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**The Politics of Government in the  
Audiencia of New Granada, 1681-1719**

**by**

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A thesis submitted in partial fulfilment of the  
requirements for the degree of Doctor of Philosophy in  
History

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## **Declaration**

I hereby declare that the thesis is my own work, and that it has not been submitted for a degree at another university.

## Abstract

This is a study of government and governance in the Audiencia of Santa Fe during the last two decades of Habsburg rule and the first two decades of Bourbon rule, a period largely neglected by historians of New Granada and of Spanish America in general. However, it is not simply an administrative history. Rather than focus primarily on the structure of government and formal mechanisms of power and authority, this study aims, as the title indicates, to examine the political activity contained within the formal structure of institutions and laws. It looks at the ways in which institutions of government actually functioned within the society they were designed to govern and control, in other words the workings of government. These are themes which have been little studied by historians of the region, despite the importance which has been attached to the colonial state as a force which played a primary role in shaping New Granada's history. Studies of the colonial state have tended to portray it as a hierarchy of institutions, closely controlled from the centre, which developed as Spain's monarchs sought to legitimise their dominion and impose their control over the vast territories of the Americas. They have presented royal institutions of government in the Indies, the audiencia and provincial governors in the case of New Granada, as the tools of an absolutist monarchy, employed by the Spanish crown to expand royal power over Spanish American subjects. The present study thus aims to challenge this picture by making detailed reference to contemporary documentation and taking into account recent research on early modern government and governance in areas outside New Granada. We will attempt to show that government in the Audiencia of Santa Fe was not a rigid structure but very political in nature.



## Introduction

The purpose of this study is to examine the workings of government in the Audiencia of Santa Fe during the late seventeenth and early eighteenth century, at the time when the Spanish monarchy passed through the final years of Habsburg rule under the ailing Charles II and into the opening years of the newly ascendant dynasty established by his Bourbon successor, Philip V. This is not, however, simply an administrative history of the traditional kind focused solely on the structure of administration and formal mechanisms of power and authority. The aim here is, rather, to enter into the world in which crown officials deployed their authority and, in what was evidently a period of considerable internal turmoil in the government of New Granada, to reveal the political activity contained within the formal structure of institutions and laws.

The study is, therefore, designed to examine aspects of the history of New Granada which have been largely ignored by historians of the region. In spite of the importance which historians have attached to the colonial state as a force which played a primary role in shaping New Granada's history, we have very few studies of the ways in which its institutions actually functioned within the society they were designed to govern and control. The exception is Peter Marzahl's work on Popayán.<sup>1</sup> This is, however, very much a local history whereas the present study aims to examine a larger picture, including royal institutions of government in New Granada.

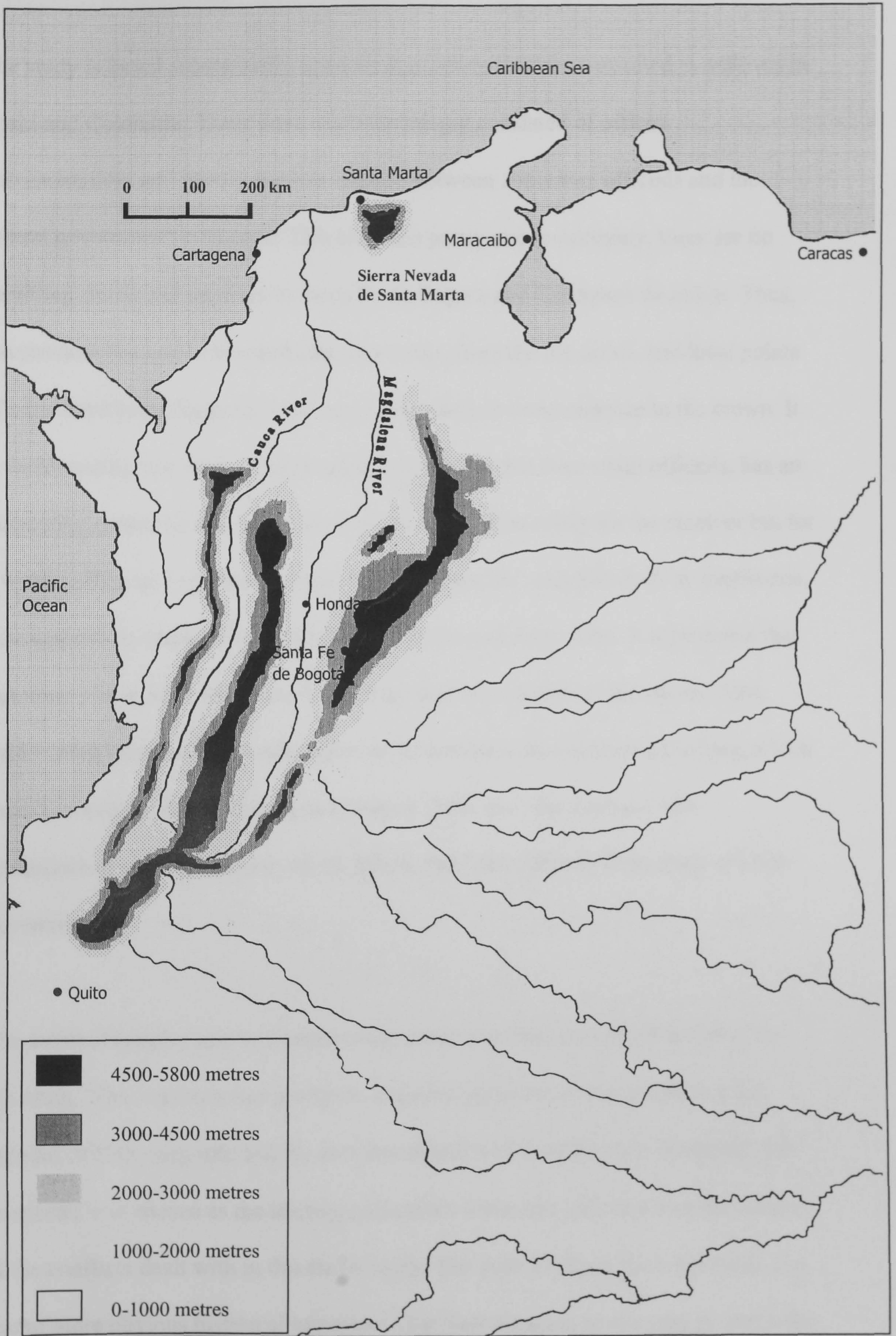
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<sup>1</sup> Peter Marzahl, *Town in the Empire: Government, Politics and Society in Seventeenth Century Popayán* (Austin, Texas, 1978).

Work on the *audiencia* has focused on its formal structure and, in tune with the traditions of historians of *derecho indiano*, has been limited to describing government through detailed accounts of the juridical foundations of the administrative apparatus and its role as an agency for transmitting laws drawn up at the centre of the monarchy.

The picture which we derive from such studies is deceptively simple, showing government as a hierarchy of institutions, in theory closely controlled from the centre, which developed as Spain's monarchs sought to legitimise their dominion and impose their control over the vast territories of the Americas. Reconstruction of the formal mechanisms of government, however valuable for understanding the institutional system which embodies royal power in America, does not, however, tell us much about how government actually worked. In fact, it provides a misleadingly clear image of government as a structure where orders were simply channelled from the centre to the periphery and executed by state functionaries with clearly defined powers and unchallenged authority. Seen from this perspective, the *audiencia* and provincial governments which were New Granada's principal organs of government were simply the tools of an absolutist monarchy that sought, through these professional bureaucrats, to expand its power over the subjects, particularly the creole urban elites, who peopled the territory known as New Granada. In this study, however, we shall try to show that government in New Granada was, or at least had become by the end of the Habsburg period, a much more complicated business than the traditional picture allows.





Map 1: New Granada



The study is based substantially upon fresh primary sources, consulted in archives in Spain and Colombia. These have overwhelmingly consisted of official documentation, and mostly correspondence between American officials and the central government in Madrid. This has been partly due to necessity, there are no surviving municipal archives in Santa Fe de Bogotá and Cartagena de Indias. Thus, government has had to be examined, in a sense, from the top down, and local points of view have been limited to what was expressed in correspondence to the crown. It is worth noting that such correspondence, as well as that from royal officials, has an interesting quality in that it was to an extent not written solely for the receiver but for a wider audience. Letters were copied from the sender's original draft by escribanos, who could then spread word of its contents if deemed interesting. It is probable that this would have been taken into account by authors of letters to the crown. Also, such correspondence followed a series of set formulas for addressing the king, which varied according to the type of letter written. This, too, was the case with ecclesiastical correspondence, which adhered to rules different from those of civil government.

The archival sources also to a certain extent came to determine the time frame for this study. The intention was always to examine government during the two last decades of Habsburg rule and the two first decades of Bourbon rule. However, the year 1681 was chosen as the starting point since it was the year in which the earliest of the conflicts dealt with in this thesis starts. The year 1719, on the other hand, was one of more obvious historical importance for New Granada as the year in which the



colony's first viceroy, Jorge de Villalonga, took up office, thus ending more than a century and a half of audiencia government.

To capture something of the practices of government and the ideas and relationships which shaped them, the pages that follow focus on government in New Granada's two leading cities: first, the tribunal of the audiencia located in the regional capital of Santa Fe de Bogotá, and secondly the government of the province of Cartagena, positioned in the major port and strategic garrison of Cartagena de Indias. In Chapter Two we concentrate on the audiencia, showing its functions, its place in government and in the life of Santa Fe, and, more importantly, how the behaviour of its members was influenced by ideas and practices, as well as personal obligations and relationships, that took them beyond their apparently straightforward role as a court of justice and administrative corps, and produced frequent rivalry among its members as well as contention with other institutions and officers of government.

In Chapter Three we turn to provincial government as represented by the governor and his deputy in the city of Cartagena, asking whether characteristics of audiencia government were paralleled on the provincial level. We examine royal officials' role in government and society and their ability to enforce royal authority, but also the relationship between them and their relations to local institutions of government, through looking at two sets of conflicts taking place in the city in the late seventeenth century. Chapter Four focuses on the relationship between audiencia and provincial government and how a flawed chain of command allowed for negotiation of power and local participation. The importance of corruption and illegal trade as a political theme is also examined.

In Chapter Five we look at the relationship between civil and ecclesiastical government, focusing on two major conflicts occurring in Cartagena in the late seventeenth and early eighteenth century which illustrate the prominent role played by bishops as well as the secular and regular clergy in social and political life and how many of the same values and attitudes which characterised the behaviour of civil government officials also applied to ecclesiastics. Although in a sense not directly related to previous and succeeding chapters, it is necessary to highlight the importance of the Church in late Habsburg and early Bourbon New Granadan political life as it actively took part in government.

Chapter Six examines evidence of the impact of the War of Succession and the change of dynasty on the Spanish throne on New Granada government, but above all it concentrates on one of the most serious crises to affect the audiencia of Santa Fe in the colonial period: the overthrow of President Francisco de Meneses by his colleagues. What sort of ideas and view on government could allow this to happen? Was it an act which enjoyed support and participation from Santa Fe society or did the oidores operate as an isolated group? How did the crown react to this extraordinary challenge to its authority? The chapter will examine these and other questions posed by this unique event. Chapter Seven will then turn to look briefly at the crown's response to New Granada's serious political problems with the establishment of the first Viceroyalty of New Granada, ending with the arrival of Viceroy Jorge de Villalonga in 1719. We will analyse a few selected aspects of this early Bourbon reform before ending with some concluding remarks.



However, before proceeding to investigate government in action, chapter one will briefly sketch the framework in which the audiencia and other institutions of government had been formed and set out the means by which their role in colonial governance and society might be best understood.

## 1- Government in New Granada at the Close of the Seventeenth Century: The Historical Context

At the end of the seventeenth century, New Granada government entered a brief but highly visible crisis. In 1695, Carlos de Alcedo y Sotomayor, *oidor* of the audiencia of Santa Fe in the Kingdom of New Granada, received royal orders to conduct a *visita* of the area of jurisdiction of the *Tribunal de Cuentas* of Santa Fe. Irregular conduct by royal officials, various counts of tax fraud and encomenderos' maltreatment of Indians had been brought to the crown's attention and it wanted the matters investigated. The *visita* was cut short, however, in 1697 when a more pressing concern arose. The Caribbean coastal city of Cartagena de Indias, the principal point of defence for South America, had been sacked by the French, ostensibly with the co-operation of its Spanish governor Diego de los Ríos. Oidor Alcedo was ordered to put off the completion of his *visita* in order to conduct the investigation into the fall of Cartagena on behalf of the crown and as a representative of the audiencia of Santa Fe. But only hours after Alcedo's arrival in Cartagena, Governor Ríos defied royal authority. He arrested the oidor and sent him off to Havana in a leaky boat with hardly any food and water, evidently hoping he would perish on the way thus buying Ríos impunity for his disobedience.<sup>1</sup> In the event, there was neither further investigation of Governor Ríos's behaviour nor retribution for his actions, for the affairs of the colonies were overtaken by other, more important events in Spain itself. When Philip of Anjou succeeded to the throne in 1700, his succession provoked a war which was to occupy his attention for at least a decade. However, when Philip V had been firmly installed on the throne following

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<sup>1</sup> For a fuller account of these events, see chapter 4.



the War of Succession, the actions of the crown suggest that government in Spain was sufficiently disturbed by past events in New Granada to envisage and propound serious reform. In 1716, the king ordered a sweeping review of government in the Audiencia of New Granada and, the following year, installed a viceroy at its head.

The significance of these events is, at first sight, readily understood. Historians of the Habsburg monarchy have long argued that the later seventeenth century was a period of decline in Spanish power, followed by a resurgence under the Bourbons during the eighteenth century. From the golden age of Philip II (1556-98), Habsburg governments had become progressively weaker and the Spanish empire gradually lost power, territory and revenue until it reached a low with the rule of the last Habsburg king, Charles II (1665-1700). His death without a heir sparked a War of Succession which was to secure Spain's throne for her first Bourbon king, Philip V (1700-46), whose ministers initiated a programme of reform that gathered momentum under his successors. As Clarence Haring put it '[t]he black night of Spain's weakness and humiliation under Charles II was to usher in the dawn of recovery under the princes of the House of Bourbon.'<sup>2</sup> Seen in this historical framework, Alcedo's experience seems to present a striking example of the disarray which historians have invariably associated with the closing years of Charles II's reign. In this sense, events in New Granada seem to furnish further evidence for the view that, by this time, the Habsburg monarchy was approaching the nadir of a decline initiated earlier in the century, while the American colonies increasingly drifted out of metropolitan control. The subsequent establishment of the first viceroyalty in New Granada also appears to

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<sup>2</sup> Clarence H. Haring, *The Spanish Empire in America* (Oxford, 1947), p. 314.

confirm the view that the transition to Bourbon rule initiated important changes in the governance of the Spanish empire, apparently presenting us with an early sign of the Bourbon impulse to reassert the power of the centre and to introduce reforms that reflected a new, more centralised model of government shaped by French ideas imported with the new dynasty.

If we now turn to examine the context within which New Granada's government functioned, we shall see that this view of the crisis in New Granada has some relevance and plausibility. However, later we shall also suggest that in order to understand the condition of New Granada's government we must look beyond the economic and political circumstances at the end of the Habsburg period, and consider the wider political culture within which this regional government lived and functioned.

### ***Spain and America in the Later Seventeenth Century***

Certainly there are some good reasons for seeing the humiliation of Alcedo (and by implication the humbling of the royal authority which he represented) as evidence of the decay of the Spanish state throughout the later seventeenth century.<sup>3</sup> This decline had two major dimensions. The first of these was the long-term economic crisis of Spain, aggravated by her failure to monopolise American resources. Inflation caused by the influx of American silver had a devastating effect on Spain's economy in the early decades of the seventeenth century, and a failure to restructure and diversify Castilian production, linking it with American markets, meant that recovery was

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<sup>3</sup> See Anthony McFarlane, *Colombia before Independence: Economy, Society and Politics under Bourbon Rule* (Cambridge, 1993), pp. 24-26.



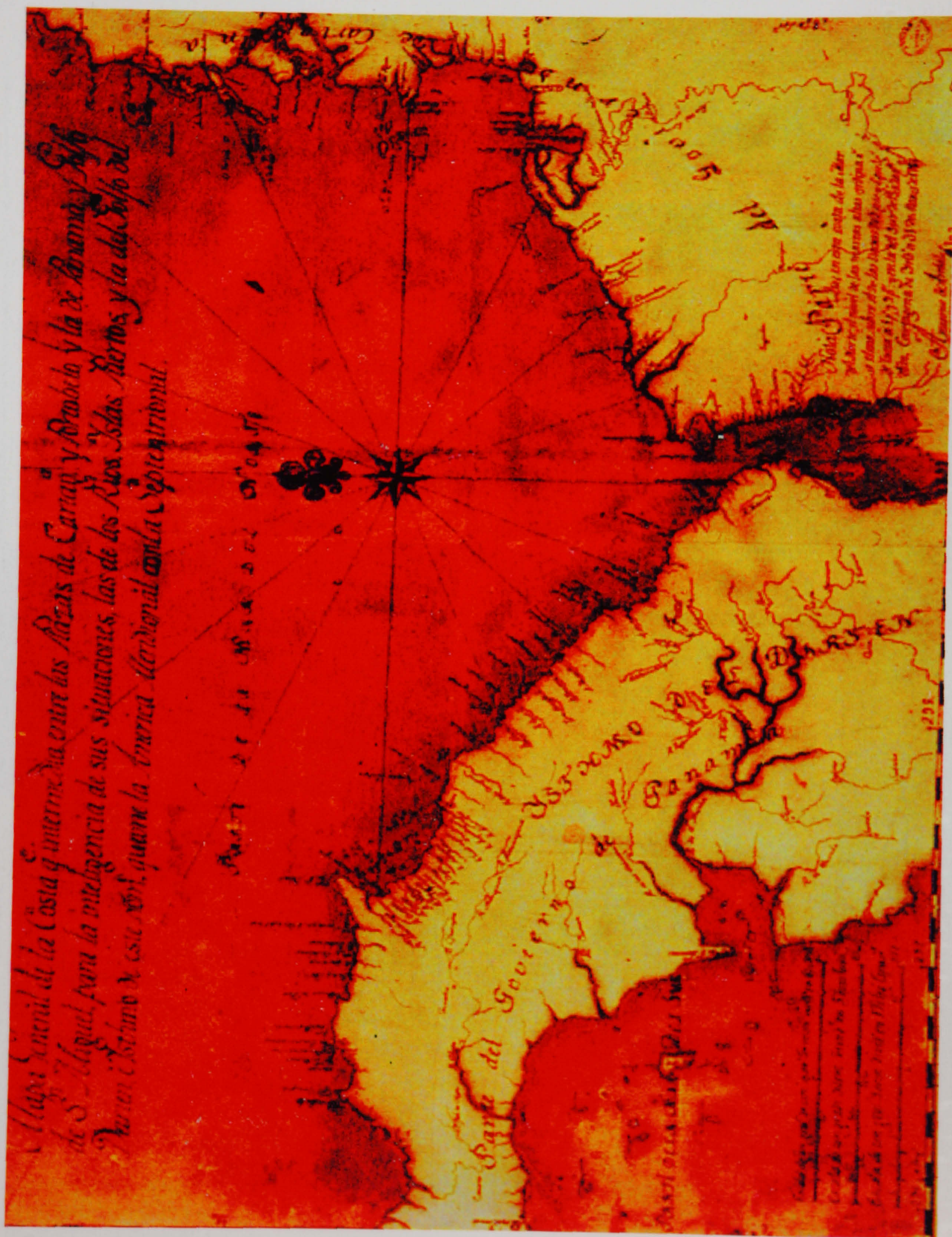
difficult. Spanish economic growth and development was also inhibited by the growing self-sufficiency of the colonies as their agriculture and industry supplied more of their own needs, and foreign products provided a growing proportion of their imports.

The course of Spanish colonial commerce during the seventeenth century is a particularly clear symptom of changes in the Spanish imperial economy. In theory, Spain claimed a complete monopoly of trade with America. Only authorised Castilian merchants belonging to the merchant guild of the *Cargadores a Indias* and trading through Seville (until 1717) or Cadiz (after 1717) could legally trade in the Spanish Indies.<sup>4</sup> Goods could only be carried in one of the two annual convoys of merchant ships, protected by armed military vessels, which were to go from Spain to America and back to provide the colonies with goods and the peninsula with bullion. The *flota* docked in Veracruz to supply Mexico and Central America, while the *galeones de Tierra Firme* sailed to Cartagena de Indias and Portobelo with merchandise for Spanish South America. The monopoly was, however, undermined during the later seventeenth century as Spain's mercantilist policies failed and foreigners took an increasing share of American trade, through both shipments on the fleets and by contraband from islands in the Caribbean. By 1700, the Spanish commercial system had largely broken down. The sailings of the *galeones de Tierra Firme* became more and more infrequent. Between 1675 and 1700 the galleons made

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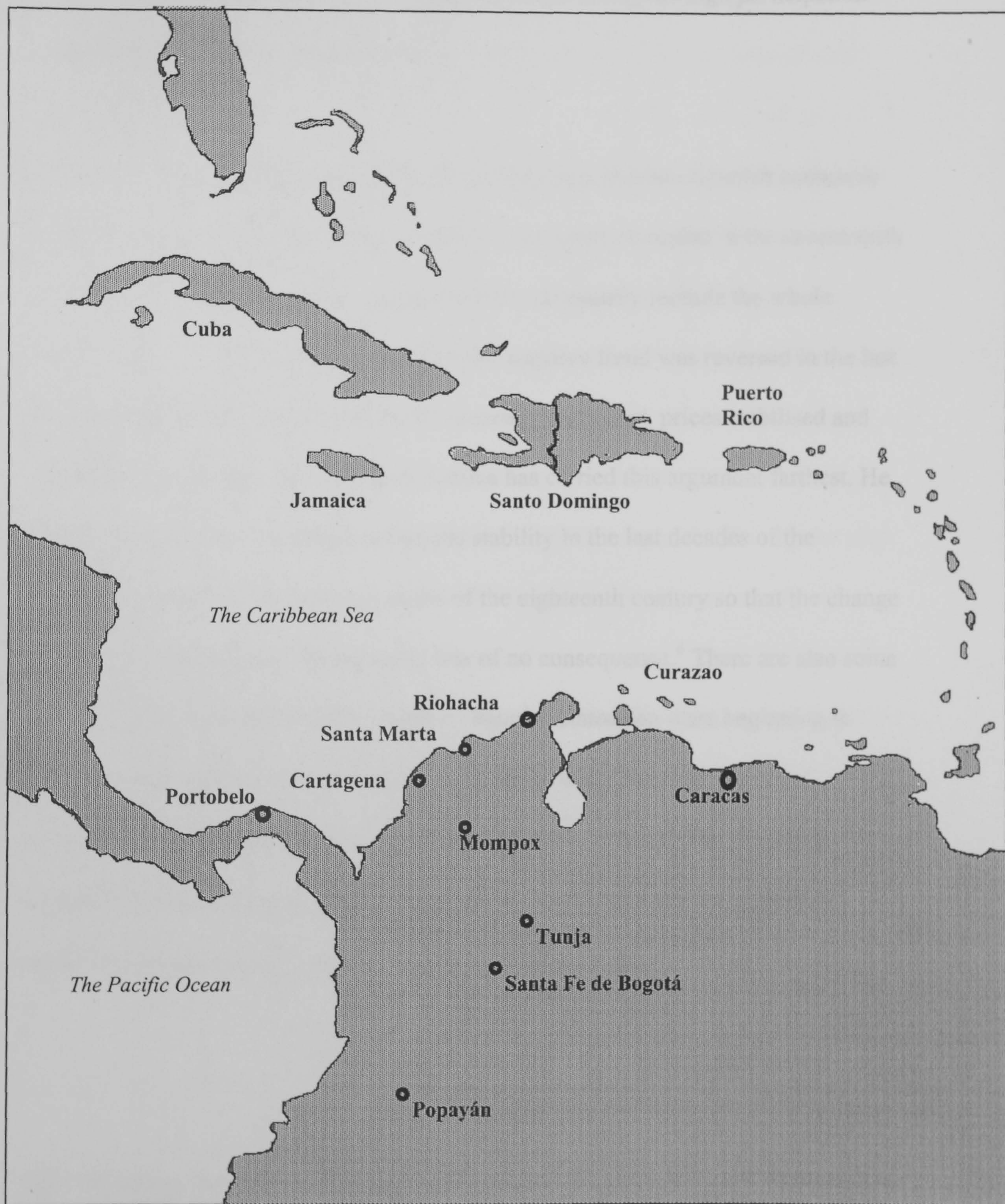
<sup>4</sup> On the trading system, see John Elliott, *Imperial Spain 1469-1716* (Penguin Books, 1963), pp. 182-186; Henry Kamen, *Spain 1469-1714. A Society of Conflict* (London and New York, 1983), p. 102, and *The War of Succession in Spain 1700-15* (London, 1969), pp. 177-191; John Lynch, *Spain under the Habsburgs, vol. 2: Spain and America 1598-1700* (Oxford, 1981 [1969]), pp. 161-168, and *The Hispanic World in Crisis and Change, 1598-1700* (Oxford, 1992), pp. 249-253; McFarlane, *Colombia before Independence*, pp. 21-22 and 100.





Map 2: Mapa general de la Costa que intermedia entre las Plazas de Cartagena y Portobelo y la de Panamá y Golfo de S. Miguel, para la inteligencia de sus situaciones, las de los Ríos, Yslas, Puertos y la del Golfo de Darien, e Ysthmo de este Nombre, que une la América Meridional con la Septentrional, 1761. (AGI Mapas y Planos. Panamá, No. 160)





Map 3: Caribbean Basin



sailings of the *flota* to New Spain were more frequent, there is little reason to doubt that Spain's hold over its colonial commerce had been progressively weakened throughout the latter half of the seventeenth century, both by foreign participation and by growing colonial self-sufficiency.

The picture of decline has been modified by recent research into Spanish economic history, which has set it in a context of general European recession in the seventeenth century and argued that Castile's decline did not necessarily include the whole Spanish empire. It has been suggested that the negative trend was reversed in the last quarter of the seventeenth century as the economy recovered, prices stabilised and the population started to grow.<sup>5</sup> Henry Kamen has carried this argument farthest. He claims that there was continuous economic stability in the last decades of the seventeenth century and the first decades of the eighteenth century so that the change of dynasty on the Spanish throne really was of no consequence.<sup>6</sup> There are also some signs that in the last decades of the century Spanish statesmen were beginning to give more explicit recognition to Spain's problems, and, following Olivares' example, to introduce policies designed to arrest them.<sup>7</sup> The brief term of first minister Count of Oropesa (1685-91) was one in which attempts were made to improve economic and political conditions in Spain.<sup>8</sup>

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<sup>5</sup> Elliott recognises this in *Imperial Spain*, pp. 370-372, and Lynch does so in his later works, such as *Bourbon Spain 1700-1808* (Oxford/Cambridge, 1989), p. 66; and throughout *The Hispanic World in Crisis and Change*, which is an updated version of *Spain under the Habsburgs*, vol. 2.

<sup>6</sup> Kamen, *Spain 1469-1714*, pp. 257-268; and *The War of Succession in Spain*, pp. 167-168.

<sup>7</sup> On Olivares as a statesman who recognised Spain's problems and their necessary solutions, see John Elliott, *The Count-Duke of Olivares: The Statesman in an Age of Decline* (New Haven, Connecticut, 1986), pp. 677-684.

<sup>8</sup> Elliott, *Imperial Spain*, pp. 371-372; Lynch, *Spain under the Habsburgs*, vol. 2, pp. 294-295.



Historians of Spanish America have, moreover, shown that the economic problems of the metropolitan power were not necessarily echoed in the colonies. On the contrary, there is much evidence to suggest that important areas of Spanish America were flourishing in the later seventeenth century. A gap between the Spanish and American economies had become apparent as early as the 1590s, but steadily widened throughout the seventeenth century as Spain's mercantilist policies failed and foreign interlopers took an increasing share of American trade.<sup>9</sup> Nor was the infrequency of the fleets necessarily a sign of economic recession in the colonies. Official figures show that trade with Spain reached a peak in 1610, and from then on began a decline that lasted throughout the century as the infrequent fleets carried smaller and less valuable cargoes. This has led historians to assume that trade between Spain and the Indies decreased throughout the century, and that by the reign of Charles II it was at a minimum. However, due to widespread evasion of taxes, official records are not very reliable, as the use of alternative sources to value American trade has shown.<sup>10</sup> Unofficial reports of treasure transported from America to Europe drawn up by foreign merchants trading illegally in the Indies indicate that the values actually rose in the later seventeenth century with the fleets possibly carrying more valuable cargoes and thus that the prosperity of the Indies was returning in the later decades of the century. In short, then, the crisis of commerce affected Spain rather than Spanish America, and though Spain was economically weak, its colonies became relatively strong.

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<sup>9</sup> Elliott, *Imperial Spain*, pp. 293 and 361; Kamen, *Spain 1469-1714*, pp. 161, 171 and 230-231; Lynch, *Spain under the Habsburgs*, vol. 2, pp. 174-211 and 283.

<sup>10</sup> Morineu, Michel, *Incroyables gazettes et fabuleux métaux. Les retours des trésors américains d'après les gazettes hollandaises (XVe-XVIIIe siècles)* (Cambridge, 1985), referred to in McFarlane, *Colombia before Independence*, pp. 21-22. For New Granada's part in the revival of the trade, see *ibid.* pp. 22 and 100-101.



Linked to this change in the economic relations between Spain and America were changes in their political relations. For, the other main dimension of the transformation of the seventeenth century Spanish monarchy lay in its ability to assert power over its dominions. From around mid-century, economic debility was accompanied by challenges to, and a weakening of the power of the monarchy. This was most obviously reflected in the revolts brought on by attempts to implement the ambitious reform programme of Philip IV's first minister the Count-Duke of Olivares in the 1620s to 40s.<sup>11</sup> Designed to spread Castile's disproportionately heavy tax burden more evenly on the different parts of the empire, the efforts to implement the reforms had provoked revolts at various points in the Spanish monarchy. In Mexico, viceroy Count of Gelves' attempts to implement royal tax policies and eradicate corruption from all layers of colonial administration were met with fierce resistance from colonials, and in 1624 he was overthrown by the *audiencia* and its allies.<sup>12</sup> Larger and more serious rebellions took place in 1640, with uprisings in Catalonia and Portugal, conspiracies to rebel in Aragon and Andalucia, and, later in the decade, riots in Naples and Sicily. In Peru, the crown's tax demands arrived at a time when local socio-economic conditions were exceptionally unfavourable. The result was 'political turmoil and the onset of a serious fiscal crisis by the 1660s' and although no such serious uprisings as in Europe and Mexico took place, the power of royal government to control the financial and political affairs of Peru was seriously weakened.<sup>13</sup> Indeed, Spain's control over its colonies weakened throughout America during the later seventeenth century, for, having failed to rationalise imperial

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<sup>11</sup> For a description and analysis of Olivares' reforms and their failure, see Elliott, *The Count-Duke of Olivares*. For a shorter overview, see Elliott, *Imperial Spain*, pp. 323-352.

<sup>12</sup> Jonathan Israel, *Race, Class and Politics in Colonial Mexico* (Oxford, 1975), pp. 135-160.

<sup>13</sup> Kenneth J. Andrien, *Crisis and Decline. The Viceroyalty of Peru in the Seventeenth Century* (Albuquerque, 1985), pp. 1, 199 and 202.



taxation, the crown steadily expanded the practice of selling offices in a bid to raise revenues by other means.

Whereas in the sixteenth century it had only been legal to sell lower ranking offices such as those of notaries and aldermen, by the reign of Charles II most offices were sold, including those of viceroys, oidores, treasurers, governors and corregidores.<sup>14</sup>

Sale of office, it is argued, loosened crown control in two ways. First, by increasing its vulnerability to corrupt practices by its officials.<sup>15</sup> Sale of office also undermined the crown's policy of favouring peninsular appointees over creoles. By the end of the Habsburg period, the creoles not only dominated the cabildos but also entered the highest echelons of colonial government by buying offices up to the level of the presidents of the audiencias. Thus began an "Americanisation" of the colonial state that was not reversed until the reign of Charles III.<sup>16</sup>

Here, then, we have an approach to the history of colonial government which indicates that in the later seventeenth century Americans enjoyed what John Lynch has characterised as informal independence, due to Spain's economic decline and dilution of authority through the sale of office to officials who put personal interests above those of the crown.<sup>17</sup> This provides a useful context for understanding New

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<sup>14</sup> See for example J. H. Parry, *The Sale of Public Office in the Spanish Indies under the Habsburgs* (Berkeley and Los Angeles, 1953).

<sup>15</sup> Andrien, *Crisis and Decline*, pp. 103-104; Horst Pietschmann, 'Burocracia y corrupción en la Hispanoamérica colonial. Una aproximación tentativa' in *Nova Americana*, 5 (1982), p. 27. Pietschmann has later put the contents of this article into a wider context in his book *El Estado y su evolución al principio de la colonización de América* (México, 1989).

<sup>16</sup> Mark A. Burkholder and D. S. Chandler, *From Impotence to Authority: The Spanish Crown and the American Audiencias, 1687-1808* (Columbia, Mississippi, 1977). See also John L. Phelan, 'El auge y la caída de los criollos en la Audiencia de Nueva Granada, 1700-1781' in *Boletín de Historia y Antigüedades*, 59 (1972), pp. 597-618; Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', pp. 28-29.

<sup>17</sup> For an extensive discussion of this, see Lynch, *The Hispanic World in Crisis and Change*, pp. 287-347.



Granada's government in the late seventeenth century. New Granada's contribution to royal revenues, its connections to Spanish trade, and the ability of its officials to govern the country and defend it against foreign attack all seem to have been in jeopardy at the end of the century, and seem to reflect a general decline of metropolitan economic and political power under the last Habsburg king. There are, however, some problems with seeing the condition and performance of New Granadan government solely in terms of the growing divide between the crown and its colonies. For, though this provides a context for understanding why royal power decayed, it tells us nothing about the actual workings of government in the region or the effects that Spain's debility had upon the conduct of its officials or their relationships with each other and the populations over whom they were supposed to project their authority and power. Before examining these questions in the context of New Granada, we must first consider the ways in which historians have described and debated the system and practice of government in Spanish America.

### *Theories of Imperial Governance*

One important approach to understanding the character of Spanish government in America has been provided by historians who have studied its philosophical foundations. Richard Morse introduced the concept of a 'deep-lying matrix of thought and attitude' which determined the development of Spanish American this society.<sup>18</sup> Colin MacLachlan picked up the idea and argued that the governance of empire can only be understood within a 'philosophical matrix' which he defined as 'a combination of ideas, not easy to separate or define, that embodies the

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<sup>18</sup> Richard M. Morse, 'The Heritage of Latin America' in Louis Hartz (ed.), *The Founding of New Societies. Studies in the History of the United States, Latin America, South Africa, Canada, and Australia* (San Diego, New York and London, 1964), p. 153.

expectations of society as to how it should function.’<sup>19</sup> According to MacLachlan, the Habsburg theory of government had several characteristics.<sup>20</sup> First, it ‘relied more upon philosophical acceptance than upon its actual ability to command’.<sup>21</sup> Second, established and accepted philosophical notions offered a flexible but predictable political arena. They gave scope for negotiations and restricted arbitrary acts which were not for the common good. Another key feature of Spain’s philosophical matrix was the prevalent image of the king as a benevolent, guiding and protective father, preoccupied with the well-being of his subjects. He should function in accordance with natural and divine law, and his actions be directed toward the common good. Decisions perceived as unjust by his subjects were interpreted as unintended miscalculations from the monarch’s side and blame was put on his ministers. But perhaps the crucial characteristic of the ‘philosophical matrix’ was that it was constructed amidst lively academic debate in sixteenth and seventeenth century Spain, and left much open to interpretation.

The great discussions over how the empire should be ruled began when, following Columbus’ discovery of America and Spanish settlements, Spaniards became increasingly conscious of the need to legitimate their claim to the New World and entered into the problem of defining how it might best be governed. Not even the Romans, lords of the greatest empire in western history, had ruled such vast and diverse territories as those the Spaniards conquered in the fifteenth and sixteenth centuries. During the union with Portugal and her American, African and Asian

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<sup>19</sup> Colin M. MacLachlan, *Spain’s Empire in the New World* (Berkeley, Los Angeles and London, 1988), p. x.

<sup>20</sup> *Ibid.*, pp. 7-22.

<sup>21</sup> *Ibid.*, p. 8.



colonies (1580-1640), the Spanish empire truly spanned the world. However, in the minds of early modern Europeans, there had only been one empire in history: the Roman empire. Thus, the Spaniards very early on started calling their territories not empire but monarchy, 'to describe a domain composed of a number of different states in which the legislative will of a single ruler was unquestioned'.<sup>22</sup> The units constituting the Spanish monarchy were called kingdoms, and upon the conquest of America, this terminology was transplanted to the new territories. The kingdoms of the Indies were equal to those of Castile and Aragon, and all the kingdoms of Spain and the Indies made up the components of the one political entity called the Monarchy of Spain.

Three key issues became the focus of debate among the Spanish political thinkers as they sought to legitimise their country's conquest of and continued presence in America and develop a functional model of government for the overseas dominions: the extent of papal authority, the nature of kingship, and the status of the American indigenous populations.<sup>23</sup> In reflecting upon these problems, Spanish intellectuals drew upon ancient and medieval sources. Of particular importance were the Bible and the teachings of Aristotle and other ancient philosophers, Saint Augustine and

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<sup>22</sup> Anthony Pagden, *Lords of all the World. Ideologies of Empire in Spain, Britain and France c. 1500-c. 1800* (New Haven and London, 1995), pp. 15-16.

<sup>23</sup> The following account of sixteenth and seventeenth century scholarly activity in Spain is based upon: J. A. Fernández-Santamaria, *Reason of State and Statecraft in Spanish Political Thought, 1595-1640* (Lanham/New York/London, 1983), and *The State, War and Peace. Spanish Political Thought in the Renaissance 1516-1559* (Cambridge, 1977); MacLachlan, *Spain's Empire in the New World*, pp. 3-4, 10, 14-15, 60 and 67-68; Morse, 'The Heritage of Latin America', pp. 153-155; James Muldoon, *The Americas in the Spanish World Order. The Justification for Conquest in the Seventeenth Century* (Philadelphia, 1994); J. H. Parry, *The Spanish Theory of Empire in the Sixteenth Century* (The Arden Library, 1978 [1940]); Pagden, *Lords of all the World*; John L. Phelan, *The People and the King. The Comunero Rebellion in Colombia, 1781* (The University of Wisconsin Press, 1978), pp. xvii and 85-87, and 'The Problem of Conflicting Spanish Imperial Ideologies in the Sixteenth Century' in Frederick B. Pike (ed.), *Latin American History: Select Problems* (Harcourt Brace Jovanovich, 1969); Quentin Skinner, *The foundations of modern political thought. Volume Two: The age of Reformation* (Cambridge, 1998 [1978]).



medieval sources such as Dante and, above all, Thomas Aquinas. These sources continued to prevail in the seventeenth century in works of diverse character, such as Juan de Solórzano's *Política Indiana* and Juan Flórez de Ocáriz's *Genealogías del Nuevo Reino de Granada*.<sup>24</sup> However, scholars' solutions to the problems facing Spain also reflected a wider European context in which the anti-Catholic ideas of Luther and Machiavelli were making a powerful impression.

As for the extent of papal authority, Pope Alexander VI's bulls of 1493 which divided the world between the Spaniards and the Portuguese raised the problem of whether or not the Pope had the temporal powers needed to determine such a question. By the mid-sixteenth century, a view based on the teachings of Aquinas and advocated above all by Dominicans Bartolomé de las Casas (1475-1566) and Francisco de Vitoria (c. 1485-1546) and later also Jesuit Francisco Suárez (1548-1617) came to predominate. They did not discard the pope's temporal authority, but set strict restrictions on it. Soon, a theory developed which attributed Spain's right to conquer America to the papal bulls but which held that Spain's continued presence in America depended on the peaceful conversion of the Indians, because only if the pagans voluntarily received the true faith did the Spaniards have legitimate authority over them. This also became the official Spanish view, as expressed in the Ordinances concerning Discoveries of 1573.

This view was closely linked with the debate over the status of the Indian, which again was a fundamental issue in the attempts to find an acceptable model for Spanish administration in America. The problem of conflicting interests of Indians

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<sup>24</sup> These two works are saturated with references to Greek and Roman literature and legends.

and Spaniards which emerged as colonisation advanced could only be solved once the status of the Indian had been determined. Here, too, Vitoria, Las Casas and Suárez followed Aquinas' teachings. They claimed that the Indians were part of a world community alongside the Europeans, and that they had rights derived from natural law and the "law of nations", the ancient *jus gentium* of Roman jurisprudence. The fact that they were infidels was not sufficient to deprive them of their political sovereignty and property rights. This view was countered by Juan Ginés de Sepúlveda (1490-1573), who followed Dante's interpretation of Aristotle's theory of natural slavery. According to this, lower forms of life should be subject to higher forms, and because the Indian race was inferior to the Spanish, Indians should be subject to Spaniards. The two views represented by Las Casas and Sepúlveda came head to head at the great debate at Valladolid in 1550-1551, before representatives of the Emperor Charles V. However, the most interesting result of the debate over the status of the Indian was the publication of the New Laws of 1542 which prohibited the institution of the *encomienda*. The contents of this code startled colonials as it showed how theoretical argument could influence colonial legislation to go against the interests of Spain's subjects overseas.

Another key issue and one which stayed on the agenda until long after the Valladolid debate, was the nature of kingship. Views on kingship changed dramatically from the sixteenth to the eighteenth century, as the king went from deriving his powers from divine favour to becoming a more worldly figure.<sup>25</sup> However, in the sixteenth and seventeenth centuries the prevalent view, as advocated by Suárez above all, followed

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<sup>25</sup> Paul Kléber Monod, *The Power of Kings. Monarchy and Religion in Europe, 1589-1715* (New Haven and London, 1999), p. 3.



Aquinas' teachings in adopting the principle of popular sovereignty while stating that the people alienate sovereignty to their prince. However, the prince's power was not unconditional. He was under the obligation to work for the common good, and if he abused his trust, could be deposed. Other prominent political thinkers adhering to this notion of the king's obligation to exercise a benevolent paternalism were Juan de Mariana (1536-1624) and Juan de Solórzano Pereira (1575-1654).<sup>26</sup>

The Spanish empire was, then, a system of governance which, as Anthony Pagden has shown, had some special characteristics which set it apart from other contemporary systems of overseas governance.<sup>27</sup> The system of rule which embraced New Granada and the other regions of Spain's empire during the seventeenth century was conceived in the singular ideas about imperial dominion and kingship that had been developed in Spain during the sixteenth century. Spanish discoveries, conquests and settlement in the Americas had given place to a theory of empire which saw Spain's overseas dominions as an integral part of a larger monarchy in which the king brought together many different realms under a single prince. The development of this concept of an imperial monarchy had involved considerable debate and controversy, since, as Pagden demonstrates, several important Spanish political theorists raised strong objections to the notion of a single state ruled by an all-powerful monarch who provided justice through a unified set of laws. Nonetheless, the image of the monarchy as a single entity under one king, one religion, one language and one law became increasingly entrenched and developed in parallel with the construction of an imperial administration designed to implement laws given by

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<sup>26</sup> *Política Indiana*, f.ex. libro 6, cap. 7, no. 3.

<sup>27</sup> Pagden, *Lords of all the World*, pp. 138-139.

the king and issued to all areas of the monarchy from its centre in Madrid. This concept of government, created in response to the problem of legitimating Spanish dominion and establishing government in the Americas, left no scope for colonial self-determination. The king was regarded as the sole protector and source of legislation for the common good of all his realms, and, as the common good was indivisible, these realms had no need for local sources of law.

### *The Structure of Government*

The ideas of the Spanish political thinkers manifested themselves throughout the Spanish monarchy in the form of laws, and through these, the problem of governing the vast American domains was addressed. Jurisprudence had a uniquely powerful position in Spain, and laws became the expression of the prevalent philosophical matrix. America was, in a sense, “conquered” by laws, from the Requirement read by the conquistadores to the native Americans, drawn up by a lawyer of the Council of Castile, and through subsequent laws and decrees issued to regulate all aspects of colonial life, mostly in the form of *Reales Cédulas*. However, pragmatism tempered the application of formal laws governing Spanish America, as royal officials often modified and adapted crown orders to local needs. The legal formula “obedezco pero no cumplo” was an important means of adapting to local conditions, since it ‘permitted affirmation of the Crown’s jurisdiction without the obligation to implement orders.’<sup>28</sup> In addition, it was accepted that if acknowledged by the crown and if no written legislation was applicable, customs had a recognised legal force.<sup>29</sup>

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<sup>28</sup> MacLachlan, *Spain’s Empire in the New World*, p. 22.

<sup>29</sup> Haring, *The Spanish Empire in America*, p. 101.



The institutional framework for enforcing laws was largely established by the mid-sixteenth century and was to stay in place in Spanish America throughout the colonial period. On the Spanish side, the Casa de la Contratación and the Council of the Indies took care of business related to the overseas colonies.<sup>30</sup> The former was established in Seville in 1503 to organise and control all transport of merchandise and passengers between the Old and the New Worlds. It was also responsible for collecting all taxes related to this traffic. From 1523, the Casa de la Contratación was subordinate to the Council of the Indies, instituted in that year. Its establishment was a recognition of the fact that although the American kingdoms had the same rights as the peninsular kingdoms, peculiar American circumstances meant that laws, rights, institutions and philosophical foundations needed to be adapted to the new environment.<sup>31</sup> Until the end of the colonial period, it served as a link between the crown and Spanish royal government in America and was the formal institution through which royal overseas officials promoted colonial matters to the monarch, and through which the king transmitted his wishes in the form of laws and decrees to his American possessions.

The Council of the Indies had supreme responsibility in all matters concerning the overseas colonies in the spheres of government and defence. This included the preparation and dispatching of royal laws and decrees relating to the administration, taxation, and police of the American dominions, supervision of colonial finances,

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<sup>30</sup> Descriptions of the establishment and development of the Council of the Indies and Casa de la Contratación can be found in Haring, *The Spanish Empire in America*, pp. 94-109, 302-303 and 320; Richard Konetzke, *América Latina. II La época colonial*. (México/Argentina/España, 1982 [12 ed.]), pp. 106-109; Schäfer, Ernesto, *El Consejo Real y Supremo de las Indias, Tomo II: La Labor del Consejo de Indias en la Administración Colonial* (Sevilla, 1947); Solórzano, *Política Indiana*, libro 5, cap. 15-18.

<sup>31</sup> MacLachlan, *Spain's Empire in the New World*, p. 17.

nominating appointees to American government posts (who were ultimately appointed by the king), supervision of ecclesiastical matters related to the royal patronage and the collection of tithes, and the censorship of books. Until 1605, when courts of audit (*tribunales de cuenta*) were set up in Lima, Mexico and Santa Fe de Bogotá the Council of the Indies also audited the accounts of colonial treasuries. Only in matters concerning the Inquisition and its agents were the Council's powers limited.

Its members were *letrados* (lawyers) and ecclesiastics educated at Spanish universities, and the Council was headed by a president. The role of fiscal was assigned to one of the junior members, whose job it was to defend the crown's interests. Important cases were sent to him before they were discussed in a plenary council session, so that he could draw up a report (*respuesta fiscal, informe* or *dictamen*) based on all available evidence, which he then presented to the Council members. A simple majority was sufficient to determine the outcome of a vote. The decision was then written down in a *consulta* which was presented to the king, who was generally not present at Council sessions. If he had no amendments, the Council dispatched the law or decree in the name of the king.

Like the Casa de la Contratación, the Council grew considerably throughout the first two centuries of its existence. From four or five councillors in the 1520s and 30s, the number increased to almost thirty by the early years of Charles II's reign. By then, the members were no longer only *letrados*, but also *de capa y espada*, or men of military background. A reform to limit the number of councillors was proposed in



the 1690s and finally attempted carried out in 1706, but in practice it did not lead to any changes.<sup>32</sup>

In the seventeenth century special departments were created within the Council of the Indies. Of these, one of the most important ones was the *Junta de Guerra*, first established in 1597 to deal with defence and military issues in America including the nomination of important naval and military officers. It consisted of two members from the Council of the Indies and another two from the *Consejo de Guerra* and was suppressed and re-established at various times throughout the century. In 1644, the *Cámara de Indias* was created to nominate candidates for public and ecclesiastical appointments. With the implementation of Philip V's reform programme, the *Nueva Planta*, the Council of the Indies lost much of its influence as four new ministries were created, among them that of *Marina y América*. The new body took over most business related to America, and only consulted the Council on rare occasions. In 1747, the Council was barred from interfering in financial, military, and commercial matters, as well as matters concerning navigation. However, the Council of the Indies was not definitely abolished until 1834.

The highest ranking unit of administration in the Indies was the viceroyalty.

Throughout the colonial era, only four were established in the whole of Spanish America: that of New Spain with its capital Mexico City in 1529, that of Peru with its capital Lima in 1543, that of New Granada with its capital Santa Fe de Bogotá in

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<sup>32</sup> Fernando Muro Romero, 'Instituciones de gobierno y sociedad en Indias (1700-1760)' in *Estructuras, Gobierno y Agentes de Administración en la América Española (siglos XVI, XVII y XVIII). Trabajos del VI Congreso del Instituto Internacional de Historia del Derecho Indiano* (Valladolid, 1984), p. 169.



1717/1739, and that of Río de la Plata with its capital Buenos Aires in 1776.<sup>33</sup> The viceroy was to be the substitute of the king in the colonies and he had ample powers.<sup>34</sup> Nevertheless, the vast area of jurisdiction included in each viceroyalty meant that much of the administration was up to lower ranking institutions of government. Of these, the audiencias were the most important.<sup>35</sup> A type of institution with Spanish medieval roots, the fourteen audiencias established in the colonies between 1511 and 1787 came to assume a rather different position from their models, and the judges enjoyed a far more powerful position than their colleagues in the Old World.<sup>36</sup> Although the exercise of justice was their prime concern both in the Old and the New Worlds, the American audiencias also came to perform political or administrative functions. Finally, below the audiencias ranked a number of lesser officials such as governors, corregidores and treasury officials, the majority of whom were appointed by the Madrid government under the king's patronage. On the local level, the cabildo took care of municipal government and constituted an important voice for creole elites.

This system of government and the legislation it handled and enforced has attracted much attention from the historians of *derecho indiano*, who have generally limited

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<sup>33</sup> Haring, *The Spanish Empire in America*, pp. 72 and 82-83; Konetzke, *América Latina. II La época colonial*, pp. 119-120.

<sup>34</sup> Solórzano, *Política Indiana*, libro 5, cap. 12-14.

<sup>35</sup> In the course of three centuries of Spanish rule, the following audiencias were established in America: Santo Domingo (1511), México (1527), Panama (1538, suspended 1543, reestablished 1567, suspended 1717, reestablished 1723, suspended 1751), Lima (1542), Guatemala (established in Los Confines 1543, moved to Santiago de Guatemala 1560), Santa Fe (1549), Guadalajara (established as audiencia of New Galicia 1548, moved to Guadalajara 1560), Charcas/La Plata (1559), Quito (1563, suspended 1717, reestablished 1723), Chile (established 1565 in Concepción, suspended 1575, reestablished 1609 in Santiago), Manila (1583), Buenos Aires (1661, suspended 1671, viceroyalty 1776), Caracas (1786), and Cuzco (1787). Haring, *The Spanish Empire in America*, pp. 15-16 and 72-93; J. H. Parry, *The Audiencia of New Galicia in the Sixteenth Century: A Study in Spanish Colonial Government* (Cambridge, 1968 [1948]), pp. 6 and 82; Tomás Polanco Alcántara, *Las Reales Audiencias en las provincias americanas de España* (Madrid, 1992), pp. 209-210.

<sup>36</sup> See Solórzano, *Política Indiana*, libro 5, cap. 3, especially no. 10



themselves to describing the Spanish state in studies which, through detailed accounts of institutions and laws, portray the machinery of government and its juridical foundations.<sup>37</sup> The focus of their studies has been the highly hierarchical set of institutions, in theory closely controlled from the top, and their narrow focus on law and institutions has stimulated a view of the Spanish monarchy as an absolutist state in which the king exercised power through a set of institutions -viceregencies, audiencias, governorships and so on- that both reflected and enforced a united command. This did not, they would acknowledge, necessarily produce a clear chain of command. For the crown tried to protect its power by delegating it to officials with overlapping jurisdictions, a practice which tended to produce conflict among officials

and was not always conducive to smooth and efficient government. However, as the purpose of this practice was to ensure that no single institution or official became too powerful or too free from restraints, emphasis upon it tended to strengthen the view that Spanish government in America was absolutist in intention and practice.

### ***The Practice of Government***

There are, however, reasons to doubt the absolutist model as a means for understanding the ways in which government worked in Spanish America. Students of seventeenth century Europe have increasingly questioned the validity of the term

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<sup>37</sup> See for example Alfonso García-Gallo, *Los orígenes españoles de las instituciones americanas: estudios de derecho indiano* (Madrid, 1987); Muro Romero, 'Instituciones de gobierno y sociedad en Indias', and 'La administración de Indias: de la unidad imperial a la diversidad americana; el tránsito del siglo XVII' in *Maison des pays iberiques, Centre d'études de géographie tropicale, Unite et Diversite de l'Amérique Latine, tome I* (Bordeaux, 1982), pp. 275-299; Ricardo Zorraquín Becú, 'Los distintos tipos de gobernador en el derecho indiano' in *III Congreso del Instituto Internacional de Historia del Derecho Indiano. Actas y estudios* (Madrid, 1972), pp. 539-580, and 'El oficio de gobernador en el derecho indiano' in *Revista del Instituto de Historia del Derecho Ricardo Levene*, 23 (1972), pp. 171-237, in *Revista de Historia del Derecho, Instituto de Investigaciones de Historia del Derecho*, 1 (1973), pp. 251-286, and in *Estudios de Historia del Derecho, Instituto de*



absolutism as a definition of government in leading states, and, by separating the concept of absolute power from that of absolutism, have modified the contents of the term. Much of this revisionist debate has focused on Louis XIV's France, always regarded as Europe's leading exponent of absolutism, and its exponents have questioned the utility of the concept as a means of understanding the development of government from several different angles. Roland Mousnier, for example, accepts the term absolutist in respect of the French monarchy but argues that the ideal was unfulfilled because it was not supported by the resources necessary to back up the extensive political powers possessed by the king.<sup>38</sup> William Beik also regards the French monarchy as absolutist in principle, but thinks that historians have exaggerated the modernity of the state apparatus created by French kings.<sup>39</sup> He claims that the absolutism of Louis XIV was contained within the tradition of medieval feudal rule and that it formed a buttress against change in the direction of capitalism. Rather than from modernisation, Louis XIV's success stemmed from his reinforcing divisions within the hierarchy existing under feudalism, as well as the privileges of the nobles. Beik suggests that this is equally true for the Spain of Charles II. In fact, the strength of the tradition of conciliar government there was proved with its part in bringing down Olivares' reforms, and it was still very much alive during Charles II's reign, dubbed 'a golden age for the privileged classes'.<sup>40</sup>

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*Investigaciones de Historia del Derecho* (Buenos Aires, 1988), pp. 267-390.

<sup>38</sup> Roland É. Mousnier, *The institutions of France under the absolute monarchy, 1598-1789*, 2 vols., trans. Brian Pearce (Chicago University Press, 1980 and 1984), vol. 1, pp. 665 and 740.

<sup>39</sup> William Beik, *Absolutism and Society in Seventeenth-century France. State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1985).

<sup>40</sup> Elliott, *Imperial Spain*, p. 362. See also Elliott, *The Count-Duke of Olivares*, p. 683.



There are others, however, who discard the term absolutism altogether. Roger Mettam, like Beik, considers that the modernity of Louis XIV's regime has been greatly exaggerated, claiming that 'the success of Louis XIV and his ministers rested more on their skilful exploitation of the traditional values and priorities of French society than on the modernization of the administrative machinery and the creation of a new kind of royal official.'<sup>41</sup> In his view, the French seventeenth century state was a corporate one very much like that of the sixteenth century where the distribution of patronage and favour were salient features. Sharon Kettering takes a similar view, abandoning the idea of an absolutist and centralised late seventeenth century France, and stressing instead the importance of 'the great nobles and their provincial clienteles ... and the provincial Estates'.<sup>42</sup> Richard Bonney also argues that one cannot apply the term absolutism at all until after the French revolution, but that it is possible to talk about absolute power as 'freedom of the monarch in practice from institutional checks on his power, in short, a regime where the ruler is not limited by institutions outside the kingship itself.'<sup>43</sup> According to this definition, seventeenth-century Spanish kings would possess absolute power in areas such as Castile, due to the decline of the cortes, and America, due to the absence of constitutional institutions, but not in regions such as Aragon or Catalonia where the regional cortes were active until the Bourbon reforms. Helen Nader, on the other hand, suggests that that Spanish absolutism expressed itself through decentralisation of power, thus stressing an unusual facet of the term.<sup>44</sup> According to her, the crown

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<sup>41</sup> Roger Mettam, *Power and Faction in Louis XIV's France* (Oxford and New York, 1988), p. 7.

<sup>42</sup> Sharon Kettering, *Patrons, Brokers, and Clients in Seventeenth-Century France* (Oxford, 1986), p. 237.

<sup>43</sup> Richard Bonney, *The Limits of Absolutism in ancien régime France* (Aldershot, Hampshire, 1995), p. 94.

<sup>44</sup> Helen Nader, *Liberty in Absolutist Spain. The Habsburg Sale of Towns, 1516-1700* (Baltimore and London, 1990). See also John Lynch, 'The Institutional Framework of Colonial Spanish America' in *Journal of Latin American Studies*, supplement, pp. 73-74.



strengthened its power by selling off town charters thus creating more self-administering towns to counter the influence of the nobility and to draw support to the monarchy.

Historians of Spanish America have also become sceptical of the utility of the absolutist model as a means of understanding the forms and aims of government in the Spanish colonies. John L. Phelan, for example, argued that, whatever its ideals, the Habsburg monarchy was not a rigid, top-down structure. According to Phelan, the monarchy was built on an absolutist ideal but failed to measure up to this ideal in practice.<sup>45</sup> Using Max Weber's terms, he argued that under the early Habsburgs, royal administration in America was built on the ideal of the rational bureaucracy, but retained strong patrimonial and charismatic elements. The blend of these different systems gave rise to corruption and inefficiency which ensured that royal absolutism was blunted and left considerable scope for the expression of local interests.<sup>46</sup> This view of the state which, by reasons of its contradictory blend of patrimonial and rational/bureaucratic practices, fell short of its early absolutist ideals is supported by historians who have debated the presence and role of 'corruption' among crown officials in the colonies. On the one hand, they agree with Phelan that 'corruption' arose in the interstices of an absolutist monarchy that could not sustain its ideal of a disinterested bureaucracy.<sup>47</sup> However, debate has also centred on the

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<sup>45</sup> John L. Phelan, *The Kingdom of Quito in the Seventeenth Century: Bureaucratic Politics in the Spanish Empire* (Madison, Wisconsin, 1967).

<sup>46</sup> *Ibid.*, pp. 320-337.

<sup>47</sup> Anthony McFarlane, 'Political Corruption and Reform in Bourbon Spanish America' in Walter Little and Eduardo Posada-Carbó (eds.), *Political Corruption in Europe and Latin America* (London, 1996), pp. 41-63; Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial'.



interpretation of the term corruption and its place in the political culture of the ancien regime.<sup>48</sup>

In a recent synthesis, Lynch has argued that the colonial state in America is better understood as a ‘consensus’ than an ‘absolutist’ state, as a system of government in which state functionaries were not so much the executors of royal command from the centre, but rather intermediaries between the centre and local elites.<sup>49</sup> More recently, François-Xavier Guerra has also called for a re-examination of the notion of absolutism in a Spanish American context, suggesting that the absolutist discourse was merely an expression of a political ideal and far from a reality as the king’s powers were limited by divine and natural law as well as by the traditional rights of his subjects.<sup>50</sup> Also, along with Annick Lempérière, he has pointed out the importance of paying attention to the language in which the society of the Spanish world expressed its ideas and opinions.<sup>51</sup> In this, they concur with Paul Kléber Monod, who rejects any discussion of early modern government and politics using modern terms.<sup>52</sup> For instance, historians have often used the terms “state” and

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<sup>48</sup> For an overview of the debate about defining the concept of corruption, see Arnold J. Heidenheimer, ‘Terms, Concepts, and Definitions: An introduction’ in Arnold J. Heidenheimer, Michael Johnston, and Victor T. LeVine (eds.), *Political Corruption. A Handbook* (New Brunswick and London, 1989), pp. 8-12. In the same book, see also Carl J. Friedrich, ‘Corruption Concepts in Historical Perspective’. Annick Lempérière, ‘República y publicidad a finales del Antiguo Régimen (Nueva España)’ in François-Xavier Guerra and Annick Lempérière et. al., *Los espacios públicos en Iberoamérica. Ambigüedades y problemas. Siglos XVIII-XIX* (Mexico, 1998), questions the validity of the term “corruption” for the ancien regime. For definitions of political culture, see Keith Michael Baker, *Inventing the French Revolution. Essays on French Political Culture in the Eighteenth Century* (Cambridge, 1990), p. 4; Richard Morse, ‘La cultura política iberoamericana: de Sarmiento a Mariátegui’ in Sergio Bagú et. al., *De historia e historiadores. Homenaje a José Luis Romero* (Mexico, 1982), p. 235. Margarita Garrido discusses the use of both these definitions in a New Granadan context in *Reclamos y representaciones. Variaciones sobre la política en el Nuevo Reino de Granada, 1770-1815* (Bogotá, 1993), pp. 13-15.

<sup>49</sup> Lynch, ‘The Institutional Framework of Colonial Spanish America’.

<sup>50</sup> François-Xavier Guerra, ‘De la política antigua a la política moderna. La revolución de la soberanía’ in François-Xavier Guerra and Annick Lempérière et. al., *Los espacios públicos en Iberoamérica. Ambigüedades y problemas. Siglos XVIII-XIX* (Mexico, 1998), pp. 110 and 121.

<sup>51</sup> Ibid.; Lempérière, ‘República y publicidad a finales del Antiguo Régimen’, pp. 54-79.

<sup>52</sup> Monod, *The Power of Kings*.



“colonial state” when referring to the Spanish monarchy and to its dominions in the Indies. But Guerra points out that “state” is not a term used in the period, and thus to describe the system of government in these terms can be considered anachronistic. Instead, one should employ terms relevant to early modern society. The ancien regime was primarily preoccupied with “gobierno”. This term was not wholly identified with the powers of the royal authorities but was regarded as widely distributed among the different “bodies” which composed the “republic”.

This perspective helps us to see colonial government not just as a hierarchy of institutions and officials executing the king’s commands but as a political arena in which government functionaries, churchmen and local elites met with one another, and sought to protect and pursue their own interests within the broad boundaries of laws which did not define institutional powers with any great clarity. It also points to the importance of the city as the prime arena for political life. Within the city, public life occurred in very concrete places, mainly the public squares but also in the principal streets. Here, the so-called theatre of politics took place. As Peter Burke has pointed out in the case of late renaissance Genoa, displays of power could manifest themselves through the actual use of space in a city.<sup>53</sup> Behind outward displays of authority there were also other less visible but no less important political activities, in which officials and local notables linked up in networks of patronage and influence which they sought to use to their own advantage, and which manifested their competition in factionalism both within and outside the institutions of government. Here, the “public” had a very concrete character, composed of

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<sup>53</sup> Peter Burke, *Varieties of Cultural History* (Cambridge, 1997), pp. 111-123.



particular populations and of corporations who practised their politics through influence peddling.<sup>54</sup>

In these settings, people saw their society in terms of groups, not individuals, and the prevalence of group over individual gave ancien regime politics a pactist element characterised by constant negotiations between groups and different levels of authority. Thus, moving away from the traditional picture of colonial government as a hierarchy of institutions commanded from above, historians have increasingly preferred to see government as an eminently political activity involving competing officials and local social networks in ‘a field of action in which competing interests and groups struggled for advantage or control.’<sup>55</sup> A particularly good example of this approach is Tamar Herzog’s recent work on the audiencia of Quito.<sup>56</sup> In her study, she shows that, rather than simply managing a passive population, the leading officials of colonial government were engaged in a constant effort to construct their power through ceremony, public display, patronage and clientage. In this endeavour, they were joined by local elites who, through their participation in political life, helped consolidate the authority of the audiencia while pursuing their own ends.

Seeing government as a contested political arena also draws our attention to the significance of ceremonial and ritual. Historians have recently become much more conscious of the need to understand ceremonies and rituals as elements of political

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<sup>54</sup> Guerra, ‘De la política antigua a la política moderna’, pp. 117 and 122; Tamar Herzog, *La administración como un fenómeno social: La justicia penal de la ciudad de Quito (1650-1750)* (Madrid, 1995), pp. 129 and 151-152; Lempérière, ‘República y publicidad a finales del Antiguo Régimen’, pp. 72-79.

<sup>55</sup> Stuart B. Schwartz, ‘The Colonial Past: Conceptualizing Post-*Dependentista* Brazil’ in Jeremy Adelman (ed.), *Colonial Legacies. The Problem of Persistence in Latin American History* (New York and London, 1999), p. 181.

<sup>56</sup> Herzog, *La administración como un fenómeno social*.



life. Thus, rather than regarding public ceremonies as mere spectacles presented to a passive public, we have come to see them as dramatisations of the hierarchy of authorities and bodies which made up society and participated in the affairs of the 'republic'. This was vital to the construction of authority, for it displayed the political order and its foundations. In a groundbreaking study done in the 1960s, the sociologist Norbert Elias showed how in Louis XIV's court the place or task a person was assigned in a certain ceremony described that person's exact place in the social and political hierarchy.<sup>57</sup> The same point has also been developed for the case of renaissance Venice by Edward Muir who shows how processions, for example, could be powerful political manifestations.<sup>58</sup> In a Spanish American context, two recent studies have examined the importance of ceremony and how colonials' loyalty to the crown was expressed through ritual and celebrations.<sup>59</sup> Indeed, in the Spanish Indies, ceremony was the means of displaying Spanish authority right from the beginning of conquest. Where other European powers focused on science or dialogue when conquering the New World, the Spaniards read a formal speech known as the Requirement, summoning the natives to the Christian religion and threatening with war against those who would not convert. This was a set ceremony which enacted Spain's legal authority over the new land and which took place every time a Spaniard set foot on unknown soil.<sup>60</sup> True to tradition, then, public ceremonies

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<sup>57</sup> Norbert Elias, *The Court Society* (Oxford, 1983 [1969]).

<sup>58</sup> Edward Muir, *Civic Ritual in Renaissance Venice* (Princeton, 1981). See also his *Ritual in Early Modern Europe* (Cambridge, 1997).

<sup>59</sup> Carole Leal Curiel, *El discurso de la fidelidad. Construcción social del espacio como símbolo del poder regio (Venezuela, siglo XVIII)* (Caracas, 1990); Jaime Valenzuela Márquez, 'De las liturgias del poder al poder de las liturgias: Para una antropología política de Chile colonial' in *Historia*, 32 (1999), pp. 575-615.

<sup>60</sup> For a comparison of the French, Spanish, Portuguese, English and Dutch rituals of conquest in America, see Patricia Seed, *Ceremonies of possession in Europe's conquest of the New World, 1492-1640* (Cambridge, 1995).



continued to be important in displaying authority. Power and authority were visible, and if they could not be seen, they did not exist.

Such public ritual made its participants highly sensitive to questions of protocol and precedence, and was in itself capable of stimulating political conflicts. Public events and above all processions marking religious events throughout the year, such as Easter and Corpus Christi, assumed a profound political meaning. Consequently, the frequent disputes over positions in public processions or in church that seem to the twentieth-century mind as petty squabbles were vested with great significance in seventeenth-century society and sometimes became political quarrels important enough to require mediation by the central government in Madrid.

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What does it mean, finally, to enquire into government in New Granada in the light of such revisions to our view of the structure and conduct of Spanish monarchical rule in America? Clearly we must conduct our enquiry from a perspective that questions the concept of the absolutist state rather than simply taking it for granted. Secondly, by starting from the premise that the history of government and governance is more than administrative history, we must try to go beyond the structure of institutions to understand the political contexts within which officials functioned, and, by examining the behaviour of those who made up the “state”, seek to understand their ideas and practices. Thirdly, by focusing on disputes within government we shall try to reveal something of the ways in which contemporaries saw the constitution of royal power, what they understood to be its limits, and how they understood and asserted, often by symbolic means, their own place in sustaining



and implementing the king's rule. Thus, rather than aiming simply to trace the formal character of institutions which transmitted orders from above, we shall consider government as an arena in which officials pursued both public and private interests through the practice of a politics which involved the public display of power, the construction of alliances based on networks of friends and families, and recourse to the central government as a source of arbitration between competing agencies that were embedded in local society, rather than as a source of commands to be blindly obeyed.

With these ideas in mind, we will now proceed to examine the workings and interactions of two major institutions of government in New Granada during the late seventeenth and early eighteenth century - the audiencia of Santa Fe and the provincial government of Cartagena -, seen through conflicts among officials and between the officers of the crown and its subjects. We will start at the top, so to speak, by focusing first on the practice and politics of the audiencia of Santa Fe.



## 2- Audiencia Government: Santa Fe de Bogotá

The audiencias constituted the backbone of colonial administration in the Indies. The judges appointed to these tribunals often served long terms and became well integrated into creole society. In many cases, they became the stock of important creole families, mostly through their children's marriages. Indeed, the importance of the audiencias is reflected in the fact that the boundaries of most Latin American countries of today coincide to a large extent with the old audiencia districts and their capitals with the seats of the audiencias during the colonial period. But how did the audiencias function and were they efficient instruments of crown policy? This chapter will address these questions by examining a turbulent decade and a half of audiencia life in late seventeenth century Santa Fe de Bogotá, covering the presidency of Gil de Cabrera y Dávalos. Here we will focus on the purpose of the audiencia and its workings, and by examining the behaviour of the audiencia ministers, enquire into their understanding and use of their authority. We shall also examine the sources of controversy and conflict within the audiencia, their relation to local society, and the impact of political conflict on the audiencia's ability to exercise authority and manage government in New Granada

### *City and Province*

The capital of the audiencia of New Granada was in the city of Santa Fe de Bogotá, a town established in the late 1530s on the site of the Muisca Indian settlement of



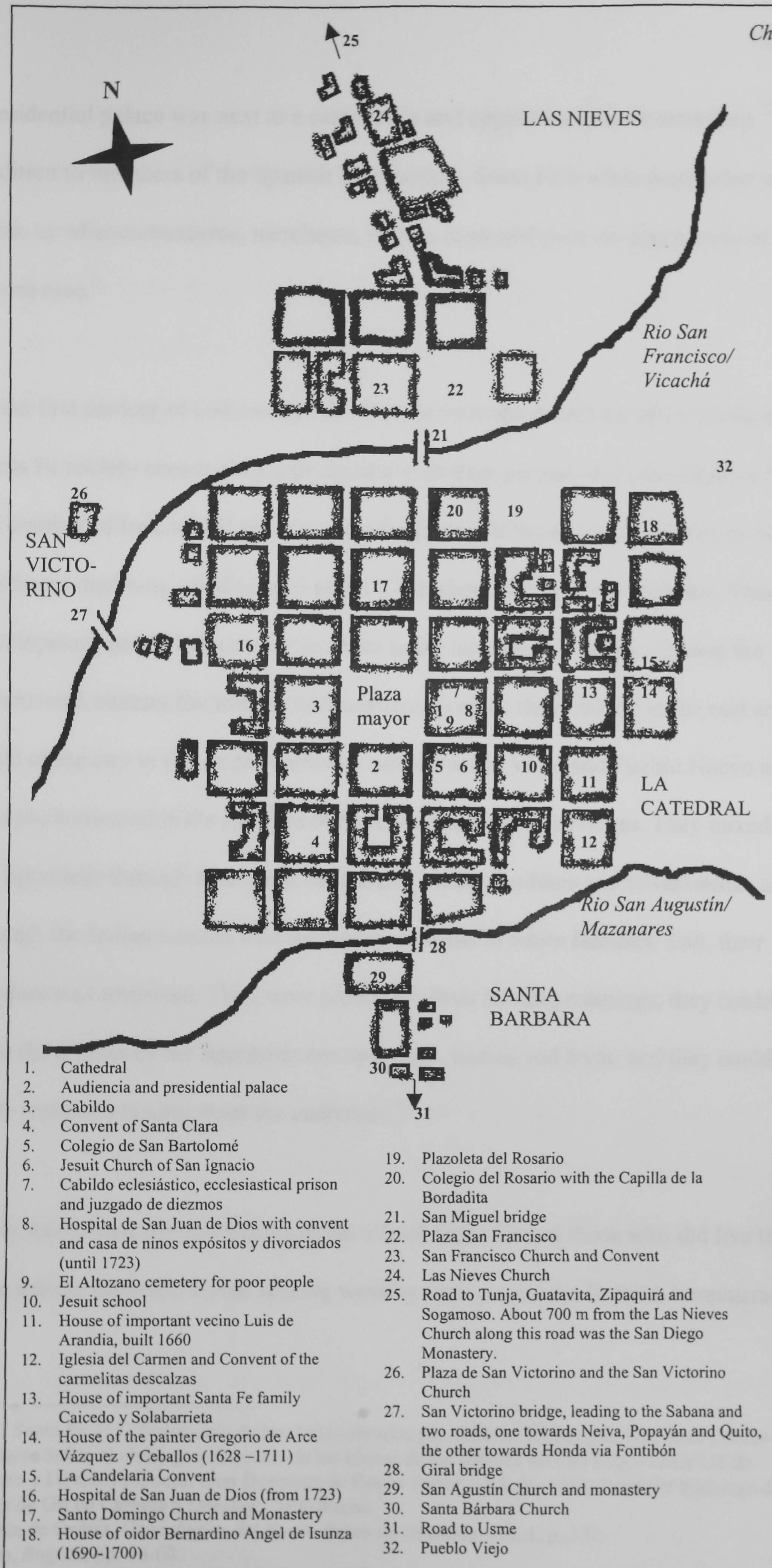
Teusaquillo.<sup>1</sup> From a modest beginning of twelve houses and a church built in the traditional Indian style, it grew to over 3 000 Spanish vecinos by late seventeenth century. This was somewhat less than the neighbouring audiencia capitals of Quito, which in 1650 had 3 500 vecinos, and Lima, which in 1700 had a total of 36 558 inhabitants, equivalent to about 5 000 vecinos.<sup>2</sup> Despite the smaller size, Santa Fe's fine houses were comparable to those in other Spanish American capitals. Streets were drawn up in a rectangular pattern around a town square, and the interiors of uniformly sized blocks had patios and gardens. Churches and convents were built along the main street, the *Calle Real del Comercio*, and the small squares in front of their façades became public meeting points. But it was the Plaza Mayor, surrounded by the audiencia and cabildo buildings and the cathedral, which became the centre of public life. The city's most important vecinos lived near this plaza in the parish of La Catedral, and between their houses were the shops of Santa Fe's traders and artisans. In 1690, for example, the oidor Domingo de la Rocha's next door neighbour was a cabinetmaker and directly across the street was a merchant's shop, and the

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<sup>1</sup> The first mass held in the rudimentary church of the new settlement was held on 6 Aug. 1538, but the juridical formalities of foundation, such as setting up a cabildo, were not carried out until 27 April 1539. The following account of economy and society in Santa Fe is based upon Lúcas Fernández de Piedrahita, *Historia General del Nuevo Reino de Granada* (excerpt) in *Boletín de Historia y Antigüedades*, 12:134 (March 1918 [c. 1676]), pp. 65-69; Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, vol. 1, pp. 353-359; Carlos Martínez, *Reseña urbanística sobre la fundación de Santafé de Bogotá en el Nuevo Reino de Granada* (Bogotá, 1973), and *Santafé de Bogotá* (Buenos Aires, 1968); McFarlane, *Colombia before Independence*; Elisa Mújica, *Las Casas que Hablan. Guía Histórica del Barrio de la Candelaria de Santafé de Bogotá* (Bogotá, 1994); Fabio Puyo, *Bogotá* (Madrid, 1992); Antonio Vázquez de Espinosa, *Compendio y descripción de las Indias Occidentales* (Washington, 1948 [c. 1620]), pp. 298-300; Fray P. P. Villamar, *Vida y virtudes de la venerable madre Francisca María del Niño Jesús* (excerpt) in *Boletín de Historia y Antigüedades*, 15:169 (August 1925 [Madrid, 1723]), pp. 415-419.

<sup>2</sup> Juan Günther Doering and Guillermo Lohmann Villena, *Lima* (Madrid, 1992), p. 142; Jorge Salvador Lara, *Quito* (Madrid, 1992), p. 93.





Map 4: City of Santa Fe de Bogotá, c. 1700



presidential palace was next to a carpenter's and opposite a tailor's workshop.<sup>3</sup> In addition to members of the Spanish bureaucracy, Santa Fe's white population was made up of encomenderos, merchants, clerics, nuns and poor people, mainly of mixed race.<sup>4</sup>

In the first century of colonisation the Indians were the dominant ethnic group in Santa Fe society constituting approximately seventy percent of the population. But the number of Indians fell sharply at the beginning of the seventeenth century and continued declining steadily until about 1750 when the trend was reversed. This development paralleled a steady increase in the number of *mestizos*. During the seventeenth century the Indians and mestizos lived on the outskirts to the east and north of the city in the neighbourhoods called Pueblo Viejo and Pueblo Nuevo and also predominated in the parishes of Santa Bárbara and Las Nieves. They mixed with the Spaniards through their work as artisans, bakers, builders and silversmiths, and through the Indian women who worked as servants in white families. Still, their freedom was restricted. They were prohibited from holding meetings, they could not wear the clothes of the Spaniards nor own dogs, horses and arms, and they could not trade without a licence from the audiencia.<sup>5</sup>

There were relatively few blacks in the city of Santa Fe and those who did live there were mainly domestic slaves serving wealthy vecinos and the Spanish bureaucracy.

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<sup>3</sup> AGI Santa Fe 211, Testimonio de los Autos obrados por el Señor Licenciado Don Juan Garcés de los Fayos Sobre el embargo y deposito de los bienes de los señores Mre de Campo Don Gil de Cabrera y Dávalos y Doctor Don Domingo de Rocha Ferrer, 11 Sept. 1690; hereafter Embargo de los bienes de Gil de Cabrera y Domingo de la Rocha.

<sup>4</sup> Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, vol. 1, p. 357.

<sup>5</sup> Puyo, *Bogotá*, pp. 56-60.



Oidores and presidents were allowed to keep a total of four slaves but this was frequently exceeded.<sup>6</sup> Three female and two male slaves seems to have been a common number to serve in an important man's home, such as that of President Gil de Cabrera, oidor Domingo de la Rocha or wealthy regidor and landowner Agustín de Londoño y Trasmiera.<sup>7</sup> Although there was never the fear of a major slave rebellion in Santa Fe -as there was in Cartagena- cases of rebellious slaves were not unheard of and authorities dealt with such cases severely. In 1716, Gil de Cabrera's daughter, Teresa Margarita, denounced her slave Juana María and her mulatto servant Juana Díaz for having tried to kill her by knocking her on the head with a rock one night while she was asleep. For this, the slave was sentenced to death and the mulatto to 200 lashes.<sup>8</sup>

This was not, however, a city riven by deep social tensions, nor was it vulnerable to attack by foreigners. Its economic position was as a regional trading centre as well as staging post on the overland trading route from the Caribbean port of Cartagena to Quito and Lima. This was in great part due to its relative closeness to the Magdalena River, with the river port of Honda only 120 kilometres away. The city itself was situated on a large savannah, and was delimited by the rivers San Francisco and San Agustín to the north and south, mountains to the east and a large ravine to the west. Three bridges crossing the rivers were the only means of entering and leaving the

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<sup>6</sup> *Recopilación de leyes de los reinos de las Indias*, 4 vols. (Madrid, 1841 [1681]), libro 2, tít. 16, ley 65.

<sup>7</sup> AGI Santa Fe 211. Embargo de los bienes de Gil de Cabrera y Domingo de Rocha, 11 Sept. 1690; AGI Santa Fe 367, Autos originales que se han seguido contra el nre de campo Don Agustín de Londoño y Trasmiera por cargos que contra el dho resultaren sobre la suspensión del empleo de presidente que se hizo al señor Don Francisco de Meneses, 1723.

<sup>8</sup> AGN Real Audiencia Cundinamarca, tomo 13, Libro de Acuerdos de la Real Audiencia de 1710 a 1738, ff. 382-384, acuerdo session of 17 Aug. 1716.



city, which made for relatively easy control of people and merchandise. The largest of the many rivers crossing the savannah was the river Bogotá which offered an abundance of fish. Farms on the *Sabana* cultivated wheat, maize, barley and potatoes. The production of wheat was the most important as the farmers of the savannah not only supplied Santa Fe but also Honda and Mompox, and occasionally Cartagena and the mining regions of Tolima and Antioquia. However, agriculture declined from the end of the seventeenth century. This was the result of scarcity of labour, the *polvillo* plague which destroyed wheat crops from 1691 onwards, the mining crisis which affected some of Santa Fe's most important markets, and the illegal importation of flour from abroad. Farmers around Santa Fe also held livestock, but the production of meat on the Sabana was never sufficient to satisfy the demand in the city, which depended on importing meat from Neiva, Timaná and La Plata. Indeed, the *hacendados* of the Sabana were not particularly interested in supplying Santa Fe, because the rigid price controls of the city meant that it did not pay well. From the end of the seventeenth century the provinces, too, preferred to sell their meat to mining towns, leading to complaints from the Santa Fe town council about shortages of meat suffered by the city of Santa Fe.<sup>9</sup>

### ***The Tribunal de la Audiencia***

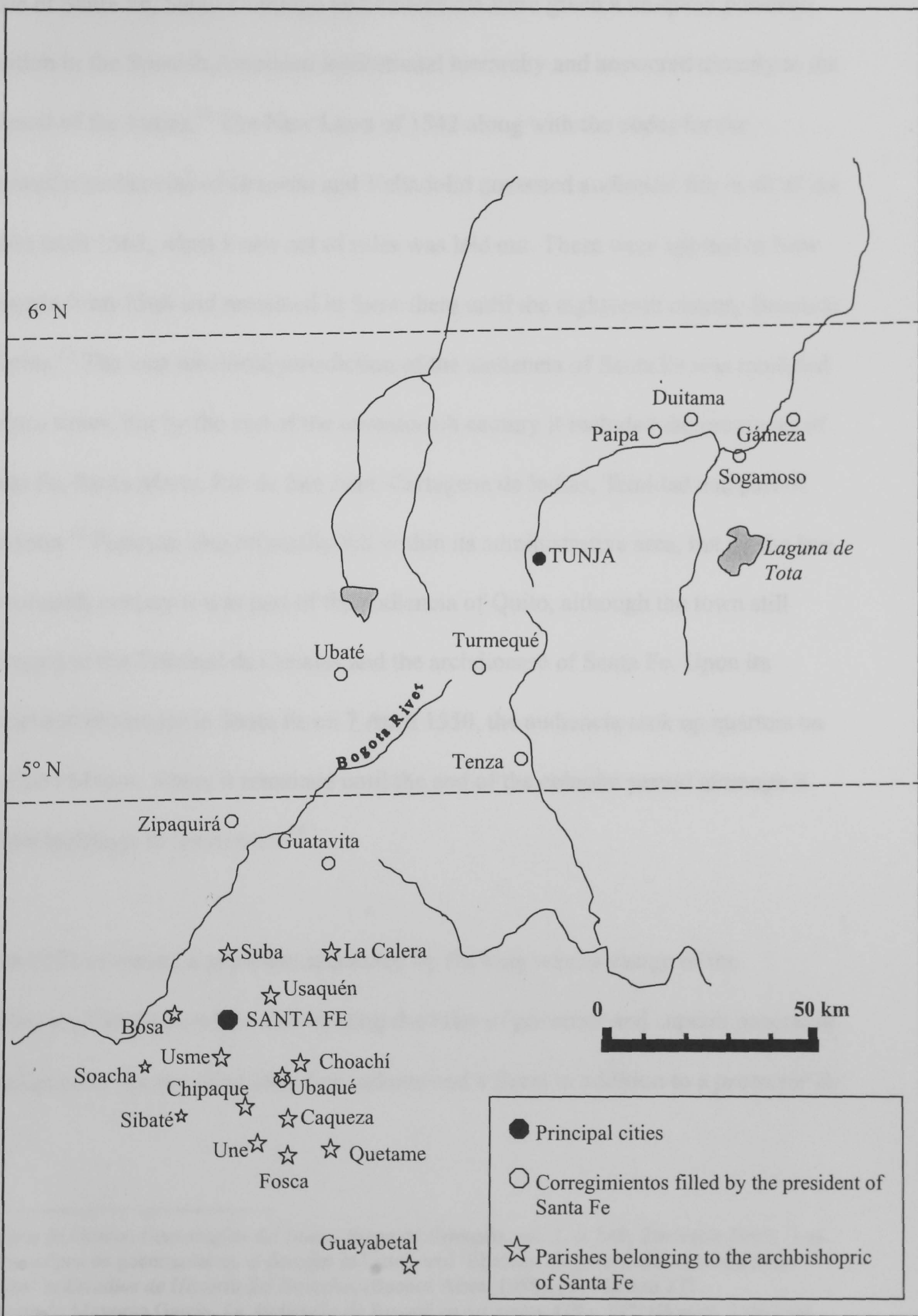
A decade after its foundation, Santa Fe became the capital of New Granada when the audiencia of Santa Fe de Bogotá was established by real cédula of 17 July 1549.<sup>10</sup>

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<sup>9</sup> Cabildo secular of Santa Fe to king, 22 Feb. and 27 March 1691, in Javier Ortiz de la Tabla Ducasse et. al., *Cartas de cabildos hispanoamericanos: Audiencia de Santa Fe de Bogotá (siglos XVI-XIX)*, tomo I (Sevilla, 1996), pp. 101-102.

<sup>10</sup> María Teresa Garrido Conde, 'La primera creación del virreinato de Nueva Granada' in *Anuario de Estudios Americanos*, 21 (1964), p. 25.





Map 5: The province of Santa Fe with the corregimiento of Tunja, c. 1700



Where most American audiencias were subject to the viceroy of Peru or New Spain, those of Santa Fe, Santo Domingo and Guatemala were given a uniquely powerful position in the Spanish American institutional hierarchy and answered directly to the Council of the Indies.<sup>11</sup> The New Laws of 1542 along with the codes for the peninsular audiencias of Granada and Valladolid governed audiencia life in all of the Indies until 1563, when a new set of rules was laid out. These were applied in New Granada from 1568 and remained in force there until the eighteenth century Bourbon reforms.<sup>12</sup> The vast territorial jurisdiction of the audiencia of Santa Fe was modified various times, but by the end of the seventeenth century it included the provinces of Santa Fe, Santa Marta, Río de San Juan, Cartagena de Indias, Trinidad and part of Guayana.<sup>13</sup> Popayán also originally fell within its administrative area, but by the late seventeenth century it was part of the audiencia of Quito, although the town still belonged to the Tribunal de Cuentas and the archdiocese of Santa Fe. Upon its formal establishment in Santa Fe on 7 April 1550, the audiencia took up quarters on the Plaza Mayor, where it remained until the end of the colonial period although it moved buildings at least twice.<sup>14</sup>

From 1572 onwards, a president appointed by the king was in charge of the audiencia of Santa Fe while also holding the titles of governor and captain general of New Granada. He presided over five oidores and a fiscal in addition to a *protector de*

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<sup>11</sup> Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, vol. 1, p. 348; Zorraquín Becú, 'Los distintos tipos de gobernador en el derecho indiano'; and 'El oficio de gobernador en el derecho indiano' in *Estudios de Historia del Derecho*, (Buenos Aires, 1988), pp. 333 and 337.

<sup>12</sup> Fernando Mayorga García, *La Audiencia de Santafé en los siglos XVI y XVII* (Bogotá, 1991), pp. 119-120.

<sup>13</sup> Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, vol. 1, p. 351; Mayorga García, *La Audiencia de Santafé*, pp. 146-153.

<sup>14</sup> *Recopilación*, libro 2, tít. 15, ley 8; Mayorga García, *La Audiencia de Santafé*, pp. 121-122.



*Indios* and various subordinate officials.<sup>15</sup> This made the audiencia of Santa Fe equal in size to that of Charcas, larger than Quito and Panama by one oidor, but considerably smaller than Lima, which had viceroy, eight oidores, four *alcaldes del crimen* and two *fiscales*.<sup>16</sup> However, the number of oidores actually present in Santa Fe at any one time between 1685 and 1725 oscillated between two and four.<sup>17</sup>

By the end of the seventeenth century, the office of president was sold, and three appointees paid between 4 000 and a staggering 60 000 pesos, the highest price ever paid for such an appointment in the seventeenth century.<sup>18</sup> The president was appointed for eight years with an annual salary of 6 000 ducados or 225 000 maravedis.<sup>19</sup> Until 1604 the presidents of the audiencia of Santa Fe were *togados* (lawyers) but from then on they were *de capa y espada* and all had distinguished military careers before receiving appointments to New Granada. This followed a general trend in Spanish America towards greater division of powers and

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<sup>15</sup> AGI Santa Fe 262, Consulta of 21 April 1706. According to Mayorga García, *La Audiencia de Santafé*, pp. 161-164, the number oidores that the tribunal ought to have varied between four and six in the three centuries of Spanish rule.

<sup>16</sup> AGS D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696. Also, *Recopilación*, libro 2, tit. 15, leyes 2-13.

<sup>17</sup> Based on information from appendix I.

<sup>18</sup> See appendix I for information on individual appointees. Also Angel Sanz Tapia, 'Provisión y Beneficio de Cargos Políticos en Hispanoamérica (1682-1698)' in *Estudios de Historia Social y Económica de América*, 15 (Julio-Diciembre 1997), p. 112. The office was sold also in Quito, where two presidents paid 20 000 and 26 000 pesos for the post in the early 1700s. Not all presidents of Quito in that period seem to have purchased their posts, though. Kenneth Andrien, 'Corruption, Self-Interest, and the Political Culture of Eighteenth-Century Quito' in Richard K. Matthews (ed.), *Virtue, Corruption and Self-Interest. Political Values in the Eighteenth Century* (Bethlehem, 1994), pp. 274 and 278-279.

<sup>19</sup> AGI Santa Fe 763, Real Cédula of 28 Jan. 1683; Schäfer, *La Labor del Consejo de Indias en la Administración Colonial*, p. 162. See also Mayorga García, *La Audiencia de Santafé*, p. 161. According to the Real Academia Española, *Diccionario de Autoridades*, edición facsímil (Madrid, 1963 [1726]), a ducado was not a coin, but a name for a unit worth 11 reales and 1 maravedí.



specialisation of officials. Indeed, by the 1690s, of all the audiencias in the viceroyalty of Peru, only Quito and Charcas had a *togado* as president.<sup>20</sup>

Due to the audiencia of Santa Fe's uniquely strong position, the president's powers were closer to those of a viceroy than to presidents of other audiencias.<sup>21</sup> The *Recopilación* stated that the president of New Granada exercised 'la gobernación de aquella tierra, y de todo su distrito, así como la tiene nuestro Virey de la Nueva España'.<sup>22</sup> Despite this, it has been argued that the presidents of the audiencias of Santa Fe, Santo Domingo and Guatemala were not representatives of the monarch in the same way as the viceroys, nor did they enjoy the same dignity and high ranking in the hierarchy.<sup>23</sup> However, it does seem that the king considered the president of Santa Fe a representative of his person, as expressed in a real cédula of 1681, addressed to the audiencia of Santa Fe represented by 'su Presidente como cabeza de ella y que representa mi persona'.<sup>24</sup>

After 1604, the president's considerable powers were, however, only valid for matters concerning administration and government as *capa y espada* presidents were prohibited from voting in the audiencia in judicial decisions and in matters

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<sup>20</sup> AGI Panamá 178, Razón del estado que tienen la Presidencia de Panamá, la de los Charcas y la thenencia general de Puertovelo, n.d. (1707); AGS, D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696.

<sup>21</sup> For a description of the unique position of the president of New Granada, see Zorraquín Becú, 'El oficio de gobernador en el derecho indiano' and 'Los distintos tipos de gobernador en el derecho indiano'. The following account of the president of Santa Fe's powers and position is based on these two articles as well as Alfonso García-Gallo, 'La capitania general como institución de gobierno político en España e Indias en el siglo XVIII' in *Memoria del tercer congreso venezolano de historia, tomo I* (Caracas, 1979), pp. 535-582; Mayorga García, *La Audiencia de Santafé*, pp. 153-161.

<sup>22</sup> *Recopilación*, libro 2, tit. 15, ley 8. See also AGI Santa Fe 357, Respuesta fiscal, 21 May 1700.

<sup>23</sup> García-Gallo, 'La capitania general como institución de gobierno político', p. 574.

<sup>24</sup> AGI Santa Fe 367, Real Cédula, 5 June 1681.



concerning the administration of justice.<sup>25</sup> His scope for independent action was in practice further restricted by the rule that the president's decisions could be appealed to the *audiencia*, and could thus be revoked by his colleagues. In addition, it seems that *oidores* frequently encroached on the president's powers by using a broad definition of the juridical in order to reduce his jurisdiction. In 1688 President Gil de Cabrera referred to this as though it were a constant struggle, in which only an individual of 'muchacha resolución e integridad' could hope to retain his authority and standing among the *oidores*.<sup>26</sup>

The *oidores* who constituted the *audiencia* discharged several functions. An *oidor's* prime role was as a civil judge who, in Santa Fe, might also serve as *alcalde del crimen* or criminal judge. In case of the president's absence, it was the senior *oidor's* duty to fill in.<sup>27</sup> The *fiscal* was a crown attorney whose duty it was to defend royal interest, particularly in cases concerning the royal treasury. Both *oidores* and *fiscales* were appointed by the king and received an annual salary of 800 000 maravedis.<sup>28</sup> This was 200 000 maravedis more than in Santo Domingo, an *audiencia* from which many of the Santa Fe *oidores* were promoted, and the same as in Mexico.<sup>29</sup> Once in

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<sup>25</sup> AGI Santa Fe 211, Gil de Cabrera to king, 11 Sept. 1688; AGI Santa Fe 365, *audiencia* of Santa Fe to king, 6 June 1715. Also, Herzog, *La administración como un fenómeno social*, p. 36.

<sup>26</sup> AGI Santa Fe 211, Gil de Cabrera to king, 29 July 1688.

<sup>27</sup> Mayorga García, *La Audiencia de Santafé*, p. 165.

<sup>28</sup> Although Mayorga García, *La Audiencia de Santafé*, p. 166, claims that the salary of an *oidor* was set to 800 000 maravedis in 1547, and increased by 100 000 at the beginning of the seventeenth century, *títulos* from the end of the seventeenth century and the beginning of the eighteenth century still state the salary at 800 000 maravedis. See for example AGI Contratación 5795, L.2, F.231v-234, Título de *oidor* de la Audiencia de Santa Fe of Bernardino Angel de Isunza y Eguluz, 23 Oct. 1689; AGI Contratación 5460, N.1, R.30, Título de *oidor* de la Audiencia de Santa Fe of Luis Antonio de Losada, 30 March 1700; and AGI Contratación 5796, L.1, F.54v-56v, Título de *fiscal* de la Audiencia de Santa Fe of Pedro de Sarmiento y Huesterlin, 31 Dec. 1693.

<sup>29</sup> AGI Contratación 5791, L.1, F.108v-110, Título de *oidor* de la *audiencia* de Santo Domingo de Jorge Lozano de Peralta, 4 March 1703; and AGS D.G.T. 13, leg. 10. Relación de los *oidores*, *fiscales* y *alcaldes del crimen* que hay en la Audiencia de México y salarios que tienen. 17 Jan. 1696.



Santa Fe, the appointee was sworn into office before the president and other audiencia members, promising to ‘bien y fielmente [usar] la dha plaza’. Schäfer claims that fiscales and oidores were appointed for six years.<sup>30</sup> However, the títulos for Santa Fe did not state that the office was limited to a given period of time, and in practice officials often served much longer than six years. Indeed, the average length of oidores and fiscales terms in the audiencia of Santa Fe between 1685 and 1725 was almost ten years.<sup>31</sup> The oidores thus came to constitute an important element of judicial and administrative continuity in New Granada. Within the audiencia there was also one specialised post: that of the protector de indios who was, as the title indicates, responsible for the protection and defence of the indigenous population. The post saw owners of very different qualifications in the period under investigation, from *santafereños* of military backgrounds to Spaniards with law degrees.<sup>32</sup>

In the later seventeenth century, the audiencia of Santa Fe was affected by the process of “Americanisation” found in all leading American audiencias, so that there was a strong creole contingent in the late Habsburg and early Bourbon New Granadan audiencia. Between 1685 and 1725, eight of twenty-six members were creoles and another five were *radicados*.<sup>33</sup> Five of the eight appointees who purchased their posts

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<sup>30</sup> Schäfer, *La Labor del Consejo de Indias en la Administración Colonial*, p. 162.

<sup>31</sup> Based on information from appendix I. Counting from the year the appointee took up office until the year he left his post on the audiencia of Santa Fe.

<sup>32</sup> AGI Santa Fe 211, Cabrera to king, 29 July 1688; AGI Santa Fe 211, Botos de los señores de la Real Audiencia sobre el casamiento del señor Don Antonio de la Pedrosa, 17 Dec. 1685. See also appendix I.

<sup>33</sup> A *radicado* was someone who ‘had interests or connections with a locale’. Burkholder and Chandler, *From Impotence to Authority*, p. 231. See appendix I for details on individual appointees to the audiencia of Santa Fe. For the importance of creoles in the eighteenth century audiencia of Santa Fe, see Phelan, ‘El auge y la caída de los criollos en la Audiencia de Nueva Granada, 1700-1781’.



were creoles. But although their origins were different, their education and working backgrounds differed little.<sup>34</sup> All oidores and fiscales had university degrees, mostly from Spain but also from the University of San Marcos in Lima. Six appointees had experience from other New World audiencias, six from other work in the Indies and eleven received an appointment to Santa Fe as their first American appointment.

With only seven audiencia ministers, the tribunal relied heavily on subordinate personnel to do the legwork. Some of the most important lower officials were the *escribanos* (notaries), the *relatores* and the *receptores*, all of which offices were sold.<sup>35</sup> The relator's job was 'to prepare the briefs stating the case at hand',<sup>36</sup> whereas the task of receiving evidence in cases heard before the audiencia as well as in special investigations fell on the eleven receptores in the audiencia of Santa Fe.<sup>37</sup> Thus, by the time oidores and fiscales heard a case in an audiencia session, it had been processed by and adapted to the views of the receptores, relatores and escribanos. It follows that the audiencia's subordinate officials had a strong influence over the outcome of cases heard by the tribunal. The audiencia also employed its own chaplain, whose task it was to say the daily morning mass before the start of audiencia sessions.<sup>38</sup>

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<sup>34</sup> On the education received by Spanish lawyers, see Richard L. Kagan, *Students and Society in Early Modern Spain* (Baltimore, 1974).

<sup>35</sup> Mayorga García, *La Audiencia de Santafé*, pp. 169-171. For laws concerning lower audiencia officials, see *Recopilación*, libro 2, tit. 20-27.

<sup>36</sup> Burkholder and Chandler, *From Impotence to Authority*, p. 232.

<sup>37</sup> Mayorga García, *La Audiencia de Santafé*, p. 171. This figure is from 1668.

<sup>38</sup> AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701.



The audiencia of Santa Fe had ultimate responsibility in matters of law and civil government in its vast area of jurisdiction.<sup>39</sup> In the judicial sphere, its primary function was as a court of appeal from sentences pronounced by governors and corregidores in its area of jurisdiction for all criminal cases and most civil suits worth more than 60 000 maravedis. Whereas the decision of the audiencia was final in criminal cases, civil suits worth more than 10 000 pesos, or 2 720 000 maravedis, could be reappealed to the Council of the Indies.<sup>40</sup> The audiencia also had first instance jurisdiction in criminal cases in Santa Fe and within a five league radius of the city. In addition, it had original jurisdiction in certain cases relating to the *Real Patronato* of the Church and in cases where the crown's interest was directly involved. Most important of these were cases concerning the royal treasury, which took precedence over all others in order that they should be resolved rapidly. In all cases of original jurisdiction, appeals could be carried to the Council of the Indies.

Oidores could not be present while cases concerning them or members of their families were heard. Criminal cases of this nature should be heard by the president whereas civil suits should be heard by the *alcalde ordinario* or the audiencia.

However, due to the strength of social networks this precaution was not always sufficient to avoid tempers running high, as on one occasion when oidores Domingo de la Rocha and Francisco López de Dicastillo came close to drawing swords in a May 1688 *acuerdo* session. President Gil de Cabrera and oidor Francisco Carcelén were present in addition to Rocha and Dicastillo, and a case concerning oidor Juan

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<sup>39</sup> For a more extensive account of the audiencia and its ministers' powers than what there is room for here, see Mayorga García, *La Audiencia de Santafé*, pp. 122-146 and 153-172. A useful general overview can be found in Haring, *The Spanish Empire in America*. See also Polanco Alcántara, *Las Reales Audiencias en las provincias americanas de España*. For material on other audiencias, see Herzog, *La administración como un fenómeno social*, and Parry, *The Audiencia of New Galicia in the*



Garcés de los Fayos' nephew was on the agenda. After a lengthy debate as to whether or not the audiencia should admit the case in question, Rocha affirmed that he would gladly shed blood to make sure the law was followed and the case admitted. Dicastillo, a good friend of Garcés, visibly excited and half standing, responded that 'esto no es para aquí sino para fuera', which was understood as a challenge to duel. Only president Cabrera's intervention calmed tempers sufficiently for a peaceful vote to go ahead.<sup>41</sup> This image of the president of the audiencia as an impartial mediator does, in fact, seem to have been prevalent among oidores, as expressed by one judge who in 1685 referred to the president as someone not biased by 'amistad o desafecto', unlike the oidores themselves.<sup>42</sup>

The audiencia also possessed certain legislative powers. The *reales provisiones* it issued had the same form and used the same standard formulas as the Reales Cédulas issued by the central government in Madrid and its decisions 'had the force of law unless disallowed by the Council of the Indies'.<sup>43</sup> If local authorities were reluctant to carry out its orders, the audiencia had the power to send representatives to enforce them.

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*Sixteenth Century.*

<sup>40</sup> This conversion rate is based on *Diccionario de Autoridades* which sets 1 peso to 272 maravedis.

<sup>41</sup> AGI Santa Fe 211, Gil de Cabrera to king, 28 July 1688. On the importance of audiencia session etiquette, see Herzog, *La administración como un fenómeno social*, pp. 193-199.

<sup>42</sup> AGI Santa Fe 211, Botos de los señores de la Real Audiencia sobre el casamiento del señor Don Antonio de la Pedrosa, 17 Dec. 1685.

<sup>43</sup> *Recopilación*, libro 2, tít. 15, ley 16; Burkholder and Chandler, *From Impotence to Authority*, p. 2. For an example, see AGI Santa Fe 367, Real Cédula, 5 June 1681, and AGI Santa Fe 212, Real Provisión, 13 Nov. 1694.



Lastly, the *audiencia* carried out a wide range of administrative functions. It could impose military duty on the residents of its district when necessary<sup>44</sup>, organised public celebrations to mark events in the royal family<sup>45</sup>, attempted to contain contraband trade<sup>46</sup> and regulated gambling in the Calle Real.<sup>47</sup> Oidores also had the obligation to patrol the city at night and ‘acudir al remedio de pecados públicos’.<sup>48</sup> Two of its most important administrative duties was to organise the *visitas de tierra* and to commission special investigators, or *pesquisidores*. The *visita* was one of the ways the crown had to check its officials as well as a means of updating administration, making it better and ensuring that it worked.<sup>49</sup> Extensive *visitas* were commissioned by the crown, but the president of the *audiencia* was responsible for ensuring that oidores carried out lesser ones every three years. Interestingly, the crown took into account the fact that *audiencia* ministers often had little experience from America, as the law provided for the oidor to be accompanied by ‘dos vecinos antiguos de la tierra y un religioso, porque a causa de no tener los oidores tanto experiencia como convendría, proveen muchas cosas que después le revocan y dejan de hacer otras muy convenientes.’<sup>50</sup> However, by the end of the seventeenth century, *visitas* were rare.<sup>51</sup> *Pesquisas* were much more common and could be initiated when the *audiencia* received complaints of a governor or other official, in cases of riots and

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<sup>44</sup> This happened after the French attack on Cartagena in 1697, when the *audiencia* raised an army of 4 000 men to defend Santa Fe in case the French advanced inland. AGI Santa Fe 61, N.98, cabildo secular of Santa Fe to king, 16 June 1697.

<sup>45</sup> AGN Virreyes, tomo 10, ff. 994-1016, Auto de obediencia, 29 Aug. 1707.

<sup>46</sup> AGN Miscelánea, leg. 132, ff. 335-336, Antonio de la Pedrosa to *audiencia* of Santa Fe, 1 July 1699.

<sup>47</sup> AGN Policía, tomo 10, f. 150, order issued by Diego de Córdoba Lasso de la Vega, 13 Nov. 1703.

<sup>48</sup> Mayorga García, *La Audiencia de Santafé*, p. 164.

<sup>49</sup> AGI Santa Fe 357, Instrucción que ha de observar el licenciado Don Carlos de Alcedo Sotomayor en la *visita* general de la tierra del distrito de aquella *audiencia* y tribunal de cuentas, 27 July 1695.

<sup>50</sup> Mayorga García, *La Audiencia de Santafé*, p. 136, quoting a *cédula* of 25 Nov. 1578.

<sup>51</sup> Oidor Carlos de Alcedo y Sotomayor’s *visita* to New Granada, commissioned in 1695, was the first to be commissioned to that area in 40 years. AGI Santa Fe 357, Real *Cédula*, 30 July 1695.



in any other case which required swift determination.<sup>52</sup> The juez pesquisidor was empowered to pronounce sentence, which needed confirmation by the Council of the Indies to remain standing.

As part of the crown's policy to secure a corps of disinterested bureaucrats to govern the Indies on its behalf, it aimed to prevent royal officials from forming ties to the society in which they lived.<sup>53</sup> Consequently, a multitude of prohibitions applied to audiencia ministers. Neither presidents, oidores, fiscales nor their children could marry locals, forge alliances to vecinos through *compadrazgo*, own property or livestock, or invest in economic enterprise in the district where they served.<sup>54</sup> Thus, although President Cabrera stayed in Santa Fe for twenty-six years, he never sold his house in his home city of Lima, because 'con su empleo no podía adquirir domicilio ni naturaleza ni otra comprensión en Santa Fe ni para él ni para sus hijos pues se consideraba con el mismo motivo casual y tránsito con restitución al domicilio y origen'.<sup>55</sup> Other prohibitions included privately attending fiestas which were not designated as *de tabla*, such as funerals, religious ceremonies and public fiestas.<sup>56</sup>

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<sup>52</sup> Several such investigations were carried out in New Granada in the late Habsburg and early Bourbon periods. In the 1680s, oidor Francisco de Carcelén went to Cartagena twice to investigate royal officials there. The following decade saw fiscal Pedro de Sarmiento y Huesterlín go to Popayán and in 1707 oidor Vicente de Aramburu went to Santa Marta to investigate the escape of 34 soldiers.

<sup>53</sup> For the importance of family networks in late eighteenth century New Granada politics, see Thomas Gómez, 'La república de los cuñados. Parentesco, familia y poder en la sociedad colonial: el caso de Santafé, siglo XVIII' in *Politeia*, 12 (1993), pp. 117-126; Jairo Gutiérrez Ramos, 'Linaje y poder en la colonia: El caso de Santafé de Bogotá' in *Politeia*, 12 (1993), pp. 129-144.

<sup>54</sup> *Recopilación*, tít. 16, leyes 48-50 and 74-75. See also Burkholder and Chandler, *From Impotence to Authority*, p. 5; Mayorga García, *La Audiencia de Santafé*, pp. 158-159 and 165-166.

<sup>55</sup> AHN Consejos 21554, Minuta de despacho, 10 July 1711.

<sup>56</sup> AGN Historia Eclesiástica, leg. 2, ff. 996-997, Real Cédula, 2 Feb. 1716. The *fiestas de tabla* included Christmas, Ash Wednesday, Easter, Cuasimodo Monday, Pentecost, Corpus Christi, and various celebrations of saints, and most were celebrated in the Cathedral. They also included, on 29 Nov. every year, the 'fiesta del Santísimo Sacramento por el buen suceso de los Galeones del año de 1625', still celebrated in 1719. The number of days celebrating saints and designated as *fiestas de tabla* varied somewhat in the period under investigation, from ten in 1689 to eight in 1719. AGI Santa Fe 370, Antonio de la Pedrosa to audiencia of Santa Fe, 9 Nov. 1719; AGN Historia Eclesiástica, leg. 2, ff. 972-997 y 1016, order issued by Gil de Cabrera y Dávalos, 21 April 1689. See also *Recopilación*, libro 2, tít. 15, ley 18.



This could only be done by the audiencia in its corporate capacity. Nevertheless, the vecinos of Santa Fe were accustomed to seeing audiencia ministers attend such events privately. In the cases of oidores Domingo de la Rocha and Bernardino Angel de Isunza, they even brought with them chairs, cushions and rugs from the audiencia meeting rooms in order to attend in style.<sup>57</sup> Presidents and oidores were also expressly forbidden from exercising nepotism in the appointments they made and from receiving bribes, including edible “gifts”. Oidores were also prohibited from practising as attorneys in the audiencia and from organising any kind of gambling in their homes. However, these restrictions were often ignored: in 1685, Antonio Ignacio de la Pedrosa y Guerrero who held the posts of protector de indios and fiscal of the Tribunal de la Santa Cruzada in the late 1680s and 1690s, had married *santafereña* María de Pisa, related to ‘la mayor parte de la ciudad y que los mas son encomenderos’<sup>58</sup>, whose late father had been treasurer of the Tribunal of the Cruzada and had died leaving considerable debts to that treasury. Pedrosa was also involved in running mines which depended on Indian labour.<sup>59</sup> Formal permission to break restrictions was also given relatively frequently, especially in the case of licences to marry within an audiencia district. At least three oidores received such licences between 1685 and 1725, and many more had children who married in Santa Fe.<sup>60</sup> Other licences were given, too. In 1708, for instance, fiscal Manuel Antonio Zapata

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<sup>57</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694. According to Solórzano, *Politica Indiana*, libro 5, cap. 3, no. 48, it was custom in America that audiencia members brought chairs to mass despite the fact that a cédula of 1610 only allowed them ‘bancos de respaldar’. This custom was introduced to accentuate the difference in standing between audiencia and cabildo members.

<sup>58</sup> AGI Santa Fe 211, Botos de los señores de la Real Audiencia sobre el casamiento del señor Don Antonio de la Pedrosa, 17 Dec. 1685.

<sup>59</sup> AGI Santa Fe 211, Gil de Cabrera to king, 31 March 1691.

<sup>60</sup> See appendix I.



was appointed with a special dispensation for being a native of Santa Fe.<sup>61</sup> Moreover, although the theoretical consequences of breaking the prohibitions were severe, in practice the crown was often lenient. When oidor Juan Garcés de los Fayos in 1688 inherited some property in Santa Fe from his relative Archbishop Antonio Sanz Lozano, this may have been one of the reasons why he was eventually transferred to the audiencia of Mexico. However, such a transfer was in every respect a promotion as a place on the audiencia of Mexico was seen as the highest step on the American career ladder. And the above mentioned Antonio de la Pedrosa later received extremely important royal appointments.

### *The Business of the Audiencia*

The audiencia both exercised control over and co-operated with the many lower ranking institutions of government in Santa Fe.<sup>62</sup> The most important of these were the Tribunal de Cuentas and the royal treasury. The former was established in 1607 along with those of Lima and Mexico City and employed three *contadores* and one *contador ordenador*.<sup>63</sup> Cases concerning fraud in the *quintos* came under the jurisdiction of the Tribunal de Cuentas. The royal treasury, *Caja Real*, in Santa Fe, had three employees. The contador (comptroller) supervised the income and expenditures of the royal treasury, whereas the task of the *tesorero* (treasurer) was to handle the actual receipt and payment of all authorised funds. The last of the three,

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<sup>61</sup> Burkholder and Chandler, *From Impotence to Authority*, p. 5, make an important distinction between creole and native son. The former was someone born anywhere in America, whereas the latter was a creole born in the district of the audiencia where he served.

<sup>62</sup> These included, according to Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, vol.1, p. 357, 'Tribunal de la Santa Cruzada, desde el año de 1609; otro de tributos y azogues el de 1653; Juzgados de bienes de difuntos de la justicia ordinaria, de la Santa Hermandad, del Eclesiástico ordinario, de la Santa Inquisición, de diezmos, de provincia, de ejecutorias reales, de media anata, de papel sellado y de lo militar'.

<sup>63</sup> *Ibid.*, p. 357.



the *factor veedor* (business manager/inspector), attended to all commercial transactions involving royal money and sold all goods confiscated by the government.<sup>64</sup> Together with audiencia ministers, these *oficiales reales* constituted a link between the crown and its subjects across the Atlantic.<sup>65</sup> The audiencia exercised relatively strict control over the treasurers and was required to report to Madrid annually on the state of the treasury and the conduct of the treasurers. As for matters relating to the Real Patronato, the presence of an oidor was required when the account of the *diezmos* was made up and the audiencia controlled the collection of the *novenos*, i.e. the part of the tithe corresponding to the crown. Oidores were also sometimes invested with duties outside the audiencia on some of the many tribunals of the city of Santa Fe. For instance, they took turns of one year to serve as probate judges (*jueces de cobranza de los bienes de difuntos*). And the senior oidor served as legal counsel and judge in cases concerning the Tribunal of the Santa Cruzada.

In principle, audiencia ministers had a six day working week, set down according to the following pattern and including public and private sessions:

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<sup>64</sup> Kenneth J. Andrien, 'The Sale of Fiscal Offices and the Decline of Royal Authority in the Viceroyalty of Peru, 1633-1700' in *Hispanic American Historical Review*, 62:1 (1982), p. 54. By late seventeenth century all of these offices were sold. Most posts in the tribunal de Cuentas were sold at between 7 000 and 9 000 pesos, whereas prices for those in the treasury oscillated between 5 000 and 6 000 pesos. The affiliated office of *Administrador de Indios Mitayos* of Santa Fe was sold at 1 500 pesos. AGS D.G.T. 13, leg. 10, Razón de las Plazas del Tribunal de Cuentas de Santa Fe y de los oficiales reales de aquel reyno, n.d. Has records of appointees from 1676 to 1708. For an analysis of the detrimental effects of the sale of treasury offices on Spanish authority in the viceroyalty of Peru in the seventeenth century, focusing on Lima, see Andrien, *Crisis and Decline*, in addition to his above mentioned article.

<sup>65</sup> Andrien, 'The Sale of Fiscal Offices and the Decline of Royal Authority', p. 49.



**Table 1: The weekly audiencia schedule** <sup>66</sup>

	06:30/ 07:30	<b>Morning</b> <i>April-Sept.: 07:00-10:00</i> <i>Oct.-March: 08:00-11:00</i>	<b>Afternoon</b> <i>April-Sept.: 16:00</i> <i>Oct.-March: 15:00</i>
<i>Mon</i>	Mass	Audiencia Pronunciation of sentences	Acuerdo ordinario
<i>Tue</i>	Mass	Audiencia pública	Juzgado de Provincia. Visita de cárceles, if necessary
<i>Wed</i>	Mass	Audiencia	Cases concerning the Tribunal de Cuentas
<i>Thur</i>	Mass	Audiencia	Cases concerning the royal treasury, heard by the senior oidor, fiscal and treasurers Juzgado de Provincia. Visita de cárceles, if necessary
<i>Fri</i>	Mass	Audiencia pública	Acuerdo ordinario. Cases concerning the Tribunal de Cuentas
<i>Sat</i>	Mass	Cases involving poor people and Indians	Juzgado de Provincia. Visita de cárceles -two oidores and the fiscal in the presence of alcaldes ordinarios, alcaldes de la cárcel, alguaciles, and escribanos de la cárcel.

If a Tuesday or Friday was a holiday, the audiencia pública was moved to the following morning. In addition to the Saturday session, two more days a week should be set aside to hear cases involving poor people and Indians. The audiencia had a set number of holidays each year which coincided with the important Christian celebrations. Thus, audiencia employees were free from work at Christmas from 23 December to 6 January, at Easter from Palm Sunday to Easter Monday, and at Pentecost, while they also enjoyed a large number of other public holidays.<sup>67</sup>

Mass was supposed to be held by the audiencia chaplain every morning before the start of audiencia sessions. However, it seems that it was often held after the start of the session, warranting a November 1719 order to hold mass punctually at half past seven to avoid impeding 'el curso y expediente de los negocios en gravísimo perjuicio de los litigantes'.<sup>68</sup> A 1691 letter from prominent Santa Fe vecinos,

<sup>66</sup> AGI Santa Fe 370, four orders issued by Antonio de la Pedrosa to the audiencia of Santa Fe on 9 Nov. 1719; *Recopilación*, libro 2, tít. 15, leyes 21-22, 26-27, 78-81 and 159; and libro 7, tít. 7, leyes 1-4. Also Mayorga García, *La Audiencia de Santafé*, pp. 128-129, 132, 145, and 166.

<sup>67</sup> In 1689, there were thirty-six such days which were not *de tabla*. By 1719, the number had increased to fifty-seven, and nearly all the holidays which President Cabrera removed from the calendar in 1689 were back. AGI Santa Fe 370, Antonio de la Pedrosa to audiencia of Santa Fe, 9 Nov. 1719; AGN Historia Eclesiástica, leg. 2, ff. 972-997 y 1016, order issued by Gil de Cabrera y Dávalos, 21 April 1689.

<sup>68</sup> AGI Santa Fe 370, Antonio de la Pedrosa to audiencia of Santa Fe, 9 Nov. 1719.



approving of the conduct of President Gil de Cabrera and oidor Domingo de la Rocha indicates that attendance at religious functions was equally if not more important than impeccable conduct in office in order to achieve the vecinos' good opinion, as they praised their 'muy Buen exemplar en todas Las occurrencias de devoción y culto, siendo siempre los más puntuales en ellas'.<sup>69</sup>

Tamar Herzog's study of the Quito audiencia gives us a clear picture of the typical daily business of an audiencia tribunal.<sup>70</sup> Public audiencia sessions required the presence of all the audiencia members and in Santa Fe an absence without a good reason meant a fine of half a day's salary.<sup>71</sup> First, the judges handled appeals from all over its district, then they heard petitions for new cases to be opened, and lastly they dealt with cases which were already in process. In the case of the petitions, these were read out loud by a receptor. The party's attorney then had the opportunity to clarify its contents and the oidores to ask any questions they might have, before the judges announced their individual decisions, starting with the senior member. In extraordinary or difficult cases, the vote was put off until a later, closed session. Between petitions, the relatores presented those cases which were already in process. The last part of the audiencia pública was used for the oidores to pronounce sentences, again going by seniority. In theory, the audiencia de relaciones was different from the audiencia pública, and was supposed to resolve public business other than court cases. But by the seventeenth century, at least in Quito, there was no difference in the way the two sessions were held and the kind of cases which were handled.

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<sup>69</sup> AGI Santa Fe 59, N.16, La Nobleza de la Ciudad de Santa Fe to king, 8 May 1691.

<sup>70</sup> Herzog, *La administración como un fenómeno social*, pp. 34-40.

<sup>71</sup> Mayorga García, *La Audiencia de Santafé*, p. 129.



As for the private sessions (*acuerdos*), they were held in a more erratic manner in Santa Fe than was dictated by law and in the period under investigation were generally held only once a week.<sup>72</sup> *Acuerdos* were closed sessions which required the presence of the president and all the oidores. If the president was absent, an oidor was designated to take his place. The fiscal's presence was not normally required at afternoon sessions unless cases concerning the royal treasury were being dealt with. However, in Santa Fe he tended to attend on a regular basis, as did the treasurers of the Tribunal de Cuentas and those of the royal treasury. Cases considered especially difficult or which deserved special attention were moved over from the *audiencia pública* and handled in the *acuerdo*, where sentences were debated. All cases were determined by simple majority and had to be voted upon within sixty days of being heard. When the vote was tied, *audiencia* attorneys could be given temporary voting rights to determine the outcome. In cases of disagreement between oidores and president, the fiscal was given the determining vote. The *acuerdo* also dealt with other government business, such as opening correspondence, receiving royal orders and registering them in a *libro cedulario*. This and all other documents concerning *audiencia* business were kept in an archive in the *audiencia* building. In addition, the *acuerdo* distributed cases between the judges, considered candidates for posts of

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<sup>72</sup> AGN Real Audiencia Cundinamarca, tomo 3, ff. 1-247, Libro de *Acuerdos* de la Real Audiencia de Santa Fe de 1697 a 1705; AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de *Acuerdos* de la Real Audiencia de 1710 a 1738. This account of the *acuerdo* is also based on Herzog, *La administración como un fenómeno social*, pp. 36-37; Mayorga García, *La Audiencia de Santafé*, 126-130, 136-138, 145-146 and 166-169.



# LIBRO DE ACUERDOS

MANDADO FORMAR

POR LOS SEÑORES, PRESIDENTE, Y OYDORES

OYDORES

DE LA AUDIENCIA, Y CHANSILLERIA  
REAL DE SU Magestad de este  
NUEVO REYNO DE GRANADA, SIENDO

PRESIDENTE

EL SEÑOR GENERAL DE LA ARTILLERIA,  
D. DIEGO DE CORDOVA, LASSO DE LA VEGA,

Y OYDORES.

LOS SEÑORES LICENCIADOS, D.

Luis Antonio de Lofada, Don Bartholome Gillo,  
y Rangel, Don Vicente de Aramburu, Cavallero  
del Orden de Santiago, y Don Francisco de Medina;

Y FISCAL DE SU Magestad,

EL SEÑOR DOCTOR DON MANUEL  
ANTONIO ZAPATA:

Corre del de quinze de Mayo de mil, setecientos, y  
diez años, *Mayo*



*Handwritten signature or mark, possibly 'H. M. L.' or similar, with a diagonal line through it.*

Illustration 1: Front page of the Libro de Acuerdos of the audiencia of Santa Fe, 1710. (AGN Real Audiencia Cundinamarca, tomo 13, f. 336)



escribanos, lawyers and attorneys, and controlled the work of the subordinate personnel of the *audiencia*.

The *semanería* and the *juzgado de provincia* were created to speed up the legal process. The former was designed to handle technical aspects of the legal procedure, such as receiving evidence or confessions. The oidores took turns as *semanero*, and held sessions after the *acuerdo*. However, except for the number of judges present, the distinction between the *audiencias* and *semanería* had virtually disappeared by the late seventeenth century. A *semanero* was also designated to be on duty during *audiencia* holidays to deal with urgent business. In Santa Fe, this system seems to have been abused by judges who through their *semanero*-duty were able to run *audiencia* business as they pleased.<sup>73</sup> The oidores also served as judges of the *juzgado de provincia* in turns of three months to deal with first instance civil suits within the five league radius of the city.<sup>74</sup> This process, too, was very similar to that of the *audiencia pública*, and in both the *semanería* and the *juzgado de provincia* difficult decisions were often passed over to the *acuerdo*.

### ***Intra-institutional politics: disputes within the audiencia***

This then, was the theoretical framework of the government body which president Gil de Cabrera y Dávalos joined in 1686 and where he was to remain for seventeen years. On the face of it, this was a clearly-defined structure in which the *audiencia* occupied a leading role in New Granada's government. And yet during the closing

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<sup>73</sup> *Recopilación*, libro 2, tít. 15, ley 149; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 23 May 1701.

<sup>74</sup> *Ibid.*, libro 2, tít. 19, leyes 1-5; AGI Santa Fe 370, Antonio de la Pedrosa to *audiencia* of Santa Fe, 9 Nov. 1719; Mayorga García, *La Audiencia de Santafé*, p. 124.



years of Habsburg rule, the *audiencia* was the scene of almost constant discord which then continued during the early Bourbon years. Such discord was not without precedent. However, the presidency of Gil de Cabrera set new standards of dissent both within the *audiencia* and between the *audiencia* and other important institutions and officials.

The first eight years of his exceptionally long and turbulent term were dominated by a conflict that involved accusations of large-scale political corruption, and complicated intrigue which included loss of vital documentation and eventual exculpation of the two defendants. Along with oidor Domingo de la Rocha Ferrer, Cabrera was accused of abusing his office in every possible way, having turned government into pure business where money was the only thing that could spur action. There were also accusations that the president's wife Gertrudis de Quirós played a part in the business, as one *vecino* complained that she 'gobierna todo'.<sup>75</sup> Nepotism and greed were the key words in the many letters of complaint against the president's so-called tyrannical rule, although Cabrera was also accused of neglecting his duties as president, not meeting with treasurers and other officials for months on end.<sup>76</sup> Having Cabrera as president was compared to suffering the earthquakes and pirate attacks experienced by other Spanish American cities; so great was his greed, it was said, that all the silver of Potosí would not be sufficient to satisfy it.<sup>77</sup> There was no law and order, and 'puede cometer el delito más enorme que quisiera pues en componiendose con el dho Presidente se tapa todo, se escurese

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<sup>75</sup> AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688.

<sup>76</sup> *Ibid.*

<sup>77</sup> AGI Santa Fe 211, Pedro Luis de Victoria to king, 17 June 1688.



la justicia y se vive en la ley que se quiere'.<sup>78</sup> The king was requested to take measures 'antes que este mortal beneno acave de inficionar a todo este Reino'.<sup>79</sup> How, then, did this conflict begin and what does it tell us about the workings of government in New Granada? Was it a conflict between newly-arrived peninsular judges and long-established "creolised" officials; was there an element of professional opposition between *togados* and their *capa y espada* president; and what of the role of local families and factions? To address these questions, we must turn to the personalities and politics of the years between the mid-1680s and the turn of the century.

At the heart of the conflict stood Gil de Cabrera y Dávalos, a creole from Lima who had had a distinguished military career in America before going to Spain in the early 1680s where he bought the post as president of the audiencia of Santa Fe. He arrived in that city with his second wife, fellow *limeña* Gertrudis de Quirós, and their five children to take up office in September 1686, around the same time as oidor Domingo de la Rocha, who was another key figure in the conflict. He was from Spain, but had come to New Granada in 1678 as teniente general of Cartagena. While there, he married Juana Clemencia de Labarcés y Pando, a lady with distinguished connections in Cartagena society. His reputation as a troublemaker, earned through his many conflicts while teniente in Cartagena, preceded him to Santa Fe.<sup>80</sup> According to one of his accusers in 1688, he was 'un sujeto que tanto

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<sup>78</sup> Ibid.

<sup>79</sup> AGI Santa Fe 211, Pedro Rico de Mendoza to king, 19 March 1688.

<sup>80</sup> Documents concerning Rocha's clashes with the cabildo of Cartagena can be found in AGI Santa Fe 45, R.3, N.48, AGI Escribanía 1044A, and AGN Cabildos, leg. 8, ff. 90-135. His conflict with governor Rafael de Capsir of Cartagena is documented in AGI Escribanía 1043A. See also AGI Santa Fe 211, Gil de Cabrera to king, 28 July 1688; and AGI Santa Fe 209, Testimonio de los autos fijos sobre las voces esparecidas en esta ciudad de Cartagena de que hay nuevo gobierno e inquietudes que de ello han resultado, 1686. Nevertheless, only three minor charges against Rocha emerged in his



escandalizó a Cartagena al tiempo que fue theniente y el autor de todas las disenciones que ha habido en ella que cuando se supo en este Reino venía en plaza a él no hubo nadie que no pronosticase lo que se va experimentando'.<sup>81</sup>

On the other side in the case against Cabrera and Rocha were, above all, their colleagues in the audiencia. Four oidores served in the audiencia at the time Cabrera took up office, in addition to Rocha. There was also a fiscal and a protector de indios.<sup>82</sup> Senior oidor Sebastián Alfonso de Velasco, oidor Francisco Carcelén Fernández de Guevara and fiscal Fernando de Prado y Plaza all kept a relatively low profile during the turbulent years of Cabrera's term. Velasco died in May 1687 and was thus not involved in disputes with Cabrera to any great extent. Carcelén and Prado were both absent from Santa Fe for much of the time that the conflict went on, but the former still clashed with Cabrera over marrying a *santafereña* in December 1687 without royal permission. That matter was eventually solved and Carcelén declared 'bueno y fiel ministro', but only after he himself had gone to Madrid to present his case before the Council of the Indies.<sup>83</sup>

Cabrera's main accusers were two peninsulars -Juan Garcés de los Fayos and Francisco López de Dicastillo- both of whom had come to Santa Fe from the audiencia of Santo Domingo in 1685 and were close friends. Cabrera complained that the two always were of the same opinion during audiencia sessions and that they

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residencia, all of which he was absolved from. AGI Escribanía de Cámara 1192, Sentencia de la residencia tomada al Maestro de Campo Don Rafael Capsir y Sanz y a su teniente general, 1687.

<sup>81</sup> AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688.

<sup>82</sup> AGI Santa Fe 211, Resumen del memorial Ajustado De todos los autos sobre los Capítulos, y Descargos de Don Gil de Cabrera, Presidente de la Audiencia de santa Fee, y Don Domingo De la Rocha Oydor, 24 Aug. 1692; hereafter Resumen del memorial Ajustado.

<sup>83</sup> AGI Indiferente 133, N.9, Relación de méritos of Francisco de Carcelén, 12 March 1691.



were constantly opposing the president, especially if debating matters concerning his powers.<sup>84</sup> His complaints may not have been entirely unfounded. The year before Cabrera's arrival in Santa Fe the two had stalled the process of suspending from office protector de indios Antonio de la Pedrosa for having married without the required royal permission.<sup>85</sup> Three years later, they managed to prevent Cabrera from voting when the new *administrador de indios mitayos* was to be selected, and thus had their candidate appointed.<sup>86</sup> Whether because of Cabrera's complaints or for other reasons, the Council of the Indies moved the two to different audiencias in 1690. Garcés' and Dicastillo's replacements, peninsular Bernardino Angel de Isunza y Eguiluz and creole Francisco José Merlo de la Fuente arrived in Santa Fe in the autumn of 1690 and developed a considerably more cordial relationship with Cabrera and Rocha than their predecessors.

Protector Antonio Ignacio de la Pedrosa y Guerrero evidently also belonged to Garcés and Dicastillo's faction.<sup>87</sup> He clashed with the president over his above mentioned 1685 marriage shortly after Cabrera's arrival in Santa Fe as it had taken place without the required licence. However, his quarrel with Cabrera became much more than just a question of his licence to marry. More serious trouble started when Pedrosa's widowed mother-in-law, Luisa de Mesa, married his older brother Manuel.<sup>88</sup> While Pedrosa's wife María, her mother Luisa and her new husband Manuel were staying in the countryside in the spring of 1688, Antonio was in Santa

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<sup>84</sup> AGI Santa Fe 211, Gil de Cabrera to king, 11 Sept. 1688.

<sup>85</sup> AGI Santa Fe 211, Botos de los señores de la Real Audiencia sobre el casamiento del señor Don Antonio de la Pedrosa, 17 Dec. 1685.

<sup>86</sup> AGI Santa Fe 211, Gil de Cabrera to king, 11 Sept. 1688.

<sup>87</sup> AGI Santa Fe 262, Consulta of 7 June 1695.

<sup>88</sup> AGI Santa Fe 211, Resumen del memorial Ajustado; AGI Santa Fe 211, Gil de Cabrera to king, 29 July 1688. Also Ortiz, *Real Audiencia y Presidentes*, pp. 226-227; Ernesto Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada durante el siglo XVIII* (Buenos Aires, 1934), p. 7.



Fe where, with the help of *alcalde ordinario* Tomás Flórez, he seized all his mother-in-law's possessions, on the grounds that they really belonged to his wife now that her mother had married again. When the two women and Manuel de la Pedrosa returned to Santa Fe and discovered this, they turned to Cabrera for help and were offered temporary accommodation in the presidential palace. They protested to Cabrera against Antonio's proceedings and María filed for an annulment of the marriage, claiming that she had been forced into it. The president supported María de Pisa although he refused her request to stay on in the palace, and fined and imprisoned both Pedrosa and Flórez. But here the checks on the president's power became evident. The defendants appealed his decision to the *audiencia*, which, led by Pedrosa's good friends Garcés and Dicastillo, revoked Cabrera's decision and released them. However, the president refused to give up and in the end handed the case over to the *justicia ordinaria* in the hope that it would be satisfactorily resolved.

The discord between Garcés and Dicastillo and the president seems to have started with the failure of the *oidores* to observe local protocol. During the epidemic suffered by Santa Fe in late 1687, Cabrera's wife was sent out of the city.<sup>89</sup> Her husband went to visit twice, and both times the two *oidores* failed to call on the president upon his return to Santa Fe.<sup>90</sup> This was seen as a clear indication that the *oidores* deliberately disregarded the president's superior authority and could not be tolerated. As Herzog points out, such incidents were serious because they attacked a

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<sup>89</sup> Probably an epidemic of 'peste y tifo' which hit Santa Fe around 1688. Puyo, *Bogotá*, p. 303. Sending wives out of the city, to the countryside, for health reasons seems to have been common among the late seventeenth century Santa Fe elite. See also AGI Santa Fe 59, N.16; Fernando de Prado to king, 6 May 1691.

<sup>90</sup> AGI Santa Fe 211, Gil de Cabrera to king, 11 Sept. 1688; Ortiz, *Real Audiencia y Presidentes*, p. 226; Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 7.



man's standing in the social and political hierarchy, and it thus became of immense importance to fend them off.<sup>91</sup>

Another similar challenge, this time by oidor Isunza and protector Pedrosa, took place at the profession of oidor Carcelén's widow in the convent of la Concepción in 1694.<sup>92</sup> President Cabrera had his chair sent to the convent to set up his place of honour, while oidor Isunza and protector Pedrosa did the same. Cabrera perceived this as an attempt to belittle his authority. For ordinary audiencia members to elevate themselves to the level of the president and sit in chairs in front of him, rather than in the benches that corresponded to their rank, was evidently an encroachment on his symbolic power which he could not overlook. The problem was solved in the same way that it started, in a very public and visible manner. Cabrera strolled up and down the street outside the convent for a good while to allow time to remove the chairs and avoid confrontation, much in the same way which Dicastillo and Rocha had strolled together after their clash in the acuerdo in 1688 to show publicly their good relations.<sup>93</sup> But in the end the chairs had to be removed by force, to protests from Isunza and Pedrosa. Thus, the president had asserted his authority and the oidores' challenge had been defeated. This incident clearly reflects the importance of ceremony in a society where following custom and precedence was crucial. Indeed, ceremonial precedence was laid down in the legislation of the period, which rigorously specified the seating system during audiencia functions.<sup>94</sup> Even the type

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<sup>91</sup> Herzog, *La administración como un fenómeno social*, p. 188.

<sup>92</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694.

<sup>93</sup> AGI Santa Fe 211, Gil de Cabrera to king, 28 July 1688.

<sup>94</sup> *Recopilación*, libro 2, tít. 15, ley 25; Solórzano, *Política Indiana*, libro 5, cap. 3, nos. 46-48; AGI Santa Fe 370, Antonio de la Pedrosa to audiencia of Santa Fe, 9 Nov. 1719; Mayorga García, *La Audiencia de Santafé*, p. 169. See also Real Cédula of 10 June 1686 to the audiencia of Santa Fe, in Richard Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica*, Vol. 2, tomo II, (Madrid, 1958), pp. 779-780, which reiterated that treasurers should



of seat was significant, and when president Cabrera removed the cathedral chapter's plush-covered benches and replaced them with simpler ones, his action was construed as an attempt to demean the chapter's standing.<sup>95</sup>

In passing, it is worth emphasising the importance of external displays of wealth and rank as a means of expressing authority. Above all, clothes indicated social and institutional status. For instance, to wear the *toga* of the letrados was considered an honour which required a special licence.<sup>96</sup> When Pedrosa was appointed as protector, it was with a special permission to wear the *garnacha* of the oidores and fiscales.<sup>97</sup> And when he married without a licence it was the permission to wear the toga which was the reason why he needed the licence, not the post he held as protector de indios.<sup>98</sup> The clothes worn by audiencia ministers also signalled whether they were present in a private or corporate capacity. In the late seventeenth century and early eighteenth century, wearing 'capas y sombreros' rather than the 'gorras y garnachas que es la formalidad con que concurren en cuerpo de Audiencia' became a common way of getting around the prohibition to individually attend fiestas which were not *de tabla*.<sup>99</sup> A real cédula of 2 February 1716, attempted to put an end to this practice, reiterating that audiencia members were only allowed to attend functions in their corporate capacity. In connection with this cédula, the crown also sent out a copy of

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have more prominent positions than cabildo members at public functions. For the importance of the seat assigned to a man, see Leal Curiel, *El discurso de la fidelidad*, pp. 171-245.

<sup>95</sup> AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to king, 5 April 1692.

<sup>96</sup> Herzog, *La administración como un fenómeno social*, pp. 194-197. *Recopilación*, libro 2, tít. 16, leyes 97-98: Wearing a toga without the required licence could result in a 50 000 maravedi fine and thirty days prison.

<sup>97</sup> AGS D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696.

<sup>98</sup> AGI Santa Fe 211, Botos de los señores de la Real Audiencia sobre el casamiento del señor Don Antonio de la Pedrosa, 17 Dec. 1685; AGI Santa Fe 211, Gil de Cabrera to king, 29 July 1688.

<sup>99</sup> AGN Historia Eclesiástica, leg. 2, ff. 996-997, Real Cédula, 2 Feb. 1716.



a *Pragmática contra el abuso de trajes y otros gastos superfluos* of 1691, giving strict guidelines for which fabrics, accessories and dress styles were acceptable.<sup>100</sup> In his mid-seventeenth century work on New Granada, Flórez de Ocáriz dated the classification of men by their clothes back to ancient Rome, and stated that one could tell whether someone served on the Roman senate by his clothes.<sup>101</sup> Clothes could also indicate loyalty: upon receiving news of Charles II's death in 1701, *santafereños* dressed in mourning, and thus 'indicaban con su traje y confusión sus duelos'.<sup>102</sup>

Personal display in dress and jewellery was matched by efforts to sustain large and well-furnished residences, even though Santa Fe's richest houses were relatively austere compared to those of viceregal capitals such as Lima and Mexico. In oidor Rocha's home, the five rooms housing the oidor, his wife, six children, six slaves and a servant in 1690 contained only a large and two small desks, twenty-nine chairs, six stools, nine beds and various chests containing clothes, linen and silverware. In addition there was a rug, six cushions, one hundred books, some paintings and a number of drapes and curtains which Rocha claimed were all borrowed.<sup>103</sup> Cabrera's house was considerably more lavishly adorned, although not as richly as his enemies expected.<sup>104</sup> The importance which Cabrera and his wife attached to living in style is reflected in the fact that they spent 1 500 patacones from the royal treasury to improve part of the presidential palace when they moved in, despite the fact that it had already been redecorated before their arrival, as was usual when a new president

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<sup>100</sup> Konetzke, *Colección de Documentos*, vol. 3, tomo I, pp. 124-134.

<sup>101</sup> Flórez de Ocáriz, *Genealogías del Nuevo Reino de Granada*, vol. 1, p. 99.

<sup>102</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 23 May 1701.

<sup>103</sup> AGI Santa Fe 211, Embargo de los bienes de Gil de Cabrera y Davalos y Domingo de Rocha, 11 Sept. 1690.

<sup>104</sup> AGI Santa Fe 59, N.16, Fernando de la Riva Agüero to king, 8 May 1691.



was awaited.<sup>105</sup> The house of wealthy vecino Agustín de Londoño resembled that of Cabrera, and in addition he had estates elsewhere with houses, slaves, mules and other items of value.<sup>106</sup>

Another indication of an individual's status was the title by which he was addressed. Although breach of protocol here does not seem to have been a problem in Santa Fe of the dimensions it was in Quito<sup>107</sup>, it was at the root of the president's clash with canon Nicolás Flórez, member of an influential Santa Fe family, alcalde ordinario Tomás Flórez's brother, and rector of the Colegio del Rosario.<sup>108</sup> Flórez had imprisoned a student for refusing to address him as 'señor rector'. After several days and complaints from the student's parents, Cabrera intervened and had him freed, much to the canon's irritation.

On the other hand, a high social and political position did not mean exemption from society's general rules for behaviour. In Santa Fe as in Quito, the high level of audiencia ministers' integration into local society meant that they faced the same expectations from this society as other members.<sup>109</sup> Thus, it was far from acceptable when Cabrera 'en presencia de los tres contadores y tres jueces de hordenansa tuvo tal descompostura con [el contador Francisco de Bergara] que a cualquiera le parecía

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<sup>105</sup> AGI Santa Fe 211, Pedro Luis de Victoria to king, 17 June 1688.

<sup>106</sup> AGI Santa Fe 367, Autos originales que se han seguido contra el mre de campo Don Agustín de Londoño y Trasmiera por cargos que contra el dho resultaren sobre la suspensión del empleo de presidente que se hizo al señor Don Francisco de Meneses, 1723.

<sup>107</sup> Herzog, *La administración como un fenómeno social*, pp. 183-189.

<sup>108</sup> AGI Santa Fe 211, Resumen del memorial Ajustado; Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 8.

<sup>109</sup> Herzog, *La administración como un fenómeno social*, pp. 157-158.



mucho exceso si el mismo hubiera tenido con algún esclavo suyo en el lugar más indecente de su casa'.<sup>110</sup>

If the clash between the president and oidores originated in symbolic slights, it extended into serious allegations of dishonesty and corruption. Most of Garcés and Dicastillo's accusations against Cabrera and Rocha centred on involvement in contraband trade, nepotism and bribery. The two defendants allegedly demanded bribes to let legal goods enter the city, but in the only specific case pointed out to the Council of the Indies, it was proven that it was oidores Garcés and Dicastillo who were the culprits.<sup>111</sup> On another occasion, Dicastillo and Cabrera clashed when the latter tried to move to the treasury a batch of contraband goods which the oidor had seized and stored in his house.<sup>112</sup> Ernesto Restrepo Tirado has argued that the accusations against Cabrera were false, arising from a zealous president impeding illegal activities and thus causing resentment among those who made a nice fortune from such lucrative business.<sup>113</sup> Sergio Elías Ortiz, on the other hand, claims that the two made use of Rocha's connections in Cartagena and engaged in illegal activities there, both personally and through middle men.<sup>114</sup> Although this sounds more likely, there is no real evidence to support it, and the accusations centred on their presumed involvement in the trade with Mérida and Maracaibo rather than with Cartagena.

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<sup>110</sup> AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to king, 5 April 1692.

<sup>111</sup> AGI Santa Fe 211, Resumen del memorial Ajustado; AGI Santa Fe 211, Pedro Rico de Mendoza to king, 19 March 1688; AGI Santa Fe 211, Pedro Luis de Victoria to king, 17 June 1688; Ortiz, *Real Audiencia y Presidentes*, pp. 232-233; Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 8.

<sup>112</sup> AGI Santa Fe 211, Resumen del memorial Ajustado.

<sup>113</sup> Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 10.

<sup>114</sup> Ortiz, *Real Audiencia y Presidentes*, p. 232.



While Rocha seems to have kept very quiet, Cabrera fiercely denied any such involvement and directed the accusations back at Garcés.<sup>115</sup>

A large number of letters to the Council of the Indies from vecinos of Santa Fe and neighbouring towns also listed the cases where Cabrera and Rocha received bribes, as well as the offices and titles of captains and maestros de campo Cabrera sold to the highest bidder without consideration for the qualifications of the candidate. In some cases, it was said, appointments as corregidores had even been sold to mestizos.<sup>116</sup> It was also alleged that criminals of all kinds escaped punishment as long as they paid up and that an alleged murderer had been appointed to the governorship of Neiva.<sup>117</sup> And as for corregimientos and other appointments, the only ones who did not have to pay to obtain them were Cabrera's and Rocha's relatives and godsons. The price of an appointment ranged from 500 to 16 000 pesos, but gifts such as gold or silver were accepted, too. Cabrera was also accused of running an emerald mine through one of his appointees, Luis Jorge de los Reyes y Berrio, alcalde mayor of the Musso emerald mines.<sup>118</sup> One of the accusers gave the following reason for Cabrera's corrupt behaviour: 'entró en esta ciudad con 90 000 patacones de empeños poco más o menos y se deja entender, que para desempeñarse y satisfacer su demasiada codicia ha de usar mal de su oficio'.<sup>119</sup> As Pietschmann has pointed out, debts accumulated

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<sup>115</sup> AGI Santa Fe 211, Gil de Cabrera to king, 28 July, 2 Oct. and 15 Dec. 1688, 6 June and 24 July 1689, 18 Feb. and 30 July 1690 and 18 March 1691; AGI Santa Fe 211, Resumen del memorial Ajustado.

<sup>116</sup> AGI Santa Fe 211, Juan Rodríguez Vettancur to king, 15 Oct. 1688.

<sup>117</sup> For example AGI Santa Fe 211, Pedro Luis de Victoria to king, 26 June 1688; AGI Santa Fe 211, Francisco Cevallos to king, 9 and 26 Aug. 1688.

<sup>118</sup> AGI Santa Fe 211, Pedro Luis de Victoria to king, 17 June 1688; AGI Santa Fe 211, Juan Rodríguez Vettancur to king, 15 Oct. 1688; AGI Santa Fe 211, Andrés de Urtaneychea to Gil de Cabrera, 12 Jan. 1691.

<sup>119</sup> AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688. See also AGI Santa Fe 211, Francisco Cevallos to king, 26 Aug. 1688. 90 000 patacones equals 24 480 000 maravedis, which would have equalled 108 times Cabrera's annual salary.



through purchasing a post as well as paying for the journey to take up office frequently led to a necessity to earn more than an official's normal salary.<sup>120</sup>

The president's private conduct was apparently not impeccable, either. Card games allegedly went on day and night in the presidential palace. Large sums of money were at stake and many players involved, 'las mugeres con su muger, las hijas de las principales, con su hija, red barredera de todas las joyas y plata de esta ciudad'.<sup>121</sup> At the palace he also kept a guard of fifty poor men who allegedly played cards at all hours while their women hung about half naked.

Many lower ranking bodies of government also complained about Cabrera. The officials of the royal treasury claimed that the president encroached on their jurisdiction<sup>122</sup>, and when Cabrera attempted to assert his authority as Vice-Patron of the church, the cathedral chapter joined the ranks of his enemies.<sup>123</sup> Its dislike of the president was later enhanced by his failure to attend certain ceremonies which a president customarily attended. Lastly, various officials in Cartagena complained about the president. The governor claimed that the city's subsidy was not sent in time, to which Cabrera responded that the Santa Fe treasury was empty and that he could therefore not comply. In fact, the *situado* of Cartagena and other provinces of New Granada was a persisting problem.<sup>124</sup> The Cartagena treasurers for their part

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<sup>120</sup> Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', p. 24. At times, oidores borrowed money from lending agencies to obtain an American appointment, as was the case with Diego Enríquez de Iriarte, appointed oidor of Santa Fe in 1719. See AGI Santa Fe 263, Consulta of 26 April 1720.

<sup>121</sup> AGI Santa Fe 211, Pedro Rico de Mendoza to king, 19 March 1688.

<sup>122</sup> AGI Santa Fe 211, Pedro Luis de Victoria to king, 17 June 1688.

<sup>123</sup> AGI Santa Fe 211, Resumen del memorial Ajustado; Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 8.

<sup>124</sup> AGN Real Audiencia Cundinamarca, tomo 3, ff. 1-247, Libro de Acuerdos de la Real Audiencia de Santa Fe de 1697 a 1705.



were annoyed with the president for having ordered a visita of their treasury.

However, after Cabrera's choice of visitador had caused much controversy, the inspection never took place after all.<sup>125</sup>

It is difficult to say how many -if any- of the accusations were true. What they show, however, is how conflicts in the audiencia linked with, and fuelled factionalism among the urban elite. Such factions did not follow any simple dividing line between peninsulars and creoles. Peninsulars Garcés, Dicastillo and Pedrosa often gathered in each others' houses, most of the time together with contador Francisco de Vergara.<sup>126</sup>

Fellow peninsular Rocha, on the other hand, preferred the company of creoles Cabrera and Carcelén. Apparently, Rocha and Cabrera had immediately become friends, and they soon included peninsular Isunza and creole Merlo in their little group.<sup>127</sup> They all normally went to visit president Cabrera's wife, Gertrudis de

Quirós, after audiencia sessions. During the 1690s and early 1700s, Rocha also belonged to a group of prominent men who frequented the homes of contador José Flórez and his nephew fiscal Manuel Antonio Zapata to 'jugar entretenimiento'.<sup>128</sup>

At various times this group also included fiscal Pedro Sarmiento y Huesterlin, protector Pedrosa, president Cabrera's youngest son, Antonio, regidor Agustín de Londoño and 'otros muchos de igual calidad'. Where oidor Garcés led one faction, President Cabrera led the other, and relations within the groups were forged in various ways. Some audiencia ministers – such as oidor Rocha and protector

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<sup>125</sup> AGI Santa Fe 211, Resumen del memorial Ajustado; AGI Santa Fe 211, Luis de Cassalla to king, 30 July 1688; AGI Santa Fe 211, Gil de Cabrera to king, 14 Sept. 1690. Also, Restrepo Tirado, *Gobernantes del Nuevo Reino de Granada*, p. 8.

<sup>126</sup> AGI Santa Fe 211, Gil de Cabrera to king, 11 Sept. 1688; AGI Santa Fe 211, Andrés de Urtaneychea to Gil de Cabrera, 12 Jan. 1691.

<sup>127</sup> AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688.

<sup>128</sup> AGI Santa Fe 367, Confesión de Agustín de Londoño, 30 Oct. 1723.



Pedrosa- married creoles. Another way of forming ties was by serving as *padrino*, as Garcés did at Pedrosa's wedding. Yet another way was to be godfather, as Cabrera and Merlo were to two of Rocha's children when they were baptised 'con todo aquel aparato grandessa y sumptuosidad que lo pudiera aser un grande de España si se allara en Santa Fe'.<sup>129</sup> Garcés and Cabrera thereby gained access to the networks of Pedrosa's and Rocha's wives. Indeed, *compadrazgo* was seen as 'parentesco espiritual' and thus constituted a very close link between individuals.<sup>130</sup> In view of this, Archbishop Francisco de Cosío y Otero had to grant oidor Luis Antonio de Losada and widow Teresa Margarita Cabrera a special dispensation to marry in 1710 as he had been the godfather of one of her children by her first husband.

Factions were, it seems, related to ties of kinship between ministers of the crown and competing families in Santa Fe. Alliances of this kind were not static, however. Fiscal Prado seems to have been of a diplomatic disposition, and was accused of belonging to both factions at different times although he himself claimed to attempt to stay out of the intrigue.<sup>131</sup> Garcés and Dicastillo forced Prado to retire as fiscal when they tried to involve him in the case against the president, who at one time had given Prado's son an appointment as priest of an Indian parish (*doctrina*), whereas Cabrera talked of the fiscal as Garcés' friend. And blood relations did not automatically signify membership in the same faction, as illustrated by the fact that Archbishop Sanz Lozano supported president Cabrera until his death in May 1688 despite being related to Garcés.

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<sup>129</sup> AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to Marqués de los Veles, 15 Dec. 1692.

<sup>130</sup> AHN Consejos 21554, Minuta de la executoria que se despachó a Don Luis Antonio de Losada, oidor de la Audiencia de Santa Fe, de la causa que se le hizo sobre su casamiento, 10 July 1711.



The wider networks reaching into the creole elite are more difficult to discern from the sources available. One obvious connection which we have already mentioned, was marriage. In the case of audiencia ministers who spent long terms in Santa Fe, their children frequently constituted a strong link to local society. Even those who were born outside Santa Fe often stayed on in that city, married there, had children and even held public office.<sup>132</sup> There was also the bond of *compadrazgo*, and despite the prohibition on making such ties, oidor Rocha was priest Antonio de Vergara's *padrino*.<sup>133</sup> Connections through commercial activities were hidden but often drew contemporary comment. Another obvious link was that between the audiencia ministers and the body of assistants they worked with. Although at a much lower level in the social and administrative hierarchy, the presidents' and oidores' staff constituted an important link to local community. From the moment he arrived in Santa Fe, Cabrera worked closely with his secretary Tomás del Río y Santelices who continued to work at the audiencia after Cabrera's retirement and death.<sup>134</sup> Officials such as escribanos and receptores came and went in the presidential palace as well as in the oidores' houses, as did such artisans as tailors and carpenters.<sup>135</sup> And the loyal support of receptor Esteban Gallo proved invaluable to oidores Garcés and Dicastillo in their attempt to remove Cabrera from office.<sup>136</sup> Thus, the judges became very much a part of the society in which they worked. Friendship and enmities guided the

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<sup>131</sup> AGI Santa Fe 211, Gil de Cabrera to king, 15 Dec. 1688; AGI Santa Fe 211, Juan Eusebio Dabalos to king, n.d. (1691); AGI Santa Fe 59, N.16, Fernando de Prado y Plaza to king, 6 May 1691; Ortiz, *Real Audiencia y Presidentes*, p. 227.

<sup>132</sup> For details on individual cases, see appendix I.

<sup>133</sup> AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688.

<sup>134</sup> AGI Santa Fe 211, Gil de Cabrera to king, 15 Dec. 1688; AGI Santa Fe 367, Confesión de Juan de Cárdenas Barajas, 21 Jan. 1718.

<sup>135</sup> AGI Santa Fe 211, Embargo de los bienes de Gil de Cabrera y Domingo de Rocha, 11 Sept. 1690.

<sup>136</sup> AGI Santa Fe 211, Andrés de Urtaneychea to Gil de Cabrera, 12 Jan. 1691.



oidores' decisions, and rather than neutral judges they were interested parties who distributed favours and goodwill to whom they wanted. Although complaints were formulated as moral or professional objections, in Santa Fe as in Quito they sprang from judges' alliances with rival groups in society.<sup>137</sup>

By early 1690, the wave of complaints about Cabrera and Rocha flooding the desk of the Council of the Indies prompted an investigation into their proceedings.<sup>138</sup> The *pesquisa* followed the normal pattern. Someone already in the city was put in charge of the initial proceedings and the embargo of the suspects' possessions while awaiting the arrival of the *juez pesquisidor* of the case. In this case, the task was allocated *oidor* Garcés who carried it out in the autumn of 1690. Fernando de la Riva Agüero, *oidor-elect* of the *audiencia* of Panama and the official *pesquisidor*, arrived in Santa Fe on 3 May 1691 and started by suspending the two defendants from office and exiling Rocha to Popayán and Cabrera to Cartagena for the duration of the investigation.<sup>139</sup>

Not surprisingly, the two protested against this order, alleging poverty and ill health, and claiming that their presence in Santa Fe was indispensable for their defence.<sup>140</sup>

In the end, however, Cabrera left for the coast, sending his nephew and son-in-law

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<sup>137</sup> On Quito, see Herzog, *La administración como un fenómeno social*, p. 133.

<sup>138</sup> AGI Santa Fe 211, Respuesta fiscal, 8 Feb. 1690.

<sup>139</sup> AGI Santa Fe 59, N.16, Fernando de Prado y Plaza to King, 6 May 1691; AGI Santa Fe 59, N.16, Fernando de la Riva Agüero to king, 8 May 1691; AGI Santa Fe 59, N.16, La Nobleza de la Ciudad de Santa Fe to king, 8 May 1691; AGI Santa Fe 59, N.16, cabildo secular of Santa Fe to king, 8 May 1691 and 20 April 1692; AGI Santa Fe 59, N.17, Informe de la Contaduría, 7 Feb. 1695; AGI Santa Fe 211, Respuesta fiscal, 8 Feb. 1690; AGI Santa Fe 211, Embargo de los bienes de Gil de Cabrera y Domingo de Rocha, 11 Sept. 1690; AGI Santa Fe 211, Juan Garcés de los Fayos to king, 21 Nov. 1690; AGI Santa Fe 211, Gil de Cabrera to king, 18 March 1691; AGI Santa Fe 211, Resumen del memorial Ajustado.

<sup>140</sup> AGI Santa Fe 211, Domingo de la Rocha to Fernando de la Riva Agüero 5, 8 and 9 May 1691; AGI Santa Fe 211, Gil de Cabrera to Fernando de la Riva Agüero, 7 and 10 May 1691.



Juan Eusebio Dávalos to Madrid to put his case before the Council of the Indies.<sup>141</sup> Rocha for his part never obeyed the order to go to Popayán. Apparently, he stayed in and close to the city, where he had a group of faithful supporters, mockingly called his ‘palatinado’ or court, constantly by his side.<sup>142</sup> Finally, on 11 February 1692, he left for Zipaquirá, about forty kilometres from Santa Fe. His wife and family followed him there, and apparently a great many vecinos as well as oidor Merlo accompanied them on the first stage of the journey.<sup>143</sup> As Herzog points out, for vecinos and inferior officials to accompany superiors was a common way of showing loyalty and support.<sup>144</sup>

However, as new information reached the Council of the Indies, the case became more complicated. Although the accusations were numerous, no evidence to support them was presented, and the Council found the president’s side of the story increasingly credible.<sup>145</sup> In addition, several letters of support for the two had reached Madrid. According to seventeen of the most prominent vecinos of Santa Fe, there had been no irregularities whatsoever in the proceedings of Cabrera and Rocha. On the contrary, they had given ‘muy Buen exemplar ... en la buena administración de Justicia, y de sus ocupaciones.’ And, as if this was not reason good enough to dismiss the case, it should be done ‘por la grave carga de sus obligaciones de mujeres y crecido número de mui tiernos hijos’.<sup>146</sup> The cabildo of Santa Fe supported

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<sup>141</sup> AGI Santa Fe 211, Juan Eusebio Dabalos to king, n.d. (1691); AGI Santa Fe 211, Juan Eusebio Dávalos to king, n.d. (1693).

<sup>142</sup> AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to Marqués de los Veles, 15 Dec. 1692.

<sup>143</sup> AGI Santa Fe 59, N.16, Juan Garzes de los Fayos to king, 5 April 1692; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 3 Feb. 1700.

<sup>144</sup> Herzog, *La administración como un fenómeno social*, pp. 191-192.

<sup>145</sup> AGI Santa Fe 211, Resumen del memorial Ajustado.

<sup>146</sup> AGI Santa Fe 59, N.16. La Nobleza de la Ciudad de Santa Fe to king, 8 May 1691.



these arguments.<sup>147</sup> During the pesquisa, support for Rocha and Cabrera was reinforced by dislike of the investigating judge, Riva Agüero. According to rumour, he had written a secret report containing damaging allegations against the city of Santa Fe. Although not confirmed, such an insult to a city ‘tan leal como lo es esta de V.M. donde lo menos será en hombres, niños, y mugeres deramar la última gota de sangre por dar siega obediencia a los Reales ordenes de V.M.’ could not be overlooked.<sup>148</sup>

In the course of the investigation, doubts were raised about the authenticity of most of the many letters of accusation.<sup>149</sup> One of the alleged accusers denied having written the letter; others could not possibly have written them having died long before the date of the letters; others had disappeared, leaving Riva Agüero unable to confirm the charges. This could indicate either that accusations were false, or that people were too scared to openly accuse Cabrera. The testimony of Andrés de Urteynecha, *alcalde de la hermandad* of the village of Muzo in 1689, suggests that the oidores used their authority to obtain false witness. He told the Council how oidores Garcés and Dicastillo had tried to force him to testify against Cabrera about things that he either knew nothing about or which had not happened.<sup>150</sup>

The case was closed in a characteristically chaotic manner. Riva Agüero had completed the investigation by the end of March 1693, but did not pronounce

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<sup>147</sup> AGI Santa Fe 59, N.16, cabildo secular of Santa Fe to king, 8 May 1691; AGI Santa Fe 61, N.96, cabildo secular of Santa Fe to king, 20 March 1690.

<sup>148</sup> AGI Santa Fe 59, N.16, cabildo secular of Santa Fe to king, 20 April 1692.

<sup>149</sup> This goes for several of the letters quoted here, namely those from Luis de Cassalla, Francisco Cevallos, Pedro Rico de Mendoza, Juan Rodríguez de Vettancur and Pedro Luis de Victoria.

<sup>150</sup> AGI Santa Fe 211, Andrés de Urtaneychea to Gil de Cabrera, 12 Jan. 1691.



sentence in the case despite being empowered to do so.<sup>151</sup> Instead, he sent the documents off to the Council of the Indies for it to determine the fate of the two defendants.<sup>152</sup> But Riva Agüero's report never reached Madrid. When the ship which carried it reached Cadiz, both the papers and the person accompanying them were gone and only a batch of blank sheets arrived in the Council. This, in the Council's opinion, 'canonizan el artificio y poder' of Cabrera's enemies.<sup>153</sup> Consequently a new copy of the report would have to be ordered, causing great delay in the proceedings. This unclear situation gave Cabrera's successor, Francisco de Gorrichátegui, false hopes that he might be allowed to take up office.<sup>154</sup> In fact, under the circumstances the Council did not even have the right to keep Cabrera and Rocha suspended from office. This could only be done in cases of the Council confirming or revoking sentences, and here, no sentence had been pronounced.<sup>155</sup> Therefore, it was decided that Cabrera and Rocha were to be restored to office until the case could be closed, albeit with certain limitations. They were, for instance, not to vote or in any other way interfere in cases concerning their accusers. Their goods were to remain confiscated, but they were to be given their salaries back.<sup>156</sup> Both were reinstated by cédulas of 2 May 1693. Cabrera received the news in Cartagena, and returned to the presidency of Santa Fe on 10 February 1694, according to one source amidst popular jubilation.<sup>157</sup> The cabildo approved of the Council's decision,

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<sup>151</sup> AGI Santa Fe 59, N.17, Fernando de la Riva Agüero to king, 30 March 1693; AGI Santa Fe 211, Respuesta fiscal, 8 Feb. 1690.

<sup>152</sup> Which it in fact refused to do. Instead, it demanded a reason for his failing to carry out orders, and ordered him to immediately determine the case. AGI Santa Fe 211, Acordado del Consejo, 13 April 1693.

<sup>153</sup> Ibid.

<sup>154</sup> Santa Fe 211, Juan Simón Infante on behalf of Francisco de Gorrichategui to king, n.d.; AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to Marqués de los Vélez, 15 Dec. 1692; AGI Santa Fe 211, Juan Eusebio Dávalos to king, n.d.

<sup>155</sup> AGI Santa Fe 211, Consulta of 19 April 1693.

<sup>156</sup> AGI Santa Fe 211, Acordado del Consejo, 13 April 1693.

<sup>157</sup> Restrepo, *Gobernantes del Nuevo Reino de Granada*, pp. 10-11.



stating that Cabrera's 'restitución fue plausible, y de consuelo General para este Reino por las buenas operaciones que se an experimentado de su acertado gobierno'.<sup>158</sup>

By the summer of 1695, their names had eventually been cleared and the Council of the Indies sent a circular to all the viceroys, presidents and oidores of the audiencias of the Indies, informing them of the case against Cabrera and Rocha and the procedure which had been followed to declare the two not guilty.<sup>159</sup> It also stated that Cabrera had been rewarded an additional eight year term in office.<sup>160</sup> This second term in office went by more quietly than the first, and Cabrera seems to have obeyed the order not to interfere in cases concerning his opponents, as a cédula of 22 August 1699 commended his behaviour in this respect.<sup>161</sup> Indeed, he kept such a low profile that oidor Rocha in 1700 complained that Cabrera tried to restrict the oidores' scope of action, 'dando motivo a que los súbditos nos atropellen y vivamos despreciados e indecorados por el asilo y fomento', in order to please the vecinos of the city and win their allegiance before his residencia was to be taken.<sup>162</sup> This suggests that even a powerful official attached importance to the residencia, and sought by political means to ensure that it was favourable to him. In this, Cabrera seems to have succeeded. In his residencia, Cabrera was accused only of owing a tailor 300 pesos for clothes made for him and his family, but although the judge in charge sentenced him to pay it, the audiencia revoked the sentence and found Cabrera in the right and

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<sup>158</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694.

<sup>159</sup> AHN Consejos 21541, Minutas of 4 June and 8 July 1695.

<sup>160</sup> This gave rise to confusion in Santa Fe over whether Cabrera ought to pay the media anata tax for his second term in office. AGI Santa Fe 34, R.1, N.12, oficiales reales of Santa Fe to king, 9 Nov. 1696; AGI Santa Fe 34, R.1, N.12, Antonio de la Pedrosa to king, 20 Feb. 1697.

<sup>161</sup> José María Restrepo Sáenz, *Biografías de los mandatorios y ministros de la Real Audiencia 1671 a 1819* (Bogotá, 1952), p. 17.

<sup>162</sup> AGI Santa Fe 360, Domingo de la Rocha to king, 12 Nov. 1700.



the tailor in the wrong.<sup>163</sup> However, a conflict between Cabrera and cabildo did arise in 1703 over how to receive Cabrera's successor as president of the audiencia of Santa Fe, Diego de Córdoba Lasso de la Vega.<sup>164</sup>

In the aftermath of the Cabrera and Rocha case, the Council of the Indies suggested that another pesquisidor be sent to Santa Fe to investigate allegations that oidores Garcés and Dicastillo were involved in illegal trade and that protector Pedrosa owned mines and farms and proceeded irregularly in his office.<sup>165</sup> However, Garcés and Dicastillo were never prosecuted, and eventually in 1705 the Council gave up as it deemed the case against them impossible to prove.<sup>166</sup> Accusations against Pedrosa were to be investigated by oidor Carlos de Alcedo y Sotomayor, who in 1695 was commissioned by the king to conduct a *visita de la tierra* for the area of jurisdiction of the Tribunal de Cuentas of Santa Fe.<sup>167</sup> The visita was ordered as a result of the Cabrera- Rocha affair, but not, as one might have expected, primarily to sort out royal administration in the area. Instead, it was a response to serious irregularities in the collection of tributes and treatment of Indians by encomenderos, uncovered by Riva Agüero's investigation. It was also to deal with tax fraud by miners and salary fraud by priests. One can, of course, speculate whether other motives were involved, but these were the only objectives expressly stated in Alcedo's instructions. And if it was meant to reflect an effort by the crown to assert its authority in the audiencia and thus over New Granada, the visita was a dismal failure as it soon diverted to deal with the surrender of Cartagena to the French in 1697.

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<sup>163</sup> Restrepo Sáenz, *Biografías de los mandatorios*, p. 17.

<sup>164</sup> AGN Virreyes, tomo 10, f. 336-340.

<sup>165</sup> AGI Santa Fe 262, Consulta of 7 June 1695.

<sup>166</sup> AGI Santa Fe 262, Consulta of 21 April 1705.



The case of Cabrera was far from unique. Forty years earlier, President Marqués de Miranda of the audiencia of Santa Fe had been the object of virtually identical accusations as those Cabrera faced in 1689.<sup>168</sup> While Riva Agüero's investigation went on in Santa Fe in the 1690s, the president of the audiencia of Quito was investigated for and acquitted of similar charges.<sup>169</sup> Another similar case took place in Quito in the early 1700s, when president Sosaya was accused of involvement in contraband trade as well as of other illegal activities. The Council could not overlook the amount of complaints about the president arriving in Madrid, as happened with Cabrera, and ordered a *pesquisa*. Sosaya was eventually cleared of all guilt and restored to the presidency, as were the two oidores charged alongside him. Forty years later, yet another president of Quito was involved in a similar case, also eventually acquitted by the Council after an extensive investigation.<sup>170</sup>

The controversy surrounding Cabrera and Rocha throws light on several aspects of the political world of late seventeenth century New Granada. First, it shows the importance of ceremony in a society where following custom and precedence was crucial. In behaviour, speech and dress as well as the physical position one held in church or in public functions, strict written and unwritten laws governed society and emitted a message of social standing, power and authority. Second, it suggests the importance of social networks as factions rather than individuals protagonised

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<sup>167</sup> AGI Santa Fe 357, Real Cédula, 30 July 1695. Documents concerning this visita fill up most of AGI Santa Fe 357.

<sup>168</sup> AGI Santa Fe 33, R.6, N.35, Antonio Mosquera de Ulloa to king, 11 May 1649.

<sup>169</sup> Herzog, *La administración como un fenómeno social*, p. 107.

<sup>170</sup> Andrien, 'Corruption, Self-Interest, and the Political Culture of Eighteenth-Century Quito', pp. 273-283.



clashes. Neither defendants nor accusers stood alone, and both factions looked to their families and social networks for support. Third, repeated accusations of using public office for private gain suggest that corruption flourished among audiencia ministers. Not one of the protagonists escaped allegations of being involved in some sort of illegal activity, mainly contraband trade. Although the charges remained unconfirmed, their frequency indicates the omnipresence of contraband. And fourth, it shows how vague limits between areas of jurisdiction could lead to internal conflict in the audiencia and slow down the dispensation of justice by officials who manipulated administrative rules and laws to serve their own purposes and those of their allies. Lastly, *capa y espada* President Cabrera's clashes with his *togado* audiencia colleagues hints at a type of conflict which became more prominent with the arrival of President Francisco de Meneses in the early eighteenth century, where different backgrounds led to different views on how government should be run.

***Inter-institutional conflict: cabildo and audiencia.***

Political conflict in Santa Fe was not confined to the audiencia tribunal. It also involved conflicts with and within the cabildo, the other corporate body prominent in the city's affairs. Clashes between cabildo and audiencia were not new: such conflicts took place in the second half of the sixteenth century when encomendero cabildo members objected to attempts to subject them to royal authority in the form of the audiencia.<sup>171</sup> However, the series of disputes between the Santa Fe cabildo and oidor Rocha -backed by his fellow oidores and the fiscal- in the late 1690s and early 1700s, provide a striking example of the ways in which divisions within the

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<sup>171</sup> Puyo, *Bogotá*, p. 66.



audiencia interacted with rivalries between factions in local society that were also played out in the cabildo. And, as the cabildo was in the hands of creoles, its conflict with the audiencia also suggests that peninsular/creole competition may have been a dimension of Santa Fe politics.

The cabildo, responsible for local government, was the main area of creole influence in government. Although it represented only the interests of a small group of leading citizens, it was a forum for expressing creole sentiment and opinion. It was, from the very beginning of colonisation in America, the social and political centre of the creole communities<sup>172</sup>, and when Spanish rule drew to an end there were attempts to use some cabildos as vehicles in the fight for independence.<sup>173</sup> The *cabildo abierto*, which was a gathering of the citizen body for the discussion of significant questions concerning the municipality, was closer to representing the interests of the inhabitants as such.<sup>174</sup> However, such gatherings were rarely held by the end of the seventeenth century.<sup>175</sup>

The organisation and purposes of the cabildo of Santa Fe followed the standard American model.<sup>176</sup> Like other cabildos, it was divided into two branches; *justicia* and *regimiento*. The first consisted of two *alcaldes ordinarios*, referred to as senior and junior alcalde, or alcalde of the first and second vote, elected annually on 1

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<sup>172</sup> Anthony Pagden, 'Identity Formation in Spanish America' in Nicholas Canny and Anthony Pagden, *Colonial Identity in the Atlantic World 1500-1800*, (Princeton, 1987), p. 90.

<sup>173</sup> McFarlane, *Colombia before Independence*, p. 340.

<sup>174</sup> Marzahl, *Town in the Empire*, p. 73.

<sup>175</sup> There are, however, some exceptions, such as that held in Cartagena in 1703 to raise money for defence. AGI Santa Fe 457, Testimonio de cabildo abierto de Cartagena, 15 April 1703.

<sup>176</sup> For comparisons to other cabildos, see Victoria González Muñoz, *Cabildos y Grupos de Poder en Yucatán (Siglo XVII)*, (Sevilla, 1994); Marzahl, *Town in the Empire*, pp. 55-73; John Preston Moore, *The Cabildo in Peru under the Hapsburgs. A Study in the Origins and Powers of the Town Council in the Viceroyalty of Peru 1530-1700*, (Durham, North Carolina, 1954).



January. Although elections were supposed to be free and only confirmed by the president of Santa Fe, there were periods when he had a strong hand in them. This happened for instance from 1705 to 1710, when most regidores were impeded from voting in the New Year's day elections because of debts to the royal treasury and president Diego de Córdoba almost single-handedly "elected" alcaldes.<sup>177</sup> The alcaldes ordinarios administered justice in the first instance, except in cases which specifically fell within the area of jurisdiction of the audiencia. In addition, the senior alcalde had administrative duties such as presiding over public celebrations and the weekly cabildo meetings.

According to its charter, the *regimiento* in Santa Fe should have had twenty-one *regidores*, or aldermen.<sup>178</sup> Drawn from the prominent vecinos, the men in charge of the organisation of municipal life in its multiple aspects were normally landowners and merchants. They were obliged to live in the town where they held office, and in theory were debarred from participating in any commercial or "vile" activities. The regidores administered the city's property, its sewers and waste and the supply, sale and pricing of goods.<sup>179</sup> They set and collected the bond many royal officials had to post, and also formally approved the appointment of officials, from the governor and bishop to the town crier and executioner.<sup>180</sup> Annual election of aldermen had been the core of the cabildo's political authority in the early days of the colonial period

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<sup>177</sup> AGN Residencias Cundinamarca, leg. 49, ff. 340-343. Has data on elections from 1703 to 1712.

<sup>178</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694. Flórez de Ocariz, *Genealogías del Nuevo Reino de Granada*, p. 357, however, claims that it should only have 15.

<sup>179</sup> Many cabildos were extremely protective of its monopoly on the pricing of goods. See Luis Navarro García, 'El privilegio de los regidores en el abasto de Cartagena de Indias' in *Anuario de Estudios Americanos*, 38 (1981), pp. 173-214.

<sup>180</sup> By the seventeenth century, this procedure had become a formality, as the cabildo virtually never disputed the choice of royal officials. There were, however, exceptions. In Santa Marta in the 1690s, the cabildo refused to accept the interim governor appointed by the audiencia. See chapter 4 below.



because it gave the council a certain control over its own membership, but with the introduction of sale of office its political powers were greatly reduced.<sup>181</sup> By the end of the seventeenth century most offices in Santa Fe were sold, and a regimiento was priced at 1 500 pesos.<sup>182</sup>

In the economic sphere, the cabildo's authority was extremely limited, but the council did have the power to issue regulatory ordinances for trade and business. It also had the authority to collect municipal taxes, fines and duties, although only with the consent of the audiencia. The city derived its income from the *propios*, or revenues collected from the administration of the land surrounding the city proper which the cabildo had the power to divide into plots, rent out and sell. However, until the end of the eighteenth century, the cabildo of Santa Fe never had sufficient income and throughout the seventeenth century the sum collected from the administration of the land was only 1 000 pesos per year.<sup>183</sup>

Although the cabildo performed functions in the spheres of social welfare and education, it never could compete with the religious orders and the Church in fulfilling the role of educator and of social and humanitarian agency. It did, however, make provision for alleviating the situation of the poor and needy, and encouraged education by fostering secondary schools. The regidores also had responsibilities for public health, appointing the necessary doctors and druggists. Another task of the cabildo was to set the official days of fiesta, and take responsibility for the carrying

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<sup>181</sup> Marzahl, *Town in the Empire*, p. 61.

<sup>182</sup> AGI Santa Fe 360. Dejación que hicieron Juan Benegas Ponce de León y Gerónimo de Verrio y Mendoza y Joseph de Mesa Cortés de sus puestos, n.d.; AGI Santa Fe 360, Gil de Cabrera to king, 20 Jan. 1697.

<sup>183</sup> Puyo, *Bogotá*, pp. 63-65.



out of the often lavish celebrations which swallowed a large part of the limited municipal revenue. However, the president of the audiencia could exercise his superior authority to limit the number of public holidays if necessary, as President Cabrera did in 1689.<sup>184</sup>

Various offices were attached to the cabildo and were either performed by the regidores or by specifically appointed officials.<sup>185</sup> The *alcalde de la hermandad* or *provincial*, or country justice and bailiff, was appointed to relieve the *alcalde ordinario* in the administration of justice throughout the rural areas. The *procurador general* was a constituent member of the cabildo without voting rights, whose principal role was that of intermediary between the inhabitants of a city and the crown's councils, courts and audiencias. In addition, the procurador took part in the distribution of land, lots and water. The *depositario general* (public trustee) was in charge of goods and funds under the administration of the courts, whereas the *mayordomo* was the municipal treasurer whose main duty was to collect revenue due and to pay the city's debts and obligations. The post of *alférez real*, or royal standard bearer, was a prestigious one with mainly ceremonial functions, the most important one being to carry the royal standard -which symbolised the citizen's loyalty to the king and their willingness to stand by him in times of war as well as in times of peace- at public celebrations. As for the preservation of peace and order, that was a task that fell on the *alguacil mayor*, or police officer. The office of *fiel ejecutor*, or

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<sup>184</sup> AGN Historia Eclesiástica, leg. 2, ff. 972-997 y 1016, Order issued by Gil de Cabrera y Dávalos, 21 April 1689.

<sup>185</sup> The following account of cabildo offices is based on Joaquín Avellá Vives, *Los Cabildos Coloniales* (Madrid, 1934); María del Carmen Borrego Plá, *Cartagena de Indias en el siglo XVI* (Sevilla, 1983), pp. 291, 295 and 308; Marzahl, *Town in the Empire*, pp. 66-67; Mayorga García, *La Audiencia de Santafé*, p. 137; Moore, *The Cabildo in Peru under the Hapsburgs*, pp. 105-107.



inspector of trade and business, was regarded as one of the most important in local government, although it carried relatively little prestige. The *fiel ejecutor's* duties included the general enforcement of local laws dealing with trade and business, the ownership of municipal and private property and the conservation of natural resources. Also, he examined weights and measures and visited the city's *pulperías* every four months. In Santa Fe, these duties were carried out by a team of two *regidores* in four month turns. The *fieles ejecutores* were elected on 2 January every year and then again in April, May or June and in September or October.<sup>186</sup> At the end of their terms, they were subject to a *residencia* carried out by the *audiencia*. To complete the basic structure of a town council, there was the technical office of *escribano*, or council secretary, who was present without *voz nor voto*. His function was as council notary, and he signed the minutes at the end of each session.

By the late seventeenth century the *cabildo* of Santa Fe was at a low ebb. In 1694, fifteen of its twenty-one *regimientos* stood unoccupied, and three of the remaining six *regidores* wished to retire.<sup>187</sup> This, it was said, would leave only an *alcalde provincial*, an *alguacil mayor* and a *depositorio general*, none of whom had time to take care of normal conciliar business such as supplies to the city, which might cause a shortage of goods. There was also the acute need for someone to take charge of poor relief. Even the prestigious post of *alférez real* was empty, and in 1697, one of the two elected to the normally sought-after post of *alcalde ordinario* refused to serve. His argument was that he had not the means to 'portarse con la decencia

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<sup>186</sup> AGN Residencias Cundinamarca, Leg. 49, ff. 343-345, has election results for Santa Fe for 1703-1712.

<sup>187</sup> AGI Santa Fe 360, *cabildo secular* of Santa Fe to king, 30 Sept. 1694; AGI Santa Fe 360, *Dejación que hicieron Juan Benegas Ponce de León y Gerónimo de Verrijo y Mendoza y Joseph de Mesa Cortés de sus puestos*, n.d.; AGI Santa Fe 360, *Respuesta fiscal*, 23 Feb. 1701.



correspondiente a la ocupación', a comment which provides, incidentally, another glimpse of the political importance of external displays of wealth and rank.<sup>188</sup>

This was neither the first nor the last time the Santa Fe cabildo experienced difficulties in filling the regimientos, as similar situations arose in 1653, 1708 and 1719.<sup>189</sup> However, in the 1690s, reluctance to serve arose directly from resentment among some regidores at the audiencia, which they accused of preventing them from fulfilling their functions. The three regidores wishing to retire had, they said, taken the regimientos twenty-eight years earlier, 'ansiosos del mayor servicio de su Magestad y celosos de la causa pública'.<sup>190</sup> This phrase depicts two of the three elements of the so-called 'sacred trilogy' of the political culture of the ancien regime: God, the king and 'el público'.<sup>191</sup> As Lempérière has pointed out, participating in local government was seen as a duty through which one contributed to the promotion of the public cause. This again reflected a view on politics as a system of 'reciprocidad moral' in which the individual was subjected to the 'bien común'. However, the three resigning regidores, while stressing the sense of community duty and concern for the well-being of Santa Fe's vecinos, also mentioned their personal interests. They complained that after almost three decades of service without receiving any salary benefits, necessity forced them to go back to their neglected farms.

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<sup>188</sup> AGI Santa Fe 360, Gil de Cabrera to king, 20 Jan. 1697.

<sup>189</sup> AGI Santa Fe 371, Antonio de la Pedrosa to Jorge de Villalonga, 11 Nov. 1719; cabildo secular of Santa Fe to king, June 10, 1708, in Ortiz de la Tabla Ducasse, *Cartas de cabildos hispanoamericanos*, p. 118; Puyo, *Bogotá*, p. 64.

<sup>190</sup> AGI Santa Fe 360, Dejación que hicieron Juan Benegas Ponce de León y Gerónimo de Verrio y Mendoza y Joseph de Mesa Cortés de sus puestos, n.d.

<sup>191</sup> Lempérière, 'República y publicidad a finales del Antiguo Régimen', p. 55.



Flórez de Ocáriz had compared regidores to Roman senators as the ‘padres de la patria’, emphasising that ‘el oficio de Regidor es dignidad y honra’.<sup>192</sup> Because regidores ‘sirven a la República’, they enjoyed privileges which put them apart from the rest of the population. They should at any rate be ‘nobles y los más beneméritos y ricos de las ciudades’, because those were the people Romulus chose for the Roman senate. Lastly, to increase the status of the office of regidor, ‘su oficio es de rey, pues rey quiere decir Regidor’. Thus, the contemporary perception of the office of alderman was one of considerable prestige. In practice, however, the regidores of Santa Fe had found that their authority and standing was damaged by interference from crown functionaries and they responded with the political weapon of threats to resign. The remaining aldermen claimed that the audiencia’s encroachment on its authority made it impossible to carry out their duties properly. According to the *alcaldes ordinarios*, the *oidores* had taken over important tasks such as ‘[hacer] los *imbertarios de los besinos que mueren*’, although only in cases of rich and influential *vecinos*, indirectly suggesting that the audiencia’s handling of such cases was fraudulent.<sup>193</sup> They also clashed with the judges over visits to the prison and whether they should take place on Saturday mornings or afternoons. But the regidores’ main complaint was that *oidores* interfered in the distribution of supplies to the city, which came exclusively under the jurisdiction of the *cabildo*.<sup>194</sup> This was especially true for goods in short demand, such as candles and meat, which the *oidores* seized on its way to the city markets to distribute among themselves. However, the *cabildo*’s complaints fell on deaf ears as Madrid stated that the audiencia had jurisdiction to

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<sup>192</sup> Flórez de Ocáriz, *Genealogías del Nuevo Reino de Granada*, vol. 1, p. 98.

<sup>193</sup> AGI Santa Fe 360, *cabildo secular* of Santa Fe to king, 30 Sept. 1694.

<sup>194</sup> AGI Santa Fe 360, *Respuesta fiscal*, 23 Feb. 1701; *cabildo secular* of Santa Fe to king, 27 March 1691, in Ortiz de la Tabla Ducasse, *Cartas de cabildos hispanoamericanos*, p. 102.



seize any goods in short supply. All this led to it being virtually impossible to recruit members and president Cabrera complained that regimientos would not sell even if reduced from 1 500 to 500 pesos.<sup>195</sup> According to the few regidores in office, ‘no ay vezino de mayores, ni menores obligaciones, que quiera, ni imagine, entrar al ejercicio de Regidor ... por faltar al cavildo los honores que V.M. le tiene ampliados’.<sup>196</sup> In short, regidores’ expectations of power and social standing were not satisfied, due to the audiencia exercising its superior authority.

Complaints such as these had led the crown to issue a cédula on 5 February 1694, ordering that the audiencia ‘tratase a los Capitulares con el decoro que prevenían las leyes, ... y que los oydores como Alcaldes de Corte no se entrometiesen con los capitulares’, except in cases which specifically fell within the audiencia’s jurisdiction.<sup>197</sup> The Council also authorised the few remaining cabildo members to appoint interim regidores from the vecinos of the city until buyers were found and the posts could be permanently occupied. Thus, the cabildo would resume its previous jurisdiction over appointing its own members, cabildo meetings could be held and municipal business taken care of. By 1700 there were some signs of revival in that the number of cabildo members had grown; however, it had not reached its previous level of twenty-one, and the lack of aldermen so affected the cabildo’s level of activity that in 1707 only three cabildo sessions were held.<sup>198</sup>

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<sup>195</sup> AGI Santa Fe 360, Dejación que hicieron Juan Benegas Ponce de León y Gerónimo de Verrio y Mendoza y Joseph de Mesa Cortés de sus puestos, n.d.; AGI Santa Fe 360, Gil de Cabrera to king, 20 Jan. 1697.

<sup>196</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694.

<sup>197</sup> AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701.

<sup>198</sup> AGN Residencias Cundinamarca, Leg. 49, f. 335: 23 June, 23 Aug. and at the end of December. For this, the audiencia fined each regidor 4 pesos and the alcaldes ordinarios 10 pesos, but the regidores were later absolved by the Council of the Indies.



If the cabildo attributed its problems to the behaviour of the audiencia, it singled out oidor Rocha as the main target for criticism, accusing the judge of ‘injustice’. Herzog has pointed out the concept of the ‘justo’ disappeared as a seventeenth and eighteenth century political and judicial value, to be replaced by ‘convenience’.<sup>199</sup> ‘Convience’, she argues, abounds in the sources while ‘es justo’ is largely absent. However, the Santa Fe cabildo employed the word ‘injusto’ as it complained that everyone in New Granada suffered ‘así en el ajamiento de sus personas desdoro de sus créditos, y pérdidas de sus haciendas por los injustos procedimientos de Rocha’.<sup>200</sup> Another interesting word found in the disputes is “absolute”, as, for example, in complaints from Rocha’s enemies in the cabildo that the oidor ‘es tan absoluto en el mandar y juzgar’.<sup>201</sup> An incident which shows the importance of language in these types of disputes is the fiscal of the Council of the Indies’ rejection of a 1697 letter from the cabildo of Santa Fe. After the French attack on Cartagena, the cabildo wrote the king, expressing approval of Rocha’s actions when he was left in charge of government as senior oidor while President Cabrera went to the Caribbean coast.<sup>202</sup> But the fiscal of the Council of the Indies had no faith in such praise. Because the cabildo had not employed the proper formulas nor given the letter the standard format, the fiscal thought it too exaggerated and not formal enough, and was therefore unwilling to believe its contents without further verification. Again, we see an example of the importance of observing accepted customs and precedence.

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<sup>199</sup> Herzog, *La administración como un fenómeno social*, p. 32.

<sup>200</sup> AGI Santa Fe 360, memorial from the cabildo of Santa Fe, n.d.

<sup>201</sup> AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701. According to the *Diccionario de Autoridades*, ‘absoluto’ meant ‘Despótico, independiente, soberano y en todo supremo y libre, sin reconocer superior: así se llama señor absoluto el que obra libremente, y tiene total dominio sobre alguna Provincia o Reino. ... Latamente se toma por libre, resuelto, de génio y natural altivo y dominante: y en fuerza de esto se dice, que uno es absoluto en sus dictámenes: que la voluntad es absoluta, &C.’



At about the same time that the cabildo was praising Rocha, Juan Barón de Chaves accused him of nepotism in a case concerning the corregimientos of Sogamoso and Los Llanos. Chaves had been granted the two corregimientos by the crown in 1694, but upon his arrival in Santa Fe to take up office in late 1697 or early 1698 he found Rocha's son-in-law, José Antonio de Zuleta y Córdova, holding his post and unwilling to give it up. At the time, Cabrera was in Cartagena and Rocha was in charge of the audiencia as senior oidor. Thus, Zuleta had powerful support. Chaves was offered 1 500 pesos to give up his claim on the corregimientos which he eventually accepted, but not without lodging a complaint with the Council of the Indies. However, the Council did not think Chaves' complaints sufficient to take action against Rocha and Zuleta.<sup>203</sup>

What triggered serious dispute between Rocha and the cabildo was another example of a seemingly symbolic incident of little importance. It occurred in early January of 1700, while the audiencia and cabildo were still on their two week Christmas holiday and Rocha was the semanero on duty.<sup>204</sup> When the holidays were almost over, he arrested the escribano of the cabildo, Francisco Nicolás Carvallo, for having defied his orders. Apparently, the oidor had demanded that Carvallo give him the keys to a padlock that the cabildo had put on the door of the shop of a merchant who a few days earlier had been involved in a stabbing. The escribano had refused, claiming

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<sup>202</sup> AGI Santa Fe 61, N.98, cabildo secular of Santa Fe to king, 16 June 1697; AGI Santa Fe 61, N.98, Respuesta fiscal, 14 July 1700.

<sup>203</sup> AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701; AGI Santa Fe 360, Juan Barón de Chaves to Council of the Indies, n.d. (1699).

<sup>204</sup> AGI Santa Fe 360, La maior parte de los Regidores del cabildo de Santa Fe to king, 24 Oct. 1700.



that he did not have the keys but had given them to the *alcalde ordinario*, who was in charge of the investigation. For this, Rocha had imprisoned Carvalho. The real problem for the *cabildo* was, however, Carvalho's claim that in the process Rocha had uttered 'algunas palabras indecorosas ... contra este *cabildo*, y sus capitulares', a charge which the *oidor* denied. Eager to find out whether it was true, the *cabildo* put its procurador Francisco de Padilla and the attorney Pablo de Alvarez, in charge of making inquiries.

Thus far the *cabildo* had been united, but it soon split into two factions. Interestingly, the *cabildo* itself used this word to describe the division which took place as it talked about those who were and were not of Rocha's 'facción'.<sup>205</sup> One group was intent on having Rocha removed from office, whereas the other was, if not supporting the *oidor*, not as radical as the former.<sup>206</sup> The first group was led by the senior *alcalde ordinario* for the year 1700, Diego Antonio de Valensuela Fajardo, accompanied by his relatives, junior *alcalde ordinario* Francisco Alvarez de Velasco y Zorrilla and procurador general Gerónimo de Berrio, and had powerful support in Archbishop Ignacio de Urbina. The other faction more favourable to Rocha consisted of only three members who claimed to be most content with his zeal 'en la buena administración de Justicia' and concerned only to know whether the *oidor* really had made insulting statements about the *cabildo* and its members.<sup>207</sup> However, this case

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<sup>205</sup> AGI Santa Fe 360, *cabildo secular* of Santa Fe to king, 23 May 1701. According to the *Diccionario de Autoridades*, 'facción...vale también parcialidad de gente amotinada y rebelada ... por extensión se toma por cualquiera parcialidad o bando de personas unidas en una comunidad'.

<sup>206</sup> AGI Santa Fe 360, Domingo de la Rocha to king, n.d. and 12 Nov. 1700; AGI Santa Fe 360, Pedro Sarmiento y Huesterlin to king, 20 Nov. 1700; AGI Santa Fe 360, La maior parte de los Regidores del *cabildo* de Santa Fe to king, 24 Oct. 1700; AGI Santa Fe 360, *cabildo secular* of Santa Fe to king, 3 Feb. and 12 Oct. 1700 and 23 May 1701; AGI Santa Fe 360, Certificación de the escribano of *visitas generales* of New Granada Juan de Escobar, 6 Jan. 1700.

<sup>207</sup> AGI Santa Fe 360, La maior parte de los Regidores del *cabildo* de Santa Fe to king, 24 Oct. 1700.



also confirms that alliances were flexible as two members of the cabildo changed allegiance in the course of the year 1700.

Between 1700 and 1703, both factions of the cabildo wrote several letters directing a wide range of accusations against Rocha.<sup>208</sup> Indeed, the cabildo of 1700 emphasised that any previous letters supporting the oidor had been written by their predecessors from fear of what might happen if they did not comply with Rocha's orders, indicating that the praise accorded him in 1697 -which the fiscal in Madrid had been reluctant to accept- was indeed obtained through foul means. Thus, the new members set out to denounce how he was 'ajando con vilipendio lo representativo de este cabildo sus alcaldes y capitulares'.<sup>209</sup> They claimed that the oidor had defied the 1693 order not to interfere in cases concerning his accusers. Rocha always managed to get the turn as *semanero* in order to run business as he pleased, and on occasions he had kept the cabildo in their meeting rooms until nine in the evening dealing with cases concerning his friends. After the invasion of Cartagena, Rocha was not content with the little silver he could get his hands on, but found dishonest and irregular ways of getting more through his son-in-law José de Zuleta. And in the spring of 1701, a thoroughly shocking incident took place:

a muy pocos días después de que llegó a esta ciudad la triste nueva, y lamentable noticia de la muerte del Rey Nro Señor, Don Carlos Segundo, que en gloria está cuando vestidos de lutos sus avitadores, indicaban con su traje y confusión sus duelos, y mientras se disponía lo necesario para las exequias, salieron a requerimientos tres monjas de Santa Clara hijas de Don Juan de Mier y Hoyos, minero vecino de Mariquita, y una de ellas eligió por su madrina

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<sup>208</sup> Ibid.; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 3 Feb. and 12 Oct. 1700, and 23 May 1701; cabildo secular of Santa Fe to king, 11 Sept. and Sept. 1702; and 20 and 26 Oct. 1703, and Memorial from procurador general Francisco de Alvarez y Velasco Zorrilla, 1704, in Ortiz de la Tabla Ducasse, *Cartas de cabildos hispanoamericanos*, pp. 109-112 and 114.

<sup>209</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 3 Feb. 1700.



a una hija de [Rocha], y como este por su naturaleza sea festín, olvidado del duelo se dedicó al regosijo, que duró más días de los acostumbrados, que se consumieron en banquetes, festines, músicas, y bailes; repartidos unos días a su casa, donde sólo se oya lo sonoro de las harpas, y lo ruidoso de las castañetas; y si esta alegría se contuviere sólo en los umbrales de su casa hubiera dado menos que notar, al escándalo, pero como algunas tardes pasase el festejo a los ríos, campos y lugares de divertimento; era pública la solemnidad como advertida de todos, la concurrencia de dho vro oydor, y notada su tocosa festividad<sup>210</sup>

Such behaviour was presented as an insult to the crown and all it represented. Not only did the oidor not follow the rules of conduct laid down for such cases, neither in dress nor in behaviour, but he openly and publicly contravened them. As if this was not enough, the oidor had neglected his duties while the festivities lasted, appearing neither at the audiencia sessions nor for his duties as senior oidor at the Tribunal of the Cruzada. By then, however, the cabildo had already sent its new procurador, former junior alcalde Francisco Alvarez de Velasco y Zorrilla, to Spain to represent its cause to the king.<sup>211</sup>

This conflict between local government and a representative of royal government also stimulated internal conflict in the audiencia, although not to the extent seen from 1686 to 1694. Rocha's fellow oidores Isunza and Merlo as well as fiscal Pedro Sarmiento de Huesterlin supported him, complaining that the cabildo's actions 'amenazava al decoro de este cenado y livertad de sus ministros para obrar en justicia'.<sup>212</sup> Sarmiento's help had been enlisted by the pro-Rocha faction in the

<sup>210</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 23 May 1701.

<sup>211</sup> Ibid.; AGI Santa Fe 360, Domingo de la Rocha to king, 27 Oct. 1700. He went with his friend Nicolás Fajardo (it is not known whether he was related to the alcalde). None of them had been granted licences to go when applying for it to the audiencia, nor had they left fianzas for the 'pleitos pendientes'.

<sup>212</sup> AGI Santa Fe 360, audiencia of Santa Fe to king, 10 Oct. 1700.



cabildo, and he stayed loyal to the oidor.<sup>213</sup> Rocha's other supporters included the Tribunal de Cuentas de Santa Fe and various cabildos from around the Kingdom of New Granada as well as individuals<sup>214</sup>, although the cabildo claimed that the letters supporting Rocha were fabricated by the oidor himself and written by one of his servants.<sup>215</sup> Also, on 6 July 1700, the merchants of Santa Fe unanimously elected Rocha 'juez conservador por lo que toca a la cobranza del Real derecho de alcabala y sisas de Santa Fe'.<sup>216</sup>

President Cabrera, on the other hand, sided with the cabildo members who were against Rocha and who informed Madrid that only his intervention would check the oidor's scandalous behaviour.<sup>217</sup> Cabrera, meanwhile, sought to use the cabildo as an ally against the oidores. On several occasions regidores and alcaldes clashed with oidores when carrying out Cabrera's orders, on occasions leading to audiencia ministers fining the cabildo members and threatening them with prison sentences. And when in 1694 the three regidores wished to retire, the audiencia overturned President Cabrera's decision to admit their resignations only if the regidores themselves find replacements so as not to leave the cabildo wholly without members, and admitted the resignations unconditionally. Thus, they left the town council in crisis.<sup>218</sup>

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<sup>213</sup> AGI Santa Fe 360, Pedro Sarmiento y Huesterlin to king, 11 Oct. and 20 Nov. 1700.

<sup>214</sup> Eighteen letters in AGI Santa Fe 360.

<sup>215</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 12 Oct. 1700.

<sup>216</sup> AGI Santa Fe 360, Certificación del escribano Esteban Gallo, 24 Sept. 1700.

<sup>217</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 3 Feb. 1700 and 23 May 1701.

<sup>218</sup> AGI Santa Fe 360, Gil de Cabrera to king, 20 Jan. 1697; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694; AGI Santa Fe 360, Dejación que hicieron Juan Benegas Ponce de León y Gerónimo de Verrijo y Mendoza y Joseph de Mesa Cortés de sus puestos, n.d.; AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701.



The struggle evidently involved more than a conflict over jurisdiction, though this was clearly an element. Rocha alleged that it stemmed from personal animosity and illegal activity. Alcalde ordinario Fajardo, he said, had got himself elected to the 1700 cabildo with vengeance in mind because of earlier court cases involving Fajardo in which Rocha had ruled in favour of the other party.<sup>219</sup> He also accused Cabrera of having spent large amounts of money on contraband cloth while in Cartagena in the aftermath of the French attack of 1697. Cabrera had allegedly traded through a Spanish peninsular merchant, Luis Francisco de Lara, who also assisted in bringing the merchandise to and disposing of it in the province of Quito.<sup>220</sup>

Six months later, the two seem to have made up their differences, as the cabildo complained that ‘las malas correspondencias que había en este dho vuestro oydor y presidente se han convertido en íntima y cariñosa amistad y compadrazgo entre presidente y oydor’.<sup>221</sup> The complainants in the cabildo certainly gained little from their campaign. The Council of the Indies had read the cabildo’s letters and listened to its procurador but was reluctant to launch an investigation into Rocha’s proceedings, possibly because of the outcome of Riva Agüero’s pesquisa only a few years earlier. Also, by the time the fiscal made his recommendation, Rocha had already retired, at least formally. Thus, the fiscal wearily commented that ‘sobre estas diferencias hay muchos papeles e informes presentados así por los capitulares como el oydor Rocha, presidente Cabrera y fiscal Huesterlin; unos contra otros que todos influyen más las discordias que tienen entre sí’; he therefore restricted himself

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<sup>219</sup> AGI Santa Fe 360, Domingo de la Rocha to king, 12 Nov. 1700. See also AGI Santa Fe 33, R.6, N.35, Domingo de la Rocha to Conde de Adaneda, 12 Feb. 1697.

<sup>220</sup> AGI Santa Fe 360, Domingo de la Rocha to king, 21 Nov. 1700.

<sup>221</sup> AGI Santa Fe 360, cabildo secular of Santa Fe to king, 23 May 1701.



to recommending that ‘se pueden librar despachos uniformemente así a la audiencia como ministros particulares de ella como al cabildo y sus individuos para que se mantengan en la buena correspondencia que está tan encargada por leyes reales y que no se falte a la buena administración de justicia y gobierno de aquel reyno’.<sup>222</sup>

The dispute between the cabildo and the audiencia, led by Rocha, throws an interesting sidelight on the political culture of the period. The town council complained that the audiencia’s encroachment on its jurisdiction and fines on its members diminished respect for the cabildo, thereby discouraging honourable vecinos from taking regimientos. Evidently the cabildo expected a certain degree of autonomy and freedom to take care of what it considered its business. The dispute shows how the regidores and alcaldes were ready to defend their authority, believing that they had a right to protect their privileges. Their attacks on Rocha in 1700 for arbitrary government also reflect a sense of what was proper in government. The cabildo also made use of the enmities that remained in the audiencia, especially that between Rocha and Cabrera. And Rocha’s recrimination against Juan Barón de Chaves after the latter had accused Rocha of nepotism illustrates the power that an oidor could mobilise, discouraging opponents from using the law to defend themselves. There were, however, no signs that tensions between creoles and peninsulars played any significant part in the dispute: if those in the cabildo who attacked Rocha were creoles, like their ally President Cabrera, Rocha also had a number of creole supporters on his side. It is much more likely that Rocha’s corrupt behaviour, combined with overstepping his area of jurisdiction, caused dissent

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<sup>222</sup> AGI Santa Fe 360, Respuesta fiscal, 23 April 1704.



among members of the local elite who, given Rocha's past conflicts with President Cabrera, saw a good opportunity to attack him.

The two sets of conflicts examined in this chapter also have several elements in common. First, and perhaps most significantly, both involved jurisdictional disputes. These were not minor matters. Crown officials were evidently much concerned to defend their standing and to ensure that it was clearly displayed in the political and social arena, even in the relatively austere setting of a city like Santa Fe. The values of the court had penetrated to the outer reaches of the colonial world. Second, factionalism was a key feature of both conflicts, as the principals involved called on wider social networks to attack or defend themselves. Indeed, conflicts between individuals inevitably spread to larger groups, since such networks were the fundamental units of social and political life. Thus, it seems while that an institutional framework with vaguely defined limits of jurisdiction set the arena for conflict, the conflicts played out within it drew in other enmities. Thus the determination of officials to jealously guard their jurisdictions provided both a motive and a cover for political activities that embraced a wider public. Did this mean that controversy weakened the legitimacy of audiencia government and affected its ability to exercise authority and manage government of New Granada? This question will be examined in chapter four, but first let us look at the internal politics of another city, that of Cartagena de Indias.



### 3- Provincial Government: Cartagena de Indias

Discord within the audiencia of Santa Fe at the heart of New Granada government was paralleled on the provincial level and above all in Cartagena de Indias, which was a city of comparable size and importance to Santa Fe. In Cartagena, too, conflicts within institutions of royal government characterised political life at the end of the seventeenth century. And as in Santa Fe, royal government did not stand above but interacted vigorously with other institutions of government and creole society. This is well illustrated by two sets of conflicts taking place in Cartagena in the 1680s and 90s. First, there was a series of disputes between successive governors and their deputies which depict the problems that arose from ill-defined definitions of jurisdiction as well as a series of other issues. Second, there was the controversy surrounding the campaigns against the *palenques de negros* in the same period, where royal government and the vecinos of Cartagena represented by the cabildo held opposing views. However, before examining the sources which throw light on the city's political life in our period, we must first make some brief observations about the character of Cartagena's economy and society and, drawing on contemporary documentation, reconstruct the principal features of its government.



## *City and Province*

Cartagena de Indias was founded in 1533 at the head of a large natural harbour and quickly grew into a major base for exploration and conquest.<sup>1</sup> Its climate was tropical, hot and humid, with the rainy season lasting from May to November.

Settlement was originally built on a flat, sandy island. This was soon outgrown, and the neighbourhood of Getsemaní grew up nearby, with a bridge connecting the two parts of the city. An important military post, Cartagena was surrounded by city walls on all sides and had a number of forts defending it, all of which were in a poor state at the end of the Habsburg period.<sup>2</sup> Its defensive and commercial importance was frequently stressed by royal authorities, who regarded it as ‘el antemural de estos Dominios como necesario para los comercios del Perú y España, sobre ser la Plaza más Principal y de mayor consecuencia que tiene Su Majestad en estas costas’<sup>3</sup>

Because of its military, economic and political importance, the town was prone to attacks by foreign powers, and was affected by two serious infringements on Spanish sovereignty in the last decade of the seventeenth century: the assault by the French

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<sup>1</sup> For the dispute over the date of Cartagena’s foundation, see Carmen Borrego Plá, *Cartagena de Indias en el siglo XVI*, pp. 3-5. The following account of economy and society in Cartagena is based on this book as well as the same author’s *Palenques de Negros en Cartagena de Indias a fines del siglo XVII* (Sevilla, 1973), pp. 13 and 18-24; McFarlane, *Colombia before Independence*, pp. 22, 43-46, 74-75, 100 and 165-166; Manuel Tejado Fernández, *Vida social en Cartagena de Indias* (Sevilla, 1954); Vázquez de Espinosa, *Compendio y descripción de las Indias Occidentales*, pp. 290-295; AHN Diversos, Documentos de Indias, siglos XV-XIX, no. 412, Relación hecha por el gobernador de Cartagena de la posición topográfica y estratégica y defensas de ... la ciudad, con algunas consideraciones históricas ... de su mejor defensa, para lo que pide se eleve a virreinato con inclusión de las islas de Barlovento, n.d. (probably written by Governor José Daza in the 1670s.)

<sup>2</sup> See for example AGI Santa Fe 48, R.1, N.8. Sancho Jimeno to king, 10 Feb. 1695. For an extensive analysis of Cartagena’s military function and defensive structures from 1700 onwards, see Juan Marchena Fernández, *La Institución Militar en Cartagena de Indias 1700-1810* (Sevilla, 1982).

<sup>3</sup> AGN Real Audiencia Cundinamarca, tomo 3, f. 10, audiencia session of 1 June 1697. Another example is found in AGI Santa Fe 368, Real Cédula of 20 May 1717.





**Map 6: Porción de la Planta de la ciudad de Cartagena en cual se representa la ruina de la mar y proposición para su reparo, diciembre de 1688. (AGI Mapas y Planos, Panamá, No. 100)**





Map 7: City of Cartagena de Indias, 1688



Barón de Pointís and his fleet of buccaneers in 1697 and the establishment of a Scottish colony at Darién in 1698.<sup>4</sup>

As in Santa Fe, public life in Cartagena centred around a main square, in this case the Plaza de la Inquisición. It was surrounded by the cathedral, the Inquisition building and the *casa del cabildo*, which contained the courts, the prison and the cabildo meeting rooms. This was also a centre for royal government, as it held the governor's office and residence. Several convents, monasteries and churches were situated in that same area. Government buildings were all in the parish of Santa Catalina. Three more parishes stood within the original city walls: La Merced, Santo Toribio and San Sebastián. Getsemaní was the poorest of the city's neighbourhoods and where small traders, artisans and labourers had their workshops.

The city's economy focused on trade, legal and illegal. Cartagena was the first port of call for the galeones de Tierra Firme on their way from Spain to the Portobelo fair and thus the major intermediary for trade with much of northern South America. The main trading route into the interior went from Cartagena via the port of Barranca, about eighty-five kilometres to the east, up the Magdalena river to the town of Mompox and from there on to Santa Fe de Bogotá and other settlements in the area.

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<sup>4</sup> The French attack will be dealt with in chapter 4 below. The establishment of the Scottish colony will not be examined here, but information can be found in for example AGI Panamá 215, Testimonio de autos formados por don Diego de los Rios y Quesada, gobernador de Cartagena, sobre el poblamiento que los escoceses estaban haciendo en las costas del Darién, 1698; Frank Cundall, *The Darien Venture* (New York, 1926), who has transcribed many of the letters written between the Cartagena and Portobelo authorities; George Pratt Insh, *The Darien Scheme* (St. Leonards on Sea, 1947); John Prebble, *The Darien Disaster* (Edinburgh, 1978 [1968]). In the autumn of 1718 rumours of another foreign settlement in Darién led Governor Badillo of Cartagena to send a ship to verify the information. It does not seem like it held much substance, although two English ships had been there, disembarking artillery and telling the Indians that they 'iban a hacer paz con ellos, y poblarse allí'. AGI Santa Fe 437, Gerónimo Badillo to king, 7 Dec. 1718; AGI Santa Fe 437, Testimonio de autos originales hechos sobre el reconocimiento de los sitios de Carlidonia, Ranchoviejo y Carreto por la noticia que se dió de estarlos poblando los extranjeros, 1718.



The city received and distributed a variety of goods from Europe, such as iron and steel, textiles, and certain agricultural commodities, especially wine, olive oil and spices. New Granada for its part exported gold and some exotic tropical commodities, such as cacao. The latter were not only exported to Spain, but also to other Spanish-American areas, including Cuba and Mexico. Equally, if not more important for the city's economy was illegal trade conducted by peninsular and creole Spaniards as well as foreigners.<sup>5</sup> Cartagena officials complained that both the sailors and officials of the galleons and the city's soldiers took part in this activity<sup>6</sup>, and the sources abound with accusations of involvement in contraband trade. In 1704, the governor of Cartagena, Juan Díaz Pimienta, complained that without illegal commercial activity, there would be no trade at all.<sup>7</sup> And his successor, José de Zúñiga y de la Cerda, blamed the breakdown of the fleet system for the state of commerce in New Granada, claiming that only more merchandise from Spain could curb contraband trade, as New Granadans would otherwise be without essential supplies.<sup>8</sup> But the breakdown of the fleet system was not the only reason why Cartagena became a stronghold for smuggling. First, the fact that goods could be paid for in New Granadan gold made Cartagena de Indias particularly interesting to smugglers. Second, its long coastline provided plenty of hiding places. And third, the slave-trading contracts (*asientos de negros*) granted to foreign companies by the

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<sup>5</sup> For an analysis of the importance of contraband trade to the economies of the Caribbean coast, see Grahn, *The Political Economy of Smuggling*.

<sup>6</sup> AGI Santa Fe 48, R.3, N.27. Pedro Martínez de Montoya to king, 16 March 1696; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.

<sup>7</sup> AGI Santa Fe 435, Juan Díaz Pimienta to king, 7 Jan. 1704.

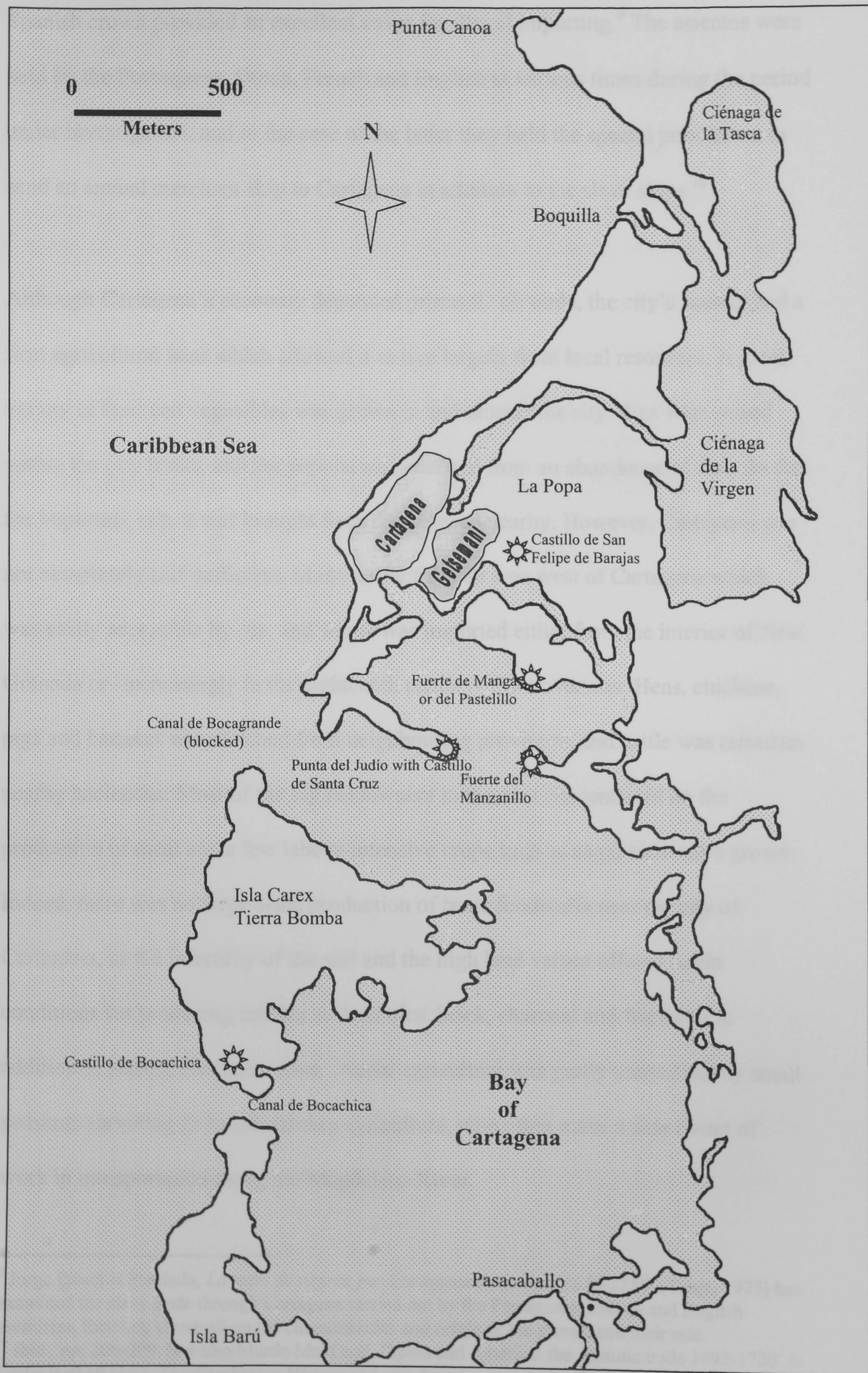
<sup>8</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.





**Map 8: Planta de la Bahía de Cartagena para lo tocante a los fuertes que ha hecho Murga y lo que toca también a la ciudad e Ysla de Getsemaní. Año 1631. (AGI Mapas y Planos, Panamá, No. 51)**





Map 9: Bay of Cartagena, c. 1700



Spanish crown provided an excellent cover for illegal importing.<sup>9</sup> The asientos were held by the Portuguese, Dutch, French and English at various times during the period under investigation, and in the case of the latter they held the special permission to send an annual merchant ship to Cartagena in addition to the slave ships.<sup>10</sup>

Although Cartagena's economy depended primarily on trade, the city's society had a firm agricultural base which allowed it to live largely from local resources. A great variety of fruit and vegetables was grown in and around the city. Pigs were raised within the city limits, and the population benefited from an abundance of fish. As for the important salt, it was brought from the beaches nearby. However, Cartagena was not completely self-sufficient. Maize came from an area west of Cartagena which was easily accessible by sea, and wheat was imported either from the interior of New Granada or -increasingly in the eighteenth century- from overseas. Hens, chickens, pigs and bananas were fetched from neighbouring provinces, and cattle was raised on nearby haciendas. Most of the big landowners in the area concentrated on the production of meat and a few labour-intensive crops such as sugar cane were grown. Indeed, there was no large-scale production of basic foodstuffs near the city of Cartagena, as the infertility of the soil and the high land values offered better conditions for producing articles such as tiles, brick, charcoal and firewood in addition to raising the cattle. Also, coastal agriculture was partly carried out by small peasants surviving from subsistence agriculture, who often made a side living of work in transportation along the Magdalena River.

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<sup>9</sup> Jorge Palacios Preciado, *La trata de negros por Cartagena de Indias (1650-1750)* (Tunja, 1973) has examined the slave trade through Cartagena carried out by the Portuguese, French and English asientistas, focusing above all on the characteristics and origin of the slaves, and their sale.

<sup>10</sup> *Ibid.*, pp. 206-209. See also Murdo MacLeod, 'Spain and America: the Atlantic trade 1492-1720' in Leslie Bethell (ed.), *The Cambridge History of Latin America, vol. I* (Cambridge, 1984), pp. 381-384.



Despite the fact that relatively few slaves were needed in agriculture and that there were no important mining areas in or near the city and province of Cartagena, slavery was an important feature of its social and economic life. The slaves' importance was expressed in this manner by Governor Gerónimo Badillo in 1716:

Siendo en esta Provincia preciso e indispensable para el servicio de los vasallos de VM, que habitan en ella, para el cultivo y Labor de sus haciendas, y para el tráfico de los comercios, y mantenimientos que se consumen en esta ciudad, los Negros esclavos que los asientos que habido (sic) han introducido conforme a su obligación, por no haber otra gente que se dedique al trabajo, viene a ser por efecto mui grande y quantioso el número de Negros que habitan en la Provincia de suerte, que duplicadamente excede al de los Blancos, Pardos y mestizos que al presente se considera haber <sup>11</sup>

Although African slaves arrived in Cartagena in great numbers, most were distributed into the interior of the continent as far away as Chile. The slaves that stayed in Cartagena were employed as rural and domestic slaves and belonged above all to the clergy, especially the large religious orders of Santo Domingo and San Francisco, together with the rich landowners. Rural slaves worked on the fields of the haciendas on the outskirts of Cartagena, as well as with breeding and herding cattle, whereas domestic slaves worked in the homes and convents in the city. The men were in charge of the stables and the convent vegetable gardens, and the women carried out domestic tasks and took care of creole children. Well over seventy of the slaves employed in Cartagena belonged to the king, and were distributed between the governor's residence and various military posts, as well as in the shipbuilding yard

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<sup>11</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 30 April 1716. For an account of the importance and condition of slaves in seventeenth century Cartagena, see María Cristina Navarrete, *Historia social del negro en la colonia, Cartagena siglo XVII* (Cali, 1995).



and in pursuits aimed at maintaining the city's defensive structures.<sup>12</sup> The emancipated blacks made up the lowest social groups in the city of Cartagena. They carried out various functions, but those who were members of the *pardo* militia enjoyed a higher social position than the rest. There were also free black communities in the mountains, where runaway slaves (*cimarrones*) formed their own settlements (*palenques*) with other free blacks (*negros criollos*). Indians were a minority of the city's population, and Cartagena had a considerably lower proportion of Indians than did Santa Fe.<sup>13</sup> Most of the encomiendas in the province were situated to the east of Cartagena near the Magdalena River, and Indian villages were located on the outskirts of the city and in the north of the province. Of the Indians found in the city itself, many were soldiers who made a distinguished contribution in the campaign against the palenques in the 1690s.<sup>14</sup>

The white population of Cartagena de Indias at the end of the seventeenth century was dominated by peninsular and creole merchants, soldiers and creole landowners, whose interests merged through marriage and political and economic activity. The remainder of the whites in the city were government officials, members of the clergy, artisans and sailors. In fact, Cartagena had the colony's highest concentration of merchants. The peninsular merchants were divided into two groups. The *cargadores*

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<sup>12</sup> AGI Santa Fe 368, Memoria de donde se distribuyen y ocupan los setenta y seis negros de SM, 17 Nov. 1717; AGI Santa Fe 368, Antonio de la Pedrosa to king, 16 Dec. 1717.

<sup>13</sup> See Julián Ruiz Rivera, *Los Indios de Cartagena Bajo la Administración Española en el Siglo XVII* (Sevilla, 1995) for an analysis of the situation and importance of the Indians of Cartagena in the first part of the period under investigation.

<sup>14</sup> AGI Santa Fe 212, Martín de Cevallos y la Cerda to Pedro Martínez de Montoya, 30 April 1693. They also contributed to the defence of Cartagena when the French attacked the city in 1697, see AGI Santa Fe 36, R.1, N.17, Pedro Martínez de Montoya to audiencia of Santa Fe, 23 April 1697. On encomiendas near the city of Cartagena, see AGI Santa Fe 437, Alberto de Bertodano to king, 12 Oct. 1723; and Juan Gómez Callejas to king, 14 Jan. 1724, in Gabriel Martínez Reyes, *Cartas de los Obispos de Cartagena de Indias durante el período Hispánico, 1534-1820* (Medellín, 1986), p. 452.



were Spanish merchants who travelled with the fleets to sell their merchandise in the American towns where the galleons called. The second set of merchants were the *comerciantes*, who were wholesale merchants resident in Cartagena. They bought goods from the galleons and resold it to local retailers, or distributed it within the interior of New Granada. In practice, the *cargadores* managed New Granada's trade with Spain, whereas the *comerciantes* only could operate within the colony as the distributors of goods arriving with the galleons, at least while the fleet system functioned. With its decline these merchants became less important, and their place was taken by creoles and foreigners who organised the illegal trade.<sup>15</sup>

Soldiers made up another significant proportion of the white population. The city's battalion consisted of 500 soldiers, not counting the officers, but in 1696 there were less than two hundred.<sup>16</sup> Recruiting soldiers was a difficult task and keeping them in the army even harder. Some died and many fled, mainly due to infrequent and insufficient salary payments.<sup>17</sup> Military subsidies were due from Quito and Santa Fe, but complaints from Cartagena officials indicate that funds seldom made it to the coast.<sup>18</sup> Sometimes, the *vecinos* of Cartagena contributed to covering defence

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<sup>15</sup> Enriqueta Vila Vilar, 'Extranjeros en Cartagena (1593-1630)' in *Jahrbuch für Geschichte* (Vienna, 1970), pp. 147-184, has shown the importance of foreign merchants to Cartagena's trade, economy and society at the beginning of the seventeenth century. Carmen Gómez Pérez, 'Los extranjeros en la América colonial: su expulsión de Cartagena de Indias en 1750' in *Anuario de Estudios Americanos*, 37 (1980), pp. 279-300, looks at how the crown decided to enforce its laws prohibiting foreigners from going to and living in America in an attempt to curb illegal trade.

<sup>16</sup> AGI Santa Fe 48, R.3, N.27, Pedro Martínez de Montoya to king, 16 March 1696. Also AGI Santa Fe 48, R.1, N.1, Sancho Jimeno to king, 22 June 1694.

<sup>17</sup> See for example AGI Santa Fe 48, R.1, N.1, Sancho Jimeno to king, 22 June 1694; AGI Santa Fe 48, R.1, N.4, Los oficiales y soldados del presidio de la ciudad de Cartagena de las Indias to king, n.d.; AGI Santa Fe 48, R.1, N.16, Sancho Jimeno to king, 18 March 1696; AGI Santa Fe 435, Juan Díaz Pimenta to king, 7 Feb. 1702 and 1704.

<sup>18</sup> See for instance AGI Santa Fe 47, R.1, N.27, Martín de Cevallos y la Cerda to king, 12 Jan. and 28 May 1693; AGI Santa Fe 48, R.1, N.1, Sancho Jimeno to king, 22 June 1694; AGI Santa Fe 435, Juan Díaz Pimenta to king, 16 May 1701 and 7 Jan. 1704; AGI Santa Fe 457, Juan Díaz Pimenta to king, 31 Aug. 1699 and 18 April 1703; AGI Santa Fe 457, Juan Díaz Pimenta to Matheo Mata Ponce de León, 25 Feb. 1703; AGI Panamá 125, Testimonio de lo obrado por el señor Gobernador de



expenses, at other times money destined for other purposes was diverted to military uses. However the city often simply did not have enough resources to even attempt persecuting pirates and enemy ships, and all the authorities could do was to warn the governors in the neighbouring provinces, such as Portobelo and Santa Marta, not to send out ships but to communicate with messages sent over land.<sup>19</sup> Occasionally, large groups of soldiers were sent to Cartagena from Spain, as in 1683 when four hundred men arrived on an asiento ship.<sup>20</sup>

In the 1680s and 90s, Cartagena's soldiers were divided into four companies, each with a captain appointed by the king in charge.<sup>21</sup> Other important military officials appointed by the king included those of *sargento mayor* and *castellano* of the fort of Bocachica. However, in 1698 the number of companies was raised to five without, it seems, increasing the number of soldiers.<sup>22</sup> A new governor, the distinguished army officer Juan Díaz Pimienta, was sent to Cartagena with five hundred men in that year on a mission to restore the city after the French attack the year before and to deal with the Scottish colony at Darién. The expedition and the improvement it brought to

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Cartagena sobre haberle quitado en Santa Fe a Don Joseph Bermudez el situado que remitía el señor Presidente de Quito para el Presidio de Cartagena, 1698.

<sup>19</sup> AGI Santa Fe 48, R.1, N.14, Sancho Jimeno to king, 10 May 1695; AGI Santa Fe 48, R.1, N.15, Sancho Jimeno to king, 22 Sept. 1695; AGI Santa Fe 420, Consulta of the Junta de Guerra de Indias, 8 Oct. 1709; AGI Santa Fe 457, Testimonio de cabildo abierto de Cartagena, 15 April 1703; AGI Santa Fe 457, minutes of the cabildo secular of Cartagena, 16 and 20 April 1703; AGI Santa Fe 449, Informe de la Contaduría, 17 July 1714; AGI Santa Fe 449, oficiales reales of Cartagena to king, 21 Feb. 1714 with respuesta fiscal of 29 Oct. 1714.

<sup>20</sup> AGI Santa Fe 209, Juan de Pando y Estrada to king, n.d. (1687). See also AGI Santa Fe 449, oficiales reales of Cartagena to king, 21 Feb. 1714.

<sup>21</sup> AGS D.G.T. 13, leg. 10, Relación de los empleos militares que son de Provisión de SM en las Provincias del Perú, Charcas, Nuevo Reino de Granada, Tierra Firme y Chile, y sujetos que los sirven, 20 Jan. 1696.

<sup>22</sup> AGI Santa Fe 48, R.4, N.34, Juan Díaz Pimienta to Antonio de Leyba, 8 Aug. 1699. By 1736, the number of soldiers had increased to 700, divided between ten companies. Excerpt of 'Reglamento para la guarnición de la Plaza de Cartagena de Indias, 13 Nov. 1736' in Richard Konetzke, *Colección de Documentos*, vol. 3, tomo 1, pp. 220-222.



the defence of the town was welcomed by the vecinos in general.<sup>23</sup> Carmen Gómez Pérez has argued that the vast majority of these men settled down in the city and within a short time constituted a new administrative, commercial and social elite.<sup>24</sup> They married the daughters of wealthy creoles, and in this way the social prestige of high-ranking military officials with a background in peninsular nobility was united with the economic and commercial power that was in the hands of the leading creole groups. However, contemporary sources indicate that most of the 500 soldiers died from disease or fled the city because of low salaries shortly after their arrival.<sup>25</sup> Thus, it might be an exaggeration to say that these men constituted a whole new elite in Cartagena. Nevertheless, some of those who arrived with Pimienta did settle down and marry into creole families. Perhaps the most prominent example is Lázaro de Herrera who married the daughter of the Count of Santa Cruz de la Torre and served as interim governor of Cartagena in 1705 and 1706.<sup>26</sup> His sons as well as those of other soldiers who arrived in 1699 were given licences to become soldiers in Cartagena despite being natives of the city.<sup>27</sup> And another of the soldiers who arrived with Pimienta, Manuel Pérez de Angulo, was promoted to castellano of Bocachica in 1710.<sup>28</sup>

The total number of inhabitants in Cartagena varied greatly in the period under investigation. The chronicler Vázquez de Espinosa who visited Cartagena at the

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<sup>23</sup> AGI Santa Fe 64, N.43, cabildo secular of Cartagena to king, 25 Aug. 1699.

<sup>24</sup> Carmen Gómez Pérez, 'El Consulado de Sevilla y la formación de las oligarquías en Cartagena de Indias a principios del XVIII' in *Andalucía y América en el Siglo XVIII, Actas de las IV Jornadas de Andalucía y América* (Sevilla, 1985), pp. 329-348.

<sup>25</sup> AGI Santa Fe 64, N.43, cabildo secular of Cartagena to king, 25 Aug. 1699; AGI Santa Fe 357, Sancho Jimeno to Carlos de Alcedo y Sotomayor, 20 Aug. 1699; AGI Santa Fe 435, Juan Díaz Pimienta to king, 7 Feb. 1702.

<sup>26</sup> For details, see appendix II.

<sup>27</sup> AGI Santa Fe 420, Consultas of 29 Nov. 1708, 2 May 1710 and 4 Sept. 1711.

<sup>28</sup> AGI Santa Fe 420, Consulta of 8 July 1710.



beginning of the seventeenth century reported the city to have a total population of 6 000, of whom 1 500 were white vecinos.<sup>29</sup> By 1684, the population had grown to 7 341. However, twenty-four years later it seems to have fallen back to a level lower than that found in the city at the start of the century: according to governor Joseph de Zúñiga y de la Cerda, the city had only 4 556 inhabitants in 1708, a mere 383 of whom were white vecinos.<sup>30</sup> A decade later the number of white vecinos was reported to have dropped again, to around 200.<sup>31</sup> This contraction was possibly partly due to the epidemic that hit the military in the late 1690s<sup>32</sup>, but may also have been associated with the decline of Spanish trade through the port. Also, many vecinos left the city in the aftermath of the French attack in 1697, no longer considering it to be a safe place to live.<sup>33</sup> Cartagena was nevertheless populous in comparison to New Granada's other coastal towns: Santa Marta, for example had only twelve white vecinos in 1697.<sup>34</sup> However, it was smaller than other Caribbean cities like for instance Havana, which in 1662 was reported to have just over 1 000 vecinos, a number which had grown to 6 000 by the 1770s.<sup>35</sup>

### *The Government of Cartagena*

In the sphere of government Cartagena fell within the jurisdiction of the audiencia of Santa Fe. Thus, in the hierarchy of political command which passed from Madrid to

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<sup>29</sup> Vázquez de Espinosa, *Compendio y descripción de las Indias Occidentales*, p. 291.

<sup>30</sup> AGI Santa Fe 435, Joseph de Zúñiga y la Cerda to king, 15 March 1708; María Aguilera Díaz and Adolfo Meisel Roca, 'Cartagena de Indias en 1777: un análisis demográfico' in *Boletín Cultural y Bibliográfico*, 34:45 (1997), p. 22.

<sup>31</sup> Nicolás del Castillo Mathieu, *Los Gobernadores de Cartagena de Indias (1504-1810)* (Bogotá, 1998), pp. 85-87.

<sup>32</sup> AGI Santa Fe 64, N.43, cabildo secular of Cartagena to king, 25 Aug. 1699.

<sup>33</sup> AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 15 March 1708.

<sup>34</sup> María del Carmen Mena García, *Santa Marta durante la Guerra de Sucesión Española* (Sevilla, 1982), p. 1.



the audiencia, the government of Cartagena occupied a secondary role, subject to orders which came from Santa Fe as well as from Madrid. However, Cartagena enjoyed a considerable degree of autonomy and had special privileges not bestowed on other provinces of New Granada. For instance, where the standard rule was that appeals in cases worth over 60 000 maravedis go to the audiencia, Cartagena was granted a limit of 90 000 maravedis in 1679, on the grounds that the distance made it difficult for people to go to Santa Fe.<sup>36</sup> Also, the audiencia's power to appoint special judges to deal with criminal cases outside of the 5 league limit was not valid for Cartagena nor could it send visitadores unless in exceptionally important cases, as this fell within the jurisdiction of the governor of Cartagena.<sup>37</sup> He was the leading representative of royal authority in the province and in theory enjoyed a good deal of autonomy. His *título de gobernador*, or letter of appointment, laid out the terms of his appointment, stated his general responsibilities and gave specific orders. In general, however, the letters of appointment gave rather diffuse orders which left ample room for individual interpretation by each governor, who in day to day decision making had to use his own judgement as to what were important matters and how the city and province could best be governed. The clause ordering the governor to follow custom and precedent, for instance, was the source of more problems than solutions as interpretations of custom varied.

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<sup>35</sup> Julio Le Riverend Brusone, *La Habana, espacio y vida* (Madrid, 1992), pp. 75 and 122; Susan Migden Socolow and Louisa Schell Hoberman (eds.), *Cities and Society in Colonial Latin America* (Albuquerque, 1986), p. 5.

<sup>36</sup> Mayorga García, *La Audiencia de Santafé*, p. 122.

<sup>37</sup> *Ibid.*, pp. 131-136.



The governor was appointed by the king for 5 years<sup>38</sup> with an annual salary of 2000 pesos or 900 000 maravedis, having to post a security bond (*fianza*) to the cabildo before assuming his duties.<sup>39</sup> Judging by residencias, however, posting the bond was frequently neglected.<sup>40</sup> Interim governors were appointed by the audiencia of Santa Fe and held the same powers as a governor *en propiedad* but were only paid half the salary.<sup>41</sup>

A Cartagena governor held maximum authority in two spheres. First, as captain general he was responsible for the defence of the city and thus played a key role in defending New Granada from external attack. Being in charge of military matters included seeing to the city's fortifications and recruiting and paying soldiers. Second, the governor held extensive executive and administrative authority as well as some judicial powers, and his duties spanned a wide range of tasks.<sup>42</sup> These included tasks in city government, such as presiding over cabildo meetings -although he did not have voting rights-, supervising the provision of supplies to the city and inspecting the butchers' shops. He was also responsible for controlling the city's maritime trade and communication, through visiting the ships that entered in and left from the port of Cartagena, and for supervising royal finances by attending meetings in the treasury

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<sup>38</sup> If he was resident in Spain at the time he was appointed governor, his term was 5 years, whereas if he was resident in the colonies, the term was only 3 years, both counted from the day he took up office. Schäfer, *La Labor del Consejo de Indias en la Administración Colonial*, p. 162.

<sup>39</sup> See for example AGI Contratación 5450, N.61, Título of Martín de Cevallos y la Cerda, 8 July 1688; AGI Contratación 5456, N.3, R.37, Título of Diego de los Ríos y Quesada, 1 Sept. 1695; AGI Contratación 5467, N. 71, Título of Gerónimo Badillo, 27 Feb. 1713.

<sup>40</sup> AGI Escribanía 622 A, Residencia de Martín de Cevallos y de la Cerda, Diego de los Ríos y Quesada, y Juan Díaz Pimienta, 1704; AGI Escribanía 623 A, Residencia de Gerónimo Badillo, 1720; AGI Escribanía 1193, Residencia de Diego de los Ríos y Quesada y Juan Díaz Pimienta, 1717.

<sup>41</sup> AGI Santa Fe 209, Título de gobernador interino de Francisco de Castro, 7 Feb. 1686; AGI Santa Fe 435, Título de gobernador interino de Lázaro de Herrera, 11 March 1705.

<sup>42</sup> AGI Santa Fe 47, R.2, N.30, Pedro Martínez de Montoya to king, 3 July 1693. He lists many of the governor's duties as a contemporary saw them.



and supervising the payment of salaries and other expenditures made from the royal treasury. Securing royal income, mainly through collecting taxes, was an important item on his agenda, and there was a constant struggle to make sure that expenses were as low as possible. The governor was also enjoined to keep the city peaceful, execute all orders coming from Santa Fe and Madrid, and appoint lesser officials and military officers, at least interim ones. The ultimate responsibility for the gates being locked at night was also his, although he did not perform the task personally. In fact, having the keys to the gates seems to have been an important issue in the 1690s although one can only speculate as to the reasons why.<sup>43</sup> It is not unlikely that it had to do with gaining easy access to the city during the night in order to enter and exit illegal merchandise. The residencias of several governors suggest that they invariably neglected some of their duties, such as inspecting the prison every Saturday and making sure that no prisoners escaped from prison, convening cabildo meetings every Thursday, conducting visitas of the province, sending men married in Spain back to live with their wives, making sure that the streets were clean and patrolling the streets at night to avoid fights and crimes.<sup>44</sup>

All governors in the period under investigation, including interim ones, were peninsular Spaniards with backgrounds in the armies of Charles II and Philip V, many with experience from Flanders.<sup>45</sup> Most seem to have considered the post of governor of Cartagena a prestigious one and a step upwards on the career ladder.<sup>46</sup>

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<sup>43</sup> AGI Santa Fe 48, R.2, N.21, Diego de los Ríos to king, 12 March 1696; AGI Santa Fe 48, R.1, N.16, Sancho Jimeno to king, 18 March 1696; AGI Santa Fe 64, N.42, cabildo secular of Cartagena to king, 23 May 1698.

<sup>44</sup> AGI Escribanía 622 A, Residencia de Martín de Cevallos y de la Cerda, Diego de los Ríos y Quesada, y Juan Díaz Pimienta, 1704; AGI Escribanía 623 A, Residencia de Gerónimo Badillo, 1720; AGI Escribanía 1193, Residencia de Diego de los Ríos y Quesada y Juan Díaz Pimienta, 1717.

<sup>45</sup> For biographical details on governors and tenientes of Cartagena, see appendix II.

<sup>46</sup> An exception was Juan Díaz Pimienta, who thought it below him to 'verme sometido al juzgado de



Thus, Gerónimo Badillo was outraged when in 1715 the audiencia suspended him from office to replace him with a ‘natural y criollo de este reino’ who, in Badillo’s view, was rendered even more unsuitable by ‘el defecto de no haber servido ni militado en parte alguna, pues no ha salido de este Reino’.<sup>47</sup> There are indications that appointments to the governorship of Cartagena occupied a more prominent place on the crown’s agenda after the fall of Cartagena in 1697, as it aimed to appoint better qualified and more capable men to the post. Juan Díaz Pimienta, appointed in 1698, certainly had a more distinguished military career than his immediate predecessors, and the first choice as Pimienta’s successor was a president of the audiencia of Santo Domingo.<sup>48</sup>

Because of the governors’ military backgrounds, a deputy governor (*teniente general* or *de gobernador*) with a law-degree was appointed to assist in legal matters.<sup>49</sup> He was appointed by the king on the recommendation of the Council of the Indies by a título similar to that of a governor and had an annual salary of 500 ducados or 250 000 maravedis.<sup>50</sup> Normally, a *teniente* would hold the post of *auditor de la gente de guerra* (judge-advocate for military affairs) jointly with that of deputy governor. He was given extensive powers especially in the civil but also in the

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quien mandare en Sanctafee no obstante mi grado y haber votado diferentes veces en pleno Consejo de estado de VM materias de la primera importancia de la monarquía antes de pasar a esta América’. AGI Santa Fe 435, Juan Díaz Pimienta to king, 2 Sept. 1702.

<sup>47</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715.

<sup>48</sup> AGI Santa Fe 435, Consulta of 13 March 1702; AGI Santa Fe 435, Juan Díaz Pimienta to king, 22 June 1702.

<sup>49</sup> In the sixteenth century many governors were trained lawyers. Schäfer, *La Labor del Consejo de Indias en la Administración Colonial*, p. 163.

<sup>50</sup> See for example AGI Contratación 5454, N.3, R.36. Título of Pedro Martínez de Montoya, 10 Oct. 1690; AGI Contratación 5456, N.3, R.43, Título of José Gutiérrez de Cevallos, 4 June 1695; AGI Contratación 5462, N.12, Título of José Francisco de Madrigal Valdés, 26 Nov. 1704. Also Santa Fe 437, Razón sobre la forma en que se ha probeydo el empleo de theniente de Gobernador y Auditor de Guerra de Cartagena, 1716.



military sphere, and it was he who replaced the governor in the event of absence, illness or death. In fact, the king gave his *tenientes* powers very nearly as extensive as the governor, reflecting Spain's policy of not letting any official become too powerful by keeping his area of jurisdiction vague in relation to those of other royal officials. This actually caused so many problems that the *cabildo* asked the crown to clarify the separation of their jurisdictions.<sup>51</sup> A *teniente's* letters of appointment, then, left as ample a scope for individual interpretation as did the *título de gobernador*, the most specific instruction it contained being that he must carry out his duties in everything related to his post in the same way as his predecessors had done before him.

However, it seems that the role of the deputy governor had weakened by the end of the Habsburg period. As the following pages will show, *tenientes* of Cartagena, and Pedro Martínez de Montoya in particular, repeatedly called for their role to be strengthened, complaining that the governor had too much autonomy.<sup>52</sup> Ministers of the *audiencia* advanced the same argument, claiming that the governors intimidated the citizens to make them collaborate and that it was impossible to execute justice because everyone stood united against anyone who tried to implement it.<sup>53</sup> It does, however, seem that the relation between the positions of *tenientes* and governors varied considerably in the period under investigation, possibly depending on the personalities of individual appointees. Some references suggest that Domingo de la Rocha, *teniente* from 1678 to 1686, developed special privileges for the post of

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<sup>51</sup> AGI Santa Fe 64, N.41, *cabildo* secular of Cartagena to king, 30 May 1693.

<sup>52</sup> AGI, Santa Fe 47, R.2, N.30, Pedro Martínez de Montoya to king, 3 July 1693.

<sup>53</sup> Enrique de la Matta Rodríguez, *El Asalto de Pointis a Cartagena de Indias* (Sevilla, 1979), p.169, quoting *oidor* Bernardino Angel de Isunza. See also AGI Santa Fe 365, *audiencia* of Santa Fe to king, 6 June 1715.



teniente general, privileges that later appointees tried to retain without much success.<sup>54</sup> Nevertheless, in the early 1700s teniente José Francisco de Madrigal seems to have had the upper hand over Governor José de Zúñiga.<sup>55</sup> But it did not last long. By 1721 teniente Alejo Díaz Muñoz was complaining over his weakness in relation to governor Alberto de Bertodano.<sup>56</sup>

As a major commercial, military and administrative centre, Cartagena had its own treasury office with a contador, a tesorero and a factor veedor who played important roles among the city's royal officials. In theory, they should meet every day which was not a holiday from eight to eleven in the morning and from four to six in the afternoon in addition to holding closed acuerdo sessions every Thursday, but it seems that by 1718 the treasurers had a long history of neglecting their office hours.<sup>57</sup> As in other Spanish American ports, the oficiales reales performed the functions of customs officials in addition to their normal duties.<sup>58</sup> In a town like Cartagena, where the audiencia was relatively far away and its oidores did not have a direct influence over everyday life, the role of the treasurers as mediators between royal demands and local interests was considerably more important than in Santa Fe. All posts in the Cartagena treasury were sold by late seventeenth century and prices oscillated between 3 000 and 5 000 pesos.<sup>59</sup> As Kenneth Andrien has remarked, the crown's introduction of the systematic sale of such positions led to the great majority of treasury offices being held by locals, which in turn led to a shift in the balance of

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<sup>54</sup> AGI Santa Fe 48, R.3, N.32, Pedro Martínez de Montoya to king, 25 March 1698.

<sup>55</sup> AGI Santa Fe 365, José Francisco de Madrigal to Domingo de Mena Felices, 22 April, 9 and 17 May 1711.

<sup>56</sup> AGI Santa Fe 437, Alejo Díaz Muñoz to king, 6 April 1721.

<sup>57</sup> AGI Santa Fe 369, Antonio de la Pedrosa to Miguel Fernández Durán, 12 April 1718.

<sup>58</sup> Andrien, 'The Sale of Fiscal Offices and the Decline of Royal Authority', p. 54.

<sup>59</sup> AGS D.G.T. 13, leg. 10, Razón de las Plazas del Tribunal de Cuentas de Santa Fe y de los oficiales reales de aquel reyno, n.d., has records of appointees from 1662 to 1708.



power in favour of the creoles.<sup>60</sup> Treasury posts were sold with a range of conditions attached. One of the most favourable versions for the purchaser was that obtained by the influential Toribio de la Torre in 1680. He bought the post of contador of Cartagena at 5 000 pesos, giving him the right to choose his own appointees for the position, which he seems to have done for several decades to come.<sup>61</sup>

As in Santa Fe, the main area of creole influence in government was the cabildo. The Cartagena town council met every Thursday in the casa de cabildo to discuss matters concerning the common good. Attendance was obligatory from 1586 on<sup>62</sup>, but judging from residencia charges, the absence rate was high.<sup>63</sup> The cabildo of Cartagena had the same responsibilities and was organised in the same way as that of Santa Fe, with the difference that its regimiento had only eight regidores.<sup>64</sup> It seems that by the end of the seventeenth century, it was quite common for one and the same person to hold several offices at a time, as in the case of Pedro de Zarate, who was simultaneously senior regidor, procurador general and sargento mayor of Cartagena.<sup>65</sup> In the early 1700s, the number of escribanos in the cabildo of Cartagena oscillated between four and six, which according to Governor Zúñiga was more than sufficient to handle council business.<sup>66</sup>

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<sup>60</sup> Andrien, 'The Sale of Fiscal Offices and the Decline of Royal Authority', p. 49. See also AGI Santa Fe 435, king to oficiales reales of Cartagena and king to governor of Cartagena, both of 29 Oct. 1693; AGI Santa Fe 435, Resumen fiscal, 5 Oct. 1700.

<sup>61</sup> AGS D.G.T. 13, leg. 10, Razón de las Plazas del Tribunal de Cuentas de Santa Fe y de los oficiales reales de aquel reyno, n.d.

<sup>62</sup> Borrego Plá, *Cartagena de Indias en al siglo XVI*, pp. 308-309.

<sup>63</sup> AGI Escribanía 622 A, Residencia de Martín de Cevallos y de la Cerda, Diego de los Ríos y Quesada, y Juan Díaz Pimienta, 1704; AGI Escribanía 623 A, Residencia de Gerónimo Badillo, 1720; AGI Escribanía 1193, Residencia de Diego de los Ríos y Quesada y Juan Díaz Pimienta, 1717. When a governor was *residenciado*, so were all those who served on the cabildo during his term in office.

<sup>64</sup> Borrego Plá, *Cartagena de Indias en al siglo XVI*, p. 302.

<sup>65</sup> AGI Santa Fe 64, N.37, Pedro de Zarate to king, 8 Jan. 1687. See also AGI Santa Fe 212, cabildo secular of Cartagena to king, 3 May 1693; AGI Santa Fe 212, Pedro Martínez de Montoya to king, 19 July 1693.

<sup>66</sup> AGI Santa Fe 436, José de Zuñiga y la Cerda to king, 20 July 1711.



Most cabildo posts in Cartagena were sold by the end of the seventeenth century, and the complications which could arise from this practice are well illustrated by what happened with the post of *alcalde de la hermandad* in 1712 and 1713.<sup>67</sup> A well-off *vecino* bought the post for his future son-in-law, assuming that his young daughter would marry one day, under the condition that he himself would serve the office until the time came. However, she died young and single and without even having a husband in mind. Her untimely death set off a serious row over which rights were held by whom as more contenders to the post presented their claims, and it seems that while the turmoil lasted, the post of *alcalde de la hermandad* stood vacant.

This, then, was the system of government in place in Cartagena at the end of the seventeenth century. How well did it work? How did the governors of Cartagena exercise their powers, and to what extent were they subject to external control from other political authorities? Did they succeed in imposing royal control over the city's inhabitants, ensuring the orderly conduct of its affairs, preservation of Spain's control of resources and trade, and effective defence of the city against foreign attack? And how, finally, did the people of Cartagena and its province experience government? Were they merely passive subjects of the crown and its officials, or were they able to influence and/or evade the controls of royal government and its agents?

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<sup>67</sup> AGI Santa Fe 449, oficiales reales of Cartagena to king, 30 June 1713.



### *Politics in Cartagena: Governors and their Tenientes*

If we turn to the governor's correspondence with Spain in the late seventeenth century, we will find that, despite the authority granted him by the king as the supreme power in the province, the monarch's voice and the executive for royal orders, and the image he presented as a powerful man with much autonomy, he had to contend with a number of encroachments on his powers. Indeed, in the early 1700s one governor complained that 'el mando de los gobernadores está muy desautorizado porque cualquier vecino se les atreve y no executa sus órdenes'.<sup>68</sup> Other officers of the crown, clerical leaders, and, not least, the leading vecinos and cabildo of Cartagena all sought to shape the actions of the governor as well as the directions and policies of government. To do this, they not only made use of the powers held by such institutions as the cabildo and the Church, but used means such as bribery and evasion of the law. All of this played part in curbing the governor's authority and redistributing power to other people and institutions. There is, moreover, a suspicion that the governors themselves appropriated royal authority for their own private purposes by profiting from illegal trade.

First, let us address the question of how governors used their powers, the extent to which they represented the interests of the crown, and the degree to which they were subject to external control whether from Spain or from the audiencia of Santa Fe. Here, a good starting point, which highlights a problem at the heart of royal government, is the case of Juan Pando de Estrada, who became governor of Cartagena in 1683 and was sacked for illegal activity three years later.

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<sup>68</sup> AGI Santa Fe 48, R.4, N.37, Juan Díaz Pimiento to king, 5 Oct. 1699. For an analysis of the different types of governors in Spanish America and their degrees of autonomy, see Zorraquín Becú, 'Los distintos tipos de gobernador en el derecho indiano'.



Before arriving in Cartagena, Pando had served in various official posts, most recently as a special anti-contraband commissioner in Bilbao.<sup>69</sup> However, he was soon accused of involvement in the contraband that, as governor, he was responsible for preventing in Cartagena. The first accusations against Pando were made within a year of his arrival, when Francisco de Valera, inquisitor of Cartagena, investigated Pando's permission to three Dutchmen from the island of Curaçao to act as *factores* (business managers) of the asiento de negros and his decision to proceed against Nicolás Porcio, the officially appointed *asentista*.<sup>70</sup> Porcio's *factores*, Santiago del Castillo and Francisco Torregrosa, were included in this investigation into Valera's behaviour, on suspicion of having removed 102 000 pesos from Cartagena in their Dutch ships, without registering it with the treasurers.<sup>71</sup> Further charges were brought against Pando in 1686, when oidor Francisco Carcelén of the audiencia of Santa Fe arrived in Cartagena to investigate accusations that he was involved in contraband with the Dutch slave traders, and engaged in an *amistad ilícita* with one Francisca Portillo.<sup>72</sup> Pando for his part protested his innocence. He admitted to have received supplies in Dutch asiento ships, but claimed to have thought it legal as it was a matter of essential foodstuffs needed to avoid starvation in Cartagena. This had, he claimed, all taken place when a period of bad harvests coincided with a drastic increase in Cartagena's population due to the arrival of the galleons in

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<sup>69</sup> For details see appendix II.

<sup>70</sup> Porcio's asiento was surrounded by controversy, as he was suspended by the Spanish crown in 1684, only to be reinstated five years later. See AHN Consejos 21788, Asiento de Negros 1676-82; AHN Consejos 21789, Asiento de Negros, año de 1690; AHN Consejos, 24541, Minuta de despacho, 27 Oct. 1695; Palacios Preciado, *La trata de negros por Cartagena de Indias*, pp. 27-28 and 31-32.

<sup>71</sup> AGI Escribanía 597 A, B and C, Comisión a Francisco Valera, para averiguar los procedimientos de Juan Pando de Estrada, 1684.

<sup>72</sup> AGI Escribanía 598 A-600 B, Comisión a Francisco Carcelén Fernández de Guevara, para proceder a la averiguación de los excesos cometidos por Juan Pando de Estrada, 1686; AGI Santa Fe 59, N.15, Francisco Carcelén to king, 5 Nov. 1688; AGI Santa Fe 209, Autos formados por Don Francisco Carcelén sobre el despojo que hizo al maestro de campo Juan Pando de Estrada, del gobierno de Cartagena, 1686-1688; AGI Indiferente 133, N.9, Relación de méritos de Francisco de Carcelén, 12 March 1691.



November 1684.<sup>73</sup> Others supported Pando's story, confirming that without the supplies brought by the Dutch the city would have faced mass starvation.<sup>74</sup>

Two related elements stand out in Juan de Pando's version of events: the importance of social and family networks, and the factionalism present in Cartagena society.<sup>75</sup>

According to Pando, oidor Carcelén, a peninsular, had become his enemy because, on arriving in Cartagena, he was immediately absorbed into a group headed by Domingo de la Rocha Ferrer, former *teniente* of Cartagena and oidor-elect of Santa Fe, and Toribio de la Torre, together with their brother-in-law Sancho Jimeno and interim governor Francisco de Castro. This story was supported by one of the governor's friends, senior *alcalde ordinario* for 1686, Juan de Mier.<sup>76</sup> Pando complained that his replacement, interim governor Francisco de Castro, had imprisoned all of his supporters 'sólo por dejarle indefenso'. Mier for his part claimed that 'si dicho Don Juan de Pando se hubiera amistado con Don Domingo de Rocha y Toribio de la Torre no se le suspendiera o privara de el Gobierno de la Plaza'. As it was, Mier said, Carcelén's irregular procedure had been highly influenced by Rocha and Torre, who had been called to the city from the former's 'hacienda de campo' by Sancho Jimeno 'por que había llegado a [Cartagena], con la comisión referida, el dicho Don Francisco Carcelén, y era tan tibio y desalinado que era necesario ... disponerle los autos'.

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<sup>73</sup> AGI Santa Fe 209, Juan de Pando y Estrada to king, n.d. (1687).

<sup>74</sup> AGI Santa Fe 209, Los prelados de las religiones de la ciudad de Cartagena (San Francisco, San Diego, San Juan de Dios, y los Predicadores) to king, 29 Nov. 1686; AGI Santa Fe 209, Juan Ortiz de Zarate to king, 30 Nov. 1686; AGI Santa Fe 209, Los médicos y cirujanos de Cartagena to king, 9 Dec. 1686; AGI Santa Fe 209, Francisco Valera to king, 10 Dec. 1686.

<sup>75</sup> AGI Santa Fe 209, Juan de Pando to king, n.d. (1687).

<sup>76</sup> AGI Santa Fe 209, Juan de Mier to king, 10 Dec. 1686.



When Carcelén arrived in Cartagena in November 1686, he was received in a cabildo session in which its members, after starting the meeting with a row over seating, pledged to obey and assist the audiencia minister.<sup>77</sup> He proceeded to take drastic and extraordinary action.<sup>78</sup> The oidor removed Pando from office, imprisoned him in the castillo of Santa Cruz and appointed teniente general of Portobelo, Francisco de Castro, interim governor. He also recalled the teniente general Gregorio Laso de la Vega, who was on a *visita general de naturales* in the province to Cartagena, to assist him. However, as Carcelén proceeded in his investigation, Laso became embroiled in the case against Pando and protested against the oidor's procedure. According to Laso, Carcelén and Castro disliked the way he fulfilled his duty as teniente general, and oidor Carcelén first ordered that Laso go ten leagues from the city, and then had him arrested. Laso presented several petitions and tried to protect his rights, but it was all in vain. On 14 February 1687 he was held prisoner in his house and all his possessions seized. There were apparently eleven charges against him, all of which Laso denied and one of which he himself characterised as a very criminal one although he did not specify it. Eventually, Carcelén took the unusual step of sentencing the teniente to death, which Laso escaped by taking refuge in the convent of Santo Domingo.

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<sup>77</sup> Ibid.; AGI Santa Fe 209, Cabildo del uso de la comisión, 7 Nov. 1686.

<sup>78</sup> AGI Santa Fe 47, R.1, N.4, Testimonio de petición y autos presentados por el licenciado Don Gregorio Lasso de la Vega, 12 Dec. 1688.







In this case, we see some of the strengths and weaknesses of royal government in the Spanish Indies. Governor Pando and teniente Laso de la Vega, both officials who were not only the leading representatives of royal power but who were also supposed to act as a check on each other, had apparently colluded to use their offices for private gain, in direct contravention of royal intentions. On the other hand, the system of government seems to have been able to rectify such abuses, since the *audiencia* of Santa Fe had intervened to remove these officials from their posts, sentences were passed to the Council of the Indies, and royal authority thus seemed to be restored. In practice, however, the officials concerned seem to have suffered little punishment. When a new governor, Martín de Cevallos arrived in Cartagena in the autumn of 1688, Laso presented a petition to the new governor giving him his version of everything that had happened.<sup>79</sup> But considering that Laso's *residencia* had yet to be held, Cevallos ordered that the teniente be kept under house arrest on bail of 2 000 pesos, with a warning that if he did not pay it, he would be imprisoned in the *castillo*. The amount was paid, however, and Laso remained prisoner in his house.<sup>80</sup> In 1693, Laso's death sentence was still valid, but had not been carried out. In fact, he was still active in government affairs, acting as lawyer and advisor both to governor Cevallos, to *sargento mayor* Alonso Cortés, to the senior *alcalde* and to interim governor Sancho Jimeno during the campaign against the *palenques*<sup>81</sup>, until he died while assisting the latter in November 1693.<sup>82</sup> Other officials also escaped sanction. When the case against Pando was closed by the Council of the Indies, the *oficiales reales* Antonio Farfán de los Godos, Felipe Núñez de Rioja and Francisco

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<sup>79</sup> *Ibid.*

<sup>80</sup> AGI Santa Fe 47, R.1, N.4, Martín de Cevallos y la Cerda to king, 14 Dec. 1688.

<sup>81</sup> AGI Santa Fe 212, Pedro Martínez de Montoya to king, 19 July 1693. Also, AGI Santa Fe 212, Sancho Jimeno to king, 20 June 1694; AGI Santa Fe 212, Alonso Cortés to king, 28 May 1693.

<sup>82</sup> AGI Santa Fe 212, Sancho Jimeno to king, 20 June 1694.



Valcárcel, the sargento mayor Alonso Cortés and the escribano José Blanco García were also found guilty of trading with the Dutch along with Pando and his teniente, Gregorio Laso de la Vega.<sup>83</sup> Here, then, was a case in which the crown apparently succeeded in exercising its authority to challenge officials involved in illegal activity by indicting virtually the entire upper tier of government in Cartagena for turning their public offices to private use by going into business together. But, along with Laso de la Vega, Alonso Cortés not only escaped punishment, but also recovered his post: some years later, he took charge of military administration of the province. Felipe Núñez de Rioja and José Blanco García also recovered their posts.

This attack on Pando, Laso and other officials did not eradicate either complicity in contraband and corruption among officers of the crown or the succeeding political wrangles. Indeed, such scandals seem, as we shall now see, to have been common currency in the political life of Cartagena in the period under investigation. A case in point is that involving Laso's successor as teniente general, Eugenio de la Escalera, who was accused of similar misdemeanours soon after his appointment in 1688, as part of a larger dispute arising from allegations of improper behaviour and irregular proceedings. Like his predecessor, he was imprisoned while accused, on the orders of Governor Martín de Cevallos who confined his teniente in the fort of Santa Cruz outside the city walls of Cartagena (ironically on Laso de la Vega's advice).<sup>84</sup>

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<sup>83</sup> AGI Escribanía 598 A-600 B, Comisión a Francisco Carcelén Fernández de Guevara, para proceder a la averiguación de los excesos cometidos por Juan Pando de Estrada, 1686

<sup>84</sup> AGI Santa Fe 212, Pedro Martínez de Montoya to king, 17 July 1693.



Imprisoning a *teniente* was a serious course of action and one that should only be taken in cases of ‘superior importance and scandal’.<sup>85</sup> But in this case it was made more serious because, shortly after his arrival in the fort, Escalera became ill with tertian fever, and on 12 November 1688 he died in prison.<sup>86</sup> Cevallos was therefore keen to justify his motives to the Council of the Indies, writing several letters and compiling an extensive report with a large number of testimonies to prove Escalera’s irregular behaviour.<sup>87</sup> He commented only briefly on Escalera’s unexpected death confirming that it was from natural causes, but ensured that his account was supported by a medical certificate. However, the rest of Cevallos’ correspondence on the Escalera case, although it only gives the governor’s account of the events, provides important glimpses of the workings of government in Cartagena.

Escalera had been accused on several counts.<sup>88</sup> He was charged with irregular conduct in the investigation of deaths, in the determining of a lawsuit over a will, and with receiving bribes. Rumour had it that in a trial concerning contraband trade in which Escalera had pronounced sentence, each of the accused had bought himself a favourable sentence with an amount proportionate to the offence. According to Governor Cevallos, it was this last charge which brought his relations with Escalera to breaking point. From the moment he took up office, the governor declared, he had emphasised the importance in co-operating in the administration of justice, but neither warnings in private nor in public had had the desired effect. So, when

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<sup>85</sup> AGI Santa Fe 47, R.1, N.6, Respuesta fiscal, 3 Oct. 1690.

<sup>86</sup> AGI Santa Fe 47, R.1, N.6, Martín de Cevallos to king, 20 Nov. 1689.

<sup>87</sup> AGI Santa Fe 47, R.1, N.6, Expediente sobre los procedimientos de Don Eugenio de la Escalera, 20 Nov. 1689-4 Dec. 1696; AGI Santa Fe 47, R.1, N.6, Martín de Cevallos y la Cerda to king, 9 Oct. and 20 Nov. 1689 and 24 Sept. 1690; AGI Santa Fe 47, R.1, N.6, Memorial ajustado al testimonio de autos hechos sobre los excesos cometidos por Eugenio de la Escalera, 20 April 1691.

<sup>88</sup> AGI Santa Fe 47, R.1, N.6, Martín de Cevallos to king, 24 Sept. 1690.



Cevallos' friend Bernardo de Castro, *protector de los naturales* of the province of Cartagena, told him of the rumour of the bribes that Escalera had supposedly received, the governor immediately brought this to his deputy's attention. But Escalera did not respond by rebutting the charges, as might have been expected. Instead, he defended himself by deflecting the accusations onto his enemies. He accused the governor, his wife, Castro, and captain Francisco Santarén of involvement in illegal commercial activity, and justified his accusation with a curious story concerning its origin and his inability to furnish proof for it. Escalera stated that the allegations had been brought to his attention by a note left outside his door; however because he had decided to burn the note, he was unable to produce it as proof when Cevallos requested him to do so. In addition, he insisted that the governor had no jurisdiction over him, and that Cevallos' threats of imprisonment if his behaviour did not change, were therefore empty. He also claimed that he had dropped any intentions to take legal proceedings against those accused of contraband, since he had discovered that the contents and signatories of the note were false. But before closing the case, Cevallos ordered that a thorough investigation be carried out by the *alcalde ordinario*, who concluded that there was nothing in the charges that Governor Cevallos was involved in illegal trade. It was true that Cevallos's friend Bernardo de Castro had set up a grocery store (*pulpería*) to sell oil, wine, liquor, eggs, candles, bread, cassava and corn rolls, but there was no evidence that he planned to sell any other merchandise such as cloth or other items imported illegally. Nonetheless, to demonstrate his probity Cevallos closed the shop, deprived Castro of his office and ordered him to leave the city, on the grounds that, as Castro was a frequent guest at the governor's house, exemplary action was necessary.



One point of interest in this case is the implication that it was normal for officials to be involved in illegal trade. It is impossible to say how much truth there was in the charges against the governor, given that we only have his own version of the events. The fact that there were only two and a half months from the arrival of Cevallos, who had no known contacts in Cartagena, to Escalera's death, seems to rule out the possibility that the governor was involved in illegal trade at that stage in his term. Indeed, Cevallos seems to have had every intention of keeping his distance from the locals when he took up office at the end of August 1688. The security bond that he was required to post was so high that the newly arrived governor found it impossible to put up that much money, but Cevallos refused to look for bondsmen (*fiadores*) to meet the demand, saying that all the potential bondsmen were involved in the frequent disturbances in the city or at least suspected of being so. To keep his distance and avoid the obvious link the payment of a fianza would constitute with prominent local citizens, Cevallos therefore took up no fiadores; he also refused to take up the loan offered him while he was awaiting his first salary payment.<sup>89</sup> His opinion of the creoles did not improve in nearly five years in office, and in 1693 he informed his new teniente Pedro Martínez de Montoya of 'lo mucho que en este clima abunda la malicia con que discurren la generalidad de sus moradores.'<sup>90</sup>

On the other hand, the action which Cevallos took to distance himself from Castro suggests that he felt vulnerable to such charges. Thus, there is the possibility that the conflict emerged from a competition for the profits deriving from illegal trade. Also,

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<sup>89</sup> AGI Santa Fe 47, R.1, N.20, Martín de Cevallos to king, 20 May 1691.

<sup>90</sup> AGI Santa Fe 212, Martín de Cevallos to king, 1 July 1693.



the case shows how vaguely defined areas of jurisdiction led to conflict between royal officials in the Indies and provided grounds for negotiating power while ensuring that no one official became too powerful. The *teniente* was given powers almost as extensive as the governor, and a key question for the fiscal of the Council of the Indies when analysing this case was to decide whether Cevallos had exceeded his powers when imprisoning Escalera. In fact, the fiscal bestowed considerably more attention on the jurisdictional rights of the two officials than on the actual charges. His conclusion was, that although their jurisdictions were equal, the governor did have the right to proceed against his deputy if he abused his power, as it seemed he had done in this case, and Cevallos had thus acted correctly.<sup>91</sup> However, it seems that Escalera's alleged corrupt behaviour could not have been very lucrative: his property amounted to six books, which turned out to be borrowed.

The cases considered above show how the crown sought to control the leading officials in Cartagena by two mechanisms; first, by giving the governor and the *teniente* competing jurisdictions and secondly, in cases where they were thought to be colluding against royal interests, through external intervention from the *audiencia*. But other factors also influenced the behaviour of officials, particularly political pressure from the city's leading *vecinos*.

### ***The Governor, the Cabildo and the Vecinos***

A good example of the way in which *vecinos* interacted with government is found in the development of the policy towards the *palenques* in the 1680s and early 1690s. The problem of the *palenques* was not new. Since Cartagena became a major slave

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<sup>91</sup> AGI Santa Fe 47, R.1, N.6, Respuesta fiscal, 30 Nov. 1696.



port in the early sixteenth century, slave runaways had periodically challenged the slaveowners in the region. At the beginning of the seventeenth century, groups of these cimarrones had attacked the city, but the problem was temporarily solved when in 1619 they were given their freedom. This decision, however, created an even bigger problem as more slaves ran away to the mountains hoping to gain their freedom, and by the end of the century the number of palenques had greatly increased.

There were three areas of palenques near Cartagena.<sup>92</sup> North-east of the city, in the sierra de Luruaco, were the palenques of Betancur, Tabacal and Matubere. South of the city were those of Sierra María, hidden in backlands and spread out over an area of about 55 000 square kilometres. San Miguel, some eight days away, was the largest and most important palenque in this region with 137 huts, and where Domingo Criollo, the most influential leader of the cimarrones, lived. The palenque Duanga was about thirty kilometres from that of San Miguel whereas Arenal was much further away. Both San Miguel and Arenal seem to have had about 200 cimarrones each. Then there was Catendo with 120 blacks, situated sixteen leagues from another one with 110 blacks, and next to it Gonzalo, with thirty people. There were more palenques with an unknown number of inhabitants in the Norosi area in the jurisdiction of Mompox. The cimarrones of the Sierra María and those of the Norosi area maintained frequent communication, and there also seems to have been

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<sup>92</sup> AGI Santa Fe 212, Sancho Jimeno to king, 20 June and 27 Oct. 1694, and 22 Sept. 1695. See also Antonio María Casiani to king, 25 Dec. 1713, in Martínez Reyes, *Cartas de los Obispos de Cartagena de Indias*, pp. 389-393; Borrego Plá, *Palenques de Negros en Cartagena de Indias*, pp. 25-28.



contact between the cimarrones and the inhabitants of neighbouring villages, principally the slaves of the haciendas, who gave them arms in exchange for gold.

The vecinos of Cartagena wanted the palenques destroyed not only because they acted as a refuge for runaway slaves -who constituted a double economic loss, as both the high price paid for the slave and his value as labour were lost- but also because they were a pernicious political influence.<sup>93</sup> The cimarrones were said to influence the slaves in the city who threatened to flee to the mountains if their owners did not agree to their wishes. In addition people feared the alliance between the cimarrones and foreign enemy powers, which could have disastrous consequences. On top of all this, about 300 cimarrones in the province of Santa Marta had been declared free in 1679, giving hope to those in the province of Cartagena.

Little by little a permanent state of alarm was created in Cartagena as the citizens came to fear a conspiracy between the slaves of the city and the cimarrones. This led to repeated attacks on the palenques in the 1680s, as several governors of Cartagena responded to local fears by mobilising against the palenques.<sup>94</sup> Indeed, throughout the 1680s, Cartagena was engaged in an almost constant campaign to eradicate the palenques. In 1682, governor Rafael de Capsir y Sanz sent an expedition under the command of Bartolomé Narváez to destroy the palenques of Sierra María. But when his men finally found them, they realised that the Spanish troops were not numerous enough to attack, and retired. Two years later, under Governor Juan Pando, there was

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<sup>93</sup> AGI Santa Fe 212, Sancho Jimeno to king, 27 Oct. 1694.

<sup>94</sup> Borrego Plá, *Palenques de Negros en Cartagena de Indias*, gives a good account of the course of events of these campaigns.



another failed attempt to solve the problem. Again the expedition was headed by Narváez, but this time the purpose was negotiation not force. Governor Pando would give the ‘criollos del monte’ their freedom and give them land on the condition that the cimarrones returned runaway slaves to their owners. In 1685, Pando tried again, as he had heard that a Dominican *cura doctrinero* of the village of Coloso had apparently persuaded the cimarrones to accept his conditions.<sup>95</sup> The governor sent the sargento mayor Luis del Castillo y Artajona to Coloso with some men. They talked to the priest and to the blacks, but in the middle of the conversation, one of the cimarrones shot and killed Castillo. The details around his death are not clear, but the Spanish troops fled once again and, it was said, the blacks sent Castillo’s severed genitals to Pando. Yet another failure took place in 1686, this time a joint project between the cabildo abierto and the governor and financed by the citizens. Three hundred men under the command of captain Mateo Pacheco and castellano Juan de Berrío, went to the village of Mahates, where they received supplies for two months. Only four days from that village, they found and attacked a palenque, but were unable to take prisoners and had to return to Cartagena before going any further because of the advent of the rainy season.<sup>96</sup> Recrimination and conflict followed. Pando’s successor, interim governor Francisco de Castro, refused to pay Mahates for the supplies used in the campaign, sparking a dispute which affected city politics for years and eventually reached the Council of the Indies.

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<sup>95</sup> Baltasar de la Fuente claimed that that doctrinero was he. AGI Santa Fe 213, Memorial de Baltasar de la Fuente, 26 Nov. 1690.

<sup>96</sup> For an account of the campaigns organised during Governor Juan de Pando’s term, see AGI Santa Fe 213, Juan de Pando to king, 24 May 1686. See also AGI Santa Fe 213, Juan de Pando to king, 22 April 1686; AGI Santa Fe 213, Pedro de Zárate to king, n.d.



At first, the dispute seemed readily solved by intervention from Spain. Madrid's response was to issue a Real Cédula of 3 May 1688, which made three main points.<sup>97</sup> First, the vecinos of Cartagena and not the royal treasury were to cover the costs of Castillo's expedition. Second, it agreed that the cimarrones should be persecuted until they were all captured, and they should be given back to their owners. Those who had no owner should be sold, with the proceeds going to the cabildo. Third, the leaders of the palenques were to be severely punished, especially those associated with the death of Castillo.

The Council's orders were, however, contradicted by the activities of the audiencia of Santa Fe. While the Council of the Indies was discussing the matter, the audiencia of Santa Fe had issued a royal order to the *cura doctrinero* of Tenerife, Miguel del Toro, who claimed to have met cimarrones from one of the Sierra María palenques. They were originally from the province of Santa Marta, but had settled in Cartagena because the governor of Santa Marta had given them trouble. However, now that the governor of Cartagena was after them, they were willing to return to Santa Marta if they could count on their freedom and land to settle on. The audiencia agreed to this, and ordered Miguel del Toro to place the cimarrones under his spiritual guidance and under the protection of the governor of Santa Marta. In return, the cimarrones promised to reveal the whereabouts of other runaway slaves so that they could be captured. This set Santa Marta and Cartagena on conflicting courses of action. On 7 January 1690, the Santa Marta authorities sent a letter to the audiencia saying that they had found land for the cimarrones, coinciding with the arrival in Cartagena of the cédula of 1688, ordering violent repression of the palenques.

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<sup>97</sup> Borrego Plá, *Palenques de Negros en Cartagena de Indias*, p. 38; AGI Santa Fe 213, Consulta of 7



Then, to complicate matters further, in 1691 the crown changed its attitude completely.<sup>98</sup> It now performed a volte-face, largely as a result of a report written by the treasurer of the cathedral of Cartagena, Baltasar de la Fuente, in which he claimed to be engaged in negotiations with the blacks along lines similar to those taken by Miguel del Toro.<sup>99</sup> Given that the conditions set forth in Fuente's deal with the cimarrones were 'honestas y decentes y fáciles de practicar' and that a military campaign against the cimarrones was expensive, the Council of the Indies revoked the cédula from 1688 and put Fuente, who was in Spain at the time, in charge of reaching a peaceful solution.<sup>100</sup> According to the Real Cédula of 23 August 1691, the cimarrones were free, their former owners must give up any claim on them, and they should be given land to settle on. A few days later, Fuente set sail for the Indies together with the cédula and the new teniente general of Cartagena, Pedro Martínez de Montoya.<sup>101</sup> However, implementing an order so disagreeable to the vecinos of Cartagena would not be easy. This complete change of attitude by the crown required the powerful slaveowners of Cartagena to accept a measure which seemed clearly contrary to their interests. This immediately posed problems for the governor

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March 1691.

<sup>98</sup> AGI Santa Fe 213, Consulta of 7 March 1691.

<sup>99</sup> AGI Santa Fe 213, Memorial de Baltasar de la Fuente, 26 Nov. 1690.

<sup>100</sup> AGI Santa Fe 212, Instrucción que ha de guardar el Governador de la Plaza y Presidio de Cartagena de las Indias y el licenciado D, Balthasar de la Fuente canónigo Dignidad de la S. Iglesia cathedral de aquella ciudad en la reducción y población de los negros de los palenques de la Sierra de María, n.d.; AGI Santa Fe 213, Consulta of 7 March 1691. The Council looked at what was about to happen in Cartagena as a model solution, and if it was successful would implement it also in Santa Marta and Panama.

<sup>101</sup> Borrego Plá claims that Montoya and Fuente left on the same boat from Cádiz in August 1691 and that Fuente arrived in late December of 1692 (*Palenques de Negros en Cartagena de Indias*, pp. 54 and 57). Pedro Martínez de Montoya claims that he arrived on 7 Oct. 1692 (AGI Santa Fe 212, Pedro Martínez de Montoya to king, 17 July 1693) whereas Fuente arrived in February 1693 (AGI Santa Fe 212, Pedro Martínez de Montoya to king, 25 May and 19 July 1693).



of Cartagena, Martín de Cevallos y la Cerda, who was forced to balance orders coming from Spain against the demands of Cartagena's slaveowners.

When Fuente, Montoya and the *cédula* of 1691 finally arrived in Cartagena, the initial attitude of the *cabildo* as well as of the cathedral chapter was to await the course of events.<sup>102</sup> But after an emotional speech from captain Bartolomé Narváez, supported by procurador general Cristóbal Peroso, emphasising how the blacks were not to be trusted in their wish for negotiations, how the conditions set in the *cédula* were impossible to fulfil and how obeying it would have severe and dangerous consequences for Cartagena, both the municipal corporation and the *cabildo eclesiástico* voted unanimously against it. The rest of the *vecinos*, too, were against carrying out the royal order, and offered financial support in the case of a military expedition against the *palenques*. On top of this, Miguel del Toro actually refused to accept the *cédula*, clinging to the order from the *audiencia* of Santa Fe issued four years earlier. This placed the governor in a difficult position. At first, Cevallos seemed disposed to carry out the *cédula*, and he sent Fuente to negotiate both with Toro and the *cimarrones*. Now, however, to confuse matters further, there arose another surprising problem. The runaway blacks claimed to never before have laid eyes on Fuente and refused to talk to him. This was to give the governor his main argument for giving in to the *cabildo* and undertaking his campaign: namely, that the *cédula* was built on false premises. For if the Council had been tricked into making a wrong decision then it would be perfectly justifiable not to follow the royal order which expressed that decision. In short, Cevallos made use of the formula "obedezco

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<sup>102</sup> AGI Santa Fe 212, Pedro Martínez de Montoya to king, 25 May 1693, gives an account of events from the arrival of Fuente and the *cédula* in February 1693 until the date of the letter and of *vecinos'* and officials' reactions to the royal orders.



pero no cumplo". However, the governor proceeded with caution and sought public support by canvassing opinion very widely.

The vecinos pressed their case against the royal order by raising the spectre of a slave uprising in the city. Some said the cimarrones knew about the cédula giving them their freedom, and would attack the city and raise its slaves if it was not carried out. Rumour also had it that the slaves in the city would start a rebellion on their own, thinking that the cédula gave freedom to all blacks. According to Pedro Martínez de Montoya, there was no evidence that there was really any danger that disturbances would break out, but that did not prevent people from panicking.<sup>103</sup> In this heated atmosphere, Fuente feared for his life, and asked the governor to suspend the order from Madrid until things had calmed down in the city. However, he never abandoned his view that negotiation was the only solution to the problem, and neither did many other representatives of the Church.<sup>104</sup> Thus, there were two opposing views on the cimarrones although neither the Church nor the secular authorities, both local and royal, and the vecinos were completely united in their views. Those of the clergy that were slaveowners were as unwilling to give up any claim on their runaway slaves as any other slaveowner, and teniente Montoya strongly opposed the use of violence when the cédula had ordered the opposite.

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<sup>103</sup> AGI Santa Fe 212, Auto issued by Pedro Martínez de Montoya on 6 May 1693; AGI Santa Fe 212, Testimonio de autos, 15 May 1693; AGI Santa Fe 212, Pedro Martínez de Montoya to king, 25 May 1693. Governor Cevallos, on the other hand, thought there was solid evidence that plans of a slave rebellion with the assistance of the cimarrones were mature. See AGI Santa Fe 212, Martín de Cevallos y la Cerda to king, 1 July 1693; AGI Santa Fe 213, Martín de Cevallos y la Cerda to king, 2 July 1693.

<sup>104</sup> This was a view which was still held by churchmen in the second decade of the eighteenth century. See chapter 5.



On 7 April 1693, Cevallos finally told an expectant cabildo that he was thinking of sending a military expedition, but awaited Miguel del Toro's opinion. However, when a week later no word had come from Toro, the preparations for a military expedition financed by the citizens of Cartagena started, and on 23 April the governor left town with his men. During the next couple of weeks the palenque of Tabacal was destroyed. Betancur was found empty, except for five blacks who were executed immediately. But again the rainy season interrupted the campaign, and on 10 May Cevallos returned to Cartagena with forty-eight prisoners, fourteen of whom were executed.<sup>105</sup>

Governor Cevallos' decision to side with the vecinos and cabildo of Cartagena against the palenques did not, however, ensure consensus in the city's government. While Cevallos was campaigning in the backlands, deputy governor Martínez de Montoya tried to assert his own authority in the city, and, in so doing, came into conflict with sargento mayor Alonso Cortés, in charge of military matters during the governor's absence, and with the regidores and alcaldes of the cabildo. This happened in an atmosphere where the inhabitants of Cartagena felt under threat from the city's blacks, fearing that the governor's campaigns, if unsuccessful, might lead to attacks on the city, and despite Cevallos urging Montoya not to let 'las dudas de competencias [embarazar] materia tan ardua'.<sup>106</sup> The warning followed in the wake

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<sup>105</sup> AGI Santa Fe 212, Martín de Cevallos to Pedro Martínez de Montoya, 30 April, 1 and 6 May 1693. Further campaigns against the palenques were organised in 1694, and seem to have finally destroyed the palenques of the Norosi area and Sierra de María la Alta. See AGI Santa Fe 212, Sancho Jimeno to king, 10 Sept. 1693, 20 June and 27 Oct. 1694, and 22 Sept. 1695; AGI Santa Fe 212, Toribio de la Torre to Sancho Jimeno, 1 Oct. 1694; AGI Santa Fe 212, cabildo secular of Mompox to king, 19 Nov. 1694; AGI Santa Fe 212, Dictamen fiscal, 23 Sept. 1695.

<sup>106</sup> AGI Santa Fe 212, Martín de Cevallos to Pedro Martínez de Montoya, 6 May 1693.



of a major clash between Cevallos and Montoya over a case against an escribano and oficiales reales in the winter of 1692/93.<sup>107</sup>

The disputes that took place in Cevallos' absence generated a rash of written accusations and counter-accusations, as each side sought to persuade the authorities in Spain that the other had behaved illegally. From this documentation we can reconstruct a conflict which shows how a royal policy issued in Spain could be reshaped at local level and how an informal reformulation of policy could then be accepted as a reasonable response to local political circumstances. Quarrels between Martínez de Montoya and other officials were ostensibly disputes over legal jurisdiction. First, it seems that Montoya tried to force procurador general Cristóbal Peroso to repay a debt to a free black<sup>108</sup>; second, he intervened against the alcalde Miguel de la Borda in litigation over possession of a black child<sup>109</sup>; third, he antagonised the cabildo by seeking to make its members repay debts, by invading the town council's jurisdiction as a court of first instance, and by opposing the appointment of Diego de Mirafuentes as both alguacil and depositario general.<sup>110</sup> However, upon closer examination, these conflicts were evidently not just about legal jurisdiction and procedure, but reflected the refusal of leading vecinos to accept the authority of a man whom they considered as friendly to the black populace and whom they associated with the conciliatory side of crown policy towards the cimarrones. Peroso in fact directly accused Montoya of favouring blacks<sup>111</sup>, and

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<sup>107</sup> AGI Santa Fe 212, Martín de Cevallos to king, 3 July 1693.

<sup>108</sup> AGI Santa Fe 212, Pedro Martínez de Montoya to king, 25 May and 19 July 1693; AGI Santa Fe 212, Cristóbal Peroso to king, 1 June 1693, with autos.

<sup>109</sup> Borrego Plá, *Palenques de Negros en Cartagena de Indias*, p. 101.

<sup>110</sup> AGI Santa Fe 212, Martín de Cevallos y la Cerda to king, 2 June 1693; AGI Santa Fe 212, Pedro Martínez de Montoya to king, 19 July 1693; AGI Santa Fe 212, cabildo secular of Cartagena to king, 30 May 1693.

<sup>111</sup> Borrego Plá, *Palenques de Negros en Cartagena de Indias*, pp. 99-100.



Alonso Cortés deliberately excluded him from the meeting convened on Ascension Day to discuss action to forestall the feared slave rebellion in the city.<sup>112</sup> The conflicts between officials were, then, very political in nature. These were no mere squabbles over jurisdiction, but involved deep differences over a royal policy. While Martínez de Montoya insisted on implementing the new royal policy of conciliation towards free blacks, Governor Cevallos sided with the slaveowners and leading citizens of Cartagena and implemented the repressive policy they demanded. Writing to the *teniente* from the village of Timiriguaco, he ordered Montoya to take tough action ‘pues es menos inconveniente que ellos perezcan, que no el que perezcamos nosotros’.<sup>113</sup> Montoya complained that this course of action was illegal, and his complaints were taken sufficiently seriously to reach the Council of the Indies. In 1695, the *fiscal* of the Council accepted the charges levelled against Governor Cevallos, but because Cevallos had died in 1693, decided to drop them. Cortés and Peroso were, however, judged guilty of contravening royal orders concerning the *palenques* and the *fiscal* recommended that they be punished. In the end, the same differences which had divided Cartagena’s government also divided the Council of the Indies. Ignoring the legal advice of the *fiscal*, the Council concluded that it would have been too dangerous to implement the *cédula* of 1691, approved all the actions taken by Governor Cevallos, and recommended that Montoya be recalled and a new *teniente general* appointed in his place.<sup>114</sup> Once again, however, the Council’s orders were frustrated, and Montoya continued to cause trouble in the city by seeking to impose his authority over its *vecinos* and officials.

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<sup>112</sup> AGI Santa Fe 212, Pedro Martínez de Montoya to king, 3 July 1693. See also AGI Santa Fe 212, Auto issued by Pedro Martínez de Montoya, 6 May 1693.

<sup>113</sup> AGI Santa Fe 212, Martín de Cevallos to Pedro Martínez de Montoya, 1 May 1693. See also AGI Santa Fe 213, Martín de Cevallos y de la Cerda to king, 2 July 1693, for his view that tough action against blacks was appropriate.



On Cevallos' death, sargento mayor Alonso Cortés became head of military administration while Montoya took charge of civil government, and the two sought to come to an amiable agreement over the division of powers.<sup>115</sup> According to Montoya, they agreed that everything concerning the *pueblos de indios* and their encomiendas, visits to ships, cases of confiscation of contraband goods, matters of supplies and butchers' shops, everything that had to do with offices of justice and all other matters that did not have to do with defence would be part of political government, and thus in Montoya's jurisdiction.<sup>116</sup> Also, the teniente would participate in the treasury meetings held to discuss the collection of royal revenue. As for military jurisdiction, they should both try any military court cases, while the sargento mayor was put in charge of the city's arms and gates, payments of salaries and expenses on fortifications, and everything else concerning defence. There arose a particular problem over licences given for goods and people to move in and out of the city. Both men wanted control in this area, but Montoya in the end ceded it to Cortés, apparently to avoid conflict, because, he said, he knew that the people of Cartagena were inclined to incite unrest and conflict in order to be able to live as they pleased. Control over movement of goods and people was evidently a key question, and the fact that Cortés refused to allow Montoya control over it suggests that locals feared opposition to illegal trading.

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<sup>114</sup> Borrego Plá, *Palenques de Negros en Cartagena de Indias*, pp. 111-115.

<sup>115</sup> However, Cortés suggested to the king to introduce a system where the sargento mayor automatically took over both political and military government upon a governor's death rather than dividing it between the teniente and the sargento mayor. AGI Santa Fe 212, Alonso Cortés to king, 3 Dec. 1693.

<sup>116</sup> AGI Santa Fe 47, R.2, N.31, Pedro Martínez de Montoya to king, 16 Aug. 1693.



### *City Politics at the End of the Seventeenth Century*

The truce between the governing officials of the city was short-lived. In September 1693, Sancho Jimeno was appointed interim governor and the conflict between governor and teniente became acute once again as the teniente soon emerged as a bitter critic of the new governor. Although the dispute was ostensibly about Jimeno's unsatisfactory conduct, with Montoya complaining about the failure of government, close examination of the conflict shows that other elements were also involved. The jurisdictional dispute between political and military wings of government showed signs of a creole versus peninsular dispute, where Jimeno represented the views of the province whereas Montoya identified himself with those of the centre.

Although born in Spain, Jimeno had come to Cartagena from Panama as castellano of Bocachica in 1671, and in his time there had married two ladies of distinguished connections in Cartagena society.<sup>117</sup> By 1693, then, he was well established in Cartagena and had reason to identify himself with creole views rather than peninsular ones. And with more than twenty years in Cartagena, he considered himself more of an authority on the subject than Montoya with only a year in the city. As an extension of this personal conflict, tensions over an acceptable use of public space also emerged, and in the dispute that ensued, we again see how power, far from being rigidly structured in a hierarchy of royal officials who respected their superiors and who were in turn respected by the crown's subjects, was constantly negotiated, with local officials and their allies exercising considerable autonomy. The parameters of political conflict are revealed in correspondence between teniente

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<sup>117</sup> For details, see appendix II.



Montoya and Governor Jimeno when Montoya wrote to Jimeno to complain about the lawlessness of Cartagena and the lack of respect among its officials and inhabitants for royal authority.<sup>118</sup> Indeed, Montoya argued, the administration of justice was ‘por el suelo’, and the citizens were ‘pidiéndola a voces al cielo’ in the public square.<sup>119</sup> In this situation, Montoya said, he found it an impossible task to administer justice: the greater his efforts, the more obstacles were put in his way by the cabildo and other royal officials.

Montoya’s accusations and Jimeno’s response are worth considering in detail for the light they throw on Cartagena’s social and political life. On the one hand, Montoya accused royal and municipal officials of preventing him from imposing law and order in the city. He complained that he was attacked and abused simply because he was a representative of the crown and tried to administer justice, and that it was impossible for him to carry out his duty when the governor and others in the city were continuously putting obstacles in his way. To illustrate their obstructionism, Montoya related an incident in which his opponents had arrested and imprisoned his servant and friend Bernardo de Rivera, *teniente de alguacil mayor* of Cartagena and *alguacil mayor de la santa cruzada*, while he and Montoya were in the middle of making an arrest. The story ran as follows: one evening, Montoya stated, when he was trying to arrest a murderer in the vicinity of the governor’s coach house, the sergeant Francisco de Haro had arrived and seized Rivera. Montoya had asked that they leave him alone for the moment because he needed his help to carry out the arrest they were making, and offered to turn him in later. But Haro had responded by drawing his sword and he seized Rivera while calling loudly for the guards and

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<sup>118</sup> AGI Santa Fe 47, R.3, N.32, Pedro Martínez de Montoya to Sancho Jimeno, 1 Dec. 1693.



stirring up the street, excusing himself by saying that it was the order of the governor that even if Rivera was with Montoya they were to capture him. No one seemed to care that Montoya was *teniente general* and *auditor de la gente de guerra* and had the same jurisdiction as the governor. The *teniente* claimed that he did not understand why the governor chose such a course of action against Rivera, as he himself found no fault with him, but attributed the arrest to the fact that Rivera, as his servant and a zealous official, had many enemies.

This dispute also casts some light on how royal government was experienced by the citizens of Cartagena. Montoya portrayed the city of Cartagena as an area that was, in effect, outside the law. The majority of the people of the city were blacks and of mixed race, and, according to the *teniente*, they were so impertinent that they paraded around with firearms at night and, acting in gangs, stirred up the streets. In the neighbourhood of *Getsemaní*, their insolence had even reached the point where they dared draw swords against priests, ambushed and murdered people. Some committed adultery, and they abducted and hid married women. The bridge between *Getsemaní* and the city centre looked like a ‘*serallo*’ every night, with ‘*infinidad de negras*’ causing ‘*grandisima deshonestidad*’.<sup>120</sup> To make matters worse, most of the criminals who fled from the city and the law under the former governor Martín de Cevallos had come back, and many delinquents sentenced to death and prison terms walked around in public in the city. The laws against trade with foreigners were also

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<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*



routinely flouted, compounding the state of lawlessness in the city. Montoya specifically mentioned two Dutch ships trading on the coast, plus a couple of French ones, and another one anchored close to Santa Marta waiting for the others to leave so that it could come and take over the trade on the coast of Cartagena. According to the *teniente*, all this went on without a single seizure of illegal merchandise taking place.

Governor Sancho Jimeno, not surprisingly, presented a completely different picture of the city and its administration. Cartagena was, he said, a city with ‘*ilustres familias nobles y honrados caballeros*’, making it one of the most magnificent places of the Indies.<sup>121</sup> He considered Montoya’s accusations false and an insult to the whole population of Cartagena. The governor claimed that although Montoya pretended to be acting for the public good, the real reason for his complaints was the offence caused by imprisoning his *alguacil* and friend, Bernardo de Rivera. Besides, the *teniente* was not above criticism himself in his way of proceeding. Trials that were held in his court suffered delays<sup>122</sup>, he disliked protests against his decisions, he would not accept appeals, and he violated the jurisdiction of the *alcaldes ordinarios* and *cabildo*. According to Jimeno, Montoya’s complaints were based on his prejudiced belief that evil was inherent in the people of the Indies, and that Spaniards who went there to live, such as Jimeno himself, would eventually lose the ability to act well due to the inevitable ‘*influjo fatal del país*’.<sup>123</sup>

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<sup>121</sup> AGI Santa Fe 47, R.3, N.32, Sancho Jimeno to Pedro Martínez de Montoya, 5 Dec. 1693. Jimeno also complained about Montoya in a letter to the king dated 9 Dec. 1693 (AGI Santa Fe 212).

<sup>122</sup> On this, see also AGI Santa Fe 212, Francisco de Molina Arxiles to king, 4 July 1693.

<sup>123</sup> AGI Santa Fe 47, R.3, N.32, Sancho Jimeno to Pedro Martínez de Montoya, 5 Dec. 1693.



Jimeno also disagreed that blacks and mulattos were a lawless element in Cartagena's population. In his opinion, they accepted their inferior status, and, he declared, in all his time in the city he had never experienced impertinence nor demonstrations of insolence among them. On the contrary, they behaved towards the Spaniards with 'atención, humildad y reberencia'.<sup>124</sup> The members of the pardo militia served the crown well, always obeying their captains and carrying out their duties in the posts they were assigned to with the same vigilance and care as the professional Spanish infantry, as they had shown on the various expeditions to pacify the palenques. Jimeno was therefore certain that if blacks came together this was with the legal purpose of militia meetings and if they carried firearms they were only used for military purposes. As for the alleged lawlessness of the city, Jimeno professed surprise at Montoya's news. He rejected use of the word 'serallo' to describe the bridge that linked the city and Getsemaní, claiming instead that it was simply a place where everyone went to escape from the heat, and that most of those who went there were honourable people, whites, priests and distinguished men of the city. Soldiers were guarding it night and day, and its gate was closed at exactly eight o'clock in the evening. Black women went there only to sell different kinds of merchandise. In his opinion, there would be greater reason to call Montoya's house a harem, because many free, single parda women lived there 'indecently'. Indeed, he noted that Montoya's servant, Bernardo de Rivera, had hidden his black concubine Sicilia in the teniente's house.

Jimeno also denied that convicted criminals were roaming the city, emphasising that if it were so, the teniente was as much to blame as himself. If Montoya really had

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<sup>124</sup> Ibid.



detailed information about all that he claimed went on in the city and Getsemaní, he had obviously neglected his duty by taking no measures to curb such serious offences. He was, after all, responsible for law enforcement and had had help readily available from the military. And as for the married women who had been hidden, Jimeno assumed that it boiled down to one specific case of a white, married woman with a *zambo* (black-Indian) slave who treated her so badly that at last she fled from her hardships. The governor also reduced the number of instances where citizens were ‘begging Heaven for justice’ to one: that of Pedro de Barros, the brother of one María Caveza de Baca, who had protested when a decision involving his sister’s property had gone against her.

As for contraband, the governor did not deny that it was a familiar problem, but argued that he has taken serious measures to stop it. Since Cevallos’ death, there had been one vessel outside the estuary and another one in Bocachica, in addition to others in the bay which also kept a watchful eye on contraband. Besides, two war pirogues were kept on the coast to impede contraband and to defend the canoes that supplied the city. Taken together, Jimeno insisted that these were highly efficient means for blocking illegal imports. Again, the governor threw part of the responsibility on the teniente, stating that if he was patrolling the city every night as he claimed, he was responsible for capturing smugglers and for finding the best means to do so.

Lastly, Jimeno justified the arrest of Bernardo de Rivera. There was apparently a lawsuit going against Rivera because he had seriously insulted Pedro de Peralta, *clérigo de menores órdenes*; indeed, Rivera was even accused to trying to assault



Peralta with a stick seized from a blindman who happened to witness their quarrel. When the authorities tried to bring Rivera to trial for these offences, Montoya had objected in every possible way, juggling powers and limits of jurisdictions and causing great scandal. Nor was the lawsuit the only charge against Rivera. He was accused of committing a robbery in Mompox when he was there collecting taxes, he had humiliated the Araeze Indians of the haciendas of María Bacafontán, and he had shown contempt and disobedience towards the *alcaldes ordinarios* and others. Governor Cevallos had informed Montoya of all this and asked him to take appropriate action. The *teniente* had, however, persisted in protecting Rivera, whom he continued to employ even after the order for his arrest was issued.

As in previous disputes between officials in Cartagena, then, jurisdiction was a key issue. Like Escalera, Montoya claimed that the governors and *tenientes* had the same powers and that the governor had no right to give him orders. The governor for his part accused the *teniente* of using the case against his servant to challenge the governor's jurisdiction and authority, thus causing great scandal in the city. He compared their dispute to the case of Escalera to show the extent of his good will and lenience: where Cevallos had imprisoned Eugenio de Escalera for lesser offences than those committed by Montoya, Jimeno had still not found it necessary to take such a measure against his deputy. Also, the mention of contraband is familiar, although there are no direct accusations made and it does not seem to be the main reason for the dispute. Rather, it seems to arise largely from very different perceptions of the character of the city, and it shows how long serving officials adapted to the Indies and settled there to the extent that they fiercely defended their new homes. It also shows the difficulties a newcomer had to confront when arriving



from Spain to become one of the governing officials of Cartagena. This was a place which seemed to live by a different set of rules than the Spaniards in the Old World, and difference led to misunderstandings and frustrations.

From these glimpses of political life and government in late seventeenth century Cartagena, a number of conclusions can be drawn. First, the equal jurisdictions of governor and teniente provided ample ground for discord. The system of government aimed at balancing power between officials and preventing any official from becoming too powerful by letting the powers of the teniente check those of the governor. This provided fertile grounds for disputes between these two leading functionaries, which in turn led to factionalism as individual officials sought to gain support for themselves against their competitors. In addition, the different backgrounds of governors and tenientes, with their military and legal training, respectively, provided, as in Santa Fe with the *capa y espada* presidents and the *letrado* oidores, a source of conflict as views differed on procedures and events. Second, the struggle to control illegal activity was a prominent source of friction between officials. Teniente Escalera's way of handling the charges against him suggests that officials were routinely involved in contraband trade. Although there were cases where the crown seemed to successfully exercise its authority against officials involved in illegal activity, contraband was far from eradicated, and attempts to share in its benefits continued to cause quarrels. Third, we have seen how a royal policy could be adapted to local needs. The constant competition between officials opened space for local vecinos to pursue their interests and pressure their claims for power. The campaign against the palenques shows this clearly, and it also shows how the vecinos could overturn royal policy by alliance with leading officials.



In a case where the vecinos of Cartagena pressed their governor to attack the palenques at a time when the crown ordered negotiations to be the course of action, power lay at periphery, not the centre. However, it must be noted that the crown was far from clear in its orders in this case, and its contradictory measures helped its officials in Cartagena to pursue a policy dictated by the city's leading citizens. Finally, if Montoya's comments are to be believed, law and order were loosely enforced in Cartagena, and its vecinos experienced a large degree of freedom from governmental controls. Seen through the eyes of a newcomer, this was a city which existed outside the orbit of Spanish law to the extent that even normal law and order were not functioning. It seemed that the city lived by its own rules in a political arena where discord, corruption and contraband were normal, where royal authority had a weak position, and the governor had to conciliate vecinos and leave an area of tolerance for the city's lower classes.

In all this, the tribunal of the audiencia of Santa Fe seems to have played a minor role. At times, it sought to impose its authority over Cartagena, and, in Pando's case, seems to have been able to assert its theoretically superior authority over a Cartagena governor and his teniente. Usually, however, the audiencia's power over the provinces was slight, as we shall now see by examining its relations with provincial governments at the close of the seventeenth century.



## 4- Provincial Politics: Corruption and Contraband

As we have seen in the preceding chapters, an important facet of political life in late seventeenth century Santa Fe and Cartagena was engagement by leading functionaries of royal government in disputes over matters of jurisdiction. But it is also clear that these disputes were more than simply formal conflicts over the boundaries and expression of authority: they also involved personal accusations against officials for abuse of office, particularly through involvement in illegal trade. Indeed, if we now turn to political life in the provinces, we will find that allegations of corruption among royal officials were an important theme in politics, and that conflict arising from the use of office for personal gain had a marked effect on the workings of royal government.

### *Corruption*

Scholars agree that corruption existed in virtually all spheres of colonial government, despite the crown's efforts to stop it by laying out rules and regulations for the behaviour and jurisdiction of colonial officials, issuing *visitas* and taking *residencias*.<sup>1</sup> Although by no means absent in ancien regime Europe, it seems to have been a more widespread phenomenon in the overseas dominions, certainly if one is to believe the accounts of government in Peru written by Jorge Juan and Antonio de Ulloa in the 1740s.<sup>2</sup> There are, however, differences of interpretation concerning its

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<sup>1</sup> McFarlane, 'Political Corruption and Reform in Bourbon Spanish America', pp. 48-49; Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', pp. 16-17 and 29.

<sup>2</sup> Jorge Juan and Antonio de Ulloa, *Discourse and Political Reflections on the Kingdoms of Peru, their government, special regimen of their inhabitants, and abuses which have been introduced into one and another, with special information on why they grew up and some means to avoid them* (University of Oklahoma Press, 1978 [1749]). Analysed in McFarlane, 'Political Corruption and Reform in Bourbon Spanish America'.



extent and effects on colonial administration. According to John Phelan, corruption arose from the patrimonial character of the Spanish monarchy and the belief among officials that, having secured office as a personal gift from the crown, they were permitted to profit from it. Their tendency to use public office for private gain was then compounded by the crown's failure to sustain an impartial bureaucracy by paying adequate salaries to its officials, especially at the lower levels of administration.<sup>3</sup> Horst Pietschmann, on the other hand, argues that in many cases the highest officials were the most corrupt. Rather than distinguish between high- and low-ranking officials, he differentiates between those with a limited term in office and those without. He bases his opinion on the fact that officials such as viceroys had a limited term in office and thus a limited period in which to make money and, if having bought the office, a limited time to make the investment pay. Indeed, he points out the cost of actually obtaining an office and travelling to it as an incentive to corrupt practices. He also points out that the crown, while maintaining legislation designed to prevent corruption, encouraged it by selling offices at prices higher than the appointee's expected salary.<sup>4</sup> Another perspective on corruption finds its roots in the structure of government in America.<sup>5</sup> The power enjoyed by colonial officials in allocating Indian labour and regulating Indian trade provided opportunities for corruption from the early years of settlement; the body of laws and regulations devised by the crown was so restrictive that it encouraged evasion; and, finally, the crown's refusal to allow creoles self-government encouraged them to seek influence over government by corrupting its officials. More controversial, however, is the question of the effects of corrupt practices on royal government.

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<sup>3</sup> Phelan, *The Kingdom of Quito in the Seventeenth Century*, p. 326.

<sup>4</sup> Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', pp. 24-25.

<sup>5</sup> McFarlane, 'Political Corruption and Reform in Bourbon Spanish America', pp. 53-56.



In his study of corruption in seventeenth and eighteenth century Florence, Jean-Claude Waquet has argued that widespread corruption undermined the authority of the state, by causing a loss of 'symbolic capital'.<sup>6</sup> Extensive corruption created a balance of power different from the official one, where real power and authority lay with those most successful in illegal activities and 'the sovereign power became a mere formality'.<sup>7</sup> McFarlane points out that it undermined an ideal modern, rational state where rulers and the ruled 'shared a belief in the public interest as a principle which reconciled and guaranteed private interests ... since it weakened respect for the state and localised the distribution of power.'<sup>8</sup> Pietschmann for his part identifies as negative effects of the sale of office the weakening of state power through the appointment of members of local colonial oligarchies and the increase in corrupt practices by officials who increasingly sought links with local power elites in order to fulfil a desire and a necessity to earn money.<sup>9</sup> Kenneth Andrien concludes that the sale of Peruvian treasury offices made the fiscal administration of Peru deteriorate as it enhanced inefficiency and corruption.<sup>10</sup> In a later study, Andrien also argues that, in the eighteenth century audiencia of Quito, official abuse of office produced a government that was permeated by 'corruption, blatant self-interest, and deep political divisions.'<sup>11</sup>

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<sup>6</sup> Jean-Claude Waquet, *Corruption. Ethics and Power in Florence, 1600-1770* (Pennsylvania, 1992 [1984]).

<sup>7</sup> *Ibid.*, p. 73.

<sup>8</sup> McFarlane, 'Political Corruption and Reform in Bourbon Spanish America', p. 60.

<sup>9</sup> Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', p. 27.

<sup>10</sup> Andrien, *Crisis and Decline*, pp. 103-104.

<sup>11</sup> Andrien, 'Corruption, Self-Interest, and the Political Culture of Eighteenth-Century Quito', p. 288. Also pp. 271-272 and 289.



On the other hand, corruption may have had some advantages, in allowing for flexibility in the exercise of the law, and, by allowing a margin of tolerance, may have helped sustain loyalty to Spain and recognition of its authority.<sup>12</sup> The sale of office gave creoles an opportunity to take part in colonial administration which they would not otherwise have had. It also led to greater social mobility in America as purchasing an office became an investment in the future and higher social status. Moreover, corruption became an essential tool to public officials in the colonies, as they used them to form ties to the local elites and to gain influence over the decision-making process. In the case of the *navíos de registro* trade, Zacarías Moutokias argues that it strengthened metropolitan power because the crown 'financed an important part of its military and administrative apparatus in this way.'<sup>13</sup> Thus, corruption was not necessarily always a force which undermined royal authority: it could have a positive function in the sense that it served to increase political participation while maintaining the balance of power between the various interest groups and preserving imperial unity by reducing friction between local and royal administrations.

These observations raise some interesting questions for the study of government in New Granada, an area where historians have paid little attention to the extent of official corruption and its effects on administration and politics. Thus, in this chapter we shall examine three episodes which indicate some of the ways in which corruption affected the authority of government, generated political conflict, and

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<sup>12</sup> McFarlane, 'Political Corruption and Reform in Bourbon Spanish America', p. 52 and 57-58; Pietschmann, 'Burocracia y corrupción en Hispanoamérica colonial', p. 26.

<sup>13</sup> Zacarías Moutoukias, 'Power, Corruption and Commerce: The Making of the Local Administrative Structure in Seventeenth-Century Buenos Aires' in *Hispanic American Historical review*, 68:4 (November 1988), p. 799.



inhibited the ability of the crown to exert control over its officials and subjects. The first occurred when the cabildo of Santa Marta overthrew the interim governor appointed by the audiencia of Santa Fe in 1694. The second took place three years later, when Governor Diego de los Ríos y Quesada of Cartagena defied the authority of the audiencia of Santa Fe in the investigation of the French attack on the city in 1697. The third occasion came in the opening years of Bourbon rule when, in 1711, the cabildo of Mompox refused to acknowledge the authority of the governor of Cartagena. In these incidents, we shall find disputes that were fought over the boundaries of jurisdiction, but which were fuelled by economic competition involving individuals and groups, often for shares in the illegal commerce that had become an important element in New Granada's economic life.

### ***Santa Marta, 1694***

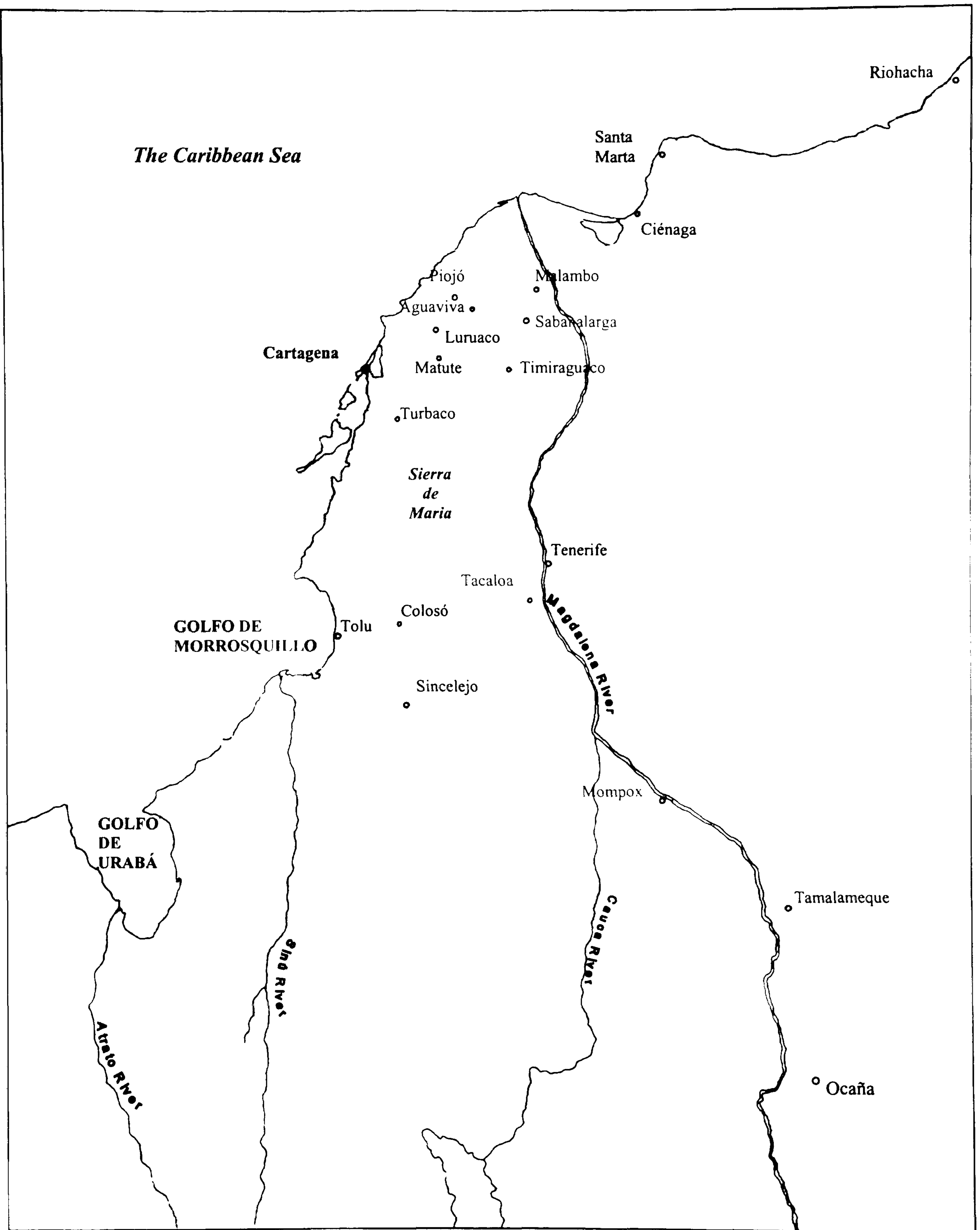
Santa Marta was the first permanent Spanish settlement on the Caribbean coast of New Granada and was situated 145 kilometres to the east of Cartagena. Founded in 1526, it was briefly an important trading post in the new colony, and was an important nucleus of early Spanish settlement. Santa Marta was also the spiritual see of New Granada until it was moved to Santa Fe in 1564 and the bishop in the coastal





Map 10: Mapa que comprende parte de las Provincias de Santa Marta y Cartagena, de la que se manifiestan los Partidos de Tierra adentro, de María, y del Dique de la Ciudad y sus inmediaciones, 1766. (AGI Mapas y Planos, Panamá, No. 174)





Map 11: The Province of Cartagena, with parts of the Province of Santa Marta



town became subject to the archbishop of Santa Fe.<sup>14</sup> However, Cartagena and Santa Fe grew stronger at the expense of Santa Marta. By the late seventeenth century, it was little more than a village with twelve white vecinos and twenty mulattos and blacks.<sup>15</sup> Two decades later, there were around fifty vecinos, the majority of whom belonged to the military garrison.<sup>16</sup> The economy was sustained by trade, partly legal but mostly illegal as European goods received through contraband activity was distributed southward into the interior via the town of Ocaña.<sup>17</sup> Agriculture was mostly limited to the cultivation of what was needed to satisfy local demand, although it did supply neighbouring Cartagena with meat. East of Santa Marta was the frontier region of Río Hacha, with a small Spanish population and a large number of “unpacified” Guajiro Indians heavily involved in contraband trade.

Despite its decline, Santa Marta remained a separate province, presided over by a governor who exercised military, political and legal power. However, the post was much less important than the governorship of neighbouring Cartagena, and was consistently sold to military men for between 3 000 and 5 000 pesos. There does not seem to have been any great legal benefits to reap from the position, but it is probable that illegal trade offered compensating profits.<sup>18</sup> The governor of Santa Marta was, like the governor of Cartagena, appointed by the king and subject to the

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<sup>14</sup> Luis Carlos Mantilla R., O.F.M., *Historia de la Arquidiócesis de Bogotá. Su Itinerario Evangelizador 1564-1993* (Bogotá, 1994), p. 13.

<sup>15</sup> Mena García, *Santa Marta durante la Guerra de Sucesión Española*, p. 1. The figures are from 1697. See also AGI Santa Fe 459, bishop of Santa Marta to king, 12 Feb. 1698.

<sup>16</sup> Mena García, *Santa Marta durante la Guerra de Sucesión Española*, p. 2. The figure is from 1716.

<sup>17</sup> For an analysis of the importance of contraband trade in Río Hacha and Santa Marta in the early Bourbon period, see Grahn, *The Political Economy of Smuggling*, chapters 3 and 4. See also McFarlane, *Colombia before Independence*, pp. 47-48; María del Carmen Mena García, ‘El contrabando en Santa Marta en los inicios del siglo XVIII’ in *Homenaje al Dr. Muro Orejon, Vol. I* (Sevilla 1979), pp.215-222; and Mena García, *Santa Marta durante la Guerra de Sucesión Española*, p. 56.

<sup>18</sup> Mena García, *Santa Marta durante la Guerra de Sucesión Española*, pp. 109-112.



audiencia of Santa Fe. In the case of a governor dying or being removed from office before his successor arrived, the audiencia was empowered to appoint an interim replacement. However, as we shall see, the authority of the audiencia was not necessarily acknowledged by the vecinos of Santa Marta, and in 1694, the city's cabildo openly repudiated the audiencia's orders and set up a government of its own.

As in Cartagena, the cabildo ranked below the governor in the political hierarchy, constituting the voice of the prominent vecinos in local political life. Due to the small number of whites in Santa Marta, the town had problems in finding sufficient suitable candidates for the various cabildo posts. According to royal laws, foreigners were not allowed to fill public functions in Spanish America, and consequently, the Portuguese traders in the town in the late seventeenth century could not be counted on for this purpose.<sup>19</sup> However, those who did serve on the cabildo were willing to go to great lengths to protect their interests from unwanted outside interference. Thus, when the audiencia of Santa Fe in 1694 appointed Antonio Fernández de Azcaño y Ballines, captain of one of the military companies of Santa Marta, as interim governor of the province, the cabildo refused to accept the audiencia's choice. Indeed, the citizens of Santa Marta became so violent that they threatened to kill the newly-appointed governor, and the bishop had to come out with Bible in hand to defend him.<sup>20</sup> Ballines then took refuge in the church together with his few supporters. These consisted of three cabildo members who wanted to obey the audiencia's orders and let Ballines take up office. The institution of the cabildo was,

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<sup>19</sup> *Ibid.*, pp. 1 and 5-6.

<sup>20</sup> The following account is based on AGI Santa Fe 48, R.1, N.2, Sancho Jimeno to king, 20 June and 25 Oct. 1694; AGI Santa Fe 48, R.1, N.2, Respuesta fiscal, 5 Sept. 1695, which contains a report probably written by Antonio de Contreras; AGI Santa Fe 48, R.3, N.29, Pedro Martínez de Montoya to king, 23 March 1696; AGI Santa Fe 212, Real Provisión, 13 Nov. 1694.



however, taken over by other aldermen who then proceeded to appoint their own candidates, thereby taking control of government in the town and province. Luis Jiménez de Alarcón, a native of Santa Marta, became governor of the political, and Pedro Sánchez Cutiño, a corporal in the castillo San Vicente, of military matters. They also filled various other posts with military men, thus completing their overthrow of local royal government.

Ballines and his supporters turned to Governor Sancho Jimeno of Cartagena for help. On receiving news of the rebellion in May 1694, Jimeno in turn informed the king of events in Santa Marta, and appealed to the audiencia of Santa Fe for guidance, after consulting with the sargento mayor, teniente general, treasurers, captains, lawyers and oidor Fernando de la Riva Agüero, who was in Cartagena at the time. The audiencia responded two and a half months later with orders that the civil authorities in Cartagena suppress the Santa Marta rebellion, by force if necessary. Thus, a military expedition was sent to Santa Marta to restore Ballines to his office and arrest those behind the revolt. These were, as far as the audiencia could determine, nine men, five of whom were cabildo members. Governor Sancho Jimeno took charge of the preparations carried out in Cartagena, but did not go to Santa Marta personally. There were rumours that twenty-three French ships with 3 500 to 4 000 men were preparing an attack on Cartagena, and Jimeno excused himself from leading the expedition against Santa Marta on the grounds that he had to organise Cartagena's defence. In his place, he appointed Pedro Cañarte, a captain of one of the military



companies of the city since 1689, as commander of the expedition.<sup>21</sup> Not everyone in Cartagena was happy with the appointment, notably Jimeno's most active critic, *teniente* Pedro Martínez de Montoya, who claimed that Cañarte's character did not suit the assignment. It was, however, fully in accordance with the orders from the *audiencia*, which stated that if Jimeno himself could not go, he should choose a military officer to go in his place.

Cañarte set out for Santa Marta on 9 August 1694, with twelve men, the sergeant of his company and an *escribano*, and, after gathering together a total of 340 men from the interior of the province of Cartagena and from Tenerife in the province of Santa Marta, he arrived in the town of Santa Marta on 19 August. The *cabildo* attempted to negotiate with Cañarte, sending two envoys to meet him outside the town. Cañarte, however, refused to treat with them: he shot and killed one of the envoys and forced the other to flee. Upon hearing about this, the *cabildo* thought it safer to retreat to the castillos and the Monastery of San Francisco than to face Cañarte. Ballines for his part finally thought it safe to come out from hiding in the cathedral, and was said to have joined the soldiers from Cartagena when they entered town, which they reportedly did destroying and killing and shouting 'viva el Rey y mueran estos traidores'.<sup>22</sup> Only one man, a captain, was confirmed dead at this stage, but the struggle was far from over. The rebels had retreated to Santa Marta's fortifications,

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<sup>21</sup> AGS D.G.T. 13, leg. 10, *Relación de los empleos militares que son de Provisión de SM en las Provincias del Perú, Charcas, Nuevo Reino de Granada, Tierra Firme y Chile, y sujetos que los sirven*, 20 Jan. 1696. Pedro Cañarte was the son of a naval captain by the same name who had come to Cartagena from Spain in 1660. The frigate he served on as well as its cargo had been embargoed by the authorities there, and Cañarte senior had been stranded. It seems like he then settled in Cartagena. He was absolved from any charges of contraband trade by Philip IV and promised compensation, but in 1692 his widow and children were still trying to collect the money. See AGI Santa Fe 212, Pedro Cañarte to king, n.d.; AGI Santa Fe 212, Pedro Martínez de Montoya to king, 17 July 1693.

<sup>22</sup> AGI Santa Fe 48, R.3, N.29, Pedro Martínez de Montoya to king, 23 March 1696.



and continued to resist. Cañarte ordered those hiding in the forts to surrender, and enlisted the help of a ship from Cumaná which happened to be in the port at the time. It bombarded the Castillo de San Vicente, which returned the fire. Two days later, the castellanos and the cabildo members who were in the forts surrendered, and the former were arrested. Immediately afterwards those who had taken refuge in the monastery surrendered, after being promised in the name of the king that they would not be killed, and also placed under arrest. Cañarte then passed sentence on the castellanos Pedro Sánchez Cutiño and Lorenzo de Portillo, both named by the audiencia as principal suspects, and Balthasar Marrero, who had taken command of Ballines' company. The three men were condemned to death by firing squad and immediately executed.

Only two days were needed to restore Ballines to the governorship in Santa Marta, but Cañarte and his forces remained for another month and a half before returning to Cartagena with those responsible for the rebellion and their seized assets, including slaves. The manner in which Cañarte carried out his mission while in Santa Marta fuelled some controversy in Cartagena, where teniente Montoya took the side of Santa Marta and, keen to criticise his enemy Governor Sancho Jimeno, wrote to Spain informing the crown of the injustices done there. According to Montoya, Cañarte and his men had greatly exceeded their powers and it was claimed that 'generalmente se dice no hubieran hecho semejante estragos los enemigos más crueles que hubieran entrado en [Santa Marta]'.<sup>23</sup> He claimed that Cañarte repeatedly intimidated and harassed the prisoners, threatened them with torture to make them

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<sup>23</sup> Ibid.



disclose where they kept their valuables, and forced them to pay large bribes.

Cañarte justified his behaviour by accusing the inhabitants of Santa Marta of stealing considerable amounts of silver, including the jewellery from religious images in the town's churches. However, according to both Montoya and Antonio de Contreras, one of the rebel leaders, this was based on a misunderstanding arising from a difference in customs between Cartagena and Santa Marta. Apparently, the vecinos of Santa Marta kept their valuables and those of their religious images hidden, because of the danger of pirate attacks. Thus, it was perfectly natural that the men from Cartagena found the images stripped of their jewellery when entering the town. Finally, Montoya claimed that Cañarte had executed the three men without admitting evidence in their defence, using a military procedure when civil justice was more appropriate.

Jimeno and the audiencia, not surprisingly, defended Cañarte on the grounds that he had followed orders to the letter. The audiencia had given Jimeno or his replacement full powers to deal with rebellion and restore Governor Ballines. Cañarte was thus free to use his own judgement in determining how to repress the uprising and make sure that Ballines took up office. Although the ideal course of action was the peaceful arrest of the rebels, seizure of their belongings, and return of prisoners and goods to Cartagena, Cañarte was authorised to use force. As mentioned, the orders specifically named nine men who were to be arrested, but they added that 'los demás que resultasen cómplices en dha inobediencia o hubiesen tomado armas' should be brought to justice as well, and that 'en caso de necesitar sentenciar alguno o algunos conforme pareciere conveniente o lo pidiese el caso se deja al juicio y prudencia



vuestra para sentenciarlos'.<sup>24</sup> In the case of the valuables, Cañarte's efforts to find them were also justified by his orders, which stated that he should '[hacer] toda diligencia en descubrir los bienes que han ocultado los reos'.<sup>25</sup> Consequently, in his actions in Santa Marta, including the execution of the three men, Cañarte had acted within the scope of the audiencia's instructions.

Accounts of this extraordinary incident come mostly from the winning side and thus provide only an "official version" of the events and their meaning. It seems, however, that the rebellion and its repression had several dimensions. At a formal level it was a conflict between the cabildo of Santa Marta and the audiencia of Santa Fe, in which the cabildo acted against external intrusion and in defence of what it saw as its political rights. In the early colonial period, an important responsibility of the cabildo had been the induction of royal officials. Then, the procedure surrounding induction into office served as one of the means of checking the extensive power of the *adelantados* and governors.<sup>26</sup> By the seventeenth century, this procedure had become a formality, and cabildos virtually never disputed the choice of royal officials. But it seems that the cabildo members of Santa Marta were aware of this custom and ready to act upon it.

The cabildo's initial pretext for not receiving Ballines as governor was that he had not paid the required deposit before taking up office. However, it still refused to admit him even after he provided the money for his deposit, which suggests that there were other motives at work. Rebel leader Antonio de Contreras described the

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<sup>24</sup> AGI Santa Fe 212, Real Provisión, 13 Nov. 1694.

<sup>25</sup> *Ibid.*

<sup>26</sup> Moore, *The Cabildo in Peru under the Hapsburgs*, p.138.



conflict as one of factions. He claimed that the cabildo's dislike of Ballines stemmed from the fact that he had been appointed at the instance of Cartagena's interim governor, Sancho Jimeno, and Antonio de Puertas, treasurer of Cartagena and Ballines' cousin. The two had apparently enlisted support from Jimeno's brother-in-law oidor Domingo de la Rocha, whose recommendations were evidently more influential than those of the cabildo of Santa Marta. The audiencia stated that the rebellion was about private interests connected with contraband trade. Having a reliable military officer in the post of governor of the military sphere would, it said, prevent the introduction of foreign ships and illicit merchandise into the port, and thus tighten up defences against foreign attack on the city. There are, however, reasons to suspect that, although the audiencia acted legally in forcing Santa Marta to accept its new governor, private interests within the tribunal also played a part in both Ballines' appointment and the repression of the rebellion against him. Oidor Rocha of Santa Fe had been accused of involvement in contraband in Cartagena in the past (see chapter two), and the backing that he gave to Ballines' appointment may well have been an attempt to confound rival networks of illegal traders in Santa Marta. The willingness of Sancho Jimeno, the governor of Cartagena, to co-operate with the audiencia in this matter also points to Rocha's influence, since Jimeno was his brother-in-law and thus presumably disposed to protect his interests. He might also have had a further motive, connected to the differences that divided the governors of Cartagena and Santa Marta over policy towards the palenques. For, shortly before the rebellion, the Governor of Santa Marta had refused to suppress palenques which the authorities in Cartagena wished to destroy and seemed to follow its own policy towards runaway slaves. Enmity between the two governments also arose from the use of Santa Marta as a refuge for those in trouble with the law in the



province of Cartagena: once in the jurisdiction of Santa Marta, they were beyond the reach of the latter's government.<sup>27</sup>

Madrid does not seem to have responded strongly to these events, despite their seriousness. In September 1695, the fiscal of the Council of the Indies reported that he had received letters from Sancho Jimeno and Antonio de Contreras, the latter being the only one which gave detail on events in Santa Marta itself. The fiscal was not impressed with Contreras' story, however, and refused to believe 'la desnuda y mal relacionada aserción de este sugeto' until it had been verified by other accounts.<sup>28</sup> No news about the events had arrived from the audiencia, and without its report no decision on a course of action could be made. In fact, it was recommended that the audiencia receive a reprimand from the Council for failing to promptly inform Madrid of such a serious business. And here, it seems, the matter was finally left. The audiencia of Santa Fe had imposed its authority in Santa Marta, though, as we have seen, its swift action and ability to exert power probably derived at least as much from concern to protect the private interests of leading officials in Cartagena as from preoccupation to enforce respect for royal government.

The ability of the audiencia to enforce its authority in the provinces was, however, to prove much weaker when it confronted the governor of Cartagena three years later.

When, in 1697, the city fell to a French attack, its governor was suspected of corruption and complicity and the audiencia was duly ordered to investigate and take

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<sup>27</sup> Governor Alberto de Bertodano of Cartagena complained about this practice in a letter to the king dated 6 Aug. 1720 ( AGI Santa Fe 437).

<sup>28</sup> AGI Santa Fe 48, R.1, N.2, Respuesta fiscal, 5 Sept. 1695.



control of the situation. This triggered a confrontation that demonstrated the weaknesses of royal government more openly than any other of the political conflicts that took place in late seventeenth century New Granada.

### *Cartagena, 1697*

The French attack on Cartagena in 1697 was one of the most notable events in the city's history.<sup>29</sup> Rumours of a planned French attack on Cartagena had emerged as early as July 1696, but it was not until 8 April 1697 that twenty French ships appeared in the Bahía de Zamba, about twelve leagues from the city. The French expedition was patronised by King Louis XIV and organised by the Barón de Pointis, with the support of Governor Ducasse of Pitiguao and a fleet of buccaneers. On 16 April, a week after the attack started, the Castillo of Bocachica fell.<sup>30</sup> The French then advanced to attack the city proper. After two weeks under fire, Diego de los Ríos decided to surrender on 2 May, in spite of the fact that reinforcements of 800 men from Mompox were about to arrive in the city and assistance from English and Dutch Armadas was expected within hours. Two days later the treaty with the French

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<sup>29</sup> Documents on this incident abound in the AGI and fill up legajos Santa Fe 458, 459, 460, 461 and part of 357 as well as eighteen legajos in Escribanía. One detailed account of events is AGI Santa Fe 458, *Historia del sitio, indefensión, y pérdida de Cartagena de las Indias conquistada, saqueada, y destruida por el francés el año de 1697*. However, perhaps the most useful overview of events is AGI Santa Fe 459, *Representación fical y diaria relación sobre la entrega y capitulaciones de la plaza de Cartagena de Indias hecha por don Diego de los Ríos, gobernador de ella en 4 de mayo del año pasado de 1697 a las armas de Francia, 17 May 1700, hereafter Representación fiscal*. This 450 page long report is based upon all the information that had reached Madrid about the incident by 1700 and is Enrique de la Matta Rodríguez's main source for his book *El asalto de Pointis a Cartagena de Indias*. The following account is based upon these sources as well as AGI Santa Fe 36, R.1, N.17, Pedro Martínez de Montoya to audiencia of Santa Fe, 23 April 1697; AGI Santa Fe 36, R.1, N.17, Toribio de la Torre to audiencia of Santa Fe, 7 May 1697; AGI Santa Fe 36, R.1, N.17, Pedro de Olivera Ordóñez to audiencia of Santa Fe, 25 and 29 April 1697; AGI Santa Fe 458, cabildo secular of Cartagena to king, 1 Aug. 1697.

<sup>30</sup> A detailed account of the fall of the Castillo of Bocachica is Sancho Jimeno's letter to the audiencia of Santa Fe of 15 July 1697, in AGN Negocios Exteriores, leg. 4, ff. 216-246. This letter has been printed both in Castillo Mathieu, *Los Gobernadores de Cartagena De Indias*, pp. 182-191; and Roberto Arrázola, *Historial de Cartagena. Documentos originales de la toma de Cartagena por el Barón de Pointis y de la expedición del Almirante Vernon contra esta ciudad*. (Cartagena de Indias,



was signed. According to many accounts, the extent of his defensive efforts had been minimal: it was said, for example, that while at a gambling party in his house Ríos had declared that ‘como se había de llevar la plata el francés era mejor la jugase antes’.<sup>31</sup> By 4 May, most women and children, nuns and friars, and the ministers of the Inquisition had fled to the countryside. After the surrender the governor as well as most citizens left the city, the former allegedly with considerable riches. In the following weeks, the French robbed the city twice. First, Pointis and his men stripped Cartagena’s houses of their valuables, reportedly after Ríos had compiled an inventory of the vecinos’ funds and ordered them to give everything they had to the French.<sup>32</sup> The second time it was carried out by Ducasse’s buccaneers, who remained discontented with their share of what had been robbed by Pointis. Many Spaniards also seem to have made use of the confusion created by the French attack to enrich themselves, among them oidor Rocha’s son-in-law Joseph de Zuleta.<sup>33</sup> By June, both fleets had departed and Cartagena was left deserted and extensively damaged.

However, for the purpose of this study what happened in the aftermath of the attack is much more interesting. Consecutive investigators failed to bring to task those guilty of surrendering the city. Their efforts did in any case turn out to have been in vain when changing allegiances in Europe led to the *pesquisa* being abandoned in 1706. Particularly interesting is the conflict which arose between the governor of Cartagena and the *audiencia* of Santa Fe when Governor Diego de los Ríos rejected

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1961 [Buenos Aires, 1934]), pp. 78-90. Arrázola also prints Pointis’ account of the attack as well as several other documents concerning the incident.

<sup>31</sup> AGI Santa Fe 458, Joseph de Araújo to king, 13 June 1697.

<sup>32</sup> AHN Consejos 21553, Minuta de despacho, 4 Nov. 1711.

<sup>33</sup> *Ibid.* For other examples, see AGI Santa Fe 357, Sancho Jimeno to Carlos de Alcedo y Sotomayor, 20 Aug. 1699; AGI Santa Fe 357, Carlos de Alcedo y Sotomayor to Council of the Indies, 1700; AGI Santa Fe 458, Pedro Ruíz Montero to anonymous, 13 Dec. 1697.



any interference from the tribunal in the investigation into the fall of the city. It illustrates the weaknesses in the chain of command, the problems connected with vaguely defined areas of jurisdiction, especially between military and civil spheres of government, and the ever present negotiations over the exercise of power. However, unlike the cases of Santa Marta and, as we shall see later, Mompox, this was one where the vecinos do not seem to have played an active role. Rather, it was a conflict between royal officials in Cartagena and Santa Fe.

News of the French attack reached the audiencia of Santa Fe on 18 May 1697, in the form of a letter from former *teniente general* of Cartagena, Pedro Martínez de Montoya.<sup>34</sup> The immediate reaction of its members -President Gil de Cabrera, oidores Domingo de la Rocha, Francisco José Merlo de la Fuente, Bernardino Angel de Isunza and Carlos de Alcedo and fiscal Antonio de la Pedrosa- was to send President Cabrera to Honda to make sure that Honda's defences were in order in case the enemy attempted to advance up the Magdalena River towards Santa Fe.<sup>35</sup> When news of the surrender to, and later the departure of the French came through, the audiencia proceeded to appoint a *pesquisidor*. Their choice was oidor Alcedo, whose primary task was to determine who was responsible for the fall of Cartagena. He left Santa Fe in early August 1697 accompanied by four trustworthy vecinos.<sup>36</sup> They

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<sup>34</sup> AGN Real Audiencia -Cundinamarca, tomo 3, Libro de Acuerdos de la real Audiencia de Santa Fe de 1697 a 1705, f. 6, acuerdo session of 18 May 1697; AGI Santa Fe 36, R.1, N.17, Pedro Martínez de Montoya to audiencia of Santa Fe, 23 April 1697.

<sup>35</sup> AGN Real Audiencia -Cundinamarca, tomo 3, Libro de Acuerdos de la real Audiencia de Santa Fe de 1697 a 1705, f. 6, acuerdo session of 18 May 1697; AGI Santa Fe 36, R.1, N.17, Domingo de la Rocha to king, 14 June 1697; AGI Santa Fe 36, R.1, N.17, auto issued by the audiencia, 5 June 1697. Toribio de la Torre, too, expressed concerns about the consequences the fall of Cartagena would have for New Granada as a whole, in his letter to the audiencia of 7 May 1697 (AGI Santa Fe 36, R.1, N.17).

<sup>36</sup> Among them was Agustín de Londoño y Trasmiera, who later became involved in the overthrow of President Meneses. See chapter 6.



arrived in Mompox a month later, where Alcedo made a questionnaire of 114 questions designed to determine who was to blame in the loss of Cartagena.<sup>37</sup>

Vecinos and lower officials in the city and province of Cartagena were asked to answer questions on the conduct of various officials and the series of events that led to the fall of the city. The completed questionnaire was used as one of the bases for the report of the fiscal of the Council of the Indies in Madrid that identified Diego de los Ríos as the man primarily responsible for the loss of Cartagena to Barón de Pointis and his men, and advised that he be given an exemplary punishment and sentenced to death.<sup>38</sup>

After his investigations in Mompox, Alcedo travelled towards Cartagena, but on news of his approach, Governor Ríos refused to let the *oidor* enter the city. Having returned to Cartagena at the end of August and immediately put Pedro Martínez de Montoya in charge of the investigation of the attack, Ríos claimed that the *audiencia* of Santa Fe had no jurisdiction over him and thus no right to send a *pesquisidor*. He justified this by arguing that as captain general he had exclusive jurisdiction in military matters, ‘exclamando contra [Alcedo] y contra todos los togados con pretexto de que querían usurpar la jurisdicción de los militares’.<sup>39</sup> The only superior authority he would recognise was that of the Junta de Guerra of the Council of the Indies.<sup>40</sup> He also justified his disobedience as a defence of the interests of the vecinos

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<sup>37</sup> A copy of the questionnaire can be found in AHN Inquisición, 1618, exp. 11, ff. 365-395.

<sup>38</sup> This is the above mentioned Representación fiscal.

<sup>39</sup> AGI Santa Fe 357, Respuesta fiscal. 21 May 1700. On Alcedo’s experience in Cartagena, see also AGI Santa Fe 357, Extracto de lo obrado por el licenciado Don Carlos de Alcedo y Sotomayor para la averiguación pérdida saqueo y entrego a las Armas de Francia de la ciudad y plaza de Cartagena de las Indias, 12 Jan. 1700; AGI Panamá 125, Testimonio de dos cartas que se hallaron en la caja del capitán Don Francisco Santarén y otras del Mro de Campo Don Pedro de Olivera y del Licenciado Don Carlos de Sotomayor que hablan en razón de su bajada a la ciudad de Cartagena, 1698.

<sup>40</sup> AHN Inquisición, 1618, exp. 11, ff. 1-18, Juan de Layseca Alvarado to anonymous, 26 April 1698.



of Cartagena. According to Ríos, they were in no position to bear the cost of a *visitador's* salary after being robbed by the French. Alcedo, on the other hand, attributed Ríos' resistance to a wish to protect private interests, claiming that he and his allies were '*buscando cuantos modos son posibles para acreditar aquellas sagradas palabras de la sabiduría oprimamos al pobre justo y sea nuestro poder la ley de nuestra Justicia*'.<sup>41</sup> In other words, if they could neutralise the representative of the law, they themselves would have the power to set the rules.

Alcedo tried negotiating, and on 24 October obtained permission to enter the city, only to be imprisoned by Ríos a few hours later after having refused a 100 000 *doblon*es bribe '*por que no actuase*'.<sup>42</sup> He was subsequently shipped off for a twenty-three day journey to Havana in an old and leaky boat with no food or water.<sup>43</sup> Ríos further incriminated himself in a letter to addressed to Governor Diego de Córdoba Lasso de la Vega of Havana, explaining why Alcedo was a prisoner. Quite possibly Ríos did not expect that Alcedo would ever arrive in Cuba and his letter be read. When it was, Córdoba dismissed it as a pack of lies, and he sent Alcedo back to Spain on the condition that he was to present himself to the Council of the Indies upon arrival in Madrid, which he did. There, he was absolved of all blame and his proceedings praised.

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<sup>41</sup> AGI Santa Fe 357, Carlos de Alcedo y Sotomayor to Council of the Indies, 1700.

<sup>42</sup> *Ibid.*

<sup>43</sup> Representación fiscal, ff. 64-144; AGI Santa Fe 357, Extracto de lo obrado por el Licenciado Don Carlos de Alcedo y Sotomayor para la averiguación pérdida saqueo y entrego a las Armas de Francia de la ciudad y plaza de Cartagena, 12 Jan. 1700; AGI Santa Fe 357, Primer resumen para el expediente de Don Carlos de Alcedo y Sotomayor, 12 Jan. 1700. He only survived because the crew took pity on him and shared their scarce rations.



Upon learning of Ríos' treatment of Alcedo, the audiencia of Santa Fe sent President Cabrera, oidor Isunza and fiscal Pedrosa to Cartagena.<sup>44</sup> In Mompox on 26 January 1698, Cabrera gave the governor of Santa Marta, Pedro de Olivera, possession of the position of interim governor of Cartagena, and on 6 February Ríos was suspended from office in absentia. But history repeated itself when Cabrera arrived in the vicinity of Cartagena: Ríos refused to let the president and the audiencia enter the city and posted soldiers on the roads to prevent it by armed resistance, if necessary. According to the fiscal of the Council of the Indies, 'debió de ser por que se consideraba en el dominio de otro Monarca, o por que se discurría dueño absoluto de aquella ciudad y su Provincia'.<sup>45</sup> Again, Ríos' primary argument was that the audiencia had no jurisdiction in Cartagena, that he only answered to the Junta de Guerra of the Council of the Indies, and that as captain general of the city and province matters of defence were his responsibility alone. He even added that in any case, 'el despachar jueces de comisión y de pesquisa sólo debía ser en los casos graves', implying that the fall of a city to a foreign power was not classified as serious.<sup>46</sup> In addition, he used the argument that no members of the audiencia of Santa Fe were suitable to investigate the attack because they had failed to send the required *situado* and were thus themselves to blame for the city's fall. However, he did not expect the audiencia to understand the importance of proper preparations, because 'como no eran militares, no había que admirar que no supiesen que ninguna plaza se puede defender sin tener gente veterana y suficiente y que con los vecinos

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<sup>44</sup> The audiencia's experience in Cartagena is recounted in Representación fiscal, ff. 144-186. See also AHN Inquisición 1618, exp. 11, Juan de Layseca Alvarado to anonymous, 26 April 1698; AHN Inquisición 1618, exp. 11, Papeles de oficio sobre lo obrado en razón de un pliego que remitió con sobre escrito al Santo Oficio de este Inquisición en que venían inclusos unos despachos del mre de campo Don Gil de Cabrera y Dávalos, 1698.

<sup>45</sup> AGI Santa Fe 357, Respuesta fiscal, 21 May 1700.

<sup>46</sup> Representación fiscal, f. 167v.



no se puede defender'.<sup>47</sup> Indeed, he seems to completely ignore the fact that President Cabrera was himself a military official and held the superior title of captain general of New Granada.

Why did the vecinos of Cartagena not protest against the governor's irregular proceedings? It seems like the governor secured their co-operation mainly by intimidation. Shortly after the audiencia's arrival in Mompo, he embargoed all arms in the city, set up three garrotes in the main square and issued an edict that anyone assisting or obeying the audiencia would be executed, and their assets embargoed. To help him carry this out, he could according to the cabildo count on the assistance of 'toda la plebe y mayor parte de forasteros'.<sup>48</sup> In response, the audiencia imposed the death penalty on anyone who did not obey Olivera as governor and threatened the aldermen with a 2 000 ducado fine and suspension from office if they failed to carry out its orders. However, Ríos' threats seem to have carried more weight in Cartagena, no doubt because his presence intimidated them. Thus, both secular and ecclesiastical authorities in Cartagena chose to "obey but not execute" the audiencia's orders, and the members of the cabildo 'como padres de la patria' sought -unsuccessfully- to mediate between the audiencia and the governor.<sup>49</sup>

The conflict between Governor Ríos and the audiencia also led to a division within the province of Cartagena. The city of Cartagena as well as most smaller towns and villages where Ríos had posted his allies, mostly in the form of soldiers and military

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid., f. 164v.

<sup>49</sup> Ibid., f. 161.



officials, stayed under the governor's command. In Mompox, however, where the audiencia as well as interim Governor Olivera stayed, the situation led to some confusion in the cabildo, which complained that with both the audiencia and Governor Olivera in town, each giving separate orders, and Governor Ríos, too, following his own agenda and threatening with severe repercussions if his orders were not followed, it was impossible to know what to do. They wished to 'asistir a Ríos sin faltar a la audiencia, y a la audiencia sin faltar a Ríos y ... se buscaban los remedios más suaves para atender a unas y a otras superioridades hasta donde alcanzaban las fuerzas y que en acabándose se retirarían hasta que Dios pusiese los medios y unión entre los superiores ministros'.<sup>50</sup>

The Council of the Indies later condemned Ríos' resistance to the audiencia, repeatedly emphasising that the audiencia was the superior authority as the 'viva imagen del Rey por su representación a quien está conferida toda la facultad real sin la menor duda'<sup>51</sup> and that the king was represented 'con la mayor inmediación en el Presidente y Audiencia'.<sup>52</sup> Thus, by disobeying the audiencia Ríos also disobeyed the king. The Council insisted that the president of the audiencia of Santa Fe as captain general had 'la misma autoridad y poder que tienen y les concede Su Magestad a los Virreyes de Lima y México'.<sup>53</sup> It followed that Cabrera and his colleagues not only had the jurisdiction to act as they did, but the obligation to 'allanar aquella ciudad y reducirla a la justa obediencia de el rey y de aquel tribunal superior en su real nombre'.<sup>54</sup>

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<sup>50</sup> Ibid., ff. 180v-182.

<sup>51</sup> Ibid., f. 182v.

<sup>52</sup> AGI Santa Fe 357, Respuesta fiscal, 21 May 1700.

<sup>53</sup> Ibid. Also Representación fiscal, f. 182v and *Recopilación*, libro 2, título 15, ley 8.

<sup>54</sup> Representación fiscal, f. 184.



However, while these decisions were pending, the audiencia returned to Santa Fe in May 1698 to await the arbitration of the king. By then, the Council of the Indies had already appointed Julián Antonio de Tejada as the new investigator in the case, to replace Alcedo. His appointment was welcomed by the cabildo of Cartagena, which hoped that his intervention would mean the start of better times for the city.<sup>55</sup>

Although their title suggests otherwise, his instructions differed from Alcedo's in that they focused on restoring political institutions and order in the town rather than on determining blame for the fall of Cartagena.<sup>56</sup> Tejada arrived in Cartagena in June 1699 in the same fleet as the city's new governor, Juan Díaz Pimienta, who carried special instructions to restore the defence of the city.<sup>57</sup> Tejada immediately imprisoned Ríos, the three oficiales reales, the captains of the city's military companies, tenientes José Gutiérrez de Cevallos and Pedro Martínez de Montoya, and castellano of Bocachica Sancho Jimeno.<sup>58</sup> However, like Alcedo before him, Tejado soon ran into difficulties. He antagonised Governor Pimienta, who eventually managed to have the magistrate suspended from the assignment and imprisoned, although he died before he could be sent back to Spain.<sup>59</sup>

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<sup>55</sup> AGI Santa Fe 64, N.43, cabildo secular of Cartagena to king, 25 Aug. 1699.

<sup>56</sup> AGI Santa Fe 458, Instrucción que ha de observar el licenciado Don Julián Antonio de Tejada en la averiguación y castigo de todos los que resultaren culpados en la invasión de Cartagena, indefensión y entrega de aquella plaza al enemigo francés, 9 May 1698 and 16 Feb. 1699.

<sup>57</sup> AGI Santa Fe 357, Sancho Jimeno to Carlos de Alcedo y Sotomayor, 20 Aug. 1699; AGI Santa Fe 457, Juan Díaz Pimienta to king, 31 Aug. 1699.

<sup>58</sup> AGI Santa Fe 357, Sancho Jimeno to Carlos de Alcedo y Sotomayor, 20 Aug. 1699.

<sup>59</sup> AGI Santa Fe 457, Juan Díaz Pimienta to king, 31 Aug. 1699; AGI Santa Fe 435, Juan Díaz Pimienta to king, 7 Jan. 1704; AGI, Santa Fe 458, Auto sobre la prisión al juez pesquisidor Don Julián Antonio de Tejada por orden del gobernador de Cartagena Don Juan Díaz Pimienta, 17 Aug. 1700. Matta Rodríguez, *El asalto de Pointis a Cartagena de Indias*, p. 161, suggests that Ríos had something to do with Pimienta's dislike of Tejada, and that there might have been economic deals in the picture.



On 15 November 1700 Tejada's successor, oidor Bernardino Angel de Isunza of the *audiencia* of Santa Fe, arrived in Cartagena. Three days later he made sure that the prisoners were properly imprisoned, and made arrangements to move them to confinement outside Cartagena.<sup>60</sup> This decision did not go down well with the prisoners, and when appeals against it failed, Ríos and Gutiérrez de Cevallos fled on 1 December. The latter took refuge in the Monastery of San Agustín of Cartagena where he died almost a year later, whereas the last news about Ríos was that he had embarked a ship bound for Jamaica. Montoya, Jimeno, a captain and two treasurers were still imprisoned in Ocaña in 1703, from where they tried to obtain their release.<sup>61</sup> Isunza had severe difficulties in carrying out the investigation, however, complaining to the king that Governor Pimienta was putting obstacles in his way.<sup>62</sup> Indeed, the Council of the Indies later claimed that in two years of investigations, Isunza added nothing new to what Tejada had done.<sup>63</sup> With Isunza's departure for Spain in 1704 the investigation seems to have been largely abandoned. It was formally closed when Louis XIV of France's grandson became Philip V of Spain and the French king himself asked for the case to be determined. The Council of the Indies complied and issued a Real Cédula on 29 October 1706 which ended all

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<sup>60</sup> AGI Santa Fe 461, Memorial o extracto ajustado a lo que contiene el testimonio incluso tocante a la confinación de los presos fuera de esta provincia a la Tierra Adentro, 21 March 1701. Most of the documents concerning Isunza's investigation are in AGI Santa Fe 461.

<sup>61</sup> Alejo Amaya, *Los Genitores: Noticias históricas de la ciudad de Ocaña* (Cúcuta, 1915), pp. 96-97. See also AGI Santa Fe 460, Pedro Martínez de Montoya to king, 28 Feb. 1701. Montoya was later absolved of all blame (AGI Santa Fe 262, Consulta of 31 May 1707), as were Sancho Jimeno, contador Phelipe Núñez de Rioja, factor veedor Antonio González de Celis y Puertas, and captains Diego Beltrán de Caicedo and Pedro Cañarte (who was not imprisoned in Ocaña). (AGI Santa Fe 420, Consulta of 19 Feb. 1707).

<sup>62</sup> See for example AGI Santa Fe 461, Memorial o extracto ajustado a lo que contiene el testimonio incluso tocante a la confinación de los presos fuera de esta provincia a la Tierra Adentro, 21 March 1701.

<sup>63</sup> AGI Santa Fe 262, Consulta of 31 May 1707.



inquiries and 'dió por absueltos a todos los complicados en la pérdida de la referida plaza de Cartagena'.<sup>64</sup>

In short, then, the conflict between the audiencia of Santa Fe and the governor of Cartagena arising in the aftermath of the French attack in 1697 was mainly one of jurisdiction between royal officials. This was primarily expressed through a clash between military and civil spheres of jurisdiction, where Ríos successfully exploited the vague limits between the two in order to avoid scrutiny from superior officials. But it also tells us much about the condition of New Granadan government at the end of the seventeenth century. Here was a governor whose corruption, it was believed, had reached the point where he was willing to sell one of Spain's major defensive points in America to the enemy; here, too, was a governor who, despite this defeat, was able to defy the authority of the audiencia; here, too, was a man who evidently expected to escape with impunity. Small wonder, then, that after the accession of the Bourbons, Spanish ministers were to undertake some serious reform of the colony's administration.

### *Mompox, 1711*

Another dramatic assertion of local interests against the agencies of royal government and one that, like Santa Marta, involved competition for control of illegal trade is found in 1711, when the vecinos of Mompox joined in violent rejection of the authority of their provincial governor, José de Zúñiga y de la Cerda of Cartagena. Although private interests connected with illegal trade seem to have

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<sup>64</sup> Ibid. See also Matta Rodríguez, *El asalto de Pointis a Cartagena de Indias*, pp. 170-172. There were, however, suggestions to close the case as early as 1703. See AGI Santa Fe 459, King Philip V to Council of the Indies, 6 Nov. 1703.



sparked the uprising, it also shows the ways in which vecinos drew on a wider ideological context to defend urban autonomy and to protest against unjust measures whether they came from Cartagena or Santa Fe, using rivalries between competing crown officials to their own advantage.

The *villa* of Santa Cruz de Mompox was the second largest settlement in the province of Cartagena and was situated nearly 250 kilometres from the provincial capital. It was founded in 1539 on the banks of the Magdalena River and occupied a crucial position on the trade route between the coast and the interior of New Granada.<sup>65</sup> The town soon built up a reputation as a stronghold for smugglers.<sup>66</sup> During several decades around 1700, the activity was reportedly controlled by Toribio de la Torre, encomendero and vecino of Mompox. Incidentally, he was also the brother-in-law of oidor Domingo de la Rocha of Santa Fe and interim governor Sancho Jimeno of Cartagena. In the words of the audiencia, Mompox was ‘la habitación y paradero de introductores de ropas de ilícito comercio, arsenal en que se depositan y la oficina en que se fragua la salida de las memorias de mercaderías para lo mediterráneo de las provincias de estos reynos’.<sup>67</sup> The town was under the immediate jurisdiction of the governor of Cartagena, but also came under the jurisdiction of the audiencia of Santa Fe, leading the town to disregard both

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<sup>65</sup> José Manuel Groot, *Historia Eclesiástica y Civil de Nueva Granada* (Bogotá, 1889 and 1890 [1869]), vol. 1, p. 25.

<sup>66</sup> Grahn, *The Political Economy of Smuggling*, p. 130; McFarlane, *Colombia before Independence*, p. 106; AGI Santa Fe 435, Juan Díaz Pimienta to king, 2 Sept. 1702; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711. See also six letters written by Antonio González de Celis, factor veedor of Cartagena, to the king, dated 24 May 1691, and 29 and 31 March 1694 (in AGI Santa Fe 214), about contraband trade in Mompox and Riohacha and the links between the two towns.

<sup>67</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.



authorities and act with a 'libertad como de país libre'.<sup>68</sup> As for the inhabitants of Mompox, the *audiencia* did not approve of

la superioridad que se han arrogado algunos vecinos de [Mompox] gozando de la neutralidad de las dos jurisdicciones [de Santa Fe y Cartagena] sin reconocimiento de ninguna; y embarazarlas ambas para consecución de sus intereses y que por último se salen libremente con el logro de auxiliar extravíos y fraudes ... como a esta real audiencia le consta instrumentalmente de haberlo ejecutado de costumbre Don Thoribio de la Torre cuya autoridad en dha villa es atrevida a competir con otra cualquiera de fundamento y realidad

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The *momposinos*, on the other hand, insisted that they did not deserve this reputation. They were, they said, in 'el lugar más quieto, sosegado y obediente que puede haber en todo este Reino'<sup>70</sup> and 'una villa tan ilustre como esta poblado de muchos vecinos onrrados y tan leal a su Rey y a los superiores mandatos de sus ministros que no habrá ejemplar de deslealtad ni de inobediencia alguna'.<sup>71</sup> In the eyes of the *momposinos*, Cartagena was the real source of trouble, as the principal centre for illicit trade, where illegal goods were given legal cover before being sent to Mompox and the interior of New Granada.

The question of who was to have jurisdiction over Mompox was, in fact, under general discussion in the years before the rebellion of 1711. In this debate, Mompox displayed a strong drive for autonomy as it voiced its wish to become independent from the governor of Cartagena and to be governed instead by a *corregidor* and *capitán a guerra*. According to Governor Zúñiga, this would mean greater freedom

<sup>68</sup> Ibid. See also AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.

<sup>69</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.

<sup>70</sup> AGI Santa Fe 365, Auto [formado por] los señores capitanes Don Francisco de Torres Morales notario del Santo Oficio y Don Joseph Esteban Gamarra Alcaldes ordinarios por Su Magestad, 11 Sept. 1711, hereafter Mompox-auto, p. 10.

<sup>71</sup> Ibid., p. 33.



to carry out illegal commercial activities, because it would place the town directly under the jurisdiction of the audiencia which ‘se les da a ellos mui poco’.<sup>72</sup> One can speculate whether this was due to Toribio de la Torre’s connection with oidor Rocha. Although a delegation of Mompox’s vecinos, including Torre, was sent to Spain to represent the case to the king, it did not succeed. Governor Zúñiga condemned the scheme, the fiscal of the Council of the Indies did not doubt the ‘gravísimos inconvenientes que se seguirán a la Corona’ if such a proposal were accepted, and the Council of the Indies concurred with these opinions.<sup>73</sup> However, although the crown decided to keep matters as they were, the debate did not end here. After the rebellion, the audiencia of Santa Fe argued that Mompox should be taken out of the governor of Cartagena’s area of jurisdiction and placed directly under the political control of the audiencia because of the persistent failure of the governors of Cartagena to curb contraband trade in the area.<sup>74</sup>

The rebellion of 1711 started with the arrival in Mompox of José Francisco de Madrigal, Cartagena’s teniente general, in the early afternoon of 11 September that year.<sup>75</sup> He immediately ordered the alcaldes ordinarios of the town, Francisco de Torres Morales and Joseph Esteban Gamarra, to convoke a cabildo meeting. There, he informed its members that he had come to Mompox to act on Governor Zúñiga’s

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<sup>72</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 25 Oct. 1711. See also AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 7 Feb. 1709.

<sup>73</sup> AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 7 Feb. 1709, with respuesta fiscal of 24 Nov. 1709 and consulta of 25 Nov. 1709. See also AGI Santa Fe 420, Consulta of 8 Oct. 1709.

<sup>74</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715. Years later, in 1720, the Council of the Indies also received suggestions to move the Casa de la Moneda of New Granada from Santa Fe to Mompox on the grounds that the latter was closer to the gold mines and that such a measure would reduce fraud. See AGI Santa Fe 263, Consulta of 9 Dec. 1720.

<sup>75</sup> The following account of the revolt is based upon AGI Santa Fe 365, Testimonio del primer cuaderno de autos obrados por la Real Audiencia del Nuevo Reino en orden a la conspiración levantada en la Villa de Mompox por los vecinos de ella y las providencias que sobre ello dió dicha



orders concerning matters relating to royal government, and stated that the *alcaldes* were to be suspended from office while he carried out his assignment. However, he refused to be specific about what kind of business he was talking about, although the *alcaldes* later indicated that it had to do with contraband.<sup>76</sup> Madrigal then left the room, ‘con demostración de mucho enojo e irreverencia a el cabildo faltando a corresponder a las cortesánias políticas y atentas que dho cabildo usó’, while the cabildo members discussed the situation.<sup>77</sup> One of their main objections to co-operating with the *teniente* was that Madrigal arrived less than a year after a *visita general*, commissioned by Zúñiga, had been carried out in the district by future *teniente* of Cartagena Alejo Díaz Muñoz.<sup>78</sup> It is also possible that Madrigal constituted an unwelcome presence because of his intervention against a *momposino*’s illegal commercial activities in 1707.<sup>79</sup> However, the two *alcaldes ordinarios* of Mompox used legal arguments to justify the decision not to co-operate with the *teniente* until he had stated what exactly he was there for: if they did not know why he was there, it was impossible to determine whether he kept within the limits of his assignment or abused his powers.

The cabildo session of 11 September lasted until well after dark, by which time there was a commotion in the streets with people demanding that the *teniente* leave Mompox. Both the *alcaldes ordinarios* and the leaders of the religious orders in the

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audiencia, hereafter Santa Fe-auto. Also, AGI Santa Fe 365, Mompox-auto, which contains copies of seven letters written by the cabildo and several of the religious orders of Mompox to the governor of Cartagena, giving him their accounts of the events of 11 Sept., all dated 12 Sept. 1711.

<sup>76</sup> AGI Santa Fe 365, Mompox-auto, p. 14.

<sup>77</sup> *Ibid.*, p. 6.

<sup>78</sup> *Ibid.*, pp. 10-11; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 3 and 30 July 1711.

<sup>79</sup> AGI Santa Fe 435, Causa del comiso que hizo el liz.do Don Joseph Francisco de Madrigal y Baldés *teniente general* de la ciudad de Cartagena de Indias, 1707; AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 15 Dec. 1708.



town unsuccessfully tried to reason with and calm the crowd, trying to protect the teniente from 'el rigor de una plebe conmovida'<sup>80</sup> that soon started shouting 'Viva Phelipe Quinto, y muera el mal gobierno, y salga el theniente luego, o ha de morir'.<sup>81</sup> Madrigal took refuge in the Hospital de San Juan de Dios, from where he was transferred to a boat and sent one league downriver to the Estancia de Sarmiento. There he spent the night accompanied by two friars and the sargento mayor of Mompox, Domingo de Mena Felices. The teniente then returned to Cartagena, where he immediately informed Governor Zúñiga of the revolt of 'esa gente baja ... loca y llenos de Aguardiente'.<sup>82</sup>

Not surprisingly, the incident generated large amounts of paperwork and a host of accusations and explanations, all of which point to a complicated regional politics.<sup>83</sup> No accounts of Madrigal and Mena's views have been found, but the cabildo of Mompox, represented by alcaldes Torres and Gamarra, the vecinos of the town and governor Zúñiga all presented voluminous versions of what had happened, both to the audiencia of Santa Fe and to the king, together with their opinions on what should be done. The audiencia for its part issued numerous orders and provisiones as it received increasing amounts of letters and reports relating to the case.

Initially, the primary concern of all parties was to determine who was behind the riot. In Mompox, the two alcaldes affirmed that the teniente and his supporters in the

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<sup>80</sup> AGI Santa Fe 365, Mompox-auto, p. 9.

<sup>81</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to audiencia of Santa Fe, 21 Sept. 1711 (in Santa Fe-auto, ff. 1-10).

<sup>82</sup> AGI Santa Fe 365, José de Zúñiga y la Cerda to Domingo de Mena Felices, September 17, 1711 (in Santa Fe-auto, ff. 17-18).

<sup>83</sup> It fills up several legajos in the AGI, notably Santa Fe 365, but also Santa Fe 464-466 and Escribanía 608 A- 609 C.



town were responsible. The group had included Pedro Yañes Herrera, *capitán a guerra* of Mompox, Antonio Contreras and two men in Madrigal's company, Juan and Diego Ordóñez.<sup>84</sup> According to the *alcaldes*, the riot was a conspiracy staged by the governor of Cartagena and his *teniente* to take revenge on the town of Mompox.<sup>85</sup> However, thirty of the most prominent *vecinos* of Mompox, including several *cabildo* members, claimed that the two *alcaldes*, *sargento mayor* Mena, and the merchant Antonio Moreno were the principal conspirators behind the riot.<sup>86</sup> It seems, then, that while the *alcaldes* acted in the name of the *cabildo* and the law, there were many prominent people, including other aldermen, who believed that they were using the town council as the vehicle of private interests.

The *audiencia* of Santa Fe found no clear evidence of blame in its review of the testimonies sent from Mompox.<sup>87</sup> However, upon the discovery of three letters written by *teniente* Madrigal to Mena in April and May of 1711, it soon became convinced of *sargento mayor* Mena's part in staging the riot.<sup>88</sup> These letters made it

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<sup>84</sup> AGI Santa Fe 365, Mompox-auto, pp. 6-7. There is no indication as to whether this was the same Antonio Contreras who was in Santa Marta seventeen years earlier.

<sup>85</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 11 and 30 Sept., 14 and 18 Nov. 1711 (in Santa Fe-auto, ff. 1-10, 11-14, 38-40 and 40-41, respectively).

<sup>86</sup> AGI Santa Fe 365, the *vecinos* of Mompox to the *audiencia* of Santa Fe, 18 Dec. 1711 (in Santa Fe-auto, ff. 53-57).

<sup>87</sup> AGI Santa Fe 365, Real Provisión, 9 Oct. 1711 (in Santa Fe-auto, ff. 60-66).

<sup>88</sup> AGI Santa Fe 365, José Francisco de Madrigal to Domingo de Mena Felices, 22 April, 9 and 17 May 1711 (in Santa Fe-auto, ff. 14-17); AGI Santa Fe 365, Respuesta fiscal, 27 Jan. 1712 (in Santa Fe-auto, f. 57). *Sargento mayor* Mena is an interesting character, albeit difficult to position in the events. The *audiencia* grouped him with the principal offenders in the Mompox-rebellion, referring to him as Toribio de la Torre's *compadre*. (AGI Santa Fe 365, *audiencia* of Santa Fe to king, 6 June 1715; AGI Santa Fe 365, fiscal Manuel Antonio de Zapata to president of the *audiencia* of Santa Fe, 26 Oct. 1711, in Santa Fe-auto, f. 35). Governor Zúñiga's view on him is not clear. Although he seems to initially have trusted Mena he subsequently saw him as a principal suspect, and the *audiencia* later complained that the governor had put him on a boat to Spain, without consulting with the *oidores*. (AGI Santa Fe 365, *audiencia* of Santa Fe to king, 6 June 1715) It is unclear whether the governor the *audiencia* was talking about was Zúñiga or his successor, Gerónimo Badillo. Mena returned to New Granada from Spain in 1718 and in 1719 was *contador* in Santa Fe, a post which only became vacant in 1730 upon his death. (AGI Santa Fe 367, Inventory of the embargoed possessions of Francisco de Meneses, 9 Sept. 1719; AGI Santa Fe 263, Consulta of 9 Oct. 1730;



clear that the two were involved in illegal business together, probably connected to Santa Fe and seemingly partly behind Governor Zúñiga's back. Alcaldes Torres and Gamarra supported these indications by claiming that the teniente, 'aquella serpiente tan envenenada'<sup>89</sup>, 'no tiene un rasgo de zelo de su Real Servicio y [es] voz común que en su ánimo reina la tiranía y la codicia y que sin respecto vende la justicia'.<sup>90</sup> Interestingly, they exempted Zúñiga from any blame in Madrigal's affairs, claiming that the teniente 'con falacias lo engaña', tricking him into signing all sorts of documents.<sup>91</sup> The alcaldes' comments indicate that the role of the teniente general had changed dramatically since the days of Pedro Martínez de Montoya, who complained that the teniente played a very weak role in Cartagena government. Nearly two decades later, the teniente general seems to have had the upper hand over Governor Zúñiga. Fiscal Manuel Antonio Zapata of the audiencia was, however, not convinced of Zúñiga's innocence.<sup>92</sup>

Governor Zúñiga for his part did not doubt that the cabildo of Mompox, led by the alcaldes and Mena, were behind the uprising.<sup>93</sup> In fact, he was so certain that he passed the death sentence on Torres, Gamarra and Mena, and also merchant Moreno.<sup>94</sup> Also, he indicated that the vecinos of Mompox had rebelled against

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Germán Colmenares, 'Factores de la vida política colonial: el nuevo Reino de Granada en el siglo XVIII (1713-1740)' in *Manual de Historia de Colombia*, vol. I (Bogotá, 1982), pp. 406-407).

<sup>89</sup> AGI Santa Fe 365, Francisco de Torres y Morales and José Esteban Gamarra to audiencia of Santa Fe, 30 Sept. 1711 (in Santa Fe-auto, ff. 12-13).

<sup>90</sup> AGI Santa Fe 365, Mompox-auto, pp. 12-13.

<sup>91</sup> Ibid.

<sup>92</sup> AGI Santa Fe 365, Santa Fe-auto, f. 34.

<sup>93</sup> Escribanía 608 A, Testimonio de autos sobre la averiguación sumaria información y pesquisa secreta en razón de diferentes excesos cometidos por Francisco de Torres, Joseph Esteban Gamarra, alcaldes ordinarios que fueron de la Villa de Mompox y Don Domingo de Mena sargento mayor que fue de ella, 1712.

<sup>94</sup> AGI Santa Fe 365, the vecinos of Mompox to the audiencia of Santa Fe, 18 Dec. 1711 (in Santa Fe-auto, ff. 53-57).



teniente Madrigal more or less with the audiencia's blessing, referring to a previous audiencia provisión issued in connection with Zúñiga's attempted measures to curb illegal trade in Mompox, ordering the alcaldes of Mompox not to obey the governor of Cartagena if he attempted any irregular measures.<sup>95</sup> Zúñiga even suggested that the alcaldes of Mompox and their supporters had bribed the audiencia in order to get favourable treatment from the judges.<sup>96</sup> His certainty that this was no popular revolt was reflected in the fact that very shortly after the event he issued a 'perdón general a la plebe con tal de que en lo adelante no incurran en otro exceso igual, reservando el proceder contra los motores', which he sent to the religious leaders of Mompox for them to make public.<sup>97</sup> However, the alcaldes ordered that the 'perdón general' not be published, as accepting the pardon would be tantamount to accepting the jurisdiction of the governor, giving it precedence over the audiencia.<sup>98</sup>

One of the most interesting aspects of this affair was the way in which the competing authorities sought to exploit overlapping jurisdictions to their own advantage. Thus, the Mompox cabildo turned to the audiencia of Santa Fe rather than the governor of Cartagena<sup>99</sup>, whereas Zúñiga for his part by-passed the audiencia by communicating directly with the Council of the Indies. He would not obey any of the audiencia's orders, claiming that as he had sent his reports on the case to Madrid, no-one could

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<sup>95</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July and 25 Oct. 1711.

<sup>96</sup> AGI Santa Fe 365, José de Zúñiga y la Cerda to Francisco de Meneses, 7 Nov. 1711 (in Santa Fe-auto, ff. 45-48).

<sup>97</sup> AGI Santa Fe 365, José de Zúñiga y la Cerda to 'Reverendos Padres, Vicario, Piores, Guardián de San Francisco, Rector de la Compañía de Jesús de la Villa de Mompox', 24 Sept. 1711 (in Santa Fe-auto, ff. 20-21).

<sup>98</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to audiencia of Santa Fe, 30 Sept. 1711 (in Santa Fe-auto, ff. 11-14).

<sup>99</sup> AGI Santa Fe 365, minutes from a session of the cabildo secular of Mompox, 26 Sept. 1711, which refers to a session of 18 Sept. where this was decided (Santa Fe-auto, ff. 29-32).



do anything until the king's orders arrived.<sup>100</sup> The *alcaldes* of Mompox for their part refused to obey any of Zúñiga's orders, justifying this by saying that as they had sent the case to the superior institution of the *audiencia*, only its orders should be obeyed.<sup>101</sup> Thus, they used the same sort of argument to Zúñiga as he himself did to the *audiencia*. The *fiscal* of the *audiencia* condemned Zúñiga's attitude, and made clear that the *audiencia* was not seeking to 'vulnerar la jurisdicción ordinaria de dho gobernador', but that the governor needed to understand 'la superioridad de esta Real Audiencia'.<sup>102</sup> Zúñiga was, however, determined to impose his authority and defend his jurisdiction, and in late September 1711 appointed Francisco de Berrio y Guzmán to go to Mompox and arrest those behind the rebellion.<sup>103</sup> This led to fears of violence in Mompox, and indeed later reports suggest that disturbances did break out when Berrio and his men arrived in the town.<sup>104</sup>

There is, in fact, an evident discrepancy between the views of military and *letrado* officials. This is well illustrated by a letter from Zúñiga to the president elect of the *audiencia* of Santa Fe, Francisco de Meneses, who was travelling from Cartagena

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<sup>100</sup> AGI Santa Fe 365, the *vecinos* of Mompox to the *audiencia* of Santa Fe, 18 Dec. 1711 (Santa Fe-auto, ff. 53-57).

<sup>101</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 30 Sept. 1711 (in Santa Fe-auto, ff. 11-14).

<sup>102</sup> AGI Santa Fe 365, Auto issued by the *audiencia* of Santa Fe, 5 Dec. 1711 (in Santa Fe-auto, ff. 42-44); AGI Santa Fe 365, Respuesta *fiscal*, 13 Feb. 1712 (in Santa Fe-auto, f. 80).

<sup>103</sup> Apparently, Berrio had long enjoyed a privileged position in Cartagena and a very good relationship with the governors. (See for example AGI Santa Fe 449, *oficiales reales* of Cartagena to king, 27 May 1702.) Only with the arrival of Governor Badillo in 1713, who accused Berrio of being involved in illegal financial activities, did his good relationship with the governors of Cartagena end. (AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715.) Berrio held several military titles and was senior *alcalde ordinario* for Cartagena in 1705 (AGI Santa Fe 435, Título de gobernador interino de Lázaro de Herrera, 11 March 1705; AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Bueno, 24 March 1716).

<sup>104</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 30 Sept. 1711 (in Santa Fe-auto, f. 13v); AGI Santa Fe 365, the *vecinos* of Mompox to the *audiencia* of Santa Fe, 18 Dec. 1711 (in Santa Fe-auto, ff. 53-57); AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Bueno, 24 March 1716. Autos are found in Escribanía 608 A.



towards Santa Fe via Mompox in November 1711. The letter is an exceptionally interesting one, as it is a rare example of private correspondence between leading officials and has a much more informal and direct tone than is found in official letters. Intercepted by the *alcaldes* of Mompox<sup>105</sup>, the letter made it clear that Zúñiga distrusted them deeply, for he warned Meneses that, rather than staying in Mompox, he should reside outside the city and that he should take care to employ a personal cook and neither eat nor drink anything sent in from outside.<sup>106</sup>

The *alcaldes* blamed *teniente* Madrigal for these comments and took them to be evidence of his malign influence on the governor.<sup>107</sup> But Zúñiga and Meneses were clearly very close friends -the governor addressed the president by 'tú'- and were involved in business together. They had apparently talked about the Mompox rebellion while Meneses stayed in Cartagena, and the president elect had recommended that Zúñiga follow the *audiencia's* orders and stay away from the case. However, Zúñiga was not happy with the decision:

[Y] sobre el punto de decirme que mientras tu llegues a Santa Fe no pase a resolver ninguna ejecución, lo que te prevengo, es, que en estada, y ida viaje a Santa Fe, y que de allí lleguen tus cartas a mis manos, se pueden pasar tres meses, en cuyo tiempo podrá la Audiencia proveer otras cosas que me imposibiliten, y los Alcaldes presentes habrán ya cumplido, y luego se ausentarán de ahí, de suerte que quedarán frustradas mis diligencias ... además, que aseguro, que tomado que aigas posesión de tu empleo, por más diligencias que hagas, no has de vencer la Audiencia para que deponga lo que una vez tiene mandado; con que dilatar esta

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<sup>105</sup> The *audiencia* did not condone this act and stated in committing it 'se cometió torpeza con gravísimo delito'. AGI Santa Fe 365, Auto issued by the *audiencia* of Santa Fe, 5 Dec. 1711 (in Santa Fe-auto, ff. 42-44).

<sup>106</sup> AGI Santa Fe 365, José de Zúñiga y la Cerda to Francisco de Meneses, 7 Nov. 1711 (in Santa Fe-auto, ff. 45-48).

<sup>107</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 18 Nov. 1711 (in Santa Fe-auto, ff. 40-41).



execución, no es mas de perder tiempo, y que en el interin se interpongan otros  
inconvenientes

Thus, after Meneses' departure, Zúñiga decided not to follow Meneses' advice that he should await a decision from the audience before taking any further action against Mompox. This, he said, was primarily because of the damage that would be done to the 'Real Justicia' by waiting for the audiencia to resolve the matter. If it were left, he said, his authority would suffer and the alcaldes of Mompox, or 'esa canalla reos' as Zúñiga called them, would achieve their objective. By the time the audiencia had reached a decision, 'esos pícaros' -as Zúñiga called Torres and Gamarra- would have invented 'a thousand false allegations' which would be accepted by an audiencia that wished to impose its will on him, while he could hope for little recourse from the king, since it would take two or three years before he could get a royal order even to open legal proceedings. Finally, he warned Meneses that the audiencia was a troublesome body that needed disciplining. The current problems would never have happened, said Zúñiga, under a more decisive president:

si hubiera habido allí un capitán general de resolución y menos político, no hubiera permitido tal cosa, porque esto es más capitanía general que jurisdicción de consejeros, que se entrometen en más de lo que el rey les permite, por sus fines o intereses particulares o por el dinero que consta de Autos remitieron a Santa Fe los reos

He concluded by telling Meneses that, on taking up his post, he should bear this in mind, 'para obrar como capitán general y desterrar de esa Audiencia al que quisiera sobresalir en contra de esto que de esta manera serás temido y obedecido'. Zúñiga clearly did not have much sympathy for the letrado way of running government, and evidently hoped that the new president would impose a firm military hand. As we shall see later, Meneses took this advice, though with results very different from those which Zúñiga had envisaged.



Another interesting aspect of the investigation into the Mompox riot is the apparent inability of the crown authorities to enforce compliance with their orders. Threats of fines, suspension from office or other sanctions all proved ineffective. Not even the threat of a 6 000 pesos fine could make Zúñiga obey the audiencia<sup>108</sup>, nor would Madrigal go to Santa Fe even though he was ordered by the audiencia to do so on pain of suspension from office.<sup>109</sup> This tendency to ignore orders became even more evident when a controversy arose over the investigator whom the audiencia of Santa Fe appointed to go to Mompox. Strangely enough, no judge to the case was appointed by the audiencia until a Real Cédula ordered it to do so. This cédula, dated 25 April 1712, ordered the audiencia of Santa Fe to immediately appoint a ‘juez de letras y ministro de graduación’, in other words an oidor, to investigate and determine the case.<sup>110</sup> But when the cédula arrived in late 1713, none of the audiencia members were willing to take charge of the investigation. Oidores Domingo de la Rocha and Luis Antonio Losada alleged old age and ill health, which made oidor Vicente de Aramburu the only oidor capable of taking care of all the regular audiencia business. The fiscal had to assist Aramburu.<sup>111</sup> Thus, the audiencia decided to appoint a judge who was neither an oidor nor a letrado. Their choice was Antonio Gil de Cabrera y Dávalos, the youngest son of former president Gil de

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<sup>108</sup> Several documents in AGI Santa Fe 365, Santa Fe-auto: Acuerdo session of 27 Oct. 1711 (ff. 36-38); oficiales reales of Cartagena to audiencia of Santa Fe, 23 Nov. and 5 Dec. 1711 (f. 74 and ff. 58-60, respectively); José de Zúñiga y la Cerda to oficiales reales of Cartagena, 23 and 24 Nov. 1711 (ff. 77 and 78); oficiales reales of Cartagena to José de Zúñiga y la Cerda, 23 and 24 Nov. 1711 (ff. 77 and 79); Respuesta fiscal, 5 Dec. 1711 (ff. 41-42); Auto issued by the audiencia of Santa Fe, 5 Dec. 1711 (ff. 42-44); Miguel Gerónimo González en nombre de Gamarra and Torres, n.d. (f. 82); and Decrees issued by the audiencia of Santa Fe, 28 April and 9 May 1712 (ff. 82-83).

<sup>109</sup> AGI Santa Fe 365, Acuerdo session of 27 Oct. 1711 (in Santa Fe-auto, ff. 36-38).

<sup>110</sup> AGI Santa Fe 262, Consulta of 28 Oct. 1715.

<sup>111</sup> This made the audiencia, consisting of Vicente de Aramburu, Manuel Antonio Zapata and Francisco de Meneses, entirely creole, as Gerónimo Badillo complained in his letter to the king of 10 Feb. 1715 (AGI Santa Fe 365).



Cabrera. He was considered to be someone ‘de calidad, obligaciones, experiencia y prudencia que supliesen y fuesen de equivalencia a llenar el hueco de persona de profesión de estudios y letras’, but given that he was not a letrado, he was able to investigate but not to determine the case.<sup>112</sup> Although he had many enemies in Santa Fe, he was a friend of President Meneses, whom he allegedly bribed to obtain the assignment.<sup>113</sup>

By the time Cabrera was appointed, Gerónimo Badillo had replaced Zúñiga as governor of Cartagena.<sup>114</sup> But Badillo was no more prepared to acknowledge the authority of the audiencia than his predecessor had been. Upon receiving news of the appointment, Badillo promptly ordered Mompox to ignore any judge who was not a letrado, an order which the Mompox cabildo decided to obey. With this decision the *momposinos* exploited rivalries between Cartagena and Santa Fe and thus escaped scrutiny from higher authorities. Although the audiencia saw private interests behind Badillo’s order<sup>115</sup>, the governor felt that he had the law on his side.<sup>116</sup> He argued that because it was ‘permitido por leyes reales de este Reino a cualquiera justicia el obedecer y no cumplir los reales descritos cuando hay motivos justificados’, he had acted in a perfectly legal manner, as Cabrera did not have the qualifications set out in the royal order. Badillo also used Cabrera’s lack of legal training and his relative youth as an argument for the unsuitability of this ‘mozo criollo, de capa y espada’. In view of the rivalry between letrados and military men highlighted above, it is

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<sup>112</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.

<sup>113</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 367, Agustín de Londoño y Trasmiera to audiencia of Santa Fe, n.d.; AGI Santa Fe 367, Confesión de Agustín de Londoño y Trasmiera, 30 Oct. 1723.

<sup>114</sup> Gerónimo Badillo took up office on 29 Aug. 1713.

<sup>115</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.

<sup>116</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715. The quotes in this paragraph are taken from this letter.



interesting that in this case, a military official was calling for a letrado. The factional element of this conflict is illustrated by another of Badillo's reasons to resist Cabrera's appointment. According to the governor, Cabrera had expected to reap considerable benefits from the assignment. When these plans were stopped by Badillo, Cabrera tried to avenge himself through his brother-in-law, oidor Losada, and his *pariente*, fiscal Manuel Antonio Zapata.

But the audiencia was determined to exert its authority, imposing gradually increasing fines which were never paid and threatening both Badillo and the *momposinos* with suspensions from office.<sup>117</sup> In the autumn of 1714, the audiencia proceeded to carry out its threat to suspend Badillo from office and appointed Francisco de Berrio interim governor of Cartagena. Badillo simply refused to accept the suspension. Instead, he proceeded against Berrio, confiscated his assets and forced him to seek refuge in the Monastery of Santo Domingo.<sup>118</sup>

The events following in the wake of the Mompox riot show clearly the dilemmas some officials could be faced with when receiving conflicting orders from the audiencia and the governor. When teniente Madrigal was ordered to appear before the Santa Fe audiencia, Zúñiga refused to let him leave the city on the grounds that he was indispensable, and there is no indication that the teniente defied the governor's orders. The oficiales reales of Cartagena, who were ordered by the audiencia to implement one of its orders to make Zúñiga abandon his inquiries into

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<sup>117</sup> AGI Santa Fe 262, Consulta of 28 Oct. 1715.

<sup>118</sup> *Ibid.*; AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715; AGI Santa Fe 468, Autos sobre haberse hallado cerca de la Villa de Mompox por un alcalde ordinario un hombre con un pliego, 1715.



the Mompox rebellion, also bowed to the governor's power. The audiencia's orders carried more weight, but the governor was physically closer and could more easily harm them through imprisonment or the embargo of their salaries and possessions. In the end, the treasurers did as Zúñiga ordered, despite seeming inclined to obey the audiencia rather than the governor.<sup>119</sup> Clearly, local power was more potent, at least in the short term, than the legally superior but distant authority of the audiencia.

The case also throws an interesting sidelight on the significance of the annual New Years Day election of *alcaldes* and of the importance attributed to having allies in these posts. Whatever the crown aimed at, royal officials in the Indies were not an isolated group but formed strong links to local society and politics. By mid-November 1711, the *alcaldes* of Mompox voiced complaints that the governor and *teniente's* supporters were trying to get their people elected as *alcaldes*.<sup>120</sup> It is possible that past experience influenced the *alcaldes'* complaints. On 1 January 1711 'unos carteles informativos contra el crédito del señor alférez Joseph Esteban Gamarra *alcalde ordinario* ... y ... algunos vecinos principales y condecorados ... amanecieron puestos en las esquinas y plazas de [Mompox]'.<sup>121</sup> According to Torres and Gamarra, *teniente* Madrigal's alleged supporters Juan and Diego Ordóñez and Pedro Yañes Herrera were behind these posters, which were part of their campaign to secure the election of *alcaldes* from their party.<sup>122</sup> If true, this means that people not

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<sup>119</sup> AGI Santa Fe 365, oficiales reales of Cartagena to audiencia of Santa Fe, 23 Nov. and 5 Dec. 1711 (in Santa Fe-auto, f. 74 and ff. 58-60, respectively); AGI Santa Fe 365, José de Zúñiga y la Cerda to oficiales reales of Cartagena, 23 and 24 Nov. 1711 (in Santa Fe-auto, ff. 77 and 78); AGI Santa Fe 365, oficiales reales of Cartagena to José de Zúñiga y la Cerda, 23 and 24 Nov. 1711 (in Santa Fe-auto, ff. 77 and 79).

<sup>120</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to audiencia of Santa Fe, 14 Nov. 1711 (in Santa Fe-auto, ff. 38-40).

<sup>121</sup> AGI Escribanía 608 B. Testimonio del que quedó en esta villa [de Mompox] de la sumaria hecha sobre los alborotos del día de año nuevo, 1711, f. 1.

<sup>122</sup> AGI Santa Fe 365, Mompox-auto, p. 11.



only tried to get themselves elected, but they also made efforts to get their allies into a position as *alcalde*. This shows, again, that royal official did not monopolise power, but had to enter the local political arena.

The *audiencia* took the concerns over the 1712 elections seriously, and sent instructions to the *alcaldes* of Mompox on how to handle them.<sup>123</sup> According to law, election results in settlements within seventy-five kilometres of Cartagena had to be sent to the governor for approval and confirmation. In other places further away, like Mompox, the governor was obliged to send a representative to the town to control and confirm the elections. This representative was not to interfere in any way in the election procedure, nor was he to be present in the *cabildo* meeting rooms when they took place. He was only to observe, to look at the result and confirm what had taken place.<sup>124</sup> Torres and Gamarra's main worry was their conviction that Francisco de Berrio would be Zúñiga's chosen representative, an unwelcome choice given the persistent rumours of his leading a military campaign against the town.<sup>125</sup>

This was, in fact, not the first time the *cabildo* of Mompox and the governor of Cartagena had entered into controversy over elections. In 1696, the *cabildo* refused to accept the newly arrived Governor Diego de los Ríos' demand that the *momposinos* send the election results to him in Cartagena in contravention of the above mentioned law. At one of the *cabildo* meetings dealing with Ríos' attempt to

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<sup>123</sup> AGI Santa Fe 365, Auto issued by the *audiencia* of Santa Fe, 5 Dec. 1711 (in Santa Fe-auto, ff. 42-44).

<sup>124</sup> AGI Panamá 125, Testimonio de una Real Provisión despachada por la Real Audiencia de Santa Fe sobre las elecciones de la Villa de Mompos del año pasado de 1696 contra el Gobernador de Cartagena, 26 April 1696.

<sup>125</sup> AGI Santa Fe 365, Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 14 Nov. 1711 (in Santa Fe-auto, ff. 38-40).



interfere in the elections, two of his supporters along with several armed men stormed into the town hall, starting a riot which was only ended when the two *alcaldes* resigned from their newly acquired offices.<sup>126</sup> On that occasion, too, the *cabildo* appealed to the *audiencia* of Santa Fe for help. The *oidores* supported Mompox unconditionally, and gave Governor Ríos a fine and a sharp reprimand, warning him that such contravention of the *audiencia*'s orders would not be tolerated. As for the *cabildo* of Mompox, it was always to obey the *audiencia*, regardless of what contrasting or conflicting orders it might receive from the governor of Cartagena. There was, then, a history of animosity between the Mompox *cabildo* and its provincial superior and similarly a history of alliance between the *momposinos* and the *audiencia*.

With the overthrow of President Meneses by his colleagues in the *audiencia* in September 1715 (which we will examine in Chapter Six), the Mompox rebellion was overshadowed by graver concerns and it does not seem that anyone was arrested and put on trial, despite the many arrest orders issued.<sup>127</sup> Indeed, the *oidores* who removed Meneses revoked the suspensions of Badillo and other Cartagena officials, lifted the fines imposed upon them, the Mompox *cabildo* and coronel Toribio de la Torre, and rescinded the appointment of Francisco de Berrio as interim governor of Cartagena, thus indicating a possible interaction between the Mompox rebellion and

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<sup>126</sup> AGI Panamá 125, Testimonio de una Real Provisión despachada por la Real Audiencia de Santa Fe sobre las elecciones de la Villa de Mompos del año pasado de 1696 contra el Gobernador de Cartagena, 26 April 1696.

<sup>127</sup> Several documents in AGI Santa Fe 365, Santa Fe-auto: The fiscal of the *audiencia* of Santa Fe to the president, 26 Oct. 1711 (ff. 34-36); Acuerdo session of 27 Oct. 1711 (ff. 36-38); Francisco de Torres Morales and José Esteban Gamarra to *audiencia* of Santa Fe, 14 Nov. 1711 (ff. 38-40); Miguel Gerónimo González on behalf of Torres and Gamarra to president of *audiencia*, n.d. (1712) (ff. 51-52); the *vecinos* of Mompox to the *audiencia* of Santa Fe, 18 Dec. 1711 (ff. 53-57); Decree issued by the *audiencia* of Santa Fe, 4 Dec. 1712 (f. 53); and Respuesta fiscal, 20 April 1712 (f. 81).



events in Cartagena, and the overthrow of Meneses.<sup>128</sup> The Council of the Indies sought to intervene, but to little real effect. It had ordered the viceroy-elect of Peru, the Príncipe de Santo Buono, to mediate between governor Badillo and the audiencia while he was in Cartagena en route to Peru.<sup>129</sup> It also ordered him to make sure the audiencia sent an oidor to investigate the ‘sedicioso alboroto sucedido en Mompox’.<sup>130</sup> This order followed the Council of the Indies’ outrage at the audiencia’s disobedience in not sending an oidor to Mompox, disregarding its excuses of not having sufficient personnel as in the American audiencias only two oidores were necessary to carry out audiencia business and in emergencies even one was enough.<sup>131</sup> However, as Santo Buono arrived after the overthrow of Meneses and after the audiencia’s most controversial orders had already been revoked, there remained little for him to do. He did, however, collect all papers concerning the case, and he approved the audiencia’s decision to appoint teniente of Cartagena and oidor-elect of Santa Fe Juan Gutiérrez de Arce as investigator into the Mompox rebellion. He also took measures to ensure that Badillo’s authority as governor of Cartagena would henceforth be respected. The Council of the Indies approved of the viceroy’s course of action, but had little time for further action before it was embroiled in a far more serious crisis of authority in New Granada, stemming from the overthrow of President Meneses.<sup>132</sup> Once again, the government in Spain seemed

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<sup>128</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, March 2, 1716; AGI Santa Fe 468, Gerónimo Badillo to king, March 31, 1716.

<sup>129</sup> AGI Santa Fe 262, Consulta of 28 Oct. 1715. This consulta resulted in a real cédula to Santo Buono, dated 5 Nov. 1715. See AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 24 March 1716; AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716; AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725.

<sup>130</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 24 March 1716.

<sup>131</sup> AGI Santa Fe 262, Consulta of 28 Oct. 1715.

<sup>132</sup> AGI Santa Fe 468, Respuesta fiscal, 11 Dec. 1716.



able to do little; as far as New Granada was concerned, it was an arbitrator rather than an actor in politics, a holder of symbolic authority rather than immediate power.

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The three incidents offer some useful insights into the ways in which the *audiencia* interacted with provincial authorities, royal as well as municipal, and the prominent role played by corruption and contraband in determining the politics of these relationships. The Santa Marta rebellion of 1694 and the Mompox riot of 1711 displayed many similarities. First, they both seem to have been sparked by a wish to protect illegal trade. For both *cabildos* and both sets of *vecinos* freedom to participate in contraband was evidently of crucial importance, and they were willing to go to great lengths to protect what was probably their main source of income. Second, both the *vecinos* of Mompox and those of Santa Marta saw themselves as having the right to influence measures affecting their communities, and to negotiate power with higher authorities. Phelan has argued that the *Comunero* rebellion of 1781 was a reaction against an attempt by the crown to challenge long-standing political traditions in New Granada. These traditions implied that the inhabitants of the colony had a say in the implementation of new laws or practices. Thus, any law which was not considered practical was seen as invalid.<sup>133</sup> However, many decades earlier the inhabitants of the coastal provinces of New Granada not only felt that it was their right to protest against impractical laws, but against any decision made by

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<sup>133</sup> Phelan, *The People and the King*, pp. xviii-xix. On the tradition for participation in politics by New Granadan local communities, see also Anthony McFarlane, 'Civil Disorders and Popular Protest in Late Colonial New Granada' in *Hispanic American Historical Review*, 64:1 (1984), pp. 17-54; and the same author's 'The Politics of Rebellion in New Granada, 1780-1810' in Hans-Joachim König and Marianne Wiesebron (eds.), *Nation Building in Nineteenth Century Latin America. Dilemmas and Conflicts* (Leiden, 1998), pp. 201-218.



higher authorities which they considered unjust. Neither the vecinos of Santa Marta nor those of Mompox willingly accepted decisions which they regarded as damaging to their interests. However, the chain of command functioned differently in the two cases. In that of Santa Marta, the audiencia of Santa Fe and the governor of Cartagena co-operated to impose royal authority, showing how the chain was intended to work. Mompox, on the other hand, tried to exploit discrepancies between the two levels of authority to protect the interests of the town's important vecinos. Its struggle for autonomy and efforts to take advantage of the divisions between lawyers and military men in New Granada's government reflect rivalries which were to surface again during the eighteenth century and in the struggle for independence after 1810. Indeed, these rivalries were to play an important part in the political struggles that took place after 1810, as Santa Marta and Mompox both took advantage of the crisis of the royal authority to assert its independence from Cartagena.<sup>134</sup>

The case of Cartagena in 1697-98 was different in that it mainly involved royal officials and not local authorities or vecinos. Also, it was not illegal trade but other forms of corruption which provided the motivation for confronting the audiencia. However, Diego de los Ríos was clearly a part of the same political culture as he expressed what he perceived as his right to protest against unjust measures imposed from above. This case, like those of Santa Marta and especially of Mompox, also displayed conflict between military and letrado wings of government. There seems to

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<sup>134</sup> McFarlane, *Colombia before Independence*, chapter 12, and especially p. 345, and 'The Politics of Rebellion in New Granada', pp. 213-214; Alfonso Múnera Cavadía, *El fracaso de la nación. Región, clase y raza en el caribe colombiano (1717-1810)* (Bogotá, 1998); Adelaida Sourdis de De la Vega, *Cartagena de Indias durante la Primera República, 1810-1815* (Bogotá, 1988).



have been deep divisions in the views of men of military and letrado training on how good government should be carried out. This again leads on to another prominent feature of Spanish American government and one which was the source of many of the problems emerging in the aftermaths of the Cartagena-affair and Mompox riot: vaguely defined areas of jurisdiction. Although the Council of the Indies was in no doubt of the superiority of the audiencia over any other institution of government in New Granada, in political as well as military matters, there was enough room for manoeuvre within institutional and legal frameworks for lower officials to challenge its authority, a fact which could be exploited by local elites. It is also worth pointing out the failure of the crown to bring those responsible for the rebellions to task. Only after the Santa Marta incident was anyone punished, and that was through military justice rather than the judicial system. On the one hand, this can be seen as an expression of the weakness of the Spanish central authorities. On the other hand, perhaps this flexibility helped preserve the cohesion of the empire. The crown's New Granadan subjects had made their point while remaining loyal subjects to the Spanish king.



## 5- Church and Crown: Civil and Ecclesiastical Conflict in Cartagena de Indias

On 16 August 1683, the *Día de San Roque*, Governor Rafael de Capsir y Sanz of Cartagena walked towards the city's Convent of Santa Clara with a group of armed soldiers and several Franciscan friars. The purpose of the exercise was to restore control of the rebellious nuns of the convent to the Order of San Francisco. Upon arrival, the group tried to force its way through the locked doors of the building, leading the cloistered nuns to seek refuge in the convent chapel. However, they soon felt insecure even there, and made the serious and highly irregular decision to *quebrantar la clausura*, leaving the convent to run through the city's streets to the bishop's residence in search of protection.<sup>1</sup> This incident, which was part of a long-running dispute between the leading civil and ecclesiastical authorities of the city, is a useful point of departure for examining another dimension of Spanish American government and politics during the later Habsburg and early Bourbon periods: namely, relations between Church and State and, more particularly, the extent to which, and areas in which, state and clerical functionaries competed for power and authority. As we shall see, the spectacle of nuns running through the city's streets to seek refuge in the bishop's palace points to a number of the ways in which ecclesiastical affairs intruded into the politics of government and public life, and illustrates several aspects of the structure of relationships within the ecclesiastical authorities as well as between Church and crown. First, it points at a rivalry between the secular clergy, represented by the bishop, and the regular clergy, represented by

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<sup>1</sup> AGI Santa Fe 47, R.1, N.14, Martín de Cevallos y la Cerda to king, 7 June 1690; Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 1, p. 405; Juan Manuel Pacheco, *La consolidación de la Iglesia, siglo XVII*, Historia Extensa de Colombia, vol. XIII, tomo 2 (Bogotá, 1975), p. 298.



the Franciscans. Second, it shows how civil authorities became involved even in internal conflicts in the ecclesiastical sphere, and how force was seen as a legitimate course of action by clerics and laymen alike. Third, it suggests that spiritual life was highly influenced by worldly issues and that the two spheres were closely interlinked. And fourth, it shows how disputes were acted out in a public and visible manner.

### *Civil and Ecclesiastical Authority*

America was conquered in the name of Christendom and in a European context of a newly completed *Reconquista* and a soon-to-come Reformation, and historians have long recognised the immense importance of religion in all aspects of Spanish American colonial life.<sup>2</sup> Indeed, a loyal colonial clergy has been given much of the credit for maintaining Spanish rule in America for more than three centuries, often intervening in favour of royal government, such as during the riots in Santa Marta in 1694 and Mompo in 1711. The crown was fully aware of the clergy's influence, and sought to convert the American church into an ally and an instrument for royal policy, often merging ecclesiastical and civil power into the hands of individuals by appointing archbishops as viceroys and interim presidents of audiencias.<sup>3</sup> Its efforts resulted in a relationship between church and state unlike any other in the Christian world, and '[b]y the sixteenth century, Crown control over the Spanish Church

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<sup>2</sup> See for example Nancy M. Fariss, *Crown and Clergy in Colonial Mexico 1750-1821. The Crisis of Ecclesiastical Privilege* (London, 1968), pp. 2-4 and 15; Richard E. Greenleaf, 'Introduction' in Richard E. Greenleaf (ed.), *The Roman Catholic Church in Colonial Latin America* (New York, 1971), p. 15; Haring, *The Spanish Empire in America*, pp. 169, 179 and 182; Adriaan C. Van Oss, *Catholic Catholicism. A parish history of Guatemala 1524-1821* (Cambridge, 1986), pp. 179-188.

<sup>3</sup> In Santa Fe, this was the case with archbishops Francisco de Cosío y Otero in 1710-11 and Francisco de Rincón from 1717 to 1718.



exceeded that of any other European kingdom, whether Protestant or Catholic'<sup>4</sup>

However, this does not mean that relations of crown and Church were of dominion/subordination, and President Francisco Castillo de la Concha of the audiencia of Santa Fe complained repeatedly in the 1680s that 'en esta ciudad de Santafé había mucha iglesia y poco Rey'.<sup>5</sup> As was the case with royal officials and New Granadan subjects, the clergy found room for manoeuvre within the framework imposed upon them.

Conflicts within the clergy as well as between civil and ecclesiastical institutions were frequent and contributed to shaping politics and society in late seventeenth and early eighteenth century New Granada. The following pages will deal principally with two such conflicts. First, there was the controversy surrounding Bishop Miguel Antonio Benavides of Cartagena in the 1680s to early 1700s, which started out as a conflict between secular and regular clergy but escalated into involving royal government in New Granada as well as the Spanish king and the Pope in Rome. And second, around 1715, also in Cartagena, Bishop Antonio María Casiani and Governor Gerónimo Badillo clashed over a series of issues. But before turning to the specific conditions of late Habsburg and early Bourbon Santa Fe and Cartagena, it is necessary to outline the formal relationship between the Spanish crown and the American Church.

In the course of the sixteenth century Spanish lawyers developed the juridical doctrine of the Patronato Real, which made the Spanish king the Pope's

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<sup>4</sup> MacLachlan, *Spain's Empire in the New World*, p. 7

<sup>5</sup> Groot, *Historial Eclesiástica y Civil de Nueva Granada*, vol. 1, p. 433.



representative in the Indies and the secular head of the Spanish American Church.<sup>6</sup>

This unique relationship originated in the so-called bulls of donation issued by Pope Alexander VI shortly after Columbus' discovery of the New World. They laid the foundations for royal control over the American Church by giving the Spanish kings the right to collect and spend all ecclesiastical tithes in the newly conquered areas.<sup>7</sup>

In return, they were made responsible for evangelisation in the New World, pledging to spread Christianity and maintain the Church. These rights were confirmed by another bull, issued by Pope Julius II in 1508. By the terms of this bull, the Castilian kings were made patrons of the American Church and responsible for founding and building churches and monasteries. More importantly, they obtained control over the disposal of all ecclesiastical benefices.

By steadily amplifying the original papal concessions, the Habsburg kings converted the patronato into the *vicariato*, where the Spanish king assumed the function of God's vicar general in the American Church in addition to that of patron. The doctrine was designed to extend royal power at the expense of papal authority in order to allow the crown to exercise a greater measure of control over ecclesiastical

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<sup>6</sup> On the patronato, see Josep M. Barnadas, 'The Catholic Church in Colonial Spanish America' in Leslie Bethell (ed.), *The Cambridge History of Latin America, volume I* (Cambridge, 1984), pp. 512-513; Farriss, *Crown and Clergy in Colonial Mexico*, pp. 7-8 and 15; Haring, *The Spanish Empire in America*, pp. 167-168; Leal Curiel, *El discurso de la fidelidad*, pp. 29-36; Frances V. Scholes, 'An Overview of the Colonial Church' in Richard E. Greenleaf (ed.), *The Roman Catholic Church in Colonial Latin America* (New York, 1971), pp. 19-29; Solórzano, *Política Indiana*, libro IV, cap. 2-3.



activities. The theory of the vicariato started developing at the beginning of the colonial period, but was first tentatively put into writing by Juan de Solórzano Pereira in 1647.<sup>8</sup> However, it was to take regalists another century to fully develop the idea, and only with Charles III's policy of extending royal authority did the vicariato concept reach its fullest expression.

However, towards the end of the seventeenth century, two jurists employed in Peru played a key role in extending the concept of the patronato by singling out what they termed the king's 'poder económico' as different from his judicial authority, arguing that because 'ecclesiastics did not cease to be royal subjects when they took holy orders, ... the king had the right to regulate all their actions not directly related to their sacramental functions'.<sup>9</sup> This allowed the crown to develop a set of royal control mechanisms over the American church labelled administrative rather than judicial. The use of judicial measures was severely restricted due to the institution of ecclesiastical immunity which protected clerics from direct royal intervention in their affairs.<sup>10</sup> Through the privilege of the *fuero*, ecclesiastics were exempt from civil judicial procedures. This meant that they could only be investigated, prosecuted, tried and sentenced by ecclesiastical judges, and could not even be summoned as

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July 1714; AGN Real Audiencia -Cundinamarca, tomo 3, Libro de Acuerdos de la real Audiencia de Santa Fe de 1697 a 1705, f. 15, acuerdo session of 5 June 1697.

<sup>8</sup> Solórzano, *Política Indiana*, libro 4, cap. 2, no. 24. Also Barnadas, 'The catholic Church in Colonial Spanish America', pp. 536-540; Arthur Ennis, O.S.A., 'The Conflict Between the Regular and Secular Clergy' in Richard E. Greenleaf (ed.), *The Roman Catholic Church in Colonial Latin America* (New York, 1971), p. 69; Farriss, *Crown and Clergy in Colonial Mexico*, pp. 15, 28-29 and 32.

<sup>9</sup> Farriss, *Crown and Clergy in Colonial Mexico*, p. 40. The two jurists were Pedro Frasso and Juan Luis López, whose works were published in 1677 and 1685 respectively. Pp. 39, 41-42 and 45-47 also deal with executive control of the clergy. The idea that ecclesiastics remained vassals of the king was also expressed by Solórzano, *Política Indiana*, libro 4, cap. 27, no. 11.

<sup>10</sup> On ecclesiastical immunity, see Farriss, *Crown and Clergy in Colonial Mexico*, pp. 6-7 and 22.



witnesses to give testimony by a civil magistrate. The second aspect was the privilege of the canon, which protected clerics from physical violence and meant that they could not be arrested, tortured or in any way punished by secular authorities. Thus, the so-called administrative measures offered royal officials in the Indies a uniquely useful tool in disputes with ecclesiastical authorities.<sup>11</sup>

However, clerical immunity was not complete although it was not directly challenged until Charles III's extensive reform programme in the second half of the eighteenth century.<sup>12</sup> If the offence committed was serious enough, not even ecclesiastical immunity could protect a man from prosecution. This was the case with Julián Jiménez de Alarcón, escribano and alguacil mayor of the Inquisition in Santa Marta and an accomplice in the 1694 revolt.<sup>13</sup> However, what could never be violated, at least not until the eighteenth century, was the *sagrado*. If a man wanted by civil authorities, cleric or layman, sought refuge in a church or monastery, he could not be touched.<sup>14</sup> Indeed, after the Mompox rebellion prisoners had to be freed because they had been 'sacado del sagrado'.<sup>15</sup>

The single most important mechanism of control over the clergy given to the Spanish monarchs through the patronato was the control over ecclesiastical appointments.

This enabled the crown to ensure ecclesiastical appointees loyal to royal authority

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<sup>11</sup> Ibid., pp. 53.

<sup>12</sup> Ibid., pp. 10-12. For an analysis of Charles III's reform programme, see pp. 90-145.

<sup>13</sup> AGI Santa Fe 212, Real Provisión, 13 Nov. 1694.

<sup>14</sup> This was, for example the case with Pedro López Martínez when President Cabrera attempted to exile him from Santa Fe (AGI Santa Fe 211, Gil de Cabrera to king, 2 Oct. 1688), Francisco de Berrio y Guzmán who tried to escape Governor Badillo's rage by retiring to the monastery of Santo Domingo of Cartagena (AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715), and Governor Antonio Fernández de Azcaño y Ballines who sought refuge in the cathedral of Santa Marta when overthrown by the town's cabildo (AGI Santa Fe 48, R.1, N.2, Sancho Jimeno to king, 25 Oct. 1694), to name but a few.



and policies, and to remove from office and even expel from the Indies unsatisfactory beneficiaries.<sup>16</sup> Although bishops and archbishops were in theory appointed by the Pope on the nomination of the king, who again acted on the recommendation of the Council of the Indies, papal approval of prelates became a mere formality and the king's choice was never disputed. Lower beneficiaries were in practice appointed by the vice-patrons in America, i.e. viceroys, governors, and presidents of audiencias, although with the approval of the diocesan authorities. Bishops selected three candidates for parish benefices by public competition of whom royal officials appointed one.

Obviously, this procedure offered ample possibilities for power rivalry between secular and ecclesiastical authorities. For example, in the late 1690s and early 1700s in Cartagena the *canongía magistral* of the cathedral stayed vacant for more than eight years because of a dispute over whether or not to admit an applicant.<sup>17</sup> And in Santa Fe, the provision of a curate in Siachoque in 1713 originated a dispute between President Francisco de Meneses and Archbishop Francisco de Cosío y Otero when the former tried to have his godson appointed. The archbishop finally complained to the king when Meneses and the audiencia seized his belongings and fined him 12 000 pesos, and secured Madrid's support and a reprimand and a fine for the president.<sup>18</sup> Indeed, the crown always demanded that its secular officials show proper

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<sup>15</sup> AGI Santa Fe 365, Santa Fe-autos, f. 54.

<sup>16</sup> Farriss, *Crown and Clergy in Colonial Mexico*, pp. 15-17, 19 and 30; Haring, *The Spanish Empire in America*, p. 167; Solórzano, *Política Indiana*, libro 4, cap. 2, no. 32, cap. 3, no. 26, and cap. 7, no. 4. About the process developed to expel a cleric from the Indies, see Farriss, *Crown and Clergy in Colonial Mexico*, pp. 24, 42, 46, 48-49 and 51.

<sup>17</sup> AGI Santa Fe 1009, Juan Díaz Pimienta to king, 1704. See also AGI Santa Fe 47, R.1, N.23, Expediente sobre oposición a la chantría y sacristía de la iglesia catedral de Cartagena, 16 Jan.-17 Sept. 1692; AGI Santa Fe 47, R.1, N.24, Martín de Cevallos y la Cerda to king, 18 Jan. 1692.

<sup>18</sup> Restrepo Sáenz, *Biografías de los mandatorios*, p. 30.



respect for ecclesiastics, and one of the questions asked in all residencias was whether the secular official had fulfilled his obligation ‘to “honour and favour” the clergy’.<sup>19</sup> Clerics for their part had to swear an oath to respect the patronato and ‘not to usurp or obstruct the exercise of civil justice’, and were ‘instructed to admonish the clergy not to use “scandalous words touching the public and universal government” in the pulpit, and not to preach against the “ministers and officials of our justice”’.<sup>20</sup> Thus, President Gil de Cabrera complained when Dominican friar Juan de Gaviria in 1689 gave a sermon in which he insinuated that Cabrera’s actions were equivalent to the ‘simonías y otros muchos delictos’ for which God had just punished the city of Lima with destructive earthquakes.<sup>21</sup> In fact, the crown also addressed ecclesiastics in different words from those used to address secular officials. For instance, when Antonio de la Pedrosa went to New Granada to establish the viceroyalty in 1718, the cédula he brought with him ordered (‘mando’) that the latter co-operate with Pedrosa whereas it asked (‘ruego y encargo’) the former to do the same.<sup>22</sup>

A second important method of royal control over ecclesiastical affairs was the procedure of royal review of decisions made in ecclesiastical courts.<sup>23</sup> These courts

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<sup>19</sup> Fariss, *Crown and Clergy in Colonial Mexico*, p. 2. See also Scholes, ‘An Overview of the Colonial Church’, p. 25.

<sup>20</sup> Scholes, ‘An Overview of the Colonial Church’, p. 26. About ‘sermones escandalosas’, see also Solórzano, *Política Indiana*, libro 4, cap. 27, nos. 22 and 23. About the oath to respect the patronato, *ibid.* libro 4, cap. 6, no. 30.

<sup>21</sup> AGI Santa Fe 211, Sobre el sermón, 1 Dec. 1691.

<sup>22</sup> AGI Santa Fe 368, Real Cédula, 20 May 1717. For another example, see AGI Santa Fe 261, Expediente en razón de las desavenencias subcitadas entre el gobernador y vicario general del obispado de Cartagena, con el obispo de Santa Fe, 1696-1699.

<sup>23</sup> Farriss, *Crown and Clergy in Colonial Mexico*, pp. 6-7 and 15-16.



had 'exclusive jurisdiction over spiritual matters as well as over all persons of ecclesiastical status', and had procedures largely identical to those of civil courts.<sup>24</sup> However, the *audiencia* had first instance jurisdiction in 'ecclesiastical cases of a secular character, such as disputes, between the religious orders, or cases affecting the disposition of tithes or church lands or vacant benefices. Within its competence were also crimes committed by the clergy under civil law.'<sup>25</sup> According to Frances V. Scholes, '[t]his dual system of jurisprudence had always been a source of conflict between Church and State, for it had never been administered or applied with full satisfaction to neither.'<sup>26</sup> The situation was aggravated by the fact that the ecclesiastical courts lacked the resources to carry out most sentences which they pronounced and were forced to turn to the secular authorities, who were supposed to render assistance automatically. This practice inevitably led to dispute.

Royal review was most often exercised by the *audiencia* through the *recurso de fuerza*. This was essentially a 'complaint lodged by a party to any litigation in an ecclesiastical court who had no recourse in an ordinary appeal' and could not 'obtain redress of his grievance through the normal channels of his own *fuego*'.<sup>27</sup> The complaint could be made on the basis of the ecclesiastical court failing to follow legal procedure, refusing to grant a legitimate appeal, or lacking jurisdiction to deal with the case in question. Although prelates never embraced the *recurso de fuerza*,

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<sup>24</sup> Ibid., pp. 66-67.

<sup>25</sup> Haring, *The Spanish Empire in America*, pp. 121-122.

<sup>26</sup> Scholes, 'An Overview of the Colonial Church', p. 25.

<sup>27</sup> Quotes from Farriss, *Crown and Clergy in Colonial Mexico*, pp. 71 and 76, respectively. See also p. 80.



they could not protest against the measure 'without questioning the premise of State supremacy on which the institution rested.'<sup>28</sup>

But the Church was not powerless against royal officials, its most important measure being canonical censures and above all excommunication.<sup>29</sup> This was based on a papal bull repeatedly banned by the crown, called *In Coena Domini*, which allowed bishops to excommunicate civil magistrates who usurped ecclesiastical jurisdiction.<sup>30</sup>

However, the efficacy of the measure as a political weapon against secular supremacy was greatly reduced by the *recurso de fuerza*. Anyone who had been excommunicated could appeal to the audiencia and if it judged that the ecclesiastical magistrate who had issued the excommunication had committed *fuerza*, he was ordered to absolve his victim, on pain of having his property confiscated and being deported to Spain.<sup>31</sup>

### ***The Church in New Granada***

Once in control of the American Church, the Habsburgs constructed an ecclesiastical administrative framework largely identical to that of Spain.<sup>32</sup> Both Santa Fe and Cartagena occupied prominent places in this structure, the former as seat of the archbishop and the latter as a bishopric of some importance. The cities of Santa Fe and Cartagena each had four parishes, and in addition the latter had that of the

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<sup>28</sup> Ibid., p. 70.

<sup>29</sup> Ibid., p. 57; Solórzano, *Política Indiana*, libro 4, cap. 7, nos. 33 and 35.

<sup>30</sup> Solórzano, *Política Indiana*, libro 4, capítulo 1, no. 34.

<sup>31</sup> Farriss, *Crown and Clergy in Colonial Mexico*, pp. 59 and 81. Also AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, March 2, 1716; Mayorga García, *La Audiencia de Santafé*, p. 138.

<sup>32</sup> Haring, *The Spanish Empire in America*, p. 170; Barnadas, 'The Catholic Church in Colonial Spanish America', pp. 517-518.



Santísima Trinidad de Getsemaní outside the original city walls.<sup>33</sup> Smaller sanctuaries grew up in the vicinity of towns as creoles created their own religious images to worship. As both Jaques Lafaye and David Brading have argued, this contributed to developing a distinctive creole identity and later also contributed to forming a national consciousness in the various independent countries of Latin America.<sup>34</sup> Although New Granada did not have anything equivalent to the Mexican Virgin of Guadalupe, local cults did emerge.<sup>35</sup>

As in Spain, ecclesiastical authorities were made up of three separate branches: the secular and regular clergy and the Holy Office of the Inquisition. In addition, there was the less important *Tribunal de la Santa Cruzada*, an institution completely independent from ecclesiastical and civil courts and responsible for the sale of bulls of the Santa Cruzada, or indulgences.<sup>36</sup> The regular clergy enjoyed more independence from the crown than the secular priests, as they remained directly accountable to their vicar generals in Rome, but did not escape its control, mainly exercised through the crown's right to select missionaries and through its restriction

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<sup>33</sup> Aguilera Díaz and Meisel Roca, 'Cartagena de Indias en 1777', p. 35; Borrego Plá, *Cartagena de Indias en el siglo XVI*, pp. 11-12; Mantilla, *Historia de la Arquidiócesis de Bogotá*, p. 67; Villamar, *Vida y virtudes*. For an overview of churches, convents and monasteries in the city of Cartagena de Indias, see Tulio Aristizábal, *Iglesias, conventos y hospitales en Cartagena colonial* (Bogotá, 1998).

<sup>34</sup> David A. Brading, *The first America: the Spanish monarchy, Creole patriots and the liberal state, 1492-1867* (Cambridge, 1991), particularly pp. 343-361 which deal with the cult of the Virgin of Guadalupe; Jaques Lafaye, *Quetzalcóatl and Guadalupe: the formation of Mexican national consciousness, 1531-1813* (Chicago and London, 1976).

<sup>35</sup> For example, on 10 Aug. 1685 the images of Jesus, Mary, Joseph and the Archangel Michael were found traced in the rock of the hills east of the city of Santa Fe, giving rise to the cult of Nuestra Señora de la Peña. (Pacheco, *La Consolidación de la Iglesia*, pp. 544-545; Mantilla, *Historia de la Arquidiócesis de Bogotá*, pp. 219-220) And in the sanctuary of Montserrate, established in 1620, santafereño pilgrims worshipped the Señor Caído de Montserrate. (Mantilla, *Historia de la Arquidiócesis de Bogotá*, pp. 214-215) Chapels were built by devoted private individuals, too, often in gratitude for what was seen as Divine intervention in the cure for an illness or birth of a child. For instance, oidor Francisco José Merlo de la Fuente financed the rebuilding of the Church of Nuestra Señora de Belén in 1698-1700 after attributing the birth of his eldest daughter to the Virgin's blessing. (Restrepo Sáenz, *Biografías de los mandatorios*, p. 21)

<sup>36</sup> Scholes, 'An Overview of the Colonial Church', pp. 26-28; Solórzano, *Política Indiana*, libro 4, cap. 25.



on travel to and from America.<sup>37</sup> Indeed, Solórzano saw their independence as detrimental to the crown and recommended that the number of regular clerics be restricted.<sup>38</sup> The Franciscans, Dominicans, Augustinians, Mercedarians and Jesuits were the most important religious orders in New Granada and had convents and monasteries in both Santa Fe and Cartagena.<sup>39</sup> In the case of the convents, they played 'an educational and charitable role of considerable importance for the daughters of the creole sector of society. They prepared girls for married life and received as permanent members those who would not, or could not, marry.'<sup>40</sup>

Education in general was mainly in the hands of the religious orders although some schools were managed by the secular clergy. Both Cartagena and Santa Fe had Jesuit schools, and in addition the New Granadan capital boasted two *colegios mayores* linked to two universities.<sup>41</sup> The Jesuit Colegio of San Bartolomé was by 1623 responsible for eighty pupils studying grammar and arts. The Colegio del Rosario was opened by Archbishop Cristóbal de Torres in 1654 and was to have twenty students aiming for ecclesiastical careers as well as ten medical students. Initially in the hands of Dominican friars, it was later put under the Patronato Real because of the clerics' alleged mismanagement of funds. Change of management did not put an

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<sup>37</sup> Fariss, *Crown and Clergy in Colonial Mexico*, 9, 19 and 63. See also Barnadas, 'The Catholic Church in Colonial Spanish America', p.521; Ennis, 'The Conflict Between the Regular and Secular Clergy', pp. 63-72; Greenleaf, 'Introduction', pp. 4-5 and 7; Van Oss, *Catholic Colonialism*, p. 53. Bernard Lavallé, *Las Promesas Ambiguas. Criollismo Colonial en los Andes* (Lima, 1993), p. 212, argues that the relative decentralisation of the religious orders contributed to their autonomy.

<sup>38</sup> Solórzano, *Política Indiana*, libro 4, cap. 26, no. 2.

<sup>39</sup> On religious orders in New Granada in the seventeenth century, both these five and lesser ones, see Pacheco, *La Consolidación de la Iglesia*, pp. 377-527, 589-590, 595 and 641-695.

<sup>40</sup> Barnadas, 'The Catholic Church in Colonial Spanish America', p. 524.

<sup>41</sup> Tulio Aristizábal Giraldo, S.J., *Retazos de Historia. Los Jesuitas en Cartagena de Indias* (Cartagena, 1995), pp. 11 and 100; Mantilla, *Historia de la Arquidiócesis de Bogotá*, pp. 90, 121-125; Pacheco, *La Consolidación de la Iglesia*, pp. 45-46, 135-141, 364-367, 390-392, 496-499 and 559-563; Villamar, *Vida y virtudes*; Fray Alonso de Zamora, P.M., *Historia de la provincia de San Antonino del Nuevo Reino de Granada, del orden de Predicadores* (Caracas, 1930 [Barcelona, 1701]), pp. 339, 418, and 459-463.



end to financial difficulties, however, and by the beginning of the eighteenth century it depended on an annual royal subsidy.<sup>42</sup> By the late seventeenth century, both colegios were linked to universities.<sup>43</sup> This had however only happened after a long struggle between Dominicans and Jesuits over who was to have the right to confer degrees, a dispute which lasted until 1704, when a papal bull of June 23 and a real cédula of November 25 granted both universities identical status.

We know something of the character of recruits to the clergy from the three categories of students taught in the colegios. The *seminaristas* were legitimate sons of parents of Spanish ancestry, more than twelve years old, poor and who already knew how to read and write. The archbishop in person was responsible for admitting and expelling these boys, as well as for supporting them. The *convictores*, on the other hand, supported themselves while in school and did not aim for a religious career. Later, a third category of pupils was added. These were the *colegiales reales*, who were sons of royal officials in the colony, most often of audiencia ministers, and who were supported by grants from the royal treasury.<sup>44</sup>

Unlike the Spanish Church, the American had to cater for Indians, blacks and those of mixed ancestry, as well as for whites. While Christianising the Indians always was a priority, evangelisation among blacks was not. Although laws stated that slaves should receive spiritual guidance, slaveowners tended to ignore it, partly because of

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<sup>42</sup> AGI Santa Fe 262, Consulta of 15 July 1715; AGI Santa Fe 263, Consulta of 11 Feb. 1726; Pacheco, *La Consolidación de la Iglesia*, pp. 135-141; Villamar, *Vida y virtudes*.

<sup>43</sup> Pacheco, *La Consolidación de la Iglesia*, pp. 559-563; Zamora, *Historia de la provincia de San Antonino*, pp. 418-440.

<sup>44</sup> Two of oidor Juan Garces de los Fayos' sons obtained such becas from the Colegio del Rosario in 1690 (Restrepo Sáenz, *Biografías de los mandatorios*, pp. 312-313) and oidor Domingo de la Rocha's son Ignacio obtained a beca real to the Colegio de San Bartolomé in 1709 (AGI, Indiferente 141, N.46, Relación de méritos of Ignacio de la Rocha Ferrer, 14 Sept. 1722).



fears that a higher level of education might lead to disobedience.<sup>45</sup> To spread Christianity among the Indians, the crown established the system of *doctrinas*, where each encomendero was to employ a priest, known as a *cura doctrinero*, to be in charge of the spiritual guidance of the Indians of the encomienda. Although the encomendero paid his salary, the priest was appointed by royal government. In the beginning, doctrinas were the exclusive domain of the order clergy, but by the early seventeenth century this had ceased to be the case as seculars occupied an increasing number.<sup>46</sup> For many New Granadan clerics, a doctrina was the first and lowest point of the career ladder.<sup>47</sup> The *Recopilación* stated that each doctrina should have 400 Indians, for which the priest should receive 50 000 maravedís.<sup>48</sup> However, by the late seventeenth century the crown had grown suspicious that this rule was not being observed, as the tribute derived from Indians decreased while the salaries of the curas doctrineros stayed the same. Indeed, the relation between tribute-paying Indians and curas doctrineros was one of the issues oidor Alcedo was ordered to investigate during his visita to New Granada in the 1690s.<sup>49</sup> He found that while priests still collected their 50 000 maravedís, there was not a single doctrina with as many as 400 Indians. Most had around a hundred Indians, some as few as 30 or 40 or

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<sup>45</sup> However, there were friars who made it their task to bring Christianity to the slaves, the Jesuits Alonso de Sandoval and his disciple Pedro Claver, who both worked in Cartagena in the first half of the seventeenth century, being the most famous examples. Pacheco, *La Consolidación de la Iglesia*, pp. 627-637; Jorge Palacios Preciado, 'La esclavitud y la sociedad esclavista' in *Manual de Historia de Colombia*, vol. 1 (Bogotá, 1982), pp. 334-336. See also Navarrete, María Cristina, *Prácticas religiosas de los negros en la colonia, Cartagena siglo XVII* (Cali, 1995), who uses documents from the Tribunal of the Inquisition to examine and analyse religious practices of Cartagena's blacks in the seventeenth century.

<sup>46</sup> Mantilla, *Historia de la Arquidiócesis de Bogotá*, pp. 59-61.

<sup>47</sup> AGI Santa Fe 396, Archbishop of Santa Fe to king, 23 June 1708; AGI Santa Fe 1009, Juan Díaz Pimienta to king, 1704.

<sup>48</sup> *Recopilación*, libro 1, tít. 11, ley 14 and tít. 13, ley 26. Also Solórzano, *Política Indiana*, libro 4, cap. 15, no. 54.

<sup>49</sup> AGI Santa Fe 357, Real Cédula, 30 July 1695.



even 10. He also found that in addition to the stated stipend, priests often collected additional pay under various pretexts.<sup>50</sup>

The cathedrals and other urban parish churches where whites made up the congregations, including -in theory- those settled in rural areas, were generally in the hands of the secular clergy.<sup>51</sup> Both in Cartagena and Santa Fe each of the three parish churches had a priest in charge<sup>52</sup>, and both cathedrals had several prebends disposed of by the king in addition to the bishop or archbishop.<sup>53</sup> In Santa Fe, there were also two *rectores* who were in charge of religious functions in the cathedral, closely supervised by the archbishop whose residence was in a side street to the church.<sup>54</sup> In Cartagena, the bishop himself was in charge of carrying out religious functions. Of the prebends, the most important post was that of dean. Then came that of archdeacon, precentor, chancellor, treasurer, canonries of different categories and lastly the prebends (*raciones*). The holders of the first five posts made up the *cabildo eclesiástico*, or cathedral chapter, which administered the churches and tithes with the prelate. It also took over government of the diocese when the see was vacant.<sup>55</sup>

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<sup>50</sup> AGI Santa Fe 357, Lo que resulta de las Consultas hechas al Consejo por Don Carlos de Alcedo Sotomayor, n.d.

<sup>51</sup> Pacheco, *La Consolidación de la Iglesia*, pp. 363 and 370. Also David A. Brading, *Church and State in Bourbon Mexico. The diocese of Michoacán 1749-1810* (Cambridge, 1994), pp. 173-210. Because of the segregation of the pueblos de indios and those of españoles pursued by the crown, only Spaniards who owned farms and ranches in the doctrinas were allowed to settle down in the vicinity of these. Although they were still supposed to attend church in the cities, their religious needs did in practice come to be served by the curas doctrineros. By the early seventeenth century, this had led to a number of conflicts between urban and rural priests, as both claimed the Spaniards for their own congregations. A compromise was reached in 1623, but the issue was still occasionally under debate into the eighteenth century. (Mantilla, *Historia de la Arquidiócesis de Bogotá*, p. 63)

<sup>52</sup> AGI Santa Fe 396, Archbishop of Santa Fe to king, 23 June 1708; Mantilla, *Historia de la Arquidiócesis de Bogotá*, 67; Villamar, *Vida y Virtudes*.

<sup>53</sup> AGI Santa Fe 396, Archbishop of Santa Fe to king, 23 June 1708; AGI Santa Fe 1009, Juan Díaz Pimiento to king, 1704.

<sup>54</sup> Mantilla, *Historia de la Arquidiócesis de Bogotá*, p. 207.



In 1708, all prebendaries in Santa Fe except one were from New Granada and were educated in Santa Fe's two colegios.<sup>56</sup> The lower ecclesiastical hierarchy offered ample battleground for ambitious creoles, most of whom followed similar career patterns. Indeed, as Juan A. and Judith E. Villamarín have pointed out, it was a necessity for elite families of Santa Fe to supply candidates to religious posts to maintain their standing in the social hierarchy.<sup>57</sup> Nicolás and Jacinto Roque Flórez de Acuña, sons of influential Santa Fe vecino Juan Flórez de Ocariz, illustrate fairly typical ecclesiastical careers.<sup>58</sup> Both studied at the Colegio del Rosario. Nicolás (born 1651) graduated as *maestro en artes y doctor en teología* in 1670. By the 1680s, he was rector of the Colegio del Rosario, from whence he went on to become *canónigo doctoral* of the cathedral of Santa Fe. In 1701 he was promoted to treasurer of the same, and two years later he climbed yet another step to precentor of the cathedral, a position he held until his death in c. 1711.<sup>59</sup> Jacinto Roque, nineteen years younger, closely followed his brother's footsteps. From rector of the Colegio del Rosario, he became *canónigo doctoral* of the cathedral of Santa Fe in 1708, beating his nephew Manuel Antonio Zapata to the post. By then, he had already been nominated in second place for the post without getting it in 1701, and in second place for senior prebendary of the cathedral in 1707. Jacinto Roque remained as *canónigo doctoral* for two decades, until he was promoted to treasurer of the

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<sup>55</sup> Brading, *Church and State in Bourbon Mexico*, p. 175; Pacheco, *La Consolidación de la Iglesia*, pp. 359-361; Solórzano, *Política Indiana*, libro 4, cap. 13 and 14. Also, AGI Santa Fe 261, Dictamen fiscal, 8 Feb. 1699.

<sup>56</sup> AGI Santa Fe 396, Archbishop of Santa Fe to king, 23 June 1708.

<sup>57</sup> Juan A. and Judith E. Villamarín, 'The Concept of Nobility in Colonial Santafé de Bogotá' in Karen Spalding (ed.), *Essays in the Political, Economic and Social History of Colonial Latin America* (Newark, Delaware, 1982), pp. 125-153.

<sup>58</sup> AGI Santa Fe 396, Archbishop of Santa Fe to king, 23 June 1708.

<sup>59</sup> AGI Santa Fe 262. Consultas of 25 June 1701, 16 May 1703 and 25 June 1712.



cathedral of Santa Fe in 1729.<sup>60</sup> Both brothers also held seats on the cathedral chapter, and between them were immensely influential in Santa Fe political, religious and social life for five decades. However, as in civil administration, the top ecclesiastical posts were generally reserved for peninsulars, and all archbishops of Santa Fe and bishops of Cartagena in the period under investigation were Spaniards.<sup>61</sup>

The third agency of the Church which exercised great influence in social and political life was the Holy Office of the Inquisition. The first American *Tribunales del Santo Oficio* were established in 1569 in Lima and Mexico City.<sup>62</sup> In 1610, an Inquisition office opened in Cartagena de Indias with an area of jurisdiction comprising the archbishoprics of Santa Fe and Santo Domingo. This, the smallest and newest of the American Inquisition offices became 'lugar de paso y promoción', both to Lima and Mexico and to peninsular Spain.<sup>63</sup> The office had two inquisitors, appointed by the inquisitor general of Spain but who were given títulos by the Spanish king like other royal officials in the Indies.<sup>64</sup> It also had a fiscal to bring

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<sup>60</sup> AGI Santa Fe 262, Consultas of 25 June 1701, 18 May 1707 and 16 May 1708; AGI Santa Fe 263, Consulta of 6 July 1729.

<sup>61</sup> José Restrepo Posada, *Genealogía episcopal de la jerarquía eclesiástica en los países que formaron la Gran Colombia, 1513-1966* (Bogotá, 1968). For proportions of Spanish and creole bishops, see Adriaan Cartagena. Van Oss, 'Comparing colonial bishoprics in Spanish South America' in *Boletín de Estudios Latinoamericanos y del Caribe*, 24 (1978), p. 58.

<sup>62</sup> For an account of the Spanish Inquisition, see Henry Kamen, *The Spanish Inquisition. A Historical Revision* (London, 1997). On the Holy Office in Cartagena, see Fermina Alvarez Alonso, *La Inquisición en Cartagena de Indias durante el siglo XVII* (Madrid, 1999); and also Elisa Luque Alcaide and Josep-Ignasi Saranyana, *La iglesia católica y América* (Madrid, 1992), p. 147; Pacheco, *La Consolidación de la Iglesia*, pp. 205-230 and 281-287; Solórzano, *Política Indiana*, libro 4, cap. 24. On its activities among blacks in the seventeenth century, see Navarrete, *Prácticas religiosas de los negros en la colonia*.

<sup>63</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, p. 76.

<sup>64</sup> For an example of such a título, see AGI Contratación 5796, L.2, F.5-6v, Título de Inquisidor de Cartagena of José Antonio Gutiérrez de Zevallos, 8 July 1710.



charges against the prisoners, *calificadores*<sup>65</sup>, *consultores*<sup>66</sup> and a host of lesser officials, all paid by the royal treasury. In addition, distributed among the most important cities of its realm, there were the *familiares* (lay officials) and also the *comisarios*<sup>67</sup> whose task was to inform the tribunal of the irregularities of their districts, publish the *edictos inquisitoriales*<sup>68</sup> and seize illegal books.

Whereas the inquisitors were mostly peninsular jurists, other posts within the tribunal were occupied by creoles.<sup>69</sup> In fact, the lack of men in Cartagena who were qualified and willing to serve on the tribunal of the Inquisition was always one of its most serious problems.<sup>70</sup> This was despite the special privileges granted to officials associated with the Inquisition and the social prestige they enjoyed.<sup>71</sup> Some of these privileges set the Holy Office officials visibly apart from vecinos in general, such as their distinctive dress, the prominent seats they occupied at public functions, and the fact that they were allowed to carry arms at all times. Each inquisitor and the fiscal also had the right to be accompanied by up to four armed slaves.

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<sup>65</sup> 'Assessor, usually a theologian, who examined evidence to see if heresy was involved; he might also act as a censor'. Kamen, *The Spanish Inquisition*, p. vii.

<sup>66</sup> 'Consultants on theology and canon law'. Scholes, 'An Overview of the Colonial Church', p. 28.

<sup>67</sup> 'Select local clergy who helped the Inquisition in administrative matters'. Kamen, *The Spanish Inquisition*, p. vii.

<sup>68</sup> 'Declaration (of "grace" or "faith") read out publicly by the inquisitors or their officials, at the commencement of proceedings in a district.' Ibid., p. viii.

<sup>69</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, pp. 60-67, examines the backgrounds and training of inquisitors and fiscales appointed to the Holy Office in Cartagena de Indias in the seventeenth century.

<sup>70</sup> Ibid., pp. 40-54; Alcaide and Saranyana, *La iglesia católica y América*, pp. 146-156; Pacheco, *La Consolidación de la Iglesia*, pp. 207-228.

<sup>71</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, pp. 60 and 269-270. See also AGI Contratación 5796, L.2, F.5-6v. Título de Inquisidor de Cartagena of Joseph Antonio Gutiérrez de Zevallos, 8 July 1710.



The jurisdiction of the Inquisition covered suspicions of heresy and apostasy against everyone except Indians, who alone were exempt from the inquisitors' jurisdiction.<sup>72</sup>

This included accusations of blasphemy, bigamy, sorcery and superstition, as well as insubordination to ecclesiastical authority, personnel and censures.<sup>73</sup> Sentences were announced and carried out at autos de fe held at irregular intervals. These, according to Alejandro Cañeque, were as much political as religious occasions, as the auto was 'a ritual of imperial legitimation'.<sup>74</sup> But the Holy Office also exercised wide authority of a temporal character. It owned and administered property and 'exercised temporal jurisdiction over all persons, even lay familiars, who were connected with it in an official capacity.'<sup>75</sup>

**Table 2: Cases tried before the Holy Office of the Inquisition in Cartagena, 1610-1700**<sup>76</sup>

Accusation	1610-1650	1651 - 1700	Characteristics of defendants
<i>Judaizantes</i>	58	26	57 were Portuguese, 38 of whom were merchants
Other types of heresy	35	48	34 were Protestants, 18 of whom were English
<i>Proposiciones</i> and blasphemy	45	28	18 Spaniards, 13 Portuguese, 11 creoles, 31 others
Superstition and sorcery	32	123	Almost exclusively blacks and mulattos of low social status
Witchcraft	66	4	39 blacks, 20 mulattos, 11 others
Offences committed by the clergy	17	14	26 regular clerics, 5 secular clerics; 9 Spaniards, one Italian, the rest creoles
Bigamy	21	51	63 men, 9 women; 25 Spaniards, 13 creoles, 9 mestizos, 25 others
Other	24	50	10 of these cases were tried between 1680 and 1690.
<b>Total</b>	<b>298</b>	<b>344</b>	

<sup>72</sup> However, there existed an 'episcopal inquisition', the *provisorato*, where bishops were in charge of punishing the religious offences of the Indians. Alejandro Cañeque, 'Theater of Power: Writing and Representing the Auto de fe in Colonial Mexico' in *The Americas*, 52:3 (January 1996), pp. 332.

<sup>73</sup> Scholes, 'An Overview of the Colonial Church', p. 28. See also AGI Contratación 5796, L.2, F.5-6v, Título de Inquisidor de Cartagena of Joseph Antonio Gutiérrez de Zevallos, 8 July 1710.

<sup>74</sup> Cañeque, 'Theater of Power: Writing and Representing the Auto de fe in Colonial Mexico', p. 323.

<sup>75</sup> Scholes, 'An Overview of the Colonial Church', p. 28.

<sup>76</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, pp. 115-273. 1696 was a peak year for the tribunal's activity, with 18 cases of superstition and sorcery and 13 other cases. It is possible that this had to do with the arrival in Cartagena of inquisitor Juan de Laiseca Alvarado the year before.



The Inquisition enjoyed an extraordinary degree of autonomy from royal authority. By papal and royal concessions, officials of the Inquisition enjoyed clerical immunity and jurisdiction independent from both civil and ecclesiastical authorities, and were accountable only to the Council of the Inquisition (the *Suprema*) in Spain, where appeals from the American tribunals were taken. However, this autonomy was also an invitation to conflicts of jurisdiction with government agencies, which were frequent and sometimes serious.<sup>77</sup> For instance, in the late 1690s and early 1700s, Governor Juan Díaz Pimienta of Cartagena was involved in a long standing conflict with the Inquisition because he allegedly allowed heretics to enter and leave the city.<sup>78</sup> He also clashed with inquisitor Juan de Laiseca Alvarado over matters of ceremony.<sup>79</sup> However, the most extensive conflict in which the Inquisition was involved in the entire period of its existence in Cartagena was that involving inquisitor Francisco de Valera and Bishop Miguel Antonio de Benavides y Piedrola.<sup>80</sup> Oidor Carlos de Alcedo y Sotomayor of the audiencia of Santa Fe described this conflict as ‘el mayor que ha sucedido en las Indias’<sup>81</sup> and the Council of the Indies was thankful that it had been ‘mui singular ... en sus principios, medios, y fin’.<sup>82</sup> It is, then worth examining in some detail.

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<sup>77</sup> For instance with royal treasurers whose area of jurisdiction covered the allocation of the inheritance left by someone who owed money to both the royal treasury and the Inquisition. (AGI Santa Fe 449, oficiales reales de Cartagena to king, 30 June 1713 with respuesta fiscal of 19 Nov. 1714)

<sup>78</sup> AHN Inquisición 1618, exp. 11, Proceso de Juan Díaz Pimienta, gobernador y capitán general de Cartagena de Indias, 1699-1702. See also AHN Inquisición 4823, Exp. 4, Proceso de Juan Díaz Pimienta gobernador y capitán general de Cartagena de Indias, por proposiciones, 1700.

<sup>79</sup> AHN Inquisición 1618, Exp. 11, Juan de Layseca Alvarado to anonymous, 4 and 7 Dec. 1702; AHN Inquisición 1618, Exp. 11, Sobre lo que sucedió al inquisidor licenciado Don Juan de Layseca Alvarado con Don Juan Díaz Pimienta, gobernador de esta plaza, el día siete de diciembre del año pasado de 1702 después de la oración.

<sup>80</sup> Valera was born in Lima to Spanish father and *limeña* mother and had ample experience from royal and ecclesiastical bureaucracy there before being appointed inquisitor of Cartagena. (Alvarez Alonso, *La Inquisición en Cartagena de Indias*, pp. 63 and 67).

<sup>81</sup> AGI Santa Fe 357, Carlos de Alcedo y Sotomayor to Council of the Indies, 1700.

<sup>82</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, de lo obrado por los Inquisidores de Cartagena, contra el Obispo de aquella Diócesis, y lo que este actuó y obró en defensa de su



### ***Conflicts within the Church: The Inquisition and the Bishop***

From a seemingly humble beginning as a discrepancy between secular and regular clergy in Cartagena, the dispute between the inquisitor and the bishop escalated into a conflict which involved civil and ecclesiastical authorities in Cartagena, Santa Marta, and Santa Fe, the Inquisition in New Granada and Spain, the Council of the Indies, the Spanish king, the Pope and the Spanish ambassador to Rome, and lasted for thirty years. It was above all a conflict of jurisdiction between the three agents of ecclesiastical government -the bishop, religious orders and Inquisition- and focused mainly on issues clearly within the ecclesiastical sphere of government. Indeed, vaguely delimited areas of jurisdiction created problems all the way to Rome and Madrid, where the complicated structure of the American Church with its two heads, the king and Pope, became evident. However, civil authorities were involved through the obligation to assist ecclesiastical judges, as well as through their role as vice-patrons of the Real Patronato. Lastly, it shows that ceremony and the visibility of power were as important in ecclesiastical as in civil government, and supports the notion that the group, not the individual, was the base unit in society as well as in politics.

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Jurisdicción y Dignidad, y de las providencias que ha Consulta del Consejo de las Indias se han dado por Su Magestad, quales se han puesto en execución por los Inquisidores, y quales no lo están hasta aora, n.d. (1702), folio 28v, hereafter Resumen de lo que resulta de los autos. Documents concerning this conflict take up several legajos in the AGI, principally Santa Fe 256, 259, 260 and 495. It is also treated in Pacheco, *La Consolidación de la Iglesia*, pp. 292-314; and Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 1, pp. 385-425 and 533-536. Zamora, in his 500-page history of the Order of Santo Domingo in New Granada, *Historia de la provincia de San Antonino*, published in 1701, dismisses the Benavides affair with only a few lines on pp. 322-323.



The conflict started in the autumn of 1681, when the nuns of the Convent of Santa Clara asked Bishop Benavides to remove them from the jurisdiction of the Franciscan friars to that of the secular clergy.<sup>83</sup> This was an expression of a rivalry between the two branches of clergy which was present in all Catholic countries but was especially strong in Spanish America where special privileges had been granted to the religious orders in the early days of conquest in order to aid them in Christianising the Indians.<sup>84</sup> Although each female religious order was connected to a male one, the convents generally fell under the jurisdiction of the diocesan authorities, except in those cases where a male religious order held a special papal bull granting them jurisdiction.<sup>85</sup> The Franciscans in Cartagena held just such a permission to manage the city's Santa Clara Convent. The nuns' stated reasons for the request to the bishop were maltreatment by the Franciscans and the friars' alleged mismanagement of the convent's funds. However, there are indications that what spurred their discontent was something altogether different. By late seventeenth century, the regime of many convents was fairly slack, and in some places so-called *devociones*, or unsupervised visits by outsiders to particular nuns, were taking place. This was the case in Cartagena, where the relationship between Governor Rafael de

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<sup>83</sup> The following account of events taking place in Cartagena in the 1680s and the king and Pope's reaction to them is based upon AGI Santa Fe 420, Consultas of 22 Feb. 1706 and 10 March 1713; AGI Santa Fe 495, Resumen de lo que resulta de los autos; AGI Santa Fe 495, resumen de lo consultado y resuelto por SM desde 11 de julio de 1687 hasta doce de octubre de 1698 sobre las competencias del obispo de Cartagena de las Indias con el Tribunal de la Inquisición de aquella ciudad y de las que se han dado hasta 10 de diciembre de 1699, 31 March 1700; AGI Santa Fe 495, Resumen del Decreto de Su Magestad y oficio del Nuncio de Su Santidad, sobre la resolución tomada en Roma cerca de las dependencias del obispo de Cartagena, 31 Aug. 1705; AGI Santa Fe 495, Mariana de San Joseph to king, 1687; AGI Santa Fe 46, R.2, N.22, Mario de Betancur to king, 27 Aug. 1683; and the secondary sources listed above.

<sup>84</sup> Farriss, *Crown and Clergy in Colonial Mexico*, pp. 9 and 19.

<sup>85</sup> Solórzano, *Política Indiana*, libro 4, cap. 26, no. 68.



Capsir y Sanz and *clarisa* Mariana de Buenaventura around 1680 became a public scandal.<sup>86</sup> Thus, when the *comisario general* of the Franciscans in Peru conducted a visita to the Convent of Santa Clara of Cartagena, he suspended the *guardián* of the convent who allowed such contact between the nuns and outsiders, leading the *religiosas* to turn to Benavides. However, the decision was not an unanimous one. Upon receiving news that Antonio de Chaves, brother of five or six of the nuns and the cousin of others, was to be the new Franciscan *ministro provincial*, a minority faction of twenty out of fifty-three nuns decided that it wished to continue relations with the friars. Family networks and factionalism, then, were as important in ecclesiastical circles as in civil society.

Benavides accepted the new responsibility temporarily, while waiting for the Pope's ruling in the matter. Whether or not Benavides had jurisdiction to make this decision was the question which dominated the conflict in its first few years of its existence, and between 1681 and 1684 the Convent of Santa Clara changed hands between Benavides and the Franciscans five times. According to the Franciscans, the bishop had no jurisdiction in this case, because 'los Religiosos y Religiosas eran esentos e inmediatamente sujetos a la Sede Apostólica'; only the Pope could make such alterations as removing a convent from an order's area of jurisdiction.<sup>87</sup> They therefore turned to the audiencia, claiming that the bishop 'hacía fuerza en proceder y conocer'.<sup>88</sup> The audiencia agreed with the friars, and in January 1682 ordered the bishop to return the convent to the Franciscans. But Benavides refused, arguing that

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<sup>86</sup> Pacheco, *La Consolidación de la Iglesia*, pp. 291-292. Brading, *Church and State in Bourbon Mexico*, pp. 82-103, talks about how discipline in Michoacán convents had slackened by the late seventeenth century.

<sup>87</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 3.

<sup>88</sup> *Ibid.*



he no longer had the power to make decisions because he had passed the case to higher authorities. A year later, with Benavides still refusing to obey its instructions, the *audiencia* ordered the imprisonment of the bishop and declared the see vacant, an order which Benavides did not accept, which was never carried out and which the Madrid authorities later condemned and described as ‘absurdo’.<sup>89</sup>

Matters were further complicated with the involvement of three more agencies. The Inquisition became part of the conflict soon after the arrival of inquisitor Francisco de Valera in early 1683. As for Archbishop Antonio Sanz Lozano of Santa Fe and Bishop Diego Baños y Sotomayor of Santa Marta, the former’s support was enlisted by Benavides and the latter’s by the Franciscans, the *audiencia*, inquisitor Valera and the governor and two *cabildos* of Cartagena.<sup>90</sup>

Baños went to Cartagena in the summer of 1683 and assumed the power of *juez apostólico* by virtue of a bull issued by Pope Gregory XIII in 1573 which established ‘a system of judicial appeals whereby all ecclesiastical cases were to terminate in the Indies.’<sup>91</sup> As ecclesiastical judge, Baños revoked all canonical censures imposed by Benavides, justifying this by saying that as Benavides was in effect suspended, with the see declared vacant, he had no jurisdiction to impose censures. The bishop of Cartagena then excommunicated that of Santa Marta for acting outside his area of jurisdiction, and Baños responded by excommunicating Benavides. To enforce the order, the bishop of Cartagena asked help from the governor. When the governor

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<sup>89</sup> Ibid., f. 15.

<sup>90</sup> Ibid., f. 3v.

<sup>91</sup> Farriss, *Crown and Clergy in Colonial Mexico*, pp. 60-61. Also, Solórzano, *Política Indiana*, libro 4, cap. 9, no. 2.



refused to provide means of enforcement, Benavides excommunicated him, too.

Baños revoked the censure, and the two bishops ‘uno a otro, se quitaban los carteles, en que uno revalidara las censuras, y otro las declaraba por nullos ... de que se siguieron muchos escándalos’.<sup>92</sup>

Parallel to this was the conflict between Benavides and inquisitor Valera. It originated with the bishop declaring a *cessatio a divinis*, or the cessation of all religious functions in the city, on 9 January 1683 in reply to an order to return the Convent of Santa Clara to the Franciscans. Some respected this controversial decision, principally the Augustinians and the Jesuits; others did not, certain that the *audiencia* would revoke it. In addition, the special privileges of the religious orders came into play. The Mercedarians claimed to have powers especially granted by the Pope to revoke the *cessatio*. And on Maundy Thursday 1683, when several of the churches belonging to the regular clergy opened their doors, the Dominicans boasted a papal bull allowing the order to celebrate the Holy Week services even in times of interdict. Thus, where some saw the episcopal authority as superior, others disregarded it in favour of the territory’s top institution of royal government or of the Apostolic See.

Some months later, on 1 October 1683, the bishop excommunicated inquisitor Valera for failing to punish those vecinos who had attended mass during the interdict, because such cases belonged to the jurisdiction of the Inquisition ‘por la vehemente sospecha de la fe que incluía’.<sup>93</sup> Two days later, after Valera had ordered the arrest of

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<sup>92</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 4.

<sup>93</sup> Ibid., f. 4v.



the bishop's secretary and secured Governor Juan Pando's support against Benavides, the prelate excommunicated the governor and the priors of the Orders of Santo Domingo, San Francisco, La Merced and San Juan de Dios, ordering that only the Augustinians and Jesuits be obeyed. He also declared another interdict which Valera revoked 'haciendo publicar que el que no oyese Misa se tendría por sospechoso en la fe y se castigaría como tal'.<sup>94</sup>

Shortly afterwards, a commissioner of the archbishop of Santa Fe arrived in Cartagena with a decree of 23 October 1683 issued in response to complaints from Benavides, annulling everything done by the bishop of Santa Marta. Baños did not accept this, however, claiming that the archbishop's decision had been based on false information. With this news, Benavides' supporters took to the streets and eventually Governor Pando confiscated Sanz Lozano's orders 'por ser perjudiciales para la quietud pública y el servicio del rey'.<sup>95</sup> At around the same time, on 3 November 1683, a *breve* from Pope Innocent XI arrived which fulfilled the wishes of the *clarisas*, who were put under the bishop's jurisdiction. This irrevocably resolved the initial problem of jurisdiction over the nuns of Santa Clara.

Although both bishops of Cartagena and Santa Marta had 'mucho séquito de eclesiásticos, y seculares, la parcialidad de uno, y otro obispo'<sup>96</sup>, it seems that Benavides' main supporters were the Augustinians and Jesuits along with lesser secular clerics, but he did not have the support of the cathedral chapter. What this

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<sup>94</sup> Ibid., f. 5v.

<sup>95</sup> Pacheco, *La Consolidación de la Iglesia*, p. 301.

<sup>96</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 4.



illustrates, however, is that factionalism was as important a feature in these conflicts as in those previously dealt with. This was a society where the base unit was the group, not the individual, despite the prominent position occupied by some persons. But alliances were not static, as indicated by what happened when the dispute flared up again after a quieter year and half. On 11 February 1686, after a long conflict for jurisdiction over a prisoner, the bishop excommunicated a former supporter, the prior of the Augustinian monastery of La Popa, who then turned to the Inquisition for support. This led to a series of mutual excommunications, culminating with inquisitors Valera and Juan Ortiz de Zárate, who arrived in November 1684, assisted by interim governor Francisco de Castro, placing Benavides under house arrest on 13 April 1687, a confinement which was to last for over sixteen months.<sup>97</sup>

Two elements of the relations between civil and ecclesiastical government and within the religious community stand out so far. First, this conflict clearly illustrates the way in which canonical censures were employed as political weapons by all three branches of ecclesiastical authority. However, it seems that the effectiveness of such censure was greatly reduced by the fact that it was a weapon available to all, and by the existence of the Real Patronato as well as particular papal bulls. The conflict also shows, secondly, that problems could arise from civil government's obligation to render assistance to ecclesiastical authorities when needed. As the fiscal of the Council of the Indies pointed out on another occasion, 'la mutua correspondencia en auxiliarse ambas jurisdicciones y brazos de la superior potestad nacía de

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<sup>97</sup> In a letter to the king dated 13 April 1687, Benavides complained at length over the conditions he was held under (AGI Santa Fe 495).



disposiciones claras de el derecho canónico y decretos conciliares' and could not be disputed.<sup>98</sup> But what happened when secular and regular clerics as well as Inquisition officials all requested help to proceed against each other? In this case, it seems that assistance was largely rendered at the governors' discretion. It is possible that their actions were guided by the audiencia's orders, as the governors generally supported the friars and the Holy Office rather than Benavides. This was with the exception of one case: the initial stand-off between the Franciscans and the bishop, when troops surrounded the Convent of Santa Clara to prevent the friars from entering. A few months later, the tables were turned when the governor sent troops to force the nuns to return to the jurisdiction of the friars in an attempt to enforce the audiencia's orders.

In cases where civil government was involved, violence was often the result. Indeed, this was frequently the case even in clashes involving only the religious community, and no one seems to have objected to the use of force as a means of making a point or resolving a conflict.<sup>99</sup> Nevertheless, the Council of the Indies believed that the military presence in Cartagena aggravated conflict, and as a solution suggested moving the Holy Office to Santa Fe. This idea had first been brought up as early as the 1650s when complaints had emerged about the 'encuentros y competencias con los Gobernadores, que por ser militares, no era fácil reducirlos a la justa y debida observancia de las leyes y concordias'.<sup>100</sup> Inquisitor Valera had

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<sup>98</sup> AGI Santa Fe 459, Representación fiscal, f. 184v.

<sup>99</sup> Martin Minchom, *The People of Quito, 1690-1810. Change and Unrest in the Underclass* (Westview Press, 1994), p. 206, makes this point for Quito, pointing out that religious disputes were frequently violent and involved groups outside the clergy.

<sup>100</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, p. 54. See also pp. 55-58; and Pacheco, *La Consolidación de la Iglesia*, p. 287.



given similar reasons when he revived the scheme in the 1680s, and by royal decree of 26 January 1688 it was announced that the tribunal was to be moved to the capital of New Granada and President Gil de Cabrera was ordered to find suitable accommodation for it in Santa Fe. A decade later, the Council of the Indies was still working on the project, well aware that drastic measures must be taken to avoid a repeat of the troubles in Cartagena in the future,

por lo enconado de los ánimos de los habitantes de Cartagena, con lo que han padecido, y ser esta ciudad Plaza de Armas, Puerto de Mar, con governor y guarnición militar, cuya profesión no es de mediano cuando se ofrecen las diferencias, antes si de fomentarlas, según el empeño del afecto, como se ha experimentado

Santa Fe was seen as a much more appropriate location

así para la mejor administración de su santo instituto, como para la quietud pública. Para la mejor administración, por que tendría su residencia en el centro de las Provincias que su Jurisdicción comprehenden, y era más fácil el ejercicio que desde Cartagena, que está en el principio de ellas. Que el temple era más benigno, más abundante de alimentos, y con más conveniencia para los Ministros. Cesaba el inconveniente de no poderse mantener los Procesos que hay en Cartagena, donde el comején en dos años los consume. Para la quietud pública por que la ciudad de Santa Fe no tiene Presidio, ni está tan ocasionada a las diferencias subcedidas en Cartagena, hay Presidente y Audiencia que si se ofreciese diferencia, mediaría, y con más autoridad, para que atendiese, a su interposición <sup>101</sup>

However, the Inquisitor General and the Suprema were against the move, mainly for economic reasons, and the project was delayed.

Another salient feature of the conflict was the visibility of power and authority. For instance, when the audiencia's first orders to return the convent to the Franciscans

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<sup>101</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, ff. 9-9v. See also AGI Santa Fe 47, R.1, N.1, Martín de Cevallos y de la Cerda to king, 27 June 1688.



arrived and Benavides refused to cede, he did so by placing himself on a chair outside the convent door, surrounded by his clerics. Such a public act unequivocally manifested the bishop's position. That of the governor, *teniente* and *cabildo secular* was made equally clear on the *Día de los Reyes* in 1683 when, after mass in the cathedral, the bishop left with the usual procession and the civil authorities would not follow 'como era de uso y costumbre' but stayed in their seats.<sup>102</sup> The crown's support for the bishop was clearly conveyed to its subjects in Cartagena on the two occasions when Benavides was reinstated in his post by royal orders. In the early morning of 15 September 1684, inquisitor Valera reinstated Benavides 'con pública solemnidad y aplauso común'.<sup>103</sup> The *cabildo secular* attended the ceremony 'en forma de ciudad' and 'demás de este cortejo mandó Armar las compañías y hacer escuadron y salva de Artillería al tiempo de tomar posesión de la Silla'.<sup>104</sup> Four years later, on 31 August 1688, it was Governor Martín de Cevallos y la Cerda who was in charge of the ceremony. He was ordered to accompany Benavides to the cathedral 'para que aquellos Vasallos, que vieron el injusto ajamiento de su Pastor, conociesen por esta pública demostración, cuán del desagrado de su Magestad habían sido, tan desordenadas procederes'.<sup>105</sup> Benavides showed his displeasure with the Inquisition when, in the chapel of the Convent of Santa Teresa, he 'con su misma mano quitó las sillas y almohadas que los Inquisidores tenían puestas en el Presbyterio, por ser lugar que el ceremonial sólo permite a la Dignidad Episcopal'.<sup>106</sup> The struggle for symbolic power was further reflected in another conflict between the bishop and the

<sup>102</sup> Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 1, p. 391.

<sup>103</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 6.

<sup>104</sup> AGI Santa Fe 64, N.36, *cabildo secular* of Cartagena to king, 24 Sept. 1684.

<sup>105</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 7v- 8.

<sup>106</sup> *Ibid.*, f. 6v.



Inquisition over the order of participation in the procession of San Pedro Mártir.<sup>107</sup>

However, perhaps the message most magnificently conveyed to Cartagena's inhabitants was that emitted by Benavides with his theatrical exit from the city in the spring of 1683, as he voluntarily exiled himself to the neighbouring village of Turbaco. He walked out of the city barefoot, wearing his purple bishop's cape, followed by his prebendarys dressed in black capes, all singing the psalm *In exitu Israel de Egipto*.<sup>108</sup> All these incidents reflect, first, the extent to which protocol and precedent were central elements of political life, and, second, how disputes over such matters provided vehicles for conflict over larger issues.

Disputes over jurisdiction in Cartagena reached the highest levels of authority when the conflict was transplanted to Europe. Benavides seems to initially have considered himself accountable to the king as well as the Pope, but when failing to obtain satisfaction from Charles II and later Philip V, he turned to Rome. The Franciscans, although recognising the Real Patronato, addressed their grievances to the Pope. And lastly, there was the Council of the Inquisition to which the Holy Office ministers were exclusively accountable. In the case of Benavides, both king and Pope seem to have been unwilling or unable to take action. Despite the vast powers he held over the American Church, the king's authority was limited in one vital respect.<sup>109</sup> Under the guise of 'la Regalía, y económica potestad' the king could reprimand a bishop publicly or transfer him to a less attractive bishopric if was unhappy with his

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<sup>107</sup> AGI Santa Fe 47, R.1, N.8, Martín de Cevallos y la Cerda to king, 20 May 1690; AGI Santa Fe 47, R.1, N.8, Testimonio de Autos sobre lo que precedió en orden a la paz y quietud con que salió la prosección de San Pedro Mártir, 1690; AGI Santa Fe 468, Real Cédula, 9 May 1697.

<sup>108</sup> Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 1, p. 393; Pacheco, *La consodilación de la Iglesia*, p. 294.

<sup>109</sup> Farriss, *Crown and Clergy in Colonial Mexico*, p. 26.



conduct, but he could not remove a bishop from office altogether.<sup>110</sup> Thus, Madrid depended on the support of the Pope for this. He, however, was unwilling to take action because Benavides' main complaints were directed against civil government and the Inquisition in New Granada, and the Pope had no jurisdiction in cases relating either to royal officials or inquisitors. Indeed, the crown was fiercely protective of its 'regalías', and repeatedly ordered its ambassador to Rome 'no permitiese que en aquella Corte se decidiese artículo que tocase a Ministros Reales y del Santo Oficio' and that he 'estuviese con cuidado procurando embarazar cualquiera resolución que fuere contra las regalías de SM'.<sup>111</sup> The king also made sure to emphasise that all papal resolutions should be sent Madrid in the form of *breves* so that the monarch could review them. The *pase regio* or royal exequatur, where all papal rescripts were subject to royal review and which in effect enabled the crown to veto papal legislation, was developed in the aftermath of Pope Gregory XIII's bull of 1573. In practice, this system 'also transferred supreme judicial authority over ecclesiastical cases from the Pope to the king since, when an appellant obtained a decision from a Roman court, he had to present the brief to the Council of the Indies before it could have legal force in America.'<sup>112</sup> Although the Vatican never acknowledged the legitimacy of the *pase regio*, the Pope was powerless to prevent its use because it was accepted as legitimate by colonial prelates.

Initially, the crown supported Benavides, for instance characterising his imprisonment by the inquisitors as 'tan irregular que no se halla ejemplar de haber

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<sup>110</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, ff. 8v-9.

<sup>111</sup> AGI Santa Fe 495, Resumen de lo consultado y resuelto por SM, 31 March 1700. See also AGI Santa Fe 495, Resumen de lo que resulta de los autos, ff. 18v, 19v and 20; AGI Santa Fe 495, Resumen del Decreto de Su Magestad, 31 Aug. 1705.

<sup>112</sup> Farriss, *Crown and Clergy in Colonial Mexico*, p. 61. See also p. 62.



subcedido en la Catholica Monarchía'.<sup>113</sup> It ordered an investigation into the affair by oidores from the audiencia of Santa Fe, and through the Council of the Inquisition attempted to call to Spain the inquisitors and several lower officials of the Holy Office as well as two members of the cathedral chapter. However, the Suprema exercised its autonomy and defied the recommendations of both king and Pope in promoting Francisco de Valera to Lima rather than suspending him from office, as a reward for having defended the tribunal's jurisdiction against the bishop's attacks.<sup>114</sup>

Matters were further complicated when in May 1689 Benavides attempted to get to Spain, embarking on an English ship bound for Jamaica. However, on 16 July he was back in Cartagena: the British governor of Jamaica would not let him continue his journey without the required royal licence. His attempted escape became the Council's pretext for calling Benavides to Spain, which it had been wishing to do for some time. On 21 October 1690 Benavides arrived Spain, and by January 1694 he was in Rome, where he remained for over a decade. However, despite a recall which seemed to signal his defeat at the hands of the royal authorities, Benavides was eventually vindicated in that he received redress for his grievances both from the Spanish crown and the Apostolic See. A cédula of 21 August 1702 pensioned off those oidores who had ordered the suspension of the prelate in 1683 as well as inquisitor Valera, who was in Lima, with only half the standard pay.<sup>115</sup> The other half was to be spent on 'la Iglesia de Cartagena, para ayuda a sus ornamentos'.<sup>116</sup>

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<sup>113</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 10

<sup>114</sup> Alvarez Alonso, *La Inquisición en Cartagena de Indias*, pp. 81-82.

<sup>115</sup> This applied to Domingo de la Rocha and Fernando de Prado y Plaza. AGI Santa Fe 495, Resumen de lo que resulta de los autos, ff. 13v-15v; Alvarez Alonso, *La Inquisición en Cartagena de Indias*, p. 82.

<sup>116</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, f. 13v.



The Vatican, too, granted the bishop some satisfaction. In December 1703 and January 1704, an assembly of cardinals concluded that Benavides' proceedings in New Granada had been correct, and annulled everything done by the Inquisition, the *audiencia*, the bishop of Santa Marta and the archbishop of Santa Fe. Upon returning to Cartagena, Benavides was empowered to proceed against all secular and regular ecclesiastics who had worked against him. The cardinals also confirmed Benavides' jurisdiction over the convent of Santa Clara and ruled that the office of the Inquisition should be moved to Santa Fe. This became a rather polemical issue between Rome and Madrid. Although an old scheme, the Pope's order to carry it out caused resentment in Madrid, where the Council of the Indies affirmed that the Pontiff 'se intrometía a lo que era de la potestad de SM'.<sup>117</sup> In the event, the Papacy decided not to press the point, and conceded that the move should take place 'al arbitrio de SM tanto en el modo, como en el tiempo'.<sup>118</sup>

Despite receiving a favourable hearing from the crown and the Papacy, Benavides was in no hurry to return to Cartagena. Indeed, by 1704, not only the Spanish crown but also the Vatican authorities had tired of his persistent refusal to go back to America, and on 8 October that year Benavides was ordered to leave Rome within fifteen days to return to Cartagena. He eventually left Rome, but remained close to the city. In view of his disobedience, the Pope suspended him from office and ordered that he lose his salary.<sup>119</sup> This had little effect: two years later he had only reached Genoa. Eventually, in the middle of the War of the Spanish Succession, Benavides boarded an English ship bound for a Barcelona which at that moment was

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<sup>117</sup> AGI Santa Fe 495, Resumen del Decreto de Su Magestad, 31 Aug. 1705.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.



in the hands of Archduke Charles. Rumour had it that he was hoping that the archduke's support would allow him to be moved to a different diocese. He remained in Barcelona until his death in late 1712 or early 1713, when the Pope finally declared the see of Cartagena de Indias vacant.<sup>120</sup>

It should be noted that during the latter years of the Benavides affair, there was a breach in relations between Philip V and Pope Clement XI.<sup>121</sup> It was announced by Philip in May 1709 when he expelled the papal nuncio from Spanish territory after the Pope had recognised the Archduke Charles as King of Spain. Although varying degrees of contact still took place, the breach lasted until mid-1715, when normal relations resumed and the papal nuncio returned to Madrid. It is possible that the breach was in part a culmination of steadily deteriorating relations between Philip's grandfather Louis XIV and the papacy in the later decades of the seventeenth century.<sup>122</sup> However, Charles II seems to have had cordial relations with Rome, which in fact approved of first Joseph Ferdinand and later Philip of Anjou as heirs to the Spanish throne.<sup>123</sup>

Why was Benavides so reluctant to return to Cartagena? It seems to have been a common problem that prelates appointed to America attempted to obtain promotions to Spain as soon as they could. The Council of the Indies complained that 'o sea por

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<sup>120</sup> AGI Santa Fe 420, Consulta of 10 March 1713.

<sup>121</sup> Ludwig, Freiherr von Pastor, *The History of the Popes From the Close of the Middle Ages*, vol. XXXIII: *Clement XI (1700-1721)* (London, 1941), pp. 14-121.

<sup>122</sup> Ludwig, Freiherr von Pastor, *The History of the Popes From the Close of the Middle Ages*, vol. XXXII: *Innocent XI (1676-1689). Alexander VIII (1689-1691). Innocent XII (1691-1700)* (London, 1940), chapters 4 and 5.

<sup>123</sup> *Ibid.*, pp. 686-687.



el amor de la Patria o por la viveza del natural han subcitado diversas contiendas en aquellos parages, para obligar a que se les transfiera a estos Reynos'.<sup>124</sup> However, it did not judge this to be such a case. By 1699, Benavides was offered the bishopric of La Paz instead of Cartagena, but refused saying that he could not 'abandonar su esposa', i.e. the cathedral of Cartagena.<sup>125</sup> Reflecting over the reason, the Council suggested that it might be 'celo de haber aprehendido que su legítima esposa está ofendida? o ya sea tenacidad del natural? (porque odio no se puede creer, de un Prelado de tales circunstancias, letras y virtud)'.<sup>126</sup> One can also speculate whether the turbulent relationship between Philip V and Clement XI made Spanish bishops particularly sensitive to infringements on their rights and jurisdiction.

Benavides' absence and the complex negotiations over his future in Europe did not bring peace to New Granada. While he was away, his choice of provisor, vicario general and governor of the bishopric for the duration of his absence became the object of controversy.<sup>127</sup> The core of the problem was that the appointee, Gerónimo Durango, was also cura of Mompox, and holding the position of provisor in Cartagena meant that he could not fulfil the obligation to live in his Mompox parish. The issue split the cabildo eclesiástico of Cartagena into two factions, and those prebendaries who were against Durango decided to turn to the audiencia and archbishop of Santa Fe 'protestando la nulidad auxilio de la fuerza y recurso al

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<sup>124</sup> AGI Santa Fe 495, Resumen de lo que resulta de los autos, ff 28-28v.

<sup>125</sup> Ibid., f. 22.

<sup>126</sup> Ibid., f. 28. See also f. 23v.

<sup>127</sup> This case takes up all of AGI Santa Fe 261, Expediente en razón de las desavenencias subcitadas entre el gobernador y vicario general del obispado de Cartagena, con el Arzobispo de Santa Fe, 1696-1699. The following account is based on AGI Santa Fe 261, Pedro Martínez de Montoya to king, 16 March 1696; AGI Santa Fe 261, audiencia of Santa Fe to king, 6 Feb. 1697; AGI Santa Fe 261, Dictamen fiscal, 8 Feb. 1699; AGI Santa Fe 495, Miguel Antonio de Benavides to Martín de Sierralta, 22 Feb. 1699.



metropolitano'.<sup>128</sup> The audiencia left the problem in the hands of Archbishop Francisco de Urbina and promised to render the necessary assistance. On 5 January 1692, Urbina issued an order saying that in the name of the 'paz pública' Durango should stay in position as provisor, as Benavides had ordered. However, eighteen months later, on 14 October 1693, the archbishop changed his opinion and insisted that Durango return to Mompox. He also ordered the cathedral chapter to elect a new provisor. The execution of the order was left in the hands of Baltasar de la Fuente, treasurer of the Cartagena cathedral. The audiencia issued a *provisión auxiliatoria* two days later. However, the civil authorities in Cartagena were less obliging, due to the complications of their internal politics. Fuente did not even attempt to carry out the order, allegedly because he knew that interim governor Sancho Jimeno would not render the assistance needed to enforce it. Fuentes' failure to act in this matter was probably connected with enmities contracted during the debate over the palenques in the early 1690s, when the cédula he brought ordering negotiations with the cimarrones had made him unpopular with the civil authorities in the city.<sup>129</sup> Fuente finally acted two years later, when the arrival of new governor Diego de los Ríos in late November 1695 provided an opportunity to wield his authority. After informing Durango of Urbina's decision, Fuente convoked the cabildo eclesiástico which elected precentor Bernabé de Araoz as the new provisor. However, as in the past, orders from the civil government merely stirred up conflict. Durango was far from willing to accept the archbishop's order, which eventually led to a struggle in the cathedral cemetery when Araoz arrived with ten armed soldiers to arrest Durango, who along with his supporters shouted 'viva Don Miguel Antonio de Benavides y

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<sup>128</sup> AGI Santa Fe 261, Dictamen fiscal, 8 Feb. 1699.

<sup>129</sup> AGI Santa Fe 261, Pedro Martínez de Montoya to king, 16 March 1696.



Don Gerónimo Durango que aquí no conocemos a otro prelado'.<sup>130</sup> It seems, then that the factionalism evident during Benavides' years in Cartagena still persisted and conflicts of jurisdiction quickly turned into public confrontations between rival groups, both of which sought to bring pressure on the civil authority.

This time, however, negotiation seemed to bear fruits. A meeting called by Governor Ríos concluded that in spite of the archbishop's order Durango should remain provisor while awaiting superior orders from Spain. But Archbishop Urbina did not accept the decision and tried to enlist the help of the audiencia to make Durango appear before him in Santa Fe. However, at the same time, Durango turned to the audiencia asking for protection. This led the oidores to send the papers to the Council of the Indies under the pretext that 'el caso presente era de los del Santo Concilio de Trento, cuya declaración tocaba al Consejo de Indias'.<sup>131</sup> When informed of this, the archbishop sent them a 'papel jurídico ... exclamando sobre la defensa de la jurisdicción eclesiástica, y la ofensa que se la hace con la remisión de dhos autos'.<sup>132</sup> In short, another serious conflict of jurisdiction between the audiencia and the archbishop developed. Nevertheless, Urbina was eventually forced to send his report to Madrid. There, the fiscal thought the archbishop in the right, because no priest should stay away from his parish for more than two months. He also affirmed that Durango 'excedió gravísimamente en la tumultuaria y escandalosa defensa que

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<sup>130</sup> Ibid.

<sup>131</sup> AGI Santa Fe 261, Dictamen fiscal, 8 Feb. 1699.

<sup>132</sup> Ibid. It seems that Urbina in general did not get on with the oidores and was repeatedly accused of usurping royal jurisdiction. (AGI Santa Fe 33, R.6, N.35, Domingo de la Rocha to Conde de Adanedo, 12 Feb. 1697; AGI Santa Fe 357, Carlos de Alcedo y Sotomayor to Council of the Indies, 1700) However, on at least one occasion the archbishop collaborated with President Cabrera, which was when they cooperated to hide oidor Bernardino Angel de Isunza's concubine in a convent to avoid further scandal in Santa Fe. (AGI Santa Fe 262, Consulta of 11 Aug. 1711; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 322-324).



ejecutó'.<sup>133</sup> However, as Durango had died by then, the case seems to have been closed without further debate.

Another conflict over an election of provisor arose in Santa Fe in 1714, after the death of Archbishop Cosío y Otero on 29 November that year.<sup>134</sup> The initial discord was within the *cabildo eclesiástico*, and this time it focused on the qualifications of the candidate. Canon José Valero Tobar y Buendía was elected provisor, but the choice was contested by chantre Francisco Ramírez Floriano. He pointed out that according to royal order, the provisor had to hold a doctorate in law, and complained to the *audiencia* that Tobar did not meet this qualification. The *audiencia* duly ordered the *cabildo* to follow the law and fined the cathedral chapter 12 000 patacones. With this, the secular clerics conferred with the regulars, all agreed that the *audiencia* had stepped out of its area of jurisdiction, and on 17 December 1714 they proceeded to excommunicate President Francisco de Meneses, oidores Vicente de Aramburu and Mateo de Yepes, fiscales Manuel Antonio Zapata and Martín Gerónimo Flórez de Acuña, and secretary Miguel de Berrío 'por haber quebrantado las inmunidades y la libertad eclesiástica'. Two days later, after mediation by the *cabildo secular*, an agreement was reached where the ecclesiastics annulled the excommunications and pledged to appoint someone who held a doctorate in return for the *audiencia* revoking the fine imposed on the cathedral chapter. Again, this was a conflict which was played out in full view of the public. The sentence was displayed to the *vecinos* by placing 'mangas negras de cruces en las puertas de los

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<sup>133</sup> AGI Santa Fe 261, Dictamen fiscal, 8 Feb. 1699.

<sup>134</sup> Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 2, pp. 6-9; Pacheco, *La Iglesia bajo el Regalismo de los Borbones, siglo XVIII*, Historia Extensa, vol. III, tomo 3 (Bogotá, 1986), pp. 307-309.



declarados'. And after the decision to lift the excommunication, 'mandáronse desfijar de las puertas de la iglesia las tablillas en que estaban inscritos los nombres de los excomulgados; que se repicasen las campanas de la iglesia matriz y se pusieran luminarias en los balcones del Cabildo eclesiástico'.

It is likely that in both controversies surrounding the election of provisor the issues in contention reflected power rivalries within the lower ecclesiastical hierarchy.

Debate was initiated by members of the cabildo eclesiástico who themselves were potential candidates for the post, and stemmed no doubt from the fact that such an appointment would be a useful stepping stone to future promotions.

### *The Bishop and the Civil Government of Cartagena*

Although Benavides' death ended the seemingly intractable dispute between Spanish civil and ecclesiastical authorities both in Spain and New Granada, hopes that a new bishop's arrival would restore peace in Cartagena were soon shattered. When his successor Antonio María Casiani Silva y Lobo, arrived in Cartagena at the end of August 1713 along with the city's new governor, Gerónimo Badillo, and teniente general Juan Gutiérrez de Arce, their arrival brought a fresh round of conflict.<sup>135</sup>

Disagreements almost immediately ensued. The central issue was, again, one of jurisdiction, although this time more temporal issues, such as accusations of involvement in illegal trade, abounded. Indeed, on this occasion, conflict between the

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<sup>135</sup> AGI Santa Fe 449, oficiales reales of Cartagena to king, 21 Feb. 1714; AGI Santa Fe 437, Gerónimo Badillo to king, 3 May 1718. Casiani was appointed by consulta of 5 April 1713 (Santa Fe 420). Apparently, he was initially appointed bishop of Popayán, with instructions to step in in Cartagena in case of the original appointee Juan de Laiseca y Alvarado, not being able to take up office because of 'muerte o otro semejante accidente'. (AGI Contratación 5796, L.2, F.5-6v, two reales cédulas of 2 May 1713)



bishop and the governor was not restricted to questions of jurisdiction in ecclesiastical matters, but over the rights of the bishop to intervene in civil government.

The main focus of the war of words conducted by the governor was Casiani's alleged encroachment on civil jurisdiction, where he insisted that bishops could 'proceder en todas las causas de seglares, donde pueda concurrir pecado o injusticia manifiesta'.<sup>136</sup> In practice, this was something of a declaration of war against the civil government, given that 'sin or manifest injustice' were terms open to such broad interpretation that the bishop seemed to be claiming a right to interfere wherever he chose. And, according to Governor Badillo, Casiani did precisely that: he intervened in military and treasury matters where he had no jurisdiction, protected offenders wanted by civil justice, violated the rights of and excommunicated secular officials, violated the Real Patronato and intercepted goods which had been embargoed as contraband and was on its way to the Real Contaduría.<sup>137</sup> The bishop for his part accused Badillo of involvement in contraband trade.<sup>138</sup>

Interestingly, their differences involved wider sectors of the city's population, where both found allies. The governor evidently sought to present himself as the friend of the vecinos: he alleged that Casiani had rekindled their old fears of a rebellion of the blacks in Cartagena by advocating the liberation of the slaves, with the result that 'hoy día ni el amo puede sujetar a su esclavo porque teme el ajamiento de vro

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<sup>136</sup> AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716. See also AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph Potau to Príncipe de Santo Buono, 2 March 1716.

<sup>137</sup> AGI Santa Fe 365, Gerónimo Badillo to Diego Morales, n.d.; AGI Santa Fe 450, oficiales reales of Cartagena to king, 18 Aug. 1716; AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715; AGI Santa Fe 468, Gerónimo Badillo to king, 16 Aug. 1715 and 30 April 30 1716.



obispo, ni el negro se humilla a su amo porque se apodera de vro obispo para que le ampare exclamando todos con cualquier leve pretexto su libertad'.<sup>139</sup> The issue was aggravated by the appearance of new palenques in the Sierra de María. A small but successful campaign against them was mounted in 1713, and remaining cimarrones were warned that as soon as the rainy season was over 'experimentarían lo mismo que se había executado en el año pasado de 1694'.<sup>140</sup> This led the blacks to surrender to Bishop Casiani's protection. He later went with them to their palenque, entrusted with 'la jurisdicción real y ... facultad para que a su adbitrio ajustase las capitulaciones' where he drew up the conditions of their surrender. On the site where the Palenque San Miguel had been, he built a church, appointed a parish priest and founded the Población de San Basilio of 234 inhabitants between men, women and children.

Casiani's insistence on his duty to interfere in such a wide range of matters led to clashes not only with the governor and teniente but also with the town councils of Cartagena and Mompox. In Cartagena, Casiani excommunicated the senior alcalde because he would not hand over documents concerning the inheritance of the late governor of the bishopric. A conflict of jurisdiction arose and the cabildo sent the papers to the audiencia of Santa Fe. In another similar case, the bishop

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<sup>138</sup> AGI Santa Fe 468, Respuesta fiscal, 11 Dec. 1716.

<sup>139</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 30 April 1716. Casiani was not the first cleric to advocate such ideas. Friar Francisco José de Jaca de Aragón, author of *Resolución sobre la libertad de los negros y sus originarios en el estado de paganos y después, ya cristianos* spread his ideas on the liberation of slaves on a journey through much of Spanish America, including Cartagena in the early 1690s, for which he was exiled from Spain and her dominions by a king and Council of the Indies who emphasised the crucial importance of slavery to the American economy. (Humberto Triana y Antorveza, *Las lenguas indígenas en la historia social del Nuevo Reino de Granada* (Bogotá, 1987), pp. 367-368.)



excommunicated the junior *alcalde* of Cartagena.<sup>141</sup> This happened to an *alcalde* of Mompox too, with the result that in the elections of 1715 no-one wanted the post of *alcalde* in Mompox, nor any other *oficios concejiles*, and the *regidores* who should have elected them all excused themselves and retired to their *haciendas*.<sup>142</sup>

The confrontation of governor and bishop in Cartagena was further complicated by conflict between regular and secular clergy. At first, this centred on a tax on meat, imposed by Badillo on everyone in Cartagena including the ecclesiastics in order to pay for crucial repairs to the city's defence, badly damaged by winter storms.<sup>143</sup>

According to Badillo, the ecclesiastical communities had offered to pay the tax voluntarily for three years, because several convents were close to damaged city walls and at risk of flooding. However, Casiani was opposed to the order and persuaded the clergy to discontinue their payments.<sup>144</sup> During the same year, he aroused fierce opposition from the regulars by attempting to increase the fee for burials conducted from the churches of the religious orders, which promptly turned to governor Badillo for help.<sup>145</sup>

The conflict escalated after the overthrow of President Francisco de Meneses of the *audiencia* of Santa Fe, who was sent as a prisoner to Cartagena. However,

<sup>140</sup> AGI Santa Fe 436, Gerónimo Badillo to king, 26 Feb. 1714; AGI Santa Fe 436, Respuesta fiscal, 2 Aug. 1714; Antonio María Casiani to king, 25 Dec. 1713, in Martínez Reyes, *Cartas de los Obispos de Cartagena de Indias*, pp. 389-393.

<sup>141</sup> AGI Santa Fe 468, cabildo secular of Cartagena to king, 28 Jan. 1715.

<sup>142</sup> AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715.

<sup>143</sup> AGI Santa Fe 365, Gerónimo Badillo to Diego Morales, n.d.; AGI Santa Fe 365, *audiencia* of Santa Fe to king, 6 June 1715.

<sup>144</sup> AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715.

<sup>145</sup> AGI Santa Fe 468, Las Religiones de Cartagena (Santo Domingo, San Francisco, San Agustín, San Juan de Dios, la Merced and San Diego) to king, 15 Feb. 1715.



audiencia orders had been part of the problem even before that, as the tribunal had entrusted Casiani with the order to suspend Badillo from the post of governor and replace him with Francisco de Berrio in the aftermath of the Mompox affair.<sup>146</sup> When Meneses arrived, Badillo chose to obey the audiencia's orders to imprison him in the Castillo of Bocachica, whereas Casiani supported the president against the oidores and, implicitly, against the governor. The bishop attempted to have him freed, threatening with canonical censures, including *cessatio a divinis*, if his demands were not met. Indeed, Badillo suspected Casiani of conspiring to help the president flee in order for him to take sanctuary in church. Although the bishop did not carry out all his threats, he did excommunicate Badillo for keeping Meneses imprisoned. Again, however, the inefficiency of the measure became evident as it was nullified by the religious orders.<sup>147</sup>

Viceroy Santo Bueno's advisors characterised Casiani's refusal to recognise the audiencia's authority as 'un paso tan irregular, que no hallamos términos propios con que explicarlo sin faltar a la decencia debida al Sagrado Carácter de la Dignidad de este Prelado' and they argued that it had serious political implications.<sup>148</sup> Its principal consequence was that, as the audiencia of Santa Fe was the only American institution of government empowered to deal with *fuerzas* committed by ecclesiastics in New Granada, 'mientras persistiere el obispo en no reconocerla y dar cumplimiento a sus provisiones no habrá en Indias ningun reparo contra sus procedimientos'.<sup>149</sup> It seemed that the audiencia and the bishop had reached an

<sup>146</sup> AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715.

<sup>147</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 31 March 1716.

<sup>148</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Bueno, 2 March 1716.

<sup>149</sup> Ibid.



impasse, in which the bishop had effectively stalled the tribunal's ability to enforce its authority in Cartagena and Mompox. For individuals such as the alcalde of Mompox excommunicated by Casiani, it meant that even audiencia orders could not grant him absolution because the bishop refused to recognise them as legitimate.<sup>150</sup>

These conflicts were fortified throughout by parallel struggles to assert and defend symbolic power. Casiani incited the anger of the civil authorities as well as the Inquisition on several occasions by not conforming to tradition concerning questions of ceremony during religious services and public functions.<sup>151</sup> One subject of debate was whether or not the governor had the right to use a 'cojín' while attending mass, which led to commotion during mass on the day before Corpus Christi 1715, when Casiani attempted to make Badillo put the cushion away.<sup>152</sup> Another incident took place on 5 April 1716, Palm Sunday, when the cabildo attended mass with the alcalde ordinario presiding in place of Governor Badillo, who was ill.<sup>153</sup> After the service, when Casiani entered the sacristy to get changed, the cabildo members rose from their seats to proceed to the town hall. But the bishop 'con esta demonstración se levantó colérico, y en voz alta expresó deber este cabildo esperarle a que se desnudase para salir juntos de la Iglesia por quedarse de lo contrario sólo con los clérigos'. The aldermen protested that this had never been the custom, which was indeed later confirmed by 'hombres ancianos de la república'. Nevertheless,

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<sup>150</sup> AGI Santa Fe 365, Gerónimo Badillo to Diego Morales, n.d.; AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715.

<sup>151</sup> For Casiani's clash with the Holy Office ministers, see AHN Inquisición 1619, Exp. 3, Proceso de Antonio María Casiani, 1715-1716.

<sup>152</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 8 Aug. 1715 and 18 Aug. 1716; AGI Santa Fe 468, cabildo secular of Cartagena to king, 27 April 1716; AGN Historia Eclesiástica, leg. 6, ff. 397-400, Blas Antonio Niño de Guevara to audiencia of Santa Fe, 21 June 1715.

<sup>153</sup> AGI Santa Fe 468, cabildo secular of Cartagena to king, 28 April 1716; AGI Santa Fe 468, Testimonio of cabildo session of 27 April 1716.



fue preciso detenerse hasta la ejecución de lo referido, lo primero por no volverle la espalda estando hablando con este cabildo y lo otro por no exponerse a algún alboroto en la Iglesia como el caecido en la víspera del Corpus del año pasado... no sólo ha pretendido el que la ciudad le espere a que salga de la Iglesia sino quiere que mientras se está revistiendo haya de estar este cabildo en pie en la Iglesia <sup>154</sup>

Being forced to obey the bishop in this manner was a blow to the cabildo's prestige and authority, all the more unpalatable because it happened in front of a 'gran concurso de gente'. On the following Maundy Thursday Casiani refused to give Badillo the key for the Sagrario of the cathedral, despite the fact that this was a standard practice and 'conforme al Real Patronato'.<sup>155</sup> Because of this, Badillo decided not to attend mass, which in turn led to the bishop giving the key to a reluctant alcalde ordinario who led the delegation from the cabildo. Again, then, disputes over ceremonial issues became vehicles for grievances part of a larger conflict.

Why did Casiani enter into such determined opposition to the governor and cabildo of Cartagena? Viceroy elect of Peru, the Príncipe de Santo Buono, who travelled through Cartagena on his way to Lima in late 1715 and early 1716, explained Casiani's behaviour in terms of his personality, which he described in the following terms: 'no sólo es de los más violentos y raros que se hayan visto sino también de los más desvanecidos que se pueden imaginar de que es buena prueba el asumirse él mismo en sus títulos el de Dignissimo'.<sup>156</sup> Santo Buono involuntarily landed in the middle of Badillo and Casiani's argument as both sides sought to enlist his support. Although he claimed not to have powers to mediate officially, he agreed to talk to the

<sup>154</sup> AGI Santa Fe 468, cabildo secular of Cartagena to king, 28 April 1716.

<sup>155</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 30 April 1716.



parties as ‘amigable mediador’. By then, much of the debate centred on the bishop’s forthcoming consecration, which many felt should be suspended due to Casiani’s behaviour. But ‘una muy fuerte cuanto prudente y justificada corrección’ given Casiani by the bishop of Arequipa, ‘manifestándole el summo dolor con que él y sus compañeros obispos habían hallado aquí en lugar de un pastor un perturbador de la universal quietud y de la jurisdicción de VM con tanto desdoro de la dignidad eclesiástica y del carácter obispal’, seemed to persuade Casiani to adopt a more prudent attitude. With this, the bishop of Arequipa expressed the firm support to and respect for the Patronato which all prelates were expected to harbour. Thus, consecration took place, according to Santo Buono ‘con todas las mayores demostraciones de festejos y con asistencia del governor cabildo secular y del Duque de Castel de Sangro mi hijo que hizo la función de su padrino’.<sup>157</sup>

Both Santo Buono and his advisors pointed to the bishop’s irregular conduct as the origin of the conflict. According to the viceroy’s advisors, although Casiani justified his pretensions to interfere in civil cases as a means of alleviating the ‘opresión de personas miserables’, in fact he aimed not only to ‘usurpar la más preciosa piedra de la Corona de SM que es la protección de sus vasallos, regalía inseparable de la soberanía, y incomunicable a otros; sino confundir también las dos jurisdicciones, y aniquilar totalmente la real, pues no habrá caso a que quiera extenderse la eclesiástica con algunos de estos motivos’.<sup>158</sup> In short, Casiani was deliberately

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<sup>156</sup> AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716; AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 2 March 1716.

<sup>157</sup> AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716.

<sup>158</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 2 March 1716.



usurping the king's exclusive jurisdiction in assuming his responsibility as impartial master and benevolent protector for his subjects. The bishop gave some credence to this view, for he justified his conduct by referring to what had happened to Benavides when he had failed to defend his jurisdiction and authority, and repeatedly proclaimed that Cartagena 'no quería obispo sino vivir sin pastor y que esta verdad se conocería muy bien en la Corte de Roma adonde se le haría justicia'.<sup>159</sup>

However, the Pope never became involved. It is evident that this time the Council of the Indies was resolved to deal more swiftly with the problems.<sup>160</sup> Thus, when Antonio de la Pedrosa was sent to New Granada to establish the viceroyalty, he went with orders to put Casiani on the first ship back to Spain. But the bishop's death in Cartagena on 25 November 1717 prevented the journey, and conveniently put an end to the controversy surrounding him.<sup>161</sup>

It is interesting to note the change of attitude by the crown in the two cases of Benavides and Casiani. In the former, support for the bishop was unquestioned during the first two decades of the conflict. By 1717, however, the king commended Governor Badillo's conduct, approving of 'la prudente conducta con que os habéis portado en las incidencias, lances y discordias subzitadas por este prelado'.<sup>162</sup> What caused this change of attitude?. Was the change of ruling dynasty a factor? Was this the first signs of what was to come with Charles III increasing crown control over the

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<sup>159</sup> AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716.

<sup>160</sup> AGI Santa Fe 468, Respuesta fiscal, 11 Dec. 1716.

<sup>161</sup> AGI Santa Fe 368, cabildo secular of Cartagena to king, 17 Dec. 1717; AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 13 April 1718; AGI Santa Fe 368, Respuesta fiscal, 1 Sept. 1718.

<sup>162</sup> AGI Santa Fe 437, Real Cédula, 11 June 1717. Also, AGI Santa Fe 468, Consulta of 30 Jan. 1717.



Church? Or was it simply that Casiani was seen to have challenged civil authority and the Patronato to a greater degree than did Benavides? Whatever the reason, the Council of the Indies was keen to avoid similar cases in the future and strove to follow Pedrosa's recommendation that the next bishop of Cartagena be

sujeto Secular Español, de buena edad, juicio, prudencia, madurez, y de acreditadas experiencias, y de entereza y resolución, y profesión letrado y siendo posible que haya sido Provisor, para que se entere de los derechos municipales, y tenga buen gobierno por que todo se necesita en aquella ciudad y Provincia, como también el que vaya luego, luego el que se eligiere, porque hace summa falta <sup>163</sup>

And indeed, things did calm down with the next appointee, Juan Francisco Gómez de Calleja, although conflicts of jurisdiction between civil and ecclesiastical authorities did not disappear from Cartagena's political and religious life.

Such conflicts had been particularly prominent in late Habsburg and early Bourbon Cartagena. They reflected the complex structure of crown-Church relationships, with the three branches of ecclesiastical authority, institutions of royal government and the dual head of king and Pope. Although crown control over the American Church was theoretically considerable, the behaviour of Benavides and Casiani suggests that bishops were able to operate with a wide margin of autonomy, which they both defended and often attempted to expand. Both royal and ecclesiastical officials were fiercely protective of their vaguely defined areas of jurisdiction as they competed for power and influence. Disputes were acted out in public, often through clashes over ceremonial issues, and affected officials and vecinos' lives principally through the implementation of canonical censures. These were employed both by cleric or

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<sup>163</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 15 April 1718.



inquisitor against cleric in internal conflicts within the ecclesiastical sphere, and against civil officials and vecinos. Although the efficiency of the measures as a political weapon was reduced by the fact that it was available to all three branches of the Church and could be revoked by the audiencia, they nevertheless caused disruption. This, too, was caused by civil government's obligation to render assistance to all ecclesiastical authorities, often with the use of force. The conflicts examined also show the way in which governance under pre-modern regimes was not confined to civil government alone. "Gobierno" also involved other groups and entities in the "republic", including the ecclesiastical community, and power was distributed laterally as well as vertically. Perhaps the way in which conflicts were deliberately publicised, creating a kind of public opinion which could influence government decisions, can be seen as a sign of the ways in which power was decentralised. It is also possible that Casiani's insistence on the right to interfere in civil government reflects a clerical belief that the Church had a direct role in civil governance, since it was the guardian of morals, and churchmen did not distinguish clearly between public and private spheres of morality.

Despite the prevalence of conflict, the colonial clergy, at least the secular branch, recognised the authority of the Patronato and professed loyalty to the Spanish king. The most serious count of clerical disobedience to royal government examined above was Bishop Casiani's refusal to recognise the audiencia of Santa Fe as legitimate after the overthrow of its president, Francisco de Meneses. This came in the wake of the War of Succession, which placed a Bourbon monarch on the Spanish throne. The following chapter will consider the repercussions of the change of dynasty in New Granada, focusing above all on the overthrow of Meneses.



## 6- Crisis: The Overthrow of President Meneses

The picture of New Granada's government that emerges from the preceding pages is of a system divided within itself and lacking a clear and unchallenged leadership either from Spain or from within New Granada. Its leading institutions and officials were split by rivalries that undermined the solidarity and unity of command; in their competition with each other, officials joined in alliances of reciprocal support with local vecinos and families which afforded creoles a share of power; complaints about officials, particularly accusations of corruption, suggest that they were not held in high esteem by their peers; divisions within the audiencia and the provincial government of Cartagena reveal an underlying and persistent conflict between military men and letrados, in which each sought to reduce the power of the other; and, finally, the capture of Cartagena revealed a system of government which had failed in a key task: to defend a strategic point in continental defences. This was, then, an institutional and political setting where the crown's authority at the centre did not translate into power which could simply be imposed at the periphery.

While the fall of Cartagena and the subsequent inability of the audiencia to exert its authority over a delinquent governor revealed the weaknesses of New Granada's system of government, such problems were overshadowed at the turn of the century by a more general crisis of the monarchy. The succession of Philip V to the Spanish throne in 1700 under French protection met with challenges from inside and outside Spain, and for more than a decade the new king was forced to fight for his inheritance against powerful international rivals. When peace was finally concluded at the Treaty of Utrecht in 1713, the Bourbon succession was secured, though at the



cost of significant concessions. Spain lost territories in Europe and, by ceding to England the right to trade in slaves with Spanish America, opened a legal gap in its monopoly of American commerce. In these circumstances, the Bourbon king and his ministers confronted the challenge of rebuilding its authority over the Spanish monarchy, especially in the American dominions which, during the War of Succession, had been disconnected from the principal concerns of a new government that was primarily concerned with fighting for its survival in Europe. Their response to this challenge focused largely on Spain itself, where Bourbon ministers sought to overhaul the political, military and commercial structures inherited from the past through a series of reforms dedicated to enlarging the power of central government and enhancing its military capacity. What is less well-known, however, is the effect in America of the transition to the new Bourbon regime. If New Granada's government was in a state of disarray at the end of Habsburg rule, what happened to it during the War of Succession and what, if any, were the implications for the colony of the advent of a new government in Madrid?

### *New Granada during the War of Succession*

The outbreak of war was announced to American authorities by cédula of 12 July 1702 in which they were also ordered to confiscate any goods belonging to Germans, English and Dutch.<sup>1</sup> France, Spain's recent enemy, now became its ally and cédulas of 3 and 11 January 1701 and 10 June 1703 informed the Cartagena authorities of 'la amistad entre las dos coronas de España y Francia, la atención, unión y buena

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<sup>1</sup> AGI Santa Fe 435, Juan Díaz Pimienta to king, 7 Jan. 1704.



correspondencia con esta nación' and ordered that French ships be allowed to enter the port to buy supplies.<sup>2</sup> As early as 1702, General Ducasse, one of the leaders of the attack on Cartagena in 1697, was back in the city on legal business as head of a fleet of French vessels sent to the city by Spain's new ally. The governor was ordered to treat him with the same courtesy he would treat the commander of a Spanish merchant fleet.<sup>3</sup> Stronger links with France were also evident in other areas: French ships were occasionally given licence to go to New Granada, for example, and the new *protomédico* to Cartagena appointed in 1714 was a Frenchman.<sup>4</sup> This did not mean that Americans always treated the French according to royal commands. In 1704, a group of Frenchmen arrived in Cartagena, allegedly robbed by enemies and put ashore some distance away from the city. In accordance with a *cédula* of 3 June 1703 which ordered that 'se restituyan a sus colonias los franceses que no estuvieren con justo título en estas Provincias', Governor Pimienta 'les dió refresco y descanso' and arranged transport for them to return to French territory. However, the French hijacked the ship, which was loaded with valuables belonging to Governor Pimienta, among others, as well as letters and reports for the Council of the Indies; they took it to Honduras, unloaded the cargo, left the Spanish crew naked and with an empty ship and departed.<sup>5</sup> On another occasion, in January 1708, a French frigate was sacked by Spaniards off the coast of Cartagena. When a French envoy to Madrid complained, the governor of Cartagena was ordered to return

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<sup>2</sup> AGI Santa Fe 435, Juan Díaz Pimienta to king, 6 Feb. 1704. See also Kamen, *The War of Succession in Spain*, p. 143. Pp. 144-149 deal with the extremely successful French interloping in Spanish America during the war years. P. 151 ff. deal with French protection of the Spanish treasure fleets.

<sup>3</sup> AGI Santa Fe 435, Juan Díaz Pimienta to king, 25 Sept. 1702.

<sup>4</sup> AGI Santa Fe 262, Consulta of 29 Oct. 1708; AGI Santa Fe 420, Consulta of 10 Aug. 1714.

<sup>5</sup> AGI Santa Fe 435, Testimonio de las declaraciones hechas por los cabos de Cartagena, oficiales reales y cabildo secular cerca de la buena correspondencia que su gobernador ha tenido siempre con la nación francesa y lo ejecutado con la urca San Juan y San Diego, 3 July 1704; AGI Santa Fe 435, Juan Díaz Pimienta to king, 6 July 1704.



everything that was taken from the ship.<sup>6</sup> The greatest threat, however, came from the English, who attacked both the 1706 and 1711 Tierra Firme galleons, and did considerable damage to Spain's colonial trade. Of the former, the surviving ships took refuge in Cartagena. The latter was attacked off Cartagena in August 1711, but despite losses did eventually make it to Europe under the protection of General Ducasse.<sup>7</sup>

The war did not, however, damage New Granada's political relations with Spain. Among crown officials in New Granada, opinion shifted firmly in favour of Philip V. This is illustrated by an interesting exchange of letters which took place in 1705 between the interim governor of Cartagena, Lázaro de Herrera, and an English captain known as Luis Limestone, when the latter came to Cartagena to plead for the release of English prisoners.<sup>8</sup> Limestone assured Herrera of his peaceful intentions and of the 'estrecha amistad y grande alianza que dha señora reyna mi ama tiene con el señor Carlos 3º descendiente de la Casa de Austria que ha dado de mucho tiempo a esta parte muchos y famosos reyes de España'.<sup>9</sup> Herrera, however, was quick in manifesting where his loyalty lay:

abrá dos horas recibí la de VS ... a lo que debo responder a VS estimo sus favores y correpondo deseando la buena unión y correspondencia y en lo que a mi tocare lo observaré al tanto sin faltar a las órdenes del Rey mi señor Phelipe Quinto a quien en todos estos dominios se tiene jurado y aclamado y no debo yo hacer otra cosa que sus órdenes por las

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<sup>6</sup> AGI Santa Fe 420, Consulta of 1 Sept. 1712.

<sup>7</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 6 Sept. 1711; Kamen, *The War of Succession in Spain*, pp. 185 and 189-90.

<sup>8</sup> AGI Santa Fe 420, Consultas of 11, 17 and 22 Feb. 1706.

<sup>9</sup> AGI Santa Fe 420, Luis Limestone to Lázaro Herrera, 20 June 1705.



obligaciones de mi sangre y puesto, y lo mismo hace toda esta república correspondiendo a lo que deben hasta el último aliento <sup>10</sup>

Governor Zúñiga of Cartagena also demonstrated his loyalty, while affirming that of his entire province, when responding to a cédula of 13 October 1707. Ordered to arrest a Basque captain who allegedly had gone to New Granada to ‘estender papeles a favor del Archiduque’, Zúñiga assured the king that

en esta provincia no habido semejantes papeles porque al haber sembrado alguno no podía ser oculto en la gran fidelidad que he reconocido en estos leales vasallos de donde infiero no pasó por esta provincia, y debo asegurar a VM vivo con particular vigilancia teniendo mui presente este punto para en teniendo el menor indicio de alguno pasar a la justificación y castigo de semejante maldad <sup>11</sup>

The civil authorities in Cartagena also affirmed loyalty to Philip V through repeated public celebrations. This was for instance the case when the Cartagena authorities were informed of ‘la victoria que sus Católicas Armas hallándose VM en persona en la cabeza de su ejército consiguió contra los enemigos de la Corona de Ingleses y Olandeses, que vinieron a Madrid, en favor del Archiduque’ by cédula of 9 February 1711. The city and province celebrated ‘con el amor y lealtad que siempre han profesado a VM’ and with ‘demostraciones que se hicieron de alegría, y fiesta en la iglesia Cathedral’. <sup>12</sup> Another cédula of 19 June 1711 reflected even more obviously the harnessing of the symbolic power of religion on behalf of the state: it added a feast day to the annual calendar by ordering that ‘el Domingo inmediato al de la Concepción de Nuestra Señora se haga una fiesta desde este presente año en adelante

<sup>10</sup> AGI Santa Fe 420, Lázaro Herrera to Luis Litestone, 10 July 1705.

<sup>11</sup> AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 15 Dec. 1708. For an analysis of support for the Archduke Charles in Venezuela, see Borges, Analola, ‘Los aliados del Archiduque Carlos en la América virreinal’ in *Anuario de Estudios Americanos*, 27 (1970), pp. 321-370.

<sup>12</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.



y para siempre a los desagravios del Santísimo Sacramento en manifestación del dolor y sentimiento de las injurias y ultrajes que le fueron hechas por la barbaridad de los enemigos'. The cabildo of Cartagena promised to carry out the celebration

en la Santa Iglesia Catedral, con misa, votiva solemne a este soberanísimo misterio y conmemoración de la Dominica, y misterio de la pura y limpia concepción de nra señora, con sermón al asunto, sin más gastos que los precisos como VM nos lo manda, y en ella rogaremos a Dios nro señor de a VM los buenos sucesos y triunfos que debemos desear sus vasallos para honra y gloria de su divina Magestad <sup>13</sup>

Throughout the war, officials and subjects in New Granada were absorbed in their own politics, which centred largely on issues arising from the growing trade with foreigners. In Santa Fe, the new President, Diego de Córdoba, engaged in only minor quarrels, the most prominent of which concerned the legality of oidor Luis Antonio de Losada's marriage to the woman left widowed by the death of fellow oidor Francisco Merlo de la Fuente.<sup>14</sup> More serious was Córdoba's clash with Governor Zúñiga during a trip to Cartagena in 1710-11.<sup>15</sup> It originated with Zúñiga allowing a couple of navíos de registro bound for Honduras to sell their goods in Cartagena on the grounds that they risked attack by enemy ships. For this he was fined 6 000 pesos by the Council of the Indies, which strongly suspected illegal deals, and President Córdoba was put in charge of collecting the money during his stay on the Caribbean coast. He eventually succeeded, though it seems that the money never reached Spain

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<sup>13</sup> AGI Santa Fe 436, cabildo secular of Cartagena to king and José de Zúñiga y la Cerda to king, both dated 25 Oct. 1711.

<sup>14</sup> The case is amply documented. The most extensive overview is that found in AHN Consejos 21554, Minuta de la executoria que se despachó a Don Luis Antonio de Losada, oidor de la Audiencia de Santa Fe, de la causa que se le hizo sobre su casamiento, 10 July 1711.

<sup>15</sup> AGI Santa Fe 420, Consulta of 5 April 1713; AGI Santa Fe 436, oficiales reales of Cartagena to king, 4 June 1711; AGI Santa Fe 436, Testimonio de los Autos de Apremio hecho por el Governador y Capitán General de esta ciudad y provincia de Cartagena a los oficiales de la Real Hacienda de ella, 1711; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, n.d.; AGI Santa Fe 436, Respuesta fiscal, 23 Oct. 1712.



as Zúñiga repeatedly prevented the *oficiales reales* from sending it. As on other occasions, the treasurers of Cartagena had chosen to obey their governor rather than a higher authority.

The political repercussions of a growing illegal trade with foreigners were also evident in Cartagena at the beginning of the decade, when Governor Juan Díaz Pimienta was involved in a conflict with the *asentistas* of the Asiento of the Compañía de Guinea, Gaspar de Andrade and Pedro Núñez Gadolla.<sup>16</sup> This, too, centred mainly on contraband trade where there seems to have been a battle for obtaining the greater share of the profits. But only with the arrival of Governor Badillo and Bishop Casiani in 1713 did major conflicts emerge once again, as we saw in the previous chapter. Indeed, Badillo had barely set foot on New Granadan soil before an argument with the *oficiales reales* of Cartagena materialised. He was dissatisfied with the governor's residence, and decided to appropriate 'las dos casas Reales de la Contaduría' designated as the treasurers' quarters, leaving them to occupy the Casa del Cabildo, which was the official governor's residence, and another house 'bien retirada de la contaduría'.<sup>17</sup> Badillo justified this change on the grounds that his ailing wife needed a residence in which she might convalesce from her illness, away from 'lo lobrego y triste que son las destinadas para la habitación de vros gobernadores'.<sup>18</sup> This set off a protracted dispute with the treasury officials, which Badillo finally lost in 1715 when he received royal orders to vacate the treasury because it was beyond discussion that the 'tesorero haya de vivir en donde

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<sup>16</sup> AGI Santa Fe 435, Juan Díaz Pimienta to king, 1 July 1700; AGI Santa Fe 435, Resumen y respuesta fiscal, 5 Oct. 1700.

<sup>17</sup> AGI Santa Fe 436, *oficiales reales* of Cartagena to king, 13 Oct. 1713.

<sup>18</sup> AGI Santa Fe 436, Gerónimo Badillo to king, 14 Aug. 1715.



estuviesen las cajas reales'. Badillo's differences with the treasury officials in Cartagena were, however, minor matters compared to his clashes with the audiencia over matters of jurisdiction (which we have dealt with in previous chapters), and over an issue that was an increasing source of contention within government: namely, illegal trade. While the audiencia accused Badillo of importing flour from Jamaica, the governor embargoed President Meneses' luggage from Europe on suspicion that it contained contraband goods.<sup>19</sup>

These accusations and counter-accusations point to a wider problem in government at this time: the erosion of political and judicial authority as a consequence of the spread of a direct and illegal commerce with foreigners. There was a marked increase in foreign interloping in the first decade of the eighteenth century, and according to one report in 1711 'está hecho una feria pública con los Navíos enemigos que todos los días iban a la Isla de Barú, a vender públicamente sus mercancías a los naturales de aquella ciudad'.<sup>20</sup> Smuggling of this kind was not new, of course. But it does seem to have grown rapidly at the end of the Habsburg period and particularly during the War of Succession and years of transition to Bourbon rule. Indeed, according to Grahn, smuggling was becoming 'an essential component of the political economies of the coastal provinces and was a central factor there'.<sup>21</sup> What is less commonly

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<sup>19</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.

<sup>20</sup> AGI Santa Fe 420, Consulta of 25 May 1712. See also AGI Santa Fe 435, Causa del conmisso que hizo el liz.do Don Joseph Francisco de Madrigal y Baldés teniente general de la ciudad de Cartagena de Indias; AGI Santa Fe 435, Juan Díaz Pimienta to king, 1 July 1700 and 8 and 22 June 1702; AGI Santa Fe 435, Respuesta fiscal, 5 Oct. 1700; AGI Santa Fe 435, Lázaro Herrera to king, 9 Oct. 1706; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711; AGI Santa Fe 449, 'los cabildos eclesiásticos y seculares y religiones de los conventos' of Cartagena to king, 23 Sept. 1709; AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716, with Respuesta fiscal of 11 Dec. 1716.

<sup>21</sup> Grahn, *The Political Economy of Smuggling*, p. 189.



understood is the impact which it had on political authority and the ways in which it tended to “criminalise” officials. For, while governors were apparently routinely engaged in seeking and imposing new measures to combat illegal trade, it is very likely that they themselves were heavily involved, as Grahn has argued.<sup>22</sup> It is also clear that, while such activity was illegal, crown officials did not find it difficult to justify their participation in such “crime”, since they regarded it as unavoidable and indispensable. Governor José de Zúñiga y la Cerda, for example, wrote to the Council of the Indies on several occasions, stating that as for long as the trade monopoly did not work, there would be contraband trade in Spanish America, as it was the only way Spanish subjects in the Indies could possibly survive.<sup>23</sup>

The war effectively ended in late 1712, when the truce between Spain, France and England was announced to American authorities by *cédula* of 26 September 1712. The news reached Cartagena first, on 3 May 1713, and was, it was said, received ‘con mucha satisfacción y alegría de aquellos vasallos’.<sup>24</sup> However, the end of the war did not stem the tide of illegal trade into New Granada: indeed, it offered some new opportunities, as for example in 1715, when Governor Badillo allowed an English coastguard ship from Jamaica to enter the port of Cartagena for essential repairs ‘mediante estar publicada la Paz, con esta Nación, y estar admitido en aquella ciudad el Asiento de Negros (que está a cargo de la Gran Bretaña)’.<sup>25</sup> When the Council of

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<sup>22</sup> *Ibid.*, pp. 107-120. Grahn examines the Cartagena coastguard on pp. 149-188. On measures to combat illegal trade, see for example AGI Santa Fe 435, Juan Díaz Pimienta to king, 8 and 22 June 1702; AGI Santa Fe 435, Dictamen fiscal, n.d.; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.

<sup>23</sup> AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 15 March 1708; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 20 July 1711.

<sup>24</sup> AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 5 May 1713.

<sup>25</sup> AGI Santa Fe 436, Gerónimo Badillo to king, 15 May 1715; AGI Santa Fe 436, Respuesta fiscal, 22 July 1716.



the Indies learned of this measure, it condemned Badillo's action, on the grounds that it had been simply a pretext for allowing illegal imports. Badillo's willingness to allow English ships to enter Cartagena was, however, the first sign of what was to become an increasing problem: the use of the *asiento* as a channel for illegal trade that entered directly and with little disguise into the city of Cartagena, usually with the collusion of the authorities. If the return of peace did not allow Spain to restore its hold over trade with New Granada, nor did it renew the authority of its government. The end of the war seemed to offer a new start, with the appointment of a new president and a new judge to the *audiencia*, but the arrival of new men simply provoked fresh conflict. Not only did deep internal divisions reappear within the tribunal of the *audiencia*, but they culminated in a tremendous upset at the heart of New Granada's government: the overthrow of the President Meneses by his colleagues in 1715, followed by the prosecution of the *oidores* who planned and executed this coup.

This was an extraordinary event in the history of New Granadan government and one which, not surprisingly, had repercussions that reached back to the centre of imperial government in Madrid. The accusations and counter-accusations of those involved, the statements of witnesses and the observations and judgements of investigators all generated a large correspondence, and from this we can both reconstruct the events and place them in their political context, a context which is especially interesting as the time when, after the War of Succession, the Bourbon monarchy was beginning to exert its authority over Spanish America.



### *The Resurgence of Conflict within the Audiencia.*

Francisco de Meneses Bravo de Saravia, a creole born in Chile of distinguished lineage, succeeded Córdoba as president of the audiencia of Santa Fe on 4 February 1712.<sup>26</sup> At the time, oidores Domingo de la Rocha, Bartolomé Grillo Rangel, Antonio Losada y Sotomayor and Vicente de Aramburu, and fiscal Manuel Antonio Zapata served on the tribunal. This was effectively an entirely creole audiencia: Meneses, Grillo, Losada, Aramburu and Zapata were all creoles, while Rocha had lived in New Granada for more than thirty-five years by early 1712. Grillo died in the autumn of 1712. Rocha attended his last Acuerdo session in December 1713, and died five months later, and Losada was absent much of the time because of illness.<sup>27</sup> At the beginning of April 1715 a new oidor arrived, the Spaniard Mateo de Yepes. The *santaferenos*' first impression of Yepes was very favourable: one regidor said 'un señor oidor que llegó a esta ciudad en principios de este mes, llamado D. Matheo de Yepes y Mixares ... a parecido mui bien por ser mui cortesano'.<sup>28</sup> Meneses also gave a good first impression and received a friendly reception from the *santaferenos*. Several of the religious leaders of the city wrote to the king to praise the new president's 'buenas prendas y acertados procedimientos' and his 'arregladas operaciones'<sup>29</sup>, and prominent vecinos were also later to record that they had welcomed Meneses.<sup>30</sup>

<sup>26</sup> For biographical details on Meneses, see appendix I.

<sup>27</sup> AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de Acuerdos de la Real Audiencia de 1710 a 1738. For details see appendix I.

<sup>28</sup> AHN Diversos 43, Doc. 123, Agustín de Londoño to Juana Clemencia de Labarcés, 28 April 1715.

<sup>29</sup> AGI Santa Fe 396, Francisco de Cosío y Otero to king, 19 April 1712; AGI Santa Fe 396, El comisario general de San Francisco to king, 3 Aug. 1713.

<sup>30</sup> AGI Santa Fe 367, Copia de representación que hacen a SM los vecinos de Santa Fe de la conducta de Francisco de Meneses, 25 May 1718.



Meneses was, however, less well regarded by some important figures in Santa Fe's society and government. Senior oidor Domingo de la Rocha and Archbishop Francisco de Cosío y Otero, supported by a small number of vecinos of Santa Fe, were the first to denounce Meneses for irregular behaviour in early 1713.<sup>31</sup> Several of Rocha's and Cosío's complaints were related to Meneses' "militaryness", reflected in his insistence on wearing uniform and going nowhere without his guards. As for the former, the king had granted Meneses special permission to wear military clothes whenever he was not in acuerdo or audiencia sessions, on which occasions he had to wear the same kind of outfit as his predecessors.<sup>32</sup> However, when the president started attending acuerdo sessions 'con traje militar y con bastón', Rocha had protested on behalf of all the oidores, the irregularity of it all being greater 'por ser entrada la cuaresma y hallarse los ministros vestidos de luto por la muerte del señor Delfín', Philip V's father. At first, Meneses heeded these complaints; however, as soon as both mourning and Lent were over, he had returned to wearing 'traje y vestidura militar bastón y plumas', justifying it by saying that 'respecto a las guerras de los enemigos de la Corona era conveniente usarse de dho traje'.<sup>33</sup> In addition, Meneses wished to inspire 'el maior esfuerzo y exemplar en el más vivo exercicio y disciplina de las milicias', which upon his arrival were found seriously lacking in 'disciplina militar'.<sup>34</sup>

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<sup>31</sup> AGI Santa Fe 468, De el señor fiscal con el presidente de Santa Fe ... sobre las desregladas operaciones que se le imputan en el expediente de sus empleos por el arzobispo de Santa Fe Cosio, el oidor decano Rocha y la ciudad, 1715; AGI Santa Fe 396, Francisco de Cosío y Otero to king, 10 March 1713; AGI Santa Fe 396, Testimonio de autos ... sobre los desarreglados procedimientos y excesos que comete Francisco de Meneses.

<sup>32</sup> AGI Santa Fe 262, Consulta of 30 March 1711; AGI Indiferente 432, L.47, F. 166v-167v, Real Cédula, 16 Feb. 1711.

<sup>33</sup> AGI Santa Fe 468, De el señor fiscal con el presidente de Santa Fe ... sobre las desregladas operaciones que se le imputan en en expediente de sus empleos por el arzobispo de Santa Fe Cosio, el oidor decano Rocha y la ciudad, 1715; AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720.

<sup>34</sup> AGI Santa Fe 296, Francisco de Meneses to king, 10 June 1712.



Aside from displaying his military authority on his own person, Meneses set himself further apart from the oidores by creating an armed escort and bodyguard. Soon after taking up office, he set up a company of twenty-five soldiers who were to stand guard at the presidential palace, and established the practice of having four of them to accompany wherever he went. This presidential company -given the name of *los Alabarderos*, or the Halberdiers- was a source of considerable irritation to the oidores. Rocha and Cosío attacked it by making complaints about the soldiers' behaviour and the cost of maintaining the company.<sup>35</sup> These, however, got short shrift from the Council of the Indies, which not only agreed that Meneses was well within his rights in setting up the company, but also accepted that it was run and funded in a perfectly legal manner. Indeed, as the fiscal of the Council pointed out, the Junta de Tribunales had agreed to set up the company and Rocha himself had voted in favour of its creation.<sup>36</sup> It also seems that the company enjoyed support among the vecinos of Santa Fe, who, when looking back on its presence, argued that it had curbed crime and violence in the city. According to the vecinos, the soldiers of the president's company had secured 'la total seguridad de este reyno; y mientras los hubo cesaron en la ciudad muertes y latrocinios porque compartidos por los barrios rondaban todas las noches'.<sup>37</sup> Indeed, the company ensured that such was 'el temor de la plebe, que en cuanto la campana de la Catedral a las nueve de la noche hacía señal al recogimiento, quedaba toda la ciudad en profundo silencio, y tanta quietud

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<sup>35</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI Santa Fe 468, Domingo de la Rocha to king, 23 May 1713.

<sup>36</sup> AGI Santa Fe 468, Respuesta fiscal, 28 June 1714.

<sup>37</sup> AGI Santa Fe 367, Copia de representación que hacen a SM los vecinos de Santa Fe de la conducta de Francisco de Meneses, 25 May 1718.



como si no tuviese vecinos ni moradores'. For some vecinos, policing the streets of the capital was evidently an important feature of good government.

While Meneses' enemies criticised his display of military authority, they also made other accusations against him, including charges of corruption and allegations that the president sold government posts to the highest bidder without taking into consideration the qualifications of the buyers. In fact, this was not necessarily evidence of corruption in the sense of abusing public office for private profit. It may well be that, in choosing regidores, Meneses was seeking to find favour among the Santa Fe elite by giving preference to the descendants of the first conquistadores.<sup>38</sup> Seen from Meneses' standpoint, this was no doubt a sound political move. His enemies, however, saw it in a quite different light. Governor Badillo of Cartagena, a peninsular Spaniard, said that Meneses had created 'un medio cabildo y ayuntamiento de personas criollas en Santa Fe, concediéndolos los oficios perpétuos y hereditarios', all in order for the president to become 'absoluto y dueño de este Reino'.<sup>39</sup> It seems here that Badillo was suggesting that Meneses had sought to create a creole faction in Santa Fe which would act as his ally and shore up his authority against that of the audiencia.

Other accusations against Meneses included intervening in elections and appointments that were not within his jurisdiction, interfering with the tasks of the cabildo by meddling with the supply and pricing of meat in Santa Fe, employing his

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<sup>38</sup> AGI Santa Fe 367, Copia de representación que hacen a SM los vecinos de Santa Fe de la conducta de Francisco de Meneses. 25 May 1718.

<sup>39</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715.



secretary to engage in trade on his behalf, obstructing audiencia business and court cases, disobeying royal orders by letting men married in Spain stay in New Granada rather than sending them back to the peninsula, embezzling money from the royal treasury, taking and using gunpowder and arms from the royal treasury without authorisation, participating in contraband trade, mainly through Honda, and taking bribes. Further incriminating evidence appeared in the form of a letter to the Council of the Indies in which Meneses had described New Granada in terms allegedly not very favourable to the colony's inhabitants, apparently impugning their loyalty with the comment that 'a Su Magestad sólo se conocía en estos parajes por el sonido de la voz',<sup>40</sup>

The animosity to Meneses within the audiencia was supported by powerful rivals outside it. The claims that Meneses was involved in illegal commercial activities were, as noted above, supported by Governor Gerónimo Badillo of Cartagena. He confiscated twenty-four boxes that arrived in Cartagena as Meneses' luggage, claiming that they contained merchandise that the president intended to sell in New Granada and accused the president of defrauding the royal treasury.<sup>41</sup> The president, on this particular occasion supported by the audiencia, insisted that the boxes contained nothing but 'alajas y preseas propias del gusto de la persona del presidente, y de su gala y descencia y menaje capaz de sufragar su honrada y dilatada familia'.<sup>42</sup>

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<sup>40</sup> AGI Santa Fe 367, Diego del Puerto en nombre de Agustín de Londoño, n.d. (1724); AGI Escribanía 818B, Confesión de Mateo de Yepes, 5 Jan. 1718.

<sup>41</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 365, Gerónimo Badillo to Diego Morales, n.d.; AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715. See also AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 11 April 1718.

<sup>42</sup> AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715.



None of these charges were found worthy of further investigation by the Council of the Indies, which judged the evidence to be insufficient.<sup>43</sup> Nevertheless, proof of Meneses' close links with France abound and suggest that the accusations made by the oidores and Governor Badillo were not totally unfounded. Upon travelling to America, he was granted special permission to travel to New Granada on a French ship.<sup>44</sup> All his so-called luggage arrived in French ships of the Asiento de Negros.<sup>45</sup> According to Aramburu, Yepes and Zapata, the concealment of contraband in Meneses' baggage was proved by letters written in French by Meneses to the *factor* of the Asiento and found when his belongings were embargoed after his arrest.<sup>46</sup> Indeed, he arrived in Cartagena owing 44 000 pesos to his French correspondent<sup>47</sup>, and unsuccessfully tried to come up with the money through his friend Governor Zúñiga.<sup>48</sup> Further evidence of his business with the French Asiento was a conflict with regidor Agustín de Londoño of Santa Fe over 'una porción de negocios que se le conjuraron a [Londoño] del asiento Real de Francia'.<sup>49</sup> French merchants also claimed a large sum of money from Meneses' property in 1723.<sup>50</sup> And lastly, he had friends in high circles who supported him both in Spain and France: in 1710 the Duke of Alba, the 'serenisimo señor Delfín' Philip V's father, and the 'serenisima señora Duquesa de Borgoña' had written Philip V and his queen, 'interponiendo su Real autoridad para que VM honrase al [Meneses] con el Virreinato del Perú o de la

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<sup>43</sup> AGI Santa Fe 468, Respuesta fiscal, 28 June 1714.

<sup>44</sup> AGI Santa Fe 262, Consulta of 23 Oct. 1710; AGI Indiferente 432, L.47, F.128v-129v, Real Cédula, 21 Jan. 1711.

<sup>45</sup> AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 365, audiencia of Santa Fe to king, 6 June 1715; AGI Santa Fe 468, Gerónimo Badillo to Joseph Grimaldo, 13 June 1715.

<sup>46</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI Escribanía 818A, where various of the autos are.

<sup>47</sup> Colmenares, 'Factores de la vida política colonial', p. 399.

<sup>48</sup> AGI Santa Fe 365, José de Zúñiga y la Cerda to Francisco de Meneses, 7 Nov. 1711 (in Santa Fe-auto, ff. 45-48).

<sup>49</sup> AGI Santa Fe 367. Confesión de Agustín de Londoño, 30 Oct. 1723.

<sup>50</sup> AGI Santa Fe 367, Certificación del escribano Francisco de Alcázar, 27 May 1720.



Nueva España, atento a la estimación que de su persona se había hecho en la corte del Rey Christianísimo glorioso Abuelo de VM'.<sup>51</sup>

Meneses' detractors criticised his private conduct, too, with complaints about excessive drinking and a fondness for card games, which he allegedly controlled in the entire city of Santa Fe. It was said that he prohibited card games outside his palace and the rooms of his nephew and those of his secretary, and played only with foreign cards to the detriment of the royal card monopoly.<sup>52</sup> Also, both he and his two nephews were reported to have had mistresses. The president, though married, apparently had affairs with several married women during his time in Santa Fe, and it was even said that he was 'naturalmente ... inclinado a mujeres casadas'. One particular case seems to have caused more scandal than the others, when 'se amancebó públicamente con una mujer casada, causando notorio escándalo' as they made no effort to disguise their relationship from the public.<sup>53</sup> It is impossible to tell whether such accusations were true or false, but that need not concern us here. Their significance is, rather, in showing the ways in which accusations of private immorality were used as political weapons. Those who denounced such behaviour were not necessarily driven by moral or religious qualms; as in other cases were individuals where denounced for "concubinage" the complainants were probably simply using a moral code that commonly went unobserved in pursuit of personal and political vendettas.<sup>54</sup>

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<sup>51</sup> AGI Santa Fe 367, Francisco de Meneses to king, n.d.

<sup>52</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI Escribanía 818A, where various of the autos are.

<sup>53</sup> Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI Escribanía 818A, Información sobre que Francisco de Meneses luego que entró al ejercicio de su empleo se amancebó públicamente con una mujer casada, 17 Oct. 1715.

<sup>54</sup> Anthony McFarlane, 'Las reglas religiosas en una sociedad colonial: El concubinato en la Nueva Granada, siglo XVIII' in *Iglesia, religion y sociedad en la historia latinoamericana 1492-1945*,



Another important weapon used by the oidores to justify the overthrow of Meneses concerned accusations that he had cheated the royal treasury of a substantial sum. A letter from the treasurers of Quito -sent in January 1714- informed the audiencia of Santa Fe that Meneses owed the Quito treasury 39 449 pesos, which he had omitted to pay upon leaving the post as corregidor of Riobamba some fifteen years earlier. This allowed the oidores to claim it necessary to take drastic action against Meneses by virtue of one of the laws of the *Recopilación* which stated that governors and corregidores who ‘convierten en usos propios los productos de sus corregimientos’ should be suspended from office.<sup>55</sup>

However, tensions in the audiencia were seriously increased by the way in which Meneses spoke to and of his colleagues. Rocha complained that

las voces con que trata a los ministros de todas clases en desautoridad de sus empleos son indecorosas y que disminuyen la autoridad en tanto extremo que las togas se hacen contentibles llegando a proferir de que no a menester la buena correspondencia con que algunos vecinos políticos le han aconsejado con dhos ministros con antelación y acciones desmedidas se pone en pie y dando patadas dice que a todos los oidores los pondrá debajo de sus pies que para eso es presidente y que como tal debe hacerlo y lo imposible posible y que más autoridad y poderío tiene como Don Francisco de Meneses, preste que todo el Acuerdo junto con igual destemplanza a la demostración antecedentemente referida<sup>56</sup>

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*Congreso VIII de Asociación de Historiadores Latinoamericanistas de Europa, tomo II* (Szeged, Hungría, 1989), pp. 93-107.

<sup>55</sup> AGI Santa Fe 367, Testimonio of acuerdo session of 11 Feb. 1716; AGI Santa Fe 367, Memorial from Francisco de Meneses, n.d.; AGI Santa Fe 367, Respuesta fiscal, 13 Nov. 1715, commenting on the memorial from Meneses.

<sup>56</sup> AGI Santa Fe 468, De el señor fiscal con el presidente de Santa Fe ... sobre las desregladas operaciones que se le imputan en en expediente de sus empleos por el arzobispo de Santa Fe Cosío, el oidor decano Rocha y la ciudad, 1715. See also AGI Escribanía 818B, Confesión de Mateo de Yepes, 5 Jan. 1718, f. 8 ff.; AGI Escribanía 818B, Confesión de Manuel Antonio Zapata, 8 Jan. 1718, f. 8 ff.



In short, the oidores felt that they were not shown the respect their posts required, that their authority was infringed upon, and that the president's actions consequently diminished their share of the 'symbolic capital' held by the audiencia.

The president's relations with Rocha seem to have been particularly bad. This was partly due to a conflict between Meneses and the New Granadan Francisco Hidalgo, who had served as Rocha's page for twenty-two years. By 1713, Hidalgo was a merchant who was married to a woman from a prominent family of Santa Fe and held the post of *comisario del consulado del comercio*. The reason for the discord had, according to Rocha, been Hidalgo's refusal to vote for Meneses' candidate in the elections for 'Prior y Consules del comercio y universidad de cargadores'.<sup>57</sup> In addition, the president on one occasion called Rocha 'un oidor intruso y muy bellaco' and threatened to force him to leave his post and send him into exile at Neiva. Meneses' threat was sufficiently alarming to Rocha to cause him to take refuge in the Jesuit Colegio in early 1714, and, though he was apparently reconciled with Meneses, he died there shortly afterwards.<sup>58</sup>

As for the rest of the audiencia ministers, Rocha claimed that Meneses had oidores Aramburu and Losada and fiscal Zapata under his thumb.<sup>59</sup> Aramburu was, it seems,

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<sup>57</sup> AGI Santa Fe 468, De el señor fiscal con el presidente de Santa Fe ... sobre las desregladas operaciones que se le imputan en en expediente de sus empleos por el arzobispo de Santa Fe Cosío, el oidor decano Rocha y la ciudad, 1715; AGI Santa Fe 396, Francisco de Cosío y Otero to king, 10 March 1713; AGI Santa Fe 396, Testimonio de autos ... sobre los desarreglados procedimientos y excesos que comete Francisco de Meneses.

<sup>58</sup> AGI Santa Fe 367, Inventory of the papers concerning the case of the overthrow of Meneses, 3 Aug. 1720; AGI Escribanía 818A, Información sobre los axamientos hechos por Meneses a los señores ministros de esta Real Audiencia, 1 Oct. 1715.

<sup>59</sup> AGI Santa Fe 468, De el señor fiscal con el presidente de Santa Fe ... sobre las desregladas operaciones que se le imputan en en expediente de sus empleos por el arzobispo de Santa Fe Cosío, el oidor decano Rocha y la ciudad, 1715. See also AGI Santa Fe 396, Francisco de Cosío y Otero to king, 10 March 1713; AGI Santa Fe 396, Testimonio de autos ... sobre los desarreglados



silenced by Meneses' accusation that he had embezzled royal funds during his two year visita of the mines in the provinces of Citará and Chocó in 1711 and 1712.<sup>60</sup>

Losada for his part was very little involved both in audiencia business and in the controversy surrounding the president. At the time of the actual overthrow, he was in Mariquita and thus played no part in the events.<sup>61</sup>

The president's quarrels with his colleagues in the audiencia reached a climax on 23 September 1715, two days before his arrest. According to the judges who moved against him, Meneses had uttered 'palabras de amenaza' against oidores Yepes and Aramburu. Several reliable witnesses had heard the president say that 'si la dependencia no se componía bien, al señor don Vicente de Aramburu lo había de sacar en un borrico y quitarle el hábito que traía a los pechos y al señor don Matheo de Yepes lo había de poner en un cepo y darle garrote'.<sup>62</sup> Another witness, who had talked with Meneses in fiscal Zapata's house that same evening, claimed that Meneses, 'poniéndose las manos en la cintura' had pretended that he was talking to Yepes, saying that 'pues busted (sic) el oidorsito no ha de morir en su cama como Rocha sino en un cepo'. To put extra weight behind the threats, that same night, he gave each of his soldiers extra ammunition. Later, when prisoner in Cartagena, he was quoted as saying that 'los señores de esta Real Audiencia le habían ganado por

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procedimientos y excesos que comete Francisco de Meneses; AGI Escribanía 818B, Confesiones de Vicente de Aramburu, Mateo de Yepes and Manuel Antonio Zapata, 2-8 Jan. 1718.

<sup>60</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI, Santa Fe 367, audiencia of Santa Fe to king, 6 June 1715; Colmenares, 'Factores de la vida política colonial', p. 400.

<sup>61</sup> Colmenares, 'Factores de la vida política colonial', p. 394.

<sup>62</sup> AGN Real Audiencia -Cundinamarca, tomo 11, ff. 197-214, Testimonio de la información sobre las palabras de amenaza que el señor Presidente Francisco de Meneses, profirió contra el oidor Don Mateo de Yepes, 1715.



la mano que el dho señor don Francisco lo que tenía dispuesto era ahorcarlos a todos’ and that if the oidores ‘no le hubieran ganado por la mano los hubiera ahorcado’.<sup>63</sup>

In the afternoon of 23 September 1715, the very day the above words had been uttered, oidores Yepes and Aramburu and fiscal Zapata arrived at the Sala de Acuerdo and found the door locked.<sup>64</sup> Until then, audiencia business had been carried out as normal, and an acuerdo session had even been held in the morning of that same day, with Yepes, Aramburu and Meneses discussing a royal order to prohibit the *estanco del aguardiente*.<sup>65</sup> Business as usual, in other words. But when the two oidores and fiscal Zapata returned in the afternoon, they could not enter the building. According to them, the president was in the audiencia meeting rooms alone throughout the night ‘reconociendo los papeles del Archivo Secreto’.<sup>66</sup> The oidores and fiscal for their part retired to the Monastery of San Agustín together with ‘los Ministros inferiores y subalternos’, where they held an audiencia session in which they resolved to write to the president and demand an explanation as to why he had locked them out of the audiencia palace. Meneses responded that he had not, in fact, given any order to prevent the three oidores from entering the building, but had only ordered that the building be locked to ensure the security of the tribunal and its secret papers. Meneses took a conciliatory tone and, using the cabildo as mediator, requested the oidores to come out of their retreat and resume their duties. The president was apparently keen for the conflict to end, and when the cabildo

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<sup>63</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720.

<sup>64</sup> This account of the events of 23 to 25 Sept. 1715, is based upon AGI Santa Fe 365, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725; AGI Santa Fe 365, Copia de informe que hace al Rey la parte del clero de Santa Fe sobre la deposición de Francisco de Meneses, 6 Oct. 1715; AGI Escribanía 818B, Confesiones de Vicente de Aramburu, Mateo de Yepes and Manuel Antonio Zapata, 2-8 Jan. 1718.

<sup>65</sup> AGN Real Audiencia -Cundinamarca, tomo 13, f. 370, acuerdo session of 23 Sept. 1715.

<sup>66</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720.



suggested that he meet with the audiencia ministers a block away from his palace to publicly display reconciliation, he agreed. Aramburu, Yepes and Zapata consented, and on 25 September they left the convent 'en forma de tribunal' to meet the president. They then proceeded to the Sala de Acuerdo together. Following a normal pattern, this public display should have assured the *santafereños* that the crisis was over and normality prevailed. But this occasion was to be different. Upon entering the audiencia meeting rooms, the three oidores arrested Meneses and took him to the adjoining presidential palace where he was kept under lock and key. The coup seemed to have been well planned, as the oidores and fiscal had many armed men to support them. A description of what happened when the agente fiscal Francisco de Santillana announced from the balcony of the Sala de Acuerdo that the arrest was being made offers a vivid glimpse of this little revolution:

salieron muchos hombres que estaban ocultos, y como emboscada de casa de vro contador Don Joseph Flores (que está en frente de la Audiencia) encaminándose todos para la sala de Acuerdo con sus espadas desnudas se atropellaron en tanto grado a no soltar el bastón dho vro presidente parece hubiera perdido la vida en dha Sala de Acuerdo en donde le sacaron con indecible inominia, y confusión para ponerle preso en un aposento muy estrecho correspondiente a la sala del Dosel de su Palacio, si las piedras (señor) hubieran sido capaces de sentimiento se hubieran despedazado viendo suceso tan lastimoso, y jamás imaginado, preso vro Presidente se le mortificó con tanta aspereza, y rigor que estuvo en términos de perder la vida por no tener aun el alivio de una gota de agua hasta que pasadas cerca de 24 horas se le dió este corto consuelo <sup>67</sup>

The humiliation of Meneses did not end with his violent removal from office. After imprisoning the president in his palace, the two oidores and fiscal informed the lower levels of government, both civil and ecclesiastic, of the new situation, and Yepes

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<sup>67</sup> AGI Santa Fe 367, Copia de informe que hace al Rey la parte del clero de Santa Fe sobre la deposición de Francisco de Meneses, 6 Oct. 1715.



embargoed the president's belongings, leaving him 'sólo los vestidos y alhajas de su decencia'.<sup>68</sup> Those in charge of Meneses' imprisonment

permitted that he be treated badly, disguising that the soldiers or guards were disturbing him during his rest hours with games, voices and improprieties, permitting that these be with arms in his presence and the first night he had the oversight of being in the water because although he asked that they not do so, they did not because they had left the door [Juan de Cárdenas Barajas] locked and he went to sleep at his house, very far from the prison and with such indecency that he had to sleep in the bed of the maid of the said president.<sup>69</sup>

And, to emphasise the president's fall from power, José de Acuña, head of Meneses' company of halberdiers, and the president's nephews Juan de Meneses and Joseph de Portales were also arrested.

After the arrests, the oidores then went on to give legal cover to their actions, taking statements and drawing up a report on 'la supuesta sublevación o conspiración popular de que se quisieron valer para este acto', and on all the accusations that had been launched against Meneses in his three and a half years in office.<sup>70</sup> These reports constituted the first documents in a case which was to generate more than 13 000 pages of paperwork in five years.<sup>71</sup> The president was then sent to Cartagena, where Governor Badillo was ordered to imprison him in a castillo. Meneses left Santa Fe on 10 October 1715 and upon arrival in Cartagena was imprisoned in the castillo de Bocachica. But because his health soon deteriorated, he was moved to that of Santa

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<sup>68</sup> AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725; AGI Santa Fe 367, Embargo de los bienes de Francisco de Meneses, 25 Sept. to 30 Oct. 1715.

<sup>69</sup> AGI Santa Fe 367, Francisco Ramiro Valenzuela's instructions to interrogate Juan de Cárdenas Barajas, 25 Jan. 1723.

<sup>70</sup> Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725; AGI Escribanía 818B, Confesiones de Vicente de Aramburu, Mateo de Yepes and Manuel Antonio Zapata, 2-8 Jan. 1718.

<sup>71</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720.



Cruz closer to town on 21 December, ‘donde queda libre de toda prisión y opresión y asistido de criados y criadas como en su propia casa’.<sup>72</sup> He stayed imprisoned there for almost two years, until freed by Antonio de la Pedrosa on 13 September 1717.<sup>73</sup>

Who and what was behind the revolt? The oidores and fiscal tried to make it seem a popular revolt, basing their claim on the fact that while the three of them were in the convent, there was unrest in the city.<sup>74</sup> In the evening of 24 September, the plaza mayor was apparently full of people and captain Juan de Herrera Osorio could barely contain ‘el alboroto popular’.<sup>75</sup> According to the religious community, however, only ‘alguna gente de la más infima clase de esta ciudad’ supported the oidores and fiscal, ‘siendo cierto ... que de la gente principal de esta ciudad no hubo movimiento alguno para dha deposición’ although most people in Santa Fe thought that the act was legitimised by ‘alguna Cédula muy oculta y especial de VM’.<sup>76</sup> There is some evidence to support this claim. After the overthrow, upon receiving the comment that ‘que era lástima que las primeras familias de distinción de aquella ciudad no concordasen en la justa deposición y prisión del presidente’, one of the regidores of the city was quoted as saying that ‘ni él ni los suyos habían de cometer tal torpeza’.<sup>77</sup> And a letter from eleven of the most prominent vecinos of Santa Fe to the king was full of praise for the president, who according to them had constantly manifested his

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<sup>72</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 31 March 1716.

<sup>73</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 21 April 1718.

<sup>74</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720; AGI Escribanía 818B, Confesiones de Vicente de Aramburu, Mateo de Yepes and Manuel Antonio Zapata, 2-8 Jan. 1718.

<sup>75</sup> Colmenares, ‘Factores de la vida política colonial’, p. 397.

<sup>76</sup> AGI Santa Fe 365, Copia de informe que hace al Rey la parte del clero de Santa Fe sobre la deposición de Francisco de Meneses, 6 Oct. 1715.

<sup>77</sup> AGI Santa Fe 367, Francisco Ramiro Valenzuela’s instructions to interrogate Juan de Cárdenas Barajas and Agustín de Londoño, both dated 25 Jan. 1723.



loyalty to the crown.<sup>78</sup> They remarked on the great civility with which he had treated the city's notables and churchmen, recalling 'el cariño afabilidad, y cortesía con que vtro Presidente trataba a la nobleza de esta Corte, la hemos visto en muy pocos Presidentes, ni aun en Ministros inferiores, dando asiento, y mandandolos cubrir a todos, y a la despedida saliendo a acompañar hasta el Cancel, y si eran sacerdotes, y Religiosos, hasta la escalera de su Palacio'. And, more substantially, they contrasted the good order associated with his time in government with the deterioration in law and order that had followed, noting that 'cuando quitados los Alabarderos con la deposición de vtro presidente luego se vieron muchas muertes inquietudes, y robos atreviéndose los mal hechores, no sólo a romper las paredes, y umbrales de las tiendas, pero aun de las casas principales'.

Closer scrutiny shows, however, that Meneses' opponents also enjoyed influential support among the city's elite. Indeed, one influential Santa Fe family was seen to have played a key role in the scheme. This was the Flórez family, descendants of Spaniard Juan Flórez de Ocáriz who arrived in Santa Fe in 1626 and married Juana Paula de Acuña y Angulo, whose family could be traced back to the first conquistadores of New Granada.<sup>79</sup> He had served as treasurer in several bodies of royal and local government for many years, as a captain in the wars against the Chocó Indians, as *escribano de cámara mayor de gobernación* of New Granada, and as procurador general and alcalde ordinario of Santa Fe on many occasions. The office of *escribano de cámara mayor de gobernación* was one which remained in the

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<sup>78</sup> AGI Santa Fe 367. Copia de representación que hacen a SM los vecinos de Santa Fe de la conducta de Francisco de Meneses, 25 May 1718.

<sup>79</sup> José María Restrepo Sáenz and Raimundo Rivas, *Genealogías de Santa Fe de Bogotá, tomo I* (Bogotá, 1928), pp. 372-374.



Flórez family for generations, as it was passed on to his son Martín Gerónimo and his grandson Bernardo Antonio. Later, he became famous for writing the *Genealogías del Nuevo Reino de Granada*, commissioned by the cabildo secular of Santa Fe to publicise its nobility and claims to participate in government, and published in Madrid in 1674 (vol. I) and 1676 (vol. II). By the early eighteenth century both Juan Flórez de Ocariz's children and many of his grandchildren were prominent vecinos of Santa Fe. Among the latter was fiscal Manuel Antonio Zapata, who played a key part in deposing Meneses. Indeed, a satirical pamphlet written in 1717 and entitled *Las Brujas* suggests that it was common knowledge that the Flórez family dominated governing circles in Santa Fe and was behind the overthrow of Meneses.<sup>80</sup> Although its author remained anonymous, it was clearly someone with a thorough knowledge of government affairs in Madrid as well as Santa Fe, and may have been contador Francisco López de Olivares, who carried a grudge against the Flórez and belonged to a circle of friends surrounding oidor Losada.<sup>81</sup> Although accusing

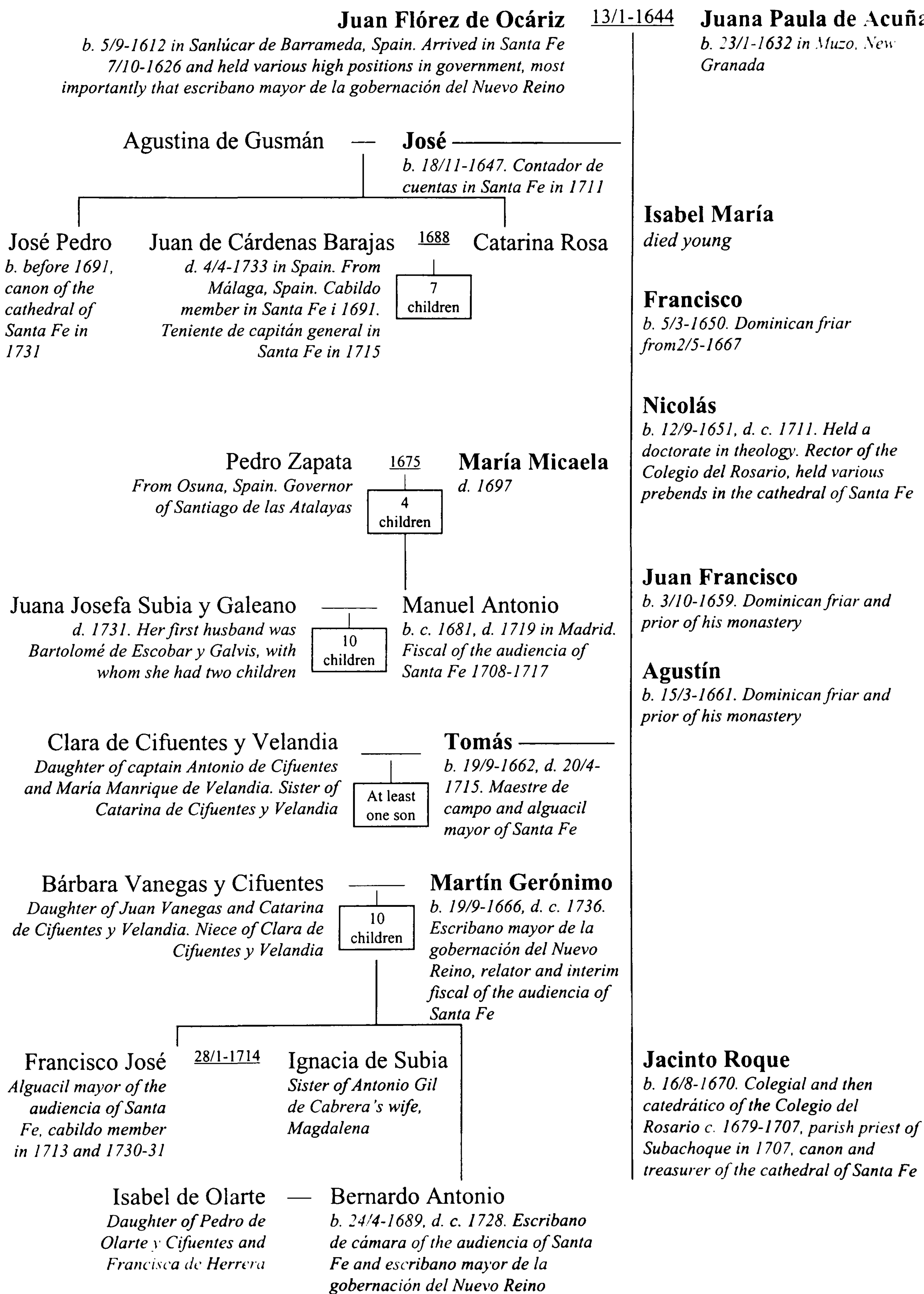
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<sup>80</sup> Groot, *Historia Eclesiástica y Civil de Nueva Granada*, vol. 2, apéndice 1, pp. III-XVI. Analysed in Colmenares, 'Factores de la vida política colonial', pp. 393-397, and mentioned in Ortiz, *Real Audiencia y Presidentes*, pp. 316-318 and 379-397; and Restrepo Sáenz, *Biografías de los mandatorios*, pp. 32-41.

<sup>81</sup> Colmenares, 'Factores de la vida política colonial', pp. 394-395. Antonio Gil de Cabrera also belonged to this group, and seems to have been one of Meneses' fiercest defenders. He played an active role in the aftermath of the overthrow and was particularly active in relation to Agustín de Londoño, with whom he seems to have had a long standing enmity. AGI Santa Fe 367, Agustín de Londoño to audiencia of Santa Fe, n.d., and Testimonios of cabildo sessions of 16 and 29 Oct. 1715 and 7 Jan. 1716.



**Illustration 3: The Flórez family in Santa Fe, early eighteenth century<sup>a</sup>**



<sup>a</sup> The sources for this illustration are listed in footnote 82.



Meneses of irregularities, the author also ridiculed his enemies, including Aramburu, Yepes, Zapata and several other members of the Flórez family, and pilloried the Madrid authorities for their ignorance about how government was really run in Santa Fe. According to the anonymous satirist, the faction supporting the Flórez had become all-powerful by 1715 at the expense of royal authority. In fact, this was not the first time the Flórez family had a strong hand in government. In 1688, President Gil de Cabrera complained that Juan Flórez and his sons José, Nicolás and Tomás ‘se han manifestado opuestos a mi Gobierno sin más motivo que no haber sido director de él’ because before Cabrera’s arrival they were ‘dueños absolutos del Gobierno’.<sup>82</sup>

Among the members of the Flórez family who were blamed for being behind this attack on royal authority were, in addition to Zapata, Martín Gerónimo Flórez, two of his sons who held public office at the time of the overthrow, and teniente de capitán general Juan de Cárdenas Barajas, who was married to Martín Gerónimo’s niece.<sup>83</sup> Antonio de la Pedrosa, who was later put in charge of investigating the incident and who had long personal experience of the social and political networks in Santa Fe, also included regidor Agustín de Londoño y Trasmiera in the

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<sup>82</sup> AGI Santa Fe 211, Gil de Cabrera to king, 29 July 1688. The Flórez family tree (illustration 3) has been constructed from the following sources: AGI Santa Fe 211, Gil de Cabrera to king, 29 July 1688; AGI Santa Fe 211, Juan Rodríguez de Vettancur to king, 15 Oct. 1688; AGI Santa Fe 262, consultas of 25 June 1701, 16 May and 2 Aug. 1703, 18 May 1707, 16 May 1708 and 25 June 1712; AGI Santa Fe 262, cabildo eclesiástico de Santa Fe to king, 4 July 1707; AGI Santa Fe 262, Diego de Córdoba to king, 9 Nov. 1707; AGI Santa Fe 263, consultas of 6 July 1729 and 21 May 1731; AGI Santa Fe 367, Copy of the *escritura dotal* of Catharina Rosa Flores de Gusmán, 17 Aug. 1718; AGI Santa Fe 367, Respuesta fiscal of 8 June 1751; AGI Santa Fe 369, cabildo eclesiástico of Santa Fe to Anotnio de la Pedrosa, 4 July 1718; AHN Diversos 43, Doc. 123, Agustín de Londoño to Juana Clemencia Labarcés, 28 Aprí 1715; Colmenares, ‘Factores de la vida política colonial’, p. 396; Instituto Colombiano de Cultura Hispánica (ICCH), *Indices de dotes, mortuarios y testamentos existentes en la notarias de Santa Fe de Bogotá* (Bogotá, 1994), pp. 238, 276, 277, 294, 312, 313, 377 and 388; Ortiz de la Tabla Ducasse, *Cartas de cabildos hispanoamericanos*, pp. 102, 125-126, 136, 139-141; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, pp. 372-375.

<sup>83</sup> AGI Santa Fe 367, Copy of the *escritura dotal* of Catarina Rosa Flores de Gusmán, 17 Aug. 1718. They were married in 1709.



investigation despite the fact that he had not even been in the city when the arrest of Meneses took place.<sup>84</sup> Londoño was assumed to be implicated simply because he was recognised as a good friend of the Flórez family and frequently socialised with its members. During the investigation, it emerged that the Flórez on several occasions had uttered words to the effect that ‘ya habrían visto no podía haber presidente sin los Flores’<sup>85</sup> and ‘no necesitaba la Audiencia de la ciudad para nada por que ya tenían bien perdido al presidente’.<sup>86</sup>

This animosity towards Meneses did not stop at Santa Fe. In Cartagena, Governor Badillo proved unusually willing to respect the decisions of the audiencia. He later explained that he had obeyed its orders to imprison Meneses because, although it was not certain that the audiencia had proceeded justly, it was possible that it had received special orders from the crown of which he had no knowledge and he consequently felt obliged to obey, so avoiding any possible aggravation of seditious behaviour by failure to comply with the tribunal.<sup>87</sup>

It is nevertheless curious that in a society where, as we have seen, each order was evaluated and only carried out if found to be “justo”, provincial authorities proved so ready to obey the audiencia on this occasion. In the case of Badillo, personal animosity no doubt played a part, as Meneses was the author of his suspension from office in connection with the Mompox affair. Indeed, one of the “new” audiencia’s

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<sup>84</sup> AGI Santa Fe 367, Francisco Ramiro Valenzuela’s instructions to interrogate Agustín de Londoño, 25 Jan. 1723; AGI Santa Fe 367, Confesión de Agustín de Londoño, 30 Oct. 1723.

<sup>85</sup> AGI Santa Fe 367, Pedro López de la Presa en nombre de Martín Gerónimo Flores, and also en nombre de Carlos de Burgos, Bernardo Márquez and Bernardo Alphonso de Velasco, n.d., quoting Francisco Flórez.

<sup>86</sup> AGI Santa Fe 367, Confesión de Agustín de Londoño, 30 Oct. 1723, quoting fiscal Zapata.

<sup>87</sup> AGI Santa Fe 468, Gerónimo Badillo to king, 31 March 1716



first decisions was to revoke the suspension of Governor Badillo and improve relations with local authorities in Mompox.<sup>88</sup> This was, then, a perfect opportunity for Badillo to polish his reputation by claiming that he was following orders emanating from the crown, even though their exact contents were unknown. Badillo's stance found favour with the advisors of viceroy Príncipe de Santo Buono, who argued that, although they detested the arrogance of the oidores in arresting their president, they thought that continued respect for the audiencia as an institution was essential. For, they said, the king ordered that the provisions of the royal audiencia should also be treated as though they were from his own royal person, and the audiencia, as the 'viva imagen de Su Majestad' had to be regarded as incapable of committing crime.<sup>89</sup> In short, one should distinguish between the audiencia as a government body and the oidores as individuals, obeying the former while letting the king deal with the latter.

### *Sequel to the Crisis*

The king again proved unable -or unwilling- to deal with the crisis in New Granada's government expeditiously or effectively. News of the overthrow reached Madrid from Governor Badillo in the spring of 1716, and on 6 July that year a Real Cédula ordered oidor Antonio de Cobián to take charge of the investigation into the deposition of Meneses. He received the orders in Caracas in November 1716. At the same time and in the same city, archbishop elect of Santa Fe Francisco de Rincón

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<sup>88</sup> Ibid.; AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 2 March 1716.

<sup>89</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 2 March 1716.



received orders to go to Santa Fe and take charge of the presidency of the audiencia until further notice. The two entered Santa Fe together on 28 April 1717.<sup>90</sup>

Before considering the activities and findings of the official investigation into the Meneses affair, it should be noted that this was not the first time that the crown knew of the contention and indiscipline at the highest level of government in New Granada. Even before the issue of the overthrow arose, the Council of the Indies had ordered an investigation into the conduct of both the oidores of Santa Fe and President Meneses. First, an inquiry was set up to investigate Rocha and Cosío's complaints against the president.<sup>91</sup> Later, a formal investigation was ordered, after letters from Gerónimo Badillo and the cabildo secular of Mompox complained that Meneses and the oidores 'cometían varios excesos'. In view of this, a Real Cédula was issued on 5 November 1715 ordering the viceroy elect of Peru, the Príncipe de Santo Bueno, to investigate the allegations.<sup>92</sup> The cédula also responded to information about the money which Meneses allegedly owed the Quito treasury. It ordered that either the amount be paid immediately or that Meneses should present a receipt for previous payment within four months. If he did not, he was to be temporarily suspended from office and his possessions seized until he paid up. However, the cédula did not arrive in Santa Fe until 11 February 1716, and thus could not be used to justify the overthrow of the president. Nevertheless, the oidores insisted that they had merely forestalled the royal orders by suspending Meneses

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<sup>90</sup> AGI Santa Fe 262, Consulta of 10 June 1716; AGI Santa Fe 367, Consulta of 27 Jan. 1722; AGI Santa Fe 367, Real Cédula, 8 Feb. 1723; AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725; AGI Santa Fe 396, Francisco del Rincón to king, 20 July 1718.

<sup>91</sup> AGI Santa Fe 468, Respuesta fiscal, 28 June 1714.

<sup>92</sup> AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725.



from office and embargoing his possessions.<sup>93</sup> However, by the time the *cédula* arrived in Santa Fe, the Council of the Indies in its characteristically indecisive manner had already revoked the *cédula* of 5 November 1715. By consulta of 10 February 1716, it was decided that the president should not be suspended after all because of ‘la turbación que esta novedad podía ocasionar a aquel gobierno’.<sup>94</sup>

As it happened, Santo Buono, viceroy-elect of Peru, arrived in Cartagena only a few days after Meneses was imprisoned there in the late autumn of 1715, but sought to avoid entering into the controversy over the overthrow.<sup>95</sup> He stuck to the order given in November 1715 and limited his enquiry to taking evidence about the character and conduct of the *audiencia* ministers, with little comment on their role in removing Meneses.<sup>96</sup> He simply advised that *oidor* Cobián should go to Santa Fe from Caracas ‘por que su prudencia y práctica podrá contribuir a la quietud de este reyno’, while *oidor* Losada should remain in Santa Fe to await his *residencia*. As for the other two *oidores*, Vicente de Aramburu and Mateo de Yepes, he thought that their behaviour inspired such misgiving that on the most generous reading, one would have to suspend disbelief to believe that they should hold any public office while the matter was being investigated.<sup>97</sup>

The investigation duly ran its course. By January 1718, Cobián was interrogating those involved in the overthrow. The first to give statements were Aramburu, Yepes

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<sup>93</sup> AGI Santa Fe 367, Testimonio of Acuerdo session of 11 Feb. 1716; AGI Santa Fe 367, Memorial from Francisco de Meneses n.d.; AGI Santa Fe 367, Respuesta fiscal, 13 Nov. 1715, commenting on the memorial from Meneses.

<sup>94</sup> AGI Santa Fe 262, Consulta of 10 Feb. 1716.

<sup>95</sup> AGI Santa Fe 468, Príncipe de Santo Buono to king, 31 March 1716.

<sup>96</sup> AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725.



and Zapata.<sup>98</sup> Other main suspects included the *teniente de capitán general* Juan de Cárdenas y Barajas, the relator Martín Gerónimo Flórez, and also Gerónimo de Yepes, oidor Mateo's brother, who had arrived in Santa Fe with him and soon been given an interim appointment as treasurer.<sup>99</sup> He also questioned six men who had been the guards of Meneses while he was held prisoner, two other treasurers, two attorneys of the audiencia of Santa Fe (one of whom was also an attorney of the cabildo secular of the city), an escribano, the *portero* of the audiencia, and a vecino of the city.<sup>100</sup> In addition, Cobián interrogated thirty-one men as witnesses to the affair, mostly cabildo members and lesser officials but also two merchants and two vecinos.<sup>101</sup> Nothing came of Cobián's efforts, however, before he was superseded by the arrival of Antonio de la Pedrosa, who was entrusted with continuing and closing the Meneses investigation as part of his duty for undertaking a thorough reform of government in New Granada.<sup>102</sup> His first action upon arrival in Cartagena was to release the president, restore him to office and inform him that he had been called to Spain.<sup>103</sup> Then, upon arrival in Santa Fe on 8 June 1718, he immediately set about his task.<sup>104</sup> He imprisoned the Yepes brothers, Zapata, Cárdenas and Londoño, embargoed their belongings and sent them off to Spain to face trial. He also took the statements of seventeen of the other accused, eleven of whom had already been

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<sup>97</sup> AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 24 March 1716.

<sup>98</sup> AGI Escribanía 818B, Confesiones de Vicente de Aramburu, Mateo de Yepes and Manuel Antonio Zapata, 2-8 Jan. 1718.

<sup>99</sup> AHN Diversos 43, Doc. 123, Agustín de Londoño to Juana Clemencia de Labarcés, 28 April 1715. Cárdenas, a Spaniard with a distinguished military career, was appointed to the post of *teniente de capitán general* by oidor Domingo de la Rocha around 1700. (AGI Santa Fe 262, Consulta of 23 Dec. 1701)

<sup>100</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720. All of the statements can be found in AGI Escribanía 818B.

<sup>101</sup> AGI Santa Fe 367, Order issued by Antonio de Cobián, 10 May 1718.

<sup>102</sup> AGI Santa Fe 367, Consulta of 27 Jan. 1722; AGI Santa Fe 367, Real Cédula, 8 Feb. 1723.

<sup>103</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 21 April 1718.

<sup>104</sup> AGI Santa Fe 396, Francisco del Rincón to king, 20 July 1718.



interrogated by Cobián, embargoed some of their possessions and sold some off to cover costs. He also took care of matters such as returning ‘una colgadura de brocatelas verdes’, found among Zapata’s embargoed goods, to its rightful owner José de Ricaurte, and paying off Aramburu’s debts of 28 patacones and 2 reales to the chair maker Mateo de Castro.<sup>105</sup> By May 1720, he was ready to leave Santa Fe for Spain, and gave instructions to the oficiales reales of Santa Fe, whom he left in charge of the seized possessions of all the accused in the overthrow of Meneses.<sup>106</sup>

Pedrosa’s orders stated that M.Yepes, Aramburu and Zapata should be arrested and sent to Spain ‘sin perder tiempo’ to be handed over to the Casa de la Contratación in Seville, as should G. Yepes, Londoño and Juan de Cárdenas Barajas ‘con la diferencia que corresponde a su inferior grado ... procurando si fuere posible que vayan separados en distintos navíos’.<sup>107</sup> Aramburu never made the journey. In Santa Fe on May 1718, ‘murió Don Vicente Aramburu con una mano cortada, porque del achaque que padecía le dió cáncer; dando voces pidiendo perdón a [Meneses] y que todo cuanto había obrado era falso, y de pasión, y que no culpasen a otros más que a él y otros tres’.<sup>108</sup> But for the others there was no escape, and in August 1718 they were taken to Cartagena and handed over to the governor there so that he could send them off to Spain. They were brought with ‘gran cuidado, vigilancia y con toda la seguridad conveniente’ without entering in any kind of settlement on the way, Indian or Spanish, in order -it was said- to ensure that they had no chance to ‘tomar

<sup>105</sup> AGI Santa Fe 367, Inventory of the papers concerning the overthrow of Meneses, 3 Aug. 1720.

<sup>106</sup> AGI Santa Fe 367, Antonio de la Pedrosa to oficiales reales of Santa Fe, 2 May 1720.

<sup>107</sup> AGI Santa Fe 367, Antonio de la Pedrosa to Gerónimo Badillo, 11 Aug. 1718; AGI Santa Fe 367, Real Cédula, 8 Feb. 1723; AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725.

<sup>108</sup> AGI Santa Fe 367, Francisco de Meneses to king, n.d.; AGI Santa Fe 367, Esteban de Peñaranda to Francisco de Meneses, 22 July 1718.



sagrado'.<sup>109</sup> This was important, because as noted above, it would have put them out of reach of civil justice. Zapata, the Yepes brothers, Martín Gerónimo Flórez, Cárdenas and Londoño, reached Madrid in 1719 together with the reports drawn up by Cobián and Pedrosa.<sup>110</sup> Two more years passed before sentence was pronounced, in January 1722, and some received quite harsh punishments. Diego Antonio López, escribano of the *Juzgado de Bienes de Difuntos* and interim escribano de Cámara of the audiencia, was suspended from office, exiled from Santa Fe and 20 leagues 'en contorno' for six years, and fined 500 pesos. Bernardo Alfonso Velasco, regidor of Santa Fe, was exiled from Santa Fe and 20 leagues 'en contorno' for eight years, and fined 2 000 pesos. Carlos de Burgos, attorney of the audiencia, was exiled from Santa Fe and 10 leagues 'en contorno' for two years, and fined 1 000 pesos. They were not allowed to live in the same place but had to suffer their exile in 'diversos lugares'. Both Velasco and Burgos hired a lawyer in Madrid to appeal on their behalf, but do not appear to have secured any reduction in their sentences.<sup>111</sup>

As for the rest, three had died. Twelve, including one of the abogados of the audiencia, the *portero de estradas* and the escribano real, were acquitted with a warning, restored to their offices and given back their belongings. The other five, who included the *agente fiscal* of the audiencia of Santa Fe Francisco de Santillana, were all exiled from Santa Fe and 10 leagues 'en contorno' for one year.<sup>112</sup> Martín

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<sup>109</sup> AGI Santa Fe 367, Instrucción de lo que ha de observar y executar Don Joseph Martínez de la Torre en la conducción de Don Matheo de Yepes, Don Manuel Antonio Zapata y Flores, oydor y fiscal de esta audiencia Don Gerónimo de Yepes oficial real, y del teniente general Don Juan de Cárdenas Varajas a la ciudad de Cartagena que se remiten presos de orden de Santa Marta a los reynos de España, 11 Aug. 1718.

<sup>110</sup> AGI Santa Fe 365, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725.

<sup>111</sup> AGI Santa Fe 367, Pedro López de la Presa en nombre de Martín Gerónimo Flores, and also en nombre de Carlos de Burgos, Bernardo Márquez and Bernardo Alphonso de Velasco, n.d.

<sup>112</sup> AGI Santa Fe 367, Consulta of 27 Jan. 1722; AGI Santa Fe 367, Real Cédula, 8 Feb. 1723.



Gerónimo Flórez's sons, who had both been suspended from their posts by Pedrosa, were reinstated by *cédula* of 18 May 1722.<sup>113</sup>

Characteristically, the main culprits escaped without a conclusive sentence. That is, with the exception of Mateo de Yepes, who in 1723 was deprived of his place as *oidor* of the *audiencia* of Santa Fe, perpetually exiled from the Indies, barred from holding any '*empleo thogado en las Chancillerías de estos Reynos*' for six years, and exiled from Madrid and 20 leagues '*en contorno*' for the same period of time. But in January 1724, the young Spanish crown prince became King Luis I of Spain, and on 1 May that year, to celebrate his accession to the throne, he issued a general pardon.<sup>114</sup> Mateo de Yepes duly asked to be pardoned, which he was. Martín Gerónimo Flórez also benefited from the pardon. He, too, was initially given a harsh sentence: suspension from office, exile from Santa Fe and 20 leagues '*en contorno*' for ten years, and a 500 pesos fine.<sup>115</sup> Later, his sentence seems to have been reduced to 4 years exile and 200 pesos, possibly due to the continued efforts of his attorney in Madrid, and finally, on 17 August 1724, he was pardoned.<sup>116</sup> Zapata died in 1719 and thus escaped the consequences of his actions. Gerónimo de Yepes was in 1719 allowed to go from Madrid to Toledo for health reasons and is not mentioned again in the Council of the Indies' deliberations.<sup>117</sup> Cárdenas died in Spain in 1733 and was posthumously acquitted.<sup>118</sup> Londoño returned to Santa Fe by licence of 5 April 1720

<sup>113</sup> Ibid. (both of the above); AGN Miscelánea, leg. 132, ff. 701-705, Real *Cédula*, 18 May 1722.

<sup>114</sup> AGI Santa Fe 367, Real *Cédula*, 1 May 1724. Also AGI Santa Fe 263, Consulta of 24 May 1724.

<sup>115</sup> AGI Santa Fe 367, Consulta of 27 Jan. 1722; AGI Santa Fe 367, Real *Cédula*, 8 Feb. 1723.

<sup>116</sup> AGI Santa Fe 367, Real *Cédula* of 1 May 1724; AGI Santa Fe 367, Pedro López de la Presa en nombre de Martín Gerónimo Flores, and also en nombre de Carlos de Burgos, Bernardo Márquez and Bernardo Alphonso de Velasco, n.d.

<sup>117</sup> AGI Santa Fe 263, Consulta of 23 Dec. 1719.

<sup>118</sup> AGI Santa Fe 367, Respuesta fiscal, 8 June 1751. A consulta of the Council of the Indies of 19 June 1720 had also decided that Cárdenas should keep '*el empleo de teniente de gobernador de Santa Fe*'. (AGI Santa Fe 263). See also AGI Santa Fe 367, Real *Cédula*, 8 Feb. 1723.



and was in 1724 declared innocent from any participation in the attack on President Meneses.<sup>119</sup>

Meneses' career was thoroughly blighted by his misfortunes in Santa Fe, although he did what he could to put himself in a favourable light and to heap disgrace on his former colleagues.<sup>120</sup> This included fiercely denying that he owed the Quito treasury any money.<sup>121</sup> According to Meneses, the sole reason for his overthrow was his campaign against illicit trade. As proof of his excellent conduct while president of the audiencia, he presented several letters from religious leaders in Santa Fe and Cartagena and vecinos of Santa Fe, which he had received after he arrived in Madrid, 'creciendo incomparablemente la fuerza de todas estas deposiciones la que estimulado de su conciencia hizo a la hora de su muerte el oydor Don Vicente Aramburu confesando a voces su maldad, y la de los demás agresores'.<sup>122</sup> And indeed, all the letters emphasised how Pedrosa had found no incriminating evidence against Meneses, and how the culprits could expect a harsh punishment for their misdeeds.<sup>123</sup>

Meneses emphasised that his case was not the first time the oidores of Santa Fe had contradicted their president, and referred to a Real Cédula of 5 June 1681 issued to

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<sup>119</sup> Several documents in AGI Santa Fe 367: Respuesta fiscal, 7 Jan. 1720; Consulta of 9 Jan. 1720; Real Cédula, 8 Feb. 1723; Diego del Puerto en nombre de Agustín de Londoño, n.d. (1724); Sentencia de vista del Consejo, 5 Oct. 1724; Respuesta fiscal, 8 June 1751; Real Cédula, 8 Feb. 1723.

<sup>120</sup> AGI Santa Fe 367, Francisco de Meneses to king, n.d.

<sup>121</sup> AGI Santa Fe 263, Consulta of 10 Feb. 1716; AGI Santa Fe 367, Memorial from Francisco de Meneses, n.d.; AGI Santa Fe 367, Respuesta fiscal, 13 Nov. 1715, commenting on the memorial from Meneses. AGI Santa Fe 263, Consulta of 10 Feb. 1716;

<sup>122</sup> Meneses heard about this in a letter from Esteban de Peñaranda dated 22 July 1718 (AGI Santa Fe 367).

<sup>123</sup> AGI Santa Fe 367, Francisco Daza to Francisco de Meneses, 21 Jan. 1719. Also AGI Santa Fe 367, Pedro Manuel de Carvajal to Francisco de Meneses, 21 July 1719; AGI Santa Fe 367, Ignacio de Meaurio to Francisco de Meneses, 21 Dec. 1718.



the audiencia of Santa Fe, ordering them to maintain ‘la paz y conformidad con que debe correr los ministros y presidente de ella para el buen gobierno de aquel Reyno y administración de justicia’.<sup>124</sup> In his view, this showed ‘cuán antigua es en aquellos oidores la presunción de hacerse absolutos y coadunarse contra su presidente’. It also showed that those who had overthrown him deserved severe punishment. If the king had expressed his indignation over ‘una mera desunión y discordia’, what, Meneses asked, would he have done ‘si los oidores por su propia autoridad hubieran depuesto a su Presidente, si le hubieran arrancado el bastón de la mano, si le hubieran tratado con la última ignominia y remitido preso a un castillo?’<sup>125</sup>

After his arrival in Spain, Meneses thought himself the victim of further injustice, as he saw his enemies apparently having acted with impunity while he himself was forced to stay in Madrid ‘sin medios, sin asistencias, manteniendose el injusto embargo de sus bienes y robo de sus alajas, pereciendo su mujer y toda su familia.’<sup>126</sup> He also tried to reap all possible benefits from the injustice done to him by trying to secure the post as viceroy of New Granada as compensation. But because of the 39 000 pesos he owed to the Quito treasury and his so-called luggage which had been seized in Cartagena, the Council of the Indies was initially reluctant to compensate Meneses for any losses.<sup>127</sup> This did not mean that it did not condemn the audiencia ministers’ actions. Indeed, the Council stated that these had been in breach of ‘la orden del derecho natural y civil de las leyes y ordenanzas del gobierno de las Indias, la Real autoridad de VM representada en el gobernador y

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<sup>124</sup> AGI Santa Fe 367, Testimonio de una Real Cédula of 5 June 1681.

<sup>125</sup> AGI Santa Fe 367, Francisco de Meneses to king, n.d.

<sup>126</sup> Ibid.

<sup>127</sup> AGI Santa Fe 367, Respuesta fiscal, 16 Dec. 1720.



presidente de aquel reyno y Provincia' and it condemned 'las injusticias, injurias, agravios, y perjuicios que executaron contra el honor y bienes e intereses de este ministro, sin tener más motivo que el de su ciega pasión, enemistad y premeditado venganza.'<sup>128</sup> However, in April 1722, it declared that Meneses could request the restitution of his sequestered property and assets, although he would have to undergo a residencia for the time that he had been president before being exonerated of all misconduct.<sup>129</sup> Meneses died in Madrid in 1723, thus solving the Council's problem of what to do with him, and there, after almost a decade of litigation, the matter finally ended.

The overthrow of Meneses was the most serious of all the political conflicts which took place in New Granada during the late Habsburg and early Bourbon periods and was a dramatic demonstration of the difficulties which even the most prominent crown official could face if he sought to impose his authority without regard for the local power structure. There was, it seems, something of a clash of personalities involved, if we are to believe the accounts of Meneses' crude behaviour towards his opponents. But the conflict was much more than that. The president had, it seems, arrived in Santa Fe determined to dominate an audiencia which he perceived as a troublesome clique of lawyers. To achieve this, he had paraded his military credentials and, by setting up a presidential guard, displayed his powers of coercion. He also attempted to build a political base among the leading creoles of Santa Fe by using his influence and patronage in the distribution of offices, and seeking to create

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<sup>128</sup> AGI Santa Fe 263, Consulta of 10 Dec. 1721.

<sup>129</sup> AGI Santa Fe 263, Consulta of 12 Feb. 1722; AGI Santa Fe 367, Consulta of 27 Jan. 1722. His residencia was taken by oidor Jorge Lozano de Peralta by order of 27 Feb. 1722, which was received in Santa Fe on 22 Oct. 1722. (AGI Escribanía 798A)



a supporting faction in the city's cabildo. This had the opposite of the intended effect. Rather than cowing his opponents, it had activated that antagonism between military men and lawyers which had long bedevilled relations between presidents *de capa y espada* and the oidores with their law degrees and ability to use the labyrinth of legal procedure for political ends.

Meneses opponents were evidently influenced by personal motives: their desire to defend their own authority and to protect the families with whom they connected in Santa Fe. Creole/peninsular antagonism played little if any part. Although Meneses was a creole who, according to Governor Badillo, tried to attract the support of creole notables in Santa Fe, his opponents among the oidores also included men who, if not creoles, were "creolised" by their long residence in the city, and whose principal preoccupation was to defend against this officious newcomer their prestige as oidores and the positions of families and groups to whom they were related or allied. They evidently felt that their strength lay in their ability to frame a legal indictment against Meneses, while using their political supporters among the vecinos to testify on their behalf. Whether they intended to convey to Spain the message that meddlesome military men were unwelcome is uncertain; still more uncertain is whether this was a deliberate demonstration of the rights of traditional conciliar government against Bourbon innovation. The oidores who deposed Meneses evidently thought that they could justify their actions and that they would suffer no sanctions for it. And, in one sense, this proved true, as most of the culprits were never conclusively sentenced for their role in the Meneses affair.



Although the individuals involved in the coup against Meneses got off lightly, their defence of the audiencia against intrusive military power was less successful. For, as we shall see in the next chapter, the coup against Meneses prompted Bourbon ministers to rethink government in the region, and to reassert central authority by establishing a viceregency to replace the presidency in New Granada, thus creating the first new viceroyalty in Spanish America for almost two hundred years.



## **7- Bourbon Reform and its Failure in the First Viceroyalty of New Granada**

The Bourbon accession to the Spanish throne had not encountered any opposition in New Granada but nor did the advent of a new regime in Spain bring any greater discipline to the workings of government in the region. As we have seen, New Granada was governed by a system of administration which lacked clear structures of authority, responsibility and accountability, and during the opening years of Bourbon rule competition between crown and ecclesiastical authorities with ill-defined and overlapping jurisdictions still allowed for considerable friction at the highest levels of New Granadan government. However, once the new dynasty was freed from the distractions of war following the Treaty of Utrecht and was thus in a better position to assert authority over the dominions it had inherited, Philip V introduced a number of reforms which, though mostly concerned with the government and economy of Spain, also reflected a concern to exercise closer control over the American colonies. It soon became clear that New Granada was to attract special attention. In 1717, Philip V's government established a committee to review the workings of the audiencias in America and, in the same year, sent Antonio de la Pedrosa to New Granada with the specific task of establishing a viceroyalty there, suppressing the audiencias of Quito and Panama and preparing for the installation of New Granada's first viceroy, Jorge de Villalonga.

The establishment of a viceregency in New Granada was obviously an important change in the region, and the crown's motives for erecting the viceroyalty, then



suppressing it only five years later, have been examined by several historians.<sup>1</sup> María Teresa Garrido Conde provides the most thorough description of the real cédula of 27 May 1717 that established the Viceroyalty, together with an account of the steps involved in erecting the new unit of government, the reforms carried out by Antonio de la Pedrosa when setting up the structures for the viceroyalty, and administration of the first viceroy, Jorge de Villalonga.<sup>2</sup> However, she does not link the change to events before the Meneses affair. In fact, she barely mentions the overthrow of the president although she does recognise that it probably helped persuade the crown that change was necessary in New Granada.<sup>3</sup> Both Colmenares and McFarlane, on the other hand, have pointed to the overthrow of President Meneses as a key factor behind the decision.<sup>4</sup> Here, we will argue not only that the reform was a direct consequence of the dissonance in government described in previous chapters, but that similar difficulties in imposing a single authority over the territory of New Granada contributed to its failure.

### *The Establishment of the Viceroyalty*

Establishing a viceroyalty in New Granada was not a new idea, although early suggestions focused on Cartagena de Indias and not Santa Fe as a potential viceregal

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<sup>1</sup> Notably Garrido Conde, 'La primera creación del virreinato de Nueva Granada'; but also Colmenares, 'Factores de la vida política colonial', pp. 402-407; McFarlane, *Colombia before Independence*, pp. 187-193; Ortiz, *Real Audiencia y Presidentes*, pp. 339-355; Ortiz, *El Virreinato*, pp. 29-55; José María Restrepo Sáenz, 'El primer Virrey. Don Jorge de Villalonga' in *Boletín de Historia y Antigüedades*, 32:363 (January 1945), pp. 120-130; Ernesto Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada durante el siglo XVIII* (Buenos Aires, 1934), pp. 44-57.

<sup>2</sup> Garrido Conde, 'La primera creación del virreinato de Nueva Granada'. Ortiz, *Real Audiencia y Presidentes*, p. 342, talks of a Real cédula of 29 April 1717 which established the Viceroyalty of New Granada and suppressed the audiencias of Quito and Panama.

<sup>3</sup> Garrido Conde, 'La primera creación del virreinato de Nueva Granada', pp. 27-28, 40 and 106.

<sup>4</sup> Colmenares, 'Factores de la vida política colonial', pp. 402-407; McFarlane, *Colombia before Independence*, pp. 187-194. See also, Ortiz, *Real Audiencia y Presidentes*, pp. 339-341; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 44.



seat.<sup>5</sup> In the early seventeenth century, there were proposals to establish an audiencia in Cartagena<sup>6</sup>, and in the 1670s an anonymous author argued that ‘Cartagena, plaza de armas de la costa de Tierra Firme, escudo, muro, fuerte y defensa de todas las Indias y del Perú y respecto de sus consecuencias, la más importante de ellas’ should be made seat of a viceroy in order to safeguard its defence.<sup>7</sup> He suggested that the audiencias of Santa Fe, Panama and Santo Domingo be aggregated and moved to Cartagena. This, he argued, would enable news and litigants from even the most distant part of the new viceroyalty to reach the viceroy in a maximum of twelve days and would extend the control of the superior ministers of royal government, who ‘siempre desearán la paz de sus súbditos’, at the expense of lesser officials, who ‘de ordinario la embarazan’. Thus, the viceroy and audiencia could ‘conservar en paz, y defender en guerra, aquella tan importante plaza’, and help Spain to avoid the fate of the Roman Empire which had fallen for lack of an efficient system of government. The project was revived a quarter of a century later, in 1708, when Governor José de Zúñiga, with support from Cartagena vecinos and religious community, put the establishment of a viceroyalty forward as the only salvation for New Granada.<sup>8</sup> This time, too, a primary reason was to safeguard defence, but they also saw it as necessary in order to curb foreign interloping. Zúñiga argued that Cartagena should

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<sup>5</sup> For a discussion of the competition between Santa Fe and Cartagena to become the political centre of New Granada, see Múnera Cavadía, *El fracaso de la nación*, pp. 7-8.

<sup>6</sup> Solórzano, *Política Indiana*, libro 5, cap. 3, no. 6.

<sup>7</sup> AHN Diversos, Documentos de Indias, siglos XV-XIX, no. 412, Relación hecha por el gobernador de Cartagena de la posición topográfica y estratégica y defensas de ... la ciudad, con algunas consideraciones históricas ... de su mejor defensa, para lo que pide se eleve a virreinato con inclusión de las islas de Barlovento, n.d. It was probably written by Governor José Daza Guzmán (1675-79), as it mentions the appointment by the author of one Antonio de Quintana as *cabo principal* of the Cartagena coastguard. Quintana was a captain in Cartagena when French and English pirates attacked Santa Marta in May 1677. Ortiz, *Real Audiencia y Presidentes*, pp. 177-178.

<sup>8</sup> AGI Santa Fe 435, José de Zúñiga y la Cerda to king, 15 March 1708; AGI Santa Fe 449, ‘los cabildos eclesiásticos y seculares y prelados y religiosos de los conventos’ of Cartagena to king, 23 Sept. 1709.



be the capital of a new viceroyalty and that the audiencias of Panama and Santa Fe should be extinguished.

However, when a viceregency was implanted in New Granada, Santa Fe was chosen as its capital. It is not hard to understand why Santa Fe was preferred: the city was the traditional centre of superior government, both civil and ecclesiastic, and the recent disorder in the audiencia provided an added reason for the presence of a viceroy. There were, nonetheless, still some advocates for Cartagena, and, after complaints that a viceroy as far away as Santa Fe could not efficiently fulfil the obligation to safeguard Cartagena's defence, Madrid did briefly reopen the question of where the capital should be located. In 1720, the crown asked the American authorities for their opinions on which city was the most suitable for a viceregal court, and if Cartagena was suited, whether Panama should then be put under the jurisdiction of the New Granadan viceroy, given that Cartagena was considerably closer to the province than Lima, and would be better suited to meet its needs. Not surprisingly, the cabildo of Cartagena warmly embraced the idea.<sup>9</sup> However, Santa Fe still had its defenders. The Augustinian *provincial* for example, argued that Santa Fe was better suited to being viceregal capital because of its central location, the impossibility of preserving documents in the tropical coastal climate of Cartagena, and, most important, the fact that, while Cartagena as a busy port was a city in its own right, Santa Fe would be deserted if its function as a centre for government was removed.<sup>10</sup>

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<sup>9</sup> AGI Santa Fe 448, cabildo secular of Cartagena to king, 24 July 1720. See also AGI Santa Fe 437, Alberto de Bertodano to king, 29 July 1720.

<sup>10</sup> Garrido Conde, 'La primera creación del virreinato de Nueva Granada', p. 120.



Continuity with the past was evidently an important consideration, then, in the choice of Santa Fe as capital for the viceroyalty. Indeed, it seems that, while innovating, the new monarchy wished to avoid images of sudden change. Thus, in the establishing *cédula*, the king acknowledged that a New Granadan viceroyalty was an old suggestion, thus implying continuity with the Habsburg era.<sup>11</sup> The *cédula* also made it clear that the decision was closely linked with the turmoil which had taken place in the *audiencia* of Santa Fe. One of the crown's main motives, it stated, was 'las discordias y alborotos tan ruidosos y escandalosos como los que se han ofrecido en los tribunales de aquel Reino de Santa Fe y entre los ministros que los componen'. Although the Meneses affair is not directly mentioned, it was almost certainly the principal point of reference here, though no doubt events such as the case against Cabrera and Rocha, the 1697 attack on Cartagena and the 1711 Mompox riot had not been forgotten. For, the *cédula* alluded to past clashes between military and civil branches of government, and expressed the hope that, with the viceroy alone responsible for 'todas las facciones militares' in his vast area of jurisdiction, they would become more controllable.

Although historians of New Granada have paid little if any attention to conditions in the adjoining *audiencias* of Panama and Quito during these years, there is good reason to think that problems in their government were also among the motives for erecting a viceroyalty at Santa Fe. The *audiencia* of Panama is a particularly interesting example, since, like that of Santa Fe, it had been in turmoil in the late seventeenth and early eighteenth century. In 1695, President Marqués de la Mina was suspended from office by the Council of the Indies and imprisoned in the

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<sup>11</sup> AGI Santa Fe 368, Real *Cédula*, 27 May 1717.



Castillo de Chagres, where he remained for six years.<sup>12</sup> And a little over a decade later another president of the audiencia of Panama, Antonio de la Rocha y Carranza, Marqués de Villarocha, was overthrown by the oidores.<sup>13</sup> Accusations against him very much resembled those against presidents Cabrera and Meneses in Santa Fe. According to the oidores, Villarocha was obstructing justice as well as ‘amenazándoles con palabras indecorosas’.<sup>14</sup> The treasurers complained that he was fining them randomly and proceeding against anyone and everyone who did not pay sufficient bribes, leading decent people to flee to Peru.<sup>15</sup> And the cabildo informed the king of the ‘irregular y despótico gobierno’ of the president and about his interference in the elections of alcaldes ordinarios.<sup>16</sup> One complaint which they all had in common was Villarocha’s involvement in illegal trade. The president for his part claimed that it was precisely his efforts to curb such trade which led to clashes with other officials in Panama.<sup>17</sup> Whatever the truth of these claims and counter-claims, the Villarocha affair suggests that the audiencia of Panama experienced as much internal contention as Santa Fe and Cartagena at time of transition from

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<sup>12</sup> Manuel María Alba C., *Cronología de los gobernantes de Panamá, 1510-1967* (Panamá, 1967), p. 101; Ernesto J. Castellero R., *Historia de Panamá* (Panamá, 1959 [1943]), pp. 56-57.

<sup>13</sup> Information in AGI Panamá 178-179, Expediente sobre la causa formada al Marqués de Villarocha, presidente de la Audiencia, por los cargos que le imputaron antes y después de su restitución a la presidencia, años de 1697-1726, does not coincide with the account found in Alba C., *Cronología de los gobernantes de Panamá*, pp. 104-109. The following paragraphs adhere to the primary sources. Alfredo Castellero Calvo, ‘La Vida Política en la Sociedad Panameña Colonial. La Lucha por el Poder’ in *Revista Lotería*, 356-357 (November-December, 1985), pp. 98-148, which covers the period from about 1688 to about 1750, does not mention neither Villarocha nor the suppression of the audiencia of Panama and the establishment of the Viceroyalty of New Granada.

<sup>14</sup> AGI Panamá 178, audiencia of Panamá to king, 10 March 1717. See also AGI Panamá 179, audiencia of Panamá to king, 20 June 1716, and 9 March and 5 July 1717.

<sup>15</sup> AGI Panamá 178, Thomas Francisco de Ayala to king, 8 July 1716; AGI Panamá 178, oficiales reales of Panamá to king, 18 Sept. 1716 and 7 March 1717; AGI Panamá 178, Francisco de Bonilla to king, 8 March 1717; AGI Panamá 179, oficiales reales of Panamá to king, 18 April 1717 and 18 Feb. 1718.

<sup>16</sup> AGI Panamá 178, cabildo secular of Panamá to king, 24 July 1716 and 20 Feb. 1717; AGI Panamá 179, cabildo secular of Panamá to king, 3 July 1717.

<sup>17</sup> AGI Panamá 179, Marqués de Villa Rocha to king, 23 April 1717. This legajo contains several letters from Villarocha, complaining about the oidores and defending himself from various accusations.



Habsburg to Bourbon rule, and a brief outline of its history in these years also suggests that conflict within it played a part in persuading the crown to create a viceroyalty for New Granada.

Prolonged dispute within the audiencia of Panama began shortly after Villarrocha - who had been appointed in October 1697, after presenting the crown with a 45 000 escudo donation- took up office in March 1699.<sup>18</sup> Only six months later, the Council of the Indies suspended him from office while investigating charges of involvement in illegal trade.<sup>19</sup> Initially, on 29 November 1702, he was sentenced to lose the presidency of Panama as well as the money he paid for the post, and barred from holding any office involving the administration of justice. On appeal, the sentence was revoked and on 12 June 1703, Villarrocha was absolved of all charges and given the *futura* of the presidency of Panama.<sup>20</sup> He took up office in Panama for the second time in May 1707.<sup>21</sup> About a year later he was removed by the oidores and imprisoned in Fort Chepo for more than two years. Once again, however, he regained the presidency by real cédula of 11 January 1711, which allowed him to serve until the arrival of his successor Joseph de Arenaga, who had been appointed in early

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<sup>18</sup> AGI Panamá 178, Apuntamiento de la merced que se hizo a Don Joseph de Rocha de la Presidencia de Panamá y demás antecedentes que ha habido sobre providencia para aquel empleo, n.d.; AGI Panamá 178, Marqués de Villarrocha to king, n.d. This meant that it was he who organised the campaign to evict the Scottish from Darién together with Governor Juan Díaz Pimienta of Cartagena. See for example AGI Santa Fe 48, R.4, N.37, Juan Díaz Pimienta to king, 5 Oct. 1699; AGI Panamá 178, Marqués de Villarrocha to king, n.d.

<sup>19</sup> AGI Panamá 178, Apuntamiento de la merced que se hizo a Don Joseph de Rocha de la Presidencia de Panamá y demás antecedentes que ha habido sobre providencia para aquel empleo, n.d.

<sup>20</sup> AGI Panamá 178, Certificación de las sentencias dadas en las causas del Marqués de Villa Rocha, 7 Nov. 1703; AGI Panamá 178, Razón del estado que tienen la Presidencia de Panamá, la de los Charcas y la thenencia general de Puertovelo, n.d. (1707). The título for the *futura* of the presidency of Panama was dated 22 Jan. 1704. It seems that the marquis was also given the presidency of the audiencia of Charcas while waiting for a vacancy in Panama, and that while in Lima on his way to Charcas in 1706 the president of Panama died, causing Villarrocha to return to the Isthmus. See also Alba C., *Cronología de los gobernantes de Panamá*, p. 106.

<sup>21</sup> AGI Panamá 178, Marqués de Villarrocha to king, n.d.



1709.<sup>22</sup> President Diego de Córdoba Laso de la Vega of Santa Fe was put in charge of seeing that the order was carried out and Villarocha released from his imprisonment.<sup>23</sup> It seems, however, that because his successor never arrived, the marquis continued to hold claim to the presidency. He also seems to have been suspended from office a third time. He was formally reinstated by cédula of 29 April 1714, prior to returning to take up his post in the city of Panama in February 1716.<sup>24</sup> Once back in place, he continued to stay in the limelight, as complaints against him continued to flood into the Council of the Indies, leading to his recall to Spain in November 1717.<sup>25</sup> This order was undoubtedly connected to the suppression of the audiencia of Panama, which came about as part of the process of reform centred on the establishment of the viceroyalty, and for which Villarocha's abuse of power was at least partly responsible.<sup>26</sup> Antonio de la Pedrosa was certainly convinced that the marquis was behind the extensive illicit trade and 'desórdenes' reported in the province of Tierra Firme.<sup>27</sup> Nor did the repercussions of misgovernment in Panama end there. In the reorganisation following the establishment of the viceroyalty, two of the oidores and the fiscal from the suppressed audiencia of Panama were transferred to Santa Fe, but were later suspended on suspicion of involvement in illegal trade.<sup>28</sup>

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<sup>22</sup> AGI Panamá 178, Razón de las consultas originales y otros papeles que se remiten al señor Don Diego de Zúñiga, n.d.

<sup>23</sup> Ortiz, *Real Audiencia y Presidentes*, p. 281.

<sup>24</sup> AGI Panamá 179, audiencia of Panamá to king, 24 June 1716.

<sup>25</sup> AGI Panamá 179, Extracto de los cargos o quejas que hubo de el Marqués de Villa Rocha antes de suspenderle de el empleo de governor y capitán general de Panamá y presidente de aquella audiencia, n.d.

<sup>26</sup> Garrido Conde, 'La primera creación del virreinato de Nueva Granada', pp. 44-45.

<sup>27</sup> AGI Panamá 179, Sobre las operaciones del Marqués de Villa Rocha, n.d.

<sup>28</sup> This was also the case with oidor José de Llorente, who was promoted from fiscal of Quito to oidor of Santa Fe in 1718 and subsequently suspended. For details on individual appointees, see appendix III. These four men were appointed to the audiencia of Santa Fe in connection with the establishment of the Viceroyalty of New Granada, as a cédula of 31 October 1718 set the number of oidores of Santa Fe to six. Ortiz, *Real Audiencia y Presidentes*, p. 347. See also Burkholder and Chandler, *From Impotence to Authority*, p. 38.



Once established, the viceroyalty of New Granada had clearly-defined goals, laid down in its founding decree. First, to increase royal revenue by curbing illegal trade and tax fraud; second, to fulfil the obligation to provide New Granadan subjects with good government by ensuring the ‘paz y tranquilidad y aumento en lo espiritual y temporal’ of New Granada. The viceroy would, as the king’s representative, administer justice ‘igualmente a todos mis súbditos y vasallos y entienda en todo lo conducente al sosiego quietud ennoblecimiento y pacificación del mencionado Reino’. In other words, the Bourbon government offered a fresh start, promising a new era of good governance under closer scrutiny from the king. The *cédula* of 27 May 1717 certainly seemed to inaugurate a new phase in government, for it gave the viceroy of New Granada identical powers and privileges to those of Peru and New Spain.

There has been some debate among historians about who first exercised the power of viceroy, particularly among Colombian scholars.<sup>29</sup> In principle, the answer is clear, but, like so much else in government in this era, practice was less clear. The first viceroy was Jorge de Villalonga, who was appointed at the time that the viceroyalty was founded. However, the man entrusted with establishing the new viceroyalty was Antonio de la Pedrosa y Guerrero, a former *fiscal* of the *audiencia* of Santa Fe, who also had claims to be considered the first viceroy. According to the 1717 decree, he

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<sup>29</sup> Among those who hold Pedrosa to be the colony’s first viceroy are Jerónimo Becker and José María Rivas Groot, *El Nuevo Reino de Granada en el siglo XVIII* (Madrid, 1921), p. 75; and Groot, *Historia Eclesiástica y Civil*, tomo II, p. 20. Others have supported Villalonga as New Granada’s first viceroy, among them Ortiz, *Real Audiencia y Presidentes*, pp. 345-347; Restrepo Sáenz, ‘El primer Virrey’, pp. 121-122; and Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, pp. 45-46 and 54. On the debate, see Garrido Conde, ‘La primera creación del virreinato de Nueva Granada’, pp. 52-56.



was free to ‘reformular todo lo que fuese necesario dando para su reglamento y para lo demás que conduzca a mi real servicio todas las órdenes y providencias que tuvieréis por más convenientes’.<sup>30</sup> His powers were therefore greater than those of a viceroy.<sup>31</sup> Indeed, although not formally appointed viceroy and only ordered to fill the post of president of the audiencia until Villalonga’s arrival, Pedrosa was empowered to take any office necessary in order to reform New Granada’s finances and government efficiently, and he did make use of the title of viceroy when issuing orders to subordinates. His primary task was, however, to establish the viceregency rather than to exercise it, and he spent more than two years at this task before the arrival of Villalonga near the end of 1719.

From his activities -which have been described at length by Garrido Conde- we can get a clear sense of the crown’s priorities in regard to New Granada and of their impact on the government of the region.<sup>32</sup> Upon arriving at Cartagena, Pedrosa targeted the royal treasury and aimed at eradicating fraud and increasing revenue, while also taking steps to combat illicit trade as well as irregularities committed by the English *asentistas*.<sup>33</sup> In the process, he suspended several officials from office, among them all three treasurers and the *guardamayor* who controlled the entry and

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<sup>30</sup> AGI Santa Fe 368, Real Cédula, 27 May 1717. See also AGI Santa Fe 369, Real cédula, 1 July 1717.

<sup>31</sup> AGI Santa Fe 369, Real Cédula, 1 July 1717.

<sup>32</sup> Garrido Conde, ‘La primera creación del virreinato de Nueva Granada’, pp. 57-89. See also Grahn, *The Political Economy of Smuggling*, pp. 108-109; and McFarlane, *Colombia before Independence*, pp. 189-190.

<sup>33</sup> See for example AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 20 and 25 April 1718; AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 30 April 1718; AGI Santa Fe 368, Antonio de la Pedrosa to king, 25 April 1718; AGI Santa Fe 369, Antonio de la Pedrosa to Miguel Fernández Durán, 20 and 22 April 1718; AGI Santa Fe 369, Antonio de la Pedrosa to Francisco de Arana, 3 May 1718.



exit of merchandise.<sup>34</sup> Pedrosa also complained of the complicity of the governor of Cartagena in this illegal trade, and subjected him to a substantial fine.<sup>35</sup> Pedrosa's stay in Cartagena was short, however, and his reforms had little lasting effect.<sup>36</sup> Indeed, Pedrosa himself recognised the possibility that his measures would be disregarded as soon as he left the city. In the case of the *quinto* on gold, which he had made great efforts to collect, he suspected that very little of what was owed had been paid and that people 'viven confiados y esperanzados de que volviendo yo la espalda lograrán del alivio y libertad de que hasta aquí han estado gozando'.<sup>37</sup> However, Pedrosa was at least spared open opposition to his reforms. Unlike the visitador general Juan Francisco Gutiérrez de Piñeres in the 1780s, Pedrosa's desire to obtain immediate fiscal results sparked no rebellion.<sup>38</sup> This was perhaps because, as Pedrosa recognised in his comment about the *quinto*, people did not see him as a long-term threat to their autonomy.

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<sup>34</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 25 and 26 April 1718; AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 27 April 1718. In Cartagena, Pedrosa was informed by Faustino Fajardo, a treasurer of the city since 1711, of how illegal trade was carried out with the complicity of governors and treasurers. He also described a host of other malpractices of the treasurers, detrimental to the royal treasury. Despite Fajardo's assurances that he had taken part most unwillingly, Pedrosa suspended him from office along with his two colleagues. Several letters from Faustino Fajardo to Antonio de la Pedrosa found in AGI Santa Fe 368, e.g. a very substantial one dated 29 Oct. 1717. About the suspension of the *guardamayor*, see also AGI Santa Fe 368, Antonio de la Pedrosa to Andrés de Pes, 29 Sept. 1722.

<sup>35</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 25 April 1718; AGI Santa Fe 371, Expediente en que constan las providencias dadas en virtud de Real Cédula de SM por el señor Don Antonio de la Pedrosa y Guerrero ... sobre la satisfacción de 9 274 pesos 7 reales y 14 maravedis que mandó SM pagasen el Gobernador que fue de Cartagena Don Gerónimo Badillo y los oficiales reales de aquella ciudad, 10 July 1720.

<sup>36</sup> 'Memoria del Intendente Don Bartolomé Tienda de Cuervo, sobre el estado de Nueva Granada y conveniencia de restablecer el Virreinato, 20 Aug. 1734' in Becker and Rivas Groot, *El Nuevo Reino de Granada en el siglo XVIII*, pp. 203-230; Garrido Conde, 'La primera creación del virreinato de Nueva Granada', pp. 57-88 and 119; Grahn, *The Political Economy of Smuggling*, p. 110; Ortiz, *Real Audiencia y Presidentes*, pp. 343-345; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, pp. 49-50.

<sup>37</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 25 April 1718.

<sup>38</sup> For the reforms preceding the 1781 Comunero rebellion, see McFarlane, *Colombia before Independence*, pp. 208-216; and Phelan, *The People and the King*.



From Cartagena, Pedrosa moved on to Santa Fe, arriving there in early June 1718.

The day after arrival in Santa Fe, on 8 June 1718, Pedrosa took up office as president of the audiencia, relieving Archbishop Francisco del Rincón who had been serving as interim president since 24 January 1718.<sup>39</sup> On 13 June, he announced the

establishment of the Viceroyalty of New Granada and proceeded to suppress the

audiencias of Panama and Quito. Like Santa Fe and Panama, Quito had also

experienced some turmoil in the early eighteenth century, mainly during the

presidency of former oidor of Santa Fe, Francisco López de Dicastillo (1703-1706).<sup>40</sup>

The decision to suppress it caused resentment in Quito, and between 1717 and 1726

there were several minor riots due to conflicts between royal and local interests.<sup>41</sup>

And when Viceroy Villalonga travelled to Santa Fe from Peru, he met with a cold

reception in the city of Quito, where the local notables used the ceremonies

surrounding the viceroy's entry to display their dissatisfaction with the city's loss of

status.<sup>42</sup> In Santa Fe and Cartagena, on the other hand, reactions to the news of New

Granada's promotion to the rank of viceroyalty were generally positive. In

Cartagena, the news was made public on 14 September 1718 'con toda solemnidad y

aplauzo con grave aceptación de toda esta vecindad'.<sup>43</sup> To mark the occasion, the

town council and Governor Badillo paraded on horseback through streets where the

houses and balconies had been decorated. The city's soldiers also paraded, and the

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<sup>39</sup> AGI Santa Fe 368, Antonio de la Pedrosa to Francisco de Arana, 20 March 1719; Mantilla, *Historia de la Arquidiócesis de Bogotá*, p. 322; Ortiz, *Real Audiencia y Presidentes*, pp. 326-327; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 43.

<sup>40</sup> Andrien, 'Corruption, Self-Interest, and the Political Culture of Eighteenth-Century Quito', pp. 274-275; Herzog, *La administración como un fenómeno social*, pp. 127 and 153-154.

<sup>41</sup> Minchom, *The People of Quito*, pp. 204 and 207.

<sup>42</sup> Ortiz, *Real Audiencia y Presidentes*, p. 350.

<sup>43</sup> AGI Santa Fe 369, cabildo secular of Cartagena to Antonio de la Pedrosa, 29 Sept. 1718. See also AGI Santa Fe 369, Testimonio of session of the cabildo secular of Cartagena of 9 Sept. 1718; AGI Santa Fe 369, oficiales reales of Cartagena to Antonio de la Pedrosa, 24 Sept. 1718; AGI Santa Fe 369, Gerónimo Badillo to Antonio de la Pedrosa, 24 Sept. 1718; AGI Santa Fe 437, Gerónimo Badillo to king, 7 Dec. 1718.



news was announced in the public squares to the sound of drums and trumpets, rifle and artillery salutes. At night, houses and streets were lit, all of which had manifested 'el fervoroso celo con que a VM aman estos vasallos, y los benignos efectos que esperan del establecimiento de dho virreinato'.<sup>44</sup> In Santa Fe, the recorded responses ranged from the effusion of the Dominican *provincial*, who found himself 'resignado a tan suprema real deliberación ... pasando con humilde gratitud a darle al Rey nuestro señor muy obsequiosas gracias por el Cathólico y paternal celo con que se sirve de atender a sus vasallos'<sup>45</sup>, to the rather more restrained 'me doy por noticiado' of Archbishop Francisco del Rincón.<sup>46</sup> Civil and ecclesiastical authorities also commented on the fact that Pedrosa had been chosen for 'confianzas de tanta jerarquía'.<sup>47</sup> All expressed satisfaction with 'la alta idoneidad que adorna la persona de [Pedrosa]'<sup>48</sup> and the crown's choice of someone with such 'elevados singulares méritos'<sup>49</sup>, so well known in New Granada 'por su entereza, celo y aplicación al Real Servicio'.<sup>50</sup> From Lima, Viceroy Santo Buono praised the decision in more practical terms, recognising the necessity of such a measure in view of his experiences in Cartagena in 1715 and 1716.<sup>51</sup>

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<sup>44</sup> AGI Santa Fe 437, Gerónimo Badillo to king, 7 Dec. 1718.

<sup>45</sup> AGI Santa Fe 369, Andrés Lamargo, Mro Prior Provincial de la Comunidad de Predicadores, to Antonio de la Pedrosa, 6 July 1718. Relations between Pedrosa and the Dominicans soon soured, however, and the *provincial* complained to the king. AGI Santa Fe 368, El provincial de la orden de predicadores de la provincia de Santa Fe to king, 28 May 1720.

<sup>46</sup> AGI Santa Fe 369, Francisco del Rincón to Antonio de la Pedrosa, 4 July 1718. See also AGI Santa Fe 369, audiencia of Santa Fe to Antonio de la Pedrosa, 4 July 1718; AGI Santa Fe 369, cabildo secular of Santa Fe to Antonio de la Pedrosa, 4 July 1718; AGI Santa Fe 369, oficiales reales of Santa Fe to Antonio de la Pedrosa, 4 July 1718; AGI Santa Fe 369, cabildo eclesiástico of Santa Fe to Antonio de la Pedrosa, 4 July 1718; AGI Santa Fe 369, Ignacio de Meaurio, Provincial de la Compañía de Jesús, to Antonio de la Pedrosa, 4 July 1718; AGI Santa Fe 369, fray Francisco Antonio de Felices, Ministro Provincial de San Francisco, to Antonio de la Pedrosa, 5 July 1718; AGI Santa Fe 369, Tribunal de Cuentas de Santa Fe to Antonio de la Pedrosa, 5 July 1718; AGI Santa Fe 369, Provincial de San Agustín to Antonio de la Pedrosa, 7 July 1718.

<sup>47</sup> AGI Santa Fe 369, cabildo eclesiástico of Santa Fe to Antonio de la Pedrosa, 4 July 1718.

<sup>48</sup> AGI Santa Fe 369, cabildo eclesiástico of Santa Fe to Antonio de la Pedrosa, 4 July 1718.

<sup>49</sup> AGI Santa Fe 369, cabildo secular of Santa Fe to Antonio de la Pedrosa, 4 July 1718.

<sup>50</sup> AGI Santa Fe 369, cabildo eclesiástico of Santa Fe to Antonio de la Pedrosa, 4 July 1718.

<sup>51</sup> AGI Santa Fe 369, Principe de Santo Buono to Antonio de la Pedrosa, 30 Dec. 1718.



On arrival in Santa Fe, one of Pedrosa's tasks was to inform Jorge de Villalonga of his appointment as New Granada's first viceroy.<sup>52</sup> At the time Villalonga received the news, on 15 December 1718, he held the posts of *Cabo principal de las armas del Virreinato del Perú* and governor of Callao.<sup>53</sup> He eventually took up office in Santa Fe on 27 November 1719, having travelled overland from Guayaquil with his retinue of over forty assistants, ranging from a private secretary to two pastry chefs.<sup>54</sup> Pedrosa went to meet him and 'entregarle el bastón' outside the city,<sup>55</sup> prior to his public entry on 17 December 1719.<sup>56</sup> Villalonga's reception was no mere formality, and had indeed been preceded by an interesting debate over the manner in which he was to be received. Whereas Villalonga demanded a reception as lavish as that customarily given to viceroys of Peru when entering Lima, the cabildo secular of Santa Fe, which was expected to pay for most of it, pleaded poverty and turned to Pedrosa to support its contention that it was unable to stage the welcome expected by the approaching viceroy. Pedrosa defended the cabildo in contesting Villalonga's desire for a reception of this kind.<sup>57</sup> He pointed out that he had not required any formal reception, however well deserved it was, but had entered the city in secret at midnight without suffering any damage to his authority. Villalonga persisted with his demands, however, revealing an early rift in conceptions of what the viceroyalty of New Granada was to be. If we briefly consider the kind of reception given to the viceroys of Peru, we can see some of the wider implications of this rift, involving the symbolism of power.

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<sup>52</sup> AGI Santa Fe 263, Consulta of 29 Oct. 1722.

<sup>53</sup> AGI Santa Fe 371, Jorge de Villalonga to Antonio de la Pedrosa, 15 Nov. 1719; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 51.

<sup>54</sup> Colmenares, 'Factores de la vida política colonial', p. 406; Restrepo Sáenz, 'El primer Virrey', pp. 122-123; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, pp. 52-53.

<sup>55</sup> AGI Santa Fe 371, Certificación signed by Antonio de la Pedrosa, 19 Nov. 1719.

<sup>56</sup> AGI Santa Fe 371, Jorge de Villalonga to tribunal de cuentas of Santa Fe, 11 Dec. 1719; Ortiz, *Real Audiencia y Presidentes*, pp. 348-350; Restrepo Sáenz, 'El primer Virrey', p. 123.



A Lima-style reception of the kind required by Villalonga in Santa Fe involved several stages.<sup>58</sup> First, the viceroy's ambassador, who would arrive a couple of days early to announce the approach of the viceroy, was met by the cabildo and principal vecinos on horseback at the outskirts of the city. He was given a horse and rode in their midst to the viceregal palace, where he presented his letter of introduction before continuing to his accommodation. Visits then had to be paid following a set pattern, and two afternoons of bullfights organised. During these, the ambassador would sit on the balcony of the town hall between the two alcaldes and there would be an abundance of 'dulces y helados'. As for the viceroy, he was accompanied from the Villa de Chancay, ten leagues from Lima, to Callao by representatives of all the city's tribunals. There, he was greeted with 'dulces, bebidas, helados y chocolate' and a splendid supper. He would normally stay in Callao for three days during which he would receive every possible attention. On the day the viceroy was due to enter Lima, the cabildo, audiencia, various tribunales, the colegios and university all went on horseback to a point on the outskirts of the city where an arch had been erected and the viceroy was waiting.<sup>59</sup> Everyone was dressed in luxurious fabrics and jewellery, their horses were decked out in expensive coverings and they provided a richly decorated horse which the viceroy would later ride into Lima. While at the

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<sup>57</sup> AGI Santa Fe 371, Antonio de la Pedrosa to Jorge de Villalonga, 11 Nov. 1719.

<sup>58</sup> The following description is based on Certificación of the escribano of the cabildo secular of Lima, 19 Dec. 1718, and Certificación of the escribano of the Tribunal de Cuentas of Lima, 17 Feb. 1719, both in AGI Santa Fe 371, Expediente hecho por el señor Don Antonio de la Pedrosa y Guerrero ... sobre el recibimiento gastos y entrada pública del señor virrey Don Jorge de Villalonga en Santa Fe, 10 Nov. 1719. All quotes are from the cabildo's report. A copy of this expediente is also found in AGI Santa Fe 370.

<sup>59</sup> For the importance of the symbols used to decorate such arches in colonial Mexico, see Nancy H. Fee, 'La entrada angelopolitana: Ritual and Myth in the Viceregal Entry in Puebla de Los Angeles' in *The Americas*, 52:3 (January 1996), pp. 283-320.



arch, the viceroy sat on a platform and a *besamanos* took place. The viceroy then stepped down from the platform and onto the horse, and entered town *bajo palio*. The regidores carried the poles of the canopy and the two alcaldes the cords which hung from the horse's headstall. All other local and royal authorities, the colegios and university had fixed positions in the procession, as did the viceroy's numerous *familia*. As in all public functions, the seat or position a man occupied divulged his social and professional standing to the spectators, and it was thus of crucial importance that each man stayed in the right place. They rode to the cathedral, where they were received by the prelate and cathedral chapter and entered for a short service. The procession then continued, with the viceroy still *bajo palio*, to the viceregal palace, where the viceroy was given the horse he had been riding together with its luxurious accessories, the canopy 'de tela rica', and a richly decorated carriage with six mules. Then followed three days of bullfights organised by those aldermen chosen by the cabildo, which would provide refreshments for the viceroy and his company during the events.

Those historians who have examined the controversy over Viceroy Villalonga's reception have generally put it down to a clash of personalities between a modest and zealous Pedrosa who put the interest of the crown before all else, and a vain and pompous Villalonga who was more interested in promoting his own interests than those of the crown.<sup>60</sup> But this is to miss the point. In fact, comments made by Villalonga to Pedrosa reveal that the new viceroy was not moved solely by vanity. According to Villalonga, a grand reception was

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<sup>60</sup> Garrido Conde, 'La primera creación del virreinato de Nueva Granada', pp. 94-101; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 53; Restrepo Sáenz, 'El primer Virrey', p. 123.



indispensable así por la regalía regia como por que se entable la autoridad que se ha de practicar en adelante con las personas que representan tanta autoridad y empleo y esto es tan preciso que se defrauda la regia y soberana representación del dueño si se omite la más leve demostración que mire a su autoridad ... porque (como he dicho) en los principios está el entable de las materias para que en lo adelante tengan el éxito proporcionado de la imagen que representa toda la autoridad del dueño <sup>61</sup>

Villalonga believed, in other words, that if his authority was to be respected by the vecinos, it had to be manifested in dramatic public ceremony. A reception more lavish than seen ever before in Santa Fe was no mere extravagance but a political necessity, required to show that the viceroy held powers higher than any royal official had previously held in the city. This had to be clearly and unequivocally displayed to the *santafereños*, because if the viceroy's authority was not clearly visible, it would lack reality.

The cabildo's reluctance to mount a full ceremonial entrance for the new viceroy was, then, about more than the city's economic resources: it also signalled a certain reluctance to acknowledge authority of a kind previously unknown in New Granada. As for Pedrosa and Villalonga's different views on the importance of the ceremonial entrance, it is possible that they represented a difference between Habsburg and Bourbon traditions. As Elias has shown, the tradition at the court of Philip V's grandfather, Louis XIV, was one where ceremony and ritual was of crucial importance, and in that respect the Bourbon tradition was no different from that of the Habsburgs.<sup>62</sup> Fee, on the other hand, has argued that a change took place in the view on viceregal receptions in the eighteenth century. Under the Bourbons, they

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<sup>61</sup> AGI Santa Fe 371, Jorge de Villalonga to Antonio de la Pedrosa, 15 Sept. 1719.

<sup>62</sup> Elias, *The Court Society*.



became less inclusive events and took place to a greater extent indoors. ‘This change coincided with a greater petrification of the theatrical expression of civic power and identity.’<sup>63</sup> Perhaps Pedrosa was an early exponent of this retreat from the baroque traditions of Habsburg politics. For, although born and educated in Habsburg Spain, Pedrosa had spent over a decade at the centre of Bourbon government in Madrid before returning to America in 1717, and might well have been one of the new kind of civil servant who, according to Pietschmann, was ‘más ejecutivo y menos ceremonioso y legista’ than his Habsburg predecessors.<sup>64</sup> On the other hand, he argued against Villalonga using Habsburg precedent.<sup>65</sup> The *Recopilación*, Pedrosa pointed out, specifically prohibited viceroys from entering *bajo palio* and set an upper limit for the amount that could be spent on a viceregal reception. In demanding that the reception was held according to law, he was supported by the fiscal of the audiencia of Santa Fe.<sup>66</sup> This did not dissuade Villalonga from simply repeating reasons for demanding a lavish reception, stressing that he in no way sought to contravene the law.<sup>67</sup> Villalonga also commented that he found it odd that ‘habiéndose tan ruidosos (como me consta) los recibimientos que hacía esa ciudad a los Presidentes se manifieste tanta tibieza o repugnancia en el ingreso de su primer Virrey, por cuyo motivo y para establecer su mayor autoridad y representación debieran ser más singulares las demostraciones’.

Certainly there were reasons for scepticism about the cabildo’s pleas of poverty. For, as Pedrosa acknowledged, grand celebrations had not been an unknown phenomenon

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<sup>63</sup> Fee, ‘La entrada angelopolitana’, p. 289.

<sup>64</sup> Pietschmann, ‘Burocracia y corrupción en Hispanoamérica colonial’, p. 29.

<sup>65</sup> AGI Santa Fe 371, Antonio de la Pedrosa to Jorge de Villalonga, 11 Nov. 1719.

<sup>66</sup> AGI Santa Fe 371, Respuesta fiscal, 14 Nov. 1719.

<sup>67</sup> AGI Santa Fe 371, Jorge de Villalonga to Antonio de la Pedrosa, 15 Nov. 1719.



in Santa Fe, and it was strange that the cabildo should be so reluctant to welcome their first viceroy in style.<sup>68</sup> To give one example, upon the birth of Prince Luis Felipe in 1707, celebrations lasted for nineteen days and would have continued longer had it not been for the beginning of Lent.<sup>69</sup> The news of the Crown Prince's birth reached Santa Fe on 3 February 1708 and after a special acuerdo session church bells were rung to call people to the Plaza Mayor for the announcement of the news from the balcony of the audiencia palace. After President Córdoba and his colleagues had announced the amnesty customarily given on such occasions and released all prisoners held in the city's jails, celebrations began with illumination of the streets, ringing of church bells and fireworks. On one of the nights, it was said, more than 12 000 candles burned in the streets of Santa Fe, and this in a city with a constant shortage of wax.<sup>70</sup> From 4 February followed eight days of religious services of thanksgiving, first in the cathedral and then in all other convents and churches of the city, ending with a procession. This was then followed by other celebrations. Events included masquerades organised by the cabildo secular, the *nobleza* and the merchants (*Consulado*), theatre performed by the colegios of el Rosario and San Bartolomé, and three bullfights organised by the guilds of the tailors, traders and silversmiths. On the Sunday before Lent, 150 soldiers paraded through town, and the following day mummeries, burlesques and other events were organised by the remaining guilds. Celebrations ended on Shrove Tuesday with a comedy in the patio

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<sup>68</sup> AGI Santa Fe 371, Antonio de la Pedrosa to cabildo secular of Santa Fe, 11 July 1719.

<sup>69</sup> AGI Santa Fe 296, Diego de Córdoba Laso de la Vega to king, 30 April 1708; AGI Santa Fe 296, Relación de las fiestas con que la Muy Noble y Leal ciudad de Santa Fe celebró la feliz noticia del Nacimiento del Príncipe Nuestro Señor Don Luis Felipe que Dios guarde muchos años -A Disposición de su Governador el señor General de la Artillería Don Diego de Cordova Laso de la Vega. See also Ortiz, *Presidentes de Capa y Espada*, p. 293.

<sup>70</sup> Complaints over the lack of wax and candles were especially prominent in the 1690s. See for example AGI Santa Fe 360, Respuesta fiscal, 23 Feb. 1701; and cabildo of Santa Fe to king, 27 March 1691, in Ortiz de la Tabla Ducasse, *Cartas de Cabildos Hispanoamericanos*, p. 102.



of the audiencia building, performed by the receptores and procuradores of the audiencia. Throughout the celebrations, large sums of money had been spent both by those groups organising events and by private individuals on their own and their servants' dress, with expensive fabrics, ribbons, lace, embroideries, etc. And all the extravagance had one objective: to manifest the loyalty of the *santafereños* to the Spanish crown.<sup>71</sup>

Why, then, was the cabildo reluctant to grant Villalonga the reception he wanted? Was it an expression of an unwillingness to accept royal authority and a wish to protect their autonomy? Their attitude certainly seems to contrast starkly with that of cabildos in Mexico and Lima. There, viceregal receptions became the most important occasions for displaying the authority of the creole elite. According to Pagden, '[t]he authority of the *criollo* elite rested upon its identity as a group of urban aristocrats who comprised the community's natural leaders, and the most effective demonstration of that identity was their ability to stage astounding public festivals that left no one in any doubt about the independence of their political power.'<sup>72</sup> Thus viceregal receptions, although they swallowed a large part of the limited municipal revenue and even led cabildos to contract large debts, became 'a vehicle for a political commentary on the worth and status of the *criollo* nation.'<sup>73</sup> According to Fee, the occasion of a viceroy's official entry into a city became one to promote 'a civic image of affinity with and extraordinary loyalty to Spanish customs and the Spanish state.'<sup>74</sup> Perhaps because there was no tradition for viceregal receptions in

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<sup>71</sup> AGI Santa Fe 371, cabildo secular of Santa Fe to Antonio de la Pedrosa, 3 and 7 July, and 10 and 13 Nov. 1719.

<sup>72</sup> Pagden, 'Identity Formation in Spanish America', p. 90.

<sup>73</sup> *Ibid.*, p. 91.

<sup>74</sup> Fee, 'La entrada angelopolitana', p. 284.



Santa Fe, the cabildo there did not attribute the importance to such occasions as did its counterparts in Lima and Mexico City. Nevertheless, as the description of celebrations held upon the birth of Prince Luis illustrate, using such occasions to manifest loyalty to the crown was nothing new. The cabildo's reluctance to give Villalonga a full reception was therefore, probably coloured by political motives, based in a reluctance to acknowledge fully the powers of an official with whose ways they were not yet accustomed.

In the end, Villalonga prevailed and he received the reception he was looking for, partly financed by Santa Fe's guilds.<sup>75</sup> However, when Villalonga decided to go to Cartagena, a similar debate took place over the question of his reception. The viceroy's secretary Juan Joseph García made clear that a fitting reception was expected, 'a proporción de la gente lucida española que en [Cartagena] se halla; con que demás del recibimiento de marchas de la infantería y artillería de la plaza, no me parecerá mal que dispusieran algunas fiestas de toros, comedias y otras diversiones'.<sup>76</sup> Although Cartagena's teniente general Alejo Díaz Muñoz promised that the city would receive the viceroy as best it could, he asked García that he 'desengaña o desempresione a su excelencia ... que no es dable sea dho recibimiento de Cartagena a proporción de la gente lucida española que hay en ella, por que dónde está esa?'<sup>77</sup> Nevertheless, Villalonga insisted on, and apparently received, a suitable reception in Cartagena, just as he had in Santa Fe.<sup>78</sup>

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<sup>75</sup> AGI Santa Fe 371, Juan Joseph García to Alejo Díaz Muñoz, 19 June 1720. See also Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 54. Villalonga was reprimanded by the crown for having demanded a reception *bajo palio* by a cédula dated 26 Aug. 1721. Restrepo Sáenz, 'El primer Virrey', p. 123.

<sup>76</sup> AGI Santa Fe 371, Juan Joseph García to Alejo Díaz Muñoz, 19 June 1720.

<sup>77</sup> AGI Santa Fe 371, Alejo Díaz Muñoz to Juan Joseph García, 18 July 1719. On Villalonga's reception in Cartagena, see also Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 55.



### *The Fall of the Viceroy*

Villalonga's years in office were in general uneventful, with the exception of an argument with contador Domingo de Mena Felices, familiar from the 1711 Mompox rebellion, whom Villalonga prosecuted on allegations of abuse of office.<sup>79</sup> Judging by letters sent to the Council of the Indies, Villalonga did make an effort to carry out his duties as viceroy, particularly in curbing illegal trade. However, his views were not particularly warmly received in Madrid.<sup>80</sup> While appreciating his zeal, especially in view of the fact that all attempts and royal orders to eradicate illicit trade so far had been inefficient, the Council decided that Villalonga's long and detailed solution to the problem of commercial interloping was rather utopian in financial terms. It recognised that the viceroy was correct in pointing out that extensive illegal trade stemmed from the collapse of trade with Spain, and the difficulty of control in a territory compared to which Spain was merely 'un corto pedazo de tierra con caminos conocidos'. However, Villalonga's solution had little practical appeal. He advocated that that every year, five fully loaded ships go from Spain to America, in a system employing two sets of ships, one in operation while the other prepared for the next voyage. The Council, however, saw only the potential disadvantages in 'la novedad y confusión que ocasionaría en el nervio y cuerpo principal de el comercio

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<sup>78</sup> AGI Santa Fe 448, cabildo secular of Cartagena to king, 13 Sept. 1721; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 55.

<sup>79</sup> Colmenares, 'Factores de la vida política colonial', pp. 406-407. On Villalonga's administration, see also Garrido Conde, 'La primera creación del virreinato de Nueva Granada', pp. 102-112; Ortiz, *El Virreinato*, pp. 31-38.

<sup>80</sup> AGI Santa Fe 263, Consulta of 13 Nov. 1722. While in Santa Fe, Villalonga also bestowed some attention on the welfare of the Indians and suggested reforms in the way tribute was calculated. See AGI Santa Fe 263, Consultas of 27 June and 3 July 1721.



alterándose toda la forma regular, común y general que hasta aquí se ha observado', and decided to maintain status quo.<sup>81</sup>

The Council was also unimpressed by Villalonga's skills as an administrator. By late 1722, it spoke of 'la continuada inobediencia del Virrey' who consistently contradicted royal opinions and orders 'pero sin dar causa, ni razón, que sea digna, ni merezca la más leve atención'.<sup>82</sup> Indeed, its fiscal suggested, possibly not quite seriously, that Villalonga be fined '8000 pesos, 4 por cada despacho a que no ha dado cumplimiento'.<sup>83</sup> By then, however, dissatisfaction with the viceroy had taken a more serious turn, and measures were taken to curtail the viceroy's powers and to restore the old system of government. The audiencia of Panama was re-established by cédula of 21 April 1720, and the audiencia of Quito was restored by order of 21 July 1722 and returned to the jurisdiction of the viceroy of Peru.<sup>84</sup> This prompted lengthy protests from Villalonga, but they were dismissed by the Council of the Indies as 'novela tan dilatada que no da lugar el tiempo a poderla leer' and shortly followed, in November 1723, by the suppression of the viceroyalty itself.<sup>85</sup>

Why did the experiment fail, after having only five years to prove its worth? Why did not the crown simply appoint another viceroy if it was dissatisfied with Villalonga? In fact, a successor, José de Armendáriz y Perurena, Marqués de Castelfuerte, had already been appointed when the decision to suppress the

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<sup>81</sup> AGI Santa Fe 263, Consulta of 13 Nov. 1722.

<sup>82</sup> AGI Santa Fe 263, Consulta of 29 Oct. 1722.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 55. Also, Ortiz, *El Virreinato*, p. 38. Garrido Conde, 'La primera creación del virreinato de Nueva Granada', p. 107, claims that the date of the cédula was 18 February 1720.

<sup>85</sup> AGI Santa Fe 263, Consulta of 29 Oct. 1722. See also Ortiz, *El Virreinato*, p. 38.



vicerealty was taken, but Armendáriz was sent instead to Peru.<sup>86</sup> The official reasons for revoking the newly implemented reform were mainly financial and economic. Royal revenue had not increased and foreign interloping had not decreased. In addition, the cost of maintaining a viceregal court in sparsely-populated New Granada was deemed too high, and the Council of the Indies decided that the presence of a viceroy was not needed to ‘mantener en Paz y Justicia a esas provincias y costas’, as experience showed that the authority of a president was sufficient to ensure these all-important aims of good government. There were, however, other reasons for doubting the effectiveness of the viceregency, reasons which were discreetly left unmentioned in the *cédula* which reversed the reform. One was the allegation that Viceroy Villalonga was a party to the illegal trade which he was supposed to prevent. The Council of the Indies received complaints from the governor of Panama, the *oficiales reales* of Cartagena, and the *General de Galeones* Baltasar de Guevara that Villalonga was involved in illegal trade with the English *asiento* company.<sup>87</sup> This was not the first time that such allegations had attached to Villalonga. Indeed, the Council had appointed him knowing about claims that, while in Callao, Villalonga had a well-stocked warehouse with ‘ropas y géneros muy surtidos y de bastante caudal’ which he had acquired through his job, trading with Spaniards and foreigners alike.<sup>88</sup> On this occasion, the Council responded by treating the information as only ‘vagas y generales noticias’ which did not merit further investigation. By the early 1720s, however, such accusations probably contributed to the crown’s decision to suppress the vicerealty of New Granada. Ultimately, it

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<sup>86</sup> Garrido Conde, ‘La primera creación del virreinato de Nueva Granada’, p. 121. On Armendáriz term as viceroy of Peru (1724-1736), see Adrian John Pearce, *Early Bourbon Government in the Viceroyalty of Peru, 1700-1759* (PhD thesis, University of Liverpool, 1998).

<sup>87</sup> AGI Santa Fe 263, Consulta of 13 Nov. 1722.

<sup>88</sup> AGI Santa Fe 263, Consulta of 29 Oct. 1722.



seems, Villalonga had become enmeshed in the very accusations of abuse of office, especially participation in illegal trade, which had plagued governments under the *audiencia* and its presidents. In the end, the new monarchy was unable to find a satisfactory alternative to the Habsburg mode of governance, and the Bourbon viceroyalty foundered amidst recriminations similar to those which so often beset its predecessors.



## Conclusion

In the course of this study, we have tried to show how government worked in late seventeenth and early eighteenth century New Granada by examining conflicts within institutions of royal government, between officials and local elites, and between officers of the crown and, in so doing, have seen something of the character of political life in New Granada's leading cities. What, then, in general, can we conclude about government, governance and politics in New Granada at the end of the Habsburg and beginning of the Bourbon periods?

First, we have seen that the Habsburg system of government, as it functioned in New Granada, allowed for negotiation of power and for individual initiative among officials and promoted frequent conflict within and between institutions of government. Close examination of such conflicts suggests, however, that clashes between creoles and peninsulars -which historians often see at the heart of political disputes in Spanish America- were not a major source of discord in New Granada. On the contrary, officials were often representatives of local interests. The oidores of the audiencia of Santa Fe had a strong creole and "creolised" contingent, while governors in Cartagena were often ready to represent the interests of the city's leading vecinos and to tolerate the widespread recourse to smuggling among its wider population. The use of officials with military and *letrado* backgrounds, on the other hand, made for clashes based on differences of approach to government and in rivalries over precedence. This became particularly clear during the presidency of Francisco de Meneses, who paid dearly for attempting to impose "military values" on his *letrado* colleagues.



Second, the power of government was exercised in a highly visible way. Display, ceremony and ritual took on crucial importance: it was, for example, essential that oidores Dicastillo and Rocha stroll together through the streets of Santa Fe to mark the end of their argument at the 1688 acuerdo session and that Viceroy Villalonga receive a lavish reception in the New Granadan capital. By following set patterns or rituals on public functions, royal officials, local officeholders and members of the clergy communicated to the spectators the character of the power and authority they held. Rituals contained a coded message, and onlookers knew the code. The position someone held in a procession, the location of the seat a man occupied or even the type of seat he used, told other people who he was and what sort of respect he should be shown. This, too, was the case with the clothes worn by crown officials. Oidores held exclusive permission to wear *togas*, while inquisitors and military officials had other distinctive outfits. As far as officials were concerned, the proper functioning of government -and hence the stability of the social order- depended on these rules being followed. Thus, quarrels over whether or not oidores Rocha and Isunza could sit on chairs and not benches in church and Governor Badillo could place a cushion at his feet during mass took on an importance difficult for the twentieth century mind to grasp. The right to sit on a chair in church was exclusive to the president of the audiencia and the oidores' attempts to use it was seen (and no doubt intended) as a challenge to his authority. Similarly, the bishop challenging Badillo's right to use a cushion was seen as diminishing the governor's authority. If such challenges were ignored, officials felt that they risked undermining the stature of the position which they held, and thus losing the prestige and power which they derived from their offices.



Third, because of the importance of visibility, political life often took place in public, in the plazas and streets of the cities. New Granadan subjects expressed their views on royal policy through taking to the streets and gathering in the town squares as happened for instance in Mompo in 1711 when dissatisfaction with royal officials sparked revolt. Celebrations and processions took place in the streets, and here loyalty to the crown and respect for its representatives was manifested. However, there were also other less visible but no less important political activities, in which officials and local notables linked up in networks of patronage and influence which they sought to use to their own advantage, and which manifested their competition in factionalism both within and outside the institutions of government.

This leads to our fourth point, that political life involved New Granadans as much as it involved royal officials and the crown. A political culture prevailed where New Granadans perceived themselves to have the right to protest against unjust policies and officials who did not comply with their standards for good government. The king was seen as a just and neutral arbitrator to whom it was always possible to turn for redress. Thus, anger was directed towards royal officials rather than towards the monarch himself and the legitimacy of Spanish rule in the Indies was unquestioned. A good measure of this is the fact that there was never any question of using the change of dynasty on the Spanish throne as an opportunity to bring about change in New Granada, where political life remained confined to its traditional arenas.

Royal officials, in turn, were very much part of local society, and, in order to sustain their positions, had to take account of local politics. Spanish American subjects



could actively influence and reshape crown policy, as in the case of the campaigns against the palenques in Cartagena in the 1680s and 90s. Decisions were not arbitrarily imposed from above through a hierarchy of royal government officials but were debated in an active political arena by a wide range of participants, including aldermen, vecinos and ecclesiastics. “Gobierno”, then, involved not only government but also other groups and entities in the “republic”. As a consequence, power was distributed laterally as well as vertically and the absolutist model of centralised power seems to have had little meaning in late seventeenth and early eighteenth century New Granada.

Fifth, groups prevailed over individuals and without a social network or clientele, the power embodied in a bureaucratic post could not easily be activated. As Governor Pando of Cartagena acknowledged, a man could not stand alone and still be powerful; he depended heavily on the goodwill and support of local allies. This led to royal officials in the Indies becoming incorporated into or creating local networks. Restrictions imposed upon them, above all the oidores, did not succeed in isolating them from local society. Both royal officials and their children married locally, many had “concubines”, and such affective ties were probably extended through bonds of *compadrazgo*. In the case of audiencia presidents, their right to patronage over government posts such as corregimientos gave them the opportunity to form ties to local elites by disposing such positions. Business links, as officials became embroiled in illegal trade networks, further cemented contacts in local society.

The importance of groups meant that factionalism was rife in early modern New Granada political life. Government institutions such as the audiencia or the cabildo



as well as society and even the ecclesiastical establishment split into factions in the face of conflict. Marriage and family played an important role in determining the faction a man belonged to, though they did not necessarily follow well-established lines, nor were they static. There was no clear dividing lines between creole and peninsular, and blood relations did not guarantee membership in the same faction.

Sixth, economy and politics were intertwined as the fight for spoils from illegal trade penetrated society and government. From the later seventeenth century, contraband flourished and involved all layers of the population. Illegal trade not only contravened commercial regulation and undermined Spanish trade; it also encouraged wider disregard for the law and other types of corruption as government officials such as presidents Cabrera and Meneses demanded bribes to turn a blind eye. This meant that the crown lost 'symbolic capital', which passed into the hands of royal officials and vecinos in the Indies. In short, the balance of power shifted in favour of colonials. But although corruption in a modern definition of the word was all-pervasive, the contemporary view on the phenomenon was ambiguous. On the one hand, accusations and condemnations of bribery and above all involvement in illegal trade were omnipresent; on the other, everyone was involved. Corruption seems, then, to have been commonly practised by officials and condemned only -or mostly- at moments of political conflict that turned on other issues.

In New Granada's government and politics, then, the early ideal of a disinterested colonial bureaucracy had long since disappeared by the end of the Habsburg era. Instead of a corps of well trained, disinterested officials, groups which pursued their own interests in close collaboration with local society held sway over government.



This is not to say that the president and oidores of Santa Fe and governors and tenientes of Cartagena ignored the crown's intention to provide its New Granadan subjects with good government, nor does it mean that economic considerations lay behind every single decision made and action taken. What it does mean, however, is that the concept of an absolutist state has little significance for the study of late Habsburg and early Bourbon New Granada. The king, although the undisputed legitimate ruler, shared power with his many representatives in the Indies as well as his American subjects. Power was distributed among the many entities which participated in the "gobierno". This was still the case during the first two decades of the eighteenth century and was not easily changed by Bourbon monarchs and ministers. Indeed, as we have seen, the earliest effort by Bourbon government to exercise more authority, by means of a viceregency, was quickly frustrated and soon abandoned. It was to take far greater determination, and the passage of another half-century, before serious attempts to reform the framework of Habsburg government were made again.



## Appendix I: Audiencia of Santa Fe c.1685-c. 1725 <sup>1</sup>

### Alcedo y Sotomayor, Carlos de

Post	Título	Possession <sup>2</sup>	Departure <sup>3</sup>	Reason
Oidor	1693, January 18	1696, April	1697, October	Unlawfully arrested by the governor of Cartagena

#### Born

Spain: San Pedro de Lánacara, Lugo, Galicia, August 1656.

#### Education

A bachelor's of canon law from the University of Fonseca (Santiago de Compostela) or Valladolid in 1672 and a bachelor's of civil law in 1674.

#### Career

Served as an investigating judge in a matter of treasury officials defrauding the crown and as administrator of various taxes in Galicia. In 1674 and 1677 he was a judge with the rural security forces (*hermandad*). Alcedo travelled to America in 1678, was licensed to practice law before the audiencia of Quito, and served as a legal advisor (*asesor*) to the military commander of Popayán. He returned to Spain to receive his appointment as oidor of Santa Fe. He was initially given a *futura* to a post as oidor on 12 December 1692. While Burkholder and Chandler claim that he purchased the supernumerary appointment at 10 000 pesos, documents in the AGS state that he did not. On 18 May 1695 he received a *número* appointment to replace Francisco Carcelén. In the spring of 1702 he was appointed fiscal of Lima. He never went there, but was promoted to oidor of the audiencia of Mexico by consultas of 9 August and 3 September 1703. He was then ordered to carry out crown business in Galicia, and died before he could go to Mexico.

#### Wife

Josefa Tomasa Velázquez Gastelu

#### Children

Carlos Francisco. He married María Ruiz Sensano in Santa Fe on 24 June 1720. They had four children: Manuel, Tomás, José and Micaela. Carlos Francisco died in Santa Fe in 1729. It seems that Carlos Francisco was the son of Alcedo's mistress in Santa Fe, one María de Murgua, from Madrid, daughter of Juan de Murgua y Estrada and Antonia Ramos, who stated in her will that she had a 'hijo natural' called Carlos Francisco de Alcedo y Sotomayor.

#### Other

Caballero of Santiago from 1694 and belonged to the Consejo de Su Magestad. He went to New Granada by licence of 15 September 1695. During Christmas that year he was in Cartagena, where he became embroiled in the conflict surrounding Bishop Benavides' choice of governor and vicario general for the bishopric. His intervention in this conflict was later used against him and taken as proof of his disloyalty to the crown. While oidor in Santa Fe, he was involved in controversy with the archbishop and ecclesiastical authorities who accused him of 'escandaloso adulterio y amancebamiento', of which the Council of the Indies found no proof. The lady in question was allegedly the wife of the alguacil mayor of the city, but no names were stated and it is not known whether it could have been the above mentioned María de Murgua. Alcedo was also accused of having forged his degree certificate, but it was eventually proven that the confusion arose from his many last names and the various combinations of them that he had used at different times. While in New Granada he seems to have had close relationships with oidor Rocha and interim governor Sancho Jimeno, who were, according to the latter, both Alcedo's *compadres*. After having been sent by Governor Ríos of Cartagena to Cuba in the autumn of 1697, he continued to Seville where he arrived in June 1698. He then seems to have had a difficult two years with illness and poverty, and he complained to his friend Jimeno that there were days when he did not find 'quien me supla dos reales para comer'. Both in 1699 and in 1700 he was given 1000 pesos by the Council of the Indies to improve his situation. He was still in Madrid in 1704. Both Restrepo and Burkholder and Chandler claim that he died in Galicia in 1711, but contemporary sources state that he had died by August 1706. By 1708, his widow, who seems to have stayed behind in Santa Fe all the time Alcedo was in Spain, tried to collect the money which was owed to her late husband as salary. This, too, did Alcedo's son, Carlos Francisco. However, also in 1708, the Council of the Indies recommended him to the king as someone 'digno de cualquier merced que VM fuere servido dispensarle'. It was then thought that he was still in Galicia although no one knew for sure.

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<sup>1</sup> I have not included Juan de Ricaurte, native of Santa Fe and oidor of Quito, who served in his home city briefly around 1718 because of the lack of oidores in Santa Fe. AGI Santa Fe 396, Francisco de Rincón to king, 2 July 1718; AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582. Libro de Acuerdos de la Real Audiencia de 1710 a 1738; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 337-338; Burkholder and Chandler, *From Impotence to Authority*, p. 165.

<sup>2</sup> The date the appointee took up office.

<sup>3</sup> The date the appointee formally left his post or, in the cases of Alcedo and Isunza, left New Granada never to return



**Aramburu y Muñoz, Vicente de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1703, July 8	1707 or 1708	1717	Removed from office

**Born**

America: Lima. Burkholder and Chandler claim he was born on 4 November 1657, whereas he himself claimed to be born in 1665.

**Education**

Viceroy of Peru, Conde de Castellar, awarded him one of the becas reales to the Jesuit Colegio de San Martín in Lima. He registered with the University of San Marcos, also in Lima, in 1671, obtained a bachelor's in canon law in 1676 and a licentiate in the same two years later.

**Career**

Received as attorney of the audiencia of Lima on 24 October 1678 and admitted to the practice of law before the Royal Councils in Spain in the late 1690s. Worked as attorney of the audiencia of Lima until 1696, and was also asesor of the other tribunals of the city of Lima, both civil and ecclesiastic, and of Archbishop Melchor de Liñan y Cisneros. In 1684 he became canónigo doctoral of the Cathedral of Lima, and in the 1680s held various academic chairs. While in Havana on his way to Spain (after 1696), after the arrival there of the galeones, he assisted the Admiral of the Armada de Galeones in business relating to the galeones and carrera de Indias. He continued the work during the Atlantic crossing. On 23 September 1699, he purchased a future appointment as alcalde del crimen of the audiencia of Lima for 3 500 doblones which were to spent in the 'fábrica de la Capilla de el Real Palacio', receiving a dispensation for being a native of the district. He lost the post before serving due to a March 1701 reform and was instead appointed oidor of Santa Fe to replace Alcedo by consulta of the Council of the Indies of 26 April 1702.

**Children**

Juan Bautista, who was three and a half years old in April 1718.

**Other**

Caballero of Santiago from 1701. While in Madrid in 1705, he was involved in a conflict with a printer whom he owed money. He went to America with three criados by cédula of 28 April 1705 and licence of 4 March 1706. In 1707 he received an assignment to investigate the escape of 34 soldiers from Santa Marta, and served as governor there for a time (his residencia as such was taken in 1712). His next assignment was to the provinces of Citará and Chocó, where he carried out a two year visita in 1711 and 1712. Upon his return and up until the arrival of Mateo de Yepes, he took care of all audiencia business virtually on his own, due to the illness and subsequent death of senior oidor Rocha, and the frequent absence of oidor Losada. During his ten year term in office in Santa Fe, he was involved in several conflicts with the clergy, one of which lead to a one day excommunication in 1714. Aramburu was suspended from office for his part in the overthrow of President Meneses, but died before he could suffer the consequences of his actions. According to one witness, his death, which occurred in Santa Fe on 18 May 1718, was dramatic: 'murió Don Vicente Aramburu con una mano cortada, porque del achaque que padecía le dió cáncer; dando voces pidiendo perdón a VS y que todo cuanto había obrado era falso, y de pasión, y que no culpasen a otros más que a él y otros tres'.

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**Cabrera y Dávalos, Gil de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
President	1683, January 28	1686, September 8	1703, June 21	Successor arrived

**Born**

America: Lima, 29 July 1646

**Career**

Throughout his military career he ascended from *alférez de infantería* to *maestre de campo* while serving in Callao, Lima and in the campaign to restore Panama to Spanish rule after the English occupied the Castillo de Chagre in the early 1670s. This was his first major campaign after having been promoted to *sargento mayor* on 8 March 1671. He was *alcalde ordinario* of Lima in 1674, and as such played a prominent part in the reception of viceroy Baltasar de la Cueva Enriquez, Marquis of Malagán and Count of Castellar. In 1681 he was quoted as *vecino* of Lima and '*sargento mayor del tercio del mre de campo Luis Ibáñez de Peralta y Cárdenas*'.



**Wife**

First wife: María Josefa Perales y Saavedra, daughter of the Mre de Campo Bernardo de Perales, Caballero of Santiago, and María de Saavedra.

Second wife: Gertrudis de Quirós y Cevallos, daughter of Captain Francisco de Quirós and Francisca de Cevallos, both from Spain but vecinos of Lima.

**Children**

None by first marriage, five by second:

- Juana Josefa, married her cousin Juan Eusebio Dávalos y Benavides, caballero of Alcántara. They did not have children. He went to Spain in the early 1690s, shortly after their marriage, to defend his father-in-law before the Council of the Indies, and she died in his absence.
- Rosa del Sacramento, nun in the Convent of la Concepción of Santa Fe. She had died by the spring of 1712.
- Francisco José, who had been ordained by 1712, an event which had taken place in Santa Marta. In 1718, Pedrosa recommended him for the *canongía penitenciaria* of the cathedral of Santa Fe, as in him 'concurren las circunstancias de conocidas letras virtud juicio y prudencia', a post he was given by título of 30 October 1723. On 17 September 1732 he was promoted to archdeacon of the same and on 11 December 1733 to dean. He died in Santa Fe on 12 September 1750.
- Antonio Gil, married María Magdalena de Subia y Loyola on 6 January 1709, 'a vista del presidente y oidores de la Audiencia', through which he became 'emparentado con las familias más principales del Reino'. For example, María's sister was married to Martín Gerónimo Flórez's son. The couple had three children: Isidro José, Juan Ignacio and José Miguel. Some time before 1712, Antonio Gil made a journey to Lima to take care of some business on behalf of his father. He was *alcalde ordinario* of Santa Fe in 1712 and *contador mayor de bienes de difuntos* of the same city in 1720. He died in 1726.
- Teresa Margarita, married oidor Francisco José Merlo de la Fuente in on 25 January 1696, and oidor Luis Antonio de Losada on 9 April 1710. She had five children by her first marriage (Carmelite nuns María Josefa and Gertrudis, Franciscan friars Ignacio and Luis, and Francisca, nun of Santa Inés) and four by her second (Manuel, Diego, Carmelite nun Juana María and Julián). She made a will in 1732.

**Other**

Son of Rodrigo de Cabrera from Baeza, Spain, and María Josefa Dávalos y Rivera from Lima. He went to Spain in the early 1680s and bought an appointment as president of Santa Fe for 12 000 pesos cash as well as a loan of 18 000 pesos. However, his military services, his monetary contribution to the campaign to recuperate Panama and the support of the influential Marqués de los Vélez also seem to have influenced the Council of the Indies' decision. Cabrera returned to America by licence of 11 September 1684 with four young boys who were to serve as his pages. He became a caballero of Calatrava by título of 19 June 1683, and 'se cruzó' as such in Panama on 13 January 1685 while on his way from Spain to Santa Fe to take up office. In Panama he met up with his wife Gertrudis de Quirós y Cevallos, three of their children and the few family and servants who used to live with them in Lima, who had travelled from that city to Panama. They then moved on to Cartagena, where they stayed for about a year. While there, Cabrera became involved as a mediator in the conflict between the bishop and the rest of the authorities in the city, and by the time he finally took up office in Santa Fe the former president was long dead. Cabrera almost immediately became involved in conflict with his colleagues in the audiencia, and was suspended from office from 10 May 1691 to 10 February 1694 while under investigation. In 1689 he was fined 500 pesos by the Council of the Indies for erroneously having imprisoned oidor Carcelén for marrying without a licence. He owned a 'mayorazgo en tierras de repartimiento' in Baeza, Spain, where he spent time while on the peninsula in the 1680s. It had belonged to Cabrera's grandparents, and upon his death was left to his youngest son, Antonio, as his eldest son was a cleric. Cabrera also kept his house in Lima all the years he was in Santa Fe although he himself never returned to his native city. The house was known as 'el obraje frente al molino de la Pólvora', and was for some time worth a considerable sum of money. However, by the time Cabrera died and left it to his heirs, its value had decreased due to damage caused by earthquakes. From being relieved as president in 1703 and until his death in 1712, Cabrera stayed in Santa Fe and survived on what his two sons and his nephew Luis de Benavides y Dávalos could give him, as he left office even poorer than he was when he arrived in Santa Fe. When he died, he still owed 500 patacones for his wife's funeral in addition to debts to various persons amounting to 1 500 pesos in Santa Fe and 6 000 pesos in Lima. Cabrera signed a will in Santa Fe on 26 April 1712 in which he asked to be buried in his military *hábito* next to his wife in the Capilla de San Ignacio de Loyola in the Jesuit church in Santa Fe. He died within a month.

**Sources**

AGI Santa Fe 211, Información hecha en esta corthe; AGI Santa Fe 211, Gil de Cabrera to king, 15 Dec. 1688; AGI Santa Fe 262, Consultas of 7 June 1695, and 27 April 1702; AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 28 April 1718; AGI Lima 265, N.22, Informaciones de oficio y parte, 1681; AGI Contratación 5446, N.93, Expediente de información y licencia de pasajero of Gil de Cabrera y Dávalos, 11 Sept. 1684; AGI Escribanía 818A, Sobre el casamiento que contrajo sin licencia Luis Antonio Losada ... con Teresa Cabrera y Dávalos; AGS, D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696; AGN Residencias Cundinamarca, leg. 49, f. 343, Santa Fe municipal elections of 1712; AHN Ordenes Militares 162, exp. 384, Pruebas para la concesión del título de Caballero de la Orden de Calatrava de Gil de Cabrera y Dávalos; AHN Consejos 21554, Minuta de despacho, 10 July 1711; AGS, *Catálogo XX*, pp. 461 and 464; ICCH, *Indices de dotes, mortuarios y testamentos*, pp. 265, 275, 301, 313, 314 and 356; Ortiz, *Real Audiencia y Presidentes*, pp. 221-223 and 274; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 11-18; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, pp. 144-149; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 6; Ryal Miller, Robert (trans. and ed.), *Chronicle of Colonial Lima. The Diary of Josephe and Francisco Mugaburu, 1640-1697* (Norman, 1975), pp. 207, 210 and 215.



**Carcelén Fernández de Guevara, Francisco**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1684, April 2	1685, March 28	1692, December 15	Death

**Born**

America: Panama

**Education**

A baccalaureate of canon law from the University of Seville in 1677, and on 10 November that year 'se incorporó del dho grado de bachiller en canones en la de Salamanca'. Two years later he graduated as bachelor, licentiate and doctor of the faculty of laws of the University of Seville.

**Career**

Admitted to practice law before the Royal Councils in 1679. In 1680, he was elected 'alcalde de la Santa Hermandad de la Villa de Tobarra en el Reino de Murcia por el Estado de Hijosdalgo de ella'. His next appointment was that of oidor of Santa Fe, given him by consulta of the Cámara de Indias of 16 February 1684. He was later promoted to oidor of Lima, but asked that the appointment be changed and that he instead be considered for a post as oidor of Mexico as he had relatives in Lima through his mother and wife. The Cámara agreed to change it on 21 April 1692, while Carcelén was still in Spain, but he died before he could make use of it.

**Wife**

Rosa Francisca Pérez Camberos, daughter of former president of New Granada, Spaniard Dionisio Pérez Manrique de Lara, marqués of Santiago, and his second wife Juana Camberos Hurtado de Mendoza of an important Lima family. Before coming to Santa Fe, Pérez Manrique had served as alcalde del crimen and oidor of Lima, and as president of the audiencia of Charcas, where Rosa was born. She and Carcelén were married in Santa Fe on 7 December 1687. By this marriage, Carcelén acquired important connections all over New Granada as well as in Charcas and Lima, as Rosa's thirteen brothers and sisters were all among the creole elites.

**Other**

Went to America with one criado by licence of 23 April 1684. Shortly after arriving in Santa Fe, he was given an assignment in Cartagena, where he arrived on 6 September 1686. While there, he was accused of having an affair with Isabel de Labarcés y Pando, the sister of Juana Clemencia and Catalina, married to oidor Domingo de la Rocha and Toribio de la Torre respectively. He also seems to have been close friends with the two latter. Having concluded his Cartagena comission, he returned to Santa Fe only to be given another assignment in Cartagena, this time as mediator in the conflict between Bishop Benavides and the Inquisition. However, while in Santa Fe, he married without having obtained the required royal licence, which led to President Cabrera suspending him from office and embargoing his salary on 6 October 1688. Without concluding his mission in Cartagena, he decided to go to Spain to sort out his unlicensed marriage. He left Cartagena for Veracruz at the end of 1688 and arrived the Mexican coast at the beginning of January 1689, from where he continued to Spain via Havana. However, by then the Council of the Indies had been informed of the case and had received many letters from *santaferreños* from 1687 and 1688 in support of Carcelén. It ruled that as the bride was not born in Santa Fe he had not been prohibited from marrying her, and issued a cédula of 10 November 1689 ordering that Carcelén be given back his job and his salary, paid from September 1688. He was only fined 100 patacones for having omitted to inform President Cabrera of his intention to marry. Later, in sessions of 13 and 23 February 1691, with Carcelén still in Spain, the Council absolved him of both charges of marrying without a licence and coming to Spain without a licence. He went back to Santa Fe by licence of 9 July 1692, having been declared 'bueno y fiel ministro y aprobados sus procedimientos', and died shortly after arriving.

**Sources**

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**Castilla y Lisperguer, José Ventura de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Protector de indios	1716, July 6	1718, April 8		
Fiscal	1720, January 10		1734, April 18	Death

**Born**

America: Lima, c. 1691

**Education**

A bachelor's degree in canon and civil law from the University of San Marcos in Lima in 1708, where he was a member of the Colegio de San Martín from 1703-1712.

**Career**

Admitted to practice law before the audiencia of Lima in 1709. Worked as an attorney there before being promoted to Protector Fiscal de Indios of the audiencia of Santa Fe to replace Antonio de la Pedrosa. When appointing him, the Council took into account his and his parent's 'méritos', 5 000 pesos cash, and the promise to pay off his uncle Pedro de Lisperguer's debts contracted as corregidor of Zacatecas in New Spain. In April 1716 Castilla had tried for his



uncle's post in Zacatecas, but failed as he already had been appointed protector of Santa Fe. Already in his first acuerdo session he was exercising as fiscal, 'por falta de propietario'. He continued serving as interim fiscal while carrying out his duties as protector de indios until eventually appointed to the post to replace Diego Clavijo.

#### Wife

He was given a dispensation to marry a native of Santa Fe but was probably not married and did not have children, as he left his possessions to his siblings.

#### Other

Son of Agustín de Castilla y Alarcón and Magdalena de Lisperger y Solís, vecinos of Lima. Belonged to the Consejo de Su Magestad. In 1716, in view of the great expenses he had incurred to obtain the post in the audiencia of Santa Fe, Castilla tried to convince the Council of the Indies to raise his annual salary. He claimed that the salary he would receive as protector de indios of Santa Fe (1 000 pesos) would not be enough for him to survive on and pay off his uncle's debts, and that he should therefore be given a salary equivalent to that of the post of protector de indios of Quito (2 000 pesos) or Charcas (more than 2 000 pesos). Although he managed to persuade the Council, the king vetoed their decision. However, in the end he received 1 500 pesos for the post as protector and in addition 1 470 pesos 4 reales and 24 mrs corresponding to the post of interim fiscal (equivalent to half the salary of a fiscal en propietario). He made another attempt to have his salary raised after his appointment as fiscal came through, but failed again. Castilla probably arrived in Santa Fe on 8 March 1718, a month before he took up office as protector de indios. He made his will in that city on 22 January 1733.

#### Sources

AGI Santa Fe 262, Consultas of 3 April and 19 Oct. 1716; AGI Santa Fe 263, Consultas of 12 Jan. 1719, 20 June 1720 and 6 June 1721; AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de Acuerdos de la Real Audiencia de 1710 a 1738; AGS, *Catálogo XX*, pp. 431-432; Burkholder and Chandler, *Biographical Dictionary*, pp. 78-79; Ortiz, *Real Audiencia y Presidentes*, pp. 345-346; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 454-455.

### Cobián y Valdés, Antonio de

Post	Título	Possession	Departure	Reason
Oidor	1715, July 3	1716, April 3	1720, January 10	Promotion

#### Born

Spain: Asturias

#### Education

He was credited with holding a licentiate, but the university which conferred his degree is unknown.

#### Career

*Agente Fiscal del Consejo de Indias de la negociación de Nueva España* for more than twenty years and according to the Council of the Indies did a very satisfactory job. In fact, his character and proceedings were repeatedly praised by the Madrid authorities, both before and after he went to Santa Fe. At the time of his appointment as oidor of the audiencia of Santa Fe to replace Rocha, he did in addition serve as visitador of the Casa de la Contratación. Already in October 1718 the Council of the Indies talked of promoting Cobián from the audiencia of Santa Fe, and in November that year he figured as oidor of Lima with instructions to attend and preside over the criminal chamber. However, it does not seem like his título was issued until 10 January 1720. He died on his way to Lima to take up office.

#### Wife

Ana María González de Estrada

#### Other

Caballero of Santiago. Belonged to the Consejo de Su Magestad. In June 1715 he had not even started his trip to Andalucía. He went to America with his wife and three servants by cédula of 3 July and licence of 9 October 1715 in the ships which carried the new Viceroy of Peru, the Príncipe de Santo Buono. His itinerary after arriving in New Granada is not clear. He figures in an acuerdo session of the audiencia of Santa Fe of 3 April 1716, but had royal orders to go directly from Cartagena to Caracas without first passing by Santa Fe. His assignment in Caracas was to investigate suspected illegal activities by an asiento ship. Also, a report made for the Príncipe de Santo Buono in March 1716 states that Cobián was in Caracas at that time. What is clear, however, is that he returned to New Granada after having received a royal order of 5 July 1716 which put him in charge of the investigation into the proceedings of oidores Aramburu and Yepes and President Meneses, and the overthrow of the latter. He left Caracas in December 1716, shortly after the new archbishop and interim president of Santa Fe, Francisco del Rincón, who left Caracas on 21 November, and the two arrived Santa Fe together on 28 April 1717. In 1718, his wife helped one Juan de Alea, son of a Santa Fe merchant by the same name, obtain the *canongía penitenciaria* of the cathedral of Santa Fe. Cobián seems to have obtained several special allowances regarding his pay, possibly because he was owed three years worth of salary when leaving the post of agente fiscal of the Council of the Indies, amounting to some 4 500 escudos de plata or 3 000 pesos. He was given 1000 escudos as a part payment in the summer of 1715, before he set out for America. He was paid the salary as oidor from the day he arrived in Cartagena instead of from the day he took up office in Santa Fe, which would be the normal way of doing it, and years later he also received salary while travelling from Santa Fe to Lima. In addition he was allowed to pay the media anata in Santa Fe, an exception not normally granted those who had not bought their posts but had been appointed 'por mero mérito'. In May 1720, he complained of old age and unsuccessfully tried to obtain permission to return to Spain. Cobián attended his last acuerdo session in Santa Fe on 5 November 1720, shortly after receiving his promotion to Lima. He immediately set out for Cartagena, despite his poor health, and according to his wife, although 'llegó muy quebrantado, no dió lugar a repararse ni esperar la salida de Don Balthasar de Guebara', who apparently could offer safe transport, but set out for Portobelo in



a fragile boat which almost sank on several occasions, 'con cuyos sustos se agravaron tanto los achaques habituales que se desembarcó casi moribundo en Portobelo donde a breves días falleció, dejando la suplicante y su familia en el último desconsuelo'. Cobián's widow returned to Spain. In 1724, she asked the Council of the Indies for a pension, either half her husband's salary for life or a one off payment, and was given a one off 500 ducados.

#### Sources

AGI Santa Fe 262, Consultas of 8 April, 19 June and 4 July 1715, and 22 Jan. and 10 June 1716; AGI Santa Fe 263, Consultas of 27 Oct. and 4 Nov. 1718, 12 Feb. and 27 April 1724, and 8 July 1729; AGI Santa Fe 368, Antonio de la Pedrosa to king, 28 March 1718; AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 28 April 1718; AGI Santa Fe 396, Francisco del Rincón to king, 20 July 1718; AGI Santa Fe 468, Luis Ambrosio de Alarcón and Joseph de Potau to Príncipe de Santo Buono, 24 March 1716; AGI Contratación 5468, N.2, R.48, título of Antonio de Cobián, 3 July 1715; AGI, Escribanía 693A, B and C, concerning Cobián's assignment in Caracas, 1715-1721; AGN, Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de Acuerdos de la Real Audiencia de 1710 a 1738; AGS, *Catálogo XX*, p. 429; Burkholder and Chandler, *Biographical Dictionary*, p. 90; Ortiz, *Real Audiencia y Presidentes*, p. 347; Restrepo Sáenz, *Biografías de los mandatorios*, p. 336.

## Córdoba Lasso de la Vega, Diego de

Post	Título	Possession	Departure	Reason
President	1702, April 27	1703, June 21	1712, February 4	Successor arrived

#### Born

Spain, c. 1650

#### Career

He paid 14 000 pesos escudos de plata for the post of governor and captain general of Cuba, which he was given by título of 28 April 1694. By then he had served in the *Armada de la Guarda de la Carrera de Indias* for fourteen years in different posts, having reached that of *Capitán de Mar y Guerra*. By 1699 he was Maestre de Campo and later he became General de Artillería. He stayed in Cuba until promoted to president of Santa Fe by consulta of 27 April 1702. On his wedding day, 30 June 1714, he was quoted as president of Panama, but there is no other evidence that he actually held the post. After leaving Santa Fe, he was granted the title of Marqués del Vado 'en recompensa de sus servicios' as well as a place on the Council of the Indies.

#### Wife

María Ana Estefanía de Berrío y Guzmán Núñez de Cuero, daughter of prominent Cartagena vecinos Gonzalo de Berrío Guzmán and María Antonia Núñez Velázquez de Quero Portocarrero y Monroy. María Ana was a widow when she married Córdoba in Cartagena on 30 June 1714. Her first husband Martín Francisco de Herrera, third Marqués de Villalta, had died in 1712.

#### Children

Francisco García de Córdoba Lasso de la Vega de Berrío y Guzmán

#### Other

His father, also called Diego de Córdoba Lasso de la Vega, from Seville and Caballero of Alcántara, died in battle. Diego junior went to Cuba by licence of 17 July 1695 with four criados, and took up office in October that year. As president of Santa Fe, Córdoba was put in charge of Cabrera's residencia, and started the investigations the very day he took up office. Soon after arriving in Santa Fe, Córdoba allegedly started an affair with a married woman, of which the archbishop complained in 1709 when the relationship had already lasted for years. Apparently, the lady arrived almost every day at around 8 or 9 a.m. and would later leave 'por la puerta falsa del palacio que da al Convento de Santa Clara'. The president would send her gifts, and the affair had led to her husband leaving Santa Fe and refusing to 'hacer vida maridable con ella por la dha amistad'. However, Córdoba does not seem to have suffered any repercussions from the Madrid authorities for the affair. Both in 1704 and 1710 he was commissioned by the king to go to Cartagena on royal business. The first time, he was to inspect some ships bound for Honduras and suspected of carrying contraband goods. However, it does not seem like he went, as his name is in the libro de acuerdos for all the sessions of 1704 and of the spring of 1705. The second time he did go, leaving Santa Fe on 3 September 1710. This time his reason for going to Cartagena was the risk of enemy attacks on the city. Córdoba returned to Santa Fe in mid-June 1711. In 1710, he had specifically been ordered to continue as president of Santa Fe until Meneses arrived, despite the fact that his term might run out earlier. This was due to the problems his successor encountered when looking for suitable transport to New Granada. Córdoba left Santa Fe soon after Meneses' arrival, but seems to have stayed in Cartagena for quite some time. In 1715, governor Badillo of Cartagena informed the king that Córdoba and the Marquis of Nevaes, ex-governor of Popayán, had left on an English navy ship with the intention of returning to Spain. The ship had arrived in Cartagena in April 1715, damaged by bad weather, and had been granted permission to stay in the port to carry out repairs and buy provisions. After the ship had left for Jamaica from where it intended to continue to Europe, Badillo had realised that Córdoba and Nevaes had left on the ship, taking all their belongings. The Marquis of Nevaes later tried to return from Jamaica to Santa Marta, but was robbed by the English crew of the ship on which he travelled who left him in the port of Tolú, from where managed to get to Mompo. Córdoba for his part must have reached Madrid, where he died in 1720.

#### Sources

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**Flórez de Acuña, Martín Gerónimo**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Protector de indios	1696, August 3	1696, August 3	1717	Removed from office

**Born**

America: Santa Fe de Bogotá, 19 September 1666

**Education**

Colegial in the Colegio del Rosario. Obtained his bachelor's, licenciante and *maestría de artes y cánones* at the University of Santo Tomás of Santa Fe.

**Career**

By título of 27 January 1687 he was given the corregimiento of Guatavita, and on 30 March 1691 he moved on to serve as *escribano de cámara y de gobernación* of the audiencia of Santa Fe. President Cabrera chose him to serve the post as fiscal of the audiencia and other tribunals in the cases where the holder was absent, on 29 January 1696. On 3 August that same year, he was appointed *protector fiscal de los naturales del Reino*, an appointment which was confirmed by Reales Cédulas of 23 September 1700 and 18 June 1702. On several occasions he was appointed interim fiscal, such as when Cabrera went to Cartagena in 1697, and later on 21 October 1702, 14 August 1703, and lastly on 1 September 1707, when President Córdoba appointed him as fiscal of the audiencia for as long as Pedro de Sarmiento was suspended from office. In 1703, the king gave him an appointment as relator of the audiencia, and on 24 March 1714, he was again appointed protector de indios on President Meneses' recommendation.

**Wife**

Bárbara Vanegas y Cifuentes. They were married in 1685.

**Children**

In 1721, it was claimed that he had ten children, three of whom were daughters ready to 'tomar estado'.

- Francisco. Alguacil mayor of the audiencia of Santa Fe, married Ignacia de Subia on 28 January 1714.
- Bernardo Antonio, born 24 April 1689. Escribano de cámara of the audiencia of Santa Fe and *escribano mayor de la gobernación del Nuevo Reino*, married Isabel de Olarte.
- Pedro, priest
- Miguel, priest
- José Ignacio, priest and rector of the Colegio del Rosario
- Antonio Tomás
- Petronila
- Josefa Ignacia

**Other**

Son of the genealogist Juan Flórez de Ocáriz. On 29 July 1718 Antonio de la Pedrosa exiled him and his children to Ibagué, Tocima and Purificación for his part in the overthrow of President Meneses. From 10 August that year and for at least two months he stayed in a cell of the Convent of Santo Domingo of Ibagué. In 1721, the Council of the Indies was debating whether to confirm an annual pension of 150 pesos given his wife by the audiencia of Santa Fe on 6 November 1716 in view of the family's poverty. He must have returned to his office in the audiencia of Santa Fe at some point, because he retired as relator of the audiencia on 29 July 1747, and died in Santa Fe in April the following year.

**Sources**

AGI Santa Fe 263, Consulta of 5 April 1721; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 447-450; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, pp. 374-375.

**Garcés de los Fayos, Juan**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1683 or 1684	1684, December 16	1690, autumn	Promotion

**Born**

Spain: possibly Cabanillas de Guadalajara, Toledo, c. 1642

**Education**

Licentiate from the University of Alcalá de Henares, where he was elected a member of the Colegio de San Phelipe y Santiago on 25 September 1661. He obtained the title of bachelor at the facultad de cánones on 19 April 1663 and three years later was awarded the degree of licentiate at the same faculty.

**Career**

Admitted to the practice of law before the Royal Councils. Received his first appointment in America as fiscal of Santo Domingo, an office he took up on 4 September 1675. In May 1680 he was promoted to oidor of the same audiencia. By 1683, he was senior oidor of Santo Domingo. Due to illness he was absent from audiencia sessions from 25 May to 9 June that year. From Santo Domingo he was promoted to oidor of the audiencia of Santa Fe. President Francisco Castillo de la Concha appointed him *Juez General de Bienes de Difuntos* of Santa Fe, and he took up office on 1 January 1685. He was also given the post of *Asesor General del Santo Tribunal de la Cruzada* when Sebastián de Velasco, who held the post, as senior oidor became interim president upon Castillo's death. By título of 12 or 17 February 1690 he was promoted again, this time to oidor of the audiencia of Mexico. He was also ordered to carry out a visita of Panama on his way to take up office in Mexico.



**Wife**

Magdalena Dávila Orejón, daughter of a distinguished military who served as governor of Venezuela and Cuba.

**Children**

Eleven. Two of his sons, Juan Vicente and Francisco, presented 'información de nobleza' to obtain *becas reales* in the Colegio del Rosario of Santa Fe in 1690.

**Other**

Garcés had connections in Santa Fe at the time of his arrival, as he was related to Archbishop Antonio Sanz Lozano, who left him some property in the city when he died in 1688, on account of the oidor's poverty and large family. In 1687, a letter from the cabildo of Santa Fe praised the swift results obtained by oidor Garcés in carrying out an assignment to boast the contents of the royal treasury. In the aftermath of the investigation into President Cabrera and oidor Rocha's proceedings in the late 1680s and early 1690s, he and his colleague oidor Dicastillo were accused of having carried out contraband trade in Santa Fe. However, they were never prosecuted as the Council of the Indies judged the case impossible to prove. By cédula of 16 January 1690, Garcés was put in charge of oidor Dicastillo's residencia. The order arrived in Santa Fe on 19 July that same year, and it only took Garcés until 24 August to reach the conclusion that there had not 'resultado de [la residencia] culpa alguna de poder hacer cargo al dho señor Francisco López de Dicastillo'. Garcés left Santa Fe for Cartagena in mid-October 1690, and from there he was to continue to Mexico. However, he was still in Cartagena a year and a half later. While there, he was appointed visitador of Panama, a task he welcomed as it would postpone the long journey to Mexico with his large family. By 18 August 1692 Garcés was in Mexico, but had not taken up office. It seems he never did, but died on his way to Mexico City. He had died by January 1696.

**Sources**

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**Grillo y Rangel, Bartolomé**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1706, December 17	1707	1712, autumn	Death

**Born**

America: Panama, c. 1661

**Education**

Licentiate from the University of San Marcos in Lima, where he was a member of the Colegio of San Martín. Obtained a bachelor's degree there in 1665. In 1677 he was admitted to practice law before the audiencia of Lima, and in 1678 before that of Panama.

**Career**

Began serving as relator of the audiencia of Panama in 1681, 'and for several years discharged a number of temporary and local positions, including that of legal advisor and judge for military affairs to the governor.' He also held a position on the cabildo of Panama. In 1689 the governor named Grillo fiscal for the asiento de negros. He also served as acting judge for the audiencia on occasion. He bought the post of fiscal of the audiencia of Panama at 1 500 doblones, and was appointed by decree of 8 April 1695 in which he received special dispensation for being a native of the city. A decade later, on 26 November 1705, a cédula was issued ordering him to go to Santa Fe de Bogotá *en depósito* because he was a native son with relatives in Panama. The president and oidores of Santa Fe were informed that Grillo was being moved from his home town to Santa Fe while waiting to be promoted to another audiencia, that he had been found not guilty of certain unspecified accusations, and that while in Santa Fe he would be paid the salary of oidor. Five months later, in April 1706, oidor-elect of the audiencia of Santa Fe, Fernando de Araujo, died in Spain and Grillo was chosen to replace him.

**Wife**

María Rosa de Vargas Machuca, daughter of Pedro de Vargas, alguacil mayor of Santa Fe, and María González. They had a relationship and even a child long before they were married, which did not happen until after May 1709. Their affair caused scandal in Santa Fe society and led the archbishop to write Madrid asking for royal intervention. However, the letter did not arrive the Council of the Indies until after Grillo's death, and the case was therefore dismissed. María Rosa made her will in Santa Fe in 1755.

**Children**

Bartolomé, who died early, and Mariana, who was still living in 1755.

**Other**

While in Panama in the late 1680s, he was involved in the audiencia's efforts to curb contraband trade in Portobelo, and he actively helped defend the city from pirates. Grillo was in Spain in the mid-1690s when he purchased his appointment as fiscal of Panama. He served in Bogotá from 1707 until his death in the autumn of 1712. The last



Acuerdo session he attended was that of 27 June 1712.

**Sources**

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**Gutierrez de Arce y González de la Puebla, Juan**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1712, November 25	1719, January 9	1724, May 17	Promotion

**Born**

Spain: the mountains of Burgos, c. 1678

**Education**

Licentiate from the faculty of laws of the Colegio de San Ildefonso of the University of Alcalá de Henares on 4 September 1698.

**Career**

Admitted to practice law before the Royal Councils in 1703. On 4 January 1709 he was given a *futura* to the post of *agente fiscal de la Cruzada*, 'con ausencias y enfermedades del propietario', but he seems to have held a post as attorney of the Consejo de la Cruzada for some six or seven years before that. On 12 August 1712 he was appointed *teniente general y auditor de la gente de guerra* of Cartagena de Indias for five years 'en atención a su mérito, títulos y actos literarios' to replace José Francisco de Madrigal. By consulta of 30 October that same year, he was given a *futura* to one of the audiencias of Quito or Santa Fe for when his term as *teniente* was up. Immediately after his arrival in New Granada, Grillo's death produced a *vacante* in the audiencia of Santa Fe, but although it was decided that Arce was to replace him by consulta of 30 October 1714 he remained in Cartagena until his term as *teniente* was up. Although he was given seniority as *oidor* during this time, his request to be paid the salary of an *oidor* was denied and he only received that of *teniente*. In 1723 he was promoted to *alcalde del crimen* of the audiencia of Lima, where he also held the post of *juez de provincia*, and he later became *oidor* of the same. His *residencia* as *oidor* of Santa Fe was taken between 1731 and 1743 by José de Quintana y Acevedo.

**Wife**

Francisca Badillo Monrreal y Cruzatt, born in Barcelona, Spain, daughter of governor Gerónimo Badillo of Cartagena. They were married in 1717 or 1718.

**Other**

Caballero of Santiago from 1738. Belonged to the Consejo de Su Magestad. He went to America by licence of 2 July 1713, and was allowed to bring three *criados* and 'los ropas y libros de su uso'. He travelled in the same fleet of ships as Governor Gerónimo de Badillo and bishop Antonio María Casiani, which arrived Cartagena at the end of August 1713. He was granted permission to pay the tax of the *media anata* in Cartagena, as he had no money to do it in Spain. In 1715, he was also granted permission to pay the *media anata* corresponding to his appointment as *oidor* of Santa Fe in that city. He went to Cartagena already having been given the responsibility for the *residencia* of Governor José de Zúñiga y la Cerda, although it was not to be carried out without the presence of viceroy-elect of Peru, the Príncipe de Santo Buono. While *teniente* in Cartagena, he was also in charge of the *residencia* of the Marqués de Quintana de las Torres, governor of Santa Marta. In addition, he was in charge of the investigation into the Mompox rebellion and was involved as legal advisor in the conflict between Governor Badillo and Bishop Casiani. He received much praise from his future father-in-law for his conduct in office. Badillo claimed that he did not know 'ministro en quien más experimentadas tenga las circunstancias de desinterés, celo a el Real servicio y buena conducta'. In 1716 he was granted a licence to marry a native of New Granada or daughter of Spanish parents who were serving office in New Granada. He was then ready to go to Santa Fe and 'resuelto a casarse aunque su falta de medios por la cortedad de sueldos que ha gozado, gastos ocasionados de viajes y media anata, pudieran ser impulso a buscar y solicitar en persona natural y arraygada en aquellas Provincias, las combeniencias de que carece; todavía pesando más en su estimación la independenciam y libertad de aderecias con las familias naturales que pudieran hacer sospechosa su integridad y privarle de la esperanza de poder con el tiempo restituirse a España'. The Council of the Indies considered that he had quite legitimate reasons for asking such a licence and recommended that he not have to pay for it. Arce became senior *oidor* of the audiencia of Santa Fe only six months after taking up office, upon Luis Antonio de Losada's death. As *oidor* of Santa Fe, he was commissioned to take the *residencia* of President Meneses by Real Cédula of 27 February 1722, but declined the assignment because of the past conflicts between his father-in-law and the Meneses. By another cédula dated 11 December 1722 he was put in charge of evaluating the finances of the Colegio del Rosario. In 1723 he and his wife were granted a licence to come to Spain for two years. As his wife had lost her mother and two sisters in America and he had lost his parents and two sisters in Spain, and they both suffered health problems in America, they wanted to come to Spain 'al recobro de su salud gozando del clima nativo'. Also, Arce wanted to take care of the heritage left by his parents and 'ajustar sus dependencias y peticiones con los demás hermanos'. However, it does not seem like they made the journey. In July 1724, Arce left Santa Fe for Lima with his wife and family, and spent long periods in Cartagena and Panama waiting for suitable transportation. When in 1729 he asked to be paid for the time he spent travelling from Santa Fe to Lima -as he was- he said nothing of having been to Spain. Arce died on 20 July 1747 while still serving on the audiencia of Lima.



**Sources**

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**Isunza y Eguiluz, Bernardino Angel**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1689, October 23	1690, October	1704, autumn	Called to Spain

**Born**

Spain: Vitoria, c. 1660

**Education**

Obtained a bachelor's degree in canon law at the University of Salamanca on 20 April 1680. He passed the exams to become a colegial of the Colegio Mayor de San Bartolomé of the same university in 1681, and was accepted as a member on 17 October 1683. In 1689 he claimed to have twenty years of 'estudios mayores' behind him.

**Career**

Appointed oidor of Santa Fe by consulta of 18 October 1689 to replace Francisco López de Dicastillo. He does not seem to have bought the post. In 1700 he was sent to Cartagena to investigate the French attack on the city in 1697 by royal order of 21 May 1699. By 1711 he lived in his native Vitoria and attended audiencia sessions there. He never returned to New Granada, and lost his post as oidor of the audiencia of Santa Fe in 1714.

**Wife**

He was not married while in Santa Fe but had a mistress there, María Teresa de Orgaz, whom he allegedly 'trataba de la misma manera que si fuese mujer propia'. She was of much lower social status than Isunza, and their relationship became quite a scandal in the city in the late 1690s. It reached climax when President Cabrera and Archbishop Ignacio de Urbina hid the lady in the Convent of Santa Clara from where Isunza helped her escape on 21 March 1699. In 1700 Isunza brought her with him to the Caribbean coast, and there are indications that they may have married in Santa Marta. However, she did not travel with him to Spain, as she made her will in Santa Fe in 1704. Isunza then (re)married in his home town of Vitoria some time between 1705 and 1711.

**Other**

Caballero of Santiago. Isunza went to America with two criados by licence of 24 January 1690. There, he immediately became good friend with his colleague, oidor Francisco José Merlo de la Fuente. While in Santa Fe, Isunza was given several special assignments, including accompanying President Cabrera to Cartagena in 1698 in the aftermath of the French attack on the city. Upon his return to Santa Fe, Archbishop Urbina informed the Council of the Indies of the scandal surrounding the oidor's affair with María Teresa de Orgaz by letter of 31 March 1700, but the news did not reach Madrid until June 1701, too late to prevent Isunza's appointment as investigator into the fall of Cartagena. At the same time he was granted a licence to come to Spain for five years to take care of his late parents' affairs and 'dar estado a tres hermanas', keeping half his salary as oidor during this time. Isunza left Santa Fe in October 1700, taking Orgaz with him, and arrived Cartagena a month later. He did not carry out the assignment to the Council of the Indies' satisfaction, as it complained that in the two years that he was in charge of the investigation it did not advance at all. By cédula of 22 June 1703, Governor Pimienta of Cartagena was ordered to send Isunza directly to Spain once he had completed his investigation, to explain the Orgaz-affair before the Council of the Indies. When informed of the order, Isunza went to Santa Marta with his girlfriend, pretending it was for the investigation he was carrying out. He was eventually given a two month period in which to finish the investigation and to send or bring the reports to Spain, using the licence which he already held. Isunza arrived in French Por Luis on 2 November 1704 and informed the Council of it by a letter written in Nantes on the 26th of the same month. From France he seems to have gone to Vitoria, from where he tried to obtain a post as *alcalde de casa y corte* in the spring of 1707, but the Council would not give it to him until all his pending affairs in New Granada were sorted out. He also tried to get an extension to his licence until galleons again departed for Tierra Firme, but it was not granted. However, in 1710 he was still in Spain, and the Council ordered him to return to New Granada immediately and the audiencia of Santa Fe to stop paying him the half salary. The following year Isunza was called to Madrid on four charges relating to his time in Santa Fe and his possessions were embargoed. Three of the accusations concerned missing reports from accounts Isunza had been in charge of while oidor, and the fourth his alleged abduction from the convent of María Teresa de Orgaz. He managed to convince the Council that the reports were missing through no fault of his but because of the poor communications between Santa Fe and Madrid. As for the fourth, it was ruled that Orgaz left the convent voluntarily and therefore no abduction had taken place to blame Isunza for. Also, as he had married in Spain, he was considered to have made up for his mistake. Thus, he was duly absolved of all charges (on the one condition that the Orgaz-case could be re-opened if new information appeared) in the Council of the Indies on 11 August, 18 September and 3 October 1711, told that he could return to Vitoria and given back his belongings. However, it was considered best that he not return to Santa Fe, and an effort would be made to find a post for him in the peninsula.



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**Laysequilla y Palacios y Aguilar, José de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1719, April 16	1720, November	1722, summer	Promotion

**Born**

Spain: Madrid, c. 1677

**Education**

He held a licentiate, but the university which conferred his degree is not known.

**Career**

Admitted to practice law before the Royal Councils in 1698. Appointed oidor of the audiencia of Santo Domingo by título of 22 November 1704 and promoted to the same post in Quito by cédula of 30 December 1708. Took up office in Quito between December 1709 and October 1712. He served there until the audiencia's suppression in 1718. While there, he was put in charge of the residencia of the Marquis of Villarocha, president of Panama. Remained in Quito executing commissions for the government until appointed oidor of Santa Fe to replace Gaspar Pérez Buelta. On 23 September 1723 he was promoted to fiscal of the Council of the Indies for the Secretariat of Peru in Madrid, and in 1727 he was made minister of the same. He died as the senior *ministro togado* of the Council of the Indies.

**Other**

Caballero of Santiago from 1728. He lived in Vigo when appointed oidor of Santo Domingo, and went to America with one criado by licence of 12 November 1705. On 20 July 1710, Laysequilla was still in Santo Domingo but had received the news of his promotion to Quito. He was paid for the time he took to travel from Santo Domingo to Quito, which was an exception from the normal rules stating that an oidor be paid from the day he took up office in an audiencia. In July 1721 he was granted a licence to come to Spain for two years. His parents had died, and in 1719 his only brother, Juan, died, too, leaving three sisters, two of whom -a widow and an unmarried girl- had been dependent upon Juan. José therefore had important business to take care of in Spain. He left Santa Fe for Spain in July 1722, but stayed in Cartagena, where he was in August of that year, while carrying out an assignment given him by Viceroy Villalonga on 22 July 1722. In 1723, oidor Lozano was put in charge of his residencia as oidor of Santa Fe, a case which lasted until 1731. Laysequilla was in Spain by December 1723, when three slaves he had brought with him from Cartagena shortly before were given their freedom and permission to return to their home town. He himself never returned to his post in Santa Fe, but stayed in Madrid where he died on 18 September 1755.

**Sources**

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**López de Dicastillo, Francisco**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1684, March 27	1685	1690	Promotion

**Born**

Spain: Vizcaya, 1652

**Education**

Graduated as bachelor of the faculty of canons of the University of Alcalá de Henares on 23 May 1673 and obtained his licentiate at the same faculty exactly a month later. On 16 August that same year he was taken up as a member of the Colegio de Santa Catalina de los Verdes of the University of Alcalá de Henares.

**Career**

Took up office as oidor of Santo Domingo on 9 January 1683. In May and June that year senior oidor Juan Garcés de los Fayos' illness forced Dicastillo to be in charge of all audiencia business as there were only two oidores in Santo Domingo at that time. He 'resultó sin culpa alguna' in his residencia at the end of his term as oidor of Santo Domingo. From his post in Santa Fe he was promoted to fiscal of Lima in 1690. By cédula of 9 August 1701 he was appointed president of Quito, where he took up office on 28 August 1703. However, he soon renounced the job after a turbulent time in office and returned to Lima. According to Andrien, he did not exactly contribute to keeping Quito peaceful, but was 'an ambitious but arrogant leader, whose actions only worsened the existing political divisions in the court'. In 1705 he was given a seat on the Council of the Indies, but died in Puebla de los Angeles on his way to Spain.



**Wife**

Luisa Obaio from Spain, who in July 1682 was described as being '40 años de buen cuerpo, blanca picada de viruelas'.

**Children**

José de Ugarte, who in July 1682 was '13 años, quebrado de color, de pelo negro'; and Francisco de Dicastillo, who at the same time was '3 años, blanco y rubio'.

**Other**

Caballero of Calatrava. He went to America with his wife, two children and four criados by licence of 8 July 1682. By cédula of 28 June 1684 he was commissioned to investigate the proceedings of fiscal Fernando de Prado, an assignment he finished in December 1688. In the aftermath of the investigation into President Cabrera and oidor Rocha's proceedings in the late 1680s and early 1690s, he and his colleague oidor Garcés were accused of having carried out contraband trade in Santa Fe. However, they were never prosecuted as the Council of the Indies judged the case impossible to prove. By cédula of 16 January 1690 oidor Juan Garcés de los Fayos was put in charge of Dicastillo's residencia. The order arrived in Santa Fe on 19 July that same year, and it only took Garcés until 24 August to reach the conclusion that there had not 'resultado de [la residencia] culpa alguna de poder hacer cargo al dho señor Francisco López de Dicastillo'. Dicastillo still had not left for Lima in May 1691, allegedly because the weather made the roads impossible to travel.

**Sources**

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## Losada y Sotomayor, Luis Antonio de

Post	Título	Possession	Departure	Reason
Oidor	1700, March 30	1701, January 15	1719, July 2	Death

**Born**

Spain/Lima

**Education**

Studied at the Seminary of Santo Toribio in Lima before going to Spain, where he registered at the University of Salamanca on 24 November 1681. Obtained a bachelor's degree from the University of Santiago in 1687, and returned to Salamanca on 31 October 1690 after having been elected a member of the Colegio Mayor del Arzobispo there on 23 August that year. He stayed in Salamanca until he was appointed oidor of the audiencia of Santa Fe.

**Career**

Was considered for a post on the audiencia of Guatemala in 1699, but was instead given one in Santa Fe by consulta of 16 September 1699. In 1703 and 1704 he was several times considered for an appointment to the audiencia of Charcas, and was finally promoted by consulta of 2 September 1704. However, in the end he never left Santa Fe as 'se admitió la excusa que por su parte se dió para ir a servir'. Upon the establishment of the viceroyalty of New Granada in 1717, his place on the audiencia of Santa Fe was confirmed.

**Wife**

Teresa Margarita Cabrera, daughter of President Gil de Cabrera and widow of oidor Francisco José Merlo de la Fuente. They were married in the Las Nieves church of Santa Fe on 9 April 1710. She made a will in 1725.

**Children**

Miguel, Juana María and Diego.

**Other**

Burkholder and Chandler claim he was born in Spain but emigrated to Peru as a youth, whereas Restrepo Sáenz claims he was born in Lima. He went to America to take up office in Santa Fe by Real Cédula of 30 March and licence of 8 June 1700. He went without criado, as he had none. He was prosecuted in 1711 for having married without the required royal licence, but seems to have suffered no consequences. He suffered from ill health and was frequently absent from audiencia sessions, as for instance when President Meneses was overthrown. Because he was in Mariquita at the time, he was excepted from any blame. He probably presided over the audiencia as senior oidor in 1716 and 1717, after Meneses' arrest and before the arrival of interim president Archbishop Francisco del Rincón. Died in el Espinal on 2 July 1719 'en cura de su enfermedad'. In 1722, the Council of the Indies agreed to refund his widow the cost of Losada's funeral.

**Sources**

AGI Santa Fe 263, Consultas of 4 Nov. 1718 and 14 July 1723; AGI Santa Fe 418, Títulos, grados, y otros actos hechos por Don Luis Antonio de Lossada, 8 April 1699; AGI Contratación 5460, N.1, R.30, Expediente de información, licencia de pasajero y título de oidor of Luis Antonio de Losada; AGI Escribanía 818A, Sobre el casamiento que contrajo sin licencia Luis Antonio Losada con Teresa Cabrera; AGN Real Audiencia -Cundinamarca, tomo 3, ff. 1-247, Libro de Acuerdos de la Real Audiencia de 1697 a 1705; AHN Consejos 21554, Minuta of 10 July 1711; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, pp. 188-189; Colmenares, 'Factores de la vida política colonial', p. 402; Ortiz, *Real Audiencia y Presidentes*, p. 347; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 327-328; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, p. 145.



**Lozano de Peralta, Jorge Miguel**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1719, March 23	1722, January	1731, May 30	Retirement

**Born**

Spain: Tarazona, Cuenca, c. 1655

**Education**

Licentiate from the University of Alcalá de Henares. He attended courses there at both faculties of canon and civil law, and graduated as bachelor on 1 April 1687.

**Career**

He served as an articled clerk, probably at the University of Alcalá, from 1690 until he was appointed governor of Puertos Secos de la ciudad de Chinchilla in March 1695. He served the post for two years, and then exercised as an attorney until 1699. In 1701, he became corregidor of the city of Alcalá de Henares and responsible for the 'conservaduría de Rentas Reales y otros encargos del Real Servicio'. Four years later, by título of 4 March 1705, he received his first American appointment as oidor of the audiencia of Santo Domingo to replace Fernando de Araujo y Rivera who had been promoted to the audiencia of Santa Fe. While oidor of Santo Domingo, he carried out assignments and investigations in Cuba, Puerto Rico and other places, and in 1713 he was put in charge of imprisoning the governor of Caracas. When Lozano was promoted to Santa Fe, it was to replace José de Alzamora who had been appointed but never served. In 1730 the Council of the Indies decided to move Lozano to another audiencia, but the decision was changed and he was instead granted retirement.

**Wife**

Francisca Bernarda Varáez y Molinet. They were married in the parish of San Martín in Madrid some time before March 1705. She died in Santo Domingo in 1712.

**Children**

José Antonio, born in Seville in December 1705 while his parents prepared to go to America. In 1729, against his father's will, he married María Josefa de Caicedo y Villacis, baptised in Santa Fe on 4 November 1710, heir to the lucrative *mayorazgo* of the *dehesa* of Bogotá. Known as 'El Novillero' and covering some 45 000 hectares, the land served as a collection point for cattle brought from the Magdalena Valley from the end of the seventeenth century onwards and was to constitute the Lozano family's fortune in the eighteenth century. Thus, José Antonio and María Josefa's eldest son, Jorge Miguel, born 1731, inherited the entailed estate and later became the first marquis of San Jorge de Bogotá. They had at least one other child, Josefa Joaquina, who married José Joaquín Flórez y Subia (born 13 June 1731), Martín Gerónimo Flórez's grandson.

**Other**

He went to America by cédula of 18 May 1705 and licence of 20 February 1706 with 'la ropa de su uso y los libros de su estudio', two criados, his wife, their young son, a slave whom he had bought to take care of the child and her four month old son. It seems that they travelled on the same ship as future archbishop of Santa Fe, Francisco del Rincón. While at sea in May 1706, they were attacked by Dutch corsairs and all their belongings robbed. Lozano seems to have stayed in Santo Domingo until he set out for Santa Fe to take up office as oidor there. He did so in the company of colleague José de Laysequilla, but while the latter went straight to Santa Fe, Lozano and his son stayed in Caracas for two years before finally going to take up office. Despite the fact that he was paid during the whole journey, Lozano complained that to be able to travel from Santo Domingo he had had to sell much of his goods and all his slaves. Shortly after arriving in Santa Fe, by cédulas of 26 February 1722 and 18 July 1724, he was put in charge of taking the residencias of President Meneses, oidores Aramburu, Yepes and Losada, interim president Rincón and Antonio de la Pedrosa. He completed the task in 1731. In several letters throughout 1729, President Antonio Manso Maldonado and the cabildo secular of Santa Fe complained about Lozano's proceedings, claiming that the 'regidores hicieron dejación de sus empleos motivados de la intrepidez de este ministro, añadiendo el presidente ser inexplicable las ocasiones que dho oidor inventa para perturbar la Paz y Unión en que deben estar los tribunales'. On 21 September 1729 his colleagues in the audiencia suspended him from office because of his son marrying a native of Santa Fe without the required licence, despite the fact that Lozano claimed to be against the marriage. The Council of the Indies' initial decision to move him to another audiencia was changed when a request from Lozano to retire arrived in 1730. With his 75 years, he suffered 'muy quebrantada salud a causa de una suma debilidad en las piernas que le privan de asistir a su empleo, algunos días, y que de ejecutar cualquier viaje para otra audiencia es manifiesto el peligro a que se expone de perder la vida'. In 1731 he was therefore allowed to retire with full salary, to be paid from the day he was first suspended from office after his son's marriage. However, despite being retired, he was commissioned to take the residencia of governor José de Andía of Santa Marta in November of 1733. He left Santa Fe on 9 January 1734 and carried out the assignment between 20 May and 20 July of that year. Lozano died in Santa Marta in December 1734, having made a will in Santa Fe on 31 January 1733.

**Sources**

AGI Santa Fe 263, Consultas of 12 Jan. 1719, 8 July 1729, 1 Aug. 1730 and 14 April 1731; AGI Contratación 5462, N.1, Exp. de información y licencia de pasajero de Jorge Lozano de Peralta, 20 Feb. 1706; AGI Contratación 5791, L.1, F.108v-110, título of Jorge Lozano de Peralta, 4 March 1705; AGI Escribanía 798A, B and C, Residencias of Francisco de Meneses, Vicente de Aramburu, Mateo de Yepes, Luis Antonio de Losada, Francisco del Rincón, and Antonio de la Pedrosa; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, p. 189; Colmenares, 'Factores de la vida política colonial', p. 410; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 347-348; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, pp. 161-162.



**Martínez Malo, José Joaquín**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1720, November 26	1721, October 13	1740, July 2	Promotion

**Born**

Spain: Aragón, c. 1680

**Education**

Obtained a licentiate in canon and civil law from the University of Valladolid in 1701, having started his studies there in 1697. Became a member of the colegio mayor de Santa Cruz de Valladolid in 1704.

**Career**

In 1720 he was still *colegial huésped* in the Colegio de Santa Cruz de Valladolid, where he held a professorial chair. Appointed oidor of Santa Fe by consulta of 29 August 1720 to replace Fernando Sierra Osorio who was promoted to fiscal of Lima and never served in Santa Fe. However, already in January 1719 the Council of the Indies had nominated him in first place to a post as oidor of Santa Fe, but on that occasion José de Laysequilla obtained the appointment. Martínez Malo served in New Granada until promoted to oidor of Panama by cédula of 20 August 1739.

**Other**

Was granted permission to pay the *media anata* in America, in view of the poverty 'con que se halla su casa a causa de haber sido saqueada por los enemigos en las dos ocasiones que transitaron por su lugar antes y después de la Batalla de Villaviciosa', presumably during the War of Succession. He became senior oidor of the audiencia of Santa Fe and as such presided over the tribunal for a period from President Antonio Manso Maldonado left at the beginning of 1731 until Rafael de Eslava arrived in May 1733. He had probably received the news of his promotion when he officially left his post as oidor of Santa Fe. However, by then he had already been absent from acuerdo sessions for two years due to ill health, which also prevented him from going to Panama. He died in Santa Fe on 28 September 1741.

**Sources**

AGI Santa Fe 263, Consultas of 12 Jan. 1719, and 29 Aug. and 5 Nov. 1720; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, p. 204; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 342-343.

**Medina, Francisco de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1707, July 26	Late 1707 or 1708	1710, autumn	Death

**Born**

Spain: Tenerife, c. 1649

**Education**

Bachelor in civil law from the University of Valladolid in 1669.

**Career**

Admitted to practice law before the Royal Councils in 1669. Appointed deputy for La Palma by the corregidor of Tenerife and La Palma on 8 November 1669 and also *juez superintendente* of New World trade in the Canaries. Regidor of Tenerife in 1669. Later, he worked as an attorney for the prisoners of the Inquisition. He was appointed oidor of Panama on 8 April 1690 and took up office on 6 April 1693. After a troubled two years in office he was suspended on the grounds of poor health and on suspicion of misuse of office. He remained retired from 1695 until he was appointed oidor of Santa Fe by consulta of 4 July 1707.

**Wife**

Anastasia de Anchetta y Ayala, daughter of Agustín Esteban Anchetta Snaru y Mederos and Ana Pimentel Carrasco y Ayala, one of the most distinguished families on the island of Tenerife.

**Children**

José, who had died by 1710, and Layla or Olalla, who married the capitán de caballos Joaquín de Palacio Laysequilla del Hoyo and lived in Tenerife.

**Other**

Son of Lorenzo de Medina and Catalina Fernández de Montiel y Figueroa. Belonged to the Consejo de Su Magestad. While in Santa Fe, he served as *juez general del juzgado de bienes de difuntos* and consultor of the Holy Office. He made his will on 29 August 1710 and probably died shortly after.

**Sources**

AGS, *Catálogo XX*, pp. 430; Burkholder and Chandler, *Biographical Dictionary*, p. 207; ICCH, *Indices de dotes, mortuarios y testamentos*, p. 270; Restrepo Sáenz, *Biografías de los mandatorios*, p. 333.

**Meneses Bravo de Saravia, Francisco de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
President	1707, September 28	1712, February 4	1715, September 25	Overthrown

**Born**

America: Chile c. 1669

**Career**

In 1706 he had served the king for more than twenty years 'executados con los puestos de capitán de infantería, y teniente de Capitán general del virrey del Perú, y que habiéndose embarcado en este tiempo de aventurero a su costa en la Armada del Mar del Sur, se halló el año de 1686 en el reencuentro que se tuvo con el enemigo pirata que



infestaba aquellos mares'. He was appointed governor of Trinidad y la Guayana in 1689, while in Spain, and went to America by licence of 27 January 1690. He served the post until 1696, when he moved on to become corregidor of Riobamba in the jurisdiction of the audiencia of Quito. Meneses returned to Spain around 1700 and by 1706 was trying to obtain a future appointment as president of Santa Fe. He was given it for 'sus servicios' and 4 000 pesos.

#### Wife

Mencía Rosa Duque de Estrada. She seems to have stayed behind in Riobamba.

#### Other

Son of Francisco de Meneses, governor of Chile and infamous for his 'carácter turbulento', and Catalina Bravo de Saravia. Grandson of the Marquis of la Pica. He went with his parents while still young to Peru, where he went to school and briefly seems to have tried for a career in the bureaucracy before deciding on a military career. He was in France in 1710 and 1711, where he contracted debts which his creditors still tried to recover years after his death. Throughout 1710, he tried to convince the Council of the Indies to let him travel to America in a French ship, which, as a Spanish subject, he was prohibited from doing. He had initially been allowed to do so, but when already in France waiting for suitable transport, he was called back to Spain and ordered to travel in a Spanish ship. Meneses was worried that the holder of the second futura to the post of president of Santa Fe, the Marquis of San Miguel de la Vega, who was in America, would 'quitarle la plaza', but the Council reassured him in October 1710 by prolonging his permitted journey time and ordering Córdoba to stay in Santa Fe until Meneses arrived. However, a cédula issued on 21 January 1711 eventually allowed him to travel in a French ship. Another cédula issued less than a month later, on 16 February, granted Meneses another special permission: to 'usar el traje que quisiere en los actos que no fueren de acuerdo y Audiencia', when he would have to wear the traditional outfit. The president-elect was not satisfied with the response, and the following month tried to obtain permission to wear 'traje militar en todas las funciones y asistencias públicas'. He failed as the Council of the Indies maintained its decision. Meneses arrived in Cartagena in the autumn of 1711, where he was welcomed by his friend Governor José de Zúñiga. By late October he was travelling towards Santa Fe, stopping in Mompo to attempt to resolve some of the issues which had arisen with the 1711-rebellion. By February 1712 he had reached the New Granadan capital, where he took up office on the Día de Nra Señora de la Candelaria. After three and a half years in office, he was overthrown and sent a prisoner to Cartagena where he was kept as such for two years, suffering physical and mental health problems. Pedrosa released him upon arriving in the city on 12 September 1717 and sent him back to Spain, giving him 1 000 pesos to cover travel costs as Meneses had been left with absolutely nothing by his enemies. At the time of Meneses' release from prison, he was ill with an 'accidente de quartanas' and was moved to a farm outside Cartagena to await the departure of the navy ship Príncipe de Asturias which was to transport him to Spain. After arriving in the peninsula, he was cleared of any blame in his fall from power in New Granada, although the crown still tried to make him pay the 39 000 pesos he allegedly owed the Quito treasury after his term as corregidor of Riobamba. In October 1723, Meneses was seriously ill in Madrid, where he died later that year.

#### Sources

AGI Santa Fe 262, Consultas of 6 Nov. 1706, 23 Oct. 1710, 30 March 1711 and 9 Dec. 1715; AGI Santa Fe 263, Consultas of 12 Feb. 1722, 11 Oct. 1723, 22 Jan. 1725 and 21 Jan. 1726; AGI Santa Fe 365, José de Zúñiga y la Cerda to Francisco de Meneses, 7 Nov. 1711; AGI Santa Fe 365, Gerónimo Badillo to king, 10 Feb. 1715; AGI Santa Fe 367, Francisco de Meneses to king, n.d.; AGI Santa Fe 367, Francisco de Meneses to Council of the Indies, n.d.; AGI Santa Fe 368, Antonio de la Pedrosa to Miguel Fernández Durán, 21 April 1718; AGI Santa Fe 436, José de Zúñiga y la Cerda to king, 1 March 1712; AGI Santo Domingo 179, various letters from Francisco de Meneses, governor of the Isla de Trinidad, 1693-1696; AGI Escribanía 818 B, Confesión del señor Don Vicente de Aramburu, 2 Jan. 1718, f. 44; AGI Indiferente 432, L.47, ff.128v-129v, Real Cédula, 21 Jan. 1711; AGI Indiferente 432, L.47, ff.166v-167v, Real Cédula, 16 Feb. 1711; AGI Pasajeros L.14, E.69; AGS D.G.T. 13, leg. 10., loose note, n.d.; AGS, *Catálogo XX*, pp. 429; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 32-41.

### Merlo de la Fuente, Francisco José

Post	Título	Possession	Departure	Reason
Oidor	1688, June 24	1690, September 7	1709, spring	Death

#### Born

America: Chuquisaca/Ciudad de la Plata (province of Charcas)

#### Education

Obtained a *beca real* to the Colegio of San Martín in Lima, where he was a member from October 1665 to January 1675. He studied in the faculty of canons and laws and attended courses at the University of San Marcos for five years, from where he obtained his licentiate on 17 June 1673.

#### Career

Admitted to practice law before the audiencia of Lima on 16 August 1673. He then went to Spain where he held the post of *Patrono Real del Fisco de la Cancillería del primado de las Indias* before he was appointed fiscal of Santo Domingo by consulta of 16 February 1684. By consulta of 11 April and título of 21 May 1685 he was promoted to oidor of Panama. It does not seem like he took up any of those offices before he was promoted again to oidor of Santa Fe. On a receipt for having bought a copy of the *Recopilación de leyes de Indias*, dated Cadiz 8 July 1688, he figures as oidor of Santa Fe but on his licence to go to America dated the next day he still figures as oidor of Panama going to Panama. He was originally given a *plaza supernumeraria* of Santa Fe 'con calidad de entrar en la primera del número que vacase'. It does not seem like he bought the post. On 15 February 1691, President Cabrera appointed him *Juez General de bienes de difuntos*. As senior oidor, Merlo served as president of the audiencia while Cabrera and Rocha were suspended, from 10 May 1691 to 10 February 1694. By consulta of the Council of the Indies of 1 October 1703 Merlo was promoted to oidor of Charcas, and preparing to embark on the journey there, he attended his last audiencia



session in Santa Fe on 4 February 1707. However, he had to postpone the journey because his wife fell ill, and eventually suspended it altogether when a cédula dated 20 March 1707 arrived, in which he was given the option of either going to Charcas or staying in Santa Fe while he waited for a vacancy to come up in Lima. The Council's decision was based on a letter from Merlo dated 19 March 1704, in which he asked that he instead be given plaza de oidor or alcalde de corte of Lima in view of his 'méritos, crecida familia and pobreza', as well as on several letters from 1705 from the secular and ecclesiastic cabildos of Santa Fe, the audiencia, president Córdoba and the religious orders, all supporting Merlo and asking that he be allowed to stay in Santa Fe or at least be promoted to 'parte menos remota'. Also, as Merlo's replacement, Francisco José Zúñiga, still had not set out for New Granada, his appointment could easily be changed to one on the audiencia of Charcas. Merlo chose to stay in Santa Fe, re-entered the post of oidor on 7 September 1707 and stayed in it until his death.

#### *Wife*

Teresa Margarita Cabrera, daughter of Gil de Cabrera. They were married on 25 January 1696 'en una Casa de Campo con modestia y sin concursos', after having obtained permission to do so from the audiencia, consisting of oidores Rocha and Isunza, who ruled that 'los contenidos no son comprendidos en las leyes de prohibición'. A widow, Teresa Margarita married oidor Luis Antonio de Losada in 1710. She made a will in 1725.

#### *Children*

Carmelite nuns María Josefa and Gertrudis, Franciscan friars Ignacio and Luis, and Francisca, a nun of Santa Inés.

#### *Other*

Belonged to the Consejo de Su Magestad. He was born into a family with long traditions as officeholders in America. His father was oidor of the audiencia of Charcas, and his grandfather served as the same on the audiencias of Panama and Lima, and founded that of Chile. They had both 'prestado servicios pecuniarios a la Corona en varias ocasiones'. Returned to America with two criados by cédula of 4 June and licence of 9 July 1688 along with Governor Martín de Cevallos y la Cerda of Cartagena. It seems like he spent most of the year 1689 and part of the following one in Cartagena, where he was in charge of the residencia of Governor Juan Pando, and then moved on to Santa Fe in the late summer of 1690. There, he soon made good friend with his colleague, oidor Isunza. In 1694, he suffered serious illness, but recovered. After the birth of his eldest daughter on 21 December 1697, which he attributed to the blessing of Nuestra Señora de Belén, he decided to finance the rebuilding of the Church of Nuestra Señora de Belén. The work was carried out between 1698 and 1700, and the temple was solemnly blessed on Christmas Eve 1700. Merlo also published a book in the late 1690s, recounting incidents from Santa Fe. The book made it clear that he was not on good terms with Archbishop Urbina, according to Merlo because of his efforts to defend the patronato real. He signed a will in Santa Fe on 18 February 1709 and had died by June of that year.

#### *Sources*

AGI Panamá 3, N.204, list of nominees for a post as oidor of the audiencia of Panama, 11 April 1685; AGI Panamá 3, N.218, list of nominees for a post as oidor of the audiencia of Panama, 28 June 1688; AGI Santa Fe 32, R.3, N.4, Francisco José Merlo de la Fuente to king, 4 March 1691; AGI Santa Fe 33, R.5, N.9, Francisco José Merlo de la Fuente to king, 25 Nov. 1696; AGI Santa Fe 34, R.1, N.2, Francisco José Merlo de la Fuente to king, 17 Feb. 1697; AGI Santa Fe 47, R.1, N.1, letters from Francisco José Merlo de la Fuente and Martín de Cevallos y de la Cerda written in Cadiz in June 1688; AGI Santa Fe 47, R.1, N.27, Martín de Cevallos y de la Cerda to king, 28 May 1693; AGI Santa Fe 262, Consultas of 24 Oct. 1703 and 3 March 1707; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 30 Sept. 1694; AGI Contratación 5450, N.67, Expediente de información, licencia de pasajero y título de oidor de Panamá of Francisco José Merlo de la Fuente; AGI Escribanía 621 A, B and C, Residencia of Juan de Pando; AGI Indiferente 130, N.19, Relación de méritos of Francisco José Merlo de la Fuente, 29 Dec. 1674; AGI Pasajeros L.13, E.2682, 2683 and 2684; AGN Real Audiencia -Cundinamarca, tomo 3, ff. 1-247, Libro de Acuerdos de la Real Audiencia de 1697 a 1705; AGN Real Audiencia -Cundinamarca, leg. 10, f. 966, Domingo López de Calos Mondragón to audiencia of Santa Fe, 24 July 1704; AGS D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696; AGS, *Catálogo XX*, p. 430; Ortiz, *Real Audiencia y Presidentes*, pp. 234-235, 240 and 242-243; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 19-22.

### **Pedrosa y Guerrero, Antonio Ignacio de la**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Protector de indios	1684, February 7	1685, March 31	1705 or 1706	

#### *Born*

Spain: probably Andalucía, c. 1660

#### *Education*

Obtained a bachelor's degree from the University of Salamanca in 1681.

#### *Career*

Admitted to practice law before the Royal Councils in 1682. His appointment to the audiencia of Santa Fe was as 'Fiscal protector de los indios y naturales de la Audiencia de Santafé, con facultad de ejercer la fiscalía por ausencia o enfermedad del propietario', and he was given the right to 'traer garnacha como lo trae el fiscal y demás oydores de ella'. He bought the post for 8 000 pesos, and it was given him by royal decree of 18 December 1683. After returning to Spain in the early eighteenth century, he lived in Madrid for a while and was appointed *alcalde de la casa real de la villa y corte*, an office he took up on 13 November 1706. Later he obtained the post of *superintendente general en el reyno de Murcia* in the *Consejo de Hacienda*, and eventually a place on the Council of the Indies. Pedrosa was also in charge of several specific commissions which he carried out to the king's satisfaction. He was chosen to be in charge of establishing the Viceroyalty of New Granada by cédula of 20 May 1717 while serving on the Council of the Indies and with the promise of retaining his place there, and by February 1722 he was again attending its sessions.



**Wife**

María de Pisa, daughter of Andrés de Pisa y Urreamendi and Luisa de Mesa y Bohórquez, who was related to 'la mayor parte de la ciudad y que los mas son encomenderos'. They were married in the autumn of 1685 without having obtained the necessary royal licence, and oidor Juan Garcés de los Fayos served as *padrino* at the wedding. She died in Santa Fe in 1690. Pedrosa re-married in Spain after his return there in the early eighteenth century.

**Children**

Only one son, José, by his first marriage. He was Maestre de Campo and from 1709 corregidor of Chita. From 1724 he held the post of corregidor of the city of Tunja. He married Francisca Angel, daughter of Pedro Angel y Angulo and María de Mesa, prominent vecinos of Tunja. They had five sons and two daughters: Antonio, who went to Spain (see below); Pedro, born in Sogamoso in 1713, who went to Spain but who returned to Santa Fe where he lived in 1755; Cayetano, who was vecino of Tunja in 1754; Bartolomé; and José, Colegial del Rosario in 1743, friar of the order of Santo Domingo. Both their daughters became nuns in the Monasterio de la Concepción in Tunja.

At least one daughter, Angela, by his second marriage. She married Antonio de la Pedrosa y Angel, her half-brother's son. They lived in Madrid and did not have children. It is possible that Antonio as a widower returned to New Granada, as one Antonio de la Pedrosa made a will in Santa Fe in 1765. He was married to Josefa de Rojas y Niño and they had two daughters, Francisca Teresa and María Ana.

**Other**

Señor de la villa de Buxes. Went to America with one servant by licence of 1 September 1684. His brother, Manuel José, also went to Santa Fe, where he married Luisa de Mesa, Antonio's mother-in-law, on the same day that Antonio and María were married. The four were involved in a dispute in 1686-87 after Antonio in the others' absence had Luisa de Mesa's goods embargoed on the pretext that it had all become his upon his marriage to María. Upon Manuel, Luisa and María's return to Santa Fe, President Cabrera had to intervene in the conflict after the three sought refuge in his palace and María asked for the marriage to be annulled. However, the conflict seems to have been resolved, as María upon making her will in April 1690 made her husband and her mother joint executors. In the aftermath of the investigation into president Cabrera and oidor Rocha's proceedings in the late 1680s and early 1690s, Pedrosa was accused of having mines and haciendas and of abusing his office. However, it does not seem like he was ever prosecuted. Pedrosa stayed in New Granada until the early eighteenth century, when he left for Spain shortly after having completed a *visita* of the Popayán treasury in 1705. He returned to America in 1717 in the ship *Príncipe de las Asturias*, having left Spain on 22 July and arriving Cartagena on 12 September. In the evening of 7 June 1718 he arrived in Santa Fe, where he stayed until May 1720. He then went to Cartagena to embark on the journey back to the peninsula, bringing with him his two grandsons Antonio and Pedro whom he was going to raise in Spain. They went via Havana to Cadiz, where they arrived in December 1720. On 6 January 1721 they all arrived in Madrid.

**Sources**

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**Prado y Plaza, Fernando de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Fiscal	1671, February 13	1673, June 25	1693, December 31	Retirement

**Born**

Spain: Valle de Hinojosa, Extremadura, 1628

**Career**

Appointed *teniente de gobernador y auditor de guerra* of Cartagena de Indias on 23 September 1664.

**Wife**

Damiana de Villacorta y Bibanco, from Spain.

**Children**

- Andrés, married, regidor of Santa Fe 1711-1717 and alguacil mayor of the city in 1711.
- Pedro, doctor, *comisario del Santo Oficio*, cura doctrinero de Turmequé.
- María, married to captain Rodrigo de Guzmán Ponce de León.
- Felipe, *cura beneficiado* of Cocuy.
- Ana
- Juana (died c. 1734), married to Jerónimo de Caicedo Maldonado y Floriano (baptised February 1660) of one of the most prominent families in Santa Fe. They had one daughter, María.
- Petronila
- Teresa, who was the only one of Prado's children who was born in America.



**Other**

Son of Fernando Mateo de Prado and María de Tena. Belonged to the Consejo de Su Magestad. He went to America with his wife, seven of their eight children, mother-in-law Sebastiana de San Martín, and one criado by licence of 13 January 1667. After serving in Cartagena for about five years, he moved on to Santa Fe where he attended his first audiencia session on 25 June 1673. Both as teniente and fiscal he was several times accused of misconduct but it doesn't seem like he suffered any repercussions at all. From 1679 to 1681 he was under investigation on charges of carrying out illicit trade through Cartagena and of perverting the course of justice along with two oidores, but was not prosecuted. During the same period he was also involved in a dispute with the treasurers of Santa Fe which led to a cédula of 5 June 1681 ordering him to abstain from exercising as fiscal in cases involving the oficiales reales. Three years later he was again under investigation. A cédula of 28 June 1684 ordered his colleague oidor Dicastillo to investigate Prado's alleged abuse of the office of fiscal. Although he was eventually cleared in December 1688, the investigations took a hard toll on his family. During the four years they lasted, he was exiled to the village of Ubaté where his wife became seriously ill. He also had to send his son-in-law Rodrigo de Guzmán to Madrid to defend him. According to Restrepo Sáenz, the affair ruined him to the extent where he and his family had to 'usar platos de barro para tomar alimentos'. Prado was reinstated in office, but was granted retirement only a few years later. However, he continued attending audiencia sessions throughout the 1690s, at least until 1698, while his successor Pedro de Sarmiento y Huesterlín was carrying out assignments in Popayán. Prado died in Santa Fe on 5 September 1704.

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**Quintana y Acevedo, José de**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1721, April 22	October 13, 1721	1740, July 2	Promotion

**Born**

Spain: Carmona, c. 1690

**Education**

Held a licentiate in canon law from the University of Toledo. Graduated as bachelor in 1709, licentiate in 1714, and in 1716 moved to the University of Alcalá de Henares, where he was a member of the colegio mayor de San Ildefonso until appointed oidor of Santa Fe in 1721.

**Career**

Appointed oidor of the audiencia of Santa Fe by consulta of 4 March to replace Luis Antonio de Losada. He was promoted to oidor of Quito by cédula of 20 August 1739 and took up office there in March 1741. By decree of 10 December 1764 and cédula of 26 January 1765 he was granted retirement.

**Wife**

First wife: Teresa Plasencia y Dueñas, who died in 1733.

Second wife: Josefa Araujo, widow of Antonio González Manrique, president of the audiencia of Santa Fe from 20 August to 1 September 1738.

**Children**

Ignacia, who in 1749 married Juan José de Olais y Echeverría, son of oidor of Quito Esteban de Olais y Aroche, without a licence.

**Other**

Attended acuerdo sessions without interruption from 1721 to 2 July 1740, which was the last session he attended before embarking on the journey to Quito. The cédula announcing his new appointment had been received in the audiencia session of 18 June 1740. He was, according to Restrepo Sáenz, an exceptional oidor who stayed out of all trouble: 'Qué distinta suerte habría tenido el Nuevo Reino de Granada si todos los oidores hubieran sido de la talla de Quintana y Acevedo.' The only incident he was involved in occurred in Quito, when his daughter Ignacia got married. Quintana had a brother, Miguel, who lived in Santa Fe in 1734 and married Francisca Roo y Niela from Maracaibo.

**Sources**

AGI Santa Fe 263, Consulta of 4 March 1721; AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de Acuerdos de la Real Audiencia de 1710 a 1738; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, pp. 276-277; Ortiz, *El Virreinato*, pp. 128-130; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 344-346.



**Riva Agüero, Fernando de la**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1690, April 8			

**Career**

He was promoted from the audiencia of Santo Domingo to that of Panama on 18 June 1688, but although he was addressed as oidor of Panama in the cédula of 1690 which put him in charge of the investigation into the accusations against President Gil de Cabrera and oidor Domingo de la Rocha, he did in fact never go to the Isthmus. Instead, he was appointed oidor of the audiencia of Santa Fe by consulta of 6 March 1690. He does not seem to have purchased the post. It seems like he found out about the appointment some time before the long delayed official documents arrived and he could formally take up office. However, he did not know when arriving in Santa Fe on 3 May 1691 to start his investigations. According to Riva himself, he hoped to finish his business in Santa Fe as quickly as possible so that he could go on to Cartagena to take care of certain unspecified assignments which he had been entrusted with. He had finished the investigations in Santa Fe by the end of March 1693 and was in Cartagena by May 1694. By 1700, when Luis Antonio de Losada was appointed oidor of Santa Fe to replace him, he had been sent 'en depósito' to serve on the audiencia of Guatemala.

**Other**

Caballero of Santiago.

**Sources**

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**Rocha Ferrer, Domingo de la**

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Oidor	1685, October 21	1686	1714, May 10	Death

**Born**

Spain: Tenerife, c. 1648

**Education**

A baccalaureate at the faculty of canons of the University of Salamanca on 21 April 1666 and a licentiate from the same on 20 August 1669.

**Career**

Appointed teniente general and auditor de la gente de guerra of Cartagena de las Indias for 5 years by título of 6 July 1677. In 1684 or 1685, he attempted to obtain the post of teniente of Havana but was instead given an appointment as oidor of Santa Fe for which he paid 8 000 pesos. He was originally given a 'plaza supernumeraria con calidad de entrar en la primera del número que vacase', but soon became 'uno del número'. Also, he was apparently given the post with the necessary dispensation for having married a native of the country. In 1707, he claimed that he had come to Cartagena as teniente already holding the futura as oidor of Santa Fe. As senior oidor in Santa Fe from 1692, Rocha had to fill in for absent presidents twice in his career. Although he was said to have retired in 1701 and was still referred to as such in 1704, it seems like his appointment might have been renewed by título of 30 July 1709, and he attended audiencia sessions in Santa Fe until December 1713. On 10 January 1689 he was appointed *juez general de bienes de difuntos* of Santa Fe, an office which he held until February 1691 when he was succeeded by Francisco José Merlo de la Fuente. He was also *Asesor General* of the Tribunal of the Cruzada for twenty-six years until his death, serving with 'general aceptación de todo este reino por su ajustada consiencia gran literatura breve expediente a los negocios y mucha limpieza'.

**Wife**

Juana Clemencia de Labarcés y Pando, daughter of former contador oficial real of Cartagena, Antonio de Labarcés and of Michaela de Pando; and possibly granddaughter of Governor Juan Pando of Cartagena (see Pando's entry in appendix II). She was a novice in the Convent of Santa Clara when the nuns fled to the episcopal palace in 1683 (see Chapter 5) and after this decided that she no longer wanted to be a nun. Indeed, she refused to return to the convent with the other nuns, but sought refuge in her sister Catalina's house from where she was later forced to return to the convent by the Franciscans. Juana had two sisters who also married in Cartagena. Catalina was married to Toribio de la Torre, first Count of Santa Cruz de la Torre and alcalde ordinario of Mompo in the early 1690s. María Ignacia/Juana Inés was the first wife of interim governor of Cartagena, Sancho Jimeno. Rocha and Juana Clemencia were married in the cathedral of Cartagena on 25 March 1684. All of the city's most prominent vecinos were present, Governor Pando was padrino and the wedding was celebrated in the house of Toribio de la Torre.

**Children**

Seventeen, only fifteen of whom I have been able to trace. The sixth was born in August or September 1690 and had oidor Francisco José Merlo de la Fuente as godfather, and the seventh was born in the summer of 1691.

- Mariana Francisca. Married, probably to captain Joseph de Zuleta Reales y Córdoba, caballero del Orden de Santiago, in Cartagena (although it could have been her sister Gertrudis). Their son Diego was granted permission to serve as a soldier in his home city of Cartagena in 1709.
- Francisco Antonio. *Coronel de los reales ejércitos*. Appointed future governor of Maracaibo by título of 19



- February 1709 and later became president of the audiencia of Santo Domingo.
- José Joaquín. Appointed governor of Antioquia on 20 December 1718. Was an encomendero in the district of the audiencia of Santa Fe in December 1759. Regidor of Santa Fe 1742-43 and 1749-50.
  - José. Held a doctorate and worked on the audiencia of Santa Fe in 1758.
  - Gertrudis.
  - Domingo. Presbyter and at one point provisor y vicario general of the archbishopric of Santa Fe. He was in Madrid in September 1714, where he tried to obtain an appointment in the royal service. When oidor Mateo de Yepes arrived in Santa Fe in April 1715, he could tell his mother's cousin, Agustín de Londoño, that he was 'corriendo las carabanas de pretendiente con mucha aceptación de los señores de el Consejo ... y ... es grande estudiante de que debemos esperar el mejor espediente de la justicia'. He was appointed *racionero* of Quito on 19 September 1715 and promoted to *maestrescuelas* of the same cathedral on 15 May 1721.
  - Antonio. Treasurer of Santo Domingo in 1754. Married María Landeche, daughter of Antonio Landeche, *comandante de la Armada de Barlovento y General de Flota*, and María del Rosario Bastidas. They had at least one son, Antonio Francisco, who served as a priest in the archbishopric of Santo Domingo in 1754.
  - Ignacio, born 1696. Studied philosophy and canon law at the Colegio Mayor y Universidad de San Bartolomé of Santa Fe with a *beca real* granted him by President Diego de Córdoba on 21 September 1709. Obtained a baccalaureate in philosophy from San Bartolomé on 22 May 1712 and 'el de Maestro en la misma facultad' on 6 August 1713. On 23 July 1716 he obtained a doctorate from the Colegio Mayor y Universidad de Nuestra Señora del Rosario, and on 12 October that same year he was received as an attorney by the audiencia of Santa Fe. He still worked as an attorney there in 1722. He was married to Rosalía de Moya, and made a will in Santa Fe in 1766.
  - Ana María.
  - María Michaela de la Concepción. Nun in the Convent of la Concepción in Santa Fe.
  - Pedro. Settled in Mompox, where he married Ana María de la Borda y Burgos, daughter of regidor Miguel de la Borda. She died in Mompox in May 1749. He then married María Ignacia Flórez y Subia, granddaughter of Martín Gerónimo Flórez. He had at least two sons by his first wife. José Joaquín married María Catalina Flórez y Subia (baptised in Santa Fe 1 July 1729), María Ignacia's sister. Miguel Joseph was received as an attorney by the audiencia of Santa Fe on 17 December 1749.
  - María Antonia. Married Tomás Agustín de Sanz. They had at least one daughter, María Michaela.
  - María Josefa.
  - Vicente. Held a licentiate in philosophy from the Colegio Mayor de San Luis in Quito and a licentiate and a doctorate in canon and civil law from the Colegio de San Bartolomé in Santa Fe, where he held a *beca real* which he obtained in April 1727. The same year he was admitted to practice law before the audiencia of Santa Fe, and he was later ordained as priest. He held various parishes in Santa Fe and Tunja, and was on 19 August 1767 given a *ración* in the cathedral of Santa Fe. He was promoted to canon of the same on 26 November 1777.
  - María de las Mercedes. Married Juan Toribio de Herrera y Leyva de la Torre, son of her first cousin María Teresa de la Torre y Labarcés and Lázaro de Herrera y Leyva. They had two children: Juan was born in Cartagena in 1725, and María Candelaria Josefa Antonia in the same city in 1728.

One Antonio Francisco de la Rocha Ferrer was appointed alcalde mayor of Chinantla, Cazamaloapan Guaspaltepeque, on 26 July 1730. It is possible that he was the son of Domingo de la Rocha as two sons named Francisco are mentioned in the oidor's will: the colonel Francisco and another son also called Francisco.

#### *Other*

Son of Domingo de la Rocha, captain of the Armada Real and descendant of the first conquistadores of the islands of Tenerife and La Palma. His brother, José, was appointed castellano del Castillo de Santa Ana of Tenerife on 3 February 1673. At some stage while Rocha was in New Granada, two of his nephews, the brothers Juan and Francisco de la Rocha, came over and both married women from Tunja. Rocha went to Cartagena by licence of 15 April 1678 with one criado. While teniente of Cartagena, he was frequently involved in conflicts with the cabildo as well as with the governor and the treasurers, and he was heavily involved in the conflict surrounding bishop Benavides. On 7 November 1701, in a special 'Junta formada para las dependencias del obispo de Cartagena', it was decided that Rocha was to be retired 'con la mitad de gajes, aplicando la otra mitad a la iglesia de Cartagena en satisfacción de lo que se obró contra su debido decoro, respecto de haber sido comprehendido en los disturbios sucedidos con el obispo de Cartagena y constar por los autos excedió gravísimamente siendo teniente general en ella'. The decision was made known to Rocha by means of a cédula issued on 21 August 1702. However, Rocha's protests -through one Custodio Vasallo, probably his attorney in Madrid- against the decision start as early as January 1702, indicating that he had received news of the ruling much earlier. Rocha claimed that his version of events had not been heard and that no decision should be made until that happened. The king upheld his ruling but did eventually, in February 1703, grant him the licence he asked to come to Spain. It does not seem like he went. In 1705 and 1710 he attended audiencia sessions, and in the spring of 1707 he was reported to be in Cartagena where he acted as a legal advisor to Governor Zúñiga in a contraband case. In the early 1700s, Rocha was put in charge of assessing the state of the Colegio de Nuestra Señora del Rosario of Santa Fe, which several times had complained of its poverty. His first report reached Madrid in 1711, and later another one arrived, accompanied by a letter of 30 August 1712. During the investigation into his own and president Cabrera's proceedings in the early 1690s, he stayed in Zipaquirá from February 1692 at least until June that same year. In 1714, an attempt by President Meneses to exile him to Neiva forced him to seek refuge in the colegio de la Compañía de Jesús where he died. Restrepo Sáenz claims that he 'dió poder para testar' on May 27, whereas according to the audiencia he died on 10 May 1714. A cédula of 25 August 1715 ordered the



president and archbishop of Santa Fe that they 'atendiesen en todo lo que se les pudiese ofrecer a el alivio y conveniencia de esta familia', in view of Rocha's long service to the king and the widow having been left with seventeen sons and daughters 'sin tomar estado'. This was, however, not the first time the family received special assistance from the crown. By cédula of 30 July 1709 the Rocha family had been given an annual sum of 600 pesos 'de renta en encomiendas de indios vacos' of New Granada (which in practice was that of the pueblos of Paez and Paypa) to share between four daughters to help them 'tomar estado'. María Merced and Mariana Francisca's shares of 150 pesos a year, 'por haber pasado a espensas de ellos a contraer matrimonio', had been confirmed by the king by consultas of 10 March 1724 and 6 March 1726 to be paid them out of the Cartagena or Mompox treasuries. As for María Michaela's share, doubts had arisen in 1723 as to whether she had the right to receive the annual sum. On 15 February that year, the audiencia decided that it would continue to pay the sum for five years during which time she must obtain royal confirmation of the 'merced'. In January 1728, the king would not confirm it, but by November he changed his mind after a reminder from the Council that her sisters had had their shares confirmed, and that María Michaela's 'espiritual matrimonio' was 'aun de más atención' than the marriages of her sisters and that the 'gracia' could be considered 'pura limosna'.

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### Sarmiento y Huesterlin, Pedro de

Post	Título	Possession	Departure	Reason
Fiscal	1693, December 31	1696, June	1707	Suspended

#### Born

Spain: Canary Islands (probably Tenerife), c. 1666

#### Education

On 31 August 1686 he graduated as a bachelor in canon law from the University of Salamanca, where he started his studies in 1679. Two years later, on 18 October 1688, he received his licentiate, and on 12 May 1689 his doctorate, both from the same faculty and university as his bachelor's degree.

#### Career

Appointed fiscal of Santa Fe by consulta of 15 April 1693 to replace Fernando de Prado.

#### Wife

Antonia de Alario y Céspedes, who died in Mompox during the journey from Spain to Santa Fe.

#### Children

María Josefa de San Ignacio, who became a nun in the Convent of Santa Clara in Santa Fe.

#### Other

Sarmiento came from a family with a long tradition of holding public office in the Canaries. He went to America with his wife and one criado by licence of 20 June 1695. During Christmas that year he was in Cartagena, where he became embroiled in the conflict surrounding Bishop Benavides' choice of governor and vicario general for the bishopric. Shortly after he took up office in Santa Fe he went to Popayán on official business, but according to Marzahl, he failed to carry out his assignment in a satisfactory manner. After antagonising officials and vecinos of Popayán, he was eventually dismissed on 18 February 1699, without having completed his tasks. The event that



spurred his dismissal was his execution of a Barbacoas official without granting an appeal to the audiencia. He returned as fiscal of Santa Fe in mid-1699, and stayed as such until 1707 when he was removed from office accused of a range of crimes, including the refusal to grant the above mentioned Barbacoas-official an appeal. President Córdoba was ordered to investigate his conduct by cédula of 15 February 1707, Sarmiento was suspended from office, his possessions embargoed and he was exiled to Tunja, from where he later fled. The Council of the Indies did not deal with his case until 1726, when he was sentenced to death in absentia and his possessions embargoed.

#### Sources

AGI Santa Fe 261, Pedro Martínez de Montoya to king, 16 March 1696; AGI Santa Fe 360, cabildo secular of Santa Fe to king, 3 Feb. 1700; AGI Indiferente 132, N.92, Relación de méritos of Pedro de Sarmiento y Huesterlin, 20 June 1690; AGI Indiferente 133, N.35, Relación de méritos of Pedro de Sarmiento y Huesterlin, 28 July 1692; AGI Indiferente 431, L.45, F.199v-201, Real Cédula, 12 June 1702; AGI Contratación 5457, N.126, Expediente de información y licencia de pasajero of Pedro de Sarmiento y Huesterlin; AGI Contratación 5796, L1, F.54v-56v, título of Pedro de Sarmiento y Huesterlin, 31 Dec. 1693; AGI Escribania 1054A, Pleito de Toribio de la Torre y Casso con Pedro de Sarmiento y Huesterlin, 1712; AGI Pasajeros L.14, E.986; AGI Quito 128, N. 46, Santiago de Larrain to king, 15 Sept. 1716; AGS D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696; AGS, *Catálogo XX*, p. 431; Burkholder and Chandler, *Biographical Dictionary*, p. 320; Marzahl, *Town in the Empire*, pp. 79, 81-83, 114, 120, 125 and 133-134; Restrepo Sáenz, *Biografías de los mandatorios*, p. 447.

### Velasco, Sebastián Alfonso de

Post	Título	Possession	Departure	Reason
Oidor	1681, June 7	1683, spring	1687, May 11	Death

#### Born

Spain: Sanlúcar de Barrameda

#### Education

Licenciado en derecho, university not known.

#### Career

Before he became oidor of the audiencia of Santa Fe, he had been oidor of the audiencia of Panama.

#### Wife

Leonor de Funes Montalvo.

#### Children

- Bernardo Alfonso, who lived with his father in Santa Fe and was executor of his will. Regidor of Santa Fe 1699-1717, receptor de penas de cámara and treasurer in 1715. Married to Luisa de Lagos. They had children.
- Also a stepson, Manuel de Quiñones Osorio, who died while *canónigo provisor* of Trujillo

#### Other

Arrived in Santa Fe from Panama between January and 30 April 1683. As senior oidor he presided over the audiencia of Santa Fe from 28 November 1685 to 6 September 1686, between the death of President Castillo de la Concha and the arrival of President Cabrera.

#### Sources

AGI Santa Fe 367, Embargo of Meneses' bienes, 1715; AGS, *Catálogo XX*, p. 431; ICCH, *Indices de dotes, mortuarios y testamentos*, p. 216; Ortiz de la Tabla Ducasse, *Cartas de cabildos hispanoamericanos*, pp. 106-129; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 9-10.

### Villalonga, Jorge de

Post	Título	Possession	Departure	Reason
Viceroy	1717, June 13	1719, November 27	1724, May 17	Viceroyalty suppressed/Successor arrived

#### Born

Spain: possibly Castilla la Vieja, c. 1665

#### Career

His public career started c. 1685. From 1708 onwards and until he left for Santa Fe, he served as *Cabo principal de las armas del Virreinato del Perú y Gobernador del presidio de Callao*, on occasion filling in for absent viceroys, 'habiendo experimentado antes, dos años de peregrinación por diferentes Reinos y climas'. His appointment as New Granada's first viceroy was announced by royal decree of 20 February 1717, and he was appointed 'en atención a ... sus cargos servicios continuados en diferentes partes por más de 33 años'. According to the Council of the Indies in 1722, the appointment had been made official by a cédula of 16 November 1717 but this is probably wrong.

#### Other

According to letters sent to the Council of the Indies, it had been widely known that while in Callao Villalonga was heavily involved in trade with foreigners. However, the Council was unwilling to take action, and instead appointed him New Granada's first viceroy. Villalonga received news of the appointment -sent to him by Antonio de la Pedrosa with a letter of 12 June 1718- in Lima on 15 December 1718. He set sail from Callao on 4 May 1719 and went to Guayaquil, from where he continued his journey overland. This was, according to himself, despite preferring an itinerary taking him by sea to Panama and onwards from Portobelo to Cartagena, and then travelling the much shorter distance from the Caribbean coast to Santa Fe overland. In mid-September he was in Popayán, and on 25 November, two days before taking up office, he arrived Santa Fe. By then, he had already spent some time in the vicinity of the city, in Boyacá, Fontibón and Fugasugá. His official entry into the city took place on 17 December 1719. Between December 1720 and May 1721 he was in Cartagena. He left Santa Fe 16 December 1720 and arrived Cartagena 10 January 1721. The cédula of 5 November 1723 suppressing the Viceroyalty of New Granada was received in Santa Fe



in the acuerdo session of 27 March 1724. Villalonga continued in office until president Antonio Manso Maldonado's arrival on 17 May 1724. He probably stayed in Santa Fe for another two years, and finally left the city on 31 May 1726. It is probable that he returned to Spain.

**Sources**

AGI Santa Fe 263, Consulta of 29 Oct. 1722; AGI Santa Fe 371, Jorge de Villalonga to Antonio de la Pedrosa, 15 Sept. 1719; AGI Santa Fe 448, cabildo secular of Santa Fe to king, 11 Sept. 1721; Garrido Conde, 'La primera creación del virreinato de Nueva Granada', p. 133; Restrepo Sáenz, 'El primer Virrey'; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, pp. 51-57.

## Yepes y Mijares de la Cuadra, Mateo de

Post	Título	Possession	Departure	Reason
Oidor	1714, September 30	1715, March 26	1717	Removed from office

**Born**

Spain: Toledo, c. 1683

**Education**

Obtained a baccalaureate in canon law at the University of Salamanca on 1 April 1705 after studying law for thirteen years, and a licentiate in the same in Toledo two years later. He then moved back to the University of Salamanca, where he was elected to fill a *beca jurista* to the Colegio Mayor de Cuenca on 11 August 1707. While there, he apparently became friends with Tomás de Escalante, future inquisitor of Cartagena, and he was also acquainted with Diego Enríquez de Iriarte, who was appointed oidor of the audiencia of Santa Fe in 1719 but never served.

**Career**

By September 1713, Yepes had tried for the *canongías doctorales* of the cathedrals of Oviedo, Valladolid and Toledo, but although he managed the *oposiciones* well, he failed to obtain either post. The appointment of oidor of Santa Fe was Yepes' first in America. He was appointed as oidor *de número* to replace Bernardino Angel de Isunza after having been nominated in first place for the post by all except one member of the Council of the Indies in a session of 18 June 1714. It seems that while he was under investigation for his part in the overthrow of President Meneses and suspended from his post as oidor of Santa Fe, he received the corregimiento of Trujillo, Spain, by consulta of 7 June 1720, and that he served the post for two years until another consulta of 7 July 1722 ordered him to appear in Madrid to face trial for the deposition of Meneses, for which he was subsequently found guilty and sentenced. However, Yepes himself made no mention of this when he in 1721 complained to the king of the hardships he suffered. He was initially barred from holding 'empleo togado' for six years as part of the punishment for his part in the Meneses-affair, but this part of the sentence was revoked in May 1724. However, he never regained his post as oidor of Santa Fe, and years later was still seeking preferment on the peninsula. Although recommended by the Cámara of Castile for an appointment as civil fiscal for the audiencia of Barcelona in 1735, he failed to receive the position.

**Other**

Caballero of Calatrava. Belonged to the Consejo de Su Magestad. He went to America only with his brother Gerónimo, as he had no criados, by cédula of 30 September and licence of 16 October 1714, and was granted permission to pay the *media anata* upon arrival in Santa Fe, as he had no money to do it in Spain. At the beginning of November 1714, he boarded a navío de registro bound for Caracas, from where he continued to Santa Fe. Upon arrival there on 25 March 1715, he seems to have made a good impression, as one regidor thought he had 'parecido mui bien por ser mui cortesano'. His brother was first given a corregimiento and then a post as interim treasurer, and later married into one of the most distinguished families in Santa Fe through his marriage to Juana de Caicedo y Avendaño (who had died by 1724), daughter of Dionisio José de Caicedo y Velasco and his second wife, Isabel de la Cadena y Avendaño. Yepes had been in office for less than six months when he took part in the overthrow of President Meneses. He was sent to Spain in 1718 (as was his brother) and received a severe sentence, but was pardoned in 1724.

**Sources**

AGI Santa Fe 262, Consultas of 18 June and 23 July 1714 and 19 June 1715; AGI Santa Fe 263, Consultas of 23 Dec. 1719, 7 July 1722 and 24 May 1724; AGI Santa Fe 367, Matheo de Yepes to king, n.d. (1721); AGI Santa Fe 367, Razón de lo que ha precedido sobre la venida a estos Reinos de Mateo de Yepes, 28 July 1725; AGI Santa Fe 418, Títulos, grados, presidencias, y otros ejercicios literarios hechos por el Lic. Don Matheo de Yepes y la Quadra, 22 Sept. 1713; AGI Contratación 5468, N.1, R.15, Expediente de información y licencia de pasajero of Mateo de Yepes, 16 Oct. 1714; AGI Contratación 5468, N.1, R.29, Lista de pasajeros a Caracas, 29 Oct.-8 Nov. 1714; AGI Contratación 5796, L.2, F.5-6v, título of Mateo de Yepes, 30 Sept. 1714; AGI Escribanía 818B, Confesión de Mateo de Yepes, 5 Jan. 1718; AGN Real Audiencia -Cundinamarca, tomo 13, ff. 336-582, Libro de Acuerdos de la Real Audiencia de 1710 a 1738; AHN Diversos 43, Doc. 123, Agustín de Londoño to Juana Clemencia de Labarcés y Pando, 28 April 1715; AGS, *Catálogo XX*, pp. 429 and 431; Burkholder and Chandler, *Biographical Dictionary*, pp. 366-267; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 334-335; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, p. 156.



## Zapata, Manuel Antonio

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Fiscal	1708, July 12	1709, January	1717	Removed from office

### *Born*

America: Santa Fe, baptised on 25 June 1678

### *Education*

Was a student at the Colegio del Rosario and obtained a doctorate in canon and civil law from the University of Santo Tomás of Santa Fe.

### *Career*

Admitted to practice law before the audiencia of Santa Fe. In 1707, while *catedrático* in the Colegio del Rosario, Zapata tried for the post of *canónigo doctoral* of the cathedral of Santa Fe, supported by letters from President Córdoba and the cabildo eclesiástico of the city. But although the former praised his character and skills, he was 'mozo y puede adelantar el mérito para lo venidero'. He was eventually nominated in second place by the Council of the Indies in May 1708, and his uncle, Jacinto Roque Flores de Acuña, in Córdoba's opinion the most suitable candidate for the post, appointed. Zapata was instead given an appointment as supernumerary and interim fiscal of the audiencia of Santa Fe with a dispensation for having been born in the district and permission to marry there, in return for 2000 doblones 'de a 2 escudos de oro' and 'en atención a vra literatura, grados y suficiencia'. The appointment was announced by decree of 3 July 1708. He was to serve as interim fiscal while Pedro de Sarmiento y Huesterlin was suspended, with the full salary of a fiscal, and would obtain the post permanently when it was declared *vaca*. If Sarmiento was to return, he would serve whenever he was absent, but would only receive half the salary.

### *Wife*

Juana Josefa Subia y Galeano, widow of Bartolomé de Escobar y Galvis by whom she had two children, Francisco and María Josefa de la Asunción/Concepción (died 1723). They were married in Santa Fe in 1709 and she died in the same city in 1731.

### *Children*

Eleven, seven of whom were girls. Two of them were 'religiosas sin profesar' in the Convent of la Concepción of Santa Fe at the time of Zapata's death, according to their mother 'sin esperanzas de poder conseguir alivio ni acabar de satisfacer las dotes para dha profesión'.

- Domingo.
- Juana de San Jacinto, a nun in the Convent of la Concepción.
- Luis, Dominican friar.
- Rafael, who started school in the Colegio del Rosario in 1723. He married Catalina de Isla y Lievana and became depositario general for the cabildo of Santa Fe.
- Pedro, who started school in the Colegio del Rosario in 1723.
- María Josefa.
- María Ignacia, married Gregorio Londoño y Salgado, son of regidor and encomendero Agustín de Londoño.
- María Francisca.
- María Micaela.
- María Antonia.

### *Other*

Belonged to the Consejo de Su Magestad. He was the son of Spaniard Pedro Zapata and Micaela Flórez de Acuña, Martín Gerónimo Flórez's sister. Zapata travelled to Spain towards the end of 1707, and was there when he purchased his appointment. He returned to America by cédula of 15 July and licence of 16 August 1708 with one criado from Madrid, and was in Santa Fe by January 1709. The end of his career came with the investigation into the overthrow of President Meneses, for which he was sent a prisoner to Spain in 1718. He died in Madrid in at the end of 1719 or beginning of 1720. In the years after his death, his widow several times complained about her poverty and appealed for help to the audiencia which supported her in her appeals to the king. In 1723 she was eventually given a one off 500 pesos to cover funeral costs and help her daughters, despite such alms having been prohibited by cédula of 20 July 1716.

### *Sources*

AGI Santa Fe 262, Consulta of 16 May 1708; AGI Santa Fe 262, Cabildo eclesiástico of Santa Fe to king, 4 July 1707; AGI Santa Fe 262, Diego de Córdoba to king, 9 Nov. 1707; AGI Santa Fe 263, Consultas of 10 Jan. 1721 and 14 July 1723; AGI Santa Fe 263, Petición de Juana de Subia y Galeano, May 1720; AGI, Santa Fe 263, audiencia of Santa Fe to king, 3 June 1720; AGI Contratación 5464, N.2, R.42, Expediente de información, licencia de pasajero y título de fiscal de Santa Fe of Manuel Antonio Zapata; AGI Escribanía 818B, Confesión de Manuel Antonio Zapata, 8 Jan. 1718; AGS, *Catálogo XX*, p. 431; Burkholder and Chandler, *Biographical Dictionary*, p. 368; ICCH, *Indices de dotes, mortuarios y testamentos*, pp. 294 and 313; Restrepo Sáenz, *Biografías de los mandatorios*, pp. 452-453; Restrepo Sáenz and Rivas, *Genealogías de Santa Fe de Bogotá*, p. 374.



## Appendix II: Royal Officials in Cartagena, c. 1685-c. 1725 <sup>1</sup>

### Aponte, Luis de

#### Born

Spain

#### Post

Governor and captain general

#### Título

1723, November 29

#### Possession

1724, February 19

#### Departure

1728, spring

#### Reason

Death

#### Career

Held the title of Mariscal de Campo de los Reales Ejércitos. Before being appointed to the governorship of Cartagena, he was 'coronel del Regimiento de la Corona, graduado de Brigadier y uno de los oficiales de más crédito en el ejército'.

#### Other

Probably arrived Cartagena in the galleons which arrived on 17 February 1724.

#### Sources

Castillo Mathieu, *Los Gobernadores de Cartagena de Indias*, pp. 90-91; Restrepo Sáenz, 'Gobernadores de Cartagena en el siglo XVIII', p. 63.

### Badillo, Gerónimo

#### Born

Spain: Arévalo (Avila)

#### Post

Governor and captain general

#### Título

1713, February 27

#### Possession

1713, August 29

#### Departure

1718

#### Reason

Promotion

#### Career

He had the title of Mariscal de Campo and held the post of *cabo subalterno* of Cadiz when he was appointed governor of Cartagena. He had previously worked in Barcelona. He was appointed by royal decree of 20 February 1713, 'en atención a los servicios, grado y experiencias militares' to replace Fernando Figueroa, who was the crown's first choice to succeed José de Zúñiga y la Cerda but who never served. Badillo does not seem to have bought the post. From Cartagena, Badillo was promoted to governor of Panama in 1719. When the audiencia of Panama was re-established by cédula of 21 July 1722, Badillo went on to become president of the tribunal.

#### Wife

María Antonia de Monrreal y Cruzatt, born in Pamplona, Spain. She had died by 1723.

#### Children

Three daughters born in Spain. Francisca, born in Barcelona, married teniente general of Cartagena and oidor of the audiencia of Santa Fe, Juan Gutiérrez de Arce, in 1717 or 1718. Teresa married Maestre de Campo Angel Ventura Calderón, caballero of Santiago and vecino of Panama. Ana had died by 1723.

#### Other

He accepted the post of governor of Cartagena reluctantly, because of the 'dilatada familia de hijas que tengo y la enfermedad continua que ellos y mi mujer padecían'. A promise of the higher-than-normal annual salary of 6 000 ducados may have induced him to accept the post. He was given licence to go to the Indies in March 1713 with his wife, three daughters and ten servants. In June he was still in Cadiz, and on the 11th of that month he swore to 'bien y fielmente servir estos empleos' in the Casa de la Contratación. As a military official, he was exempt from paying the media anata tax, according to a cédula of 2 June 1678. Went to Cartagena in the ships of Antonio de Echeverz which arrived in August 1713. Teniente general Juan Gutiérrez de Arce and Bishop Antonio María Casiani travelled on these same ships. Apparently his wife did not handle the Atlantic crossing very well, and when they arrived Cartagena she was 'summamente mala y a los últimos estrechos de [la vida], y a la experiencia de un temperamento tan ardiente, y contrario al de esos Reynos' she did not immediately recover. 'Por cuyas razones y por que mi mujer lograrse algún alivio, mejoría y diversión para su curación y combalecencia: pedí a vros dos oficiales reales contador y tesorero las casas reales que les están asignadas para su habitación, por lo lobrego y triste que son las destinadas para la habitación de vros gobernadores', a request which was reluctantly granted. Apparently, he also felt more secure there, claiming that 'las cajas reales están más aseguradas en la vivienda que tuvieren vros gobernadores por el cuerpo de guardia que tienen de continuo de noche y de día a las puertas de su casa'. After the oficiales reales complained to the king, he was told to vacate the treasurers' houses and move into the governor's official residence, despite his complaints that he did so 'con riesgo notorio de la pérdida de la salud y vida de mi mujer, hijos, y familia'. Badillo was still in Cartagena in late July 1719, and probably moved to Panama in the autumn of that year, before his successor Alberto de Bertodano had arrived New Granada. Badillo died as president of the audiencia of Panama in 1723.

#### Sources

AGI Santa Fe 263, Consulta of 20 Oct. 1723; AGI Santa Fe 420, Consulta of 26 Sept. 1714; AGI Santa Fe 436, Gerónimo Badillo to Bernardo Finazero de la Escalera, 5, 12, 19 and 26 March and 2 April 1713; AGI Santa Fe 436, Gerónimo Badillo to king, 22 Sept. 1713, 20 Feb. 1714 and 14 Aug. 1715; AGI Santa Fe 450, Gerónimo Badillo to king, 20 July 1719; AGI Contratación 5467, N. 71, título of Gerónimo Badillo, 27 Feb. 1713; AGI Escribanía 459B, a pleito concerning Gerónimo Badillo's will, 1730-1735; AGS D.G.T. 13, leg. 10, Razón del Gobierno de Cartagena, n.d.; Burkholder and Chandler, *Biographical Dictionary*, p. 154; Castillo Mathieu, *Los Gobernadores de Cartagena*

<sup>1</sup> Details on tenientes Domingo de la Rocha Ferrer and Juan Gutiérrez de Arce, who were both promoted to oidores of the audiencia of Santa Fe, can be found in appendix I. Teniente Eugenio de la Escalera has been left out, as no information has been found.



*de Indias*, pp. 85-87; Restrepo Sáenz, 'Gobernadores de Cartagena en el siglo XVIII', pp. 60-61.

### Bertodano y Navarro, Alberto de

#### Born

Spain: Tudela, 1660

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Governor and captain general	1719, December 8	1720, July 6 or 7	1724, February 19	Suspended

#### Career

Started his military career around 1675, and served in armies in Spain, Flandes and Luxemburg, where he lost an arm in battle. He later became interim governor of Puerto Rico and governor of Cumaná and Venezuela. On 4 December 1719 he was awarded the title of Brigadier de los Reales Ejércitos.

#### Wife

His first wife was Mariana Juana Knepper y Tripel from Flandes. She had died by 1714. He re-married in Cartagena before he was suspended from office in 1724, apparently without a licence. His second wife's name was Micaela Ballestas y Martínez de León, born in Cartagena de Indias. Her first husband was captain Miguel Marzán de Isasi y Rendón from Puerto de Santa María, Spain, by whom she had four daughters.

#### Children

At least two daughters, Elena and Josefa Escolástica, by his first wife. The former had married Jerónimo del Moral by 1714.

#### Other

Was the son of Martín Bertodano and Josefa Navarro. He went from Spain to Caracas in 1714 to serve as governor and captain general of Venezuela with his two daughters and son-in-law. After 18 months there, he moved on to become governor of Puerto Rico. He also served as governor of Cumaná before being appointed to Cartagena. Bertodano was suspended from office by cédula of 29 November 1723, possibly because of having married a native of Cartagena without the required royal licence. Also, his *cartagenera* wife was accused of involvement in contraband trade. Bertodano was still in Cartagena on 7 July 1735, when he was godfather of his wife's grandson Juan Antonio María Sebastián de Iriarte y Marzán de Isasi, son of Diego Fermín de Iriarte y Durango and Andrea Ignacia Marzán de Isasi y Ballestas.

#### Sources

AGI Santa Fe 437, Alberto de Bertodano to king, 29 July 1720; AGI Santa Fe 472, Carlos de Sucre to king, 8 Dec. 1720; AGI Contratación 5468, N.1, R.29, lista de pasajeros a Caracas, 29 Oct.-11 Nov. 1714; AGI Escribanía 964, Sentencias del Consejo, 1721; Castillo Mathieu, *Los Gobernadores de Cartagena de Indias*, pp. 88-90; Restrepo Lince, *Genealogías de Cartagena de Indias*, pp. 292 and 363-364; Restrepo Sáenz, 'Gobernadores de Cartagena en el siglo XVIII', p. 62.

### Castro, Francisco de

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Interim governor and captain general	1686, February 7	1686, November 7	1688, August 27	Successor arrived

#### Career

Was maestro de campo and served as teniente general of San Phelipe de Portobelo when appointed interim governor of Cartagena due to the suspension from office of Juan de Pando.

#### Other

He arrived in Bocachica on 6 November 1686 and was received by the cabildo on the *muelle de la Contaduría* the following day, shortly before formally taking up office. By March 1691 he was in Madrid.

#### Sources

AGI Santa Fe 209, Autos formados por Don Francisco Carcelen sobre el despojo que hizo al mestre de campo Juan Pando de Estrada, del gobierno de Cartagena, año de 1686-1688; AGI Santa Fe 209, título de gobernador interino de Francisco de Castro, 7 Feb. 1686; AGI Escribanía de Cámara 1046 A, Francisco de Castro to Francisco de Amolaz, 14 March 1691; Castillo Mathieu, *Los Gobernadores de Cartagena de Indias*, p. 71.

### Cevallos y la Cerda, Martín de

#### Born

Spain

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Governor and captain general	1688, spring	1688, August 27	1693, July 30	Death

#### Career

He had obtained the title of field marshal when his appointment came in the spring of 1688. At the time, he was serving as *castellano* in the Castillo de la Plaza de Ayamonte, a post to which he was appointed on 14 May 1686. He had, however, a long career in His Majesty's service behind him. For more than 22 years he served in the armies of Flandes and Extremadura, before he moved on to become 'corregidor y capitán a guerra de las Cuatro Villas de la costa de la mar de Castilla' on 2 June 1682, where he served until appointed castellano in Ayamonte.

#### Wife

Ana Alejandrina de Lindique, from Flanders. In 1688 she was 25 years old and described as 'alta, gruesa, blanca, pelirrubia,



ojos rasgados’.

#### Children

Pedro Alejandro de Cevallos. In 1688 he was 6 years old and described as ‘espigado, blanco, pelocastaño’. In 1729, he was Caballero of Calatrava and colonel of the *Regimiento de Cavallería* of Andalucía, and had more than 28 years of military service behind him. He lived in the Puerto de Santa María and was married with nine daughters ‘sin poner en estado’. For some of his daughters to be able to enter convents, he had been forced to ‘valerse de un Patronato del Arzobispado de Sevilla y contraer otros empeños’.

#### Other

He stayed in Cadiz at least from 24 June 1688 waiting for his licence to go to the Indies. It arrived on 8 July 1688 and allowed him to take his wife, son, nine servants -although they only took four- and two black slaves. They embarked on a ship bound for Cartagena two days later, on 10 July, along with oidor-elect of Santa Fe, Francisco José Merlo de la Fuente. He was ill by the time teniente general Pedro Martínez de Montoya arrived on 7 October 1692, but still led campaigns against the palenques in the spring of 1693. He died upon returning from these campaigns. After his death he was accused of having made his young son interim captain of one of the military companies of the city for over two years and giving him full pay at the expense of the soldiers and other military officials. His widow was by cédula of 20 September 1694 given an encomienda ‘de mil pesos al año ... en indios vacos de Santa Fe o Quito’ for two lifetimes. However, she died before being able to take advantage of it and before it was determined who was to have it in the second lifeterm. A cédula of 11 November 1715 confirmed the concession, but another cédula of 12 July 1720 withdrew all such *mercedes*. In 1729, her son Pedro Alejandro asked to be given compensation for the lost income of the encomienda, which it seems like he was given.

#### Sources

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## Díaz Muñoz, Alejo

#### Born

Spain

#### Post

Teniente general y auditor de la gente de guerra

#### Título

1719, April 25

#### Possession

1720, April 15

#### Departure

#### Reason

#### Career

Held baccalaureates in both civil and canon law and was admitted to practice law before the audiencia of Granada on 25 October 1694. Four years later, oidor-elect of Granada, Ginés de Inestrosa Guerrero, ‘atendiendo a su literatura y habilidad’, chose him as *promotor fiscal* for the visita he was about to carry out in New Granada. They left Spain in March 1699 on the ships carrying Governor Juan Díaz Pimienta and his 500 men as well as pesquisidor Julián Antonio de Tejada, and arrived Cartagena two and a half months later. By late June, Inestrosa had died, leaving Díaz Muñoz to fend for himself. He applied to the audiencia of Santa Fe to be allowed to practice law in New Granada, which was granted him by provisión of 16 October 1699. By then, Tejada had already appointed him *promotor fiscal* to the pesquisa dealing with the fall of Cartagena to the French in 1697. He served as such until Tejada’s imprisonment in August 1700. On 17 July 1699, inquisitor Juan de Layseca Alvarado elected him *abogado del fisco* of the Holy Office, and on 4 October that same year he was appointed *promotor* of the same. He served these two posts until 1706, when Governor José de Zúñiga y la Cerda appointed him interim teniente of Cartagena. In 1710, the same governor made him visitador of the province, a task he himself financed and carried out to the full satisfaction of his superiors, ‘con grande eficacia, beneficio de la causa pública y utilidad de la Real Hacienda, pues agregó a la Real Corona 17 encomiendas de Indios y administró la Justicia que se necesitaba’. He also served as interim teniente on other occasions, during absences and illness. He was only appointed teniente *en propiedad* after the Council of the Indies had met difficulties in filling the post. Its first choice to replace Juan Gutiérrez de Arce, Pedro de Torres y Gómez died. By consulta of 18 November 1716 the Council then nominated Manuel Jayme -with Díaz Muñoz in third place-, who turned down the post. By consulta of 30 January 1719 it eventually nominated Díaz Muñoz. This was despite Antonio de la Pedrosa’s recommendation that he not be given the post, due to the many friends he had made in the colony and ‘su genio, natural y procedimientos’. Pedrosa also recommended that he not be given a post as oidor, which Díaz Muñoz tried for. Juan Gutiérrez de Arce for his part highly recommended him, ‘ponderando su Literatura, crédito y estimación que ha adquirido, en fuerza de su buen obrar’, and assuring that he had been ‘procediendo en todo con integridad y desvelo’. By consulta of the Cámara de Indias of 8 August 1725 he was nominated in second place for the fiscalía of the audiencia of Santo Domingo, but it is not known whether he obtained an audiencia appointment.

#### Sources

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**Díaz Pimienta, Juan***Born*

Spain: Orduña (Vizcaya), 1663

*Post*

Governor and captain general

*Título*

1698, June 17

*Possession*

1699, June 7

*Departure*

1705, February 14

*Reason*

Death

*Career*

Already in 1689 he was Mre de campo de Infantería española. By the time he was appointed governor of Cartagena as head of a military expedition to restore the city and its fortifications after the French attack, he had 17 years military experience from Flanders, 11 of which as 'Maestre de Campo de uno de los tercios más antiguos en Flandes'. He had also served in the wars in Hungary. He was given the appointment to Cartagena by consultas of 3 and 7 January 1698. At the same time he was given the title of Maestro de Campo general 'con el goce que le corresponde'. When appointed he belonged to the Consejo de SM en el Real y Supremo de Guerra, where he had 'votado diferentes veces en pleno Consejo de estado de VM materias de la primera importancia de la monarquía', and he was promised a permanent seat on the council upon his return to Spain.

*Other*

Caballero of Calatrava from c. 1690. In Cartagena Pimienta bought a country house (*quinta*) 'para su recreación'. It was situated half a league from the city and 'confina con una laguna grande que sale al mar'. The house had been in a bad state when Pimienta bought it, but he had had it restored and frequently retired to it. In early 1702 there were rumours that escaped ex-governor Diego de los Ríos hid there. While in the city of Cartagena, Pimienta chose to stay in one of the two houses designated as the treasurers' quarters rather than in the official governor's residence. He seems to have had strong links with France, and in response to royal orders of 1701 and 1703 to treat French visitors to Cartagena well claimed that 'siendo yo uno de los españoles que más han tratado y conocen la urbanidad y méritos de toda la nobleza de Francia así en los ejércitos de Flandes como en París e continuado la atención y cortesanía debida en esta America con todos los oficiales de SM xpianísima'. Almost from the moment he set foot in Cartagena, he complained about ill health and requested to be allowed to return to Spain or to his old regiment in Flanders. In addition to the health problems, he considered himself to be in 'total riesgo' of losing his 'punto y honrra', because, he claimed, in America honour meant nothing and 'ninguno atiende a ella, ni cree que en lo Divino y Humano hay más pecado que el de serle fiel a VM y cuidar de sus intereses'. As a consequence of his 'poca salud, corta capacidad, y restricta autoridad sólo aspira a llegar de aquí a las plantas de VM con vida'. By late 1701, the king had decided to grant him the request and issued a cédula to that effect on 23 May 1702.

However, the Council of the Indies had some difficulty in finding a successor to Pimienta as its initial choice, President Severino de Manzaneda of the audiencia of Santo Domingo, died on 5 August 1702. For a while, it considered trying to persuade Pimienta to stay on as governor, in view of his good work in Cartagena and 'lo conveniente que sería su persona en ella, en caso de que los enemigos intentasen sorprenderla'. Pimienta for his part had been informed of the appointment by June 1702, and planned to send three coastguard ships to Santo Domingo to fetch Manzaneda, so that he himself could return to Spain. In September 1702 he received the cédula granting him the licence to return to Europe as soon as a successor arrived, on the condition that he leave a deposit to cover possible fines he might be sentenced to pay in his residencia. He was also ordered to go to Mompox and stay there until his residencia was closed, 'lo cual quedo con cuidado de executar con la exactitud que debo si bien en el mismo estado de mi salud ... esta relegación ... vendrá a tener en mí sentencia de muerte'. By then, however, he had received news of Manzaneda's death. The following year he equipped a ship to be ready to take him to Spain as soon as his successor arrived, and by July 1704 he sent all his possessions as well as some of his 'familia' to Spain so that he would not have anything 'que me embarazase el viaje por Francia llegado subcesor'. However, the ship was attacked by the French and Pimienta lost everything. In the spring of 1703, José de Zúñiga y la Cerda was chosen to be the new governor of Cartagena, but by the time he arrived in 1706 Pimienta had died and was thus never able to make use of the licence to return to Europe. Upon his death, senior alcalde ordinario Francisco de Berrio took charge of political government while waiting for the audiencia of Santa Fe to appoint interim governor Lázaro de Herrera.

*Sources*

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**Gutiérrez de Cevallos, José***Born*

Probably Spain

*Post*

Teniente general y auditor de la gente de guerra

*Título*

1695, June 4

*Possession*

1697, October

*Departure*

1699, June 7

*Reason*

Suspended

*Career*

He was appointed to succeed Pedro Martínez de Montoya. It does not seem like he bought the post.

*Other*

Went to Cartagena by licence of 13 September 1695 with two *criados*. In Cadiz on 10 September 1695 he 'juró el empleo'. He travelled in the same galleons as governor-elect of Cartagena Diego de los Ríos y Quesada. In August 1697, the cabildo of Cartagena still referred to him as teniente elect of Cartagena and to Pedro Martínez de Montoya as teniente. The latter's



After the surrender of Cartagena to the French in 1697 he was considered one of the main culprits. Gutiérrez de Cevallos was imprisoned by pesquisidor Julián Antonio de Tejada on 7 June 1699. In the autumn of 1700, Bernardino Angel de Isunza put him under closer surveillance, but on 1 December that year he escaped from prison along with ex-Governor Ríos. Gutiérrez de Cevallos sought refuge in the San Agustín monastery of Cartagena, where he died on 1 November 1701. His heir and executor of his will was inquisitor Juan de Layseca Alvarado. It seems like the Council of the Indies was somewhat slow in replacing him, and did not do so until appointing José Francisco de Madrigal in November 1704.

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## Herrera y Leiva, Lázaro de

#### Born

Spain: c. 1662

Post	Título	Possession	Departure	Reason
Interim governor and captain general	1705, March 11	1705, March 22	1706, December 7	Successor arrived

#### Career

He enrolled in the royal army in 1675 or 1676 and had served in Flanders since 1682 when appointed sargento mayor of Cartagena de Indias in 1699. He stayed in that post until granted retirement in 1736. In 1710 he requested the title and salary of *coronel de los Reales ejércitos* in view of his services in Flanders and Cartagena, and the following year he was granted the title but not the salary.

#### Wife

María Teresa de la Torre y Labarcés, daughter of Juan Toribio Cosme Damián de la Torre and Catalina de Labarcés y Pando, first Condes de Santa Cruz de la Torre. Through this marriage he became brother-in-law of both oidor Domingo de la Rocha of the audiencia of Santa Fe and interim governor of Cartagena, Sancho Jimeno.

#### Children

- Juan Toribio. In 1704 he was given dispensation to serve as a soldier of Cartagena when reaching 10 years of age, despite being a native of that city. He later became Teniente Coronel de los Reales Ejércitos and castellano of the castillo of Bocachica of Cartagena. He married María de las Mercedes de la Rocha y Labarcés, daughter of oidor Domingo de la Rocha Ferrer and Juana Clemencia de Labarcés y Pando. They had two children. Juan was born in Cartagena in 1725 and chose a military career. María Candelaria Josefa Antonia was born in Cartagena in 1728.
- Simón was given dispensation to serve as a soldier of Cartagena, despite being a native of that city, in 1711. He later became *Coronel de los reales Ejércitos* and *Capitán de Navíos de la Real Armada*. He married Vicenta Cornelis y Soroa, from Cartagena, and they had at least one son, Lázaro María.
- Manuel was born in 1717 to a military career. He was head of one of the Santa Marta militias, and from 30 March 1767 to 31 August 1768 interim governor of the same town, appointed by the viceroy. Became Caballero of Calatrava on 21 November 1771. He was still single in 1768.
- María Ana

#### Other

Arrived Cartagena in June 1699 with Governor Juan Díaz Pimenta. His appointment as interim governor of Cartagena in 1705 was made on the recommendation of the cabildo secular of the city. When taking up office as interim governor and captain general of Cartagena, he was first received as governor by the cabildo of Cartagena led by senior alcalde Francisco de Berrio. He then went down to the 'cuerpo de guardia principal' where 'se le entregó el gobierno de las armas por el capitán comandante Don Francisco de Vallezilla'. On 23 March, Herrera chose the salary he had as sargento mayor despite being entitled to the higher payment of half a normal governor's salary. The only galleons to arrive in Cartagena between 1695 and 1713 arrived during Herrera's term, on 27 April 1706, along with the New Spain *flota*, which did not normally call there. The galleons stayed in Cartagena for almost two years until they finally went to Portobelo and the fair was held in April and May 1708. On the way back to Cartagena, they were attacked by the English and the *nave capitana San José* sunk with half of the treasure. The galleon *San Joaquin* which carried the other half of the treasure sought refuge in Cartagena where it remained for three years 'por falta de escolta'. It finally sailed to Europe in 1711 under the protection of a French ship under General Ducasse. In 1718 and 1719, Herrera was accused of having an affair with a married Spanish woman, Clara Guerra, dubbed La Chapetona, who had come to Cartagena from Spain with her husband, Félix García, and mother, Thesesa Buitrago. They had arrived with José Ruíz de Zenzano, who had travelled to Spain to obtain a post as treasurer of Cartagena and had returned to New Granada in 1706, bringing his 'dama' Theresa de Buitrago with him. He was already married and had children in Santa Fe, but in Cartagena he was 'amancebado públicamente y con notable escándalo' with Theresa. As for Clara and Herrera, 'para vivir con más libertad suelen enviar fuera al marido quien ha estado ausente en Portobelo'. By 1718, while the daughter was still having a relationship to Herrera, the mother was involved with one Juan Luis de Biquendi, resident in Cartagena. While in that city in 1718, Antonio de la Pedrosa ordered them to go back to Spain on the instance of Herrera's wife and several others in Cartagena. However, he considered it a difficult task to persuade Herrera, 'así por la mano y autoridad que tiene por su empleo como por su natural terrible que lo hace temido demasadamente en esta Provincia'. By early 1719, they still had not obeyed the order to go to Spain, and María Teresa



asked interim governor Carlos de Sucre to take action 'para que no permita viva retirada en un convento y mi marido sueltamente en sus apetitos'. She was also worried about what her brothers might do to her husband if an end was not put to the affair. Herrera, however, seemed unwilling to do so. According to Carlos de Sucre, 'es tan apartado marido y mujer sin que jamás hubo remedio de ajustarlas respeto que el sargento mayor dice publicamente que nadie es capaz de quitarle de entrar en aquella casa' (i.e. Clara's house). In early July 1719, when Sucre tried to enforce the order to send the three back to Spain, one of the reasons Félix García gave for not being able to obey was that Clara was 'encinta y próximo su parto'. This would be their third child, as they already had two young daughters. As García was alcalde ordinario of the Villa de San Benito Abad, province of Cartagena, he offered to take his family there to wait for suitable transportation to Spain. Although Sucre ordered them to go further away to Mompo to await an opportunity to travel to Europe and they left the city of Cartagena on 19 July 1719, it seems like they stayed in the vicinity. In August 1719, María Teresa complained that they were staying only one and a half or two days travel from the city. Biquendi for his part, left Cartagena on 5 July 1719 to appear before Pedrosa Santa Fe. By the early 1720s, it seems like Theresa de Buitrago had married Juan Luis de Biquendi and that they all lived in Santa Marta 'sin dar el menor escándalo'. Herrera was granted retirement on 26 December 1736, but in Santo Domingo. He protested against the decision, saying that he could not possibly go to Santo Domingo because of his 'avanzada edad y crecida familia', and was supported by viceroy Eslava. By cédula of 4 February 1742 he was allowed to stay in Cartagena with the same salary he would have received in Santo Domingo, which was 1 500 pesos a year.

#### Sources

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## Jimeno de Orozco, Sancho

### Born

Spain: Fuenterrabia (Guipúzcoa, País Vasco)

### Post

Interim governor and cap. gen.

### Título

1693, September 19

### Possession

1693, September 19

### Departure

1695, November 29

### Reason

Successor arrived

### Career

He enrolled in the army on 13 March 1640. Thus, in 1696 he had served His Majesty for 56 years, the first 16 in his home town of Fuenterrabia, and later in the armies of Flanders, Galicia and Extremadura. He was seriously injured in a battle at Villaviciosa some time before 1 April 1669. By then, he had become a sargento mayor. Jimeno came to the Indies as *sargento mayor reformado a la recuperación de Panamá*, and while there, by Real Cédula of 26 October 1671, was appointed castellano of the Castillo of Bocachica of Cartagena de Indias.

### Wife

- Juana Inés (or María Ignacia?) de Larbacés y Pando, daughter of Antonio de Labarcés, veedor y contador de la gente de guerra de Cartagena, and Micaela de Pando y Estrada. Sister of Catalina who was married to Toribio de la Torre, first Count of Santa Cruz de la Torre, and Juana Clemencia, who was married to oidor Domingo de la Rocha Ferrer.
- María Inés Blanco de Salcedo y Fernández, daughter of contador oficial real of Cartagena Francisco Blanco de Salcedo, alcalde ordinario of Cartagena in 1669, and granddaughter of Luis Blanco de Salcedo, secretary and founding father of the Holy Office in Cartagena. She was born in Cartagena on 23 January 1664 and baptised at home on 6 March. The baptism ceremony was repeated in the cathedral on 20 March with captain Juan Pacheco, senior alcalde ordinario, as godfather. Sancho and María Inés were married in the cathedral of Cartagena on 12 November 1690, and former governor of Cartagena Maestre de Campo Rafael Capsir y Sanz, treasurer Antonio Farfán de los Godos and captain Alonso Cortés witnessed the ceremony.

### Children

He had at least three daughters and at least one of them was by his second marriage. María Teresa Josefa Jimeno y Blanco de Salcedo was born in Cartagena on 14 March 1694 and baptised at home on 24 April. She married twice. Her first husband was Pedro Mendiburu, juez oficial real de Cartagena by whom she had no children. She then married Juan Fernández de Gandarillas Miranda from Cabárceno, near Burgos in Spain. He was for many years secretary, alguacil mayor and also interim fiscal of the Holy Office in Cartagena. They had a daughter, María Josefa (baptised on 10 November 1718), and four sons (one of them, Juan Francisco, was baptised on 13 November 1721).

### Other

Son of Sancho Jimeno de Urnieta (who was killed in battle in 1636) and Mariana de Orozco. He or his second wife owned an *estancia* across the bay from Bocachica, which was burnt by the French in 1697. After Pointis' attack he was imprisoned, first by Governor Diego de los Ríos and subsequently by pesquisidores Julián Antonio de Tejada and Bernardino Angel de Isunza. In August 1699, he complained that the former had held him for 77 days without once questioning him. Upon Isunza's arrival in Cartagena in October 1700, Jimeno was exiled to Ocaña, where he was still imprisoned in 1703. By 1707, he had been absolved of all blame. It does, however, not seem like he returned to his post as castellano of Bocachica, as the position was held by others in the early eighteenth century. At any rate he seemed to be unwilling to go back to it, as he in 1699 complained to his friend Carlos de Alcedo that 'yo estoy tan aburrido con mis trabajos y le he tomado tal odio al



castillo que cualquiera empleo aunque fuera corto tomara por ausentarme de aquí'.

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## Laso de la Vega, Gregorio

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Teniente general y auditor de la gente de guerra <i>Other</i>	1683, May 8		1687, February 14	Suspended

Went to Cartagena by licence of 24 July 1683. In 1685, Bishop Benavides claimed that Laso was married in Havana, but that in Cartagena he was 'en mal estado con doña Gregoria de Cabrera'. He became embroiled in the case against Governor Pando, and was arrested by oidor Carcelén. He was later sentenced to death by the same and sought refuge in a Cartagena monastery, but by the early 1690s he was again practising as an attorney. He died in Cartagena in November 1693.

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## Madrigal y Valdés, José Francisco de

**Born**

Spain: Canaries

<i>Post</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Teniente general y auditor de la gente de guerra <i>Career</i>	1704, November 26	1707, January 7	1713, August 31	Successor arrived

Obtained a baccalaureate in philosophy from the University of Seville on 14 October 1695. Two years later, on 5 October 1697, he obtained the same degree in canon law, also from the University of Seville. On 2 December 1701, he was admitted to practice law in Spain by the Council of de Castile. The decision to appoint him teniente general of Cartagena was made in the Council of the Indies on 5 May 1704 and he was notified by letter of 12 May although it was several months before his título was issued. He was appointed to replace the late José Gutiérrez de Cevallos. It does not seem like he bought the post, but was chosen for his 'méritos y literatura'. Years later, however, on 29 June 1718, he bought a post as alcalde mayor of Villa Alta y Tesuco in New Spain at 7 000 pesos. In that same year, Antonio de la Pedrosa recommended that his request for a post as fiscal or oidor not be granted. This was an old request, and had emerged as early as 1704, when he had asked to be given a futura to an audiencia along with his appointment as teniente of Cartagena. At one point he also asked to be given the post of teniente general of Havana when his term in Cartagena was up. In 1718, however, he tried for the fiscalía of the audiencia of Quito. Pedrosa's reason for claiming that he was not 'a propósito' was his 'genio, natural y procedimientos'. While in Cartagena he held two appointments within the ecclesiastical sphere. On 18 October 1708 he was given the post of *asesor general del obispado de Cartagena*, and on 8 November that same year became a *consultor* of the Holy Office.

**Wife**

Nicolasa Torregrosa

**Children**

Josefa Marcelina de Madrigal y Torregrosa, born in Cartagena de Indias. She married Pedro Luis Vidal y Saavedra from Puerto de Santa María, Spain, who served as 'Juez de comisos, subdelegado particular de difuntos en la Provincia de Antioquia' and Teniente de Gobernador of Antioquia. They had at least one daughter, María Nicolasa Vidal y Madrigal, born in Cartagena. She married Antonio Miguel de Ibáñez from Cartagena de Levante, Spain, and their son, also called Antonio Miguel, was baptised in the cathedral of Cartagena on 12 October 1761.

**Other**

Son of Diego Gregorio de Madrigal y Valdés and Leonor Andrés Estañol. For 34 years, his father served as secretary of the tribunals of the Inquisition in the Canaries and in Córdoba, where he died in 1709. His paternal grandfather Tomás de Madrigal had experience from America, as he had served as secretary to a 19 year long visita made by Inquisitor Martín Real to Cartagena de Indias. In November 1704, José Francisco notified the Council that he no longer needed the four month extension he had asked for in order to find money to pay the media anata as he had succeeded in collecting the necessary amount and was ready to go to Cadiz to proceed from there to America. However, possibly in reply to his original request, Madrigal was given an assignment by the Consejo Real de Castilla to carry out before going to Cartagena. He was sent to Baeza to investigate accusations against alcalde mayor Antonio Christoval Cornejo and an escribano of the same town. The investigation was carried out between 28 December 1705 and the end of March 1706. He then went to Cartagena by licence



of 5 November 1706. While there, he was involved in several conflicts. He clashed with Governor José de Zúñiga y la Cerda over whose jurisdiction the confiscation of contraband goods was, and with the treasurers for the same reason. In one case it allegedly became violent and one of his servants received a cut to the face from which he nearly died. Madrigal also came into conflict with the regidores, over their monopoly on pricing meat, and with the Conde de Casa Alegre, general de la Armada de Galeones, over tax fraud on supplies for the galleons. In the latter case, the teniente's proceedings were approved of in a cédula of 4 September 1708. In 1710, he was taken to court by a vecino of Cartagena, José del Aguila, who accused the teniente of 'haberle apaleado en la calle', and for a time had to seek refuge in one of the city's monasteries. For this incident Madrigal was initially fined 2 000 pesos, exiled from Cartagena and barred from holding office involving the administration of justice. However, an appeal led to the last part of the sentence being revoked in 1714, in connection with Philip V's marriage to Elisabeth Farnese and 'el júbilo que ocasionan a todos sus Vasallos'. Madrigal was also subjected to an investigation for his role in the 1711 Mompox rebellion. He returned to Spain after his term in Cartagena was up, and stayed in Madrid to attempt to obtain another appointment. On 23 September 1718, he was given a licence to go to New Spain to take up his new post as alcalde mayor of Villa Alta y Tesuco. He brought his brother, 38 year old Tomás de Madrigal.

#### Sources

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## Martínez de Montoya, Pedro

#### Born

Spain

#### Post

Teniente general y auditor de la gente de guerra

#### Título

1690, October 10

#### Possession

1692, October 7

#### Departure

1697, October

#### Reason

Successor arrived

#### Career

He worked as an attorney in the Royal Councils of Spain for ten years before being appointed teniente general of Cartagena.

#### Other

In April 1697, during the French attack on Cartagena, he was still referred to as teniente general of the city. His five year term would have been up in October 1697, and it is likely that he served until the end, despite the arrival of his successor in late 1695. He was close friends with Baltasar de la Fuente, treasurer of the cathedral of Cartagena, for which he received criticism from the procurador general of the cabildo of Cartagena, Cristóbal Pedroso, who accused them of plotting against the vecinos of the city. The teniente, however, would not admit to any such activities. In Montoya's own words, the friendship 'nace de que fuimos pretendientes a un mismo tiempo en la Corthe y Su Magestad nos honró con las ocupaciones que tenemos y para salir de Madrid fuimos juntos a despedirnos y a pedir licencia al señor presidente y los señores de la cámara y Consejo de Indias y habiéndonosla dado venimos juntos a la ciudad de Cádiz adonde estuvimos algunos meses hasta llegó el caso de embarcarnos y el dho Don Balthasar se embarcó en el navío del capitán Juan Phelipe de Vera y yo en el que vino de registro al puerto de Santa Marta y con la noticia que tuve de la llegada de dho navío salí a recibir al señor Inquisidor fiscal de este Santo Oficio, al dho Don Balthasar, al Mre de Campo Don Manuel de Bustamante Gobernador y Capitán General de Costa Rica y otras persona que traían ocupaciones reales a estos Reynos y por no haber persona alguna que al dho Don Balthasar, Governador de Costa Rica y a un oficial real de Popayán les ofreciere hospedaje los traje a mi casa donde estuvieron hasta tanto que cada uno buscó su conveniencia y aunque nos comunicamos y visitamos el dho Don Balthasar y yo no es con la frecuencia que dice el dho Procurador General sino es en los términos regulares de cortesania y esto sólo prueba la amistad que confieso'. Montoya was imprisoned by pesquisidor Julián Antonio de Tejada on 7 June 1699 on charges relating to the 1697 surrender of Cartagena, during which he was in Mompox on royal business. He was later moved to imprisonment in Ocaña by Tejada's successor, Bernardino Angel de Isunza. In early 1701, he complained of ill-health and being too poor to pay his fines. The governor of Antioquia, Francisco de Heredia, affirmed this. Montoya was still imprisoned in Ocaña in 1703, but was later absolved of all charges.

#### Sources

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**Pando y Estrada, Juan***Born*

Spain

*Post*

Governor and captain general

*Título*

1683, June 1

*Possession*

1683, November 10

*Departure*

1686, November 7

*Reason*

Suspended

*Career*

Military career from 1 August 1649, serving in various companies until he was appointed 'corregidor y capitán a guerra de las Cuatro Villas de la costa de la mar' in 1674, a post he served for four years. While there, by royal order of 16 September 1676, the king ordered him to go to Bilbao to investigate the fraud in the removal of contraband goods which had been introduced in that port by various ships during the war with France.

*Wife*

According to Bishop Benavides, Pando was married in Madrid, where he left his wife upon travelling to Cartagena.

*Children*

Restrepo Lince claims that he had a daughter called Micaela de Pando y Estrada, who was married to Antonio de Labarcés, a treasurer of Cartagena since 1653. They had several children, among them Juana Clemencia, who married oidor Domingo de la Rocha in Cartagena on 25 March 1684, and Catalina, who was already married to Toribio de la Torre by then. Thus, given that Pando only arrived in Cartagena in late 1683, four and a half months before his alleged granddaughter's marriage, Micaela must have married Antonio in Spain or gone to Cartagena before her father, if, indeed, she was his daughter at all. However, there is no mention of a daughter in any of the primary sources consulted. In addition, it is unlikely that Pando would have contracted the enmity of Domingo de la Rocha and Toribio de la Torre (see Chapter 3) if they were his granddaughters' husbands.

*Other*

Pando embarked on an asiento ship bound for Cartagena in August 1683. During his term, he greatly improved Cartagena's defence. He died a poor prisoner in the Castillo de Santa Cruz of Cartagena around 22 November 1688 without even leaving the 300 pesos required to pay for his funeral -it had to be taken from the salary owed to him for the period he had been suspended from office. In Cartagena, Pando had an affair with one Francisca Portillo and rumour had it that they had children. Apparently, he "inherited" her from the dean of the cathedral, Pedro de Bolívar (who died on 22 January 1679), along with their five daughters.

*Sources*

AGI Santa Fe 59, N.15, Francisco Carcelén to king, 5 Nov. 1688; AGI Santa Fe 209, Juan de Pando y Estrada to king, n.d. (1687); AGI Contratación 5794, L.1, F.285v-290, Nombramiento de Antonio de Labarcés como futuro contador o tesorero de Cartagena, 4 Oct. 1653; AGI Contratación 5795, L.1, F.351-355, Título of Juan Pando de Estrada, 1 June 1683; AGI Indiferente 123, N.114, Relación de méritos of Juan de Pando, 12 June 1672; AGI Indiferente 127, N.29, Relación de servicios de Juan de Pando, 15 July 1679; AGI Pasajeros L.12, E.1155; AGI Pasajeros L.13, E.102; Miguel de Benavides to king, 24 June 1685, in Martínez Reyes, *Cartas de los Obispos de Cartagena de Indias*, pp. 293-294; Mathieu, *Los Gobernadores de Cartagena de Indias*, pp. 68-71; Restrepo Lince, *Genealogías de Cartagena de Indias*, p. 169.

**Ríos y Quesada, Diego de los***Born*

Spain

*Post*

Governor and captain general

*Título*

1691, March 11

*Possession*

1695, November 29

*Departure*

1699, June 7

*Reason*

Suspended

*Career*

Served in the armies of Flanders and Cataluña as well as the *Armada de Océano*. In Flanders he seems to have been captain of a company in which his predecessor as governor of Cartagena, Martín de Cevallos y La Cerda, served in 1681. Traded an appointment to the alcaldías mayores of Soconusco and Cholula for that to the governorship of Cartagena.

*Other*

His brother was the Count of Fernán Núñez. Ríos went to Cartagena de Indias with three servants by licence of 1 September 1695 after having 'jurado el empleo' in Cádiz on the previous August 13. He travelled in the same fleet of Galeones de Tierra Firme as teniente-elect of Cartagena Joseph Gutiérrez de Cevallos. After having played a key role in the fall of Cartagena in 1697 he was imprisoned, but fled on 1 December 1700 and allegedly went to Jamaica. However, in early 1702 there were unconfirmed rumours that he hid in Governor Juan Díaz Pimienta's country house (*quinta*), situated half a league from the city of Cartagena.

*Sources*

AGI Santa Fe 48, R.2, N.26, Conde de Hernán Núñez to Marqués de Villanueva, 9 June 1698; AGI Santa Fe 461, Bernardino Angel de Isunza to king, 22 June 1702; AGI Contratación 5455, N.1, R.42, Relación de testimonios dados por la Casa de la Contratación a Diego de los Ríos y Quesada, 22 Aug. 1695; AGI Contratación, 5456, N.3, R.37, Expediente de información, licencia de pasajero y título de gobernador of Diego de los Ríos y Quesada; AGI Indiferente, 123, N.160, Relación de méritos of Martín de Cevallos y la Cerda, 15 Aug. 1681; AGI Pasajeros, L.14, E.1063; AGS D.G.T. 13, leg. 10, Razón del gobierno de Cartagena, n.d.; Castillo Mathieu, *Los Gobernadores de Cartagena de Indias*, pp. 74-75.



**Sucre, Carlos de****Born**

Flanders, c. 1668

**Posts**

<i>Posts</i>	<i>Título</i>	<i>Possession</i>	<i>Departure</i>	<i>Reason</i>
Teniente del Rey	1709, March 14	1711, Feb. 9	1711, Nov. 6	Suspended
Teniente general y auditor de la gente de guerra	1715, June 14	1715		
Interim governor and captain general		1718	1720, July 7	Successor arrived

**Career**

Military career in Cataluña, Italy and Cadiz, where he served as sargento mayor when appointed teniente del Rey of Cartagena by consulta of 14 February 1709, to assist his father (who had been appointed governor of Cartagena) in military matters, despite the fact that this meant creating a new post in Cartagena. When it became clear that his father would not serve the post, that of teniente del Rey was withdrawn, and Sucre was subsequently appointed teniente general. During his term as teniente he served as interim governor for about a year and a half, probably from late 1718. He was later promoted to several other posts in America: governor of Santiago de Cuba from 1720 until at least 1725, then governor of Nueva Andalucía, and in 1733 of Cumaná and Cumanagoto in Venezuela, where he still was in 1740.

**Wife**

Margarita Trelles

**Children**

Yes. His great grandson was mariscal Antonio José de Sucre.

**Other**

Son of Flemish Carlos Adrián de Sucre, Marqués de Preux, and Spaniard Isabel Pardo. His father bought the post of governor of Cartagena at 12 000 pesos and was appointed by título of 20 December 1708. He never served as he died in Madrid in November 1712 after several orders from the Council of the Indies for him to come from Paris to Madrid before going to New Granada. The 12 000 pesos was later repaid to his family. His son Carlos first arrived Cartagena with his family on 9 February 1711 in a canoe carrying supplies along the coast to Cartagena after an eventful journey during which he was kept a prisoner in New England for about a year before being allowed to continue to New Granada. He then seems to have become the victim of several mix-ups in an indecisive Council of the Indies. By early 1710, the Council had decided that his father should not be given the post of governor of Cartagena after all, and that 'que no yendo este, cesa el motivo de ir su hijo por su subalterno'. However, by then Carlos had already left Cadiz and was a prisoner in New England. Thus, messages were sent for him to return to Spain upon his release rather than proceed to New Granada, and the Cartagena authorities were ordered not to let him take up office. However, Sucre did travel to Cartagena, where he soon complained that the governor did not want to receive him but to send him back to Europe immediately in view of a royal order of 8 June 1711 to this effect. By October 1711, this had changed as Governor Zúñiga, both cabildos, military officials, the Inquisition, vecinos of Cartagena and Mompo, treasurers and virtually everyone within the Cartagena religious community wrote the Council of the Indies in support of Sucre. Nevertheless, this was not sufficient to stall complaints from Sucre that it was impossible to 'cumplir con la obligación de buen vasallo'. Eventually, on 6 November 1711, he left Cartagena to return to Spain via Cuba, leaving his wife and family behind. But because enemy ships were close to Havana, 'para salvar los pliegos que llevé conmigo' he chose not to go into port but to disembark 'en un paraje en que estuve once días perdido, en los Montes, sin más alimentos que frutas de Mar y Agua salada de que me resultó una enfermedad que me obliga a quedarme acá para ponerme en cura'. He was still in Havana in late January 1712. Four months later the Council of the Indies was debating his request to be given the governorship of Cartagena, and concluded that 'en el Consejo no se halla causa alguna contra el dicho Don Carlos Sucre, ni tampoco queja, ni otro papel, ni instrumento que pueda ser contra él'. Thus, as compensation for the unnecessary trip to Spain, it was decided to give him the post of teniente general of Cartagena and a futura to the governorship of Santiago de Cuba by despacho of 20 June 1713. On 19 August 1714, he was given permission to return to New Granada on an English asiento ship. He *juró* the post as governor of Santiago de Cuba in Cadiz on 10 September 1715. Sucre brought with him an order to the oficiales reales of Cartagena to pay him as if he never left the city, but seems to have had problems collecting his pay. In 1717, Antonio de la Pedrosa was put in charge of making the treasurers pay him, but his efforts seem to have been largely in vain and later Viceroy Villalonga allegedly attempted to revoke Pedrosa's orders. In debating Sucre's complaints that he was paid less than the promised salary, the Council failed to reach a conclusion as it admitted that it had not found 'por los papeles de la Secretaría y Contaduría qué sueldo era el que estaba señalado a este sujeto ni más razón que el de Coronel vivo de Infantería sin expresión de cantidad'. His brother Alberto went to Cartagena, too, and probably arrived with Carlos in 1711. He was later appointed captain of a *compañía de caballos* by Governor Zúñiga. In late 1713, this appointment was confirmed by the Council of the Indies. Carlos was still in Cartagena in August 1720, but preparing his journey to Cuba. By December, he complained that Villalonga prevented him from leaving Cartagena, accusing him of irregularities in connection with the construction and maintenance of the city's defensive structures, having confiscated his belongings so that he was forced to 'vivir de limosnas'. Died in Caracas in 1746.

**Sources**

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## Zúñiga y la Cerda, José de

### Born

Spain

Post	Título	Possession	Departure	Reason
Governor and captain general	1703, April 4	1706, December 7	1713, August 29	Successor arrived

### Career

Had served in the army of Flanders for over 25 years from c. 1667 to 30 January 1693, when he was granted a licence to travel to Spain 'a diferentes dependencias'. On 1 June 1695, he was appointed to the army of Melilla, where he served until 28 February 1697 when he returned to Spain. By decree of 25 September 1698 and título of 30 January 1699 he was appointed governor of San Agustín de la Florida, and on 30 October 1698 he was given the title of Maestre de Campo. The appointment to the governorship of Cartagena was given him by consultas of the Concil of the Indies and the Junta de Guerra of 14 March 1703.

### Other

His brother Antonio was alcaide of Melilla in the 1690s, and another brother, Luis, served as teniente general somewhere in Spain in 1715. A third brother, Rodrigo, was also 'criado de SM'. José travelled to Florida with the New Spain flota with two servants by licences of 23 May and 4 July 1699. While governor of Florida, he fended off several English attacks, to the satisfaction of the crown. When appointed governor of Cartagena, he was ordered not to go to New Granada until his successor in Florida arrived, for which he had to wait nearly four years. His journey to Cartagena seems to have been exceptionally long, 'con tres viajes de mar y uno de tierra en que padeció muchos trabajos y riesgos de enemigos'. He spent eight months in Havana on the way and eventually had to 'fletar y armar de su cuenta un navío' to be able to continue from Cuba to New Granada via Trinidad. On one occasion he also talks about having lived in Mexico for six months, but it is not known whether this was in connection with the same journey. There is also a possibility that he is really talking about Cuba, not Mexico. Seems to have served the post of governor of Cartagena to the satisfaction of the Council of the Indies. By mid-1708, he had sent a letter of resignation to the Council, which had admitted his 'dejación' and was looking for a successor. Zúñiga asked to be allowed to return to Spain because of 'los achaques que me acompañan en este Clima tan contrario a mi complexión'. He was unable to carry out his job properly, 'pues me precisa mi poca salud a estar en cama muchos días'. Apparently, he had not experienced such problems neither in Florida nor in Mexico, 'por ser aquellos temperamentos frescos y más tratables'. He also made sure to point out that 'no me hizo, señor, la codicia pasar a las Indias, sino el no haber Guerra en la Europa'. Thus, he was not inclined to stay in America. By 1713, his residencia was an issue of debate. First, by commission of 13 January 1709, Domingo Boniche, contador of Panamá, was appointed to do it. In 1712 the task was transferred to teniente elect of Cartagena, Gutiérrez de Arce, who was to do it jointly with viceroy elect of Peru, Príncipe de Santo Buono. But as the Príncipe postponed his journey to America, governor elect of Cartagena, Gerónimo Badillo, was to assist Arce instead. A conflict ensued between Boniche and Badillo/Arce, and both parties turned to the audiencia of Santa Fe for help. The audiencia ordered that Boniche take the residencia, and by late 1715 the Council assumed that he had done so. Zúñiga returned to Spain after his term was up, probably in the galeones which left Cartagena for Havana on 7 September 1714. These were the same ships on which his successor Gerónimo Badillo had arrived. They left Havana together with the flota of New Spain on 24 July 1715, and according to Castillo Mathieu all the ships except the one carrying Zúñiga sank in a hurricane off Bahamas.

### Sources

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## Appendix III: Appointees to Cartagena and to the audiencia of Santa Fe who never served , c. 1685-c. 1725

### Alzamora Ursino, José de

*Born:* America: Lima.      *Post:* Oidor      *Date of título:* 1717, Oct. 31      *Reason<sup>1</sup>:* Suspended

*Other*

Bought a post as oidor of Panama at 5 000 pesos on 21 February 1709, then appointed as one of the six oidores of the audiencia of the new Viceroyalty of New Granada.<sup>2</sup> Never served because the Council of the Indies changed its mind about the appointment. The decision was based on information from Antonio de la Pedrosa, who claimed that Alzamora and his colleague Diego Clavijo were involved in contraband trade through Cartagena. In January 1719, Jorge Lozano y Peralta was appointed oidor of Santa Fe in Alzamora's place. By July 1722 his name was cleared and he was re-appointed to the audiencia of Panama. Nine months later he was appointed oidor of Santa Fe to replace Tomás de Salazar, but was allowed to stay in Panama because of ill health by order of 7 September 1725. He died in Panama on 24 October 1725.

*Sources*

AGI Santa Fe 263, Consultas of 4 Nov. 1718, 12 Jan. 1719 and 16 Jan. 1723; Burkholder and Chandler, *Biographical Dictionary*, p. 13; Castellero Calvo, 'La Vida Política en la Sociedad Panameña Colonial', p. 117; Ortiz, *Real Audiencia y Presidentes*, p. 347.

### Araujo y Rivera, Fernando de

*Born:* Spain      *Post:* Oidor      *Date of título:* 1705, April 23      *Reason:* Death

*Other*

Appointed by consulta of 7 April 1702 to replace Domingo de la Rocha. He was in Spain at the time despite the fact that he held a post as oidor of Santo Domingo, to which he had been appointed in 1694. Immediately after his promotion became known, Araujo asked that he be given a knighthood in a military order. Although the Council of the Indies thought he should be given one, as a recognition of well served time in Santo Domingo and to motivate him to continue the good work in Santa Fe, the king postponed the decision and the final outcome is unknown. He seems to have carried out several assignments in Spain in the years 1703-1705, and in the latter year he held the post of corregidor of the Ciudad de Rioseco. The Council of the Indies repeatedly reminded the king of the importance of maintaining the number of ministers in the Santa Fe audiencia, and the king several times told Araujo to go to New Granada. He never did, and by April 1706 he had died and Bartolomé Grillo y Rangel was appointed to replace him.

*Sources*

AGI Santa Fe 262, Consultas of 7 April and 12 May 1702, 4 March 1704, 10 Jan. 1705 and 21 April 1706; AGS, *Catálogo XX*, p. 429.

### Clavijo y Medina, Diego

*Born:* America: Huancavélica, Peru, c. 1683      *Post:* Fiscal      *Date of título:* 1717, Oct. 31      *Reason:* Suspended

*Other*

A licentiate from Lima. Bought an appointment as fiscal of Panama at 4 000 pesos on 2 August 1709, while in Spain, then appointed as one of the six oidores of the audiencia of the new Viceroyalty of New Granada. Never served because the Council of the Indies changed its mind about the appointment. The decision was based on information from Antonio de la Pedrosa, who claimed that Clavijo and his colleague José de Alzamora were involved in contraband trade through Cartagena. In addition, a royal order had been issued that Clavijo and colleague Gaspar Pérez Buelta be brought prisoners to Spain 'por resultar culpado en un comiso que se ejecutó en Panamá'. In January 1719, Joseph de Castilla was appointed fiscal of Santa Fe to replace him. Clavijo was cleared of the charges of contraband when the audiencia of Panama re-established in 1722 and was renamed to the post as fiscal on July 21 that year. He probably never returned to serve as he died in Seville in 1733, but still held post when he died.

*Sources*

AGI Santa Fe 263, Consultas of 4 Nov. 1718 and 12 Jan. 1719; Burkholder and Chandler, *Biographical Dictionary*, pp. 89-90; Castellero Calvo, 'La Vida Política en la Sociedad Panameña Colonial', p. 117; Ortiz, *Real Audiencia y Presidentes*, p. 347.

<sup>1</sup> The reason why the appointee never took up office in Santa Fe.

<sup>2</sup> A cédula of 31 October 1718 set the staff of Santa Fe to viceroy, six oidores (Luis Antonio de Losada and Antonio de Cobián who were already in Santa Fe, José de Llorente and Felipe Nicolás Fajardo from Quito, Gaspar Pérez Buelta and José de Alzamora from Panama) and a fiscal (Diego Clavijo from Panama). Ortiz, *Real Audiencia y Presidentes*, p. 347.



**Enriquez de Iriarte, Diego**

*Born:* Probably Spain, c. 1688      *Post:* Oidor      *Date of título:* 1719, March 12      *Reason:* Death

*Other*

Obtained a baccalaureate in canon law from the University of Granada in 1708. At the time of his appointment, he was *colegial huésped* in the colegio mayor of Cuenca of the University of Salamanca, where he had been since 1708. He was first nominated for a place as oidor in Santa Fe in October 1718 to replace Antonio de Cobián, who had been promoted. However, he was not appointed until a month later, then to replace José de Llorente. In that year he also served as *secretario de capilla* of the colegio. He died in Vélez Málaga in early 1720, before setting out for America but not until after he had paid the media anata amounting to 400 000 maravedis. After his death, the crown repaid the amount to his brother Pedro so that he could pay back the money to the Casa de Andriani y Rubín 'que es la que se la prestó con lo demás que necesitaba para su viaje'. On 20 June 1720 Tomás de Salazar was appointed oidor of Santa Fe to replace Enriquez de Iriarte.

*Sources*

AGI Santa Fe 263, Consultas of 27 Oct. and 29 Nov. 1718, and 26 April and 20 June 1720; AGI Santa Fe 418, Títulos, grados, presidencias, y otros ejercicios literarios hechos por Matheo de Yepes, 22 Sept. 1713; AGS, *Catálogo XX*, p. 429; Burkholder and Chandler, *Biographical Dictionary*, p. 109.

**Fajardo, Felipe Nicolás**

*Born:* Spain: Madrid      *Post:* Oidor      *Date of título:* 1717, Oct. 31      *Reason:* Promotion

*Other*

Held a licentiate from the University of Alcalá de Henares. Received a futura to the fiscalía of Quito on 4 August 1709 and took up office in 1714. Then appointed as one of the six oidores of the audiencia of the new Viceroyalty of New Granada. Never served because the Council of the Indies promoted him to alcalde de crimen of the audiencia of Lima on 17 September 1718, before he had embarked on the journey to Santa Fe. In November 1718, Joseph Francisco Ruiz de Castro, *colegial huésped* and catedrático of the University of Seville, was appointed oidor of Santa Fe to replace him. Fajardo died in Lima in 1722.

*Sources*

AGI Santa Fe 263, Consultas of 4 and 29 Nov. 1718; AGI Panamá 178, A la escribanía de cámara, 8 Oct. 1709; Ortiz, *Real Audiencia y Presidentes*, p. 347; Burkholder and Chandler, *Biographical Dictionary*, p. 114.

**Figueroa, Fernando**

*Born:*      *Post:* Governor and captain general of Cartagena      *Date of título:*

*Other*

Was appointed to succeed José de Zúñiga y la Cerda, but was replaced by Gerónimo Badillo.

*Sources*

AGI Contratación 5467, N. 71, Título de Gobernador y Capitán General of Cartagena of Gerónimo Badillo, 27 Feb. 1713.

**Gorrichátegui, Francisco**

*Born:*      *Post:* President      *Date of título:* 1686, March 21

*Other*

Gorrichátegui had paid 60 000 pesos ('en préstamo pero cobrados') for the first futura of the presidency of the audiencia of Santa Fe, the highest price ever paid for such an appointment. In 1690, he went to Cartagena on the galleons, and was still there in 1692, when he unsuccessfully tried to persuade the Council to let him take up office as president of the audiencia of Santa Fe on the grounds that Gil de Cabrera was suspended. In Cartagena he became friends with oidor Juan Garcés de los Fayos, who supported him in this petition.

*Sources*

AGI Santa Fe 59, N.16, Juan Garcés de los Fayos to Marqués de los Veles, 15 Dec. 1692; AGI Santa Fe 211, Juan Simón Infante on behalf of Francisco de Gorrichátegui to king, n.d.; AGI Santa Fe 211, Juan Eusebio Dávalos to king, n.d.; AGS, D.G.T. 13, leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696; Sanz Tapia, 'Provisión y Beneficio de Cargos Políticos en Hispanoamérica', p. 112.

**Jaime, Manuel**

*Born:* Spain      *Post:* Teniente general      *Date of título:* Never collected      *Reason:* Did not accept

*Other*

Nominated in first place for the post as teniente of Cartagena by consulta of the Cámara de Indias of 18 November 1716, with a promise of a promotion to the audiencia of Santa Fe or Quito when his term was up. On his way to Madrid to collect the necessary documents he fell ill in Medina de Pomar, where he was at the end of November 1717. This meant that he had missed one opportunity to go from Cadiz to Cartagena, and for this it was suggested that he not be given the post after all. He eventually excused himself and Alejo Díaz Muñoz was appointed in his place by consulta of 30 January 1719.

*Sources*

AGI Santa Fe 437, Andrés de Pes to Joseph Rodrigo, 7 Sept. 1717; AGI Santa Fe 437, Joseph Rodrigo to Andrés de Pes, 5 Nov. 1717, AGI Santa Fe 437, Para el Consejo, n.d.; AGI Santa Fe 437, Relación de los títulos y grados del liz.do Don Manuel Jaime, n.d.



**Llorente, José de**

*Born:* Spain, c. 1675.      *Post:* Oidor      *Date of título:* 1718      *Reason:* Suspended

*Other*

Held a licentiate from the University of Salamanca. Fiscal of Panama from 1706, oidor of Quito from 1709. In 1716, he was appointed to investigate the overthrow of President Meneses if for some reason Antonio de Cobián was prevented from carrying out the assignment. Llorente was appointed as one of the six oidores of the audiencia of the new Viceroyalty of New Granada, but never served because the Council of the Indies changed its mind about the appointment. The decision was based on a letter from Antonio de la Pedrosa dated 26 April 1718, in which he informed the Council of the Indies of Llorente's illegal business transactions with a Cartagena merchant by the name of Francisco Herranz Menaya. Diego Enríquez de Iriarte was appointed to replace him in November 1718. Llorente remained in Quito until 1723 when he was sent to Panama *en depósito*. The following year he was cleared of the charges of contraband and re-appointed to Quito, where he still was in September 1742.

*Sources*

AGI Santa Fe 262, Consulta of 10 June 1716; AGI Santa Fe 263, Consultas of 4 and 29 Nov. 1718; Burkholder and Chandler, *Biographical Dictionary*, pp. 193-194; Ortiz, *Real Audiencia y Presidentes*, pp. 326, 327 and 347.

**Manzaneda, Severino de**

*Born:*                      *Post:* Governor of Cartagena      *Date of título:* c. 1701      *Reason:* Death

*Other*

He was president of the audiencia of Santo Domingo when appointed governor of Cartagena to succeed Juan Díaz Pimienta. The latter received news of his appointment in June 1702, but Manzaneda died in Santo Domingo on 5 August 1702 and thus never took up office in Cartagena.

*Sources*

AGI Santa Fe 435, Juan Díaz Pimienta to king, 22 June and 2 Sept. 1702; AGI Santa Fe 435, Consulta of 13 March 1702.

**Pérez Buelta, Gaspar**

*Born:* Spain: Taladrid (Oviedo), c. 1684      *Post:* Oidor      *Date of título:* 1717, Oct. 31      *Reason:* Suspended

*Other*

Obtained a baccalaureate in canon law from the University of Salamanca in 1704 and a licentiate from the University of Avila in 1708. Appointed oidor of Panama on 31 July 1708 and bought a licence to marry a native at 1 000 pesos escudos. He was appointed as one of the six oidores of the audiencia of the new Viceroyalty of New Granada. Never served because the Council of the Indies changed its mind about the appointment in November 1718. The decision came after it became clear that a royal order had already been issued that Pérez Buelta and his colleague Diego Clavijo be brought prisoners to Spain 'por resultar culpado en un comiso que se ejecutó en Panamá'. José de Laysequilla was appointed to replace him in January 1719. In 1723, Pérez Buelta had cleared his name and on 18 June that year he was appointed fiscal de lo civil of the audiencia of Lima. Promoted to oidor of the same on 17 December 1729. He died in Lima on 8 October 1744. Married Panamanian Manuela Justiniano y Herrera in 1716. Their son Gaspar Francisco (born 1719) bought an appointment to the audiencia of Panama at 19 000 pesos in 1747 and was later promoted to Lima.

*Sources*

AGI Santa Fe 262, Consulta of 17 July 1716; AGI Santa Fe 263, Consultas of 4 Nov. 1718 and 12 Jan. 1719; Burkholder and Chandler, *Biographical Dictionary*, pp. 259-260; Castellero Calvo, 'La Vida Política en la Sociedad Panameña Colonial', p. 117; Ortiz, *Real Audiencia y Presidentes*, p. 347.

**Salazar, Tomás**

*Born:* America: Lima, c. 1675      *Post:* Oidor      *Date of título:* 1721, April 30      *Reason:* Did not accept

*Other*

A licentiate in canon law from the University of San Marcos of Lima in 1692, and a doctorate three years later. He stayed there teaching until his appointment as oidor of Santa Fe. He was appointed by consulta of 20 June 1720 to replace Diego Enríquez de Iriarte. By then he had been in the king's service for thirty four years, his latest appointment being that of abogado of the audiencia of Lima. Salazar was allowed to 'hacer dejación de la plaza de oidor de Santa Fe' due to ill-health making a journey to Santa Fe dangerous. In January 1723 José de Alzamora was appointed oidor of Santa Fe to replace him. Salazar became interim protector de indios of the audiencia of Lima for two years, and later, on 11 March 1735, he obtained an appointment as supernumerary oidor without salary to Lima, having paid up to 8 000 pesos. He was granted half-salary in 1738, but died on 30 April that year.

*Sources*

AGI Santa Fe 263, Consultas of 20 June 1720, 22 Dec. 1721 and 16 Jan. 1723; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, p. 308.



**Sierra Osorio, Fernando de**

*Born:* Presumed birth in Spain, c. 1671      *Post:* Oidor      *Date of título:* 1719, June 12      *Reason:* Promotion  
*Other*

Held a licentiate from Valladolid, where he was a member of the colegio de Santa Cruz. Appointed oidor of Quito in 1702 where he probably stayed until promoted to oidor of Santa Fe. Never served because he was promoted to fiscal of the audiencia of Lima. In August 1720 José Joaquín Martínez Malo was appointed oidor of Santa Fe to replace him.

*Sources*

AGI Santa Fe 263, Consulta of 29 Aug. 1720; AGI Panamá 178, A la escribanía de cámara, 8 Oct. 1709; AGS, *Catálogo XX*, p. 430; Burkholder and Chandler, *Biographical Dictionary*, p. 322.

**Torres y Gómez, Pedro de**

*Born:* Spain      *Post:* Teniente of Cartagena      *Date of título:* Never collected      *Reason:* Death  
*Other*

Was appointed to replace Juan Gutiérrez de Arce by consulta of 4 September 1715.

*Sources*

AGI Santa Fe 420, consultas of 3 Aug. and 18 Nov. 1716; AGI Santa Fe 437, Para el Consejo, n.d.; AGI Santa Fe 437, Sujetos para la Provisión de el empleo de teniente general y auditor de la Gente de Guerra de la ciudad de Cartagena.

**Valcarcel, Juan de**

*Born:* c. 1661      *Post:* Fiscal      *Date of título:* 1691, May 30      *Reason:* Promotion  
*Other*

Promoted to supernumerary alcalde del crimen of the audiencia of Mexico on 31 December 1693, before taking up office in Santa Fe, but according to Burkholder and Chandler 'may not have served'.

*Sources*

AGS, *Catálogo XX*, p. 431; Burkholder and Chandler, *Biographical Dictionary*, p. 339.

**Vivero, Baltasar Carlos de**

*Born:* Spain      *Post:* President      *Date of título:* 1709, August 13      *Reason:* Reform in government  
*Other*

Became Marquis of San Miguel de la Vega by decree of 1 November 1706. Governor of Popayán 1707-1713. Appointed president of the audiencia of Santa Fe to replace Francisco de Meneses. Never took up office because of the establishment of the viceroyalty and suppression of the post of president of the audiencia of Santa Fe. He bought the post as future president of Santa Fe at 10 000 pesos, with an offer to pay another 6 000. In 1722 and 1723, his brother José, who lived in Granada, tried to have the money refunded, and obtained a promise that 'se le paguen estos 10 000 pesos cuando hubiese caudales en la thesorería general'.

*Sources*

AGI Santa Fe 263, Consultas of 28 Feb. 1722 and 7 Nov. 1723; AGI Santa Fe 368, Informe del Contador General de Valores Don Lorenzo de las Veneras, 28 Feb. 1720; AGS, *Catálogo XX*, p. 429; Ortiz, *Real Audiencia y Presidentes*, pp. 288, 299, 301, 331 and 371; Restrepo Tirado, *Gobernantes del Nuevo Reyno de Granada*, p. 31.

**Zúñiga, Francisco José**

*Born:* America: Lima c. 1643      *Post:* Oidor      *Date of título:* 1704, July 10      *Reason:* Promotion  
*Other*

Given a future appointment as oidor of Panama 'en atención a sus méritos y títulos de letras' by decree of 28 March 1693. By consulta of 24 October 1703, he was appointed to the post as oidor of Santa Fe to replace Francisco José Merlo de la Fuente, who had been promoted to oidor of Charcas. He was officially serving as oidor of Panama at the time, but seems to have been in Spain. In 1705 he had not yet come to collect his título and other necessary documents and pay the media anata. When in 1707 he still had not embarked on the journey to Santa Fe, and Merlo had asked to be excused from going to Charcas, it was decided that Merlo stay in Santa Fe and Zúñiga go to Charcas. By 1710 Zúñiga was in Charcas, as an order of 28 July of that year ordered that he be suspended from office, imprisoned and his possessions and held his salary embargoed. This had been carried out by July 1712, and he was still imprisoned in Charcas when he died on 10 February 1714.

*Sources*

AGI Santa Fe 262, Consultas of 24 Oct. 1703, 10 Jan. 1705 and 3 March 1707; AGI Panamá 178, audiencia de la Plata to king, 20 July 1712 and 22 March 1714; AGI Panamá 178, Francisco Pimentel y Sotomayor, to king, 12 April 1714; AGN Real Audiencia -Cundinamarca, leg. 10, f. 966, Domingo López de Calos Mondragón to audiencia of Santa Fe, 24 July 1704; AGS, D.G.T., leg. 10, Relación de los ministros que sirven en las Audiencias del Perú, 25 Jan. 1696; AGS, *Catálogo XX*, p. 431; Burkholder and Chandler, *Biographical Dictionary*, p. 371.



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