



1940

# Don Vasco De Quiroga and the Second Audiencia of New Spain

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## Recommended Citation

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Don Vasco de Quiroga and the Second Audiencia of New Spain

A dissertation submitted in partial fulfillment  
of the requirements for the degree  
of Doctor of Philosophy in  
Loyola University

1940

Paul S. Lietz

## V I T A

Born in Mexico City, Mexico. Early education in Cleveland, Ohio, and Chicago, Illinois. Bachelor of Arts, Loyola University, Chicago, Illinois. Master of Arts, Loyola University, Chicago, Illinois. Teaching experience: St. George High School, Evanston, Illinois and Loyola Academy, Chicago, Illinois. Lecturer in History, Loyola University, Chicago. Graduate studies, Loyola University, Chicago, Illinois, 1932-1935, 1936-1940.

## P R E F A C E

Till recent times it seems to have been a characteristic of American writers of Spanish colonial history that they occupied themselves chiefly with certain great names of that period. As a result, the gilded romance of the conqueror and explorer has dimmed the vision of the cultural heritage left by priests and statesmen, educators and sociologists who did the actual work of transferring the old Spain to the new. Because of this misplaced emphasis, a distorted view widely prevails of the true nature and value of the contribution of Spain to the civilization of the New World. Only today are the lines of the picture being redrawn in their proper perspective. As Priestley has said,

"Spain was for three hundred years a potent agent in transmitting European institutions to the New World, and the area and the population which she affected were greater than those of her rivals combined. Civilized life in Spanish America was inferior to that of no other colonial area; it even closely approximated in many ways the culture of Europe itself. The amenities were manifest in the fields of education, literature, painting, sculpture, music, drama and in those little social graces, once regional in character, which are today a rich heritage from Spanish days cherished over wide reaches



of the United States."<sup>1</sup>

Similarly, as this deposit of culture comes to be revealed by researches into the great mass of materials for this period, so too, certain figures loom larger and become more distinctly outlined in the light of newly discovered details. The effect has been to bring about a gravitation of interest away from those historical figures who have become symbols of the Conquest in favor of those whose achievements lacked the spectacular but have had a far more lasting influence.

It is the purpose of this dissertation to re-create something of the character and work of one of these last. It is purposed in the following pages to place the man in the proper perspective in this new history that is being written and to evaluate an influence which still helps to shape the lives of distant descendants of those among whom he worked.

As a member of the first successful civil government in Mexico after the Conquest, he introduced ideas of such validity as to influence the reshaping of the Indian policy of his government. In addition, he conceived a new and workable idea for the protection and conversion of the Indian population of a large section of Mexico the effects of which are still felt in the regions where it operated. Finally, his almost single-handed efforts brought the wild Chichimecas of the west into

<sup>1</sup> Herbert Ingram Priestley, The Coming of the White Man, 1492-1848, New York, 1929, 140.

peaceful relations with the Spaniards thus removing a serious obstacle to the Spanish advance into the southwestern United States.

The organization of the subject matter has presented difficulties peculiar to the problem of treating biographical materials in their relation to the broad historical background. It has been found necessary, therefore, to depart from strict chronological order. It was thought necessary to devote some space to a description of the New World setting and the problems which confronted the second audiencia on its arrival in New Spain. Difficulties of the authorities with the Spanish colonists, often neglected by historians due to preoccupation with Indian affairs, is given extended treatment. It was the constant threats of the settlers to abandon the colony altogether due to checks on activities deemed necessary for their very existence that forced the Spanish administrators into a series of compromises in their efforts to protect the Indian.

The natives too presented a many sided problem. By the time the mainland was invaded, the Spaniards, in some thirty years' experience, had already gathered a rather extensive knowledge of their new charges. The question of Indian rights had been thrashed out and some progress had been made in throwing about the natives a cloak of legal protection. However, new problems of administration were continually intruding themselves as the Conquest progressed making necessary a

continual shifting of laws and plans. The injection of the experimental note threw the whole system into a state of flux. In bringing harmony into this strident discord and in stabilizing the new order, the Church looms easily as the most effective force.

There follows the discussion of the general background a résumé of the life of Quiroga in order that the details of the sections which follow may be placed in their proper setting.

Quiroga's work as oidor, which is the proper subject of this dissertation, is then considered in detail. An attempt is made to estimate Quiroga's influence upon the audiencia and upon the policies conceived and carried out by that body. The oidor's convictions in these matters are revealed in his letters to the King. One of his chief concerns was the tendency of the Spanish government in the face of colonial pressure to relax the restrictions which were protecting the Indians. In the consideration of this matter, Quiroga reviews the whole status of the Spaniards in the New World. While he would justify their presence, he carefully qualifies their rights there. In no sense satisfied with what has already been done, he goes on to present a positive program for creating a Christian commonwealth in New Spain.

In working out this project, Quiroga showed himself to be the rare combination of the visionary and the practical man. Drawing upon the fanciful and idealized Utopia of Saint Thomas

More for his inspiration, he formulated the theory of his hospitals. These institutions were designed on a simple pattern-- Quiroga was quick the attempts of the Spaniards to graft a complex European civilization upon the native stock--for the purpose of raising among the Indians an indigenous yet Christian civilization using only those importations of Spanish culture which were well within the limits of the Indians' experience and understanding.

Quiroga's later years and the expansion of the work into Michoacán are dealt with briefly. The chief interest of this dissertation lies in the preceding period. Nevertheless, some mention is made of his work as bishop, of his educational foundations and his direction in the affairs of the Church. Finally, something of the permanent character of his influence in these regions is made evident and the work is evaluated.

\* \* \* \*

The materials for this study are drawn almost exclusively from French and Spanish sources. A mere reference here and there is all that can be found in English. For the Spanish sources, the Archivo Nacional and the library of the Museo Nacional in Mexico City produced rare materials. The state of disorder of the archives at Morelia, Michoacán, precluded the possibility of any results there although the city library contained some rare local histories. A visit to the scenes of Quiroga's labors proved to be most fruitful since the region

is steeped in the traditions of its first bishop and abounds in relics and monuments of his work. Of exceptional value was the Ayer Collection of the Newberry Library, Chicago, where is to be found the greater part of the chronicles and printed sources pertaining to sixteenth century New Spain.

My sincere thanks are due to Reverend W. Eugene Shiels, S.J. whose encouragement helped me to span more than one dark hour and for whose critical help I am deeply grateful. I am greatly indebted to Reverend Jerome V. Jacobsen, S.J. whose patience and helpfulness have made this work possible.

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## Chapter I

### The Problem of Maintaining Order in New Spain to 1530.

When the second audiencia arrived to take over the government of New Spain in 1531, the affairs of the colony had reached a new high point of turbulence and anarchy. The precarious and artificial calm which followed upon the Conquest was dissipated by vicious quarrels among the conquerors themselves. The victory won, the victors turned on one another over the spoils. If we can believe the accounts, civil war, plunder and rapine were the order of the day. Even after discounting the testimony of Las Casas and his school, which is replete with exaggerations peculiar to his ardent desire for reform, we are left with a mountain of evidence in the letters, cédulas, petitions and instructions of the time, all attesting to the prevailing chaos. Most condemning, perhaps, is the fact that the Spaniards are testifying against themselves; these are not the words of outsiders, the colonists are their own judges and detractors. It is fairly certain that whatever can be said in extenuation of the Conquest as a whole can scarcely be applied to this early period.

On the other hand, it is easy to become so engrossed in the horrible details that one is apt to judge the whole of the Spanish occupation by the record of these first few years.



Moreover, the explanations usually given for the actions of the Spaniards are far too simple to be satisfying. The blame is generally placed upon the selfishly paternal government, the ineffectiveness of the missionary orders, or the essentially bestial qualities in the character of the Spaniards.

Thus says George E. Ellis:

"There was something phenomenal and monstrous, something so aimless, reckless, wanton, unprovoked, utterly ruinous even for themselves, in that course of riot and atrocity pursued by the Spaniards, which leads us -- while palliation and excuse are out of the question -- to seek some physical or moral explanation of it. This has generally been found in referring to the training of the Spanish nature in inhumanity, cruelty, contempt of human life, obduracy of feeling, through many centuries of ruthless warfare."<sup>1</sup>

These too facile explanations are generally due to over-much reliance upon the too vivid imagination of that apostle of overstatement, Bartholomew de Las Casas. Impartially read, however, and with due allowance for exaggeration, the pages of Las Casas are not so much a condemnation of the Spaniards as of human nature in general. Certainly these traits are not indigenous to Spaniards nor can they be said to have possessed them preeminently. In fact, Professor Turner in another field has shown that the reactions of human nature to the circumstances of its environment tend to follow a common pattern re-

<sup>1</sup> George E. Ellis, "Las Casas and the Relation of the Spaniards to the Indians", in Justin Winsor, ed., Narrative and Critical History of America, Boston and New York, 1886, II, 30L

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ardless of race. The man who followed Cortés to Mexico was at once the product and the subject of many varied influences: the habits and customs of his homeland as well as the interplay of all those varied forces which rose in his struggle for life in the wilderness and his sudden liberation from the checks provided in formally organized society.

As for his background, the Spanish settler who came over in the wake of the Conquest seems to have had few of the graces of civilization. He seems to have come generally from that class to whom the amenities mean little. Columbus vehemently protests his worthlessness, "I swear that a number of the men who have gone to the Indies do not deserve water of God nor of man".<sup>2</sup> While the Admiral is here referring to the conditions on the islands, there is no reason to suppose that the situation was much improved on the mainland. Cortés was even more sweeping in his judgement of his contemporaries:

"If all the Spaniards that are here or are coming into these parts were friars or if their principal intention were the conversion of these people, I believe that their contact with the Indians would be very profitable. But since this is otherwise, so has been the effect which has been produced because it is notorious that the greater number of Spaniards who came here are of low manners and fortune and are addicted to divers vices and sins. And if license is given them to wander freely through the Indian villages, the natives, by our sins, will be

<sup>2</sup> Columbus to Prince John's nurse, 1500, Martin Fernández de Navarrete, ed., Colección de los viajes y descubrimientos que hicieron por los españoles desde fines del siglo XV, Madrid, 1858, I, 271.

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confirmed in their own vices before ever the  
the Spaniards can attract them to virtue."<sup>3</sup>

The implied comparison here seems to be all to the credit of the Indian. It is he who needs protection; the Spaniard, correction. When all the circumstances are considered, however, it seems inevitable that when the news of the immense wealth of the new land should spread, it would attract the gambler, the adventurer, the profligate, the ne'er-do-well, in short, the same backwash of humanity which has played its role so conspicuously in every similar movement.

It must not be imagined that the Spanish government was behind any plan for thus getting rid of its "best citizens". On the contrary, vigorous efforts were made by the officials to keep these dregs out of the colonies because of the trouble they might cause. But they came despite the regulations of the Casa de Contratación and, later, of a stream of royal cédulas on the subject.<sup>4</sup> As a matter of fact, the troubles with the colonists were not due, generally speaking, to a lack of law on the subject, but rather to the tremendous physical handicap under which the law was enforced. The eight to twelve month interval required for news to reach Spain and return made any efficient direction of affairs a practical impossibility in the rapidly changing panorama of events in the New

<sup>3</sup> Cortés to Charles V, October 15, 1524, in Joaquín García Icazbalceta, ed., Documentos para la historia de México, Mexico, 1858, I, 471.

<sup>4</sup> Mariano Cuevas, Historia de la Iglesia en México, Texas, 1928, II, 22.

World.

"Since these lands are so far from Your Majesty, the slowness with which evils are remedied creates many faithless servants. We all stretch our consciences and some never consider that Your Majesty will remember to order the punishment of those of us here that render you disservice and proceed so shamelessly against your interests."<sup>5</sup>

But besides the ineffectiveness of legal sanctions and governmental supervision, licentiousness seems to have had another important cause. It is axiomatic that a normal family life is a compelling force for decency and moderation. But the immigrants to New Spain were suddenly transferred from the comparative confinement of a well regulated Christian society with all its effective checks upon individual conduct, into a new atmosphere of freedom where these checks were largely inoperative and where the ties that bound men to religion, honor and morality were easily broken. The government took cognizance of this situation to the extent of trying to reunite families by sending the married immigrants back to Spain, but apparently with little success.

"Men married in Spain and some women who have left their husbands there have come over in numbers and they will be sent back in every boat that can hold them. I am advised that in Havana, since everybody has to go ashore that comes there from here, those sent back flee into the interior and hide themselves in the mountains until the ships have left. Then they go to Campeche and Yucatan...some change

<sup>5</sup> Letter of Rodrigo de Albornoz to the Emperor, December 15, 1525, in Icazbalceta, Documentos, I, 490.

their names. Thus, not all that come over get back to Spain. The boats that come always carry this class of people and for these reasons it is impossible to rid the country of them."<sup>6</sup>

Besides those who were fleeing the shackles of matrimony, there were in this motley assemblage the usual collection of vagabonds. These came over eager to partake of the storied wealth while at the same time indulging themselves in idleness.

"There is a number of Spaniards who do not wish to do service nor to work. Ordinarily they travel by night among the inns without having a house nor a farm nor more than what they have with them. Of these, the majority are people of low degree that have come from Spain in order to avoid paying taxes and giving service. Here, they do not want to work nor will they take in their hands a plow or spade for any price or penalty. Nor will they clean horses....If they have Castilian bread to eat and wine to drink and can sleep in a bed, there is no other interest that can move them."<sup>7</sup>

The extravagance in "esta gran Babilona", as Zumárraga called the City of Mexico, was also a matter for criticism. The good bishop had never seen such tapestries and silken pillow cases, even in the household of the Empress. As a result, he thought, worldliness has crept into the lives of the colonists. They go into the fields on Sundays instead of coming to Mass. Many are living separated from their wives. These latter, almost all Indians, have wandered off taking the

6 Letter of Luis de Velasco I to Philip II, February 7, 1554, in Mariano Cuevas, Documentos inéditos del siglo XVI para la historia de México, Mexico, 1914, 206.

7 Letter of Luis de Velasco cited in Cuevas, Historia de la iglesia, II, 24.

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children with them.<sup>9</sup>

The lure of gold has taken complete possession of their souls, says another witness:

"Outside of a few who are not seeking after gold nor hoping for riches and treasures, all the rest of this new world, whether they are merchants or townsmen or vagabonds (of which there are enough), whether conquerors or corregidores and other justices, all are strenuously engaged in seeking and acquiring more."<sup>10</sup>

Even allowing for some exaggeration in these reports, it is hard to find much cheer in the picture which they draw. Subjected to the influence of barbarism, even the strong tended to become barbarians. These men, most zealous in their profession of the Faith, were capable of the most grievous impiety. Despite their claims to the contrary, they did not come for the purpose of saving souls but for the sole purpose of business:

"How many Spanish laymen have come from old Spain, even though they have royal commissions, because of their zeal for saving souls of the natives or for helping their neighbor or increasing and extending the honor and glory of the name of Jesus Christ? It is most probable, and one can believe it without a scruple that no one has come with such purposes. Because, although there are among the Spaniards here good and devout Christians (things would be bad indeed if these were lacking altogether), scarcely is there one who will not confess having fought under the banner of greed and

9 Juan de Zumárraga to Charles V, December, 1547, in Cuevas, Documentos, 149.

10 "Codice Mendiceta", Documentos Franciscanos del siglo XVI and XVII, in Joaquín García Icazbalceta, ed., Nueva colección de documentos para la historia de México, Madrid, 1886-92, IV, 106-107.

and that the principal motive which he carried with him when he came to this land was to become great and powerful according to the standards of the world and to accumulate wealth."11

Embarrassing as it may prove to be at times, it seems necessary to admit that these men were Catholics. They themselves insisted on it. It may have been for reasons of state perhaps, but nevertheless it would appear that the large majority possessed the Faith -- the practice of it was another matter. In this fact, however, there was at least hope for improvement in that these men could still recognize the difference between right and wrong. That is to say, whatever they did, they were still apt to have a conscience that judged aright the morality of their acts. They had not yet begun to condone wrong doing with wrong principles and hence there was still a chance for reform. There was present at least the spark from which the fire of a future Christian civilization might be kindled.

The device first used by the Spanish government to bring some kind of order into this turmoil and establish a settled mode of existence among these people was the municipio or town government. This institution had already proved itself effective through long experience on the Spanish peninsula and had come to be the basic unit in the Spanish political hierarchy. In fact, Spanish lawyers, following the medieval philoso-

11 Letter of Fray Gerónimo de Mendieta to Philip II, January 1, 1562, in Icazbalceta, Documentos, II, 524.

phers, looked upon city or town life as the one in which a man could best attain that condition of existence most in keeping with his nature. Solórzano calls the city "a perfect congregation of men" and a condition of living "much better than solitary existence".<sup>12</sup> This attitude toward corporate living finds no counterpart among the English colonists. As Moses says, "In the English colonies of America, the town grew up to meet the needs of the country but in the Spanish colonies, the population of the country grew to meet the needs of the towns."<sup>13</sup>

Moreover, the experience of many years had taught the Spaniards the value of the town as a colonizing agency. As early as 1020, towns were being used as a means of securing and maintaining the frontier against the enemies of the realm who were in this case the Moors.<sup>14</sup> In order to get settlers to undertake this dangerous living, however, it was necessary to grant them extensive privileges.<sup>15</sup> In this way, the town became at once the tool of imperial expansion and the center of forces diametrically opposed to imperial unity.

When the New World came to be organized, therefore, the Spaniards found ready to their hand the means for such organization. When Cortés landed, one of his first acts was the

<sup>12</sup> Juan de Solórzano y Pereira, Política Indiana, Madrid, 1648, I, 373.

<sup>13</sup> Bernard Moses, Spanish Dependencies in South America, London, 1914, II, 370.

<sup>14</sup> Frank W. Blackmar, Spanish Institutions of the Southwest, Baltimore, 1891, 158.

<sup>15</sup> Herbert I. Priestley, "Spanish Colonial Municipalities" California Law Review, VII (September, 1919), 397-416.



foundation of a town, the Villa Rica de la Vera Cruz, which thus became the earliest political foundation in New Spain. By this action, Cortés purposed not only to use the new pueblo as a means of maintaining order but of making available to his own benefit that authority and freedom of action which, as we have seen above, was the birthright of the Spanish towns of the Old World. By having himself elected as captain-general and chief justice by the cabildo, he gave a certain legality to his future acts.<sup>16</sup> By this procedure, he was planning to throw off the authority of the governor, Velasquez, who had commissioned him. After the ceremonies, a letter was sent to Charles asking him to confirm the act.<sup>17</sup>

In the course of further penetration of the country, Cortés founded other towns. When he was proceeding to recapture the City of Mexico after the flight of the Noche Triste, he founded Segura de la Frontera southeast of Puebla in the province of Tepeaca. Its name indicates the purpose for which it was founded. Shortly after the reoccupation of Mexico, the city was rebuilt and became the third such to be organized in the Spanish tradition. Explorations into the surrounding country were responsible for still other foundations. Sandoval, in an expedition to the present state of Vera Cruz in October, 1521, founded the Villa of Medellín, seventy leagues

16 Blackmar, 158.

17 Ibid., 158.

to the southeast. Shortly after, came Espirito Santo near the mouth of the Coatzacoalecos river.<sup>18</sup> At about the same time, Alvarado and Orezco conducted expeditions to the south in the course of which Antequera was founded by the latter.<sup>19</sup>

In 1522, Cortés himself conducted an expedition to Pánuco and founded the town of San Esteban del Puerto near the mouth of the Pánuco river. This was the northeastern outpost of the Spaniards for many years.<sup>20</sup> The first outpost on the Pacific was set up by Sandoval when he founded Villa Fuerte. It was located on the Zacatula river and served as a base for ship-building and operations into Colima where a city was founded in the same year. This latter was the northernmost Spanish settlement in the west till 1530. By that year, therefore, Cortesian New Spain extended from Colima to Salvador in the west and from Pánuco to Honduras in the east.<sup>21</sup>

The result of these foundations was the creation of points where Spanish influence was concentrated and from which it spread to the surrounding country. The difficulties of this penetration can scarcely be exaggerated. When one considers the disparity in numbers between these little groups of settlers and their Indian neighbors, he is apt to wonder that the Con-

18 Charles W. Hackett, "Delimitation of Political Jurisdictions in Spanish North America to 1535", Hispanic American Historical Review, I, 40-69.

19 Ibid.

20 Herbert I. Priestley, The Mexican Nation, A History, New York, 1924, 44.

21 Hackett, 57.

quest ever succeeded. While it is impossible to derive from the mere estimates of the chroniclers any exact idea of the population of New Spain, yet their figures indicate something of the problem which the Spaniards had to face in their work of penetration.

In Mexico City in 1524, according to Gómara, there were some 2000 Spanish families. Bancroft, citing an anonymous conqueror, puts the figure at only 400 families in 1530 but adds that by 1550 the number had risen to 2000.<sup>22</sup> There is as much conjecture in the estimates of the Indian population. Peter Martyr, Cortés, Herrera, Torquemada and Bernal Díaz all claim that there were about 60,000 homes in the city when the conquerors arrived in 1519.<sup>23</sup> This means, according to Díaz, that there were about 300,000 natives in the city at the time. Bancroft, Prescott and Arthur Helps all accept this figure.<sup>24</sup>

There seems to be no record of the number of natives in the districts beyond the City of Mexico and any attempt at figures is so much guesswork.<sup>25</sup> It seems evident, however,

22 Francisco Lopez de Gómara, Crónica de la Nueva España, Saragossa, 1554, 167; Hubert H. Bancroft, History of Mexico, San Francisco, 1883-88, I, 17.

23 Peter Martyr, De Orbe Novo, II, 109; Bernal Díaz del Castillo, Historia verdadera de la conquista de Nueva España Mexico, 1904, II, 49; see also Father Jacobsen's summary of this information in Educational Foundations of the Jesuits in 16th Century New Spain, California, 1938, 263, note 1.

24 Díaz, II, 49; Arthur Helps, The Spanish Conquest in America and its Relation to the History of Slavery and to the Government of the Colonies, London, 1900-4, II, 287; Bancroft, Mexico, I, 276; William H. Prescott, History of the Conquest of Mexico, New York, 1892, II, 14.

25 Jacobsen, 78.

that outside of Mexico City, where occurred their greatest concentration, the Spaniards must have been outnumbered still more. This is probable despite the fact that destructive forces, the least of which was Spanish steel, made heavy inroads into the population. Pestilence in various forms returned again and again to take its toll until the losses amounted to some 800,000 lives. Grijalva mentions that five-sixths of the population died.<sup>26</sup>

But these plagues took off Spaniards as well as natives and in no sense equalized the numbers. It was this numerical inequality that accounts very often for Spanish severity towards the natives both before and after the Conquest. There was really nothing impossible at that early date in the prospect of a war of extermination being carried to success against the Spaniards through sheer force of numbers. Fear of such a disaster was always present even to the lawmakers at home in Spain. There was a standing prohibition against giving arms, horses or mules to the natives. Only their primitive weapons were allowed them for purposes of hunting.<sup>27</sup> Again, a cédula of 1535 cautions all Spanish settlers to have arms in their

26 Grijalva, Crónica, 67-8, Jacobsen, 78.

27 Vasco de Puga, Provisiones, cédulas, instrucciones de su Majestad, ordenanzas de defuntos y audiencia para la buena expedición de los negocios y administración de justicia y gobernación de esta Nueva España y para el buen tratamiento de los Indios desde el año de 1525 hasta este de 1563, Mexico, (1563) 1878, the Queen to the audiencia, July 12, 1530, I, 154-185.

possession and ready for use at all times.<sup>28</sup> The colonists themselves saw the spectre of revolt and protested the scattering of the population throughout Mexico which would seriously weaken the defense when the crisis came. They were also opposed to the foundation of Indian towns because it would bring about a concentration of their enemies.<sup>29</sup>

In conclusion, therefore, it may be said that the Spanish settler, fully aware that his continued existence among countless enemies was something of a miracle, furnished a most serious problem to the maintenance of order not because of any viciousness peculiar to the Spaniard alone but because he was on the defensive in a land of hostile savages and because the life of the wilderness with its lack of restraint unloosed all those traits which are more or less the heritage of fallen man.

To curb this viciousness was doubly difficult because too often the machinery of the government itself was affected by it. There was boring from within. This may be brought out clearly by tracing the vicissitudes of law enforcement in the early days of the colony. From the first, the arm of the law had been palsied by well-founded doubts as to its authority. The whole of the Conquest had been carried out under the shadiest semblance of legality. Cortés had defied his gover-

<sup>28</sup> Letter of the Queen to the audiencia and the viceroy, November 13, 1535, in Puga, Cédulas, I, 376.

<sup>29</sup> Cf. below, p. 18.

nor and then by a series of arbitrary acts threatened, at least, to become an empire builder on his own authority.<sup>29</sup> Despite the fiction of his popular election, his soldiers were aware of his questionable legal position as well as the precarious status of their own rights in the new land. With apparently nothing to lose and being unpaid, they did not hesitate to threaten rebellion to secure their ends.<sup>30</sup>

But these men were, after all, only mercenaries who had come to seek their fortunes and nothing better was to be expected of them. They contributed nothing to the expedition except their services. The investment of some 20,000 ducats for the support of the enterprise was made entirely by Cortés, Velasquez and their friends.<sup>31</sup> The soldiers had been raised by enlistment throughout Cuba and through Cortés appeals to his friends, in person and by letter. In some towns, criers went about proclaiming the expedition in the King's name. The inducements offered were one-third of the proceeds of the expedition, the other two-thirds going to the financial sponsors.<sup>32</sup> Bernal Díaz indicates the nature of the wealth that they expected to secure. "Whatever persons might wish to go in the company to the newly discovered lands to conquer and explore will be given their share of the gold, silver and jewels which

<sup>29</sup>Luis González Obregón, Los precusores de la independencia Mexicana en el siglo XVI, Paris, 1906, 33.

<sup>30</sup> Helps, The Spanish Conquest, II, 282.

<sup>31</sup> Bancroft, Mexico, I, 57.

<sup>32</sup> Bernal Díaz, Historia verdadera, cap. 13.

might be found and they will share the encomiendas of Indians afterwards pacified."<sup>33</sup>

It seems, therefore, to have been liberal promises and the contagious enthusiasm of the leader that brought the little band together. Plunder, both in minerals and Indians, was to be the economic reason, at least, for the expedition. The soldiers were loyal to their commander as much out of respect for his ability to lead them to a fortune as any real regard, perhaps, for his authority. This can be true even though we may acknowledge that other motives were present. On the eve of the departure for the mainland, Cortés skillfully appealed to these mixed purposes to rally the soldiers about him. "Pointing to the thousands of unbaptized natives, he awakened their religious zeal; dwelling on the grandeur of the undertaking, he stimulated their ambition; referring to the vast wealth these lands contained, he excited their cupidity."<sup>34</sup>

But despite other more worthy motives, the enthusiasm of the soldiers waxed or waned, it seems, in direct proportion to their opportunity for booty. When none was forthcoming, the natives were apt to suffer for it, or quarrels ensued among the Spaniards themselves in which bitter recriminations were made to the effect that the loot had been secreted before the

32 "Testimonio de Puertocarrero" in Joaquín F. Pacheco, Francisco de Cárdenas, Luis Torres de Mendoza, eds., Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas, Madrid, 1864-89, I, 491.

34 Bancroft, History of Mexico, I, 71.

division was made. The situation after the recapture of the City of Mexico is eloquent of this thirst for plunder. The charge was made that the spoils of the fighting had been hidden by those who had chanced upon them in the heat of the battle. This was a double cause of bitterness since it meant that the guilty ones were not only defrauding their fellows, but had failed to do their part in the fighting and had spent their time searching for plunder. When all attempts failed to bring out the hidden wealth, The soldiers fell upon the captive Aztecs and, despite Cortés' protests, applied torture in their frenzy to turn up more gold,<sup>35</sup>

It seems evident then that the soldiers looked upon these new lands and peoples as subjects for exploitation. Cut off from any source of supplies, they were forced to live on the country. The problem of Cortés as the leader of the expedition consisted, it seems, in furnishing enough booty to keep the protests against hardship and privation from assuming a violent form. His chief aid in this respect was the leader's ability to select loyal and capable subalterns who, like himself, could command the respect of the men in the ranks. Alvarado, for instance, had almost all the qualities of his great captain. He was a cavalier of high family position, gallant and chivalrous. He had great talents for leading troops in

35 Bancroft, History of Mexico, II, 3.

36 John Eoghan Kelly, Pedro de Alvarado, Conquistador, Princeton, 1932, 6.



battle and was an intrepid warrior. His elegance and dash made him a favorite with the natives who called him "Tonatiuh", the Sun.<sup>36</sup> His most serious failing seems to have been an overwhelming desire for action which led to such disasters as the flight of the Noche Triste. Of his loyalty and devotion to his leader there was never the slightest doubt. It is a questionable tribute to Cortés that he used such men as Alvarado to hold the allegiance of his men against the claims of true authority in the person of Narváez.<sup>37</sup>

"He rebelled against the legitimate representative of the King and having ignored for the time being the legality of the act, with his ships well-provisioned and his colleagues cajoled, he plowed the seas following the routes indicated by Fernández de Córdoba and Juan de Grijalva....There was further disobedience to royal authority represented in the army of Narváez."<sup>38</sup>

The men on this last occasion apparently decided to follow Cortés upon his hazardous course even though they might now be deemed as guilty of sedition as he, and thereby subject to the same severe penalty. Cortés' position was confirmed by royal authority in a cédula of the year 1522, thanks to the magnitude of his successes. As a result of the successful defense made against his enemies in the residencia held the same year, he was made governor and captain-general of New Spain.

The appointment settled finally the dispute between Cortés

37 Arthur Helps, The Spanish Conquest, II, 282.

38 Obregón, Precursores de Independencia, 35.

and his erstwhile superior, Velasquez. By the word of the King the new captain-general and his soldiers were officially absolved of all the blame that they might have incurred for their misdeeds of the past. Cortés himself was raised to the highest dignity to which he could aspire in the colony. His vindication before the law was complete.

It seems obvious that the Spanish government was acting to a great extent from motives of necessity in this matter. Here was a man who had flouted the royal authority and scorned its prerogatives. However, he had discovered valuable lands; he was undoubtedly master of the situation and it would entail the use of force and consequent expense to remove him. In the words of a modern writer, "El éxito fue su más acabado y poderoso defensor."<sup>39</sup> But regardless of the merits of the case, New Spain now had a stable government.

Cortés' powers are outlined in a cédula sent by Charles from Valladolid on October 15, 1522. He is to administer justice, both civil and criminal, in the King's name to Indians and Spaniards alike. The patronage was entrusted to him; he had powers of appointment and removal over alcaldes and alguaciles and the right to determine their salaries. Moreover, he could banish anyone who seemed to be hindering the work of the administration. It would appear from the cédula that it was

<sup>39</sup> Manuel Orozco y Berra, Historia de la dominación española en México, Mexico, 1938, 63.

the intention of the government, for the time being at least, to confer complete authority upon Cortés.<sup>40</sup>

Along with the letter of appointment, however, there was another important note. It was customary for the Spanish government to make generous grants of authority to its agents but at the same time it took steps to protect itself against the abuse of that authority. In the case of Cortés, a number of subordinate officials were appointed by the Crown, all to be under the power of the captain-general but whose duty it was to be watch-dogs of the King's interests. Their official titles give an indication of their duties.

"Concerning the collection of Our income, so that there may be present some officers of Ours and prudent persons, We are sending Alonso Destrado of Our household as Our treasurer; Rodrigo de Albornoz, Our secretary, as Our Accountant; Alonso de Aguilar as Our factor, and Peramil de Chevino as Our overseer, to whom I order you to give charge over such matters as appears proper to Our service and which by reason of their office they ought to have."<sup>41</sup>

Here is an interesting working example of the theory behind Spanish paternalism. In the case of Cortés, there is a delegation of power that is autocratic in its scope. Except for whatever specific instructions the Crown might see fit to send, the captain-general is given full discretion in carry-

<sup>40</sup> Royal cédula naming Cortés as governor and captain-general of New Spain and giving him instructions for the government of the same, in Pacheco y Cárdenas, Documentos inéditos, XXVI, 59-70.

<sup>41</sup> ibid., XXVI, 69.

ing on the government. This allows him sufficient freedom of motion to operate efficiently as there is no possibility of a stalemate through collateral or even subsidiary grants of power. In theory, at least, the Spanish colonial government should have been smooth-working and efficient.

On the other hand, it must not be supposed that such a grant of power had in any sense the characteristics of absolutism. To get the proper perspective, it is necessary to recall the distinction of the medieval political theorist that, Rex non est sub homine sed sub Deo et sub lege -- the king is autocratic but not absolute. But if the king is under God and the law, so too are his subordinates. Thus while Cortés was free of hindrance by other agencies of government, he faced a very formidable check in the law. And here, the law meant not only the regulations of the king but the restrictions of the moral code which the Catholic Church taught and Christian people accepted everywhere.

Hence, whatever may be said in criticism of the Spanish system, it cannot be maintained that there was no recourse for the aggrieved. The appeal from the arbitrary act of an official was to the law, that is, the courts and as a last resort to the King who was in all cases bound by the same moral considerations as his subjects. To argue that such a system is arbitrary is to question the security provided by any system of civil guarantees, for a written constitution becomes only as

effective as public opinion wishes to make it and the sanctions which that opinion is able to impose. It is only when arbitrary acts cease to be so regarded and are condoned by the public conscience that liberty is in danger. Consequently, it is indicative of a state of affairs which is fundamentally healthy that the records of New Spain are filled with complaints against the sins, large and small, of Spanish officialdom.

We have seen that the legitimacy of Cortés' claims to authority had been seriously questioned from the beginning of the Conquest. All this was apparently settled by his appointment as captain-general in 1522. But even after plenary powers had been granted to him by the King, a steady stream of complaints to Spain had caused the favor of the court to ebb and flow. How many of these grievances were legitimate is rather impossible to determine. There were undoubtedly persons who were trying to compass the downfall of the conqueror because of thwarted ambition or envy or galling restrictions on their cupidity. There is no doubt, moreover, that the immediate occasion for official action when it did come was serious enough to merit the steps taken: Cortés had deliberately suppressed a royal order and because of this he was to be deposed and all his official acts investigated.<sup>42</sup>

<sup>42</sup> Instructions of Charles to Ence de León, November 4, 1525 in Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de ultramar, Madrid, 1885-1925, IX, 214-226.

The manner of proceeding in this matter was to be the usual one of the residencia, a Spanish legal form going back to the time of Ferdinand and Isabella. This method of taking account of its officials had come to be such an important part of Spanish civil administration that it merits a brief word of explanation here. The residencia was born of the necessity for having a court of appeal against the action of an unjust local judge. From another point of view, it was the means by which the administration of justice could be most effectively centralized. That is, the flood of calumny which might be unleashed at such a hearing would serve the monarch as a powerful weapon for the coercion of his judicial family. A judge could be made to fear the consequences of a trial of this kind no matter how even-handed had been his administration of justice. "Experience has taught me", says an early writer, "that good and God-fearing judges have more to fear from them (the residencias) than do the venal and corrupt."<sup>43</sup> Despite this criticism, however, there is sufficient evidence to show that for the most part the residencia fulfilled its original purpose which was to bring the King's justice directly to the people's aid in the person of a specially picked judge sent out by the King himself.

Cortés, therefore, had good reason to be uneasy when the juez de residencia arrived in Mexico in July, 1526, carrying

43 Solórzano, Politica Indiana, lib.V, cap. 10, 841.

with him instructions to hold the captain for trial. The juez in the person of Ponce de León was ordered to assume the governorship, investigate the charges that Cortés had disobeyed the royal orders, that he had assumed royal prerogatives, contemplated sedition and had possessed himself of vast incomes.<sup>44</sup>

Despite the gravity of the charges, the captain threw himself upon the mercy of his judge and dutifully surrendered his authority. The juez displayed his commissions in the church at Mexico City and Cortés and his followers bowed to the royal will. Ponce de León then received the staffs of office, returning all except that of Cortés to whom he said, "Your Worship, his Majesty desires me to retain this."<sup>45</sup>

The trial proceeded smoothly enough for about seventeen days when an untoward incident brought it to an abrupt end -- the sudden death of the judge. Much has been written about a mysterious custard of which the old gentleman partook while a guest of his erstwhile prisoner, but no tangible evidence has ever been found, despite the utmost efforts of his enemies for placing the blame upon Cortés. Competent modern authority is content to ascribe the death of Ponce de León, despite some circumstantial evidence to the contrary, to his advanced age and the hardships of the journey across the Atlantic.<sup>46</sup>

44 Bancroft, History of Mexico, II, 245.

45 Pacheco y Cárdenas, Documentos Inéditos, XXVI, 195-8.

46 Helps, Spanish Conquest, III, 161; Obregón, Precu-  
sors de independéncia, 40-57, 108-126.

On his deathbed the royal judge had appointed as his successor Alonso de Estrada who will be remembered as one of the aids of Cortés. The latter, however, was to remain as captain-general and have charge of Indian affairs.<sup>47</sup> The residencia was forgotten for the time being. Despite the fact that in this instance Cortés was ordered to give up his authority to a former subordinate, he submitted to the King's order readily enough.

It is worthy of note that despite the near anarchy prevailing in the colony, Cortés consistently refused to ally himself with any movement that might place him definitely outside the pale of the law, much as his enemies might have liked to see him there. But even while pursuing his self-charted course he persisted in his avowals of loyalty to his sovereign. There were times when indignities were heaped upon him and secession must have seemed the easier course, yet at most he can only be accused of too frequent recourse to that favorite legal fiction of the Spaniards, obedezco pero no cumplo.

On one occasion he was banished to Cuernavaca for heated words against the royal governor and "many regarded a recourse to arms as inevitable; but Cortés silenced his angry adherents and withdrew, though a motion of his finger would have sufficed to overthrow his opponents."<sup>48</sup> Later, when he was visiting

47 Bancroft, History of Mexico, II, 253.

48 Ibid., II, 262.



among the natives with whom he was in great favor, stories about his disloyalty again began to circulate. Once more several of his friends, this time Indians as well as Spaniards, tried to urge him to seize the country for himself. But he turned upon his advisers angrily and even threatened them with hanging.<sup>49</sup>

If we discount Cortés' own loyalty to his monarch and his sense of responsibility to him, it becomes rather difficult to explain his actions. It may have been that he was shrewd enough to see that in yielding to these importunities of supposed friends, he might become the victim of a plot arranged by his enemies to catch him in an overt act. Moreover, his actions must have been influenced in no small degree by his realization that there was widespread devotion among these lawless men to the person of the King, and that while they might follow Cortés against their governor, they would hesitate about casting off allegiance to their sovereign. Yet despite the existence of these mixed motives, there must have been in Cortés some deep-rooted sense of his obligation to legitimate authority, since with so little effort on his part and with such great advantage to himself he might have vested that authority in his own person. That his chances of success in such a plot would have been great is attested to by the impunity with which he defied the governor of Cuba and the ease

49 Bancroft, History of Mexico, II, 269.

with which he resisted the forceful measures of that official to bring him to task.

Despite Cortés' undoubted loyalty to the crown, factors were operating at the court to remove him from his hard-won position in the colony. Charles was beset by bewildering and contradictory reports about his governor. Both friends and enemies of the conqueror showered the court with messages of praise and blame. It must indeed have been confusing to anyone who was seeking to get at the truth of the matter. Cortés was accused of smuggling the King's gold to his father in Spain, of poisoning his enemies and those who thwarted his plans, of smelting gold secretly in his palace and getting ready to leave with the treasure.<sup>50</sup> The effect of these stories upon the Emperor was partially offset by the arrival in Spain of Pedro de Alvarado whose intimate connection with his leader and his evident competence made him an excellent witness for Cortés.

Complaints against Cortés continued to mount, however, and had great influence upon Charles' subsequent action. But despite the adverse effect of the criticism there was another consideration of sufficient importance to outweigh all the others in causing the King to act. The full importance of the Conquest must, from the very nature of the circumstances, have unfolded itself to Charles and his advisers by degrees. He

<sup>50</sup> Bancroft, History of Mexico, II, 275 et seq.

could have had no accurate knowledge of the importance of the new discoveries from the obscure and garbled reports that first came to him. But when the first reports came to be clarified and the Emperor came to realize something of the importance of his new possessions, he necessarily began to be concerned with gathering into his hands more closely the reins of authority in his vast new realm. This was necessary however loyal and trustworthy might be his captain-general.

Some such thoughts may have been in the mind of the King when, on September 14, 1526, he created the first audiencia in America. It was to be expected that in casting about for the form which his new government was to take that he should have decided upon the audiencia. It was an instrument already in wide use in Spain and had proved itself particularly effective in governing certain remote and isolated provinces in the homeland.<sup>51</sup> One of its outstanding virtues from the Spanish point of view was the marked degree of centralization which it effected and its efficiency as an instrument for centralized control.

"And in parts and sections of the country where kings are not able to intervene, nor rule, nor govern personally, there is no other way in which they may make the state more secure than by appointing ministers who reign in their name and place and help to administer and distribute justice cleanly and honestly and in a

<sup>51</sup> Charles H. Cunningham, The Audiencia in the Spanish Colonies as Illustrated by the Audiencia of Manila (1583-1800), Berkeley, 1919, 12.

holy manner without which the realm cannot preserve itself. It is similar to the case of the human body which without a soul cannot exercise its natural functions."<sup>52</sup>

The delegation of plenary power was the essence of the Spanish governmental theory as we have already seen.<sup>53</sup> Any deliberate division of authority into executive, legislative and judicial departments would have been a source of disorder and confusion to the Spanish way of thinking. The Spaniard strove first of all for efficiency which any separation of powers would tend to dissipate.

"...we are taught that the most useful method is to elect always but one, whom the rest must obey, because if vague authority is delegated to many whose opinions are contrary or variant, it will engender confusion and embarrassment and occasion 'culpas' and awaken discontent."<sup>54</sup>

The checks in the Spanish system were provided, not by the separation of powers, but by limiting the use of those powers by the single unit of authority which was established.. This was accomplished in New Spain by the erection of the *audiencia*, a tribunal of independent royal judges whose duty it was to try cases appealed from the magistrates and the local governor. By this means the Spaniards sought to remedy a most glaring fault of their system, the tyranny of autocratic local officials. Moreover, the *audiencia* presented an outlet

52 Solórzano, Política Indiana, lib. V, cap. III, 763.

53 Cf. supra, 19-21.

54 Solórzano, Política Indiana, lib. V, cap. XII, 862.

through which causes of discontent could be aired and offered the King an independent source of information concerning the activities of his official family.

In the words of Professor Cunningham, the audiencia was a tribunal which would,

"...in a safe and expeditious manner impose the necessary limitations upon the governor, insure an equitable collection and an economical expenditure of the public revenue, and bring about particularly the elimination of official corruption. It was desirable to protect the merchant in his legitimate business, to insure stability in the relations of church and state, and to obviate the existing evils in the administration of the provincial governments."<sup>55</sup>

It is clear from this statement that the judicial functions, although they were very important, did not constitute the sole duties of the audiencias. These bodies operated to check all the acts of the government whether executive, legislative or judicial. Moreover, it was customary for them to take full charge in the absence of the governor and to act in his official capacity. It seems evident that the audiencia was a very important organ in the Spanish administrative system on which might well depend the peace and unity of the empire.

When the tribunal was transferred to the New World in 1526, it was kept substantially intact. Side by side with the municipio, the audiencia came to take its place as an administrative agency in the West. The Spaniards, reluctant to experi-

55 Cunningham, Audiencia in the Spanish Colonies, 47.

ment, chose to use a form which was already a part of the pattern of the government rather than to complicate that pattern by new additions.

"These audiencias and chanceries of the Indies and their oidores and ministers are of the same power and authority as those of Spain. And thus they ought to govern in everything according to the laws and ordinances (of Spain) if there is nothing in the orders which they have been given that is different or to the contrary."<sup>56</sup>

The same idea is stated with variations in the Recopilación:

"Inasmuch as the kingdoms of Castile and of the Indies are under one crown, the laws and the order of government of one should be as similar to and as much in agreement with the other as possible; our royal council, in the laws and establishments which are ordered, must strive to reduce the form and manner of their government to the style and order by which the kingdoms of Castile and León are governed and ruled, to the extent that the diversity and difference of the lands and nations permit."<sup>57</sup>

But while in form and purpose the audiencia in the New World was similar to its counterpart in the Old, it assumed far wider powers. It was permitted to exercise discretion, for instance, in many matters which in Europe were specifically reserved to the Crown. The explanation for this lies in the fact that the King, always seeking efficiency and faced with the difficulties and delays occasioned by the distance separating the

<sup>56</sup> Solórzano, Política Indiana, lib. V, cap. III, 763.

<sup>57</sup> Recopilación de leyes de los reynos de las Indias, Madrid, 1756, lib. II, tit. II, ley 13.

outposts of the Spanish empire from the source of authority, was compelled to permit the tribunal to exercise functions not permitted to those in Spain.

Solórzano mentions some fifteen functions that ordinarily were reserved to the Crown but which, because of the difficulties mentioned above, were added to those of the audiencia in New Spain. Among them were: the power to send judges as investigators through the country, to hold residencias, to teach and look after the welfare of the Indians, to guard the interests of the patronato real, to protect the royal prerogatives, and to publish or withhold papal letters and encyclicals.<sup>58</sup>

There was occasion for even greater extension of these powers in the first audiencia of Mexico. The reason was that the governor, Cortés, was under a cloud and it was deemed necessary to supplant him temporarily until a complete investigation could be made. Consequently, the authority vested in the new government was most comprehensive.

"...we have decided to make provision for our audiencia and royal chancery which shall reside in the city of Tenxtitlan, Mexico, consisting of four oidores and a president who for the present shall be Nuño de Guzmán, our governor of the province of Pánuco and I have ordered them that from the port where they disembark they shall make known to you their arrival and send you this, my letter, and shall tell you what seems to them to conform best to our service. Finally, I charge and command you that on receiving their letters you will do what they write you both concerning their

58 Solórzano, Política Indiana, lib. V, cap. III, 763.

reception and all other matters touching our service and you will obey in everything as is required by the office and authority which they bear; and since they will speak to you at length in our behalf, give them entire faith and credence."<sup>59</sup>

After thus enjoining Cortés to respect the new government and its authority, Charles, in another letter, committed to the *audiencia* full judicial authority from which, in Mexico at least, there could be no appeal. After announcing the appointment of the *oidores*, the King stipulates that,

"...since they (the *oidores*) have to judge all suits that may be brought before them, civil as well as criminal, and that they shall have original as well as appellate jurisdiction, it is our wish that they carry the staffs of our justice; therefore, for the present we order that the said *oidores* be enabled to carry and do carry the staffs of justice, and for that purpose for the present I give them complete power."<sup>60</sup>

Other and far more detailed instructions were sent ordering that the residencia of Cortés be taken and an accounting made of his finances as well as those of the treasurer, Albornoz. The judges were to see to the completion of the fortifications of the City of Mexico, to send back information concerning the repartimientos of the Indians and of other lands which might be conquered. They were to carry out the instructions given to Ponce de León, to go into the mining business

<sup>59</sup> Letter of Charles to Cortés in behalf of the *audiencia*, April 13, 1528, in Vasco de Puga, Provisiones, cédulas, instrucciones de su Magestad...para la...governación de este Nueva España..., Mexico (1563), 1878, I, 84.

<sup>60</sup> Charles to the *audiencia*, April 5, 1528, in Ibid., I, 56



in behalf of the King and keep lawyers and proctors out of the country. They were empowered to set up a bank and even to legislate on such personal matters as the amount and quality of the finery which an opulent conqueror might wear and the limits to which he might go in a single day in gambling away his substance.<sup>61</sup> These few details serve to give some idea of the comprehensive powers of the audiencia of New Spain and the exhaustive duties which they entailed.

It might well be inquired as to what kind of supermen these Spanish governors were that they could be expected to deal intelligently with such a variety of problems and without previous experience either of the country or its inhabitants to guide them. The question can be answered only by their record which shows that by and large, despite the multiplicity of situations which these men were expected to master, they succeeded rather well. "There existed certain interrelations which did not entirely result in confusion, as one might suppose. On the contrary, it may be often noted that as a result of this system, men and acts of an exceedingly well-balanced and statesmanlike character were produced."<sup>62</sup>

However well this estimate fits the governors of New Spain in general, its first set of rulers proved to be also the first exception to the rule. Nuño de Guzmán and his oidores landed

61 Puga, Cédulas, I, 62 et seq.

62 Cunningham, Audiencia in the Spanish Colonies, 5.

in Mexico in December, 1528, and took office the first of the following year. From that date until Guzmán was recalled, according to contemporary reports, Mexico was systematically despoiled by as greedy a band of plunderers as was ever turned loose on her soil. The president of the audiencia evidently considered it necessary to "reconquer" the country from its supposed enemies and those of Spain. These latter included, of course, all of Guzmán's personal enemies and meant the complete removal of Cortés and his party from active participation in the affairs of the colony, the confiscation of their estates and the wanton exploitation of the natives.<sup>63</sup>

The Cortés faction had been left temporarily without their leader who had gone to Spain in an effort to straighten out his tangled affairs and, as a result, Guzmán had things completely in his own hands. The only effective opposition came from the clergy and in particular from Zumárraga, the bishop of Mexico. In his capacity as official protector of the Indians, he made continuous but futile protests to the audiencia against the mistreatment of the natives.<sup>64</sup> Finally, as a last resort he excommunicated Guzmán in March, 1530.<sup>65</sup>

Despite rigid censorship on the part of the government news continued to find its way to Spain concerning the condi-

<sup>63</sup> Helps, Spanish Conquest in America, III, 178 et seq.

<sup>64</sup> Letter of Charles to Zumárraga, January 10, 1528, in Puga, Cédulas, I, 227.

<sup>65</sup> Arthur S. Aiton, Antonio de Mendoza, First Viceroy of New Spain, Duke University Press, 1927, 20.

tions in the colony. The climax came when the bishop, after an arduous trip to the coast, succeeded in smuggling a letter through to Spain by means of a sailor and a barrel of oil.<sup>66</sup> The letter relates in great detail the troubles over the Indians and maintains that the only remedy for the situation will be the removal of the present government, the confiscation of their property illegally acquired and the taking of their residencia.

Such was the effect of this and other reports which managed to find their way to the court, "...that when his Majesty and the Lords of the royal council of the Indies saw the letters which were brought against them, his Majesty promptly ordered that the whole royal audiencia should be completely removed without delay, and that they should be punished and another president and oidores be appointed who would be learned and honorable and fair in doing justice."<sup>67</sup>

<sup>66</sup> Joaquín García Icazbalceta, Don Fray Juan de Zumárraga, primer obispo y arzobispo de México, México, 1881, 38.

<sup>67</sup> Díaz, Historia verdadera, II, 241.

## Chapter II

### The Indian Problem to 1530

Among the difficulties confronting the Spaniards when they invaded the mainland of North America, none seemed more impossible of solution than that presented by the presence of the Indian. The subjugation of the natives presented, possibly, the easiest aspect of the problem. Thereafter, there remained the vastly more complicated task of changing these people's lives for them and of making them conform to Spanish and Christian patterns. The proper procedure to be followed in this matter raised certain moral questions and caused bitter controversy to rage both in the New World and at home. While these discussions were often highly theoretical and seemingly far removed from the realities of life in the Spanish colonies, they seem to have had no inconsiderable part in determining government policy and, consequently, they have their place in this discussion.

From the standpoint of the Spanish government the problem assumed a dual character. By the Bull of Granada issued by Clement VIII in 1486, the Spanish sovereigns had acquired vast authority over the affairs of the Spanish church and thus over the subjects of that church. The Bull gave the monarchs the right to nominate all ecclesiastical officials in the territory

won from the Moors. This power was granted in recognition by the Pope of the necessity of appointing loyal Spaniards in order to insure the permanence of the reconquest. Later, under the Bulls of Alexander VI in 1493 and 1501, the privileges were expanded to include the newly acquired lands overseas and came to be known as the Patronato Real.<sup>1</sup> In this manner the Spanish government came to direct both spiritual and temporal affairs in the New World.

The effectiveness of royal control in church matters lay in the fact that there was added to the appointive power the right to collect and disburse all revenues ordinarily coming to the Church. Since the manipulator of the purse strings has virtually a strangle hold on the direction of affairs, the ecclesiastical organization of the New World assumed the aspects of a state church. Icazbalceta describes the extent to which this control was carried.

"In virtue of this (the grant of Alexander VI) and other concessions obtained later and somewhat by reason of custom and abuse, the Kings of Spain came to acquire such power in the ecclesiastical government of America that with the exception of what is purely spiritual, they exercised an authority which appeared pontifical. Without their permission no church, monastery nor hospital could be erected; much less could a diocese or parish be established. No priests or religious went to the Indies without express license. The kings named the bishops, and without waiting (Papal) confirmation, sent them to manage their dioceses. They assigned

<sup>1</sup> W. Eugene Shiels, S.J., Gonzalo de Tapia, in Historical Records and Studies, ser. XIV, New York, 1934, 174.

the boundaries of the dioceses, and changed them when they pleased. Theirs was the privilege to present and nominate for every benefice or office down to that of the sacristan, if they wished. They severely reprimanded, summoned to Spain or banished any ecclesiastical person, bishops included, who, if they many times came to disputes with the governors, would not fail to hear the king's voice. The kings administered and collected the tithes, and determined who had to pay them and how, without regard to the Bulls of exemption. They fixed the revenues of the dioceses and benefices, and increased or decreased them as they judged convenient. They took notice of many ecclesiastical affairs, and by resorting to force, paralyzed the action of the tribunals of prelates of the Church. In fine, not a single disposition of the Supreme Pontiff could be executed without the consent or 'pase' of the king."<sup>2</sup>

This guardianship in church matters involved the Crown in the added responsibility of ministering to the spiritual welfare of the Indians. The hardest part of this task arose from the necessity of shielding these new subjects from the scandalizing and degrading influences of the Spaniards themselves. To the Spanish colonist eager for the more abundant life, one of the chief assets of the new land was the native labor. The toil of the Indian was an easy means to the end which the Spaniard had set out for himself and he was not slow to take advantage of it. In exploiting the Indian's labor, his Spanish master was apt to subject him to all the harshness and indignities to which his helplessness made him a prey. But to convert the Indian it was necessary to show him by precept and example

how he might lead a Christian life. This meant freedom from just such injustices as the colonists were aiming to inflict through exploitation. It was at this point that Spanish officials came face to face with their greatest difficulty.

Moreover, when the colonist came to the New World he found himself occupying, almost of necessity, a new position in the social order. He no longer was willing nor had to accept a position of social inferiority such as the one he had left, in all probability, in Spain. In America, regardless of his former station, he took his place as a member of a new and rapidly growing ruling class. The delegates sent by Ovando to the court in 1508, for instance, complained to the King that all Spanish workmen as soon as they arrived in Cuba became hidalgos from the moment they landed and refused to follow their old trades. Instead they wished to set themselves up as proprietors with encomiendas of Indians.<sup>3</sup> In general, the colonist found himself in the same relationship to the Indian in New Spain as he himself had been to the upper classes at home with the possible difference that he was able to impose heavier burdens than those which he had been accustomed to bear.

The Spaniard, however, being also a Christian, was sometimes prompted to consult his conscience in regard to his motives and it was from this source that considerable check was

<sup>3</sup> Letter of Ferdinand to Ovando, April 30, 1508 in Pacheco y Cárdenas, Documentos Inéditos, XXXII, 5-24.

placed upon his predatory instincts. There was some early attempt to justify plundering on the ground that the natives of the islands were a degenerate race and had thereby forfeited their right to be treated as human beings. Over this question theologians disputed at length.

"Over this service of the Indians there have been many great controversies at law among famous legalists, canonists, theologians, religious and prelates of much learning and conscience. They have considered whether the Indians ought to serve or not, if they are rational or not, and if those by whom they are held in encomienda may do so with a good conscience or not and with what qualifications and limitations such title ought to be admitted. But as the opinions have varied greatly in this dispute, no profit has resulted either to the land or to the Indians."<sup>4</sup>

The dispute continued on both sides of the Atlantic and according to Hanke, "...the majority of the Spaniards in the Indies in the first half century of the Conquest tended to look upon the natives either as 'noble savages' or as 'dirty dogs'"<sup>5</sup> Whether this opinion found such wide acceptance as such a statement would indicate or not does not detract from the validity of the evidence sustaining the latter view. The variety and degrees of animalism in which the Indian steeped himself are too well known to need repetition here.

But it is necessary to be circumspect in dealing with this evidence. There is no doubt that much of the criticism of In-

<sup>4</sup> Lewis Hanke, The First Sociological Experiments in America, Harvard University Press, 1935, 21.



dian vices is advanced by way of justification for the ruthlessness and crimes of the conquerors. An excuse was necessary for depriving the Indian of his land and his liberty. But these attempts to lower the status of the Indian were not based on doubt as to the reality of his human nature but rather on his degenerate state because of his sins. He was treated as one who had lost caste through generations of vicious living but who, in individual cases at least, might be restored to the proper ways of man through conversion to Christianity. The Spaniard could not lose sight of the doctrine of the essential unity of the human race even in giving such a low estimate of the moral fiber of the natives as the following:

"There is little to be said for these Indians who die for little or no reason or run away and flee into the mountains because their chief interest (and they have done the same things since before the Spaniards came to these regions) was to eat and drink, to loiter about, to enjoy themselves, to worship idols and to indulge in many other bestial customs."<sup>5</sup>

In the detailed account of savage vices that follows, there is no doubt expressed about the essentially human nature of the Indian. It is true that the matter was debated by the theologians but so were other widely accepted doctrines and even matters of belief. It is quite possible that the purpose of these discussions was not to question the quality of the native soul as to clarify the ideas of all who were interested

<sup>5</sup> Oviedo, Historia general, parte primera, lib. IV, cap. II, 104.

in this matter. It is rather hazardous to maintain, therefore, that there was any widespread belief that the Indians had no souls, convenient as such a doctrine might have been.

Moreover, the Spanish government in its dual capacity as guardian of the body of the Indian or as pastor of his soul never officially doubted that the Indian had man's rights stemming from the fact that he had a human nature and it never ceased trying to protect these rights. In 1503, in the instructions to the new governor, Fray Nicolás de Ovando, the Queen declares her new subjects to be free persons. Even while providing that they may be forced to work at whatever tasks the government might deem necessary, the Queen insists that they must be paid for their services.

"Let them act and comply as free persons, as they are, and not as slaves; and see that the said Indians are well treated and those that are Christians better than the others, and do not permit or allow any person to do them harm nor any other unseemly act."<sup>7</sup>

In the laws of Burgos of 1513, the same ideas are included. It is made clear that both officials and clerics regard the savage as a nature defiled by sin but able to be brought back with proper care to the obligations of Christian living. A strict warning is issued to the encomenderos to respect the rights of their charges.

<sup>7</sup> Cédula of the Queen, December 20, 1503, in Pacheco y Cárdenas, Documentos inéditos, XXXI, 211.

"Such persons as hold them (the Indians) in encomienda...when they see that one or the other of the natives has the discretion and the capacity for getting married and running his own household, shall see to it that they get married according to the law and with the blessing as Holy Mother Church commands."<sup>8</sup>

It is likewise forbidden by the same code to beat or whip an Indian or call him dog or other name than his proper one. If the Indian merits punishment, the complainant is obliged to take the case to the visitador for adjudication under penalty of a five peso fine. It would seem, consequently, to be straining the context to assume that because of the passage cited above, the Indians were placed in the category of mere animals by any great number of Spaniards. Even if such were the case there would be no point in legislating against the mere expression of such a belief.

The difficulty of protecting the natives, therefore, lay not in a mistaken concept of their nature but rather in a widespread desire to exploit them in spite of their rights as human beings. The dearth of labor could be remedied easiest by pressing the Indian into service. Due to the ineffectiveness of the early governmental machinery this was done with impunity, without legal sanction and in defiance of the statutes.

As early as 1503, however, the government found it necessary to temporize on the matter of slavery to the extent of

<sup>8</sup> Leslie B. Simpson, Studies in the Administration of the Indians in New Spain, University of California Press, 1934, 16.

permitting temporary forced labor. The pretext was the necessity of getting the Indians into villages and into contact with the whites so that they might the more easily be instructed in matters of religion and learn a more civilized manner of living.

It is important to point out that the Spaniards justified their conquest on the grounds that its purpose was to promote the spread of Christianity according to the obligations under which they had been laid by Pope Alexander VI in 1493.<sup>9</sup> The conquerors felt that they had been commissioned to convert the Indians and to teach them to lead Christian lives. After some experiments it was decided that the best way to accomplish these ends was to gather the Indians into villages where they could be taught to lead an ordered existence. An integral part of this teaching consisted in getting the neophytes to lead a useful social life through labor. The idea of laborare est orare was then, as now, interwoven with the ideal of Christian living. It was present in the rules of religious orders and drawn from the precepts of Revelation itself.

Consequently, the native tendency to idleness and sloth was considered to be a serious threat to the plan's success because work was, in their opinion, conducive to good Christian living and, at the same time, it was necessary for the maintenance of society. The native who had no work would relapse

<sup>9</sup> Cf. infra, 87f. where the matter is treated at length.

into the practices of paganism. "We are informed", wrote Isabella, "that because of the excessive liberty enjoyed by the Indians, they avoid contact and community with the Spaniards to such an extent that they will not even work for wages, but wander about idle and cannot be had by the Christians to convert to the Holy Catholic Faith and taught its doctrines."<sup>10</sup> Again in 1532, the same note runs through a *cédula* to the second *audiencia*. The Indians were to be used for the rebuilding of Mexico but with their consent and for wages. It was not fitting that they should spend their time in idleness.<sup>11</sup>

It was also part of the mechanism of defense to put the Indians to work. Recalling what has been said of the difficulties of holding the country in the face of the numerical inferiority of the Spaniards, we can see that there was real necessity for a system of controlling the Indian through putting him to work.<sup>12</sup> So acute was the difficulty felt to be that governmental powers were often allotted to the native caciques for lack of enough Spaniards to take over the task.

It seems fair to state, therefore, that it was not merely the "specter of native idleness" which haunted the government but a real concern for the Indian's welfare as well as regard for the safety of the colony that prompted the recommendations

<sup>10</sup> Isabella to Ovando, December 20, 1503, in Pacheco y Cárdenas, Documentos inéditos, XXXI, 209-212.

<sup>11</sup> Queen to the *audiencia*, March 20, 1532, in Puga, Cédulas, I, 152-153.

<sup>12</sup> Cf. supra, p. 8.

concerning Indian labor. Isabella announced the whole program in the following words:

"You (the governor) are to insist that the Indians should treat and converse with the Christians of the said island (Cuba) and work in their dwellings and mine gold and other metals and work farms and produce food for the Christian inhabitants of the island; and you shall order paid to each one the wage or sustenance that according to the nature of the island, of the person and of the work, you may consider to be owed him, having ordered each cacique to take charge of a certain number of Indians in order that they be put to work where it is necessary. And on the feasts and such other days as you may think fitting, they shall be gathered together and instructed in the things of the Faith in the appointed places. All of these things they are to perform as free persons, as they are, and not as slaves; and see to it that the Indians are well treated and those which are Christians better than the others."<sup>13</sup>

This cédula seems to compromise the issue. We are told that the Indians are to be forced to work and while they are to be paid the amount is left to the judgement of the Spaniards. On the other hand, the natives are to be treated as free persons, not slaves. But despite the apparent weakness of the provision there is much to be said for it. Bondage of a modified character is recognized as an unavoidable evil but an attempt is made to regulate it along Christian lines. Thus while the legislation restricted the Indian's liberty, it protected his rights. It was an effort to deal realistically with evils which were too firmly rooted to lend themselves to

<sup>13</sup> Isabella to Ovando, December 20, 1503, in Pacheco y Cárdenas, Documentos inéditos, XXXI, 210.

a program of radical reform. Simpson reluctantly admits that, "The system which grew out of this act of Isabella while shocking to modern nerves, was in theory no more oppressive than the prevailing system in Europe....Oddly enough it worked in the main....The Indian was Christianized, more or less; he was protected eventually from unbearable oppression and he did manage to persist."<sup>14</sup>

It must be emphasized that even where forced labor was permitted by law, the Spaniards were never allowed to consider their charges as slaves in the sense that they were to be held in perpetuity. This is true even during the seven year regency of Ferdinand when conditions are generally agreed to have been at their worst.<sup>15</sup> Exception was made, of course, of those Indians enslaved for rebellion or indios de rescate, the slaves by purchase who were merely transferred from Indian to white masters. This latter practice was not stopped till 1530 by order of Charles V.<sup>16</sup> But for those Indians who peacefully submitted to Spanish rule, the law had every consideration short of demanding their labor as tribute.

"We are sending you in an order the form which must be observed there in the repartimiento of the Indians as you shall see by it; to those to whom the Indians are given, they must not be given for life but for two or three years and no more; and after that to others; and to

14 Lesley B. Simpson, The Encomienda in New Spain, University of California Press, 1929, 30.

15 Ibid., 47.

16 Helps, Spanish Conquest in America, III, 129.

others after that; and thus they shall be bound as naborías and not as slaves because you realize that to bind them for life is burdensome to the conscience."<sup>17</sup>

Here a distinction is made, founded on the dictates of the royal conscience, to the effect that these Indians in repartimiento or encomienda are not slaves but naborías or servants required to give two-thirds of their time to their masters but allowed the rest to cultivate their own fields. This was a new institution based upon serfdom. It rested upon a royal grant to certain favored sons to collect the tribute of the Indians for their own use with the obligation in return of seeing to their spiritual and temporal welfare besides fulfilling certain obligations as Spanish subjects.<sup>18</sup> Simpson says of the system that, "In itself it was not particularly vicious. A large part of Europe had got along somehow for a good many centuries on no worse....The encomienda did not kill them off (i.e., the Indians of Española). Properly administered, as it was to be in better times on the continent, it might even have saved them from destruction."<sup>19</sup>

Before discussing these later developments on the mainland it is necessary to mention briefly another important set of regulations governing Indian relations, the famous code of Burgos which formed the basis of Indian policy for three de-

17 Ferdinand to Diego Columbus, August 14, 1503, in Pacheco y Cárdenas, Documentos inéditos, XXXI, 436-439.

18 Solórzano, Política Indiana, I, 237.

19 Simpson, Encomienda in New Spain, 78.



eades. As a result of the complaint of a Dominican Friar, Antonio de Montesino, Ferdinand appointed a junta to rectify the abuses by appropriate legislation. The resulting code was promulgated on December 27, 1512, and supplemented July 28, 1513.

The introduction to the code gives an indication of the spirit in which the law was conceived. Long experience, runs the preamble, has taught that the Indians are naturally inclined to laziness and vice. The principle reason for the failure of the Spaniards to effect a change for the better is that the savages have their dwellings so scattered and at such a distance from those of the Spaniards, that, after having been taught the matters of Faith and Christian practice, they return simultaneously to their homes and to their vices, promptly disregarding all they have learned. Persons of good life who have had long experience with the Indians are agreed that for the present the best thing to do is to move the caciques and their followers near to the settlements of the Spaniards so that their conversion might be facilitated and Christian standards of life maintained.<sup>20</sup>

The policy of gathering the natives into villages was followed with little variation up to 1519. There was but one serious effort to make a change in this period. Due to the agitation of Las Casas and his friends, there was an attempt

20 Collated text of "Las ordenanzas para el tratimientode los Indios", in Lesley B. Simpson, Studies in the Administration of the Indians, 4ff.

was made to abolish the encomienda in 1516. Three Jeronymite fathers were sent over to look into conditions in the Indies and to institute any changes they might think necessary for the welfare of the natives. The encomiendas were to be broken up and the Indians gathered into a system of villages. Each village was to be governed by an Indian cacique assisted by a priest while a Spaniard acted as administrator. In each village there was to be a church, a hospital and a common.

The former encomenderos were to be taken care of by having their estates purchased by the Crown or else they might become administrators in the new system. They were also encouraged to go into the gold-mining business on their own initiative and their tribute was to be reduced. If they wished to take slaves to supplant their lost encomiendas they must restrict themselves to the war-like Caribs who were man-eaters and refused to bow to the Spanish authority.

The caution with which the government viewed the recommendations of the radical reformers is seen from the fact that toward the close of these instructions it was stated that if these reforms were impossible of attainment and it should seem best to keep the encomienda, this might be done.<sup>21</sup> Thus, any change would depend on the results of the investigations of the three religious and the decisions which they alone might reach

<sup>21</sup> Instructions of Cardinal Cisneros to the Jeronymites, September, 1516, in Colección de documentos inéditos de ultramar, IX, 53-75.

in the matter. The commission seems to have been an effort of the government, inspired by the reformers, to get at the bottom of the matter by means of these Friars who had no preconceived notions in the matter.

When the Fathers had finished their investigation, they reported that it was impossible to do away with the encomienda without arousing serious resistance and even revolution since the colonists were loathe to part with that part of their property which formed so largely the basis of their wealth. Moreover, they claimed that the plan in operation had no more against it than other plans that had been submitted to them and, if it were properly administered, the encomienda might actually be in the Indians' favor. The Friars urged, on the other hand, that the tenure of the encomienda be made permanent on the grounds that under the temporary form, the Spaniards were disregarding the health of their charges in an attempt to get everything out of them before being compelled to release them to others.

"The changes that have been made in the Indies have been one of the principal causes from which have come the depopulation of these parts; because, as no one had assurance as to how long he could keep the Indians in his encomienda, he would use them as if they were borrowed or foreign things, and thus many of them have perished and are perishing; nor do they dare to erect houses in the land, nor build haciendas fearing that tomorrow the Indians will be taken away and they will lose all they have accomplished. For this reason it will be to the interests of your Majesty to consider with dili-

gence the nature of the agreement by which Indians are granted in the Indies, because after the gift is made it ought to be made as permanent as possible....Having determined that the Indians have to remain in the power of the Spaniards, it seems that they ought to be given in perpetuity if they can be justly given at all, guarding always their liberty, because, as I have said, of the changes that have worked much harm to the Indians. Moreover, it seems that the slaves and yecayos are better treated than the Indians; and the reason is that the former have permanent status and the latter have not."<sup>22</sup>

Fully aware of the seriousness of the charges against the encomienda, the Jeronymite Fathers, nevertheless, were compelled to deal realistically with a situation in which the very existence of the colony was at stake. The Spaniards were there to stay and there was no help for it. An economic system had grown up whose sudden destruction would mean disaster for all, Indians and whites alike. If the encomienda were abolished the colony would be abandoned while if the institution were allowed to remain, the Indians would probably continue to decline in numbers.

Yet the dilemma was not as hopeless as it has been made out. There was no question of the system being evil in itself but of evils arising from its abuse. Therefore, there might be another way out of the difficulty -- adequate supervision. The Jeronymites evidently thought so.

<sup>22</sup> Memorial of Fray Bernardino de Manzanedo on the government of the Indies, in Manuel Serrano y Sanz, Orígenes de la dominación española en el América, Madrid, 1918, Appendix DLXIX.

As Simpson has pointed out, this system was no more oppressive in theory than the prevailing feudal tenure in Europe although in practice it might become much more so because of the lack of contact between to utterly different races of people.<sup>23</sup> In fact, the system arose out of the same conditions in the New World that gave rise to feudalism in the Old. The Spaniards merely took an institution with which they were familiar and applied it to a situation which it seemed to fit. In New Spain, there was the fighting class, the encomenderos, whose place was to protect and rule. The Indians showed remarkably few signs of unrest under their new condition of serfdom which they evidently found to be milder than their old condition under their native rulers. Moreover, the new society was marked by the same formation characteristic of European feudalism -- small principalities isolated from each other and from central markets, each one self-sufficient and more or less independent. In addition, each encomienda provided for its own military protection and its own loyalties, marching under the banner of the King largely by reason of the time-honored feudal oath of allegiance rather than by any act of compulsion on his part.<sup>24</sup>

When the young Charles came to the throne of Spain early in 1516 another shift in policy came to try the patience of

<sup>23</sup> Simpson, The Encomienda in New Spain, 32.

<sup>24</sup> Ibid., 189.

the colonists. The reformers had reached the ear of the young King and he had become resolved that the *encomienda* must go.

In May, 1520, he wrote to that effect to his juez de residencia

"I saw your letter of the past year, 1529, and likewise the opinions and information that you had there concerning the religious and distinguished persons, our judges and officials, who reside in that island, about the capacity of the natives and the manner in which they ought and could be taught and held in order that they may be preserved and not diminish in numbers as they have up to now because of their bad treatment, and how they might be instructed in our Holy Catholic Faith and thus be saved and live in orderly existence as Christians and provide themselves with the necessaries of life....I agreed and determined that the said Indians are free and as such they ought to be had and held (*sic*) and treated, and they should be given entire liberty since we with a good conscience are not able or ought to place anyone in *encomienda* as has been done."<sup>25</sup>

The decree of abolition made no exemptions. There was no escape and no other alternative. The Indians, as fast as they were liberated, were to be placed in villages where Spanish laborers were to teach them handicrafts and the clergy might instruct them. These villages were to be under the supervision of the Crown directly.

Cortés, previously opposed to the *encomienda*, had swung completely about from his original position and was now of the opinion that it was a necessity for the welfare of the colony. He had become convinced that without it the settlement would

<sup>25</sup> Cédula of Charles, May 18, 1520, in Serrano y Sanz, Orígenes, Appendix, 605.

perish since it was the means of livelihood to so many Spaniards who would leave if any change were made in the system. Moreover, the encomienda was a means of keeping the natives pacified and the country in order. Finally, it enabled the Christianization of the natives by compelling them to live a settled life where Christian influence might be brought to bear with the greatest effectiveness. Nor was he alone in these views; both the Franciscans and the Dominicans concurred. Moreover, they urged that the land be granted permanently to the encomenderos with the heirs succeeding in regular order as provided by law.<sup>26</sup> This would give permanence and stability to the new society.

Despite these recommendations and the weight of authority behind them, the King persisted in his determination to destroy the system. He gave his reasons in the following cédula:

"Because of the long experience we have had of the making of repartimientos of Indians in the island of Española and in the other islands that up to now were populated (by natives) and divided as encomiendas held by Christian Spaniards, that they have suffered great diminution by the bad treatment and too much work which has been given them, all of which adds up to the great harm and loss that the death and diminution of the Indians has had, and the great disservice which our Lord has received from it for having been the cause whereby the Indians may not be blessed with the knowledge of our Holy Catholic Faith....It seems that we with

<sup>26</sup> Memorial signed by Friars Martin de Valencia, García de Cisneros, Luis de Fuensalida, Francisco Ximenez, Miguel Ruiz and others; in Icazbalceta, Documentos para la historia de México, II, 549.

good conscience, since God our Lord created the said Indians free and not slave, are not able to order them into encomiendas nor divide them among the Spaniards and thus it is our will that it should be ended. I order you that in that land you do not make nor consent to make repartimiento, encomienda nor deposit of Indians except you permit them to live freely as your vassals and ours in our kingdom of Castile."<sup>27</sup>

It was in this instance that Cortés placed himself in the position of the obedient subject who cannot obey the specific command of his sovereign, however, because of the disastrous consequences which might follow. So grave was the situation that Cortés showed the order to no man except his Majesty's officials because of fear of the results should even a rumor leak out concerning the King's intentions. In his letter to the King explaining his disobedience, Cortés argues again that the natives are really better off in the encomienda than in their native condition; that they are really being liberated from a system of native slavery which imposed so heavy a tribute that after it has been paid the native has nothing left for himself. Moreover, there is a more horrible kind of tribute demanded; their sons and daughters, their relatives, and even they themselves are sent to the altars as sacrifices to the gods. In the City of Mexico at a single feast, of which there are many throughout the year, eight thousand persons

<sup>27</sup> Letter of Charles to Cortés, June 26, 1523, in Documentos inéditos de ultramar, IX, 170.



were sacrificed.<sup>28</sup>

Cortés' opinion was amplified by a series of statements given by learned men of the court and had such an effect upon Charles that in the instructions to Ponce de León there is a virtual about face in the matter of Indian policy.<sup>29</sup>

"In case it seems and appears to you to be fitting that the Indians be given in encomienda to the Christians and that this is the best method to bring them to the knowledge of our Holy Catholic Faith and that we may be served in the said land, consult with one another whether it is good for them (the Indians) to remain in encomienda as they are now serving the Spaniards, or if it would be better to let them be vassals similar to those held by the gentlemen of these kingdoms or in a feudal state, paying to us directly what it seems they are able to pay. And if it seems to be fitting to you and you find that it is better, as some think, that they should be put in encomienda to no one, but remain alone on their lands as free persons, serving us and paying us the same service and tribute they paid the lords which they formerly had...do as you think proper."<sup>30</sup>

This statement of the government reopened the whole question of the encomienda and threw the whole matter on the shoulders of the juez de residencia. It is true that there were still some restrictions on the use of Indian labor but they were mere gestures to try to placate the reformers. The Spaniards were not to press the natives into service but if the

28 Letter of Cortés to Charles, October 15, 1524, in Icazbalceta, Documentos para la historia de México, I, 472.

29 "Junta para ampliación de estudios e investigaciones científicas", in Silvio A. Zavala, La encomienda indiana, Madrid, 1935, 26.

30 Instructions of Charles to Ponce de León, November 4, 1525 in Documentos inéditos de ultramar, IX, 214-226.

Indians should wish to serve voluntarily as free men, getting wages for their services, provided also that they are instructed in the Faith, parted from their vices, etc., there would be no objections.<sup>31</sup> Providing there was none among the Spanish colonists who did not stand in awe of the spirit of the law, such a provision as this might have been effective. But, as we have seen, there were some for whom even the letter of the law held no terrors and who would find such a regulation as this merely an annoyance to carrying out their desires.

When Cortés left Mexico for Spain in 1527, Spanish Indian policy was still in a state of confusion. Many took advantage of the situation to carve out for themselves large estates manned by the Indians. Cortés himself had appropriated a vast holding and some 20,000 natives in the valley of Oaxaca.<sup>32</sup> Moreover, as the country became pacified and resistance died, one of the two chief sources of slaves dried up since it was no longer possible to take slaves by warfare. It became necessary then to seek other sources of supply, provided, of course, that the Indians couldn't be encouraged or goaded into resistance.

The war supply of slaves failing, it became convenient to force the natives to part with their own slaves in lieu of the gold which they had been assessed as tribute. These slaves

31 Pacheco y Cárdenas, Documentos inéditos, I, 450.

32 Cortés to Charles, 1524, in Pacheco y Cárdenas, Documentos inéditos, XII, 277-285.

were known legally as indios de rescate. To the Spaniards' way of thinking this type of slavery was entirely justified. There could be no harm in merely a change of masters especially when the exchange would facilitate the slave's conversion by giving him into the keeping of a Christian master. But if we may believe Albornoz, the Indians did not always profit by this change. The institution of slavery was quite a different thing among the natives than the Spanish version and apparently they had no horror of slavery among themselves. The story is recorded that one Indian sold himself merely for the privilege of beating a drum which he fancied and which belonged to his prospective master. There are other instances cited which indicate that the Indian was inclined to part with his freedom for little or no reason. If the burdens of such bondage were not light it is scarcely conceivable that the condition would have been embraced so easily.

Moreover, many abuses were likely to creep in by this exchange of slaves. When the Spaniards demanded more gold than was available from the native chiefs, they could quite often be prevailed upon to accept the deficit in slaves. Of course, the caciques insisted that these Indians had been slaves before the transfer although they showed little scruple in the matter even going so far as to turn over their own children.<sup>33</sup>

<sup>33</sup> Rodrigo de Albornoz to Charles, December 15, 1525 in Pacheco y Cárdenas, Documentos inéditos, XIII, 45-84.

In April, 1528, Charles issued his instructions to the new audiencia. Apparently Charles had accepted defeat in his efforts to abolish the encomienda because his new government is armed with discretionary power in the partitioning of the Indians.

"Therefore, having seen the information and opinions of the religious and of our governor, Hernando Cortés, and many others from all walks of life, in agreement with our council and by the wish we have of regarding the welfare of the conquerors and settlers of the said New Spain, especially those who have the intention and wish of remaining in it, we have decided that there shall be a permanent repartimiento of the Indians, taking for ourselves and those kings who come after us the provinces and towns that you shall find by the said information to be necessary to our service and our estate and crown. Of the rest, you may make a gift and division of the Indians and their towns, lands and provinces among the conquerors and settlers, having regard for the quality of their persons and the productive quality and quantity of the lands and settlements and Indians that, it seems to us, ought to be given and divided among them."<sup>34</sup>

This was a decisive step on the part of Charles and virtually provided for a division of the whole country on the basis of the encomienda. Almost at the same time that these arrangements were made a new office was created for Mexico, that of official protector of the Indians. This was in keeping with the Spanish policy of checking on its officials and gave the defense of native rights into the hands of the clergy who had been the most zealous group in their behalf. The

<sup>34</sup> Instructions of Charles to the audiencia, April 5, 1528, in Puga, Cédulas, I, 227.

duties of the office which were rather nebulous in scope were entrusted to the bishop-elect of Mexico City, Fray Juan de Zumárraga.

It was perhaps fitting that the natives should be able to look to the head of the Church in Mexico for their protection, but in attempting to vest in the new office some semblance of judicial power, Charles trod on the toes of that other arm of the government which he had just created and which enjoyed supreme judicial authority in the New World. Unfortunately, the first audiencia was poorly selected and the men who composed it were bent upon a program of spoliation which for its rapacity has few parallels in the history of the Conquest. If this had not been true, the series of bitter conflicts over authority between the bishop and the audiencia might never have taken place. Charles defined the powers of the bishop as follows:

"It is in accord with our mercy and will that you shall be protector and defender of the Indians in the said land and, for the present, we order you to take care to watch over and visit the said Indians and see that they are well-treated, taught to work and instructed in the matters of our Holy Catholic Faith by the persons who have them in charge."<sup>35</sup>

The bishop is to see to the execution of the laws concerning the Indians and inflict the penalties provided therein. He is given complete authority over Indian affairs and the presi-

<sup>35</sup> Cédula of Charles to Zumárraga, January 10, 1528, in Puga, Cédulas, I, 227.

dent and oidores as well as all other officials, judges, etc., are to render all the aid in their power to him under the penalty of 10,000 maravedis. Moreover, he is to depute visitadores who shall be sent to whatever regions he himself is not able to go in person in order that they may furnish the bishop with first hand accounts of Indian conditions in various parts of the land. Abuses are to be reported through the bishop to the president and oidores of the audiencia who then render judgement. The decrees so rendered are then to be executed by the protector and his staff. The penalties range up to fifty pesos de oro and ten days in jail.<sup>36</sup>

This brief outline of the bishop's powers clearly indicates the possibility of confusion over their exact limitations. It seems that there was an attempt made here to separate executive from judicial powers in the government, a procedure not very apt to be understood in the Spanish system of administration and which, consequently, led to a great deal of confusion. The bishop was to execute the law in his dual role of investigator and prosecutor, but the audiencia was to be the final judge in all cases involving the Indians. The first difficulty came when the bishop insisted that his visitadores should make decisions which might be appealed only to him thus interfering with the judicial prerogatives of the audiencia.<sup>37</sup> Doubtless,

<sup>36</sup> Ibid., I, 227.

<sup>37</sup> Icazbalceta, Zumárraga, 36.

this was justified at the time due to the notoriously corrupt character of that body.

At any rate, the audiencia protested these claims of the bishop and going to the other extreme, claimed that the protector had no jurisdiction whatsoever over the Indians since this, by grant of his Majesty, belonged exclusively to the audiencia. Furthermore, since Zumárraga had not yet been consecrated bishop, he had no more authority than a common friar. He could teach the Indians if he pleased but he was not to interfere in the problems of administration.<sup>38</sup>

One accusation led to another and the quarrel increased in bitterness. Whatever credit the cause of the audiencia may have had is quickly discounted by the methods they used to further their aims. Confirmation of the guilt of their intentions is clearly found in the fact that the audiencia established a rigorous system of censorship to prevent reports against them and their methods from reaching Spain. Agents were stationed at the port towns who proceeded to register all persons leaving for Spain who might be informers. If word came back that they were complaining at court, their property might be confiscated and retaliation made against their families. The agents had instructions to open all mail and thus determine who the secret enemies of the government might be

<sup>38</sup> Letter of Guzmán accusing Zumárraga, April 29, 1529, in Pacheco y Cárdenas, Documentos inéditos, XL, 468-560.

and what they were writing. The matter finally came to the ears of the Queen who issued a cédula threatening with banishment all those who interfered with free travel or free use of the mails.<sup>39</sup>

This prohibition did little to ease the situation, however for the audiencia had the temerity to reject the order and to reply that it was more to the service of the King to continue its policy, and the censorship continued.<sup>40</sup> Finally, Zumárraga, after several attempts to get a letter through, in desperation undertook the difficult journey to Vera Cruz. There he was able to get a sailor to promise the delivery of a letter into the hands of the Queen. The message was hidden in a barrel of oil until the vessel was safely out on the high seas.<sup>41</sup>

It was a long letter and reviewed the situation from the beginnings of the struggle between the factions of Velasquez and Cortés to the time of Guzmán and his alliance with the enemies of the captain-general. With regard to the exploits of Guzmán, now president of the audiencia, and his betrayal of his trust, the bishop is detailed and explicit.

The audiencia, said the letter, began its career by sending out a call to all the Indians from those parts of the country which had been pacified to come to Mexico City. The

<sup>39</sup> Queen to the audiencia, July 31, 1529, in Puga, Cédulas I, 135.

<sup>40</sup> Antonio de Herrera y Tordesillas, Historia general de los hechos de los Castellanos en las islas y tierra firme del mar Océano, Madrid, 1601, dec. IV, lib. 7, cap. 2.

<sup>41</sup> Icazbalceta, Zumárraga, 38.



purpose of the visit was not, as might have been supposed, the conversion of the natives but to have them bring presents to the governors, the surplus of which was then sold through agents. The president and the oidores were building sumptuous palaces for themselves through native labor. In Tacubaya they appropriated the water supply for their own uses causing much distress among the Indians who required this same source for the irrigation of their lands. Furthermore, they had taken away the encomiendas from the families of the conquerors, i.e. Cortés and his friends, and distributed them among their own henchmen leaving the former in great need and without reward for their service to the Crown.

Many other inhuman acts had been committed against the Indians. The president of the audiencia had held prisoner the King of Michoacán until he had paid ransom. Certain chiefs complained that the Spaniards were demanding female Indians for immoral purposes. The bishop complained that the Indians were being forced to work like slaves on the farms of the Spaniards so that some of them died from the treatment they received. Guzmán, as governor of the province of Pánuco, had allowed some ten thousand of the inhabitants to be sold as slaves. This had caused the remainder of the population to flee into the wilderness to escape a similar fate. Many of those carried off by the Spaniards had died from disease or the privations of the journey. The government officials had

taken advantage of the brisk demand for labor by paying their household staff not in money but in licenses to purchase slaves which were then resold profitably.

When the Indians of Guasucingo came secretly to complain to the protector against the injustices of their Spanish masters and their insatiable thirst for tribute -- they did not dare to come openly -- Zumárraga appealed to the government for mercy. He was told that he had no authority in such matters and that he was not to meddle. Moreover, steps were taken to arrest and execute the leaders of the Indians who had dared to complain of such treatment. The harrassed natives were obliged to take refuge in a monastery. When one of the monks attempted to denounce the inhumanity of the government from the pulpit, he was dragged down by a police officer at the order of one of the oidores and heaped with abuse. Excommunication followed, but was lifted when the bishop stepped in to restore peace.

With regard to the encomienda, the experience of the bishop had led him to believe that,

"It is a very necessary thing, one without which there cannot be any peace in this New Spain, that your Majesty grant the favor to the Indians and Spaniards of giving the Indians in perpetual encomienda, so that those who govern the land may not remove them or suspend those to whom they are given, and so that those who have them may not lose them, except for the four given causes, and so that they may be given in entail to them and their heirs and successors forever; and that the conquerors have preference, and successively those who have best served in this

country, giving the advantage to the married men and nobles who live here. From this, many advantages would come: the Indians who are now confused seeing that they change masters daily, have no peace or love; nor do they wish to serve the one who has them in encomienda, so they may keep what they have for their next master; and for this reason they receive much mistreatment; and in order to avoid serving, they make off to the wilderness. This they would not do if they knew they had a perpetual master, and without doubt they would settle down. And if those who govern are absolute rulers, having the power to give and remove Indians -- these being the good and wealth of the country -- they do their will against justice and with less opposition than your Majesty in those kingdoms with it (justice), and the Spanish vassals are so oppressed that they dare not speak, and I swear that they are more downtrodden than in any other place I have seen. This would not be true if they held their Indians in perpetuity. They would love them well and relieve them of work so they would stay with them...And in their encomiendas they would plant vineyards and olive groves and they would make other improvements, to relieve their vassals of tribute and allow them to live as they do in Spain. From this, besides the civilization of the country, the royal patrimony of your Majesty would be increased and your royal conscience relieved. But now everything is ruined and there is no one who dares to plant a single thing, thinking that the next day it will be taken away from him....But your Majesty should be careful about to whom you entrust the distribution, because it is necessary that those who are to do it fear God and your Majesty, because in this lies the general welfare of the country."<sup>42</sup>

The bishop concludes with a series of recommendations for bettering general conditions among the natives. The Indians should be given into the protection of the clergy and the pro-

<sup>42</sup> Zumárraga to Charles, August 27, 1529 in Icazbalceta, Zumárraga, appendix, 1-42; also Simpson, Encomienda, app. V.

lector should have full authority over them independently of the audiencia. The branding iron should be taken from the custody of the governmental officials and placed in impartial hands. Licences for buying slaves must cease to be issued and that, soon or "there will be no need of a remedy". Carriers are being loaded down like pack animals and sent forty or fifty leagues so that in Tepeaca alone some three thousand died by the wayside. This should be stopped by appropriate legislation. Large numbers of vagabonds (Spaniards) wander about from place to place with nothing to do because they are able to get the Indians to take care of them by force and intimidation. It is to these that most of the violence in the Indian towns can be ascribed. Spaniards should be kept out of the Indian villages unless they are first placed under bond and thus prevented from mischief making.<sup>43</sup>

Due to the handicaps which the great distance put upon correspondence in those times, it required some months for this letter to bear fruit at court. When it did finally arrive however, it came as a climax in a series of protests which had reached the court against the government of Guzmán. Cortés was in Spain at this time and he added his protests to the complaints from overseas. Thus the court finally became convinced that Guzmán and his associates had gone to far in their efforts against the party of Cortés and in their ruthless methods of

43 Ibid.

extortion and graft. The decision was made to replace the audiencia by a viceroy. But before this radical step could be carried out, and since it had to be done carefully if it were to succeed, it was thought advisable to appoint a temporary government for the immediate relief of the colony. This was to be a second audiencia far more carefully chosen than the first.

The erection of this second audiencia as a stop gap until the viceroy could be selected, brings the narrative down to the point where Quiroga takes up his labors in New Spain as an active member of the government. But before consideration of his work in this connection it will be necessary to make a digression in order to bring out something of the Old World background of the oidor-to-be. It is with that and with his first experiences in the new land that the next few pages are concerned.

### Chapter III

#### Beginnings in the Old World and in the New

The information available concerning the youth and parentage of Quiroga is meager and for the most part highly speculative. But there are a few facts that can be determined. He was born in the town of Madrigal in Castile in the year 1470. No records have been found of the month nor of the day. His chroniclers are in agreement that he was baptized in the church of San Nicolás in the town of his birth but since no parochial books were kept at that time it is impossible to verify the fact from this source.<sup>1</sup>

Again, there is no definite knowledge available as to the condition of his parents. We are informed, however, that he came from an ancient house of royal blood of the kingdom of Galicia.<sup>2</sup> But regardless of the vagueness of past connections, the family name of Quiroga was borne in the 16th century by many illustrious persons of high rank. There was Ruy Vasquez

<sup>1</sup> Juan José Moreno, Fragmentos de la vida y virtudes del V. Illmo. y Rmo. Sr. Dr. D. Vasco de Quiroga, primer obispo de la santa iglesia cathedral de Michoacán y fundador del real y primitivo colegio de S. Nicolás, Obispo, de Valladolid, Mexico, 1766, I; also Nicolas León, El Illmo. Señor Don Vasco de Quiroga, Michoacán, 1903, 7, 255.

<sup>2</sup> "...es cosa manifiesta deriver los Quirogas de su legítima alcuno de dos troncos reales, a saber - de los reyes suevos por Reclarío, II de este nombre, que falleció el año 457, y de los Godos por Teodoro, rey IV de esta nación, que murió en el año 451 y cuya hija casó con Reclarío...", León, 1.

de Quiroga, grand master of the order of Alcántara; Rodrigo de Quiroga, captain-general and governor of Chile; Gaspar de Quiroga, archbishop of Toledo, inquisitor general, and in the time of Philip II, Chancellor of Spain. The last named may have had some influence upon Don Vasco's rapid preferment since he seems to have been an uncle of the future oidor.<sup>3</sup> It has been impossible to determine the relationship, if any, that he bore to the others mentioned but the coat of arms that accompanies the greater number of his portraits and is still to be seen carved in the façade of the chapel at Santa Fé, Mexico, is further evidence of his distinguished connections.

Furthermore, there is no record of his early years available except that we know from internal evidence of his literary efforts that he was well-educated, and from his calling that he must have devoted himself to the usual course of studies culminating in the title of licenciado de leyes. There is abundant evidence in the varied interests of Quiroga's later life to show that his education was expansive and broadly cultural. The learning which he acquired is manifested in his letters and other writings ranging legal petitions and regulations for his hospitals to catechisms and sermons for the Indians and canones penitenciales for his seminary in Michoacán.<sup>4</sup> He

3 "Demarcación y descripción del obispado de Michoacán", in Iglesias de las Indias (Collection of documents in the Newberry Library, Chicago), III, 11.

4 José M. Beristain de Souza, Biblioteca Hispano-Americana Septentrional, Mexico, 1819, II, 465ff.

evidently had, besides the law, a grounding in theology and a fine acquaintance with the common knowledge of his time. In a letter of 1535, he cites as his authorities, among others, St. Luke, St. John Chrysostom, St. Cyril, St. Paul, St. Augustine, Aristotle, John Gerson, St. Ambrose, Alaric's summary of the laws, and St. Basil.<sup>5</sup> Most frequently mentioned in this letter, however, is the Utopia of St. Thomas More to which work Silvio Zavala has traced the origin of Quiroga's plan for aiding the Indians in the New World.<sup>6</sup> Other evidence of his cultural interests is to be found in the fact that when he came to America he brought with him his love for books. At his death, he left a library of over six hundred volumes.<sup>7</sup> All this evidence of erudition and scholarly attainment indicates the thoroughness of his scholastic training since it is extremely unlikely that he could have acquired all this knowledge and these scholarly habits of mind during the course of his very busy life.

When his schooling was completed, Quiroga chose Valladolid as the place to open his practice of law and it is there that in the capacity of juez de residencia, he entered into what was probably his first public service.<sup>8</sup>

5 "Información en derecho del licenciado Quiroga", July 24, 1535, in Pacheco y Cárdenas, Documentos inéditos, X, 313-335.

6 Silvio A. Zavala, La "Utopía" de Tomas Moro en la Nueva España, Mexico, 1937.

7 León, Quiroga, 98, 104.

8 Arthur S. Aiton, Antonio de Mendoza, First Viceroy of New Spain, Duke University Press, 1927, 23.



This, or some similar service, brought Quiroga to the attention of the authorities and when the second audiencia was appointed for New Spain in order to repair the havoc caused by Guzmán and his associates, Quiroga was one of its members. He entered upon his new duties in Mexico in the Fall of 1530. The new oidor was at this time already sixty years of age, a fact which makes his accomplishments of the next thirty-five years of his life seem almost incredible.

As a member of the second audiencia, Quiroga distinguished himself by his sharp analysis of the many problems, particularly those of a social character, growing out of the Conquest. He resolved the problem of forced labor and slavery among the Indians and formulated a program which he communicated to Charles for establishing a workable solution to this most troublesome problem between the two races.

The most famous of his efforts, however, was the erection of the hospitals. Starting with the establishment at Santa Fé, Mexico, and practically unaided he soon scattered these institutions far and wide through the present states of Michoacán and Guanajuato. More than just a haven for the sick, the hospitals purposed to satisfy within themselves all the needs of the natives, both temporal and spiritual. They were supported by lands worked by the Indians and, joined with ministrations to physical needs, they provided the training of church and school to bring the natives to a Christian state of living. All this

marked the beginnings of a new spiritual empire among the natives.

Among the barbaric Chichimecos of the west he went as visitador and lay apostle and aided materially in clearing the path for the Spanish advance in that sector. Finally, his work among the Indians again brought him to the royal notice and when the See of Michoacán was erected he was named its first bishop. There he continued his labors in behalf of the natives and soon had spread his hospitals over wide areas of that great diocese.

In his later years he travelled to Spain where he took part in important deliberations at court regarding Indian policy. There he continued his efforts, begun while he was still in Mexico, to get members of the Jesuit order to come to work in his diocese. On his return, he was active in the direction of the Mexican church. He took part in church councils and produced a manual for Baptism which helped to settle a long controversy over the ceremonial connected with that sacrament. Finally, he organized his diocese, taking an active part in settling the differences that marked the transition from regular to secular control. At the age of ninety-five he died in the little village of Uruapan while making a general inspection of his diocese.

This rapid review of the high points of Quiroga's life has been made at this point to aid in placing in its proper per-

spective that part of Quiroga's life in which this dissertation is primarily interested, the years as oidor of the second audiencia. At this point, then, we turn back to a detailed consideration of that period.

It was while Quiroga was engaged in the practice of law at Valladolid that the depredations of the first audiencia made a change imperative in the government of New Spain. A meeting was called comprised of some of the members of the Council of Castile, the Council of the Indies and the Council of Finance. After deliberation, it was decided to get a person of undoubted loyalty, someone close to the throne or, in the language of the day, "una persona principal", to rule the dominion overseas. The Queen who was in charge of colonial affairs during Charles' absence, offered the position to several before her terms were accepted. The first viceroy of New Spain was to be Antonio de Mendoza who had been entrusted by Charles with several delicate diplomatic missions and was currently serving as chamberlain to the Queen.<sup>9</sup>

Since Mendoza would need some time to arrange his affairs and since matters in New Spain were critical, it was decided to appoint a second audiencia as a temporary means of securing relief for the colony. The selection of the membership of this body was entrusted to the Bishop of Badajoz. By April 5, 1530, he had secured acceptances to join the new audiencia

<sup>9</sup> Aiton, Antonio de Mendoza, 13, 22.

from the licentiates Vasco de Quiroga, Alonso de Maldonado, Francisco de Ceynos, and Juan de Salmerón.<sup>10</sup> The selection was carefully made and the members were men of high standing in their profession. One of them, Salmerón, had already gathered some experience in the New World as alcalde mayor of Castilla del Oro.

The selection of the president of the audiencia took the bishop far afield for his choice. It was finally settled upon the president of the audiencia of Española and bishop of Santo Domingo, Sebastian Ramirez de Fuenleal. The latter turned out to be an excellent choice in view of his capabilities, wide experience and fine record but his advanced age was a handicap.<sup>11</sup>

The oidores dallied at Valladolid waiting for their instructions until July 12, 1530, and did not embark from Seville till September 16.<sup>12</sup> They put in at Santo Domingo to pick up Fuenleal but the bishop was not enthusiastic about his new assignment and was loathe to leave so they went on without him. Ceynos and Salmerón went ahead of their fellows and arrived at Vera Cruz on December 10.<sup>13</sup> They then proceeded onward to Tlaxcala where Cotés was staying and finally to Mexico City where they arrived on the 23rd of December.<sup>14</sup> The records of

10 Aiton, Mendoza, 13, 22.

11 Bancroft, History of Mexico, II, 321.

12 Audiencia to the Empress, March 30, 1531, in Henri Ternaux-Compans, Voyages, relations et mémoires originaux pour servir à l'histoire de la découverte de l'Amérique, Paris, 1837-1840, XVI, 128-129.

13 Icazbalceta, Zumárraga, 67.

14 Audiencia to the Empress, March 30, 1531, loc. cit.

the cabildo show that Maldonado and Quiroga did not arrive in the city till January 9, 1531. There is a celebration in their honor, a little forced, perhaps, as civic celebrations are apt to be.

"It has been ordered this day that inasmuch as there has arrived in the city the gentlemen licentiates Maldonado and Quiroga, oidores of his Majesty, that on finishing eating, all who have horses or mules would mount them and go out to receive the said gentlemen under penalty of five pesos each for not doing so. And no one shall go beyond the houses of Alvarado unless together with the city officials and justices in the order that shall be determined, under the aforementioned penalty, half of which fines shall go for the expenses of the city and the other half for his Majesty's treasury."<sup>15</sup>

According to their instructions, a formal entry was then made into the city by all four oidores. A box with the royal seal was placed on a mule with rich trappings as befitted the occasion. The oidores walked, two on either side of the animal beneath a silken canopy emblazoned with the arms of Castile.<sup>16</sup> This humble effort at a public demonstration is in sharp contrast to the almost oriental splendor which marked the celebrations which greeted the new viceroy a hundred years later in New Spain.<sup>17</sup>

On the 12th of January there was a solemn public gathering in the plaza of the city. The ordinances of the King were

<sup>15</sup> Ignacio Benjavano, ed., Actas de cabildo de la ciudad de México, Mexico, 1889, tomo II, 78.

<sup>16</sup> Bancroft, History of Mexico, II, 326.

<sup>17</sup> Priestley, Coming of the White Man, 166f.

read for all to hear and then each one of the oidores went through the solemn procedure of kissing the documents and placing them on their heads in token of submission to the royal authority and of their willingness to be servants of the Crown.<sup>18</sup>

Meanwhile, Fuenleal lingered on in Santo Domingo, much to the impatience of his colleagues. They had plunged into their new duties and speedily found themselves overwhelmed with work. In March, they write a long list of complaints. "We have so much to do to execute our instructions that we are obliged to work day and night....We await with impatience the arrival of our president who is yet at Santo Domingo because we have a thousand difficulties in executing the new ordinances..."<sup>19</sup>

The delay in the bishop's arrival was so prolonged that in August Quiroga wrote a forthright letter to the Council of the Indies urging that the Council use its authority to send Fuenleal to Mexico but taking the liberty at the same time of suggesting the qualifications necessary for an alternate selection if it should come to that.

"No other should be sent if he does not possess the qualities of Fuenleal in knowledge and conscience and experience. From what I saw of the bishop in Santo Domingo and what I saw after I arrived in New Spain, I am convinced that his coming is of the greatest importance."

<sup>18</sup> Puga, Cédulas, I, 226.

<sup>19</sup> Letter of the Audiencia to the Empress, March 30, 1531, in Ternaux-Compans, Voyages, XVI, 128-9.

On the other hand, if it should become necessary to select a substitute, Quiroga thinks that,

"It is not fitting to send a soldier because there is no necessity here for a knowledge of military matters. He should be a man of letters and experience with a sense of justice who will help us carry so great and important a burden in our uphill climb and, if necessary, guide us in what we may not do."<sup>20</sup>

These requests from the oidores were respected at home by the sending of numerous orders to Fuenleal to hasten his departure.<sup>21</sup> He finally yielded to a peremptory note and he landed in Mexico on September 23, 1531. His arrival was followed by a tour of inspection of the principal towns of the colony.<sup>22</sup>

Meanwhile the oidores were struggling to carry out the very complex orders that had been given them the previous July before their departure. They had been told that the protection of the natives was to be their particular care. They were to have no natives themselves, even as servants, and the prohibition applied likewise to the relatives of the governors. The oidores were to try most diligently to suppress the slave trade doing what they could about the institution as it existed among the Indians themselves. An attempt was to be made to

<sup>20</sup> Quiroga to the Council of the Indies, August 14, 1531, in Pacheco y Cárdenas, Documentos inéditos, XIII, 420.

<sup>21</sup> Aiton, Mendoza, 24.

<sup>22</sup> Letter to the King from Fuenleal giving the account of his journey, arrival in Mexico and the visitation of the principal cities, April 30, 1532, in Pacheco y Cárdenas, Documentos inéditos, XIII, 206f.

educate the Indians in self-government. Indian councilmen were to serve in the cabildos with the Spaniards and there was to be an Indian constable in every town. On the other hand, the Spaniards were to be protected against possible trouble with the natives by strict prohibitions against giving them horses and mules or firearms. Exception might be made to this rule in the case of the Indians' own type of weapons which they used for supporting themselves by hunting. Concubinage was to be suppressed as quietly as possible. Since conversion was the prime object of the Conquest, churches were to be erected and the Indians given instruction in the Faith.<sup>23</sup>

Most important of all these instructions, however, was a secret cédula which is not available but whose contents may be adduced from the other correspondence with the audiencia. It provided, among other things, for the gradual but virtual abolition of the encomienda system and the substitution of a new centralized scheme with titles over the Indians vested in the Crown. Those encomenderos who had acquired title by fraud were to forfeit their Indians to the government. Moreover, those encomiendas which had become vacant through death or other causes were to revert to the Crown. These were then to be divided up into sections called corregimientos under magistrates known as corregidores who were directly responsible to

<sup>23</sup> Instructions of the Queen to the second audiencia, July 12, 1530, in Puga Cédulas, I, 154-185.



the Crown for their positions and their salaries. The Indians in their new condition were to be regarded as crown vassals and were to be compelled to pay tribute, not to immediate overlords, however, but to the King. The former encomenderos if their record were found to be satisfactory might take their places in the new system as corregidores.<sup>24</sup>

The similarity of this plan to the one undertaken by the Jeronymite fathers in Española is immediately evident. The benefit of the plan to the Indian, it was thought, would consist in taking him out of the hands of private exploiters and giving him over to the government for safekeeping. Every aspect of Indian life would thus come under the King's direction through his agent, the corregidor. The latter assisted by a priest was to see to the education and Christianization of the Indians. It was intended that the villages where the natives lived be entirely self-supporting with all the expenses, including the salary of the corregidor coming out of the tribute. One official was to spy upon the other and report irregularities such as using overseers, extorting excessive tribute, or failing to maintain a priest for the instruction and conversion of the Indians.<sup>25</sup>

It can be readily seen that such an order as this made the closest secrecy imperative since the cédula struck at the

<sup>24</sup> Simpson, Encomienda in New Spain, 113; Bancroft, II, 330.

<sup>25</sup> Instructions of the Queen to the corregidores, no date, Puga, Cédulas, I, 217-219.

very heart of the vested interests. Of course, it was impossible to keep the matter quiet for any length of time but at least the storm might be held off until the new government might have time to establish itself and make a few friends. There is every indication that the encomenderos rapidly became aware of the blow that had been aimed at them. The oidores, writing in March, complain of the "thousand difficulties in executing the new ordinances, particularly that which suppresses the encomiendas and orders them changed to corregimientos".<sup>26</sup>

While the plan of enforcing the new system was not confiscatory, for only in case of the death of the encomendero or fraud on his part could the title over the Indians be returned to the government, nevertheless the protest of the settlers was vehement and the audiencia in attempting to carry out the order precipitated a crisis. The Spaniards, the audiencia wrote the King, were very discontented with the changing of the encomiendas into corregimientos. They were refusing to spend any money and as a result the merchants had no business. Some of those displaced were returning to Spain, others were going to Guatemala or joining the expedition of Nuño Guzmán in Nueva Galicia because they had no means of securing a livelihood now that they had lost their encomiendas.<sup>27</sup>

<sup>26</sup> Audiencia to the Queen, March 30, 1531, in Ternaux-Compans, Voyages, XVI, 128-129.

<sup>27</sup> Audiencia to the Council of the Indies, August 14, 1531, in Ternaux-Compans, Voyages, V, 174.

Clearly, this order was menacing the future of the colony and yet the oidores proceeded loyally to try to carry it out. Other protests came in rapidly. A certain Gerónimo López, as spokesman for the colonists, poured out his troubles in a letter to the King. He recalled how earlier attempts to supplant the encomienda failed because it resulted in a grand exodus of the settlers and a serious disturbance of the markets. He pointed out that already over a hundred conquerors had left for Peru and all those who had no Indians were planning to do the same. He himself had obeyed the King's injunction to take a wife and now he had no means to support his family. He concludes by mysteriously announcing that the audiencia had given the colonists reason to suppose that the policy was shortly to be changed and they were eagerly awaiting word of it.<sup>28</sup>

Just what authority the audiencia might have had for such a promise is not evident. Possibly it was convinced of the wisdom of returning to the encomienda and the oidores were confident of their ability to see the matter through regardless of the current opposition of the Crown.

Fuenleal's arrival in the colony in September of 1531, added another to the number of those persons in the colony wishing to abolish the encomienda. Possibly the bishop's experience in Santo Domingo where the system had been particu-

<sup>28</sup> Gerónimo López to Charles, July 4, 1532, in Documentos inéditos para la historia de Ibero-América, Madrid, 1927-8, I, 19-21.

larly vicious had turned him against it. At any rate, he bent himself to the task of bringing about the change. He reported enthusiastically to the King on the progress being made. The Indians were acquiring a liking for their new position as vassals of the King and the Spanish complaints because they were not given Indians were not to be taken too seriously. Moreover, the government should proceed slowly in the matter of making the encomienda permanent.<sup>29</sup>

In this, as well as in several other important matters, Fuenleal and the audiencia disagreed. The oidores, in a letter bearing the same date as that of the president cited above, expressed their doubts as to the efficacy of the corregimiento. Everything pointed to trouble with the Spaniards and there was an increasingly large body of them in the colony headed by Cortés who were opposed to the rule of the audiencia because of the suppression of the encomienda.<sup>30</sup>

The Queen, however, seems to have been more impressed by the favorable opinion of Fuenleal than the objections of the oidores. She wrote that she was delighted to hear how well the Indians were taking to the corregimiento and that their conversion was progressing so well under the new system.<sup>31</sup> The

29 Fuenleal to Charles, November 3, 1532, in Pacheco y Cárdenas, Documentos inéditos, XIII, 250-261.

30 Audiencia to the Queen, November 3, 1532, in Ternaux-Compans, Voyages, XVI, 208-213.

31 Queen to the audiencia, February 16, 1533, in Puga, Cédulas, I, 279-281.

Council of the Indies also took occasion to commend the new system and to remark on the inability of the government through legislation to protect the Indian in encomienda where he was under a private master so that abuses might escape unnoticed.<sup>32</sup>

But these efforts against the encomienda, as well as all others, proved unavailing, if not misdirected, and the institution continued to survive as the basis of the social structure of New Spain despite all the efforts of the government to uproot it. But with all the abuses commonly associated with it the encomienda proved to be the means of securing a lasting social order where chaos seemed the other alternative.<sup>33</sup> It is to the credit of the audiencia that they saw in it something of the durability which must be a necessary part of any system which could fill the needs of turbulent New Spain.

As we have seen, the instructions of the oidores set out a program which even to men of superlative tact and judgement would have been extremely difficult, if not impossible, of fulfillment. The orders, if carried out to the letter, meant such radical changes would be made as to amount virtually to a revolution in the affairs of the colony. Any rash action would lead most certainly to tumults. The future of New Spain was at stake.

The difficulties with Guzmán indicate something of the

<sup>32</sup> Opinion of the Council of the Indies, November 18, 1533 in Pacheco y Cárdenas, Documentos inéditos, XII, 133-142.

<sup>33</sup> Simpson, Encomienda in New Spain, 188-190.

patience that was necessary in dealing with the situation. When that worthy was summoned to appear before the audiencia to answer for his crimes, he calmly ignored the order and continued his plunderings in another area. Instead of calling out the troops to bring the scoundrel to heel, which might have precipitated a civil war, the oidores wisely bided their time with the belief that further indiscretions on the part of Guzmán would eventually place him at their mercy.<sup>34</sup>

Another pressing difficulty which the oidores had to face was the widespread abuses connected with the employment of Indian carriers or tamemes. The colonists insisted that there were not enough beasts of burden in the colony and that consequently the Indians must be used or trade would languish.<sup>35</sup> The problem was an old one and had a long history. The use of carriers had been forbidden by Ferdinand as early as 1511 when it was found that the excessive burdens which they were forced to carry was causing a high mortality rate among the Indians of the islands.<sup>36</sup> Prohibited again in the instructions to Ovando, the practice continued in open defiance of the law. In 1529, Bishop Zumárraga added his protest to many others. The Indians, he said, were treated like pack animals and often were not fed. Even the slaves were not treated as badly as these poor Indians because it was only the free natives that

34 Bernal Díaz, Historia verdadera, II, cap. 198.

35 Antonio de Herrera y Tordesillas, Historia general de los hechos de los castellanos en las islas y tierra firme del mar oceano, Madrid, 1601, dec. V, lib. I cap.6.

could be used and abused without loss of investment. Chirinos, the oidor, alone had caused over three thousand free Indians to die on the road carrying supplies.<sup>37</sup>

The views of the audiencia in this matter were far more temperate than that of the protector of the Indians. The natives, they claim, are used to carrying burdens for a living. They have done so from childhood and many have no other way of earning a living. They are in the habit of serving the merchants over distances of one hundred to three hundred leagues. It is necessary to use the Indians in this manner because in some parts of the country there are no pack animals, and in others, the roughness of the terrain will not permit their use. If the use of carriers is prohibited, it will result in great loss to the people and to the country. The Indians themselves desire and even beg for the work. In the market place in Mexico City there are always to be found two or three hundred of them ready to work in this manner. "Your Majesty might permit them to work thus if they are paid justly and under the license of the audiencia."<sup>38</sup>

The arguments of the oidores seem to have convinced the Queen for her next word is to inform them that with the approval

<sup>36</sup> Cédula of Ferdinand, June 21, 1511, in *Documentos inéditos de ultramar*, V, 267-9.

<sup>37</sup> Zumárraga to Charles, August 27, 1529, in Icazbalceta, *Zumárraga*, appendix, 1-42.

<sup>38</sup> Audiencia to the Queen, March 30, 1531, in Ternaux-Compans, *Voyages*, XVI, 128-9.

of the protector they might act in the matter as they saw fit.<sup>39</sup> After duly consulting with the bishop and other religious, the audiencia announced its new plan. Married persons were to be allowed four to eight carriers in their travels according to whether or not their family accompanied them. Single persons might have two on condition that the workers' freedom be not impaired in any way. Moreover, the Indians must be paid one hundred cacao beans a day and may not be taken more than one day's journey from home.<sup>40</sup>

These stipulations, if enforced, pointed to a reasonable solution of the problem. Fuenleal, who arrived to take up his duties in September of 1531, expressed complete disapproval of his oidores in this matter. He would not allow the use of tamemes at all, on the grounds that the practice was leading to the extermination of the race. He believed that such treatment of the Indians was cruel since the natives were not physically rugged enough to stand for it. "May your Majesty order that this be stopped. There is no need nor sufficient reason for the carriers...since the country is now producing beasts of burden."<sup>41</sup>

Despite this forceful protest of the head of the government in New Spain, however, Charles seemed unconvinced of the neces-

<sup>39</sup> Queen to the audiencia, March 20, 1532, in Documentos inéditos de ultramar, XI, 106-135.

<sup>40</sup> Audiencia to the Queen, April 19, 1532, in Ternaux-Compans, Voyages, XVI, 205.

<sup>41</sup> Fuenleal to the Queen, April 30, 1532, in Pacheco y Cárdenas, Documentos inéditos, XIII, 213.



sity of abolishing the use of the carriers. When he returned to Spain in 1533 to take over affairs, he wrote to the audiencia a confirmation of their stand in the matter.

"We have been informed that if the order be carried out (that tamemes be no longer used) that the commerce of this land would be ruined and the merchants would not be able to carry their merchandise from one port to another as easily as they are able to do it with tamemes, especially as it is said that there are very steep roads in this land which may not be travelled with carts nor even by beasts save with the tamemes who were accustomed to do this before the Conquest....I order that the tamemes be employed if they are willing, no burden to be more than two arrobas (fifty pounds) in weight and you should moderate the price and the distance depending on the quality of the ground..."<sup>42</sup>

There seems to be very little basis for concluding from the above evidence that the audiencia first and then the King were surrendering a principle to the force of necessity. There was nothing inherently wrong in the use of the carriers provided that human dignity was respected, and the audiencia seems rightly to have maintained that complete abolition of the system would work injustice to both parties. It was a realistic attempt to solve a problem that definitely had two sides to it.

In all these difficulties there is reason to believe that Quiroga's opinions were merged largely with those of the audiencia. Whenever he had occasion to differ, a separate letter over his own signature place the case before the King giving

<sup>42</sup> Charles to the audiencia, October 5, 1532, in Puga, Cédulas, I, 316-317; Documentos de Ultramar, X, 178-180.

the reasons for his dissent. There was nothing passive, however, about his interest in the affairs of the New World. Rather, he tended to limit his efforts to those matters which he considered to be of preeminent importance. The encomienda, in Quiroga's mind was a useful but temporary means of securing order. Once that was accomplished, he foresaw far more than a transfer of the civilization of old Spain to the new land. That to him would be impractical and even unattainable. Quiroga wished to build upon the simple culture of the natives a truly new world based on the fresh and unobscured vision of a newly converted Christian people. It was to this end that he devoted his energies. As early as 1531, the oidor Salmerón wrote in a somewhat critical vein that, "The licentiate Quiroga is a virtuous man and very zealous for the good of the Indians; but he is timid and scrupulous."<sup>43</sup> Whatever merit the criticism might have, it clearly points to the direction which the interests of Quiroga were to take. Several years later, the oidor had become so engrossed in his work with the Indians that the viceroy lodged a complaint.

"I wrote to your Majesty that it was necessary to appoint alcaldes mayores in this land in the provinces and parts where the influence of this audiencia does not reach...because in this body there are no more than two oidores, that is, the licentiates Ceynos and Loaysa, because the licentiate Quiroga is engrossed with the affairs of the Church and neglects those of

<sup>43</sup> Salmerón to the Council of the Indies, August 13, 1531, in Ternaux-Compans, Voyages, XVI, 195.

the audiencia and this has been quite necessary."<sup>44</sup>

Quiroga's work, therefore, is not to be measured merely by his part in the direction of affairs under the audiencia despite the very creditable record of that body. His accomplishments must be evaluated rather by his continuing efforts to put into operation an Indian program for whose details he alone was responsible and over whose workings he presided. It is to the personal labors of the oidor that we now turn.

<sup>44</sup> Mendoza to the King, December 10, 1537, in Pacheco y Cárdenas, Documentos inéditos, II, 183.

## Chapter IV

### The Fight to Protect the Indian

It has been shown above that in the Spanish view, the Indian was definitely considered to be a human being with a soul to be saved. It is this single note that gives unity to the entire stream of Indian legislation from the time of Isabella on. Out of this one fact grew a whole code of civil action governing the relations between the two races. Following upon the idea that the natives were human beings was the idea that they had rights. Consequently, they could be enslaved only by their own acts, i.e. partaking in rebellion or an unjust war. The only other legal avenue for the taking of slaves was as indios de rescate. These were Indians secured from native masters to whom they were already enslaved.

The difficulty of enforcing such a code with any degree of fairness to the Indian is readily apparent. Who, for instance was in a position to determine impartially the character of a war with the Indians? Such a moral question as this certainly could not be left to the conquerors for decision and yet they often were the ones to do so. Later on, the matter was left to the King's judges. The success of the second audiencia lay largely in the fact that it adequately performed the function of an impartial judge thus giving proper force

and character to the laws, and to the moral considerations upon which they were based. Moreover, as time passed, certain extrinsic forces tended to lessen the difficulties of enforcing the slave code. As the land was pacified further and war and rebellion ceased to be widespread, it became increasingly difficult to take slaves legally or to keep them illegally.

The government, looking for a chance to eliminate the slave trade entirely, saw in this trend its opportunity. In 1530, the audiencia was directed to suppress the taking of slaves completely. As for the slaves held by the Indians themselves and sold to the settlers, the audiencia was to do what reason and justice dictated.<sup>1</sup> A month later, there was a more complete statement of the new policy. There had been constant reports at the court that the conquerors were making war for the purpose of capturing Indians who were not really slaves but peaceful natives who in no way deserved their fate nor the loss of their rights. The former order was stiffened, therefore, to protect the Indian from capture and enslavement by any person whatsoever even in time of war and although it was acclaimed a just war by the Queen herself. Nor were the Indians to be taken por rescate, that is, by purchase. Violation of this ordinance carried with it the penalty of confiscation of one's property and the loss of all preferment. Moreover, those

<sup>1</sup> Queen to the audiencia, July 12, 1530, in Puga, Cédulas, I, 164.

slaves already held were to be registered and a record kept in order that they might be identified when necessary and thus prevent further unlawful captures.<sup>2</sup>

This drastic abolition of native slavery proved somewhat premature. When the audiencia attempted to put the law into effect there were immediate and bitter quarrels with the Spaniards in the colony who claimed that the government was favoring the Indians at their expense and accused the audiencia of breaking faith with them in their promise to reward them for the Conquest. Moreover, they thought that,

"The abolition of slavery has injured the mines and caused the price of merchandise to fall.... The natives become daily more independent and more insolent. Once they did not dare approach a horse but now they freely mingle with the horsemen and are more adroit at avoiding the animals than are the Spaniards, with the result that they are commencing to be really formidable"<sup>3</sup>

The oidor Salmerón mingles his protest with that of the audiencia on the matter of abolishing slavery. He says, "It is necessary to permit at least the reduction to slavery of those Indians who have revolted. Without slaves mining is impossible".<sup>4</sup>

Five months later, the situation had changed very little for the better. Alvarado and the inhabitants of Pánuco were

<sup>2</sup> General Cédula of the Queen to all officials of the Indies, August 2, 1530, in Puga, Cédulas, I, 231-234.

<sup>3</sup> Audiencia to the Empress, March 30, 1531, in Ternaux-Compans, Voyages, XVI, 126-149.

<sup>4</sup> Salmerón to the Empress attached to the letter above, in Ternaux-Compans, Voyages, XVI, 149-150.

up in arms against the decrees on slavery. They feared that as a result of the restrictions no more colonists would come and the country would never be controlled. The rapacity of certain Spaniards brought an outburst from the audiencia. With regard to slavery, the oidores pointed out that the conditions of servitude under Spanish and under Indian masters were utterly different. The Indians treated their slaves as relatives and vassals; the Spaniards treated them as dogs. It was true that sometimes the former sacrificed their slaves to idols but in general they were treated very well; in fact, chiefs had been known to choose a favored slave as their successor.<sup>5</sup>

But despite the abuses in the slavery system the audiencia felt the need of caution in making changes which had such grave and far-reaching consequences. Zealous though they were in the cause of the natives, the oidores saw the problem in its entirety and were not to be stampeded into an action which might well have destroyed the colony. This is but another case in history pointing to the fact that reformers burdened with the responsibility of carrying out their own program are apt to be more careful of sweeping changes than those who stand far off and tend to see the picture distorted by their own zeal.

<sup>5</sup> Audiencia to the Emperor, August 14, 1531, in Ternaux-Compans, Voyages, XVI, 150-182.

The president of the audiencia, Fuenleal, however, disagreed thoroughly with the audiencia in this matter as he had done in the case of the carrier controversy. He complained that the taking and buying of slaves had been a cause of disservice to the Crown and that the country had lost much by it, and if the evil were continued it might prove to be the end of the colony. "I beg your Majesty that your orders in the matter (abolishing slavery) be carried out to the letter because if slavery is given a place here and Indians can be purchased, the whole country will be lost."<sup>6</sup>

A few months later he wrote again on the matter.

"Because of having discovered many mines of gold and silver and the value of slaves having thereby increased to forty pesos, the Spaniards have contrived in every way possible to take slaves.... If any concessions are allowed so that slaves may be taken...it would be a great injury to the country and the avenue by which the country may be depopulated as it will be depopulated if the traffic with the Indians continues....To the natives is due the settlement and sustenance of the country and what profit there is will be derived through them. As long as there are Indians, the settlers will continue to come."<sup>7</sup>

These strict views of the bishop indicate, possibly, certain distasteful experiences which he suffered while he was stationed at Santo Domingo. Evidently, he wished to make a parallel case of Mexico. Like Las Casas, he seemed ready to

<sup>6</sup> Fuenleal to Charles, April 30, 1532, in Pacheco y Cárdenas, Documentos inéditos, XIII, 206-224.

<sup>7</sup> Fuenleal to Charles, November 3, 1532, in Pacheco y Cárdenas, Documentos inéditos, XIII, 250-261.



find the cause of the evils in the institutions themselves rather than in the failure of those institutions to function properly due to individual cupidity and greed. He was all too ready to sweep away the social structure without considering sufficiently the more basic need of correcting the persons who give to the structure its character.

Certainly Charles must have been puzzled by the conflicting reports from the president and the oidores. If he valued their testimony equally and placed equal weight on their arguments he would indeed be in a dilemma. Either course, they would lead him to believe, would lead to the extinction of the colony: the institution of slavery because of its cruelties, and abolition by the destruction of the chief source of profit to the colonists, actual and prospective.

But there is still another view of the problem as stated by Quiroga in a letter to the Council of the Indies and bearing the date of August 14, 1531, the same as that of the audiencia last cited. Quiroga faced the problem from a new angle. He implicitly agrees that both sides have just grievances but he seeks a new middle ground. A labor supply is essential to the operation of the mines. Justice could be served at the same time by using those committed for serious crimes such as rebellion, homicide, human sacrifice, all of which were committed far too frequently among the natives. The use of criminals for work in the mines could be carried out after the manner in which in

Spain criminals are sent to the galleys.

Instead of capital punishment being meted out to these people, they are spared and the necessary means are taken to endeavor to reform them and make them better Christians.

"It would leave the way open to the will of your Majesty so that, atoning for their sins there (in the mines) for some time and devoting themselves to the practice of virtue in a manner deemed suitable and having succeeded in a complete reformation, your Majesty might be able to exercise the mercy of restoring them to their lands and liberty. In trust of this eventuality, they would become good Christians and would perform good works and not live without hope. And thus it is believed that the mines would not be depopulated, as it is thought that it will be in time because of that blessed provision now proclaimed by which it is impossible to take slaves in the wars."<sup>8</sup>

In this paragraph there is the germ of a plan containing the essential elements of any adequate penal system. Its purpose is two-fold, to punish for past crimes but at the same time to offer a chance for reform. Moreover, it provides for a new and controllable source of labor. Nor are the old abuses, such as stirring up wars for the purpose of slave-taking, so apt to occur. The audiencia had already put in operation a modified form of the proposed plan which gave a fair indication of how it might work out. Quiroga relates that a certain deputy captain of Cortés had been sent to put down a rising of the Opilcingos. He had express instructions not to make slaves

<sup>8</sup> Quiroga to the Count of Orsorno of the Council of the Indies, August 14, 1531, in Pacheco y Cárdenas, Documentos inéditos, XIII, 418-429.

in the course of the war unless the culprits were first condemned by the audiencia. This was not to be done en masse but according to each one's share in the revolt. Conviction would result in a sentence to work in the mines for a time to give example to others until pardoned by the King.

But the deputy proceeded to disobey his instructions, as he later confessed, to the extent of dividing among himself and those with him some two thousand Indian captives of whom the greater part were women and children. Quiroga concludes that, "The Marquis (Cortés, who had charge of all the armed forces) was reproached and now it is agreed that I go to recover those which were partitioned and to execute justice in their behalf."<sup>9</sup>

Taking upon itself the adjudication of slave-making cases was a rather large step on the part of the audiencia. It insured an individual hearing for each of the Indians accused and, as a consequence, the innocent were likely to be spared a fate which all would share if the matter were left subject to the cupidity of the conqueror. On the other hand, it meant further conflict with the colonists who would vehemently resist this restriction on their free use of the natives.

These protests appear to be the explanation for the important action of the Crown in 1534. Complaints had been poured into the King's ear which were powerful enough to cause a complete reversal of policy. It seems to be an abject surrender

to the colonists in the matter.

"It is impossible because of the prohibition of slavery to contact by purchase those slaves held by the Indians for the purpose of Christianizing them and they remain pagan, whereas were they transferred to the Spaniards they would be brought under Christianizing influences. Moreover, the trade and commerce of our subjects, Spaniards and Indians alike, would grow and without it they would not be able to settle down nor sustain themselves in the land....We order that whenever just war is waged according to the royal ordinances and instructions given by us and whenever it should happen that in such a just war waged by our command or by persons that have held our special power you should take some of the said Indians, you may hold them as slaves and trade them as taken in a just war provided that the Indians thus taken as slaves in any of the provinces of tierra firme cannot be taken out and sold nor contracted for in the islands of the Indies. Likewise, that the women who are captured in the war and the children under fourteen years are not to be made slaves, but we permit and give license to our governors, captains and other persons that likewise should they capture women and children in the said war, they may make use of them in their houses as servants (naborías) and in other labors as free persons, giving them maintenance and following the general regulations in such cases.

"Again, we order you to see to it that in every village all the slaves which are found held by the caciques and other Indians shall be registered before a notary...declaring the name of each slave, of his master and also his father and mother, and if he should confess to being a slave, you should brand him with the iron of our mark in order that from then on he may be had and known as a slave....This done, we give license to any of our Spanish subjects that, by way of ransom or purchase, or other just title, they might gain possession of the slaves and trade them."<sup>10</sup>

<sup>10</sup> Royal provision declaring the form and order for making slaves in war and by purchase, February 20, 1534, in Documentos inéditos de ultramar, III, 191-197.

The only check on individual action in the matter seems to be the further provision that the slaves taken in war must be held as naborías pending final action of the audiencia or the council of the Indies as to whether they may rightfully be held as slaves.<sup>11</sup> The delegation of the authority to take slaves is so general, however, that it would be well nigh impossible to control. With regard to indios de rescate, the crown was made to believe that there was no injustice involved in merely a change of masters. Obviously this was to prove an abundant source of new labor without the attendant difficulties of war or rebellion.

In the taking of women and children, it was not likely that the distinction between slave and naboría would be observed. The essentially free character of the naboría who must give only part of his time and labor (two-thirds) to his master might, in the absence of the most careful supervision, easily be merged with that of the slave who gives all.

Quiroga's protests against the new policy are contained in a letter extending over some two hundred pages of the documentos inéditos. It is discursive and redundant, laboring by force of repetition, it seems, to drive home the argument. It attacks the government's position on moral grounds but it is more than an academic discussion of the slavery problem. Quiroga brings to bear the fruits of his experiences in the

11-Ibid., 191-197.

New World and again, as in the letter of August 14, 1531, he offers a plan.

Before entering into the argument of the letter it is necessary to review briefly the moral canons which were applicable in this case whose truth Quiroga would necessarily assume and upon which his case would have its starting point. We have already seen the importance of these considerations in the case of Cortes who, even while engaged in a war of conquest, tried valiantly to reconcile his actions at all times with the accepted rules for such action.

These rules stem directly from the medieval theory of the source of the ruler's authority and the bases for a just war. In the first place, war could not be justified against a people simply because they were infidels. Civil authority comes from the natural law and, consequently, infidels as well as Christians had the right to govern themselves as they saw fit. It may even be possible that Christians be ruled by infidels.<sup>12</sup> Consequently, no Christian prince nor even the Pope himself had the right to destroy such a government simply on the basis of its lack of authority to govern.<sup>13</sup> Moreover, unbelievers were protected by the natural law in their right to own property and no conqueror acting on this

12 St. Thomas Aquinas, Summa Theologica, II, ii, 10,10 London, 1916.

13 Innocent IV, "Apparatus ad quinque libros Decretalium" iii, 34, 8 cited in R.W. Carlyle, A History of Medieval Political Theory in the West, London, 1928, V, 34.

motive alone might justly deprive them of their goods and possessions.<sup>14</sup>

The rest of the argument followed very simply. The Pope had granted to the Spanish monarchs the right to exercise authority over the Indies.<sup>17</sup> Title, however, was not given by simple act of the Pope, as is sometimes stated. Ownership of the lands could be claimed and other nationals kept out only "postquam per vestros nuntios seu ad id missos inventae et receptae fuerint - only "after (the lands) had been discovered and possessed by your agents or those sent by you." The function of the Pope as arbiter was widely recognized. Here was a dispute between two great Catholic nations and the Pope merely decided the matter for them at their request. There is no reason for postulating any claim to temporal sovereignty on the part of the Pope.

The Spanish monarchs were to share in the trust by which the Pope was commissioned to spread the Faith and their principle interest was to be the conversion of the natives. On the other hand, the Indians were compelled to submit to Spanish authority as the only means for their conversion. Submitting, they would be treated with love and charity and they and their families would remain free. Nor would they be

<sup>14</sup> Ibid.

<sup>17</sup> Text of Papal Bulls of May 3, 4, 1493 in John Boyd Thacher, Christopher Columbus, His Life, His Work, His Remains, New York, 1903, II, 1258.

compelled to turn Christian unless they chose to do so freely and the law would treat them fairly. But if they resisted, the captain-general would make war on them and reduce them to obedience. He then might enslave them and their wives and children and confiscate their possessions as of vassals who resist their lord.<sup>18</sup> Accordingly, then, the Indians could be despoiled if they attacked the Faith or the persons of the Christians or committed the crime of lesé, majesté. Besides, they must recognize the authority of the Church and admit to their midst the preachers of the Gospel.<sup>19</sup>

The influence of Palacios Rubios, juriconsult to Ferdinand, is to be seen in the instructions sent from Spain to her captains in the New World. There are, for instance, the orders sent to Cortés on June 26, 1523. The spread of the Faith is to be his chief concern since these Indians are more clever, capable and reasonable on the mainland than on the islands and hence better prepared to learn about God. The Indians are to pay tribute in recognition of the King's overlordship and which as his vassals they owed him. But, "...in case, by this method (i.e. persuasion), they do not wish to come to our obedience, and you have to make war you must take care that in no case shall you do so without their

18 Silvio A. Zavala, La Doctrina del Dr. Palacios Rubios sobre la conquista de America, Biblioteca Historica Mexicana, #4, Mexico, 1937, 40.

19 Ibid., 37.



being the aggressors or having done evil to our people. Even when this has been proved, before breaking with them you shall make known to them in our behalf, one, two, three or more times, and as many as you deem fitting, the necessary terms for coming back to our obedience."<sup>20</sup>

In Cortés' opinion the Indians were already vassals and if they resisted he proceeded against them, "as against rebels that do not wish to submit to rule of your Majesty."<sup>21</sup>

Quiroga was in agreement with the principle of taking slaves in a just war but he denied the application of that principle in this case on the grounds that a just war against the Indians was impossible because the proper occasions for it could never be present. A just war required that there be an attack or molestation or a hindering of the right to live among these people. Or they must rebel or resist the teaching of the Gospel. Quiroga insists that they do none of these things. Rather then, the Spaniards should go among them," as Christ came among us, doing good and not evil, with piety and not cruelty, preaching to them, healing them and curing the sick and, finally, doing all the other works of mercy of good and pious Christianity."<sup>22</sup>

20 Instructions to Cortés treating the settlement of the land and treatment and conversion of the natives", June 26, 1523, in Documentos inéditos de Ultramar, IX, 167f.

21 Zavala, Palacios Rubios, Note #9 P. 52.

22 "Informacion en deracho del Licenciado Quiroga sobre algunas provisiones del real consejo de Indias", in Pacheco y Cárdenae, Documentos inéditos, X, 354.

"They are not", he continues, "our enemies since they don't molest us, being most kindly disposed toward all the sacraments of the Church after they are given to understand them. Nor can these peoples be said to be enemies of the Christian name but only infidels who have never had notice of it and for that fact alone do not deserve to be warred upon with violence and force nor other harsh treatment but drawn with good examples and persuasion of preaching by word of mouth (to Christian living)."<sup>23</sup>

With Cardinal Cayetano, the general of the Dominicans, he agrees that infidelity alone is not sufficient cause for war nor for seizing the lands and property of the natives. This latter course can be taken only when free passage is prohibited or some offense is done the Christians. But there is a further condition that places them even beyond the possibility of these causes being operative. In order to punish a people as a whole it is necessary that the people have some regard for the natural law and have a king and a semblance, at least, of political order and ordinances by which they are governed. The rule of war applies only between peoples sive regali sive politico regimine gubernentur, as Cayetano says, and cannot be applied against individuals acting as such.<sup>24</sup>

But these people have no organization of this kind and "live scattered about through the country like animals".<sup>25</sup> They are a very humble folk who make no resistance and are without law or justice or rules or ordinances. The nearest

<sup>23</sup> Ibid., 357.

<sup>24</sup> Ibid., 357.

<sup>25</sup> Ibid., 357

approach to anything of this kind are their pictures but "these are not laws but only examples of others' good or evil doing".<sup>26</sup> Therefore, although it may be a just matter to redeem from death by slavery those taken in a just war, there is grave doubt about whether war against these peoples can be justified under the conditions of the papal grant and the provisions made by the King.<sup>27</sup>

The new provision permitting the taking of slaves loosens all the ties upon private interest and unbridled greed so that every occasion is taken to invent and feign causes for war in which there would be no reason or justice.<sup>28</sup> Even as Quiroga writes, Spaniards are causing the peaceful natives to rebel or treating them unbearably "to the scandal of all and especially to those trying to convert this land."<sup>29</sup>

Rebellion constitutes resistance to lawful authority but these natives offer no resistance. At the first sign of violence they flee "like sheep before wolves and whose natural defense is flight, climbing into the mountains in their terror." Whatever there is here of rebellion or resistance is, according to Quiroga, just, natural and permitted "by every law, divine, human and natural." Vim vi repellens licet omnes leges omniaque jure proclamant and holds true, he says even though

26 Ibid., 423.

27 Ibid., 441.

28 Ibid., 341.

29 Ibid., 341.

some of the attackers coming under the guise of pacifiers and instructors meet death in the effort.<sup>30</sup> Obviously infidel rights must under all circumstances be recognized and respected, and this must be done regardless of whether the conquest has spiritual motives or not. He drives home his argument by an example.

All this "they say has happened and is happening in a province of New Galicia where I don't know by what authority, because I know they didn't get it from this audiencia nor from your Majesty either, they have made and are making slaves even of mothers with their nursing children of three or four months and all branded with the King's iron. ...and they bring them to be sold in this city in the sight of this audiencia like a flock of sheep. They are to my knowledge and belief completely innocent and no mortal Christian should allow it....By order of the audiencia we went out yesterday, an oidor and I with a secretary, and we saw all this. Worse than this, some of them were sick, both men and women, almost to death. We asked the ones who brought them what evil they had done and they answered that they took them entre las penas where they found they had fled and hidden (justly and daringly no doubt) to thus capture and brand them. The sheep flee before the wolves and hide their sorrows and fear and dread in the mountains and the brambles and even then they won't let them alone but take them by a just war! Certainly this is a very great and weighty blindness."<sup>31</sup>

Guzmán's conquest of New Galicia is generally recognized as one of the deeper blots upon Spanish rule in Mexico and, judging by similar reports of others, Quiroga's description can hardly have been exaggerated.<sup>32</sup> The oidor places his

30 Ibid., 379.  
 31 Ibid., 444.  
 32 cf. above p.51f.

finger squarely upon the center of the difficulty of protecting the Indians from "just war" when he says,

"If those who pretend it to be to their interest to make them (the Indians) slaves of war are to be judges, parties and witnesses in declaring the war to be just against them, I say that never will the Spaniard have a bad case and the poor Indian a good one and I see their liberty in danger. As Innocent (Pope Innocent IV) well says, this declaration of war cannot be made by a man who has an interest or expects profit except that interest which the Pope himself has."<sup>33</sup>

In the course of the letter Quiroga deals with another crying abuse, Indians held as slaves de rescate or by right of purchase. His argument reveals the full weight of his legal mind and his surprising knowledge of authorities both past and contemporary who had written on the subject. He is, of course, concerned with the abuses but he attacks the problem as a lawyer would. He denies the morality and hence the legality of the actual purchase contract.

To do this, he describes in detail the conditions under which slaves were kept by Indian masters and he shows it to be an institution completely foreign in nature to that under the Spanish and Roman law. He claims to be a competent witness because he has seen the native system in operation day after day. He has been called upon to hear cases in great numbers involving liberties of the natives who have come from many sections of the country. After all this exper-

33 "Información en derecho," Op. cit., 379.

ience he has come to conclude that native slavery means no more than the hiring of labor in perpetuum, or rather for the life of the employer which in Spanish law was designated locatio operarum in perpetuum. This was common practice among the natives because they did not have nor know the use of temporary hire for wages. But the native practice was distinguishable from ordinary wage labor only in that the contract lasted for the life-time of the employer. The person of the Indian remained free, it was only his labor that was sold and he lost "neither his liberty nor ingenuidad nor his citizenship nor his family position."<sup>34</sup> Moreover, the condition was not heritable and the sons of slaves were themselves free.<sup>35</sup>

The Indians apparently had no dread of this slavery and entered into it for the slightest of reasons. Inability to pay gambling debts incurred while playing ball could result in slavery for the losers.<sup>36</sup> They were in the habit of selling themselves for a handful of maize if they were hungry.<sup>37</sup> In fact, thought Quiroga, it was for the most part due to the extreme necessity placed on them by their struggles with the Spaniards and their inability to pay the tributes and other demands placed upon them that caused them to become slaves.<sup>38</sup> The Spaniards were quite willing to receive Indians from the

34 Ibid., 390.

35 Ibid., 391.

36 Ibid., 416.

37 Ibid., 352.

38 Ibid., 401.

caciques in lieu of cash. A little pressure on the part of the caciques was sufficient to cause his subjects to say they were slaves though they always understood the term in their own sense.<sup>39</sup> There was no particular dread of slavery among them. Sometimes, says Quiroga, slaves were more honored and had a better house and family and house hold furnishings than those they served. Class distinctions were so slight that at times they intermarried, sons and daughters, brothers and sisters of masters and slaves.<sup>40</sup>

Moreover, freedom was easily attained. The slave could secure his liberty merely by obtaining a substitute, either relative or any other person even though contrary to the will of the employer. Another way was by making up to his owner the cost of his purchase.<sup>41</sup>

None of these slaves owed his condition to having been captured in war. Natives so taken were promptly sacrificed. And there were none enslaved for crimes since they have no real political order and each man takes the law in his own hands.<sup>42</sup> "This then," observes Quiroga, "Is the manner and kind of slavery if it can merit such a name and which, in truth, it doesn't deserve but carries because of the corruption of a word, either by chance...or by a surplus of malice

39 Ibid., 420.  
 40 Ibid., 391.  
 41 Ibid., 441.  
 42 Ibid., 416.

or by our own inadvertance."<sup>43</sup>

If this is the condition of native slavery, the argument continues, the Indians cannot of right be transferred to another system merely by purchase where there is an entirely different and more rigid set of conditions. If the work contracted for is explicitly stated and explained in the contract (as it is in the case of Spanish slavery) then the deed can be alienated, bartered, transferred and willed to heirs during the life and death of the employer and the obligation is not extinguished as in the case of a usufruct. But if the conditions are uncertainly stated (as they are in the native system), then on the death of the employer the obligations are extinguished and expire or rather are consolidated with the liberty and ingenuousness of the employee after the manner of a usufruct.<sup>44</sup>

With regard to the transfer by sale of such persons, Quiroga believes that if the obligations they owe are clearly stated in the instrument of sale the law will protect them from injury. If this is not the case, however, and the obligations are limited only by the will of the master or if the title is universal in scope, then injustice is done because the first master may have been moderate in his demands and it was under these conditions that the man went to work. The

<sup>43</sup> Ibid., 390.

<sup>44</sup> Ibid., 391.



new master may be an altogether different type of person and be cruel and rigorous in his requirements, "whence, I believe, proceeds and ought to proceed the prohibition that they (the natives) cannot be sold or transported as slaves."<sup>45</sup>

To the argument that the natives freely sell themselves, Quiroga answers that, in the first place, it is gross injustice in the face of native ignorance of the conditions of Spanish slavery to allow the Indian to sell himself even ad pretium participandum.<sup>46</sup> Moreover, no person can sell himself into slavery because he has no such right over himself. "The statutes plainly state that a free man is not lord of himself nor of his freedom nor may he alienate it. Consequently it is impossible for a man to have himself sold even though he himself benefits by the sale price."<sup>47</sup>

Another reason for slave-taking is purported to be the cost of reducing the country. Quiroga scoffs at such an idea. "The wars here, in point of fact, are only like hunts compared to those at home." Moreover, the land itself can maintain an army easily. As it is, the natives at their own expense furnish the soldiers with all they need to maintain themselves not to mention currying the horses and providing them with straw and barley. Where the terrain is too difficult for horses, the Indians carry their masters in hammocks slung from

45 Ibid., 392.

46 Ibid., 405.

47 Ibid., 397.

their shoulders. All this is done by these poor people, "whom they so abhor that in payment of these and other benefits and services they wish to make them slaves and kill them in the mines."<sup>48</sup>

Interested parties are all too ready to accuse the natives of infamies, which are due only to long-formed habit and which Christian teaching could cure. Their guilt, thinks Quiroga, is not half so great as that of the Spaniards who even attempt to prevent their appeals to the audiencia for justice. Should any of the Indians get up sufficient courage to approach the judges it is considered a great incivility and a sign of rebellion, "whereas in truth it may be an indication of their calmness and tranquility since they are appealing for justice in their injuries to the ministers of the King and thus showing lack of desire to take it into their own hands."<sup>49</sup>

Quiroga insists that the grant of these lands by Pope Alexander VI to the Catholic sovereigns involves a duty rather than a right. Citing the words of the Bull, he says that this duty, resting on sacred obedience, consists in the Christianizing of these people by raising them up from their barbarism and introducing good customs to supplant their evil ones. To do this great care, circumspection and diligence must be used. Nor can the obligation be filled merely in passing or incidently

48 Ibid., 381.

49 Ibid., 385.

to some other purpose.<sup>50</sup>

"The pacification of this land, which no one knew about till this time, was undertaken for this purpose alone, to instruct the natives in the matters of our Faith and in good habits through the agency of wise and perfect gentlemen and not in order to make them, take them, nor hold them as slaves, leaving them free for their barbarities and ignorant and tyrannized. And god subjected them to the power of a great and Catholic King and in no manner ought there to be a stop permitted in the completion of the mode or change or state for which the land was pacified, which God in so mysterious a way has permitted to come about. Having any other purpose, I feel certain that the Spaniards may not even drink the water in this land with a good conscience."<sup>51</sup>

The Indians have no concept of orderly living nor of the common good but simply exist, every man for himself. Even in the vicinity of the City of Mexico where the natives recognize some among them as heads, there is a condition very near to anarchy, and, "In Jalisco and other parts where there is no head it is not possible to have any order but just crowds and confusion." This is, "a barbarous people that never had, nor do they have now, laws nor ordinances nor any good customs nor culture, but all is ignorance, brutality and corruption of customs."<sup>52</sup>

The obligation upon the Spaniards, therefore, consists in more than trying to convert these peoples. Indeed the success of these efforts depend very largely on the introduction and maintenance of an orderly mode of existence. Therefore, it

50 Ibid., 385.

51 Ibid., 524.

52 Ibid., 362.

is further required that the Spaniards, "put order and harmony anew in the temporal as well as the spiritual (side of their lives) as has been provided...by his Majesty and his ministers for this New World. For God has made him apostle of the one and king of the other". Therefore, he is to establish a Christian Catholic state whereby, "...conversion may proceed and sufficient sustenance be available for both Spaniards and natives."<sup>53</sup>

Quiroga is emphatic in stating that he does not advocate a blind transfer of traditional Spanish institutions to the New World. Rather, he thinks, a new government must be fashioned which can be adapted to the quality and condition of the country and of the natives so that these may be capable of knowing and understanding and, as a consequence, of using and sustaining their own institutions. The Spanish system is full of intricacies, obscurities and complexities that the Indians could never master, "from here to the end of the world". It is with much reason, therefore, that this is called a new world, not because it has been newly found, but because almost everything in it belongs to a primitive age, a kind of golden age, "which by our nation's malice and great greed has come to be an age of iron or worse."<sup>54</sup>

Clearly then, Quiroga does not believe that, aside from

53 Ibid., 362-3.

54 Ibid., 364.

the Faith, there is much of their own that the Spaniards can give these people. Rather he seems to see a glorious opportunity to bring to them a truly great civilization devoid of the blemishes that have come to disfigure Spanish society. To him, these people despite their barbarities are in an age of gold by the very simplicity of their mode of existence, unaffected, as it is, by the greed and cupidity which has made of the Spanish, a civilization of iron. This idea is mentioned several times in this document and Quiroga's efforts to give it external reality resulted in the building of the hospitals on which rests his chief claim to fame.

Quiroga pursues the idea further by emphasizing that it is necessary to start anew in the development of native institutions for these must conform to the quality, condition, complexion, inclination, usage and customs of the natives. Moreover the statutes and ordinances of a people to be effective should be diversified and vary according to local needs, and not be applied, "like the ignorant doctor who wishes to cure all sicknesses with the same remedy or the other who has all the remedies in one cabinet and draws out the first that he lays his hand on without making any distinction in them, not knowing that what may cure Dominic may make Peter sick."<sup>55</sup> In other words, the new institutions must be such as to fit the capacity and culture of a people. Otherwise

55 Ibid., 364

will languish and die.

There is a definite obligation, therefore, laid upon the Spaniards to introduce some kind of order among these people whereby they may be brought, "...to a true knowledge of their creator and of created things." To achieve this, Quiroga would permit force to be used and even war, "for just, licit and holy reasons, servatis servandis,...or better to say the pacification and compulsion of these people, non in destructionem sed in edificationem, as St. Paul said."<sup>56</sup>

But lest he might seem to be contradicting himself here and advocating force as the common means of Christianizing the natives, he hastens to add that it must be a constructive and not a destroying process since all persons, infidels as well as others, have their own proper rights, dignities, laws and jurisdiction. Gerson is his authority for saying that these rights are not based in charity nor in Faith and are enjoyed servata vel non servata. And civil authority is authority made necessary by the occasion of sin and cannot be conferred by the ecclesiastical power of the Pope. Therefore, these savages cannot be deprived of that which is their own.

"But His Majesty as King, lord and apostle, to whose care is entrusted the spiritual and temporal welfare by God and by the Supreme Pontiff has all power and overlordship necessary to rule

<sup>56</sup> Ibid., 365.

guide, govern and order, not only what may be done but also what ought to be done to create such order and way of living that the natives shall find sufficient means of maintaining themselves and those dependent upon them."<sup>57</sup>

As the best means of carrying this out, Quiroga returns to mention the plan of gathering the Indians into towns. In fact, he insists that it is the only way in which order can be established.

"I am certain that without providing this shelter afforded by large cities which can be ordered and fitted with everything necessary (for the welfare of the natives)...there will be no general conversion, nor even scarcely a particular one, nor permanence, nor exchange of ideas, nor good treatment, nor execution of ordinances not of justice in this land, nor can it be hoped for nor realized among these natives, such is their nature. On the other hand, only with this policy and method of government can the work be accomplished successfully and adequately as I said in my parecer which by experience I find more and more possible and necessary".<sup>58</sup>

The Indian's present mode of existence is the chief obstacle to progress along the line the Spaniards were to teach them to follow.

"It is a pity that this people so gentle and capable, so apt by nature for all this and whatever his Majesty may order without any resistance whatever, as they are so humble and obedient, should live as savages, scattered and miserable as beasts for lack of this order and protection which living in cities would give them. ... For since they are alone and they can't support themselves by reason of the tributes in labor and services - they couldn't do it even in the most prosperous times - they resort to selling themselves to comply with their necessities.

57 Ibid., 368.  
58 Ibid., 369.

It will be the end of them shortly unless some more profitable industry or art or other conditions of gaining a livelihood gives them the means of life, since by being alone, if they fall, as they do each day, there is no one to help them up nor witnesses nor judges nor justice in their behalf as would be the case in the order political discipline of large cities."<sup>59</sup>

59 Ibid., 369.



## Chapter V

### Utopia: The Idea and the Reality

The idea of gathering the Indians into villages for the purpose of Christianizing them was by no means a novel one in 1530. It had developed out of the necessity of dealing with the natives collectively because of the paucity of Spaniards in the beginning of the conquest. We find, therefore, that as early as 1503, in the instructions to Nicolás Ovando, the Crown had already adopted the plan.

"We are informed that for the accomplishment of the salvation of the souls of the said Indians... it is necessary that they be united in villages in which they may live close together...where each might have his house, his family, and his cultivated lands on which he may labor and sow and raise cattle. In each town thus created there should be a church and a chaplain who has charge of teaching and instructing in the Faith."<sup>1</sup>

The instructions also contain provision for securing the means to build the church, for giving the Indians representation in the town council and the building of a school and hospital, "...where are gathered and cured the poor Christians as well as Indians and for these there shall be set aside some land where farming may be done in order that they may be able to sustain themselves...over and above the goods that

<sup>1</sup> Instructions to the governor and officials of the Indies, March 29, 15-3, in Pacheco y Cárdenas, Documentos Inéditos XXXI, 156f.

good people should give for them."<sup>2</sup>

From this last statement it can be seen that to the Spaniard the word "hospital" was a far broader term than we ordinarily take it to be. Even in this brief description it stands out clearly as not merely a building set aside for the care of the ailing, but an institution of the general welfare, self-supporting, and therefore without any necessary attachment to the world about it. To these instructions, consequently, can be traced the introduction into the West of a new social agency which was to become such an effective force that one modern authority would class it with the other three great factors of the civilizing process in America, the Church, the school and the municipality.<sup>3</sup>

In some cases the hospital might even come to take to itself the functions of the others. That is, its lands and jurisdiction might be coextensive with that of the municipality, and the clergy who were in charge might combine the ministrations of church, state and school in an all-embracing program. In fact, "village" and "hospital" might come to be fairly synonymous terms. There was the distinction, however that the hospital was directly aimed at the conversion and civilization of the natives through the means of giving them an orderly existence.

<sup>2</sup> Ibid., 163

<sup>3</sup> Carmelo V iñas y Mey, El estatuo del obrero indigeno en la colonización española, in Monografías Hispano-Americanas, Madrid, 1929, 143.

The need for such an institution in Mexico is made evident in a letter of Charles of 1523. The Indians had the ability and reason, he thought, to live in a politic and orderly way in their villages and his officers were to see to it that they persevered, embracing good customs and temperate habits.<sup>4</sup> Turbulent conditions in the colony permitted only meager results for the efforts made along this line before 1530. The credit for what success there was goes to the persevering labors of the Franciscans who had adopted the method as standard procedure in their work of conversion. In the first days in the islands they made it a practice to take the Indians into their convents to be trained and they soon began to call hospitals the buildings in which they were housed.<sup>5</sup> In Mexico City (New Spain) there was the Hospital Real and in Michoacán the establishments of Fray Juan de Miguel.<sup>6</sup>

Then there was the work of the Franciscan, Pedro de Gante. This remarkable man had studied at Louvain and practiced law before he entered the Order as a lay brother.<sup>7</sup> Moving to Spain in 1522, journeyed to Mexico the following year to begin fifty fruitful years of apostolic work.

His interests were spread over many phases of apostolic

4 Cuevas, Historia de la Iglesia, I, 168n.

5 Pablo de la Concepción Beaumont, Crónica de la provincia de los santos apóstoles S. Pedro y S. Pablo de Michoacán, Mexico, 1873, V, 36.

6 Ibid., 36.

7 Gerónimo Mendieta, Historia eclesiástica indiana, Mexico 1870, 220.

work. By 1529 he had been instrumental in the building of over one hundred churches and chapels. In addition, he was responsible for the foundation of the College of San Francisco in which about a thousand native boys were given a primary and trades education.<sup>8</sup> This famous school formed but part of a larger project that included a fine church, a hospital and the college itself which included "a school for primary education, a college for higher education, a home for religious training, a crafts school, and an academy of fine arts: in a word, a center of civilization."<sup>9</sup>

If taken together, these projects of Gante's compare in a fair way with the purposes included under the term hospital as explained above. They represent the working out of the Franciscan plan to care for all the needs of the natives excepting the actual winning of a livelihood. In this latter, it differs materially from the hospital idea.

Before 1530, however, nothing was done in a systematic way nor on the ground-scale indicated in the letter to Ovando. In 1531, Zumárraga pointed out the need for these institutions in the district about Mexico City.

"...the people should be joined in a common government not scattered through the hills and mountains like wild beasts because in this condition they die without having anyone to care for their bodies or souls. The religious are not sufficient in numbers to administer the sacraments nor teach a people so

8 Jacobsen, 39f.

9 Ibid.

scattered and distant that no one can be a help to them in their necessities. Thus, if they are not brought together, the Faith and political order will never reach them or at least will be severely retarded."<sup>10</sup>

Following their bishop, the leaders of the clergy in Mexico actively championed the idea. They were thinking, however, in terms of joint villages of Spaniards and Indians on the rather doubtful assumption that, "where there are Spaniards, the natives have more of the Faith." If these villages were built, they argued, the land that was then uncultivated and vacant would be tilled and bear fruit. Indians made poor farmers and they would gain by their association with the whites. In fact, they thought, if the scattered natives could be rounded up not only would it help save souls but so much would be produced that the King would have to spend nothing on the maintenance of the land.<sup>11</sup>

Three days later the audiencia took up the matter in a long letter to the Queen. There were certain Spaniards there, not conquerors, who had a few cattle and wanted to start farming, but wanted to avoid the actual labor themselves. Apparently, they believed the government owed them a living. At any rate, the audiencia proposed to give them a plot of

<sup>10</sup> Zumárraga to Charles, February 23, 1531, Pacheco y Cárdenas, Documentos Inéditos, XXX, 115.

<sup>11</sup> Zumárraga and the leaders, of the clergy in Mexico to Charles, March 27, 1531, in Joaquín García Icazbalceta, Don Fray Juan de Zumárraga, primer obispo y arzobispo de México, México, 1881, Appendix #6.

ground where they might found a town.

"There will be no interference with their labors and we will give them a site and lands where they can work and raise cattle but no title over them until your Majesty gives the word...we have sent a person of great experience and goodness who shall select the site...which will be between Tlaxcala and Cholula which is about half way from this city (Mexico) to Vera Cruz."<sup>12</sup>

The labor of building and maintaining the town was to be performed by the natives, not as slaves but as apprentices. These were to be apportioned in lots of ten, fifteen, twenty or thirty among the Spaniards. There were two purposes to this plan, the first that they could help the Spaniards, and the other that they might be instructed and taught to follow agriculture, "...from which great rewards will be returned to your Majesty because if the natives of these parts had order and industry they would easily do great things."<sup>13</sup>

The audiencia saw one difficulty, which arose from the character of the natives themselves.

"...the greater part do not understand anything except going about idle from which comes drunkenness and then in turn insults and unspeakable crimes. Whereas if they knew some kind of art they might grow to like it and become civilized...The prospect of gain has some attraction for them but their laziness is so great that they don't do anything at all or when they do they require thousands of men to do it. One of the principle intentions that we have to secure the prosperity of all is to get them

<sup>12</sup> Audiencia to the Empress, March 30, 1531, in Francisco del Paso Troncoso, Epistolario de Nueva España, 1505-1818, Biblioteca Historica Mexicana, Mexico, 1939, II, 35-64.

<sup>13</sup> Ibid., 43.

to live as gentle folk and, therefore, it is fitting that they be placed first as disciples."<sup>14</sup>

With this purpose in mind, the audiencia had requested the caçiques of the city to secure suitable young persons to be with Spaniards of all trades as apprentices as was the custom in Spain. These young men were given to understand that when they had become masters they might take up their own establishments. This was to be the incentive to spur them on, it was hoped. "...because there are great possibilities in them and they are easily taught." A final obstacle to the scheme was the reluctance of the Spaniards themselves to train these people on any other basis than as their slaves because they feared the competition that would eventually be created and a consequent loss of their economic position.<sup>15</sup>

This then, was to be the first experiment in social planning by the new government. Undoubtedly all the oidores contributed to it from their individual information and experience despite the fact that Salmerón claimed for himself the credit for the whole idea.<sup>16</sup> It was he who suggested to the King the name of the new town, Puebla de los Angeles, and that it would be a refuge for the settlers driven from Vera Cruz where the climate was so unhealthful that it had come

<sup>14</sup> Ibid., 44.

<sup>15</sup> Ibid., 44.

<sup>16</sup> Salmerón to the Queen, March 30, 1531, in Ternaux-Campan, Voyages, XVI, 149-150, also in Pacheco y Cárdenas, Documentos inéditos, XIII, 195-206.

to be known as the graveyard of Spaniards.<sup>17</sup>

The building was rapidly gotten under way under the direction of Hernando de Saavedra and five months later it boasted of a church, public buildings, and fifty houses for the Spaniards. Each of the whites was given twenty Indians to serve him and under his direction they learned agriculture and Spanish ways of living.<sup>18</sup> At the same time the audiencia announced the beginning of another enterprise.

"There is another matter that we have undertaken in spite of the advice of everyone to the contrary except the religious and which will prove whether or not the Indians may become true Christians and civilized. The young Mexicans who are raised in the monasteries would be perverted anew without a doubt if they returned immediately to their parents. Consequently, we have charged the licentiate Quiroga to look for a place where he may establish them without prejudice to the inhabitants. He has chosen the environs of Cuyoacán, four leagues from Mexico. There he will construct small dwellings and send to that place the young Indians when they come out of the monasteries well-instructed and married according to the law of God. We shall transport to the new village a convent of religious who are now at Cuyoacán in a house belonging to the Marqués (Cortés). They shall have charge of maintaining them in the Christian religion and no one shall bother them. Two other villages of the same kind will be founded as a place to send the young Indians of the vicinity. More than two hundred have been married recently and we have given them something to start on."<sup>19</sup>

Other observations in the letter indicate that the audiencia was more than a little skeptical of the success of

17 Ibid., 163

18 Audiencia to the Emperor, August 14, 1531, in Ternaux-Compans, Voyages, XVI, 163-4.

19 Ibid., 166.



the plan and seemed half convinced by its opponents. The idea is briefly dismissed that these Indian communities can be allowed to run their own municipal governments. The Indians were not yet sufficiently civilized. Although the scattered condition of Indian dwellings was a serious obstacle to the exercise of proper supervision, nevertheless, it was a serious matter to make a change. As they were such very poor laborers it would be an extremely difficult task to have them clear new lands which would have to be done if they were to be united in regular villages. It would require a full year to build new houses and clear the required fields and meanwhile the natives would be dying of hunger.<sup>20</sup> Consequently, the plan would have to be limited to a few experiments and was not considered at all in the nature of a universal change in the condition of the Indian.

The oidor, Quiroga, to whom the execution of the plan had been entrusted had his own ideas which were largely at variance with those of the audiencia and far more pretentious. In fact, such is his enthusiasm for the project that it can be assumed that he was the real instigator of the idea. The natives should be gathered into villages, he believes, but these should be separated from the older communities and with their own field from which they can gain sustenance. The benefits would be considerable just from the now barren

20 Ibid., 168

and sterile lands that would be brought under cultivation and improvement.

The new towns will be built by Christian Indians, that is, those who have been taken and raised by the friars in the monasteries. Heretofore, when these Indians had taken wives they returned home and lapsed into the idolatry of their parents and others. There was nothing the friars could do since the Indians were poor orphans and had no land or means of their own. In their perplexity the friars turned to the audiencia for help. The only remedy possible seemed to be that of getting them into these towns. There would be a house for the friars, small and costing little where from two to four of them could live.<sup>21</sup>

Such is Quiroga's enthusiasm that he is sure that within a short time these villages will become as numerous, "...as the stars in the sky or the atoms in the sea which have no count", until finally their boundaries will be joined and every part of the country will be brought under their influence.<sup>22</sup> This, then, is no modest plan for helping the natives. Its aim is the creation of a great Christian Indian commonwealth composed of innumerable small self-ruled and self-sufficient villages which eventually would supplant or

<sup>21</sup> Quiroga to Council of the Indies, August 14, 1531, in Pacheco y Cárdenas, Documentos Inéditos, XIII, 422.

<sup>22</sup> Ibid., 422

incorporate within itself all the other institutions of the New World. Quiroga saw its full implications.

"If God guides this project, as I hope it will be guided since it is a thing of such magnitude that words cannot be found to explain it, and if your Majesty and the gentlemen of the Council approve it in an effective way - for the matter of the conversion of these natives ought to be the principal intention and end of those who attend to the administration of these regions - I do not doubt but that the result will be as I have said...I offer myself with the help of God to plant here a generation of Christians...like those of the primitive Church, since God is as well able now as He was then to accomplish everything by which He is served or which conforms to His will....This will be a great and pious work and very profitable and satisfying for the discharge of the consciences of the Spaniards here who believe that they have killed or caused to be killed the fathers and mothers of these orphans, thus rendering them destitute.<sup>23</sup>

It is obvious that there was little similarity between Quiroga's plan and the idea of the Puebla de Los Angeles. Quiroga's opinion of the Spanish settler has been indicated above. To him, the Spaniards are a corrupting influence upon the natives and consequently they are to have no part in the construction of his new commonwealth. On the other hand, at Puebla, as teachers and instructors, they are the means by which the regeneration of the natives is to take place. Moreover, the former was to be a basically Indian civilization, not a copy of that of the Old World, but a primitive Christian Society using, presumably, such institutions as these people could know and understand. But Puebla

<sup>23</sup> Ibid., 424.

was to be a mixed society dominated by the Spaniards and the natives were to assume gradually their place in an essentially Spanish world.

The official reactions to these two plans is interesting. The Queen was highly pleased with the project at Puebla and required information as to how she might render it suitable favors. Without further inquiry, she was willing to dispense the town and its inhabitants from the excise and other taxes for a period of thirty years. She is in agreement with the audiencia that, "...the principal means for bringing the Indians to a knowledge of the Faith and teaching them to be industrious and to assume refinement and a decent mode of living is to have them mingle with the Spaniards in their homes." To that end, she gives the audiencia full permission to experiment with the Indians from the monasteries.<sup>24</sup>

Toward the other plan, the Queen felt the same skepticism as the oidores. She admitted that much good would come of placing the Indians in villages but she was afraid of the possible disturbances that might result from moving them. However, she was lenient in the matter realizing that her knowledge of the situation was second hand. "You have the matter before you," she wrote, "so do what you think is

<sup>24</sup> Queen to the audiencia, March 20, 1532, in Documentos inéditos de Ultramar, X, 115.

fitting but if it appears that you can't do it readily, make the experiment slowly and not de golpe."<sup>25</sup>

It seems that even before this half-hearted approval reached the New World, Quiroga had his project under way. The site, however, is not Coyoacán of which site nothing more appears, but a small village about six miles southwest of the city called Santa Fé. Our first notice of the foundation is in letter of protest sent to the King in the name of the Spaniards of New Spain to procure a remedy for their many grievances. Among other things they were opposed to the foundation of Puebla de los Ángeles saying that it was attracting newly arrived whites and helping to prevent the growth of Mexico City.

More important, they opposed the founding of the other village of married Indians founded by Quiroga as being of little merit. It would be better, they thought, that all efforts be bent to the enlargement of the City of Mexico, "since it had to sustain the whole land." If this city were depopulated and the whites were scattered about the country there would be serious danger because of the great numbers of the Indians who by now had learned Spanish methods of warfare and still held fresh in their minds the memory of the blood shed in the recent conquest.<sup>26</sup>

<sup>25</sup> Ibid., 132-3.

<sup>26</sup> Herrera, Historia General dec. V. lib. V. cap. IX, p. 150

It is safe to assume that what was not mentioned in the letter was the quick realization of the Spaniards that here was a project for turning back land to the Indians which might eventually lead to their own displacement.

Fuenleal had a different judgment of the value of Santa Fé.

"I wrote to your Majesty how the licentiate Quiroga had built a hospital for poor Indians two leagues from this city where he spends whatever income he has, and it seems that they are multiplied and the project bears fruit. I asked your Majesty to have mercy on those who are there learning to be good Christians and giving good example to others to become so by giving them fifteen hundred fanegas of corn for them to eat. I ask your Majesty to make this alms because it will be well employed; and because I have seen that it is profitable, I asked the Indians of this city to build them four houses roofed with straw in order that there may be a place where they may reside. Those who took part in the building, did so with joyful free will saying that they were for God and that these poor natives might come to be good Christians. Moreover, there are some uncultivated lands near them and some others that formerly belonged to the valiant gentlemen of Mexico. May your Majesty order that this audiencia may give these lands so that the Indians may have a place to work, a gift that will injure no one." <sup>27</sup>

Quiroga, it seems, did not wait for the official help that this letter could bring him but proceeded to buy the lands from his own income.<sup>28</sup> An orderly system of living

<sup>27</sup> Letter of Fuenleal to the Empress, August 8, 1533, in Espistolario de Nueva España, III, #141.

<sup>28</sup> "Relación de los hospitales de la ciudad y del arzobispado de México", April 24, 1583 in Mariano P. Cuevas, S.J., Documentos inéditos del siglo XVI parala lustovia de Mexico, Mexico, 1914, 328

was set up in which the Indians divided their time between work in the fields and exercises of Christian perfection, "...in such a manner that these Indians imitated somewhat the lives of religious, living on common lands and occupying themselves in prayer and the more perfect life."<sup>29</sup>

The whole project was put in charge of an Augustinian, Fray Alonzo de Borja, who acted as a kind of master of novices. The friar did not have to catechise them since the Indians were already Christians so he spent his time in preaching to them, "... not only the wide road of the faithful but the narrow path of perfection."<sup>30</sup>

The oidor, whenever he could get away from the cares of the audiencia, went out to Santa Fé giving himself over to prayer and other spiritual exercises. He built a little house there choosing for its site a location which to this day has appealing beauty. Now marking the location, are the ruins of a little chapel on the brow of a rather steep hill with a fine view to the south. The valley below is covered by a magnificent growth of cypresses through which winds a little stream of fresh clean water. The bosque de Santa Fé and its beautiful trees drew exclamations even from the chronicler of the 16th century who knew the place.<sup>31</sup>

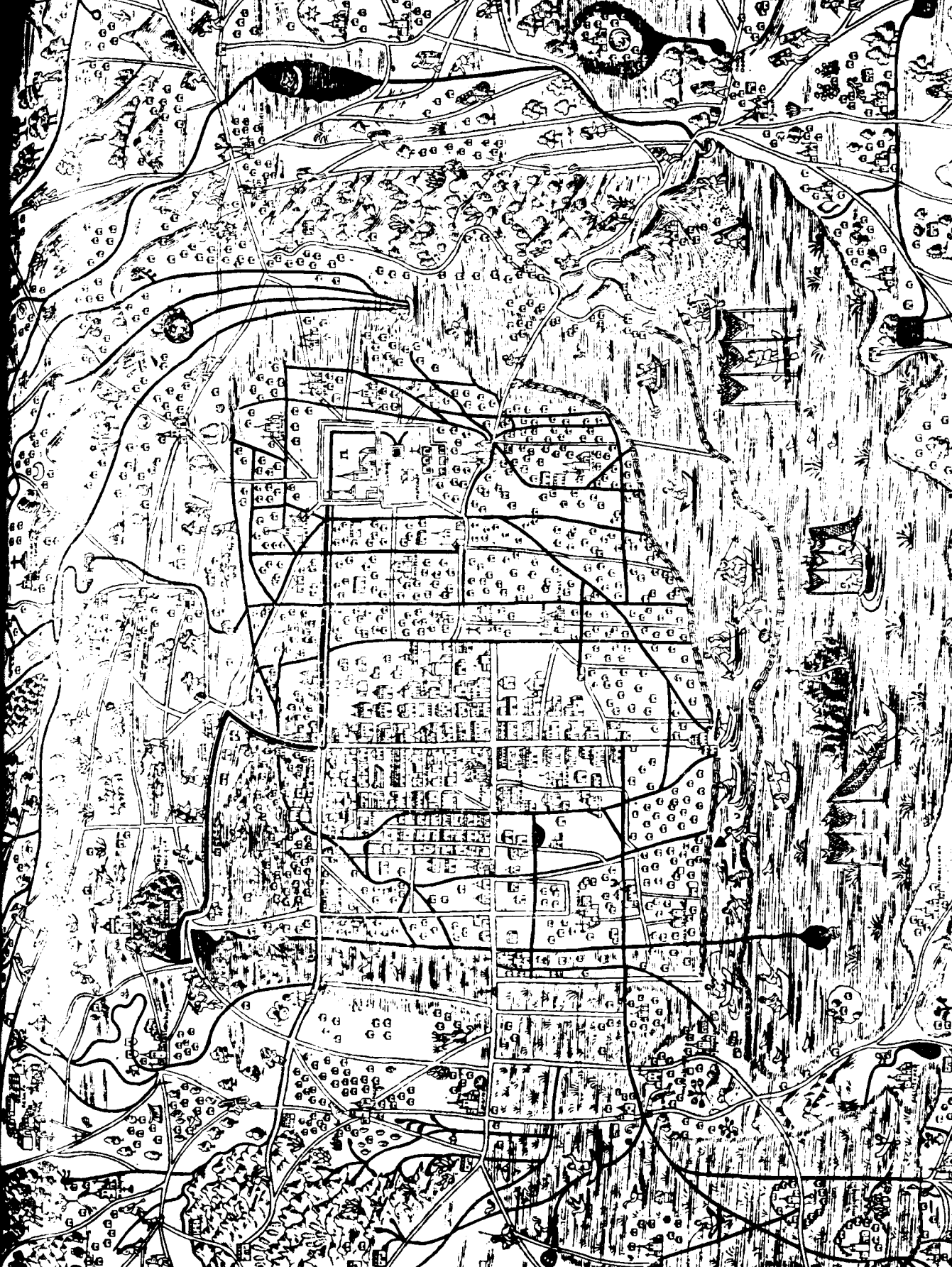
<sup>29</sup> Juan de Grijalva, Crónica de la orden de N.P.S.  
Augustín en las provincias de la Nueva España, edad. I, cap. 9, p. 15

<sup>30</sup> Ibid.

<sup>31</sup> Grijalva, Crónica, edad I, cap. IX, p. 16

Map of the city and valley of Mexico  
drawn about 1555 by Alonso de la Santa  
Cruz, cosmographer of the King of  
Spain. The hospital of Santa Fé and  
its Indians are pictured at the upper  
left of the map.





The hospital thus begun passed through a period of development that kept pace with the growth of the plan in Quiroga's mind. The letter of 1531 contains only the skeleton of the project. By 1535, the details have been more completely worked out and the purpose and scope are clearly determined. The operation of the hospital through the intervening years had, without doubt, made available a large measure of valuable experience.

The parecer of 1535 reveals, however, an important source other than experience of the ideas which were used by Quiroga. Silvio Zavala has pointed out the very faithful copy which Quiroga endeavored to make his hospital of the Utopia of St. Thomas More.<sup>32</sup> The oidor speaks of the English chancellor

<sup>32</sup> Silvio A. Zavala, La "Utopia" de Tomas Moro en la Nueva España y otros estudios, in Biblioteca Historica Mexicana de obras inéditas, #4, Mexico, 1937, I-29. Exception must be taken, however, to the interpretation which mars an otherwise scholarly work. Genaro Estrada in the introduction to the work cites R. W. Chambers to the effect that, "The Utopia has become a text book of social propaganda and made William Morris more of a socialist than Carl Marx could have done." (Introd. VII) These words, says Estrada, explain better than a long interpretative work how the ideology of the Utopia has once more become vital and "how singular is the interest in these moments of social reform in Mexico which the penetrating observations of Silvio A. Zavala have revealed in this study." (introd. VIII) Zavala makes the same inferences at several points in his study as when he speaks of "the Renaissance influence evident in Quiroga", (p.5) or when he points out that the oidor wished to make a complete break with the past, "procuring to raise Indian life by means of virtue and humanity to a level superior to the European". (The italics are his) (p.5)

The purpose here, apparently, is to show Quiroga and his guide, St. Thomas More, to have been precursors of modern materialistic socialism. The inference is clear that these men were two of the cogs in the long evolutionary process of

as, "...the author who ordered and composed the fine state and republic from which was drawn that of my parecer".<sup>33</sup> More is referred to again and again in terms of unstinting praise. He is an "illustrious gentleman of more than human talent" who has so well estimated the needs of these people that it would seem almost that he was inspired by the Holy Ghost.<sup>34</sup>

What manner of people were these that they could be served by such a plan as that of Utopia? Quiroga was under no illusion as to their barbaric state.

"They live scattered through the fields like animals and for this reason become evil, fierce, bestial and cruel, destructive, inhuman, ignorant and tyrannical toward one

(32 continued) society toward the perfection of state socialism. It is quite a different thing, however, to say that the oidor established a communal system of farming to say that he pointed the way to Marx. The communal idea has been used by religious orders for ages and is about as thoroughly Christian when so applied as anything imaginable. It is, after all, the basis of the monastic system. Quiroga merely took an institution which he found already developed within the Church itself and centuries old and applied it to the situation of the Indian.

The Renaissance, Mr. Zavala implies, was a complete break with the Middle Ages combining a disdain for and a repudiation of the validity of the institutions of that period. To say, however, that St. Thomas More was a man of the Renaissance, in the sense that he represented this fundamental revolt, is to make a mockery of his death. He died for the principle which was the essence of the medieval Idea, that is the principle of authority. "More belongs to the Renaissance only in the measure to which he denied the Renaissance", and likewise, Quiroga is of that period but not of that part which might be held culpable for the growth of modern Socialism. Cf. Edmundo O'Gorman, Santo Tomas More y "La Utopia de Tomas Moro en la Nueva España", Mexico, 1937, 32.

<sup>33</sup> "Informacion en derecho del Licenciado Quiroga", in Pacheco y Cárdenas, Documentos inéditos, X, 493.

<sup>34</sup> Ibid., 511.

another....They worship many gods and live contrary to the natural law and in tyranny among themselves...in ignorance of the manner and benefits of living in an organized society, without law and without a king...and their principals (caciques) are tyrants over the lesser and weaker ones who cannot protect themselves."<sup>35</sup>

Despite this fearful catalogue of their evil-doings, Quiroga sees them as children defiled by original sin who in their simplicity are living similarly to "that people of gold of that first golden age".<sup>36</sup> Their natures are of "fine metal" or like "soft wax" ready to be molded, a clean tablet not yet written upon or "a new vessel into which, up to now, nothing has been poured."<sup>37</sup>

These people are like those of whom Lucian wrote in the Saturnalia where it seems that everyone lived in the same manner, equality, simplicity, goodness, obedience and humility...dressing and eating such as the soil's fertility produces and offers gratuitously and almost without work or care or solicitude of their own. Now it seems that this is the case with these natives in whom there is a complete disregard and undervaluing of everything superfluous and with that same contentment and fine freedom of life and soul and with such tranquility that it seems that they are not obliged nor subject to the variations of fortune...They marvel at us with our cares and inquietude and restlessness....They seem to content themselves with very little and with whatever the day brings no matter how little. They are not solicitous for the morrow and have a complete disregard and forgetfulness of all the other things so much loved, desired and coveted by this

<sup>35</sup> Ibid., 357

<sup>36</sup> Ibid., 493, The allusion is to the Saturnalian letters of Lucian. According to the legend, in the days when Saturn was king, "earth, unsown and unploughed, bestowed her gifts upon men. Every man's table was spread automatically and rivers ran with milk and honey. Most wonderful of all, men themselves were

turbulent world of ours. All these things are completely forgotten in this golden age of theirs together with all the greed, ambition, pride, pomp, vainglory, trafficking and heart-breaks."<sup>38</sup>

Their simplicity and ingenuousness Quiroga defends as their greatest natural gift and should in no way be disturbed by the Spaniards. On the other hand, they must be protected by all means from the "pride, covetousness, ambition and unbridled malice which is almost natural to our age of iron."<sup>39</sup> For this reason, says the oidor, as "our customs cannot be made to conform with theirs, neither can we make them adopt our manner of laws nor of government". Rather everything must be revised "...to conform with the conditions of this New World and of its natives. That should be done which among these people is easy but which among us would be impossible."<sup>40</sup> The duty of the Spaniards, then, is to convert them all to the Christian Faith and a Christian manner of living, "reforming and restoring them to that state of innocence which we all lost through Adam...and nothing shall be lost with all this of their good will and simplicity but they should be guarded and preserved in this state more than before, turning all the good in them in the direction of perfection and not depriving them of the good qualities which

(36 continued) of gold and poverty never came near them".  
H. Fowler, Trans. Works of Lucian of Samosata, IV, 119.

37 Ibid., 466.

38 Ibid., 482-3.

39 Ibid., 466, 486-7.

40 Ibid., 363.

they have as their own and which we ought to have as Christians, that is, much humility and little greed."<sup>41</sup>

We have seen that Quiroga turned to the Utopia for the details of his plan. Fortunately the author himself has left for us an account of these details in their entirety as they were evolved after being some thirty years in operation. Shortly before he died, when Bishop of Michoacán, he drew up a list of ordinances for the government of the hospitals and this forms the best source of information as to the internal arrangement of these institutions.<sup>42</sup>

Quiroga by this time has had to relinquish that part of his plan which called for universal adoption of the idea by the government as the means of recasting the society of the natives. The foundations, as a result, have been restricted largely to the individual efforts of Quiroga with consequent limitations in their scope and number. His purpose, as he explained it to the beneficiaries, has still the same high moral tone and aims. They are to guard diligently the rules which he has laid down in order that they might live together in a society free from necessity, idleness, greed and disorder. The purpose in this was the salvation of their souls,

41 Ibid., 493.

42 These are printed as an appendix in Moreno's life. They were found by Moreno in the archives of the Sala Capitular of the cathedral of Valladolid (Morelia) in Michoacán. The text lacks the beginning and the end but the part preserved is quite extensive. 43 Moreno, Fragmentos, app. 6

but beyond that to show gratefulness to God for benefits received. It is for Him and for His love as well as for their spiritual and temporal well-being that they have spent such effort and have worked and are working so continuously. The Oidor still fears and warns his people of, "the three wild beasts of pride, greed and boundless ambition that destroy and corrupt everything in this world."<sup>43</sup>

The economic base of the hospitals was, of course, agriculture. There was a common farm where everything planted was for the needs of the whole community. There, all manner of farm products both of the Old World and the New, such as wheat, hemp, flax, corn and barley, were mingled.<sup>44</sup> The raising of farm animals were introduced, a complete novelty to the Indians. There were turkeys, sheep, cows, goats and other domestic animals. The raising of oxen was especially encouraged because they were rugged and their skin, meat and suet could be used.<sup>45</sup>

The land system was communal and all were to have a share in the division and distribution of the goods. But while the great farm was worked in common, each family was given a piece of land for its particular care and recreation where it might supplement the income received from the common

43 Moreno, Fragmentos, app. 6

44 Ibid., 14.

45 Ibid., 13.

hoard. But the family was entitled only to the usufruct and in case of the death of the father or an unreasonably long absence without permission of the rector and regidores, the title reverted to the children or grandchildren, and in default of these, poorest married persons were given the preference. In any case the lands could be used only as long as the family continued to reside in the hospital and were obedient to the laws. The lands were inalienable and were to remain perpetually in the ownership of the hospital.<sup>46</sup>

Labor was carefully regulated and apportioned among the necessary tasks. From the familias urbanas who lived about the hospital the rector and the regidores chose the familias rusticas who were sent out by turns to live and work in the fields. Each of these familias rusticas was composed of from four to six married men and their families who lived together on a single farm.<sup>47</sup> A change was made every two years in the personnel of the farms unless the people expressed a desire to remain longer. To provide against inefficiency that might result from these changes, one family was obliged to remain to show the procedure to the new-comers.<sup>48</sup>

Labor was performed in common, with each family working as a unit under the direction of the father. Responsibility

46 Ibid., 5.

47 Ibid., 12.

48 Ibid., 13.

49 Ibid., 11.



for the individual's efforts was fixed upon the group as a whole.<sup>49</sup> Six hours a day was spent in labor but this might be changed to two or three days a week from sunup till sundown according to the time of year.<sup>50</sup>

To forestall the possibility of a shortage due to crop failure, the farmers were urged to sow double or at least a third more than they expected to use during the ensuing year. The lack of foresight in these people made necessary the provision that no distribution was to be made in advance of actual needs.<sup>51</sup>

Partition of the common goods was made, it seems, solely on the basis of necessity. "Each one should get what he needs" of the common stock, said Quiroga,<sup>52</sup> and he was insistent on this point. "What is gathered from the six hours' work in common is to be divided among you equally, competently, fittingly and honestly according to your condition, necessity and manner of living, so that each one may receive for himself and his family what is necessary in order that no one in the hospital may suffer from need."<sup>53</sup> It is for the poor that the order has most concern. The work of charity could not be sustained, "if each one appropriated to himself whatever he

49 Ibid., 11

50 Ibid., 2.

51 Ibid., 15.

52 Ibid., 24.

53 Ibid., 4

could without regard for his neighbors which is certainly the case and has come to be the rule among us sinners. Because of the lack of such a policy and agreement on the part of the state we proceed to procure for ourselves our own individual necessities and neglect the common good which is that of the poor."<sup>54</sup>

When all ordinary needs were taken care of together with the costs of the hospital, what was left over was employed in pious works, such as caring for poor Indians, orphans, students, widows, the aged, the sick, cripples and the blind," "...so that never will anyone lack the necessities of life but everything shall be done quietly and calmly without too great a burden of work with service to God our Lord who will not permit you to be needy since all this is what our true Christian religion teaches, orders and admonishes."<sup>55</sup> The surplus was then held until there was certainty that the next year's requirements would be filled. Then it could be sold and the proceeds stored with the common funds. These last were kept in a strong box with three keys, one of which was held by the rector, principal and oldest regidor respectively. Every year an accounting was made to the leaders of the people.<sup>56</sup>

54 Ibid., 5

55 Ibid., 4

56 Ibid., 16

Since there is no mention of slaves in the ordinances we may conclude that if there were any in the hospitals they did not form an integral part of the system. It is known, however, that Quiroga had slaves of his own which he freed at his death.<sup>57</sup>

There was much to be done outside the regular duties of farming. If any time remained after the regular chores were performed, the workers were not to be idle but should find employment, some by digging and fashioning stones, others by cutting wood and planing it or cutting grain or other necessary works for the hospital.<sup>58</sup> All the buildings were to be made by joint labor as well as capital.<sup>59</sup>

The buildings consisted in a large central edifice where the sick were cared for and the administrative offices were, and then the particular dwellings of the familias. The non-farming class were housed in groups of eight to twelve married men and their families.<sup>60</sup> All the dwellings were surrounded by their own gardens and orchards.

The government of the hospitals was based partially on the patriarchal and partially on the elective principle. The family formed the basic unit of this society. These were grouped in familias a technical term applied to a group of

57 The will is printed in its entirety in Nicolas León, El Ylmo. Señor Don Vasco de Quiroga, Michoacán, 1903, 75-103.

58 Moreno, Appendix, 14.

59 Ibid., 11, 12.

60 Ibid., 16.

eight or ten families of common kinship who lived together. In these households, the oldest grandfather presided and to him all the others owed respect and obedience. In addition, women were subject to their husbands and in general, the younger paid deference and respect to their elders. Thus all worked and toiled together. In this way, Quiroga thought that the necessity of having servants, who were expensive and troublesome at best, could be obviated.

Upon the elders was placed the obligation of looking after and taking care of the needs of their dependents. They were to regard all collateral descendants of their familia with the same affection as they did their own children. They even had the responsibility of punishing them if need be. If this were carried to excess, however, the aggrieved person could bring the matter to the attention of the rector and the regidores and in certain cases might be given the permission to choose another house in which to live.<sup>61</sup>

A restricted form of popular election was used in the choosing of the principal and the regidores. The poor people of the hospital were divided into four groups which each selected a candidate for principal. Then, after the celebration of the Mass of the Holy Ghost and the taking of appropriate oaths, the fathers or chiefs of all the families

61 Ibid., 10.

selected one of the four by secret ballot to serve as principal for a term of three to six years.<sup>62</sup>

The regidores were chosen by the same method but for annual terms. One of these, with two fathers or chiefs, assembled every third day in the hospital to administer justice among the poor.<sup>63</sup> The regidores and the principal taken together had the duty of naming those who were to take their turn at farming. They had complete authority under the rector for the general administration of the hospital.

"If anyone gives a bad example or is not fit to be in the hospital and gives scandal or causes dissatisfaction by being rebellious or a drunkard or too lazy or doesn't obey the ordinances and is incorrigible or acts against the common good, he may be expelled and must restore what he has gained from the hospital."<sup>64</sup>

The rector was the highest in the political hierarchy, Being a clergyman, he was appointed by the bishop for an indefinite period. He had supreme authority under the ordinances and to him ultimately everyone was responsible.

The author of the Ordinances did not neglect the social welfare of his charges. Since the family was the basic organism of these communities, every protection was given to marriage. Mothers and fathers were to see to the marriage of their children. Fourteen was considered to be the minimum age for boys, twelve for girls. Mates were to be selected

62 Ibid., 19.

63 Ibid., 20.

64 Ibid., 27.

preferably from other families within the hospital but at least from among the neighboring tribes. Marriage was to be celebrated with the consent of the parents, not clandestinely, and according to the provisions laid down by the Church.<sup>65</sup>

Children born in the hospital were to be trained in their A.B.C's, in Christian doctrine and in moral living.<sup>66</sup> They were educated also to take their places in the community when the time came. Training in agriculture was an important part of the preparation for boys. On two days a week after the regular hours of class they were taken out to the farms for exercise and to learn the trade. However, this activity was not to be allowed to become associated with the drudgery of farm life but rather it was to be presented to them "in the manner of a pleasant game or a pastime".<sup>67</sup> (Patristic shades of our progressive school-men.) Moreover, whatever was achieved by them in the way of tangible profits was divided among them, "...so that they may learn and profit thereby. The division is not to be made as if they were children but prudently according to the age, strength, work and diligence of each as their master deems fitting, promising them some reward which he gives them if they accomplish the task."<sup>68</sup>

Quiroga here recognizes the need of appealing to the

65 Ibid., 8,9.

66 Ibid., 2.

67 Ibid., 9.

68 Ibid., 9,10.

acquisitive instincts of the people to procure greater results in their work. It is a principle which he seems to slight elsewhere in favor of the idea that the obligations of justice and charity toward one another will be sufficient motivation for securing cooperation among them.

Young girls fit into the economic scheme as well as their brothers and were expected to do their share for their own and the common good. They were to be trained in the making of articles from wool, linen, silk and cotton in the looms.<sup>69</sup>

The Ordinances had regulations for almost every phase of life with the purpose of combining simplicity with modest comfort. Clothes were severely plain. For both men and women, they were to be white cotton or woolen cloth, clean, and without embroidery or other finery. It was urged that they be home-made in order to save the cost of the tailoring. Married women were to cover their heads with white hoods, again without ornament, especially when they went to church. Those who were unmarried need not do so.<sup>70</sup>

Quiroga makes a simple statement of his reasons for these regulations. Conformity in dress was designed to avoid causing envy or pride from wishing to dress better than others, "...from which comes jealousy, disension and discord among vain and imprudent men."<sup>71</sup>

69 Ibid., 10.

70 Ibid., 16.

71 Ibid., 16.

There was to be no painting or daubing of the face, hands or arms in any manner, "as you were in the habit of doing unless for medicinal purposes...because cleanliness is laudable...and to go about painted or to wish to add to the disposition of the body, which God our Lord has been pleased to give to each one, is hateful."<sup>72</sup>

Recreation was also provided for. One purpose of giving to each a particular plot of ground was that he might find there a place for his enjoyment and relaxation.<sup>73</sup> He might also, with permission of the authorities, go out to the country for a vacation. Provision was made for taking care of them at one of the farms until the time came for them to return to their labors.<sup>74</sup> In the hospital itself, a large room was provided where at Easter time or on the principal feasts they might eat together and enjoy themselves, "giving thanks to our Lord".<sup>75</sup>

The sick were taken care of in the largest building of the group which was the hospital proper. It was built to surround a square patio along one side of which was the great room or infirmary for contagious diseases. Along the opposite side were the rest of the patients. The other two sides of the building were occupied by the administration offices and

72 Ibid., 24.

73 Ibid., 5.

74 Ibid., 19.

75 Ibid., 28.



the dispensary respectively. In the center of the patio itself, was a little covered chapel, open at the sides, where Mass was said which the sick and others might hear.<sup>76</sup> The sick were to be given the first and best of everything in the hospital. Druggists, doctors, and surgeons were paid to make regular visits.<sup>77</sup>

Development of the spiritual life of the residents was encouraged in every possible way. Certain feasts were set aside for special observance by the founder, such as, the Elevation of the Cross, St. Michael, The Assumption, the Holy Saviour and others.<sup>78</sup>

An early chronicler gives us a glimpse into the spiritual activities of the hospital at Santa Fé, Mexico.

"At dawn, all the town population gathered to recite the Christiana Doctrina (Catechism?). Mass was then said and a sermon was preached. This occurred every day of the week. When this was finished, and it was no longer early, the people went to their houses for something to eat. Then those who had work to do, set about it and the rest went back to the church to ask us (the Friars) questions about doctrine, still others, to teach it. In such a way, all were occupied in virtuous works. In the evenings all gathered on the street corners in their respective neighborhoods where high crosses were

76 Ibid., 25. The Crónica of Grijalva says of the hospital at Santa Fé, Mexico, that, "This grand building stands until today (ab. 1624) with ancient pictures that divert and move deeply those who see them." edad I, cap. IX, 17.

77 Moreno says, "up to the middle of the past century, (17th) large sums were spent by the rectorors of Santa Fé, (Mex.) on doctors and medicine for the hospital." Ibid., 26.

78 Grijalva, Crónica, edad.I, cap.IX, p.16

hung always adorned with flowers. There they sang the Doctrina. Then they asked Our Lord to take them in His hand so that they might not offend him that night. From this beginning came the custom, afterwards established in the whole province, of singing the Doctrina in the villages at night and in church in the morning. This custom has lasted till this day."<sup>78</sup>

78 Grijalva, Crónica, edad.I, cap.IX, p.16

## Chapter VI

### Expansion of the Work and Official Approval

In the year 1531 the King proposed that a person be sent to the province of Michoacán to bring back exact information as to the state of affairs in this, one of the most recent additions to the Crown of Spain. The King was interested in learning of the possibilities of securing wealth in the new region, of how it might best be governed and the natives converted to the Faith.<sup>1</sup>

In virtue of this order, Don Juan de Villaseñor was empowered with full authority to carry out the mission. As a means of securing the desired information he was vested with inquisitorial powers and to hear and determine cases involving public morality. It was as a result of the report of Villaseñor that the King wrote the audiencia to consider the advisability of sending one of their number to visit and inspect the provinces, "...to provide as well for the welfare of the Indians as their punishment and for the correction and regulation of the Spaniards..." The visitador is to see, "...how the natives are treated, how the King's ordinances and instructions are obeyed and to bring back the

<sup>1</sup> Cédula from Charles V to the audiencia cited by Beaumont, Crónica III, 416-7.

information to the audiencia. Here it shall be collaborated and a full report sent to the King together with the opinion of the oidores."<sup>2</sup>

Apparently the answer from the audiencia was favorable for April 20, 1533, the Queen writes in part as follows:

"I order that one of you, the oidores, with two religious of good life and orthodox doctrine shall attend to the visitation of one or two provinces and another, with two other religious shall visit another section etc."<sup>3</sup>

It was as a result of this last letter that Quiroga was appointed to tour the district of Michoacán. It is a matter of general knowledge how this district had been despoiled by the conqueror Guzmán when that worthy after his displacement in Mexico City, tried to recoup fame and fortune by carrying out a new empire for himself in the West. More serious than his depredations was the lasting enmity it created among a people who might become formidable enemies of Spanish rule. According to Beaumont, "All New Spain saw itself threatened by a prolonged war which would have stopped the progress of the conquest even to the extent of losing the Kingdom of Michoacán for God and for the King because the valor of the Tarascan people was not to be scoffed at."<sup>4</sup>

Before the coming of the conqueror, the spiritual conquest

2 Cédula of the Queen to the audiencia, March 20, 1532, in Puga, Cédulas, I, 261-266.

3 Queen to the audiencia, April 20, 1533, in Puga, Cédulas I, 300.

4 Beaumont, Crónica, III, 334-5.

of Michoacán was well on its way to success through the efforts of the Franciscans under Martín de Jesús, one of the original "twelve apostles." Religious establishments had begun to spread around Lake Pátzcuaro with Tzintzuntzan as the base of operations.

When Guzmán made his march through the district all restraint on the cupidity of the Spanish settlers was lifted and general licenciousness found the Indian the chief victim. Demands for labor and tribute became unlimited and the murder of the native king in cold blood made the labor of the missionaries almost a mockery. The terrified population fled to the hills or the forests on the western lowlands and left the conquerors in possession of the land.<sup>5</sup> Thus terrorized, the natives lost all contact with the missionaries. They reverted to idolatry and polygamy and took reprisals on the Spaniards, robbing and murdering them at every opportunity. It was to remedy these and other evils, therefore, that Quiroga was sent to visit the province.<sup>6</sup>

There is some doubt among the early writers about the date upon which Quiroga began his visitation. Herrera seems to infer that it is 1536 as do Gil González and Juan Olaz de la Calle. But Beaumont who had in his possession the papers of the residencia insists that Quiroga reached Michoacán as

5 Bancroft, History of Mexico, II, 470

6 Beaumont, Crónica, III, 518; Moreno, Fragmentos 30-2.

early as 1533.<sup>7</sup> Since the residencia was held in 1536 and the oidor could not have been on his travels at that time, it would seem that the earlier date is correct.

We learn that Quiroga left for Tzintzuntzan accompanied by a secretary and alguacil together with some interpreters and stopped at the convent of Santa Ana built outside the city by the Franciscans. A conference with D. Pedro Guangua, the native governor, followed. A meeting was then called of the principal chiefs and influential inhabitants. Through interpreters the oidor addressed them explaining to them the object of his visit and conveying to them the best wishes of the audiencia. Then he proceeded to catechize them, explaining to them the falsity of their gods and urging baptism. These methods produced such a great impression that it was resolved to follow them with others of the same pattern.<sup>8</sup>

In choosing Tzintzuntzan as a base of operations Quiroga followed the leadership of the Franciscans. This town had been the ancient administrative center of the Tarascan kingdom and it was fitting that the new government should have its seat there. The zealous visitador was soon persuading the Indians to bring in their idols of wood and stone to be burned as proof of their devotion to the new faith. Large numbers

<sup>7</sup> Herrera, Historia General, Dec. V, Lib. 5, cap. X and Beaumont, Crónica, III, 517 and IV, 11.

<sup>8</sup> Taken from the autos of the residencia, Moreno, Fragmentos, 32F.

were baptized.

One of the native arts in particular seems to have been put to good use by Quiroga. In making their idols, besides wood and stone, the Indians used a paste derived from corn stalks. It is hard to conceive of such material as this being adopted to the making of statues, yet first hand experience has convinced the author of the remarkable artistry and durability of the images thus fashioned. Quiroga used this talent to have produced images of the saints. One instance will show how remarkable this work is. There is existent today in the church at Pátzcuaro an image which, there is sufficient authority for believing, was made at the bequest of Quiroga under the direction of a Franciscan. It is a statue of the Blessed Virgin which, under the title of Salus Infirmorum, is venerated in all Michoacán, Guanajuato and other parts of Mexico.<sup>9</sup> While the figure is richly clothed, as is the prevailing custom, the features are finely fashioned and hardly to be distinguished from carved wood.

Quiroga brought many changes in the lives of the Indians. Men and women were taught to dress modestly, to come and live in the villages, to hear Mass and frequent the Sacraments. Such was the flourishing condition of the Faith among the

<sup>9</sup> Nicolas León "Los Indios Tarascos del Lago de Pátzcuaro", in Annales del Museo Nacional de Arqueologia, Historia y Etnologia, Series 5, vol. I, p. 153.

natives that the Franciscans found it necessary to found five new convents in the space of three years. Moreover, in virtue of Quiroga's good offices the Indians of the towns never felt the weight of the tribute to an encomendero who would oppress them under the pretence of conferring benefits.<sup>10</sup>

To Quiroga, either as visitador or later as bishop, is generally ascribed that system of economy which is one of the interesting features of the region to this day. Its origin is described by Father Alegre:

"He (Quiroga) arranged that all the mechanical arts should be divided among the several villages so that that particular art which had become the special province of the one village should be practiced in no other. In some were cotton factories, in others, those for making feather decorations. Some villages worked in wood, others in copper, while still others fashioned gold and silver. Painting, sculpture, music, all had their special groups of artists. Children learned their traditional tasks from their parents and progress resulted from the contribution of generation after generation... He (Quiroga) secured the necessary tools for their work and imported skilled masters to teach them. A single man was the soul of the system and the final appeal of the inhabitants of more than a hundred and thirty villages which had placed all their love and confidence in his charity, his prayers and his wise direction.<sup>11</sup>

So successful was the system that it has survived to this day. Thus on feast days in the principal plaza at Pátzcuaro one may see Indians from Tzintzuntzan selling the pottery for which they had earned distinction; others from

10 Moreno, Fragmentos, 36

11 Alegre, Historia de la Compañia de Jesús, I, 94.



Cocupao stand in front of their painted and lacquered trays and boxes; there are those of Comachuam whose chief occupation is carpentry and those of Turícuaro with their metates, long stones shaped like a rolling pin for grinding corn; lacquer ware from Uruapan and famous black sombreros from Nurio called panzas de burro etc., etc.<sup>12</sup> Whatever changes have occurred during the course of the years, the system itself appears as unchanged as when Father Pérez de Rivas wrote of it in 1654.<sup>13</sup>

Probably the most notable contriuction of Quiroga to the material well being of the natives was the transplanting of the hospitals to Michoacán. Since the subject of the hospitals has been treated above, (106f) it will suffice to mention here only the details of their inception in the West and something of their effect upon the lives of those who were brought under their protection. The first was built in a little town founded by the oidor on the eastern shore of Lake Pátzcuaro a short distance from Tzintzuntzan. He called it Santa Fé de la Laguna as a counterpart to Santa Fé de Mexico, which had been established in 1531. Many years later, in making his will, the then Bishop of Michoacán gave the circumstances of the beginnings of these institutions.

12 Nicolás León, "Los Indios Tarascos del Lago de Patzcuaro", Anales del Museo Nacional, Series 5, Vol. I, p. 152.

13 Pérez de Rivas, Crónica e historia religiosa de la provincia de la Compañía de Jesús de México en Nueva España hasta el año de 1654, Mexico, 1896, I, 103.

"We, the Bishop of Michoacán, D. Vasco de Quiroga, ... being oidor of His Majesty, the Emperor Charles V... in the royal chancery which resides in the City of Mexico and many years before taking Holy Orders or having any ecclesiastical income, were moved by devotion and compassion at the misery and great suffering little seen or heard of elsewhere which the poor Indians, orphans and miserable wretches, natives of these parts, underwent. Such was their condition that many of them of adult age sold themselves or permitted themselves to be sold as slaves; orphans and minors were stolen from their elders for the same purpose. Others wandered about naked waiting for food that had been left by hogs, and all this, over and above their wide dispersion, their lack of any kind of moral training or orderly living. (Under these conditions) I founded and endowed at my own cost and from my own salaries with the favor of God and His Majesty, the Emperor and King, Charles our Lord, two hospitals of Indians called Santa Fé... the one in the City of Mexico and the other in Michoacán."<sup>14</sup>

The fame of the new projects seems to have quickly reached the court because in the instructions to Mendoza, the new Viceroy, is told to inform himself of the condition of the new towns, to see, "...if they conform to the service of God and our own and if it is fitting to sustain them."<sup>15</sup> The findings of the Viceroy must have merited approval for in the Fall of the same year the Queen issued an order providing for their support.

"In behalf of the licentiate Quiroga, our oidor of the said audiencia, I have been

<sup>14</sup> This is a copy of the lost original cited by Beaumont in Crónica, V. 586.

<sup>15</sup> Instructions given to the Viceroy Mendoza, April 25, 1535 in Collección de documentos inéditos III, p.2.

informed that he has founded two towns and hospitals of poor Christian Indians; that it is fitting that they should engage in agriculture; that near the said towns are some uncultivated lands which are suitable for the purpose; that they could not be used by others and are worth little. Since it has appeared that this is a matter directed to the service of God and our Lord...I have agreed to remit them to you for that purpose and I order you to see to it that it is done."<sup>16</sup>

At first glance this appears to be a niggardly manner of aiding a good cause. But it must be remembered that the gift of valuable lands to the use of the Indians would have raised a howl of protest from the Spanish colonists. The Crown was temporizing of necessity for Spain's tenure in the New World depended largely on her ability to continue making such awards as would keep her own colonists satisfied and so prevent their return home. At any rate the grant is made July 23, 1539. It stresses the fact that the lands are barren, belong to the Crown and that the gift is not to the injury of any third party.<sup>17</sup>

Fortunately for the natives, Quiroga did not wait upon favors from home. At Pátzcuaro there was shortly begun another Hospital, that of Santa Martha dedicated to the Immaculate Conception which became the foundation for many

<sup>16</sup> Queen to Antonio de Mendoza, November 13, 1535, in Beaumont, *Crónica*, V. 290.

<sup>17</sup> Order of Mendoza, July 23, 1539, in Beaumont, *Crónica*, V, 291.

others throughout the province of Michoacán.<sup>18</sup>

The matter of the foundation of the hospitals in Michoacán has given rise to among discrepancies among the early writers as to the author of these institutions. There can be no question of Quiroga's fatherhood of those named above but there is some evidence for believing that these were not the first in the district. This evidence comes chiefly from the Franciscan writers, Francisco Gonzaga, Alonso de la Rea and Juan de Torquemada.

These, of which the first two are contemporaries of Quiroga, are one in their opinion that Fray Juan de San Miguel was the first to apply the hospital idea in Michoacán.

Fray Gonzaga, General of the Franciscans, who writes first (1587), gives evidence to show that Fray Miguel prior to the visitation of Quiroga had already begun to gather the Indians into villages and was teaching them to cultivate the fields and live together as human and rational beings so as to secure the advantages of a social existence. He maintains that in each of the villages, hospitals were erected next to the churches under the title of the Immaculate Conception.<sup>19</sup>

Torquemada, writing about 1600 is just as explicit. Fray Miguel, "the better to give effect to the great zeal he

<sup>18</sup> Diego Basalenque, Historia de la provincia de San Nicolás de Tolentino de Michoacán del orden de N.P.S. Augustin, Mexico, 1673, 449.

<sup>19</sup> Francisco Gonzaga, De Seraphicae religionis Franciscanae, cited by Beaumont, Crónica, IV, 96.

had for their (the Indians') conversion, brought down many peoples who were living scattered in the mountains into fertile lands where he founded well ordered villages making their inhabitants worthy of the name of men, a condition seriously lacking in the mountains where they were living... This distinguished gentleman was the first to found hospitals in all the pueblos of that province."<sup>20</sup> Similarly, La Rea in his Crónica de Michoacán.<sup>21</sup>

The probability that these writers took their information one from the other makes their cumulative testimony of no more value than that of the one. There is, however, a conditioning circumstance that gives added weight to their claims. While testifying in the residencia of Quiroga in 1536, Fray Miguel gives evidence that he preceded Quiroga into Michoacán. He mentions nothing, however, as to the nature of his own work there.<sup>22</sup> This leaves us to conjecture whether Fray Miguel, although first on the ground, started the work immediately on his arrival.

The Augustinians are generally favorable to Quiroga in the matter. He was their patron and entrusted them on several occasions with the care of his hospitals, notably the one at Santa Fé, Mexico. Grijalva, the earliest of these

20 Juan de Torquemada, Monarchia Indiana, Madrid, 1723, lib. Xx, cap. LIV, 507.

21 Alonso de la Rea, Crónica, lib. I, cap. 27

22 Autos of the residencia cited by Beaumont, Crónica, V, 30.

writers (1634), (ambiguously) states that, "one who greatly aided these foundations and the principal mover and patron of this saintly work was that holy prelate and distinguished gentleman, D. Vasco de Quiroga."<sup>23</sup>

The decision resolves itself into this: Quiroga may not have been the first to introduce these institutions into Michoacán, but there can be no question that his foundation at Santa Fé, Mexico, had priority over the others. Moreover, the hospitals at Pátzcuaro and Santa Fé de Michoacán were the result of his own inspiration and labor. Nor from what is known of the Franciscan establishments, can they be said to be comparable to Quiroga's in scope. It is true that they took the Indians into their convents and gave them a building which came to be called a hospital but there is nothing to indicate even in the case of Gante's establishment in Mexico City, which was not parrallel in purpose, that the Franciscans ever aimed at anything so inclusive in intention nor elaborate in both plan and actuality as the hospitals of Quiroga.<sup>24</sup> It is to Quiroga alone that royal aid and recognition is given through a grant of lands. His extraordinary interest and preoccupation are sometimes a cause for complaint by his superiors.

"I have written your Majesty that there are but two oidors in this audiencia: Ceynos and

<sup>23</sup> Juan de Grijalva, Cronica, Edad II, cap. III, p. 69

<sup>24</sup> The Franciscan idea of the hospital is discussed supra, 108.

Loaysa; because the Licentiate Quiroga is occupied more with the affairs of the Church than those of the audiencia and his presence is greatly needed: If I send one on a visit only one remains here and that is not sufficient to carry on the business of the country."<sup>25</sup>

Finally, it is the oidor who later as bishop extended the system throughout the province and gave it permanence and value in the life of the country.

"He (Quiroga) established many excellent institutions in his bishopric which are preserved even today (ab. 1654) in all the pueblos of this widespread nation. The first in importance was the foundling of hospitals in all the towns of the parishes wherein is not only practiced works of corporal mercy for the benefit of the sick poor but other works of piety and devotion."<sup>26</sup>

Praise is given for the work of the hospitals in checking disease as in the great plagues of 1545 and 1576<sup>27</sup> but even more lavish are the encomiums for their having established Christian practices and civilized ways among the Indians.

Motolinía passing through the district in 1549 on the way to Uruapan wrote his impressions of the state of affairs at the time.

"So much Christianity and peacefulness is found in Your Grace's diocese that I went along giving thanks to God and saying that

<sup>25</sup> Fuenleal, President of Audiencia, cites in Ternaux-Compans, Voyages, XVI, 236.

<sup>26</sup> Perez de Rivas, Crónica, I, 163.

<sup>27</sup> Alegre, Historia, I, 110.

in all New Spain there is not half the Christianity among the natives in three parts together as there is in the province of Michoacan."<sup>28</sup>

The more immediate value of the hospitals to the cause of civilizing the natives both about Mexico City and in Michoacán is brought out strikingly in the papers of Quiroga's residencia, to which, in keeping with the traditions of Spanish paternalism, he had to submit in the year 1536. In November of the year previous, a letter was dispatched by the Queen commissioning the licentiate Francisco de Loaysa, former oidor under Guzmán, to investigate the work of the second audiencia, to find out how they had "...used and exercised their offices in the period they had held them."<sup>29</sup> The residencia was to last for sixty days but Loaysa had the power to shorten it at his own discretion and to pass sentence as justice or the law demanded.

The audiencia had to be present in person wherever Loaysa chose to take up his residence and they must remain there for the entire period under penalty of the law. The juez de residencia was to use what means he could find to gather information even using secret spies if necessary. In addition, the parties were to be allowed to testify in their own behalf

28 Letter cited by Cuevas, Historia de la Iglesia, tomo I, 319.

29 Queen to Francisco de Loaysa, November 13, 1535, in Puga, Cédulas, I, 377.



and to produce witnesses. After the termination of the trial, the juez was to send the complete record of the proceedings so that the court might be informed, "...how and in what manner the said oidores have used and held and treated the matters of the service of our Lord God, especially regarding the conversion of the natives, in the collection of taxes and fidelity to the welfare of the royal hacienda, the good of the land and its inhabitants and how our fiscal agents have fared."<sup>30</sup>

During the period of the residencia, Loaysa was to take over the operation of all government business, and the administration of civil and criminal justice. In fact, he was given plenary powers and it was ordered that the oidores, "from the day that they are notified by this letter, are not to use their offices longer, under the penalties which fall on those who attempt to exercise justice without having the power or the faculty for so doing."<sup>31</sup>

The promulgation of the Queen's order took place in Mexico City on February 24, 1536, at the hour of vespers. It was read by Juan de Mantilla, public prosecutor, in the presence of a scribe, witnesses and a large gathering of the townspeople. The residencia thus officially commenced.

Loaysa's investigations resulted in no serious charges

30 Ibid.

31 Ibid.

being made against the Quiroga. The most important said that he had ordered a number of houses to be built at Santa Fé, Mexico, on land which he had acquired for the project. But as there was no adobe in the vicinity, the Indians destroyed their own houses to supply the deficiency. Furthermore, they carried the materials consisting of stone, lime, wood and adobe all the way from the City of Mexico to Santa Fé, a distance of two leguas grandes with resultant injury to their frail constitutions. It was shown, however, that the Indians had been paid for their work in a just manner, and if they had done other things, they had done so voluntarily and spurred on by their fervor which caused them to wish to aid these establishments so useful to themselves and to nation as a whole. It was also found that the work was done without violence or oppression of the natives and that at the time of the building, clothes were distributed to the Indians over and above their sustenance. Finally, the cost of the whole was very moderate since the houses built for the Indians were very small and in no way different from those they generally lived in. The church itself was housed in an old building found there but which, because it was plastered, seemed to be worth more than it really was.<sup>32</sup>

<sup>32</sup> Moreno, 19f, and Beaumont, Crónica, III, 315f. The latter reprints much of the material of the residencia from a copy of the originals which he found in the Cabildo of the Cathedral of Valladolid (now Morelia). Cf. III, 307.

Quiroga, then, according to custom, was allowed to bring in witnesses in his behalf. To these was put a series of questions drawn up by the oidor, himself, which the witnesses were to answer at length. Among those pertaining to the hospitals there were the following:

#33. Whether or not they knew that until Quiroga went to Michoacán by order of the audiencia, the inhabitants were living like beasts, without knowledge of God, and savage in manner and dress; but that after he went and talked to them and gave them to know of the service of God and His Majesty, they dressed themselves, brought their idols to be destroyed and began to observe the regulations of Christian marriage; that many came to Mass and sermons; that many infidels were baptized; that much of the advance that had occurred was due to the hospital of Santa Fé, (Michoacán) which was founded by Quiroga; that many had come there not only from the vicinity but from the wild Chichimecas to the west bringing their wives and children with them because they had heard of the goodness and Christian piety of the place; and that they were becoming full-fledged Christians and obeying the King as well.

#34. Whether or not they knew that just as great a service was done for God and his Majesty in the founding of Santa Fé, Mexico; that there they cure the sick, find the lost, bury the dead, care for orphans until the time for their

marriage, baptize the infidels, teach the ignorant and cast a glow of light over the whole region; that they smooth over and try to find a remedy for the many acts of violence done by those who passed there lately; that whereas they used to come to church late, indifferently, or never, now they come devotedly and voluntarily to exercise the works of mercy, to hear Masses, to recite the Divine Office and to destroy their idols.

#35. Whether or not they know that in this hospital on feast days the Indians sing the High Mass and the Office of the day; that on every day of the week they recite the canonical hours in plain chant; that there are baptisms, confirmations, marriages, administration of the sacraments and the performance of works of mercy; that the Indians are taught grammar in order that they may read and write and learn to officiate in the Divine Offices; that they teach young orphans from remote parts so that afterwards they may go out to teach their fellows.

#36. Whether or not they knew that for the support of the hospital and its inmates, "I, the licentiate Quiroga have spent and consider well-spent (after seeing the results, good order and example of the hospital spreading into the whole land among the said natives) as much as I was able to save and have saved from the salary which his Majesty has given me from which alone I have taken my ordinary needs of the day. This

This all has been done only for the service of God and his Majesty and the discharge, in part, of the obligations of the consciences of all and mine with them and without any other interest."<sup>33</sup>

Following these questions, there came the depositions of the witnesses whom Don Vasco presented in his own behalf. He was able to secure the testimony of some thirty-five persons of prominence in New Spain and they all declared in his favor. Among them was Zumárraga, the bishop of Mexico; the dean of the Cathedral of Mexico; the corregidores of Mexico, Puebla and Michoacán; Fray García de Cisneros, head of the Franciscan province of Santo Evangelio of Mexico; Luis de Fuensalida, Franciscan, who had been named first bishop of the projected diocese of Michoacán but had declined;<sup>34</sup> certain other friars, among them Francisco Ramírez, Francisco Soto, Antonio de Ciudad-Rodrigo, Miguel de Bolonia and Juan de San Miguel, the last, notable for his work in connection with the hospitals in Michoacán. The Augustinians were represented by their prior, Juan de San Roman; then there were other priests, Indian caciques, governors and principals of Michoacán.<sup>35</sup>

<sup>33</sup> Papers of the Residencia in Beaumont, Crónica III 319-322.

<sup>34</sup> Beaumont, Crónica, IV, 12-18.

<sup>35</sup> Papers of the residencia, in Beaumont, Crónica, III 322.

The most important of the witnesses was the bishop of Mexico. The tenor of his testimony was as follows:

To the thirty-third question, he replied that in his opinion the people of Michoacán were very rude and little capable nor inclined to receive the Faith; that due to these difficulties the Franciscans had twice been compelled to abandon their labors there. He knew, however, that after Quiroga made his visit to the district such progress was made that five or six monasteries had been built. He maintained that the Indians were rapidly learning to dress skins, make soap, and saddles for horses, shoes, sandals and other articles from which they gained a living. The bishop thought that idolatry was diminishing and that marriage was becoming Christianized. He found that the hospital there was very large and had become a great spiritual and temporal refuge for the natives and from the Provincial of the Franciscans he had learned that the unconquered Chichimecas were coming from a distance to hear the good news and see the good works. So interested were these Indians that a number of religious were desirous of going out among them to preach.

To the thirty-fourth question he answered that he considered that the Lord had been well served in the foundation of Santa Fé, Mexico, because of the charity and piety there practised. "In truth the said licenciado Quiroga gives a good lesson and even a reproach to the bishops of these parts

with all he does and in spending what he has in these hospitals and congregations and by exercising such great works of mercy in them."<sup>36</sup>

In answer to the thirty-fifth question, the Bishop said that everything was as stated in the question. Furthermore, the oidor seemed to have the time to do all this without neglecting his duties as oidor. If things were otherwise than stated it would soon be discovered.

As far as the thirty-seventh, the Bishop knew positively and it was a matter of public knowledge that Quiroga spent his income on the hospitals and had nothing left over as did the bishop of Mexico at the end of the year.<sup>37</sup>

The testimony of Francisco de Bolona is both interesting and important. He was the guardian of the monastery at Tzintzuntzan and consequently gave an eyewitness account of the foundations there. This friar had been in Michoacán when Quiroga came to that province some three years previously and he had seen the work grow. Quiroga, he said, had been so well received that it seemed to be the hand of God working in his favor.

He personally has seen the Indians coming to Mass and singing the office of the day and even on week days reciting

<sup>36</sup> Testimony of Fray Juan de Zumárraga, Bishop of Mexico, in the residencia of Quiroga, Beaumont, Crónica, III, 324,5.

<sup>37</sup> Ibid., 326.

the Hours. Fridays, on being aroused by the bell, over a thousand souls came at night to the monastery to discipline themselves for an hour. He has seen the Indians coming to confession bearing such gifts and alms as they possessed, such as handkerchiefs and other articles of their own making, solely out of gratefulness for the favor they received. Furthermore, the witness knew that natives were improving their lives by their confessions because, "in the beginning they tell many sins and afterwards it seems that they have only a few." He has seen the Chichimecas who had left their lands and native surroundings to come to the hospital. He believed that this was due to the fine order that prevailed there. The Friar was convinced that the Indians of the hospital lived as well and as cleanly as if they were monks or friars, and in each house they had crucifixes and places for prayer.<sup>38</sup>

The Franciscan provincial, Fr. García Cisneros, had visited Santa Fé, Mexico, many times. He had said Mass there, preached to the Indians and was well acquainted with the life of the place. Mass was celebrated there with all solemnity and was sung and served by the Indians themselves. Moreover, they followed the canonical hours in common. Cisneros knew of a religious stationed there who had been in Mexico about a year who taught the doctrine among other things such as

<sup>38</sup> Testimony of Francisco de Bolona, guardian of the monastery of the city of Michoacán, in Beaumont, Crónica, III, 327-330.



grammar in order that they might learn to read.<sup>39</sup>

Fray Juan de San Miguel who was in Michoacán previous to Quiroga's arrival in the province gave the usual story about the nakedness, drunkenness and general debauchery prevalent among the Indians there. Moreover, they fled from the religious due to their first experience with Guzmán's invading army and were living in the hills. With the coming of the oidor conditions had changed so rapidly as to make it all seem the work of God's hand. Credit is also due to the licentiate Ceynos and others who had helped in the work.

According to the Friar, the hospital Indians often came to Uruapan for confession and they always showed themselves to be good Christians. They had many pious customs, among others that of planting a cross in the street and festooning it with green and flowering branches. In short, "The Licentiate Quiroga has given an example to the religious by his life and the great love he has shown for God in all that has occurred."<sup>40</sup>

Beaumont's evaluation of this evidence is probably correct when he says that, "There is seen in the depositions of the witnesses what usually happens in such cases. They always tell about the better side and even exaggerate some of the things."

39 Testimony of Fr. Garcia Cisneros, provincial of the province of Santa Evangelio of Mexico, Beaumont, Crónica, III, 332.

40 Testimony of Fr. Juan de San Miguel, guardian of the convent of Uruapan, in Beaumont, Crónica, V, 30.

41 Beaumont Crónica, III, 310.

Nevertheless, the absence or insignificance of charges to the contrary, at a time when the anarchic conditions in New Spain dispel any fear of retribution against adverse witnesses, helps to place a higher value on the evidence. Besides, the witnesses were talking not about an occurrence of the remote past about which they might have had exclusive information but rather the circumstances they described were contemporary and, as they often stated, were a matter of common knowledge. The testimony if untrue, therefore, would have been a scandal about which no one need have remained silent.

The trial was brought to an end on the 19th of March, 1536, and resulted in a complete vindication of Quiroga's work.<sup>42</sup>

42 Ibid., III, 333.

## Chapter VII

### After Years

It will be possible to touch only very briefly the high points of the later work of Quiroga in order not to exceed the limits set for this dissertation. In a way, this should be adequate because in most respects this later period followed the pattern laid down of the first years. The long interval to his death in 1565 saw a full flowering of the plans of the oidor rather than the creation of new projects by the bishop. Quiroga devoted his talents and his position in the Church to render permanent the institutions he projected and founded in the period we have thus far traced.

His elevation to the episcopacy was due in part to general circumstances. The rapid progress of the Conquest and the extension of Spanish authority over an increasingly large territory made necessary a further division for the purpose of administration by the church. In addition to the two dioceses of Mexico and Tlascala already established, two others were projected, Oaxaca and Michoacán.<sup>1</sup> Consequently, on August 6, 1536, by a Bull of Paul III, there was erected the new see of Michoacán.<sup>2</sup>

1 Bancroft, History of Mexico, II, 391.

2 Cuevas, Historia de la Iglesia, I, 301.

The first to be offered the new post was Fr. Luis de Fuensalida, one of the original twelve Franciscans to come to the New World. But the friar refused the appointment on the grounds that he did not wish to leave what was to him the all-important work of converting and caring for the Indians.<sup>3</sup>

Fuensalida's refusal arrived in Spain just when the court was hearing of the remarkable results of Quiroga's visit to Michoacán. Doubtless the King was also impressed by the moral and intellectual attainments of his oidor. At any rate, Quiroga was offered the episcopal chair and accepted without hesitation.<sup>4</sup>

The effect of the appointment in Mexico was to call forth from Bishop Zumárraga a letter of fulsome praise and gratitude to the King for the choice he made.

"Concerning the election that your Majesty made in the person of Licentiate Quiroga for Michoacán (a most fortunate selection) I feel certain with many that it has been one of the prudent ones that your Majesty has made in these parts in order to get the Indians to Paradise which I believe your Majesty values more than gold and silver. Because I believe that the deep love that this good man shows them is well proven by the works and benefices which he continually does for them that he sets an example to the prelates of this land. And this is the person whom the Vicar of Christ has chosen to be the means to bring to these poor natives the matters of our Faith, who being oidor, spent as much as your Majesty gave him as salary till he had not a real even selling

3 León, Quiroga, 28.

4 Ibid., 29.

his clothes in order to provide for the Christian congregations that he has in two hospitals...building houses to be distributed among their families at his own cost and buying lands and sheep with which they are able to sustain themselves ...I don't know of another who equals him in this land."<sup>5</sup>

The Papal Bulls confirming the appointment arrived in the New World towards the beginning of 1537. In September of that year a cédula was dispatched from Spain to the effect that the court was informed of Quiroga's eagerness to proceed to his diocese and begin his work but that he lacked authority and funds. Mendoza, the viceroy, was empowered to provide everything that was necessary. A site was to be selected with a view to founding a cathedral town and the Indians of the vicinity were to assist in the building of a church and a house for the bishop.<sup>6</sup>

Quiroga formally took over the duties of his office as bishop-elect on August 22, 1538, and he received orders from tonsure to consecration at the hands of Zumárraga in Mexico in December, 1538.<sup>7</sup>

The long-awaited departure for Michoacán was delayed, however, by another pressing matter. Due to the increasing number of natives seeking baptism, the Franciscans had

<sup>5</sup> Letter of Zumárraga to the Council of the Indies, February 8, 1537, in Cuevas, Documentos Inéditos, 77.

<sup>6</sup> Queen to Mendoza, September 20, 1537 in Moreno, Fragments, 40.

<sup>7</sup> Icazbalceta, Zumárraga, 117, and Beaumont, Crónica, IV, 161-2.

abbreviated the ceremony of the sacrament. The common procedure was first to arrange the candidates in some kind of order with the children in front. Then the prayers of the sacrament were recited over them in common. Only on a few was performed the ceremony of the salt, saliva, etc. Finally the children were baptized by pouring the water on the head of each. Whereupon the adults were given an instruction in the belief and practices of the Faith and then they too were baptized. The oil and chrism were generally lacking but as soon as they were made available the Indians were summoned again and the ceremony completed.<sup>8</sup>

When other religious orders came to New Spain, the practice was called into question and a controversy arose. A junta of bishops and clergy was called by Mendoza at which Quiroga assisted as bishop-elect. There he presented his views in a tratado to the effect that no one might confer baptism except as it had been done in the primitive church.<sup>9</sup>

The junta, not being able to settle the matter petitioned the Holy See. On July 1, 1537, the Pope resolved the difficulty and the Bishops were convened again in 1539 to discuss the decision. Under the guidance of the Papal Bull, the junta adopted almost all the conclusions set forth by

<sup>8</sup> Icazbalceta, Op. cit., 96

<sup>9</sup> Francisco Lorenzana, Concilios Provinciales primero y segundo Mexico, 1769, Appendix

Quiroga.<sup>10</sup> Moreover, he was charged with drawing up a Manual de adultos which described the procedure to be followed in the administration of Baptism.<sup>11</sup> This little book was printed in Mexico in 1540. The introduction by the apostolic notary, Christopher Cabrera, advises the reader that, "There is nothing less obscure (than the book), nothing more clear, since the wise and pious prelate Don Vasco de Quiroga has arranged it simply and learnedly and if you follow it with considerate attention you will need nothing more."<sup>12</sup> Apparently it was valuable enough for the church Council of 1555 to order a reprinting.<sup>13</sup>

In the first part of the year 1539 Quiroga finally arrived in his diocese and began to look about for a site for his church. Since Tzintzuntzan both in ancient and Spanish times had been the political center of the district as well as the most densely populated section, he chose to go there for the time being. He made his headquarters at the church of Santa Ana which had already been in use by the Franciscans.<sup>14</sup>

In less than a year, however, Quiroga decided to move to a small village near Tzintzuntzan called Pátzcuaro where he might have more room and, strange to say, more daylight which

10 Leon, Quiroga, 31.

11 "Capitulos de la junta eclesiastica de 1539" in Icazbalceta, Zumárraga, Appendix #26, 117f.

12 Cited in Icazbalceta, Zumárraga, 243.

13 Lorenzana, Concilios, cap. LXVII, 143.

14 Beaumont, Crónica IV 164-5, Moreno, Fragments, 44.

Old map showing the removal of  
the cathedral from Tzintzuntzan  
to Pátzcuaro under Quiroga's  
direction.





was limited at Tzintzuntzan because over-hanging mountains shut off the sunlight. Moreover, at Pátzcuaro the water was better.<sup>15</sup>

This little village was used in the days before the Spaniards as a pleasure resort by the Tarascan kings. It was also a religious center and a place of sacrifice, where evidence of past greatness was still visible to the first Spaniards in those parts.

"...how many came from all parts is shown by the terraces of our garden which ran three times as far as it does today below which ran still others until the level of the plaza was reached and by the plentifulness of carved rocks and ruins of buildings found about our garden and all this surrounded by the houses and dwellings of the priests. When the Spaniards came to these lands most of the dwellings were still standing. Quiroga, on seeing the grandeur of another age which they manifested was moved to found his cathedral in that place in order that what was once the metropolis of blind heathenism of this nation might also be the center of that new religion illuminated by the light of the holy gospel; that where Satan had been thus served to the scorn of the Divine Majesty, the true God might be adored and acknowledged together with the true doctrines of our holy Catholic Faith. He (Quiroga) wished that these people who showed themselves so devoted and pious to false Gods might similarly be drawn to the true and universal Lord of all."<sup>16</sup>

Quiroga experienced great difficulty in making the change due to opposition of Spaniards and Indians alike, who did not

<sup>15</sup> Rea, Crónica, 447; Beaumont, Crónica, IV, 174.

<sup>16</sup> Francisco Ramirez, Historia del Colegio de Pátzcuaro, 1600, ed. Nicolás León, Mexico, 1903, 9-11.

want the ancient city of Tzintzuntzan to decline through losing the residence of the bishop. At one point, objections became so strong as to engender threats of violence.<sup>17</sup>

Nevertheless, the bishop persisted in his right given him by the emperor to found his church where he saw fit and the removal was made. His first efforts were toward the erection of a temporary church and convent, both of which had been approved by a Papal Bull of July 8, 1550. The church was built, as seen above, among the ruins of the ancient sacrificial buildings. The new town which immediately sprang up around the church soon had a population of thirty thousand people.<sup>18</sup>

Quiroga was not satisfied with the first church building but had in mind a building of enormous dimensions larger than anything then standing in the New World. It was to consist of five huge naves radiating outward from a central cupola in the manner of the fingers of a giant hand. Some say it was planned after the style of St. Peter's in Rome.<sup>19</sup> However that may be, architectural difficulties arose resulting from the softness of the ground and the work was suspended for a time.<sup>20</sup>

The emperor, hearing of the magnitude of the work, sent

17 Beaumont, Crónica, IV, 193-6.

18 Diego Basalenque, Historia de la provincia de San Nicolás de Tolentino de Michoacán del orden de N.P.S. Agustine, Mexico, 1675, 447.

19 Rea, Crónica, 187.

20 Basalenque, Historia, 448.

an order to the viceroy to find out whether it was feasible to continue on the scale originally planned. The opinion of the critics was that due to the proximity of the waters of the lake, the land was not of sufficient consistency to support so heavy a building. Consequently, the work was abandoned with the exception of the completion of a single nave which was covered with a wooden roof to lighten the strain. But even this fractional part of the original was large enough for the whole village, Spaniards as well as Indians, to find a place in it with ease on Holy Saturday, the greatest festival day of the year.<sup>21</sup>

To Quiroga credit is due also for founding one of the first colleges in the New World. The evidence for the exact date is wanting but the testamento of Quiroga says, "...I built the college many years ago, for over twenty and for almost thirty years the college has drawn its income from the estancia of Xaripitio which formerly belonged to the Marquis (Cortés)."<sup>22</sup> Since the will was made in 1565, the college must have been founded shortly after the new bishop reached Pátzcuaro, at the latest by 1545. If this calculation is correct, only the College of Santa Cruz is older.

21 Ibid., 448-9.

22 "Testamento" or will of Quiroga reprinted in full in León, Quiroga, 75-103; it is found also in fragmentary form in Beaumont, Crónica V, 579-587.

Quiroga's purpose was to build a seminary where young Spaniards might study for the priesthood. He says in the will,

"I founded in this city of Pátzcuaro near our cathedral, of San Salvador, the college of San Nicolas because of the great lack of ministers of the Holy Sacraments and divine worship which there is in all the diocese of Michoacán, that thus there may be priests... In this college then, students who are of full Spanish blood and have passed twenty years, of age may be received and trained and thus ordained with full orders that they may supply something of the need."<sup>23</sup>

The candidates were instructed in Latin, theology, moral and canon law.<sup>24</sup> The younger ones were charged with serving the cathedral as acolytes meanwhile learning to sing and take part in the ceremonies of the church.<sup>25</sup> The course lasted four years and the seminary was in the charge of a secular priest. The constitutions of the college were very similar to those laid down for these institutions by the Council of Trent which Quiroga in a manner anticipated.<sup>26</sup> The students were allowed to elect their rector subject to the approval of the Dean and Cabildo; they dressed in distinctive fashion and received their instruction free. They lived a community life with the rector among them; they ate in a refectory, had spiritual reading during meals and left the

23 "Testamento", op. cit. 76.  
24 Grijalva, Crónica, Lib. I, cap. 9.  
25 Rea, Crónica, 190.  
26 León, Quiroga, 47.

college only in pairs and with the permission of the rector.<sup>27</sup>

It was to the college at Pátzcuaro that the Jesuits came at the beginning of their march into the northwest. In 1573, Juan Curiel arrived as a scholastic to teach Latin. A short time later, the Jesuits took over the teaching in the seminary with Father Curiel as rector. When the cathedral was moved from Pátzcuaro to Valladolid, the college remained for a time due to the violent protests of the Indians at the transfer of their beloved fathers.<sup>28</sup> To prevent the threatened rebellion at Pátzcuaro, the Jesuits operated San Nicolás as a branch of the seminary at Valladolid. This arrangement proved most unsatisfactory, however, and in 1589, the General of the Order, Aquaviva, transferred all the functions of San Nicolás to Valladolid except that of teaching the Indians.<sup>29</sup>

Along with the college of San Nicolás there was an Indian school where native boys were taught Christian doctrine and morals as well as to read and write and to speak Spanish. These too were to be taught free.<sup>30</sup>

Quiroga seems to have insisted that the seminary was for Spaniards of pure blood only. This was in keeping with a general feeling in the first century after the conquest and expressed in the councils of the Mexican church that the

27 "Testamento" in León, Quiroga, 77.

28 Jacobsen, 177

29 Ibid., 179.

30 Ibid., 79-81.

Indians did not have the capacity for becoming priests.<sup>31</sup> However, in the case of the College of San Nicolás there were some notable exceptions made. For instance, Quiroga's successor, Antonio Morales, ordained to the priesthood Don Pablo, the Indian ruler of Michoacán who, according to Moreno, was the first Indian cleric of whom mention is found.<sup>32</sup>

One of the most notable graduates of the school was D. Antonio Vitzimengari y Mendoza, a son of Caltzontzin, the last king of Michoacán and a god-child of the Viceroy. He studied under Fr. Alonzo de la Vera Cruz and emerged well-instructed, we are told, in Hebrew, Greek, Latin and Spanish. He subsequently became governor of the province. According to information which Moreno drew from the archives of the college, some two-hundred priests had gone from San Nicolás before 1576 to propagate the faith and they were to be found in churches all over the realm and enjoying dignities of every kind.<sup>33</sup>

Towards the end of the year 1537, the call came from Rome summoning the Mexican Bishops to the Council of Trent. They responded by writing to the King to determine if it were necessary for all to go or merely to send a representation. If the latter was to be the case, they asked for

31 Torquemada, Monarchia Indiana, lib. XVII, cap. 11 to 13.

32 Moreno, Fragmentos, 53.

33 Ibid., 55.

assurances that such action would meet with the approval of the Holy See.<sup>34</sup>

Quiroga, although he was bishop-elect, took no part in the proceedings nor does his name appear among the signers of the letter to the King. For this reason, perhaps, his name does not appear in the answer of Charles. At any rate, Quiroga decided to go to Spain.

In 1543, he placed in charge of the diocese Fr. Alonzo de la Santa Cruz, Augustinian of the convent of Tiripitío, and started out on his long journey. Such were the difficulties and uncertainties of travel in those days, however, that the bishop left "with little hope of returning".<sup>35</sup> Shortly after the departure from Vera Cruz, however, the ship, buffeted by waves, began to leak so badly that the pilot did not dare to continue. As a result, Quiroga gave up his project for the time being and returned to his diocese after an absence of nine months.<sup>36</sup>

Apparently he felt the impossibility of arranging satisfactorily by letter, the matters he had in hand, so he determined to try to make the voyage again. He embarked once more in 1547 on a trip that kept him away from his diocese for seven years.<sup>37</sup> A contemporary document fixes the length of his stay as well as one of the causes that impelled him to make the journey.

34 Icazbalceta, Zumárraga and León, Quiroga, 53.  
35 Basalenque, Historia, I, 134.  
36 Ibid., I, 134.



It is a letter of the Spanish citizens of the town of Tzintzuntzan protesting against the act of Quiroga in moving his cathedral to Pátzcuaro. The agitation caused by that removal has already been mentioned. It seems that the leader of Spanish opposition was an encomendero, Juan Infante, by name, who claimed title to lands in and about Tzintzuntzan. Hearing of Quiroga's return from abroad he inspired the following letter:

"This city of Michoacán (Tzintzuntzan) was founded in this valley of Guayangareo by a commission of your Majesty directed to Antonio de Mendoza where for a long time it has been located and provided with regidores and escribanos by your Majesty, and being in this state and condition fifteen years under the authority of the royal audiencia and the bishop of the province now newly arrived on the last fleet from those realms whither he had gone in prosecution of a suit he had with us over our petition for the administration of the Sacraments. He had exempted himself from this duty saying that he was not obliged since he wished to build his church in a barrio of Indians where he had his house, that is to say, Pátzcuaro. He said that if we went to live with him, he would give us the Sacraments. Over this point the plea was carried to the audiencia and the bishop was ordered in our favor. He appealed the case, however, and carried it to the Council of the Indies in pursuit of which he has been seven years in your royal court, seeking things in his own favor without giving notice of the suit which he had appealed so that we might have

37 León Quiroga, Note #43, cites the Anales de Tarecuato for a date that is in dispute among the chroniclers. Cf. Beaumont, V, 328-9.

someone to contradict it on our part."<sup>38</sup>

Apparently these gentlemen were only telling part of the story in this letter. The refusal of the bishop to administer the Sacraments can probably be accounted for on the grounds that their occupation of these barrios was a usurpation and further by the refusal to contribute to the support of the new church at Pátzcuaro. At any rate, Quiroga on his return, was able to produce cédulas from the King, "ordering the viceroy to command that the church which he (Quiroga) had commenced in Pátzcuaro should be finished at the cost of your Majesty and of the encomenderos of the said province and of the natives of it, calling the city Michoacán to our detriment and injury with disservice to God and your Majesty and opprobrium and detriment to the natives, etc."<sup>39</sup> The cédulas, moreover, ordered the return of the City of Tzintzuntzan to the ownership of bishop.<sup>40</sup>

But this was not the only business which occupied the bishop during his stay. From Pope Julius III, he obtained formal approval of the transfer of the church to Pátzcuaro.<sup>41</sup> Through the Cardinal Legate, Juan de Foggio, he obtained

<sup>38</sup> Letter of the City of Michoacán to the King, October 30, 1555, in Joaquín García Icazbalceta, Colección de documentos para la historia de México, Mexico, 1866, II, 244.

<sup>39</sup> Charles to the Viceroy Mendoza, 1550, in Genero García, Documentos inéditos o muy raros para la historia de México, Mexico, 1905, IV, 104.

<sup>40</sup> The cédulas are reprinted by Beaumont, Crónica, V, 248-285.

<sup>41</sup> Basalenque, I, cap. 4.

indulgences and spiritual favors for his hospitals. From the King, he obtained for the Indians of the hospitals the privilege of exemption in perpetuity from tribute or personal services and a coat of arms was granted to the new City of Michoacán.<sup>42</sup>

Quiroga had arrived in Spain when the echoes of the controversy over the New Laws of 1542 had as yet scarcely died away. Victoria, the great Dominican humanist, had helped to define with finality the terms of Spain's authority in the New World. The Indian's rights to property were confirmed and the emperor's power limited to peaceful penetration for trade and the preaching of the Gospel. The Pope was declared to have no temporal authority over the dominions of unbelievers nor could he confer that power on others. Even the refusal to accept the spiritual authority of the Pope could not be made an excuse for war on these people. Only when they refused to allow the gospel to be preached or there should be attempted violence against the Spaniards could force be used against them.<sup>43</sup>

One vital feature of the New Laws resulting from this controversy had been the abolition of the practice of granting

<sup>41</sup> Basalenque, I, cap. 4.

<sup>42</sup> Moreno, Fragmentos, 81, Beaumont, Crónica, V, 307.

<sup>43</sup> Francisco de Victoria, De Indis et de jure belli relectiones, Earnest Nys, ed., Washington, 1917, 115-187.

encomiendas. Moreover when the holders of encomiendas should die, the Indians were to revert to the Crown.<sup>44</sup> The enforcement of this and the other provisions was entrusted to Tello de Sandoval who was sent to New Spain as a juez de residencia. His arrival in Mexico together with the news of the new program was almost sufficient to cause a popular insurrection. As it was, the threatened disorder was only narrowly averted by the efforts of Mendoza and Bishop Zumárraga.<sup>45</sup> Protests began to flood the Court from all classes of New Spain, encomenderos, missionaries and even bishops.<sup>46</sup> The Crown bowed to the storm and once more the law was changed. The section prohibiting the granting of encomiendas was repealed and they were made heritable by the families of the encomenderos.<sup>47</sup>

Apparently, this last point was still being debated when Quiroga was at Court. Bernal Díaz gives a brief account of the controversy.

\*In the year 1550, when I was in Old Spain, the Licentiate De la Gasca came from Peru and with him D. Martín the Regent, a Dominican friar; and repairing to the court which was then at Valladolid, His Majesty promoted the aforesaid friar to the Bishopric of Las Charcas. At this period a council was formed composed of Fray Bartholomé de las Casas, Bishop of Chiapa,

<sup>44</sup> Code of laws and ordinances recently made by his Majesty, Pacheco y Cárdenas, Documentos Inéditos, XVI, 376-406.

<sup>45</sup> Cf. Helps, Spanish Conquest, IV, 105-106; Riva Palacio, Mexico a través de los siglos, II, 335-340.

<sup>46</sup> Simpson, Encomienda, 169-179 gives various protests.

<sup>47</sup> Cédulas of Oct. 20, 1545 and Feb. 26, 1546 in Puga, Cédulas, I, 472-478

Don Vasco de Quiroga, Bishop of Michoacán and other gentlemen who came as agents from New Spain and Peru together with some hidalgos who were brought by business to the court. I was called to the Council (of the Indies) as being the most aged of the conquerors of New Spain."<sup>48</sup>

The party with Las Cacas at its head together with the visitador from Peru insisted that the encomienda should not be made permanent and heritable. Quiroga, on the other hand, was of the opinion that the encomiendas should be given permanently to the conquistadores who were to remain somewhat in the relation of a good father to his family. Palencia objected that many of the encomenderos were unworthy, to which Quiroga answered that these should be given their just deserts by the visitador.<sup>49</sup> "It was then urged," says Díaz, "by the Bishop of Michoacán and other gentlemen, as well as myself, that the perpetuities be granted in New Spain, leaving the Peruvian ambassadors to act as they saw fit."<sup>50</sup> This suggestion seems to have had no effect upon the members of the Council, and in the absence of the King, the matter was temporarily dropped.

It seems that this is a contradiction to Quiroga's earlier views as to the obligations of the Spaniards in the New World, for how can the encomienda be made to fit into his plan of an Indian commonwealth which was merely supervised by

<sup>48</sup> Bernal Díaz del Castillo, Historia verdadera de la conquista de la Nueva España, G. García ed., Mexico, 1904, cap. 210.

<sup>49</sup> Moreno, Fragmentos, 82.

<sup>50</sup> Díaz, Historia verdadera, cap. 210.

the whites? It seems probable, however, that Quiroga was called upon in this case to judge only between the two plans proposed without having any other alternative.

Quiroga knew what the encomienda meant; he knew that it was directed toward frustrating the high aim and purpose for which he had pleaded so insistently in the early days in Mexico. There was abundant evidence that what he feared most was coming to pass.

"As everyone knows, the Indians are weak by nature and not acquisitive and are satisfied with having enough to get along on from day to day. And if there is any way to bring them out of their laziness and carelessness, it is to make them help the Spaniards in their commerce. In this the Indians are benefitted through their wages and thus they will become fond of commerce and profits - as indeed some of them have already done - in imitation of the Spaniards....And besides this, great good comes to the state and his Majesty from having the Indians help the Spaniards in their commerce and on their estates, because without Indians all trade and profit cease."<sup>51</sup>

This could mean nothing but that the old civilization was being transferred in toto. Along with the benefits of peace, order and the teachings of Christianity, the Spaniards were fostering and stimulating in their charges their own peculiar vices growing out of acquisitiveness, ambition and greed.

On the other hand, the Bishop of Michoacán knew the evils of the abolition of the permanent encomienda whereby greedy

<sup>51</sup> Opinion of the Dominicans of New Spain on the encomienda, May 5, 1544, in Pacheco y Cárdenas, Documentos Inéditos, VII, 532-542.

men would be encouraged to get all they could out of the Indians knowing that their tenure was to be temporary. If they were secure in their holdings the encomenderos, from purely economic motives at least, would be more apt to show regard for the natives on the basis that they were property whose value might be destroyed by abuse. It would seem, therefore, that Quiroga gains rather than loses stature by his stand in this case. The misdirected efforts of reformers like Las Casas, who would willingly overthrow the whole social structure in order to introduce some pet scheme of their own, has no counterpart in Quiroga. He faced reality and was willing to make the best of a difficult situation where an alternate course might bring disaster.

The narrative of Quiroga's stay in Spain reveals many interesting occurrences, among them his contact with the Jesuits. Even before his journey to the old world, he had heard of the Order and had conceived a desire to secure some of their number for the work of his diocese.<sup>52</sup>

When Quiroga arrived at Valladolid, St. Ignatius had still about nine years to live and his famous followers Faber, Borgia, Laínez, Bobadilla, Salmerón and Ribadeneyra were fast becoming known throughout Spain. Quiroga wrote to the Saint Ignatius at Rome asking him for four of his subjects for the establish-

<sup>52</sup> Francisco de Florencia, Historia de la provincia de la Compañía de Jesús de Nueva España, México, 1694, II, 67.

ment of the Order in his new bishopric. The General acceded to the petition and designated four men for the mission. They left for San Lucar in company of Quiroga to take passage for New Spain but at the time of the sailing the Jesuits fell ill and were not able to continue the journey. Quiroga went on in the expectation that they would follow later but when they recovered they received the opportunity of going to India and departed there instead.<sup>53</sup>

The Jesuit chronicler, Polanco, cryptically records that in the year 1551, "many were demanding men of the Society... and in order that they might obtain them were offering houses and all other necessities. Among these, a certain bishop of New Spain of the Diocese of Michocán, as soon as he encountered us, demanded immediately that some members of the Society be given him pointing out the great harvest waiting and the great need of spiritual workers and offering us everything necessary. But that mission had not yet ripened."<sup>54</sup>

When some years later the opportunity offered itself in the course of other business, "to send to Spain the precentor of the Cathedral, D. Diego Perez Negrón, the most important matter with which he was charged was to contrive to bring back with him some of the fathers of our Company, and he wrote

<sup>53</sup> Pérez de Rivas, Crónica, I, 11

<sup>54</sup> Juan Alphonso de Polanco, S.J., Vita Ignatii Loiolae et et Rerum Societatis Jesu Historia, Madrid, 1894, in Monumenta Historica Societatis Jesu, II, 321.



about this, at the same time, to our Father-General. But at that time it was not possible to accede to the desire of his Lordship because we were so few in number."<sup>55</sup>

Quiroga's designs in this matter were fulfilled only after his death. It is significant, however, that the Jesuits made the province of Michoacán the first stepping stone in their journey into the mission fields of Sinaloa, Sonora, Chihuahua, Lower California and Arizona.<sup>56</sup>

Just after the Order came to Mexico City in 1572, Fr. Sanchez, the provincial, dispatched two priests and two lay brothers to Michoacán. According to Alegre, he thought it appropriate that after Mexico City, the Jesuits should answer the old call of Quiroga.<sup>56</sup> It was at Pitzwaro and not at the capital that Fr. Juan Curiel, S.J., held the first Latin grammar class taught by the Order in America.<sup>57</sup>

By the year 1654 Pérez de Rivas writes that, Quiroga's "holy body is now venerated in the church which was given to the Company of Jesus in the City of Pátzcuaro when the cathedral was transferred to Valladolid and...the Company has today founded (sic) three colleges and a residence: that of Patzcuaro (San Nicolás), Valladolid and San Luis Potosi and

<sup>55</sup> Ramírez, Colegio de Pátzcuaro, cited in Leon, 108.

<sup>56</sup> Jerome V. Jacobsen, S.J., Educational Foundations of the Jesuits in Sixteenth Century New Spain, Berkeley, 1938, Jesus Romero Flores, Historia de la Ciudad de Morelia, Morelia, 1928, 48; Alegre, Compañía de Jesús, I, 79.

<sup>57</sup> Jacobsen, 169

and besides these, the residence of San Luis de la Paz."<sup>58</sup>

Although Quiroga was unable to acquire Jesuits for his diocese he brought back with him members of the secular clergy, clerks and prebendaries for the service of the cathedral.

He was honored also in having his moral and intellectual attainments recognized by the King. Before he left Spain, Charles tried to reward the bishop with the choice of the dioceses of Puebla, Mexico and Segovia, all of which were vacant at that time and all carrying greater honors and revenues than Michoacán. The King thought too that by the transfer Quiroga would be relieved of the burdens and difficulties of organizing his new diocese and win a well-earned rest. Quiroga, however, refused saying that, "to pass from one bishopric to another is nothing more than a change of place but not of cares, since going from one city to another will not lighten the burden."<sup>59</sup>

The voyage home was made in 1554. In the course of the trip a stop was made at Santo Domingo where Quiroga occupied himself in taking aboard some plane trees of five different species. These, he planted on his return to New Spain and they spread widely over the country.<sup>60</sup>

Quiroga's arrival in New Spain was marked by his

58 Pérez de Rivas, Crónica, I, 102.

59 Gil González Dávila, Teatro Eclesiástico de la primitiva Iglesia de las Indias, Madrid, 1649, I, 112.

60 Basalenque, I, 463.

participation in a spirited controversy between the regular and secular clergy over which jurisdiction was to last for several years. The Franciscans had been first in the field but were aided after 1537 by the Augustinians who came with the approval of the viceroy and at the invitation of Juan Alvarado, encomendero of Tiripitío.<sup>61</sup>

Quiroga seems to have been very pleased to have these last come into his diocese and showed them many marks of favor. The Augustinians on their side held him in equal esteem as one who, "while he does not dress his body in our coarse serge, his soul is wrapped up in it since in his manner of thought he is truly an Augustinian religious." It has been shown how he favored the Augustinians while yet older by appointing one of their number to take charge of the hospital at Santa Fé, Mexico. So, now, whenever he could get away from the cares of his office, he relaxed at the convent of Tiripitío where he had a cell and, like any other religious, followed the order of the convent.<sup>62</sup> Clearly, there was no question of any ingrained nor a priori dislike of the regulars.

When he returned from Spain, however, the Bishop formally organized his cathedral chapter and since there were many towns without the ministrations of a priest, he began to introduce the seculars. Moreover, in the absence of effective

<sup>61</sup> Mathias de Escobar, America Thebaida. Vitas Patrum de los religiosos ermitanos de nuestro Padre San Augustin de la provincia de San Nicolas de Tolentino de Michoacán, Morelia 1890, 40.

<sup>62</sup> Ibid., 41.

diocesan organization, the orders were exercising their functions independent of episcopal authority. Quiroga attempted to reestablish the normal status of affairs by organizing and limiting the powers of administration of the friars.

The problem seems to have been a general one throughout Mexico because it was one of the major topics of discussion at the Church Council which met in the City of Mexico in 1555. The meeting was called by Alonso de Montúfar who had succeeded Zumárraga as bishop of Mexico. The bishops in attendance included Martin de Sarmiento of Puebla, Thomas Casillas of Chiapa, López de Zarate of Oaxaca and Quiroga of Michoacán.<sup>63</sup>

It was at this time that Quiroga was entrusted by the Council with the re-publication of a Manual de adultos para Bautizar which was written under his direction by Pedro de Logrono<sup>64</sup> Following the example of Las Casas, in his Reglas para los confesores, Quiroga arranged the Canones penitenciales for the guidance of the clergy.<sup>65</sup>

For the governing of the Mexican Church, the bishops published thirty-three ordinances, some of them pertaining to the proper position of the regulars in the dioceses. It was

<sup>63</sup> Francisco Lorenzana, Concilios Provinciales primero y segundo celebrados en la muy noble y muy leal ciudad de México ... en los años de 1555 y 1565, Mexico, 1769, 350

<sup>64</sup> Joaquín García Icazbalceta, Bibliografía Mexicana del siglo XVI. Catálogo razonado de libros impresos en México de 1539 á 1600, Mexico, 1886, 4.

<sup>65</sup> León, Quiroga, 64.

to be expected that the regulars would find it difficult to adjust themselves to their new status and were loath to give up their former freedom of action...They resented particularly being visited regularly by one of the curas, a regulation later confirmed by the Council of Trent.

Moreover, according to a cédula of 1553, the bishops were to determine the number of monasteries that were to be built in their dioceses and where they were to be located.<sup>66</sup> Another of 1557 restrained them from performing marriages without the bishop's consent and gave him supervision of the removal and transfer of the members of the order within his diocese.<sup>67</sup>

Quiroga's difficulties arose largely from his efforts to make these regulations effective. In particular, he was opposed to the founding of convents on a wide scale without reference to real needs. He based his stand upon the fact that a great number of religious houses was merely another burden upon the Indians which had to be supported by their toil. Nor was the increase justified by needs, as there too few priests to make use of them. There had resulted a large amount of work, expense and useless burden thrown upon the Indians which Motolinía described as the "seventh plague".<sup>68</sup>

Despite the apparent reasonableness of Quiroga's position,

<sup>66</sup> Cédula of March 16, 1553, reprinted in Moreno, Fragmentos, 79.

<sup>67</sup> Cédula of March 30, 1557, in Moreno, Fragmentos, 77

<sup>68</sup> Toribio de Motolinía, Ritos Antiguos in Colección de documentos para la historia de España, Madrid, XIII, 4.

however, Marcos de Alburquerque wrote a letter to the King in behalf of the Augustinians stating that the Bishop of Michoacán had threatened to put them out of the monasteries which they had built without his permission. Apparently forgetful of the order of 1553 which had given Quiroga the power to do just that, the King through the audiencia, restrained the bishop's action "since that which they (the Augustinians) have done conforms to what has been ordered and commanded by cédulas and there is no cause or reason for it."<sup>69</sup>

There were other complaints by the friars. Quiroga had refused to ordain the religious which their own superiors had recommended. A warning came from the crown on this score in 1556 notwithstanding that in another cédula four years before, he had been reprimanded for "conferring the tonsure on so many persons, both Spaniards and mestizos."<sup>70</sup> Other charges flew about of simony among the seculars and of the scandal this caused the Indians, and of the restrictions placed on the Franciscans by the Bishop of Michoacán with regard to the administration of the sacraments.<sup>71</sup>

Perhaps the best idea of the status of the controversy can be had from a statement of the regulars themselves. When

<sup>69</sup> King to the audiencia, July 11, 1562, in Grijalva, *Crónica* edad. II, cap. XVI.

<sup>70</sup> *Ibid.*

<sup>71</sup> Robert Ricard, Études et documents pour l'histoire missionnaire de l'Espagne et du Portugal, Louvain 1930, 42.

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Jerónimo de Mendieta, a Franciscan spokesman, was interviewed by the visitador Ovando as to how peace might be restored among the warring factions, he answered, "that their income should be taken away from the Bishops", also, that the bishops should restrict their activities among the Indians solely to administering confirmation or other acts which require the episcopal office and leave the teaching and administration of the sacraments among the Indians to the exclusive jurisdiction of the friars. "In truth," said the friar, "there is sound reason among those who believe... that if there had been no bishops in New Spain until today or if they had not taken care of anything else than their own churches among the Spaniards, giving Orders, confirming and consecrating, and had left to the religious the administration of the Sacraments and teaching Doctrine to the natives" better results would have been attained.

These Indian bishops, continued the friar, should not have cathedrals and canons and dignities since they are costly and the Indians gain no benefits from them nor should they have clerics to serve them to whom they must give Indians in encomienda. Rather, they should have no other worldly interest "than to receive food and clothing." But on the other hand, he admits, "there happen to be mandates of (Canon) Law which are to the contrary, and some will maintain, as was the habit of the late Bishop of Michoacán, that it is

sinful to turn the hierarchy from its purpose as provided for in the holy Canons."<sup>72</sup>

Quiroga, by training and position was particularly fitted to become a leading figure in the struggle for the defense of the episcopal dignities, a struggle which was to continue long after his death.<sup>73</sup>

Ricard ascribes these conflicts in part to another cause, perhaps with some reason.

"These conflicts were extremely frequent. They manifested all the furious individualism which is one of the characteristics of the Iberian temperament. Spanish America at that time (16th century) was rich in powerful individualities who did not know their own minds and whom the least resistance or contradiction exasperated. It is owing to this individualism, assuredly that they performed such remarkable work in America. But every metal has its reverse side. This same individualism too often engendered anarchy, in the religious life as well as the political or administrative. Conflicts between the bishops and their chapters, conflicts between the different orders and above all between seculars and regulars, conflicts between bishops and religious are multiplied in 16th century New Spain...As for Don Vasco de Quiroga, former magistrate, strongly litigious was on the whole the greatest prelate of the 16th century, along with Zumárraga and Maya de Contreras were not the only ones to suffer these vexations, however they may have been justified."<sup>74</sup>

All during his episcopacy, Quiroga travelled about his

72 Mendieta to Joan de Ovando, cir. 1571, in García Icazbalceta, Nueva Colección de documentos para la historia de México, Mexico, 1886-92, I, 108-24.

73 León, Quiroga, 69.

74 Ricard, Etudes et documents, 42-43.



diocese. In the course of these visits he founded his hospitals and other religious establishments. In the present-day province of Guanajuato which was included in his diocese, León has found much evidence of his work.

In acambaro, he ordered the building of the church in recent times called Guadalupe together with its hospital annex. In 1550 he separated the parish of Yuriria from that of Huango and to this same period belong the foundations of the parishes of Penjamo and Irapuato whose first church was the hospital of that village. Just after his return from Europe, Quiroga founded the hospital of Santa Fédel Rio and the four hospitals in the city of Guanajuato. These were to be used by the Mexicans, Tarascans, Otomies and Mazahuas respectively.<sup>75</sup> Apparently this was a concession to tribal feeling. The ancient church of one of these hospitals, "which has public worship to this day (1903)" is called Los Hospitales instead of the singular as in the case of the other towns of the diocese.<sup>76</sup>

In the estancia of Barahona which later formed part of the village of Salamanca in the state of Guanajuato, there is in existence a church and hospital built by Quiroga. A tradition persists that in order to stimulate zeal for the work he himself took a hand in the building. This work was

75 León, Quiroga, 61-2.

76 Ibid.

all completed by the year 1563. The creation of the parish of Pueblo Nuevo is also the work of the bishop according to an inscription which accompanies a portrait of Quiroga in the sacristy of the church.

In the papers of the third Mexican Council there is an opinion rendered by a certain Doctor Zurnero, of Mexico, which gives to Quiroga the credit for having gathered into villages the Chichimecos on the outskirts of his diocese. According to the doctor, these natives "never had a dwelling place nor buildings until with the industry of the good bishop, Don Vasco de Quiroga their master, they commenced to settle down in towns in the western parts, to cease wandering and accept baptism."<sup>77</sup>

The effectiveness of the hospitals is attested to by Moreno who saw some of them still operating in his own day, that is, the latter part of the eighteenth century. The Indians, he says, on rising, to to the Chapel and sing the famous hymns of the Church such as the Pange Lingua and the Ave Maris Stella which the first religious in those parts translated into the native tongue. At nightfall they gathered again and often during the day so that it seemed to be a religious community. On Saturdays and the feasts of Our Lady they doubled their solemnities and showed their devotion to

the Blessed Virgin by getting up before daylight and marching in procession singing hymns and saying the Rosary. Since the hospitals universally took their title from the mystery of the Immaculate Conception, Moreno speaks of a confraternity associated with these institutions actively engaged in the veneration of this mystery "which has been up to now a devotion characteristic of the pious American."<sup>78</sup>

In brief, the hospitals in the eighteenth century were as yet a "center of religion, of order and of humanity for the Indians, since there (in the hospitals) is seen the most devotion to the Faith...the most cooperation in the social organization, the most charity to brothers or hospitality to travellers or assistance to the sick."<sup>79</sup>

As already noted, the system which Quiroga built in Michoacán may not have been entirely original with him but certainly his guiding hand was the factor that made it endure, leaving an indelible mark on the people of that land. Gerónimo Mendieta records that the Franciscans too tried their hand at founding hospitals for the sick and at teaching the Indians charity and the works of mercy. But apparently the Indians avoided them and did little for their support.

"In the province of Michoacán, however...all from the least to the greatest go to cure themselves or to die in the

<sup>78</sup> Moreno, Fragmentos, 71

<sup>79</sup> Ibid., 72-73.

hospital where they receive all the Sacraments. Outside of that province, in all the rest it is impossible to get the Indian to come to the hospitals for care if he is not some poor person who has no one to look after him. The rest prefer to die in their houses than regain their health in the hospital."<sup>80</sup>

We are told that Quiroga made two complete visitations of his diocese. Ordinarily he travelled by mule-back because the roughness of the roads, which in some places were scarcely passable, made no other means possible. His companions on these trips were a page and a chaplain who were necessary for the administration of the Sacrament of Confirmation, because of the large numbers that presented themselves.<sup>81</sup> The marvel of all this is the activity of the man at an age when most men, if they have survived at all, would be glad to remain in the security of their own fireside. Quiroga was already sixty years old when he came to New Spain in 1530.

In 1565 (he was now ninety-five) Quiroga resolved to make a general visit of his diocese starting in the tierra caliente of the south. Because of his advanced age, we may suppose, he put his affairs in order and on January 24 at Pátzcuaro he drew up his will. This document is chiefly taken

<sup>80</sup> Gerónimo Mendieta, Historia eclesiástica indiana, obra escrita a fines del Siglo XVI, Mexico, 1870, 307.

<sup>81</sup> Moreno, Fragments, 142.

up with the provisions for the maintenance of the various institutions which he has founded. Then there are other interesting sections. The bishop set aside the sum of twelve ducats for the saying of twelve anniversary masses in the church of San Nicolás de Madrigal where his parents are buried. Another ten ducats was provided so that their graves might never be disturbed.<sup>82</sup> His personal library, composed of six hundred and twenty-six volumes, he left to the College of San Nicolás.<sup>83</sup> He freed all his slaves and rewarded all those who had been faithful in his service including the Negro John who had been his cook.<sup>84</sup> What remained he left to the church at Pátzcuaro. He concluded by asking that he be buried in such a place as the dean and cabildo of the church should decide to be fitting.<sup>85</sup>

Having thus disposed of his worldly affairs he set out upon his journey. His first steps took him around the lake and through the mountains to Uruapán, visiting the little towns along the way. He arrived at Uruapan in the beginning of March, 1865, and occupied during his stay one of the rooms of the hospital founded by Fray Juan de San Miguel, who it will be remembered was one of the first Franciscans in these

82 Quiroga's will reprinted in León, Quiroga, 86.

83 Ibid., 98.

84 Ibid., 99.

85 Ibid., 102.

parts. It was while resting here that Quiroga suddenly died on March 14, 1565.<sup>86</sup>

According to tradition and by his appearance in a picture representing him in death, which hangs in the former Jesuit church at Pátzcuaro, it would seem that his passing was probably due to a cerebral hemorrhage. This explanation may account for the suddenness of his death.

He was buried in the provisional cathedral, later the college church of the Jesuits and over him was placed the above-mentioned picture with the following inscription:

"Illmus. ac Rmus. D.D. Vascus a Quiroga, olim Mexici Regius Senator, postea Michuacanensuum Protopraesul ac Parens Dignissimus, post Rempublicam Sanctissime administratam, vita licet functus hoc in loco animae suae tabernaculum deposcit, ac demum virtutibus clarus, senio confectus migravit ad superos aetatis suae anno nonagesimo quinto, pridie Idus Martis, 1565. (There passed from this life the Holy Bishop D. Vasco de Quiroga, Wednesday in the afternoon of the fourteenth of March 1565. He was Bishop of Michoacán for twenty-eight years. He died at the age of ninety-five years.)"<sup>87</sup>

<sup>86</sup> Beaumont, Crónica, V. 574.

<sup>87</sup> Moreno, Fragmentos, 142.

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The thesis, "Don Vasco de Quiroga and the Second Audiencia of New Spain", written by Paul S. Lietz, has been accepted by the Graduate School with reference to form, and by the readers whose names appear below, with reference to content. It is, therefore, accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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