Declining Image of the Indian,” 13.

⁶⁸ “*Directorio Para Confesores: ‘Lords Who Hold Temporal Government Over Vassals,’*” 1585, in *Colonial Lives: Documents on Latin American History, 1550-1850*, eds. Richard E. Boyer and Geoffrey Spurling (New York: Oxford University Press, 2000), 34.

importantly, it had enough authority to initiate proceedings against the religious, which controlled evangelization. One example occurred just after the introduction of the Inquisition. In 1573, the colony of Yucatán within New Spain began presenting abuses against their local *padre*, Andrés Mexía, a secular priest tasked with ministering to the natives in the region. Several local and native leaders wrote and accused the father of being absent and committing other misdeeds. After a brief reconciliation, they levied more accusation against the Mexía including sexually assaulting native women. It was his conduct toward the native women, including accusations of demanding sexual favors from women before hearing their confessions, that led the Inquisition to investigate him.⁶⁹ The Inquisition proceeded against him and he was withdrawn from the parish and replaced. The shortage of priests in the Spanish empire, however, prevented him from returning to Spain, so the Council reassigned him to La Florida, where the Inquisition was not present.⁷⁰ The Inquisition was the only governing body that rivaled the Council of the Indies in power in the Spanish empire. The Council's direct involvement in New Spain had ended and the Church was well established enough that the Inquisition could be brought in.

The reason that La Florida and New Spain are particularly interesting is that they are different from one another and offer an interesting comparison. In La Florida, the Council of the Indies worked deliberately with the religious orders to aid evangelism and to keep the colony from failing as so many previous expeditions had done. The colony also provides an interesting comparison with the success of the Jesuits because the order, which had so much success in other parts of the empire, failed in La Florida. The Council of the Indies poured money into the efforts to convert the native populations in part because the success of the colony depended on peaceful

⁶⁹ "3.3 Petition by the Cabildos of Oxtzucon, Peto, Tahdziu, Tetzal, and Timeuac, Yucatán," 1589 in *Colonial Lives*, ed. Boyer & Spurling, 25

⁷⁰ Royal Cédulas Relative to Florida Affairs, September-December 1568, Stetson Collection.

relations with the natives. La Florida had none of the profitable resources found in other Spanish colonies like New Spain but the crown was determined to keep control of it.⁷¹ The reason can only be its strategic position near the Caribbean. Following Philip II's death, his successor Philip III (r.1598-1621) wanted to withdraw from La Florida, but the Franciscans, who had been supported by the Council of the Indies, convinced him not to because they were optimistic on the futures of the missions despite the Guale Revolt. The Council of the Indies continued to play a major role in La Florida, because the church hierarchy was not well established.

On the other hand, in New Spain, the Council of the Indies was not overly involved in the administration of the Church. Philip II's predecessors had established this colony, as opposed to La Florida, and the church had established a functioning hierarchy, which La Florida lacked. The numerous bishoprics and religious houses throughout New Spain provided the necessary religious personnel for a functioning church hierarchy without the constant interference of the Council of the Indies. The bishops received power over the orders, and when the regulars rejected this authority, the Council replaced them with the secular clergy. The various religious houses provided New Spain with friars for the missionary efforts along the borderlands, and only in rare cases did the officials of New Spain have to request more religious from Spain, something that happened regularly in La Florida. The imposition of the Inquisition in New Spain was the last step in establishing a functioning Catholic hierarchy in the colony.

These two different situations clearly illustrate the role of the Council of the Indies in the Spanish empire in the Americas. The newer colonies required assistance from the Council of the Indies more than the older and more established colonies. The older colonies only appealed to the Council of the Indies in rare cases of need or when required to do so by the law, as was the

⁷¹ Gannon, *Cross in the Sand*, 38.

case in the Third Provincial Council of Mexico. The Council's priority after evangelization was to set up a functioning hierarchy in the empire. This did not occur in the span of a few years. The colonies of the Spanish empire ranged from old established colonies to new conquests and each one required the Council of the Indies aid in varying degrees.

CHAPTER 5

CONCLUSIONS

The accession of Philip II to the throne of Spain had some very important implications for the state bureaucracy. Unlike his father, Philip focused on the daily processes of his government because of so many years of governing as regent during Charles V's long absences. This affected the different bodies that made up the Spanish state, including the Council of the Indies. The Council of the Indies had started out as a subordinate body for the Council of Castile during the reign of Charles V, supervised directly by Grand Chancellor Gattinara. No action from the Council of the Indies came before the king until after it passed through someone outside the Council, who reviewed, changed, or discarded it. During the reign of Philip II, the Council of the Indies was free from such intermediate supervision, and the councilors were quick to prove their worth to the king. The Council of the Indies was able to assert more power as an administrative board. Though the Council originally managed the judicial and legal aspects of the empire of Castile, it increasingly dealt with issues of religion.

The years of Philip's reign represents a high point for the Council's power especially concerning religion and came about in part because the papacy tried to regain some control of the Spanish church. Philip inherited a unique right among European monarchs to control the church within his realm known as the *Patronato Real*. When the papacy began to pressure the king into forfeiting parts of this right, Philip used his newly independent Council of the Indies to resist. The councilors led by the *Letrado* Juan de Ovando composed a thorough account of why the Spanish monarch had the right to control the Catholic Church in the Empire of the Americas called *On the Spiritual Governance of the Indies*. This document became the basis for a series of decrees that Philip signed into effect, which protected the Spanish right of patronage by enacting

it as law. Philip received support from not only his councilors, but also the men from the ranks of the religious orders. The new statutes are the foundation for how the Council of the Indies governed religion, and they were used until the end of the Spanish Hapsburgs at the death of Carlos II in 1700.

The Council also benefitted from the independence from the Council of Castile. The Council of the Indies as it existed during this period continued grow. The *vista* of 15 when Ovando reviewed the Council and suggested new rules for its governance illustrates how the council changed during Philip's reign. It made several key changes, which allowed the Council to function properly despite the continued problems. The Council presented in Chapter Three was in charge of controlling religion, the issuing of *cédulas* and *consultas*. However, the papacy worried that evangelization was too important for a temporal monarch, while Philip thought that religion was too important to be left to the papacy, especially in his empire. This conflict between the papacy and the king resulted in a strengthen the Council's power. The task of setting up religion in the Spanish possession rested firmly with the Council of the Indies. The Council benefitted from the presence of some strong leaders such as Ovando and from its independence from other Councils. The right to communicate directly with the king greatly increased their power to act in the colonies. Just after the death of Philip II in 1600, the Council of the Indies set up a subordinate body made up of its members called the *cámara*, with the sole purpose of handling religion. The Council had decided that religion needed to be separate from other matters.

The decision to make a board devoted to solely religion illustrates that the spread of religion was no easy task. The Council had to manage the conversion of natives from various groups and regions around the empire as well as providing local Spanish citizen with men to

serve their religious needs. This responsibility only grew as the Spanish Empire grew. However, each colony required varying degrees of attention from the Council. New colonies differed from the older colonies in terms of religion. La Florida and New Spain represent both sides of the spectrum of development. During initial conquest and settlement, the colonies relied on the Council of the Indies to supply religious from the mother country. In some cases, this meant recruiting new friars, but most common was the issuing of notices to the House of Trade to provide money. In older colonies, the Council was able to interfere less, because once the church hierarchy fell into place, most colonies were able to provide their own religious, as in New Spain, which had bishoprics, religious houses, and mission already functioning within its borders. The more developed church hierarchy there meant that the colony had enough stability to call its own provincial synod. The Council of the Indies reviewed the synod's findings and prevented the publishing of the decrees, meaning that it still controlled religion through the censoring of documents including those from meetings of clergy in the overseas territories.

The Council of the Indies was an important governing body within Spain because it was part of a much larger bureaucracy that Philip depended on to advise and aid him if need be. The Council most often appears in works that focus on the bureaucracy of Spain, which supports this assertion. However, the Council of the Indies should also gain more than a passing mention in books dealing with the colonies of the Americas. While Schäfer wrote what is considered to be the best book on the Council of the Indies, historians should not be afraid of adding their own accounts to the story of this Council. Some, such as Stafford Poole, have added to our knowledge of this council by analyzing one of the most influential men to serve during this period, Juan de Ovando. These additions help understand how the Council facilitated the spread of Catholicism, and how men such as Ovando helped shape its history. The newly independent Council did not

form in isolation and needs to be reasserted into the story of Imperial Spain and more importantly the colonies and Europe as a whole. The Council gained more power over religion in part because its independence came at a time of conflict between Philip and the papacy. The various leaders, such as Ovando, helped improve the Council. The role of the Council varies from colony to colony, but it remained the supreme authority for that area under the king. The Council played an important part of the Spanish empire solely because it was the barrier between Philip's realm and the rest of Europe. The control of religion is no different. The Council exercised control of the church in Philip's name, and created a filter for communication between the colonial possessions and the papacy.

The Council of the Indies became more independent during the reign of Philip II. During this time, it also had to take on more responsibility concerning the spread of Catholicism to the Spanish territorial possessions in the Americas. The spread of religion was important to Philip II and as his Council that dealt exclusively with the "indies," they had to see that the king's wishes were executed. The Council was by no means free from corruption, among other problems, but through the closer connection to the king and better leadership, it was able to ensure that evangelization of natives and spread of Catholicism continued overseas. This was a high point for the Council's control of religion. It set the precedent of how to govern religion in the Indies during the conflict with the papacy of Pius V among others by writing a series of laws which codified why the Council at Philip's command governed religion. Ovando's reforms during this period ensured that the Council was able to face the challenge, and it was during his tenure as president of the Council when they wrote the treatise *On the Spiritual Governance of the Indies*. Lastly, the two case studies show how the council was able to adapt to the needs of the various colonies, even if the colony did not require direct intervention. The Council of the Indies needs

to be included in the larger story of Spain's Empire and the spread of their religion to the shores of the Americas. It was through the Council of the Indies that the Spanish empire led the way to the conversion of more souls to Catholicism.

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