

STUDIES IN  
AMERICAN HISTORY

MIDDLETOWN—SMITH—HUGHES

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I



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# THE VICEROY OF NEW SPAIN

DONALD E. SMITH

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## CHAPTER I

### HISTORICAL INTRODUCTION

Although it is no longer necessary to show why the history and institutions of Spanish America should be studied with the same interest and care as are bestowed upon those of English North America or of Europe, nevertheless a change in the emphasis of the particular phases of Spanish American history to be investigated must be insisted upon. It is today recognized practically everywhere that the history of the Americas south of the United States has a dignity of its own, and we are now in a period in which there is evidence of an increasing attention to historical studies relating to Spanish America. This revival of interest in the working of what is, in some respects, an old field of history should, however, be turned in a direction which will enable us to realize the best results with the rich materials now available.<sup>1</sup> We must no longer suffer a preoccupation with the romantic

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<sup>1</sup> The unusual facilities, compared with the past, which are now enjoyed by the investigators in the field of Spanish and Spanish American history are due principally to three facts. The first is the more liberal policy adopted in recent years by the officials of the Spanish archives in throwing open to foreign students and allowing them to work without subjecting the materials they take out to a censorship. These favorable conditions exist now in the great repositories of documents at Simancas, Madrid, and Seville. The second is the systematic study which is now being made of the archives of Mexico under the auspices of the Carnegie Institution of Washington. The third is the conversion of the great library of Mr. H. H. Bancroft from a private collection into a public one, accessible to all qualified students. It perhaps ought to be said that an additional aid is being offered to scholars by the action of the Mexican government in publishing so many documents of the highest value dealing with the history of the country. On the other hand, the great series of *Documentos Inéditos para la Historia de España* reaches only to the seventeenth century.

age of the early conquerers and explorers, after the fashion of Irving and Prescott, or a concentration of interest on the wrongs of the native races, as with Las Casas and Sir Arthur Helps, or even an exclusively economic point of view, such as was so brilliantly held by Alexander von Humboldt. That which is of present urgency is a clear understanding of the general administrative system of the Spaniard in his dominions overseas. At the very outset, any such endeavor to understand what the Spanish colonial government really was, is confronted by the necessity of finding out and stating unambiguously the duties of the viceroy, how they were performed, and what were their historical consequences. One could scarcely devise a more instructive study in comparative institutions than that presented by the somewhat parallel development of the English rule in India and the Spanish rule in America, the whole centering in the office of the viceroy; but our interests are for the present restricted to the narrower view of the viceroy as a colonial officer in New Spain, and only an occasional comparison between him and similar officials of other European colonizing nations can be made.

The reasons for restricting this thesis to a consideration of the viceroy of New Spain in the eighteenth century are fourfold. In the first place, the viceregal office attained to its fullest development in Mexico, or New Spain, rather than in Peru, under the special guidance of the greatest of Spain's experts in colonial affairs, José de Gálvez, Minister General of the Indies (*Ministro Universal de Indias*). In the second place, in the eighteenth century, notably during the last thirty years of it, New Spain shared in those far-reaching reforms of the enlightened despot, Charles III,<sup>2</sup> which makes its history during that reforming epoch peculiarly important. The transformation which the Spanish colonial system underwent at this time can be studied to best advantage, as far as America is concerned, in the history of the viceroyalty of

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<sup>2</sup> In many ways the clearest statement, in a small compass, of the scope and meaning of the reforms of Charles III in Spain is to be found in the little Stanhope essay, by Joseph Addison. The larger Spanish general histories of this reign, such as the one by Danvila y Collado, and the older work of Ferrer del Rio, are very weak on matters relating to America and to the colonies.

Mexico. In the third place, this period, the last third of the eighteenth century, was not only a reforming epoch, when Spain was again one of the great powers of Europe, but it was also the time in Spanish American history which may be called the eve of the war of independence. It is therefore the period when there can be studied to the best advantage those political and social forces which eventually lost for Spain the most splendid colonial empire known at that time, as a consequence of which this era is attractive to the historical student as a period of preparation for the subsequent secession of Spanish America. In the fourth place, as a final reason and one sufficient in itself, the historical materials available on the Pacific Coast, and particularly in the collection belonging to the University of California, are of more value for the great viceroyalty, of which the Pacific Coast was a part, than for the more distant ones of South America. From the point of view of time, also, the documents in the Bancroft Library are much more significant for the eighteenth century than for any other period.

The first question which presents itself in regard to the viceroy of New Spain, let us say in the year 1770, before the new reforms had been inaugurated, is, What was his position in the general scheme of the government of the viceroyalty, and what were his duties with reference, on the one hand, to his superiors in Spain, and on the other, to his subordinates in the dominions over which he was expected to rule?<sup>3</sup> Any answer to this question must begin with the statement that the viceroy was supposed, as the derivation of his title indicates, to be in the place of the king, to be the king's *alter ego*, to have all the powers and prerogatives which the king would have were he there in person, but subject, of course, to those checks and restrictions on his absolute power which the king had seen fit to throw about him. As was to be expected, these limitations on the exercise by the vice-

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<sup>3</sup> The best existing account of Spanish institutions as they were in the latter half of the eighteenth century is given by Desdévives du Désert, referred to in the appended bibliographical note. What is said there about the viceroy in Spain, and incidentally in the colonies, is by no means exhaustive, but makes a clear and accurate introduction to the subject. Such a book as the *Historia de Legislación Española*, by Antequera, is satisfactory as far as it goes, but it is too brief.

roy of plenary royal authority were very considerable and varied at different times, but there was left, even at this time of the greatest abasement of the viceregal government, a residuum of powers which made their possessor a real potentate. The viceroy of New Spain was the highest colonial official in all the territory from the Isthmus of Panama on the south, northward to and including New Mexico, Texas and California, and embracing those lands between Louisiana and the Pacific Ocean which now constitute the southwestern portion of the United States. The Spanish islands of the West Indies, the two Floridas, and from 1762 to 1800 Louisiana, together with the region which we call Central America, organized by the Spaniards as the Captaincy-General of Guatemala, were all within the sphere of influence of the viceroy without being directly subordinate to him.<sup>4</sup> In times of war these neighboring provinces looked to Mexico for military and financial aid, but in ordinary matters of internal and peaceful administration they were practically independent.

The viceroyalty of New Spain proper, therefore, may be said to have extended from Guatemala to Louisiana and Oregon. Over this vast but not very accurately defined territory the viceroy exercised a threefold authority. Just what this authority was and just how it was exercised, the secondary historians have never made clear, but a careful reading of our primary sources makes it possible so to state it that it is intelligible to even our American modes of thought. There is almost never discernible in the duties of a Spanish high official in the colonies that distinction between civil and military, or between executive and judicial functions which are so fundamental with us. This general statement is made at the beginning in order to anticipate those confusions and contradictions which are inevitably encountered by the student who is accustomed only to English in-

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<sup>4</sup> The discussion of the very complicated question of the official relation of the viceroy to the neighboring captains-general is taken up very briefly in a later chapter, as is also the equally perplexing question of territorial divisions. The complicated arrangement regarding the *Provincias Internas* and the relation of this new territorial circumscription to the rest of the viceroyalty, together with the whole matter of the twelve new intendancies, will be taken up with the other reforms of Gálvez.

stitutions. Taking the viceroy's great variety of functions and separating out and classifying together those that would seem to lend themselves to any sort of classification under familiar terms, a result something like the following is reached:

1. The great variety of duties which are by us commonly termed civil were exercised by the viceroy in his capacity of *governador*, or governor. But, as the reader has just been warned, no very fine distinctions between the civil, the military, and the ecclesiastical were observed by the legislators for New Spain, and an endless variety of duties which an American would call civil were performed by the viceroys in other capacities than as governors. However, as chief in a general way of the civil administration, it cannot be a matter of surprise to find the *governador* held accountable for the collection of taxes of all kinds, whether for local purposes or for the satisfaction of the rights (*derechos*) of the king of Spain. Naturally, it made no difference from what sources these taxes were derived, whether upon real or personal property, or incomes, or movable goods. Included in the above were the duties of all sorts levied on commerce, exterior and interior, and the tribute or capitation tax paid by both whites and civilized Indians. Under this heading also came the administration of the numerous mines, with its own special code of laws.<sup>5</sup> With the responsibility for collecting the revenues there went a responsibility for their expenditure, and this covered disbursements of all kinds, whether for local or imperial purposes, such as the subsidies to the mother country and the neighboring colonies, the appropriations for the military and civil service, and the carrying out of public improvements. This appropriation of money for public improvements meant nothing less than the entire direction of the building and maintenance of all public works, from roads, bridges, fortifications, and drainage canals, to the creation of new town sites, public markets,

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<sup>5</sup> For everything relating to the revenue system, recourse should be had in the first instance to vol. iii, chap. 28, of Baneroff's *History of Mexico*, and in the second, for detailed information, to the *Historia General de Real Hacienda*, by Fonseca and Urrutia. The most interesting code of mining laws, known as the *Reales Ordenanzas de la Minería*, contains a complete digest of the laws relating to mines and mining.

granaries, and foundling asylums. The viceroy as governor was further expected to increase the revenue and at the same time to encourage industries and generally promote his people's welfare by strict control and administration of the numerous royal monopolies, which, though perhaps primarily revenue-producing, covered a great many of the leading industries of the country, from the production of precious metals, mentioned above, and the tobacco industry, to such minor activities as the manufacture of playing cards and the licensing of cock fights and the venders of snow.

From this statement of the viceroy's civil functions it would seem necessary to assume that he would regulate rather strictly all matters relating to commerce and trade, but this was by no means the case. For the general movement of internal trade he was indeed responsible, but so minute was the oversight maintained by the home government in this all-important branch of colonial affairs that the viceroy was left comparatively little discretion.<sup>6</sup> The Madrid government, acting through the Casa de Contratación, or India House, at Cádiz, relieved the viceroy of everything but a very general supervision of the Mexican end of the trade with Spain.<sup>7</sup> He was obliged, it is true, to attend more carefully to the commerce of the Philippine Islands, passing through the port of Acapulco, but all things considered, matters of external trade did not loom very large on the horizon of the viceroy's responsibilities.

There were, however, even after this enumeration, a number of civil duties left to the viceroy-governor, of which only two

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<sup>6</sup> As the subject of colonial trade, its regulation by the mother country, and the mutual effects upon both, have been topics of perennial interest, a number of good secondary accounts have been written. A partial list is as follows: Bourne, *Spain in America*, chap. 19; Moses, *South America on the Eve of the Emancipation*, chap. 13; and Moses, *The Establishment of Spanish Rule in America*, chap. 3.

<sup>7</sup> The general reader will find the Casa de Contratación briefly but clearly treated in Moses, *Spanish Rule in America*, chap. 3, while reference may still be made to Veitia Linage, *Norte de la Contratación de las Indias Occidentales* (1672). For the most recent statement of the place of the Casa de Contratación in Spanish history, see the essay of J. Piernas Hurtado. The laws defining the viceroy's duties during the earlier period are conveniently assembled in Solórzano, *Política Indiana*, vol. ii. There is no satisfactory treatment of the above points in any secondary work. For references to primary sources, see chapters iii and vi of this thesis.



can come in for mention here. The appointment of a small army of subordinates in the civil service was one of his opportunities for good or evil, though this power was fenced about with restrictions. Last of all, the governor was also a judge. This side of his activities had undergone many changes during the three centuries of viceregal government, and was to be subjected to still more notable modifications before the eighteenth century was over. But before the reforms of Charles III, the viceroy was president of the supreme court, or *audiencia*, and possessed of a variety of ways of interfering with the administration of justice. As will be pointed out further on, there was a great difference of opinion as to how far these judicial powers should extend, and the viceroys often complained of their diminution as hampering their influence and usefulness. The deep-seated historic rivalry between the chief executive of Mexico and the supreme court found partial vent in a struggle over just this point. Evidently the kings of Spain had become persuaded to take the side of the *audiencia*, and convinced that the viceroys had abused their judicial office, for the latter, gradually stripped of all real power as judges, were ultimately left as mere ex-officio presidents of the *audiencia*.

2. It was in his second capacity, as captain-general, that the viceroy possessed some of his most distinctive powers in the administrative hierarchy of New Spain. The supreme military command over all the military and naval forces,<sup>8</sup> the militia of the provinces, and the police of the capital, was vested in the viceroy as captain-general, and so extensive and important were these functions that some writers have asserted that they quite overshadowed the civil ones of the viceroy as governor. It is cer-

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<sup>8</sup> There was really no navy or considerable collection of naval vessels in the colonies independent of the control of the minister of marine at Madrid. In this respect the viceroy of New Spain was saved some of the responsibility attached to the office of governor-general in India, though this statement requires some qualification. There was under the direction of the Mexican government a number of coast-guard vessels and revenue cutters, and on the Pacific coast, at different times, a few larger vessels. The hospital at Vera Cruz was for sailors as well as soldiers, and was maintained out of Mexican revenues. See Revilla Gigedo, *Instrucción Reservada*, art. 683. For a discussion of the viceroy and the navy of New Spain, see chap. iv of this thesis, where likewise will be found references to the primary sources.

tainly undeniable that the viceroy's responsibility for national defense against a foreign enemy and for internal order against hostile natives or disaffected citizens was at times the most serious one he had to bear, but it may be asserted with equal positiveness that this pre-eminence of the military over the civil operated in the main as an impediment to the highest peaceful development of the country. In the early days, in the sixteenth century, before the rule of the Spaniard had been fully established, the viceroy was in effect the commanding general of an army of occupation, so that there was little room for anything else but the rule of a soldier. The earlier viceroys, and their predecessors, the *adelantados*, were therefore, of necessity, military chiefs first and civil administrators afterward, and right down to the war of independence an overwhelming majority of the viceroys were essentially military men, very often with little else than a military education and experience. It was a very common thing for the road to the palace in Mexico to lead from a lieutenant-general in the army, through the post of captain-general of Cuba, as a preliminary to the viceregal dignity. It would seem that a purely civil training was a bar to high preferment in the colonial service, and such a condition of affairs could not, without a miracle, but have impaired the civil administration. It is not possible to go quite so far as to say that the distinctly military viceroys, during the period under consideration, gave direct evidence of incapacity for office because of their military antecedents. There was no real civilian viceroy with whom they could be compared, and the man who is generally looked upon as the ablest of them, the younger Revilla Gigedo, was a soldier, while the great Gálvez himself was an intendant in the royal army before he entered upon his career as the reforming statesman of New Spain.<sup>9</sup> One cannot avoid instituting a comparison

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<sup>9</sup> Villarroel, vol. i, part ii, p. 23, in his comments on the military character of the Mexican viceroys, speaks of their capacity as captains-general as their "primitive function": . . . "que es la primitiva de los Exmos. Sres. Vireyes en calidad de Capitanes Generales." Throughout, Villarroel gives the impression that the military viceroys were not very expert in overcoming the difficulties that arose from trying to administer a civil office.

between the history of the British in India and the Spaniards in America and reflecting upon what the India service would have lost had there never been at the head of affairs any but strictly military men, and if Clive and Hastings had been barred from office because they were civilians. A disposition to condemn the Spanish practice in this regard must be strengthened by the knowledge that the non-military viceroys of New Spain were archbishops. From the point of view of viceregal authority, however, the office of captain-general was a gain, and tended toward that unity of command which has not always been secured in India.

3. In addition to being head of the civil administration as governor and commander-in-chief of all branches of the military service as captain-general, the viceroy enjoyed the position of the king's direct representative as the civil head of the church with the title of *vice-patrono*,<sup>10</sup> or vice-patron. This side of the viceroy's activities had been developed as early as the sixteenth century, in fact as early as the days when the *conquistadores* and *adelantados* ceased to be mere soldiers and seekers after gold, and began to take on the character of heads of a civilized state. The relations of church and state had been settled in Spain, in the latter half of the fifteenth century, during the reign of the Catholic rulers, Ferdinand and Isabella, and had been settled in nearly every important particular to the advantage of the state. Succeeding struggles between the kings of Spain and the popes had brought about only minor changes, so that very little can be said about any development or decrease of ecclesiastical privileges during the rule of the Spaniard in America. The relative positions of king and pope in Europe had been carried to Mexico by their respective representatives, the viceroy and the archbishop, with a minimum of friction or difficulties of any kind. Thus it was that the rights of patronage which belonged to the Spanish

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<sup>10</sup> The works of Bancroft contain rather more than an introduction to the history and constitution of the church in Mexico, as may be seen in the *History of Mexico*, iii, 681-731. See also Moses, *Spanish Rule in America*, chap. x, and his *South America on the Eve of Emancipation*, chap. vi.

kings came to be connected naturally enough with their representatives in the New Spain, the Mexican viceroys. It is not necessary to explain in detail, in this historical introduction, how the viceroy administered the *real patronato*, but it may be stated that these matters reached their final form by the time of the viceroys Flores and Revilla Gigedo, 1787 to 1794. These additional ecclesiastical responsibilities added, of course, to the difficulties of the viceregal office, and were only partially compensated for by the enhancement of the viceroy's dignity and prestige. As a matter of common practice, the Mexican authorities interfered as little as possible with the affairs of the church, and the great exception, the expulsion of the Jesuits in 1767, was entirely the result of orders from the home government.

When it comes to considering the changes which were made in the powers of the viceroys, from the very beginning to the outbreak of the War of Mexican Independence, one must be prepared to believe that the changes were considerable both in numbers and effect. During the two hundred and fifty years of Spanish rule before the days of Charles III, it had been found necessary to impose some sort of check upon the king's chief representative in the colonies, who had at the beginning of this period such vast and indefinite powers. A more careful consideration of this large question will be taken up in chapters II and VII, but a preliminary word or two must be said in this connection. The whole system of checks and balances directed against the viceroys happens to be one of the better known aspects of the Mexican colonial government, but, contrary to what is commonly understood, this system was in its completed form the result of long experience and a great number of changes.<sup>11</sup>

The perfectly normal and obvious thing to do, when it is desired to tie the hands of a governor or viceroy, is to impose upon that official a body of responsible colleagues, which English-

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<sup>11</sup> The numerous changes in the relations of the principal officials of a Spanish dependency and the various kinds of remedial legislation enacted by the mother country indicated that the Spanish system was not utterly rigid and unadaptable. It is probable that the viceroy's powers were changed as much by attempted reforms as those of any similar official in the colonies of other European nations.

speaking people call a council. Such a body was imposed upon the viceroy of New Spain early in the sixteenth century, under the name of an *audiencia*, and in order to guarantee the independence of this body it was allowed to correspond directly with the home government without the viceroy as an intermediary. As a further means of holding the viceroy to his duty, the well-known method of taking official account of his administration was accomplished through the institution known as a *residencia*. This was in substance a trial conducted by the crown with the intent of bringing to light any malpractices of which the retiring viceroy might have been guilty during his official term. It was not only a means of setting right any wrongdoing or injustice which could be remedied after such a lapse of time, but it was also regarded as giving a significant warning to possible future violators of the law. This combination of the *audiencia* and the *residencia* constituted the approved method of keeping the viceroy well in hand; but they had broken down utterly by the middle of the eighteenth century, when the reforms inaugurated by Gálvez<sup>12</sup> brought about a complete readjustment of the relations of the viceroy to his superiors in Madrid and to his colleagues and subordinates in Mexico.

It now seems appropriate to recount in the briefest possible compass the history of the viceregal government from its establishment in 1535, under the great Mendoza, to the position in which it was found in the reign of Charles III. In the beginning, it was an easy transition when looking about for a suitable representative of the king for his American possessions, simply to transplant thither that officer so well known in Spain, the viceroy. The Kingdom of Spain was really composed of a number of independent sovereignties, united by the historical accident that they all had the same individual for king. This theory of the personal union of states was transferred to America, and in the

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<sup>12</sup> There is a certain assumption in constantly attributing these reforms so exclusively to Gálvez. It has never been shown satisfactorily just who was responsible for many of the measures generally credited to Gálvez's administration of the department of the Indies. Florida Blanca, in his celebrated *Instrucción Reservada*, implies that Gálvez was the man.

same manner as the king of Spain had a personal representative called a viceroy, in each of his kingdoms of Valencia, Aragon, Navarre, and the others, he appointed a similar representative with the same title for his kingdom of the Indies. This vast territory had later to be broken up into separate kingdoms, as the Spaniards called them, such as New Spain or Mexico, Peru, New Granada, and finally in 1778, Rio de la Plata, or Argentina, but this subdivision of the American territory had no constitutional bearings on the relation of these dependencies to the crown.

These first great royal agents had been sent out with very ill-defined authority, and although they abused it, in distant America the office was found to be indispensable and could not be abolished as it had been in Spain proper. These shorter distances had made it possible for the kings to develop an autocratic and highly centralized administration, and to put themselves in a position to dispense with their all too powerful vice-kings.<sup>13</sup> In the American kingdoms the viceroys were retained, but went through an evolution which constitutes the staple of the administrative history of Spanish America. Thus it came about that, by the end of the eighteenth century, while there remained in Spain itself only the viceroy of Navarre, occupying a position highly ornamental and dignified, but actually without political power, there had developed in the New World four distinct viceroalties, each with an elaborate machinery of government and tending more and more to come under the direct control and guidance of the king and his department of the Indies.

The earliest agents of the Spanish king in America who had administrative duties proper, in contradistinction to those of the mere explorers and conquerors, were not hampered by any ingenious system of checks and balances such as was soon to be

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<sup>13</sup> The most helpful secondary account of the general position of the viceroy and his place in the history of Spanish institutions is that of the brilliant French scholar, Desdèvises du Désert. In vol. ii, chap. 3, is his discussion of the provincial administration in Spain and America, and though it is lucid and well arranged it is not sufficiently detailed to enable one to rest satisfied with this treatment. All the secondary writers have something to say on the subject, but no others deserve special mention.

invented to keep their successors properly under the control of the Madrid government. They were not only far removed from Madrid by distance expressed in geographical miles, but they were also separated by the long and uncertain time required to exchange despatches. This excessive difficulty of communication placed these *adelantados* so far beyond anything like direct supervision that they got out of hand and became in consequence a source of endless anxiety to their distant European superiors.<sup>14</sup> Desperate adventurers of the Cortés-Pizarro type did not lend themselves readily to the role of civil administrators obediently taking orders from a remote Council of the Indies. That celebrated council had been created in the reign of Isabella, but required a long period of years to gain experience and capacity for the great work expected of it, and it is not surprising that this body of elderly grandees, bureau clerks, and ecclesiastics found it difficult to command the respect and obedience of the first conquerors of America.

Although these conditions were bound not to be permanent, and were succeeded in the seventeenth and eighteenth centuries by an era of orderly government and internal peace, certain other evils developed which made clear the necessity of restraining the viceroys from ruling their territories like independent kings. By the eighteenth century the danger was passed that the viceroys would attempt to cut out for themselves independent states in defiance of the king, but a new set of conditions had grown up which called for interference on the part of such an enlightened despot as Charles III, quite as imperatively as the violence of the sixteenth century might have done. This greatest of the Spanish Bourbons came to the throne in 1759, after a long apprenticeship as King of Naples, and very early surrounded himself with capable ministers such as Aranda, Campomanes, and Florida Blanca. Before very long he was in the full tide of that

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<sup>14</sup> As an illustration of the anarchy which was so common during the first period of conquest, and of the insubordination so often shown by the conquerors, it is sufficient to point to the difficulties arising between Cortés and Velásquez, and the open war which was waged for a time between Almagro and the brothers Pizarro.

reform legislation which attacked not only all sorts of abuses and medieval survivals in Spain proper, but also those evil conditions in the colonies that were brought to his notice.

These conditions were not of the kind which present any peculiar difficulties, as far as their intelligibility is concerned, to an American of the present day. The Spanish colonial administration was honeycombed with what is now familiarly called "graft." In spite of the best intentioned legislation on the part of the mother country, so flagrant had become the abuses of the Spanish domination that a fresh attack upon the powers of the viceroy, as the central figure of that domination, was bound to come. Probably no more scathing indictment of the work of any government has ever been printed than the one drawn up by Admirals Juan and Ulloa in 1736, and handed to Philip V, in the innocent form of a report of a tour of inspection of the military and naval establishments of Peru.<sup>15</sup> These *Noticias Secretas*, or secret memoranda, were in effect an exposé of the worst features of the Spanish rule. This celebrated report, written for the most part in a caustic, censorious tone, particularly when dealing with the clergy, exhibited a dreary picture of a country afflicted with an administrative dry rot, which left the native population cruelly oppressed by the very public officials who were designed to be their protectors, and which left the administration of justice, for native and Spaniard alike, corrupt and incredibly dilatory. Furthermore, if the mass of evidence bearing on this point is to be believed, the administration was everywhere, when not actually dishonest, antiquated and inefficient to a superlative degree.

Apparently the officials of the home government were too interested in the continuation of abuses or too lethargic to be aroused even by such a recital as that of Juan and Ulloa, and the

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<sup>15</sup> The very important question of the degree of credibility due the *Noticias Secretas* has not, as far as I know, yet been raised. It is not to be doubted that there were specific examples in Peru of every abuse attacked by Juan and Ulloa, but the general picture drawn by them may reasonably excite suspicion from its extremely dismal tone. The discussion of the government by the corregidores (part ii, pp. 230-265) suggests many analogous conditions in Mexico.



king himself permitted their report to slumber unheeded for the rest of his reign. But after the accession of Charles III, a greater sensitiveness to various forms of misgovernment was observable. Only two years after his coming to the throne, in the year 1761, there was sent to New Spain in an inquisitorial capacity one José de Gálvez, with the title of *visitador general*. A visitor-general, it may be explained in passing, was a direct personal representative of the king, a kind of *legatus a latere*, clothed with extraordinary powers, limited only by the particular instructions which were given him with his commission.<sup>16</sup> He was, in civil and military, what the grand inquisitor was in ecclesiastical affairs, except that the visitor-general was not restricted in his investigations by any vain distinctions between the temporal and spiritual domains. The office of visitor-general had been used in Spanish America back in the days of the earliest viceroys, and the early records are filled with evidences of the conflict between these two high offices. The traditional enmity was to be seen again as soon as Gálvez arrived on the scene, and, owing to a dispute over the extent of his powers, he was not able to begin work until 1764.

Gálvez was expected to see things, as it were, with the eyes of the king, to investigate all sorts of men and conditions even to the viceroy himself, and to report back what he actually saw. Such a commission was not likely to make him a popular personage in the viceroyalty, and contemporaries were singularly unanimous in declaring that he saw everything that could possibly be construed to be bad. His rancorous disposition and intolerance toward everything which was inefficient, combined to make him the proper antidote for the maladministrators of Mexico. In his series of *informes*, or reports to the king, and in his instructions to the viceroys we have evidence of the thoroughness of his probings into political, economic, and social abuses. It must have been made apparent to the Madrid government, as

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<sup>16</sup> There does not exist any work upon the nature and operation of the office of the visitor-general, nor even a chapter in any of the general histories which can be regarded as in any sense satisfactory. This whole subject must be worked up *de novo* from the sources. Occasionally, also, an ecclesiastical visitor-general was sent out to inspect the affairs of the church.

a result of these reports, that some drastic changes were necessary, and that an *audiencia* during a viceroy's incumbency and a *residencia* at the end of it were no longer guarantees of either an honest or an efficient rule. The demands for reforms which had been made timidly and infrequently by some of the preceding viceroys, and the earnest insistence for the same reforms now made in Spain by Campomanes and Jovellanos, fortified by the influence of Gálvez, resulted in a general attack all along the line. The decrees of 1765 and 1768 began the downfall of the Spanish mercantile system, and the great free-trade decree of 1778 revolutionized the trade relations between Spain and her colonies.<sup>17</sup>

The general statement that in modern times there has been a constant tendency of the work of civilized governments to become greater and more complicated is certainly applicable to Mexico in the eighteenth century. The evidence from the sources is conclusive that the viceroys in the days of Gálvez were overworked, and that their responsibilities were too numerous for any one man to bear.<sup>18</sup> The idea of the older and simpler days of the viceregal government, of the concentration of all forms of governmental activity in the hands of one chief executive, might do very well for a Philip II in the sixteenth century, or a Napoleon even in the nineteenth century, but was most certainly found wanting for the average viceroy who was trained in the

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<sup>17</sup> It is a noteworthy fact that these first great reforms were directed against that system of commercial restrictions which had borne most severely on the economic development of the colonies. The exact history of the decree of October 12, 1778, has never been unravelled. There is reason to believe that Cevallos, in Buenos Aires, was the first provincial ruler to put in effect the provisions later embodied in this act. A clear, brief account of these commercial reforms is in De Lannoy and Vander Linden, pp. 389-403.

<sup>18</sup> Villarroel discusses the unnecessary demands upon the viceroy's time and strength in his *Enfermedades Políticas*, i, part ii, p. 23: "Las mas grave y pesada carga de los Señores Vireyes, la de gastar diariamente quatro ó seis horas en el Despacho de los Expedientes contenciosos, que la ponen de manifiesto los dos Secretarios de Gobierno, llebando regularmente puestos las Decretas, que ellos creen, que corresponden, reducidas á pase al Señor Fiscal . . . y pase al Asesor." He urged that the *asesor general* be given the duty of first examining these despatches, and reducing them in numbers, so that when only the most important ones remained they be submitted to the viceroy himself.

camp, and found himself, past middle life, in a maze of administrative duties. The changes which were now soon to be introduced and which we must, from the point of view of the present, regard as the keynote of Spanish American administrative history on the eve of independence, were devised primarily to relieve the viceroy of his excessive official burdens, and incidentally to secure more immediate control, by the home government, of certain branches of the administration. It is easy for us to understand that the chief executive of New Spain, who was obliged to spend one-third of his time in holidays and ceremonies, and four hours of each working day in the drudgery of examining and signing despatches, could not keep a firm grip on all departments for which he was responsible.

The change which most profoundly affected the position of the viceroy, both in respect to his actual direction of the government in Mexico and to his relation to the king in Spain, was embodied in the Decree of the Intendants, of the year 1786. An intendant was originally a kind of provincial governor in France, under the old régime, and had been carried to Spain along with the Bourbon dynasty during the first quarter of the eighteenth century. The office had been suppressed in Spain in 1718, only to be revived in 1749, by a decree which formed the basis of the before-mentioned decree of 1786. It was reserved for Charles III to attempt to transplant this office, with certain modifications, to the colonies, and intendants were first heard of there in the year 1782, as playing a very significant part in the new government of the Rio de la Plata.<sup>19</sup> The trying of the intendants in the smallest and youngest of the viceroyalties may have been regarded as a sort of political laboratory experiment. Four years later they were brought to Mexico with the double purpose of relieving and regulating the viceroy.

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<sup>19</sup> There is reason to believe that intendants were employed in Cuba even earlier than in Argentina.

It must be explained in this connection that previous to this time New Spain<sup>20</sup> had been divided into a number of provinces, in the main governed by *corregidores*, who were responsible directly to their immediate chief, the viceroy. Under these *corregidores* were the leading local magistrates, the *alcaldes mayores*, whose functions were mainly judicial. Now it so happened that in those famous *Noticias Secretas*, not to mention a large number of lesser known authorities on conditions in Spanish America, these *corregidores*, and of course to a certain extent their subordinate *alcaldes mayores*, received most of the blame. A *corregidor* was supposed to be, among other things, a kind of Indian commissioner with a large responsibility for the welfare of these wards of the Spanish nation, but the chance to make money out of their official position proved to be too alluring, so that they were singled out for an early sacrifice when the real reforms began. Evidently the first-hand personal investigation of the clear-sighted visitor-general officially confirmed what had long been common knowledge, and the effect of the new decree bringing in the intendants was to sweep out of existence all the *corregidores* and *alcaldes mayores* and to substitute for them governors with general executive and judicial duties, but chiefly designed to exercise complete control over provincial finances. Furthermore, these intendants,<sup>21</sup> as the new provincial governors were called, were to be almost entirely independent of the viceroy and, unlike the *corregidores*, were to report directly to a general superintendent of finances, *superintendente de real hacienda*, who was in turn directly subordinate to the king and the Council of the Indies.

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<sup>20</sup> It is next to impossible to be consistent in the geographical nomenclature of Mexico. Throughout this thesis New Spain and Mexico are used synonymously, and as including the whole territory over which the viceroy ruled. Strictly speaking, the Spaniards meant by New Spain only the kernel, as it were, of what is now included in the Mexican Republic, and referred loosely to the districts outside of this kernel as New Galicia, New Biscay, and so forth. "El reino de México se llamaba Nueva España (estrictamente dicha) cuando se hablaba de él en contraposición de la Nueva Galicia o la Nueva Vizcaya o Nueva Leon u otro territorio semejante" (Rivera, i, 70).

<sup>21</sup> The introduction of the intendants was warmly resented by the viceroys, who could not but feel themselves deprived of one of their chief powers. See Revilla Gigedo, *Instrucción Reservada*, pp. 1-3.

Under this new régime, by the removal of the whole matter of finance from the viceroy's jurisdiction, there was also removed the chief temptation and opportunity for corruption, besides immensely relieving the conscientious viceroy from a state of being chronically overworked. A new council, officially termed the *junta general de real hacienda*, was established at the capital with the superintendent-general as its president. This new chief of the financial end of the government became, not an official subordinate to the viceroy, but a co-ordinate ruler over what was in some ways the most important branch of the government.

From the foregoing remarks it is apparent that the control of all financial matters was by this decree of the intendants taken from the viceroy, but such a bald statement gives no idea of the real loss of power involved in the transfer. The Spanish word *hacienda* signifies a great deal more than our word finance. It included not merely all revenues, but in many cases the sources of revenue as well, so that the king's property and the royal monopolies were henceforth to be administered by the intendants and not by the subordinates of the viceroy. From now on, Mexico was to be divided territorially into twelve intendancies, while the old *corregimientos*, districts ruled by *corregidores*, disappeared. In some cases this apparently simple dividing up of the country was complicated by the retention of the *corregidor* alongside of the intendant, or by having both offices held by one man, but that was an exceptional survival of the old state of things.<sup>22</sup>

To give some notion of the importance of the intendants under this new system, it is only necessary to mention the four grand departments, or *ramos*, over which they presided. The first one enumerated in the law defining the duties of the intendants was that all-important *causa de hacienda*, which has been defined above as the whole department of revenue and finance,

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<sup>22</sup> It is as yet impossible to find anything like a satisfactory account of the intendants without going to the primary material. The most important single source is the text of the decree itself, though the comments of Bancroft and Villarroel are of some help. For the results in Argentina, consult Quesada.

in the most comprehensive sense. The second was the *causa de justicia*, or department of justice, which included within its limits all the lower courts, in the cities and small towns, in fact everything below the two supreme courts, or *audiencias*, at Mexico City and Guadalajara. The third was the *causa de guerra*, or war department, which must not be understood, however, to mean that the intendants were charged merely with what we would regard as the civil duties of recruiting and maintaining soldiers in time of peace, or of making only those preparations which would make field operations possible on the outbreak of war, but that they were also responsible, according to the new law, for the equipment, drill and discipline of all the troops, regular and militia, stationed in the intendancy. The fourth was the *causa de policía*, or general police, which was generously made to include not only policing the districts and preserving good morals, but also poor relief, repair of roads and fortifications, and innumerable similar duties.

The intendant was perhaps the perfect representation of all that must seem to us chaotic and amorphous in the Spanish method of governing men. He was presumed to be the expert financial officer of the crown, capable of understanding the problems of the incidence of taxation and the best method of tapping the public wealth. As a magistrate, he was empowered to issue administrative orders with the force of the law, and he was, of course, president of the council, or *ayuntamiento*, of his capital city. His judicial functions were considerable and he had both civil and criminal jurisdiction. In some cases he was authorized to sit with other judges in the hearing of suits in admiralty. On the military side, he was a sort of secretary of war on a small scale, and a line and staff officer as well. Nearly everything about his office seems to involve a contradiction, and possibly nothing more than the mixture of military and financial matters. Nevertheless, this was not peculiar to the intendants in Mexico. In Spain itself finance and war were very often regarded as a perfectly proper combination, so that there seemed nothing offensive to the Spanish mind in the commingling of these divers

functions.<sup>23</sup> In fact, the intendants of Spain were the models on which those of the New World were constructed, and a thorough trial of this officer had been carried on in Spain before his introduction to the colonies was attempted.

Enough has surely been said to indicate what a diminution of power the viceregal office suffered as a result of the establishment of the new intendant system, but, although this was the most important of the losses sustained by the viceroy, it was by no means all. An inroad was made even on his dignity as captain-general, so that this "primitive function," as Villarroel called it, did not escape the antagonism of Gálvez. There was during this period a loosening of the bonds which connected the viceroy with the military commanders on the frontiers, and the captain-general of Guatemala and the commandant-general of the Provincias Internas became rather less dependent in a military way on the great proconsul in Mexico. It is scarcely believable, in the light of all we know of three centuries of Spanish rule, that there should have come eventually such a separation of the civil and military in Spanish America as there is with the British in India. However, there were certainly some indications at this time that there was a beginning of such a splitting up of the various duties of the viceroy that there might have developed ultimately a viceroy and commander-in-chief in one person, with the chief civil duties in the hands of another.

The beginning of an attack on the viceroy's judicial functions was made by the creation of a new officer called the *regente*, who was to displace the viceroy as the presiding officer of the *audiencia*. This position, which was somewhat analogous to that of our Chief Justice of the Supreme Court, was complained of bitterly as an infringement of viceregal prerogatives, but it was retained just the same. Along the same line and indicating a similar tendency was the denying to the viceroys of the privilege of grant-

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<sup>23</sup> For a clear and interesting summary of the relation of the various royal ministers and their portfolios to one another, there is nothing better in English than Addison, *Charles the Third of Spain*, pp. 104-110.

ing pensions and other rewards to any persons whatsoever. Some of these changes may seem of minor consequence, but their sum total was sufficient to modify in a very serious manner the character of the highest office in New Spain.

In other words, these reforms of Gálvez and Charles III set up a dual system of administration in place of a single, autocratic one, and in such a way that collusion between the two elements of that dual system to oppress the natives or defraud the home government was well nigh impossible. But even after all these serious reductions of the powers of the viceroy of Mexico, there still remained a residuum of authority which easily prevented his lapsing into a mere passive spectator of what was going on in his dominions. It would be a serious mistake to regard viceroys like Revilla Gigedo as a sort of southern counterpart of the governor-general of Canada, a political dignitary selected for his engaging personal qualities and expected to concern himself principally with the laying of corner-stones and reviewing of troops. The viceroy did indeed live in a palace and continued to be the victim of many elaborate ceremonials, but he remained to the last a hard-worked official, charged with the general responsibility for the good government of his people. In many ways his occupation had tended to become rather more supervisory and less actually administrative, but this result was almost certain to be brought about because of the growing difficulty and complexity of his functions. He was still charged with the highest military command, the exercise of the royal patronage in matters ecclesiastical, and he was still the highest civil officer in the country. Moreover, it was discovered after a few years' trial that the process of decentralization and division of responsibility had gone too far and the pendulum began to swing back. Before the end of the Spanish rule in Mexico, the viceroys had recovered a part of their control over the intendants and also the whole department of the *real hacienda*, but there were not enough years of peace left to them to give this second change a fair trial, and the fateful year 1810 began a new epoch of wars and revolutions.



Having concluded what is in the nature of an historical introduction, with a general survey of the main points in the government of New Spain, it may be well to state here what is attempted in the body of the thesis.

In the next chapter, dealing with the relations of the viceroy to the home government, an attempt will be made to exhibit the viceroy as the agent of the Spanish monarchy in the government of its American dependencies. To understand this, it will be necessary to describe very briefly the machinery of Spain's colonial administration and to point out the relation of the various officials, particularly the viceroy, to it and to one another.

In chapter III the viceroy will be studied *in situ*, but only in his capacity as governor. His relation to the executive, legislative, and judicial branches of the government, his appointing power and relation to the civil service, and the specific problems and acts of certain viceroys during the Gálvez period, will be dealt with.

In chapter IV the viceroy as captain-general will be treated after the same manner as in chapter III, except that this chapter concerns his military instead of his civil position. The organization of the military departments, the captain-general's staff, the number, character, and disposition of the armed forces, the fortified places, and so forth, will be described.

In chapter V, the viceroy as vice-patron will receive a somewhat less extended treatment than he is given in his capacities as governor or as captain-general, but the manner in which the viceroys managed to get along with the church in the eighteenth century, their relation to the prelates, the councils, and the inquisition will come in for some explanation.

Chapter VI, although entitled the reforms of Gálvez, will not only treat of the administrative changes initiated by that minister, but will also explain the duties of the superintendent-general of the *real hacienda*. As this office was held, except for a short time, by the viceroy, a description of the duties pertaining to it will show the position of the viceroy as the chief financial officer of the realm. As this is described rather minutely in the

law of 1786, creating the intendants, it seems advisable to make a somewhat extended analysis of that law. Also, as the other great piece of reform legislation of the period was the free-trade decree of 1778, that law, like the decree of the intendants, will be given careful examination.

## CHAPTER II

THE RELATIONS OF THE VICEROY WITH THE HOME  
GOVERNMENT

Before the position of the viceroy, in any of its bearings, can be understood adequately, and particularly his position in reference to his superiors in Spain, it is necessary to get a general view of that complex body of administrative machinery of which he was so important a part. Like practically every other political institution, Spain's devices for governing her colonies were not suddenly created in one day in their complete form, but were the result of slow historical processes which added a bit here and there and which were still going on even after three hundred years of change and improvement.<sup>1</sup> It is doubtless true that Spain's colonial institutions were the result of too much *a priori* theorizing, rather than of experience, but that is a question for the student of political theory, and all that need be said in this connection is that these institutions were provided, one after an-

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<sup>1</sup> The subject-matter of the first three or four pages of this chapter may be found discussed in a large number of secondary works. The best critical writings on the general question of the relationship of Spain to her American colonies, and consequently on the place of the viceroys, are those of the Mexican historians themselves. The leader of that school of historians that exalts the rule of the viceroys and looks back upon the latter half of the eighteenth century as the golden age of Mexican history was Lucas Alamán. In 1852, he wrote: ". . . no ha quedado, mas que la sombra de un nombre en otro tiempo . . . ilustre." The leading representative of that other school of historians, which regarded independent Mexico as a sort of legitimate successor of the empire of Montezuma, was Carlos M. Bustamante. The writers of this school regarded the Spanish domination as a violent subversion of the rights of the natives and always seemed inclined to take a harsh view of the Spanish regime. The leading modern critic who fairly succeeded in avoiding these two extremes was Augustín Rivera. His *Principios Críticos Sobre el Virreinato de la Nueva España*, in three volumes, is too philosophical, but it is interesting for its point of view.

other, as the exigencies of the case seemed to demand, and they were not extemporized as soon as the voyages of the first explorers and conquerors had given Spain colonies to rule over.

When the difficulties and novelty of the problems confronting them are considered, it would have been perhaps utterly unreasonable to expect the Spaniards to avoid most of the mistakes in government and their resultant evils. There were practically no historical precedents to guide the first European states in their handling of colonial questions, and it is easy to understand how Spain came to transplant her own political system, as it had been worked out in Europe, directly to her American dependencies with only those modifications which experience from time to time suggested. It is, however, remarkable that the newly acquired dependencies should have been given immediately and without a struggle the same constitutional position within the empire that was demanded in vain two hundred years later by the English colonies in North America.

Even during the lifetime of Columbus the necessity of providing for a permanent, civilized government, in contradistinction to fitting out exploring and military expeditions, was recognized by the Catholic kings, and various civil magistrates were sent to the West Indies, the first lands occupied by the Spaniards, to administer the law, to supervise the granting of lands to the European settlers, and to regulate the relations between these settlers and the natives. Theoretically, the king had absolute power in America even if such were not still the case in Spain, for there were no traditional checks on the royal power in the Indies such as had survived in Spain itself from the Middle Ages; but in the matter of actual administration neither such an international figure as Charles V, nor even such a born administrator as Philip II, could actually direct American affairs in detail. There arose immediately a need for a body of men who were experienced in American affairs, not only to advise the king but to take actual control of these new and little known dominions.<sup>2</sup> Such a com-

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<sup>2</sup> Baneroft, *History of Central America*, i, 280-282, footnote.

mittee or council was legally constituted in the year 1524, after many years of experimenting with various makeshifts.

This Council of the Indies, or *Consejo de Indias*, has often been compared to the famous Council of Castile and referred to by writers as a kind of counterpart in American affairs of the older council in the affairs of Castile, but such a comparison is misleading.<sup>3</sup> The Council of the Indies had considerably greater authority within its own jurisdiction than any of the councils of Spain proper and was supreme, not only in civil and military affairs, but also in the domain of the church, excepting, of course, questions of faith. For the Kingdom of the Indies, which included all Spanish America and the Philippine Islands, it had authority to legislate on every subject with which a government could be concerned, and the only superior power was the king himself. All the laws in force in the colonies were not only prepared by this council but all the officers of any importance, who were to enforce these laws, were appointed by and responsible to this same council. The viceroys themselves, though standing in a position of peculiar dignity as the personal representatives of the king, were really creatures of the council and reported to it along with the other subordinate officials. The possibility of always appealing from the council to the king as a last resort was finally done away with in the eighteenth century, and by the royal decree of July 29, 1773, the decisions of the council were declared final.

Powerful and efficient as was this council, its eight members made it too large and unwieldy actually to superintend the viceroys and the other officials in America, and in consequence the chief mouthpiece of the home government in the later days of Spanish rule came to be the minister of the Indies. It is impossible in the space allotted here even to attempt an explanation of the Spanish cabinet system under the Bourbons, but from November, 1714, till well into the nineteenth century, there existed a ministry of the Indies.<sup>4</sup> It was usually combined with

<sup>3</sup> Desdevises du Désert, ii, 95-102, 132-133.

<sup>4</sup> *Novísima Recopilación*, III, vi, 4.

the ministry of marine, in the hands of one person, though it was subject to numerous rearrangements in the course of the eighteenth century.<sup>5</sup> In 1787,<sup>6</sup> toward the very close of the Gálvez regime, Charles III divided the portfolio of the Indies between two officials, one to have the department of justice, and the other the departments of war and finance. This new arrangement had been in force only about three years when the government went back to the old basis, but the minister of the Indies, whether he held one or two cabinet offices, was, throughout the period here treated, in many ways the direct superior of the viceroys in America.

As would appear from what has been said above, appointments were made to the viceregal office by the king with the advice of the Council of the Indies. Such appointments were among the very highest at the disposal of the king and were exceeded in honor and profit by only a few positions in the government at Madrid. From the very first, it seems to have been a determined policy of the Spanish rulers to appoint only *grandees* and persons of the highest social ranks as viceroys in the new world. At home it was the policy of Charles V and Philip II to employ occasionally secretaries of humble birth in the central administration, but only the great nobles were appointed to high commands beyond the frontiers. This course was pursued even to the end of the eighteenth century.<sup>7</sup> Perhaps it would be inconsistent with Spanish notions of honor to have allowed the king to be represented by any but one of the bluest blood and of high military rank, but whatever the reason may have been, the viceroys of New Spain and of Peru were in the main aristocrats and soldiers. There seemed to be no place at the top of the American administration for a civil official who had begun in the lower grades and had worked his way by talent alone as high as the *audiencia*.

<sup>5</sup> Rivera, I, pp. 75-80.

<sup>6</sup> *Novísima Recopilación*, III, vi, 12-15.

<sup>7</sup> Of all the viceroys, one only, Casafuerte, was a creole or of American birth. Contrast this with the English practice in North America, where four of the ten royal governors of Massachusetts were colonists; and this was typical.

Despite certain warnings directed against a viceroy's assuming too royal a style, there was a distinct encouragement of a certain magnificence in dress and public deportment, which might be regarded as becoming a representative of the Spanish king.<sup>8</sup> The viceroy was expected to live in a palace, surround himself with a bodyguard,<sup>9</sup> be received in his capital on his first arrival with considerable pomp, and in general demand for himself such an outward recognition of his place and dignity as would properly impress the king's subjects.

The head of the viceregal government was appointed for a term of three years, though as a matter of fact he served at the pleasure of the king and might be continued in office indefinitely. There were never cases of appointments for life as there were occasionally in British North America, but it was no uncommon thing for ill-health or too great an accumulation of responsibilities to force the viceroy to resign.<sup>10</sup> In spite of the unsurpassed climate of the Mexican plateau, hygienic conditions were generally bad. The pictures which Humboldt has given us of the various elements which were unfavorable to public health make it clear that though New Spain was no India, it was an excellent place for an overworked viceroy, past middle life, to break down. The elder Revilla Gigedo was in office for nine years, 1746 to 1755, but this was an unusually long term, and a number of his successors served only for a year or two. An average term for the eighteenth century would not be more than

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<sup>8</sup> " . . . representen nuestra real persona, hagan y administren justicia igualmente á todos nuestros súbditos y vasallos, y entiendan en todo lo que conviene al sosiego, quietud, ennoblecimiento y pacificación de aquellas provincias." Ley I, tit. iii, lib. 3, Laws of the Indies.

<sup>9</sup> Revilla Gigedo, art. 533, after discussing the military honors due the viceroy, speaks of the bodyguard as follows: "La compañía de Alabarderos destinada para la guardia inmediata de los Vireyes, debe considerarse como el primer cuerpo de este Reino, así por el objeto de su instituto, como por su antigüedad, pues fué formada en el año de 1568, se compone un Capitan, un Subteniente, tres Cabos y veinte Alabarderos."

<sup>10</sup> In spite of the constant rivalry of the viceroy and the *audiencia*, political agitation was not as vigorous in Mexico as it was in New York or Massachusetts, and it was not possible to force a viceroy out of office by political pressure applied in the colony.

four years.<sup>11</sup> The fact that most of the viceroys either died in office or retired broken-down or discredited men, did not allow their position to be regarded as a stepping-stone to higher places at home, as some writers have implied. The colonial official who was most distinguished by his sovereign with titles and promotion, José de Gálvez, was never viceroy at all, and so can scarcely be taken as an exception to the rule just stated.

The salary of the viceroy of New Spain was intended to be high enough to raise him above the reach of the ordinary temptations to peculate, and the general tendency was for salaries to be increased with the progress of time. Toward the close of the period of Spanish rule the salary of the viceroy rose to sixty thousand pesos (perhaps \$60,000), besides a number of perquisites and fees, varying with the royal pleasure, but always so considerable in amount as to secure to the holder a princely income. It can never be known how much this income from salary and fees combined was increased by dishonest officials through illicit means. There was always a general impression current that corrupt practices were both extensive and frequent. The law was intended to prevent all indirect profit by forbidding nepotism and the sale of favors of all kinds, and yet it cannot be believed that it always succeeded.<sup>12</sup> Humboldt certainly held the opinion that many of the viceroys made the most of their positions in a

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<sup>11</sup> It is a general opinion that the English colonial governors had a very uncertain tenure of office, but their terms were long compared with those of the Spanish viceroys. According to Greene, *The Colonial Governor*, p. 51, "Massachusetts, during the eighty-two years, from 1692 to 1774, the period of the Province charter, had ten governors with an average term of eight years. North Carolina, during the thirty-four years of the royal government up to the passage of the Stamp Act, had only three governors with an average term of eleven years."

<sup>12</sup> In the matter of salary, the viceroy of New Spain was incomparably better off than the English colonial governors, and the annual income of Revilla Gigedo was something like six or eight times as great as that of the best paid of the governors of the North American colonies. The governor of Virginia, just before the revolution, received £2000 sterling, and some fees besides, but in the other colonies, the average was no higher than £1000 sterling. Moreover, in all but four of our American colonies the governors' salaries were not on a fixed basis, but were dependent on the good will of the assemblies. Greene, pp. 59-64.



financial way,<sup>13</sup> in spite of all the safeguards with which the home government sought to surround their office, and in this opinion many of the most intelligent contemporaries concurred.<sup>14</sup> However, an examination of the means employed by the Spanish government to control their agents in America shows the way to an understanding of the means actually employed in the efforts to keep the viceroys honest and efficient, and likewise shows to what extent these measures were successful.

The control which the home government exercised over the rulers of the American provinces, whether viceroys, captains-general, or governors, was accomplished in a great variety of ways. On the one hand, it was direct, since it was brought to bear upon the colonial rulers during the time they actually held office, and on the other hand was indirect, in that penalties were provided for offending officers when they had concluded their term of office. The direct control was effected by means of orders and despatches in the form of royal decrees sent to the viceroy from the Council of the Indies or the Minister of the Indies at Madrid. This was also supplemented through the action of the co-ordinate officials in Mexico, who could act independently and even in opposition to the viceroy himself. The indirect control, which was to be secured by the punishing of a corrupt magistrate at the close of his term of office, was accomplished through the *residencia*, referred to in chapter I. A brief consideration of these three features of the viceroy's relation to the home government will now be given in the above order.

In trying to decide upon the nature and effectiveness of the direct control maintained over the viceroy by the Madrid government, the investigator is puzzled by two opposing considera-

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<sup>13</sup> Although it is impossible to know with any exactness how much was stolen directly or indirectly by the Spanish pro-consuls of New Spain, it may be interesting to cite some opinions. Desdévise du Désert, ii, 132 and 133, following Humboldt, takes a very pessimistic view: "There were some very avaricious, and some were veritable pillagers. One is said to have stolen eight million livres in a few years." Bancroft, *Mexico*, iii, 537-538, shows how the viceroys could add to their fixed income.

<sup>14</sup> Allowing for considerable corruption under the Spanish system, it does not look so bad when compared with what went on under the English rule. For an introduction to this subject, see Greene, pp. 46-48.

tions. There is no doubt that a great number of orders and instructions, of the most detailed character, were sent from Spain to Mexico every year. It is equally certain that the widest latitude was allowed to the viceroys in the matter of their obedience to these instructions, or at least in the matter of deciding when they should be put into operation and how they should be interpreted. In the language of the Laws of the Indies, the viceroys were:<sup>15</sup> “. . . in all the matters and business that came before them to do what seemed to them right, and carry out everything which We would be able to carry out and perform, of whatever quality and condition it may be, in the provinces under their rule, and they are to govern for our royal person, in all things where there is not a special prohibition.” It was generally conceded that a viceroy had wide discretion in the matter of enforcing these royal orders and the famous saying, “I obey but do not execute,” (*obedezco pero no cumplo*) is always remembered as one of the characteristic anomalies of the Spanish colonial administration. While it is difficult to decide at times which was the more likely to prevail, the detailed and reiterated commands from Spain or the procrastinations and evasions of the vice-kings in America, it is safe to say that by the middle of the eighteenth century the tendency was all in favor of the former.<sup>16</sup> The establishment of a regular line of

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<sup>15</sup> “. . . en todas las cosas y negocios que se ofrecieren, hagan lo que les pareciere y vieren que conviene, y provean todo aquello que Nos podríamos hacer proveer, de cualquiera calidad y condición que sea, en las provincias de su cargo, si por nuestra persona se gobernarán, en lo que no tuvieren especial prohibición.”

<sup>16</sup> Desdevisés du Désert, ii, 126-138, implies throughout that the viceroys were practically free from anything like direct control on the part of their sovereigns, and in one place (p. 127) he makes this strangely inaccurate statement: “The great viceroyalties of the Indies were veritable satrapies on the oriental order, with the only difference that the viceroys were never kept in office longer than six years at most.” There are two difficulties with this statement that are almost too obvious to deserve special notice, and only the reputation and general excellence of Professor Desdevisés du Désert makes such notice justifiable. The American viceroyalties were not satrapies except for purposes of rhetoric; and six years was not the superior limit of the viceroy's tenure of office. In the latter half of this chapter I have shown by a large number of cases taken direct from the correspondence of the viceroys of New Spain with their home government, to what an astonishing degree they were supervised and dictated to by their superiors in Spain.

packet-boats between Europe and America and the general improvement of the means of communication between Vera Cruz and Cádiz in regard both to speed and safety, combined to increase the likelihood of the crown's wishes being carried out. When in addition to this there was occasionally present in New Spain a visitor-general, the colonial official became less independent and the Council of the Indies better assured that its decrees were being obeyed.

The second form of direct control, that by means of independent colleagues, was from the earliest days performed by the *audiencia*, a combination of supreme court and governor's council. The Laws of the Indies prescribed with great exactness the organization, honors, fees, exemptions, and jurisdiction of this exalted body, which eventually came to be invested with sufficient powers and privileges fairly to rival the viceroy. The first *audiencia* in the New World was that of San Domingo, created before there was such a thing as a viceroy in America, but as an institution the *audiencia* became most interesting when it reached its highest development on the mainland at a much later date. The relation of the *audiencia* to the administration of justice will be treated in chapter III, but in this connection it is viewed solely as one of the means of limiting the power of the viceroy and helping the king to keep him in a place of proper subordination.

Though the Mexican *audiencia* was, like the American provincial legislature, a check upon the colonial governor, it must not be thought of as a legislative body in any proper sense whatsoever. From the time of its establishment in New Spain in the year 1528, till it went down in the general ruin of the Spanish domination in the first quarter of the nineteenth century, it had been a judicial and advisory body.<sup>17</sup> Legislation, strictly speaking, did not exist in the Spanish colonies at all, and all laws were issued in the name of the king by the Council of the Indies. The nearest approach to lawmaking in New Spain was the issuing of proclamations, or *bandos*, by the viceroys.

<sup>17</sup> Moses, *Spanish Rule in America*, chap. iv, *passim*.

The decisions of the *audiencia*, generally known as *autos acordados*, were not even ordinances, but merely court decisions which would be followed as precedents by the other courts of the viceroyalty until they were reversed. This power of rendering judicial decisions was the most distinctive government characteristic of the *audiencia* and suggests another comparison with English colonial institutions. Among the English colonies in America the governor's council was not only what the term indicates, a body of advisors to the colonial executive, but was in addition a kind of court of appeals and upper house of the legislature.<sup>18</sup> The Mexican *audiencia* was primarily a supreme court with appellate jurisdiction, and its functions as an advisory board to check and assist the governor were of secondary importance.<sup>19</sup> Though the *audiencia* might communicate independently with the government in Spain and might express its views unhindered in regard to all branches of the administration, it was concerned, in the main, with the general direction of the department of justice.<sup>20</sup> When the *audiencia* was acting as a council of state, its advice was not obligatory on the viceroy except in a small number of cases. It was naturally assumed, however, that the chief executive took upon himself a rather serious responsibility when he acted contrary to the advice of his council. If he followed his own independent course he might be able to find ample means for justifying it before the Council of the Indies, but such a burden of proof would tend to discourage hasty or ill-considered action.

The most effective way at the disposal of the crown of limiting the power of the viceroy was secured through the office of the *visitador-general*. Though this means was used only inter-

<sup>18</sup> Greene, pp. 23-31 and 72-90.

<sup>19</sup> In 1755, the elder Revilla Gigedo in his instructions to his successor declared that the audience of Mexico had for its object: ". . . conocer de todas las causas, ya sea de las que por caso de corte, privilegio ú otro motivo se radican en primera instancia ó ya sea de las que suben por apelacion de los jueces de provincia y de todos los ordinarios, y aun del Virey en puntos de justicia contenciosos entre partes, sin mas recurso en las que determina, que el de la segunda suplicacion al Real y Supremo Consejo de las Indias." Quoted by Rivera, i, 81, footnote.

<sup>20</sup> Desdevises du Désert, ii, 149-151.

mittently and so, unlike the *audiencia*, did not bring to bear a constant pressure, it was much more thoroughgoing while it lasted. This is referred to in chapter I, where a few words are devoted to the mission of José de Gálvez and his reforms, but it must be alluded to again in this connection.<sup>21</sup> The visitor-general was usually given the fullest possible powers and was hampered by the fewest possible restrictions. As his work was bound to conflict more or less with that of the regularly constituted authorities and as he was intended and expected to criticize and investigate, it was unavoidable that he should create antagonism which would prevent any danger of his abusing his powers in the direction of independence from the mother country. Though he owed a duty to the Mexican commonwealth like any other officer employed there, he was more keenly alive to his responsibilities at home, whither he was soon to return and where he could expect the only reward for his services. It was apparent that such an office in the hands of a strong man must lead to large results and it so happened that the most important administrative changes in Mexico during the reign of Charles III were accomplished by the visitor-general. Subject to no interference from an *audiencia* and indifferent to public opinion, the visitor-general had a tremendous advantage over the viceroy and was able with unfettered hands to inaugurate a number of changes and reforms utterly beyond the power of the ablest and most honest viceroy.

In some ways the appointment of such a visitor-general as Gálvez was like suspending the viceregal office. At the very least it caused a temporary diminution of authority in that office, which showed how effective an agent of imperial control the visitor-general might be. The attitude of the viceroys was not that of approbation, and the following quotation from a letter of Bucareli to his brother reflects some typical contemporary opinion.<sup>22</sup> "No one can deny that the visitor-general had worked hard, and that he was not lacking in zeal for the service,

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<sup>21</sup> Bancroft, *History of Mexico*, iii, 367-368.

<sup>22</sup> Desdevises du Désert, ii, 133, footnote.

or in ability. But he also had his faults; his friends were always right, his adversaries were always mistaken, he never pardoned an injury, and often in seeking a way to get even, did harm to a great many good servants of the king." After the first irreconcilable break with the Viceroy Cruillas, things went rather smoothly, because the succeeding viceroys gave up the attempt to maintain an opposition. The specific reforms introduced by Gálvez will be the subject of chapter VI, but it is hoped enough has been said here to indicate the importance of the visitor-general as an instrument of the crown in preventing the viceroys of New Spain from becoming satraps in the meaning of *Des-devises du Désert*.

The great indirect check on the viceroy to which the home government had recourse, aside from actually divesting him of his office before the normal expiration of his term, was the *residencia*.<sup>23</sup> This judicial inquiry into the various acts performed by an outgoing official was not limited to the viceroy, but was applicable to any of the higher civil officers. It had always been an unpopular institution, and by the time of Charles III had likewise come to be recognized as ill-adapted to the purposes for which it had originally been designed. It was expensive and vexatious, and owing to the possibility of collusion between the official under examination and those who were his examiners, had fallen into general discredit. In the *Noticias Secretas*,<sup>24</sup> there is an interesting and almost humorous account of the way *residencias* were conducted in Peru, just before the middle of the eighteenth century. Unless the viceroy or corregidor had offended some person of influence or antagonized some powerful interests, he was practically sure of a vindication as a result of the once dreaded *residencia*. The much-quoted statement of Humboldt is of direct interest on this point. "If the viceroy is rich," he said, "adroit, supported in America by a courageous *asesor* and at Madrid by powerful friends, he can

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<sup>23</sup> Bancroft, *History of Central America*, i, 250-251 and footnote.

<sup>24</sup> Juan y Ulloa, *Noticias Secretas*, p. 255 *et seq.*

govern arbitrarily without ever fearing the *residencia*.”<sup>25</sup> It cannot be a matter of surprise that the viceroys themselves were violently prejudiced against so costly and vexatious a proceeding, and one which might easily be made the means of petty persecutions against even the most upright official. The younger Revilla Gigedo expressly condemned the *residencia* as it was employed in New Spain against the intendants as well as the viceroys. His language on this subject was as follows: “The *residencias* have been considered as a means of avoiding disorders in the administration of justice, as a restraint upon the judges; but experience certainly proves how little progress is made by this means, which as a rule is the more burdensome to the good servants of the King, as it obliges them to go to an expense which they cannot support, especially in the case of the subdelegates, for whom judges of the *residencia* are appointed by the Council, which usually leads to great delays and throws obstacles in the service of the King.”<sup>26</sup> However, when the *residencia* was abolished in 1799 so far as subordinate officials were concerned, it was retained for the viceroys, and this may be taken as evidence that the home government believed in the value of a final accounting when a viceroy surrendered his office.

In a general way the measures have been made clear whereby the mother country kept a restraining hand upon the chiefs of the distant American viceroalties. It is now perhaps in order to discuss certain relations of the viceroy to the king, which have a bearing upon imperial questions. Obviously there was a great number of purely local matters in New Spain which were left almost entirely to the viceroy, and which could not in the nature

<sup>25</sup> Humboldt, *Political Essay on New Spain*, ii, 244.

<sup>26</sup> “Las residencias se han considerado como un medio de evitar desórdenes en la administracion de justicia, conteniendo á los Jueces; pero lo cierto es que la experiencia acredita cuán poco se adelanta por este medio, mas gravoso por lo regular en los buenos servidores del Rey, á quienes obliga á un gasto que no pueden soportar, especialmente los subdelegados, á los cuales se deben nombrar los Jueces de residencia por el Consejo, lo que suele tambien retardarse y quedar impedidos en el servicio del Rey.” Revilla Gigedo, art. 140.

“La residencia es un gravámen de la mayor consideracion . . . .” Revilla Gigedo, art. 864.

of things be understood or provided for even by the most zealous bureaucrat in Madrid. There were at the other extreme many general problems touching more or less directly the interests of Mexico, which nevertheless had to be regarded as of such peculiar concern to the mother country that the viceroy was given no part in determining their policy. Between these extremes there was another large sphere of governmental activity in which the mother country was interested enough to interfere occasionally, though on the other hand, she was willing to listen to the viceroy's advice and, in a large number of instances, trust to his judgment. The first and last of these categories will be discussed at length in the following chapters, but the second, that relating to what may be called imperial interests, belongs undoubtedly here.

One of the most immediate of all imperial concerns was that which dealt with foreign affairs and the protection of the colonies against the ambitions, commercial or territorial, of rival states. Complementary to this was the necessity of advancing the Spanish frontiers whenever possible, and the anticipating of other nations in the conquering and exploiting of desirable territory. In the nature of things, a European nation could not rely upon its colonial governors to decide such questions, but the Spanish viceroys were time and again most important agents in carrying out these policies and furnishing information to the Spanish statesmen in Europe as to ways and means of putting a given policy into operation.

In the latter half of the eighteenth century the Spaniards were content to maintain a *status quo* on the continent of North America, and whatever advances were made in the way of territorial expansion were defensive in their object. In two famous instances, territorial acquisitions were forced upon Spain by the necessity, real or fancied, of protecting the dominions she already possessed. Louisiana was forced upon Spain by the exigencies of European diplomacy, and was acceptable only because it could not be allowed to fall into the hands of a hostile power like England, not because of its intrinsic worth. Similar considera-



tions also forced the Spaniards in the days of Viceroy de Croix to forestall the Russians in the possession of California. In all these measures New Spain was the necessary base of operations and the Spanish imperial policy found in the viceroy its proper and necessary agent. Much of the time of Bucareli, successor of de Croix, was taken up in the administration of the frontier province of Upper California, a matter of purely imperial interest.<sup>27</sup> Without multiplying examples any further, it may be said that the viceroys of New Spain, like the English viceroys of India at the present day, were constantly embarrassed with questions of international politics. This is constantly impressed upon one who studies the primary material of the period, though the best illustrations are to be found in the instructions which the younger Revilla Gigedo and Branciforte left to their successors.

It was as captain-general that the viceroy came into closest relation to Spain's continental projects. As the military and naval representative of the king, he was called upon to coöperate in plans of imperial defense and not merely devote himself to the repelling of attacks upon New Spain proper. He might be called upon at any time to send aid in men and money to such neighboring provinces as Louisiana, the Floridas, or any of the islands of the Antilles. Even the distant Philippines had to be provided for against foreign attack, and in that case it fell to the viceroy of New Spain to supply and organize the necessary

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<sup>27</sup> The vast amount of manuscript correspondence between Bucareli and Neve, in the California provincial archives, indicates something of the additional responsibility that the occupation of this province brought. "La vecindad de los rusos podria acaso con el tiempo sernos mas perjudicial que la de los ingleses ú otras naciones europeas, cuyas disposiciones y auxilios debian ser mucho más tardos y muy difícil que nos perjudicasen. Yo he sido siempre de opinion, y he propuesto á la Corte, que lo conveniente era reducir nuestros limites hasta el Estrecho da Juan de Fuca, que parece ser un término de demarcacion señalado por la misma naturaleza: y seria lo mas feliz para nuestra nacion el que quedase un término que á nadie perteneciese y que contuviese el comercio clandestino y motivos de disensiones, que es lo que hay más que temer. . . . Revilla Gigedo, art. 713.

Though the viceroys at times found their duties greatly increased, through the government of the Provincias Internas, they were anxious to retain their full authority over them. Branciforte to Paz, August 29, 1796.

supplies, ships, and men. One of the chief reasons for the creation of the new viceroyalty of the Rio de la Plata, in 1777,<sup>28</sup> was the protection of that part of the Spanish dominions against the Portuguese who were pressing southward from Brazil. It was not at all unusual for the home government to direct even in great detail all of these expeditions, but in every case the viceroy was the pivot upon which everything turned. These military operations often necessitated the coöperation of contiguous, independent provinces, but when this occurred the viceroys still constituted the main part of the machinery by which affairs were managed. In many ways, the best illustrations for the above statements are to be found in the history of the La Plata country where the viceroy was not only *vis-à-vis* to the hostile Portuguese establishment, but had in addition a special difficulty with the English over the Falkland Islands.<sup>29</sup>

The policy pursued by the Spanish government toward the native races is one of the best known as well as one of the most interesting features of its rule in America, and it was in this connection that the viceroy had the most difficult task as the intermediary between the king and his Indian subjects. In these matters the home government seemed to prescribe everything, but held the viceroys responsible for everything. From the very first, it had been recognized in Spain that paternal legislation, throwing various safeguards around the aborigines, was not adequate for their protection. In order that the natives might not be abused by leaving the enforcement of these laws in the hands of the regular officials, whose interests rarely coincided with philanthropic intentions in Madrid, a body of special officers called *corregidores* was sent out to look after the Indians. These

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<sup>28</sup> This date has been somewhat in dispute, but the *real cédula* granting the commission as viceroy to Cevallos, bears the date of August 1, 1777. See Quesada, *Vireinato del Rio de la Plata*, p. 115.

<sup>29</sup> The royal order of June 26, 1780, directed to Viceroy Vertiz, is a good document to illustrate not only Spanish policy in South America, but the relationship between a viceroy and the crown. It contains instructions to Vertiz regarding the conduct he should pursue in regard to the Falkland Islands, warning him of the designs of the Court of St. James upon the Straits of Magellan, and the South Atlantic coast of South America. Printed in Quesada, pp. 168-169.

*corregidores* became in effect Indian commissioners, while the viceroys to whom they were responsible were in a position similar to that of the royal superintendent of Indian affairs in British North America.<sup>30</sup> The Indians were politically entirely subordinate to the king's representative, though their caciques were recognized. However, there was no place in the Spanish system for any great native states such as had been allowed to survive and still exist in British India.<sup>31</sup> On the other hand, the viceroys were especially enjoined to protect the natives from forced labor and other forms of economic servitude. Whatever evasions of these laws occurred, there did not develop anything approaching the rigid and oppressive agricultural system that grew up under the Dutch in Java. The viceroys of New Spain had no opportunity of formulating, still less of putting into effect, any policy of their own dealing with the Indians. The policy of keeping the Europeans and the natives apart had been adopted early by the Spaniard and had been persevered in to the very last, so that in this matter also the viceroys were left no discretion and were powerless to alter these traditions of government. The natives were made to pay their share in the financial support of the *real hacienda* by a special tax called the *tributo*. The assessment and collection of this tax was watched over most carefully by the Council of the Indies, as it was evidently felt that if such matters were left to the colonial officials there would be special danger of corruption and abuse. The absence of semi-independent states as in British India, and the desire of the Spanish kings to avoid the half-servile conditions which prevailed in the period just after the conquest and which became a regular characteristic of the Dutch rule in Java, left no alternative but a land or capitation

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<sup>30</sup> It is interesting to point out that the royal superintendent of Indian affairs was one of the extraordinary members, so called, of the governor's council in the English colonies. Greene, p. 78. There was a general tendency to abridge the power of the governor by the assembly, so that by the time of the Revolution, Indian affairs were managed either by royal agents directly, or by committees of the assemblies.

<sup>31</sup> The absence of large native states relieved the viceroy of anything like diplomatic duties and prevented the natives having in their possession a nucleus for a possible revolt.

tax.<sup>32</sup> The latter was adopted as affording a system which caused a maximum of revenue with a minimum of commingling of Europeans and natives. The idea of keeping the white man and the native apart was one of the peculiarities of the Spanish method of protecting the latter. It never seemed to be an object with the crown to build up in America a great Spanish community with as much Spanish blood and as little adulteration as possible. On the contrary, no pains were spared to make immigration from the peninsula extremely difficult. It seemed as if it were the desire of the king to limit the white population in America to the comparatively few persons needed to carry on the government, to defend the country against foreign invasion, and direct the exploitation of the mines.

As a part of its policy toward the native races, though at first seeming to have no bearing upon it, the African slave trade must be considered.<sup>33</sup> One reason why the Spaniards were able to avoid either the enslavement of the Indians or their subjection to a forced culture system and yet secure a sufficient quantity of fairly efficient labor, was the establishment of negro slavery. New Spain was not a densely settled country where population was likely to outrun food supply, so that recourse might easily be had, as the conditions of the labor market seemed to justify, to bringing in laborers from abroad. Originally, however, the African slave trade was turned in the direction of America as the only possible means of saving the Indians from extermination. In carrying out this policy, which was

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<sup>32</sup> The two books which best enable the English reader to understand the two most interesting parallel colonial administrations, are General Sir George Chesney, *Indian Polity*, and Clive Day, *Policy and Administration of the Dutch in Java*. Chapter 7 of Mr. Day's book gives a clear outline of the culture system as it worked in Java, while chaps. 8 and 9 show the political features of the administration and the final reforms. The worst side of the Spanish system is of course found in the *Noticias Secretas*, *passim*.

<sup>33</sup> The general question of negro slavery in Spanish America and its effect upon the native races has been discussed in the general works of Saco and Sir Arthur Helps, but its diplomatic and international aspects have only recently (1906) been treated by G. Scelle. The policy of the home government in regard to the slave trade is here treated very fully, and the "asiento treaty," or provision of the Treaty of Utrecht, is shown in its proper relations for the first time.

inaugurated back in the days of Las Casas, the viceroys of Mexico had a comparatively small part. The slave trade was strictly regulated from Madrid, either by treaty with a foreign nation, as with England by the Treaty of Utrecht, or by chartered companies, as was done for a while after the famous *asiento* had ceased to be in effect. In such matters, then, the viceroy could do little more than execute the orders sent him, like any subordinate official. He was expected to make provision for the receiving and distributing of the slaves and for enforcing the laws protecting them and regulating the institution of chattel slavery.

One of the most interesting things about the viceroy of New Spain was his relation to the Mexican civil service. The interest, however, is quite as keen with regard to what he did not do as to what he actually did. In one sense, there was no permanent civil service in Mexico where a man might begin in the lower ranks and have a reasonable hope of promotion to a place near the top, as the result of long and faithful service. All the important offices, civil, military, and ecclesiastical, were filled by appointees of the Council of the Indies and confirmed by the king. The few exceptions were some minor positions filled by the viceroy, such as a number of the *alcaldes mayores*, and a few municipal offices which were elective. A rather large number of clerical positions and commissions in the militia were also saleable, being sold at auction in the City of Mexico. Furthermore, it was a general rule to give preference whenever possible to the descendants of the early conquerors. The *ad interim* appointments which the viceroy might make were numerous, but even these were hedged about with innumerable restrictions to prevent favoritism.<sup>34</sup> His real influence in determining the personnel of his large official family could be exerted only by recommendations to Madrid, and the weight of these recommendations varied with the influence and personality of the viceroy

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<sup>34</sup> Bancroft, *History of Mexico*, iii, chap. 27, 517-551.

as well as with the character of the persons who dominated the king at home.<sup>35</sup>

In order to obtain a definite idea of the real extent of the dependence of the viceroy on the home government, it is necessary to exhibit in some detail the correspondence between them; to study certain cases in which the Council of the Indies insisted upon having its own way; and to discover the manner in which such cases were actually decided. The treatment of this aspect of the Spanish colonial system in the following pages is by no means exhaustive, but the typical cases presented will show, it is believed, the trend of the policy in this regard and make clear the nature of the control which Charles III retained over his most important agent in the New World. The point of view of the Council of the Indies can be observed by an examination of the *cédulas* and other communications sent to the viceroys. The opinions of the latter regarding these same *cédulas* is to be found mainly in the *instrucciones* which they left to their successors.<sup>36</sup> These instructions, written by the viceroys for the information of those sent out to take their places, are especially valuable because they go further than a mere statement of the law, and explain, with varying degrees of elaboration, how the laws worked and in what ways they were good or bad in their operations. The specific questions, then, which will be taken up in the following pages are those which are found discussed in the viceregal *instrucciones* and are therefore presumably matters of more than ordinary concern to the viceroys and to the Spanish government. They are taken principally from the *instrucción reservada* of Revilla Gigedo, the younger.

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<sup>35</sup> Revilla Gigedo, art. 2, complains of the viceroy's inability in this regard. The viceroy could not, he said, "grant any distinction, and thus has no other means of granting rewards and favors, than of making recommendations of them to the sovereign." Further on he adds, "the Viceroy should have more choice in the matter of rewards and punishments, in order that he might make himself obeyed and respected as is desirable."

<sup>36</sup> This writing of an *instrucción* had been made obligatory by the Laws of the Indies, and reenforced by royal order of August 23, 1751. The import of these laws is thus given by Revilla Gigedo, art. 2: "By the two royal orders the viceroy is commanded, on finishing his term, to instruct his successor regarding the most essential things which have taken place during his rule, concerning what he had done and what remained to be done, giving his opinion on all of these points."

The first illustration of the method of settling questions of state between the viceroys and the home government is the very important dispute as to who was to govern the viceroyalty during the interregnum between the death of one viceroy and the arrival of his successor. It had always been the law that the government at such a time should fall into the hands of the *audiencia*, at any rate in cases wherein no special provision had been made by the king for the chief command to be assumed by some one designated in a *pliego de providencia*, or sealed commission. These provisions seemed clear enough, but they had not succeeded in eliminating unseemly dissensions on the death of the ruler of New Spain, so that a special order, March 8, 1785, was thought necessary. According to this order there should henceforth always be a *pliego de providencia*, but if by any unforeseen accident one should be wanting, the command of the troops should be exercised by the civil authorities, in this case the *audiencia*.<sup>37</sup> This arrangement seemed unwise to the younger Revilla Gigedo, and accordingly he submitted his views to the two ministers of the Indies, January 8, 1790, stating that the *audiencia* was not a proper institution to possess the military command and that its administration "would be exercised with much less exactitude and intelligence." He did not think that the *audiencia* could understand the evils that might result from such an interference in military affairs by a civilian, and that the utmost confusion might be brought into the military government of the realm.<sup>38</sup> Revilla Gigedo suggested further that some military officer should be given the duties of captain-general at such a time,<sup>39</sup> and that a short period it would not be only safe but in every way highly desirable that the civil and military functions be kept separate, as was so often done in Spain.<sup>40</sup> After this representation had been sent to the

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<sup>37</sup> Revilla Gigedo, art. 516: ". . . prevenia que para evitar disputas en adelante sobre sucesion al mando, se tuviesen siempre anticipados pliegos de providencia, y que cuando en un imprevisto accidente no los hubiese, mandase las armas el mismo que debia mandar el Reino."

<sup>38</sup> Revilla Gigedo, art. 517.

<sup>39</sup> *Ibid.*, art. 518.

<sup>40</sup> *Ibid.*, art. 519.

king, Revilla Gigedo received a royal *cédula*, dated the second of the preceding August, dealing with this same matter of the succession, but leaving it substantially on the same footing as it had been before. Unconvinced by this second *cédula*, the viceroy wrote an additional memorandum to the crown, setting forth the extreme disadvantage of allowing a body of aged lawyers and ecclesiastics to have charge of so large a military force as that of New Spain.<sup>41</sup> Receiving no answer to these representations, he sent still another, June 29, 1793, stating that no response had been received, but as no reply came within the next year, the matter was regarded as settled and on the old basis.<sup>42</sup>

It is evident from the above brief statement of facts that the viceroys felt free to state their views with great frankness, even when they seemed to be in direct opposition to the will of the sovereign, or of those who were intrusted by him with the chief offices of state. This incident also shows how the most insistent statement of the views of a viceroy could be pigeon-holed and not even given the outward consideration of an answer. Furthermore, the length of time consumed in correspondence of such importance as that just considered made quick decisions impossible and explained a great deal of the dilatoriness everywhere observable in the Spanish administration. From the time of the first communication of Revilla Gigedo, January, 1790, till the last one of June, 1793, over three years were taken up in the exchange of views, and this proceeding was not exceptionally slow. If a viceroy remained in office on an average of five years, it is evident that not a great deal could be accomplished where much correspondence with Madrid was necessary.

That the king of Spain did not hand over full powers in all things military to his captains-general and simply judge them

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<sup>41</sup> Revilla Gigedo, art. 521. He did not think that the *mando militar* could be well administered, "por los decanos y regentes, así porque sus conocimientos y carrera eran distintos, como porque la avanzada edad y achaques con se hallaban por lo regular los sujetos que obtienen estos empleos en todas las Audiencias de México no les permitiría atender al mando vastísimo de las armas, particularmente en este Reino en que había un ejército de alguna consideración."

<sup>42</sup> *Ibid.*, art. 522.



by results, is evidenced by the interference in the following matters of minor importance. November 30, 1789, Revilla Gigedo proposed the formation of an additional company of artillery, to use a Spanish phrase, and showed the evils of having the only artillerymen of New Spain kept in garrison at the fortified ports of Acapulco and Vera Cruz.<sup>43</sup> It was desired to have an extra company available for miscellaneous duties, wherever and whenever the occasion for their use might arise. This proposal of the viceroy was approved by the royal order of August 3, 1790, and by February 1, 1791, the levy was completed and the first review held. By the royal order of March 23, 1792, the company was ordered to continue on the same footing as that upon which it was formed; but when the viceroy asked, in a letter of July 30, 1792, that the company be stationed in the City of Mexico, there was no reply forthcoming. This seems a lame and impotent conclusion after such an exchange of despatches, but it shows the glaring inefficiency of the Madrid government in the days of Godoy.

About the same time Revilla Gigedo reduced the pay of a company of one hundred and five men, eight *reales* a month, with the object of making uniform the pay of all men of equal length of service.<sup>44</sup> The king on being informed of this refused to approve such a diminution in pay.<sup>45</sup> The sub-inspector-general of New Spain thereupon prepared a report, supporting the viceroy's action and the latter again submitted the whole matter to the king, pointing out what grave inconveniences would result if the pay were not reduced. The desired consent of the crown was finally obtained, August 7, 1792. Again and again the viceroy is found referring similar questions of detail to the home government for decision, and there is nothing to indicate a tendency to leave such matters more and more to the colonial authorities.<sup>46</sup> The fortifications of Vera Cruz were equipped with both iron and brass cannon, and Revilla Gigedo reported to Madrid that, on account of climatic conditions, iron deteriorated very

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<sup>43</sup> Revilla Gigedo, art. 545 and 546.

<sup>44</sup> *Ibid.*, art. 555.

<sup>45</sup> *Ibid.*, art. 556.

<sup>46</sup> *Ibid.*, art. 559.

rapidly so that in such places only brass ordonnance should be used.<sup>47</sup> Accordingly, the royal order of April 16, 1792, brought the reply, not as one would expect, authorizing the viceroy to use his judgment in the whole matter, but instead telling him with great care to see that the guns made of iron be covered up and protected from the elements, and wait for a favorable turn of circumstances to substitute the brass variety altogether.<sup>48</sup>

In matters of dispute between Spain and the neighboring provinces it was a very natural thing to appeal to the common master in Europe; so there can be no surprise over the interference by the home government in the controversy between Mexico and the various West India Islands over the question of the *situados*. In the latter years of the reign of Charles III, the subsidies paid by Mexico to the neighboring provinces around the Gulf and the Carribean took up a large part of her surplus revenues, and the viceroys demanded that an accounting for these sums should be made to the Mexican treasury. After some misunderstanding and delays, a royal order of the year 1784 was sent to the governors of Porto Rico and San Domingo, and to the intendants of Havana and Louisiana, commanding them to make a formal and detailed report to Mexico of what they had done with these subsidies. This order further authorized a stoppage of payment in any given year if the report of the preceding year were not received. This was clearly a decision in favor of Mexico, and Revilla Gigedo welcomed it as a means of diminishing this regular demand on the treasury of his viceroyalty. He stated to his successor, Branciforte, that it would be better to apply this money to internal improvements within their own jurisdiction, or even increase their remittances to Spain, than to go on sending such large sums to the islands.<sup>49</sup>

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<sup>47</sup> Revilla Gigedo, art. 697.

<sup>48</sup> *Ibid.*, "Recibí contestacion en Real Orden de Abril de 92, previéndome S. M. que conservase la artillería de fierro que habia en aquel puerto, procurando tenerla embreada y precavida en el mejor modo, interin se podia reemplazar en el todo ó en parte, segun lo permitiesen las circunstancias y urgencias de otras plazas."

<sup>49</sup> Revilla Gigedo, art. 796.

The reforming spirit which was so strong in Spain during the reign of Charles III, attacking every conceivable abuse and seeking out every possible means for industrial and economic reforms, could not be indifferent to similar projects in the colonies. The same motives that led Olavide to attempt the re-peopling of the Sierra Morena with Swiss and Bavarians, induced the sending of Saxon miners to improve the methods of working the Mexican mines. Humboldt and Bancroft have shown the value of the mines of New Spain as a source of revenue and have discussed the subject in all its economic aspects, but the best of the secondary historians have failed to realize the connection between these reforms in Mexico and their originals in Spain. The royal order, dated January 1, 1791, called for information regarding the progress of these German workmen and the results that might be expected of them for the mining industry.<sup>50</sup> There may have been evil effects from this excessive descending into the minutiae of provincial administration on the part of the crown, but if it was despotism it was at least benevolent and identical with what Frederick of Prussia, Joseph of Austria, and Charles of Spain were doing in Europe.

This interest which was exemplified in the case of the German miners attached itself to all sorts of schemes for industrial improvement, and the correspondence of the Council of the Indies with the viceroys is filled with inquiries regarding progress and with further directions for new improvements in all manner of things. For instance, the cultivation of hemp, flax, and silk was supposed to be peculiarly suitable for Mexico. Not only were they never likely to be grown in such abundance as to compete seriously with the same industries in Spain, but they could be grown with advantage to all concerned in the colony. *Órdenes Reales* of April 19 and October 24, 1777, directed Viceroy Bucareli to "promote with efficacy the cultivation of hemp and flax,

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<sup>50</sup> Revilla Gigedo, art. 489-490, "Por Real Orden de 21 de Enero de 1791, se mandó informar sobre lo que habian hecho y progresado los mineros alemanes y la utilidad que se podria esperar de ellos en estos Reinos. . . . Oyóse tambien al Tribunal de minería, y por fin se decidió el asunto en Junta Superior de 4 de Junio de 93."

and to this effect intelligent laborers from Spain would be sent over, and also teachers to instruct the natives.<sup>51</sup> As the first measures were not altogether successful, another *real órden*, March 10, 1780, was sent out to stimulate the work.<sup>52</sup> The natives evidently had a repugnance to the sowing of flax; so it was thought necessary to help the flagging industry by another order, April 12, 1792. Revilla Gigedo pointed out the difficulties of trying to make anything of this crop, which was exposed to the competition of others that were not only adapted to the country, but with the cultivation of which the natives were familiar. From the point of view of Madrid, however, this was not a matter for viceregal direction, and the work had to go on as one of those reforms forced upon the colony against its will by compulsion from Europe.<sup>53</sup>

If the home government felt the desire to correspond with the viceroys on such points as the particular method of extracting ores, examine all the evidence there was available, and prescribe rules for the carrying on of the process finally approved, it would of course feel bound to interfere even more minutely, if possible, in some of the other great branches of industry. If the government at Madrid had the time and patience to decide disputes regarding the use of cemeteries and the rights of sepulture,<sup>54</sup> as in the celebrated case at Vera Cruz, settled by the *real cédula* of October 9, 1792, it surely would find itself bound to regulate such a great business as the tobacco monopoly, and interfere in the construction of public works. As there was nothing in New Spain within the field of governmental activities free from royal caprice and the possibility of active interference, it must not be a matter of surprise to find the hands of the viceroy tied even in the most minute point of local administrative detail.

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<sup>51</sup> Revilla Gigedo, art. 391.

<sup>52</sup> *Ibid.*, art. 392. At this time the authorities in Spain seemed anxious not only to see Mexico produce these raw materials, but also to see extensive factories established for the coarser textiles.

<sup>53</sup> *Ibid.*, art. 393. It seems that the success of these first manufactures was due to the accident of war, which cut off the supply from Europe.

<sup>54</sup> *Ibid.*, art. 213.

The various regulations regarding what might be manufactured and sold in the English North American colonies seem unnecessarily harsh; nevertheless they were mild compared to those put in force by the Spanish government during the same period. The problem which the Spaniards had to face was not merely the extracting of the largest possible revenue from their colonies, but also to devise some sort of productive employment for the artisans of America which would not interfere with home industries. Revilla Gigedo discussed this question with such frankness and intimate knowledge of the subject that one can do no better than to quote his words:<sup>55</sup> "There are many persons who are unable to devote themselves to agriculture, and many more who cannot work in the mines where so much physical strength and robustness is required, and it is necessary to leave some form of industry to these people so that they can exist, without which the severest and harshest penalties and prohibition are insufficient, because the simple necessity of living forces these people to contravene the law. The one means of destroying the manufactures of this realm is to bring from Spain the same or equivalent products at a lower price. That is what has happened to the great silk corporation and industry which manufactured all kinds of silk textiles and of which there remains scarcely a memory. . . . Having meditated very carefully on this point, I have come to the conclusion that the most convenient way of avoiding the two extremes is to encourage here the cultivation of certain fruits which do not take up the whole time of strong workmen as do the grains, but which would nevertheless give employment to another class of persons of both sexes and all ages, as has proved to be the case, especially with silk and also with hemp, flax, and even the cotton, the raw materials of which not only can be raised in abundance, but can also be prepared and woven up to a certain point, which has contributed already to

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<sup>55</sup> This brazen and cynical statement of the way Spain should crush out nascent colonial manufactures gains in strength when it is realized that Revilla Gigedo was one of the most liberal and intelligent of all the later viceroys. Nevertheless, he could not escape from the prejudices of his birth and position.

the support of quite a number of persons. At the same time, this creates a new branch of commerce of very great usefulness and contributes to the progress of national manufactures, where there is an abundance of raw material.'<sup>56</sup>

With such views as the above held by the rulers of both the mother country and the colonies, so utterly opposed to permitting the untrammelled, natural growth of industry, and so jealous of any prosperity in the colonies at the expense of the metropolis, the constant interference of the Council of the Indies with the viceroy becomes intelligible. There was always a possible danger of a viceroy allowing local industry to grow up opposed to the interests of Spain. It did not matter what his motives were, whether they were corrupt and for personal gain, or for building up a following among the Mexicans, and therefore treasonable. In any event, it was necessary for the crown to retain its grip upon the administration even at the expense of eternal vigilance.

A royal order was required to give final sanction to the changes in the methods of accounting in the central office of the tobacco monopoly, and another one, October 15, 1792, carried the royal approval of a plan of having the administrators of the *ramo de tabaco* make monthly reports of their sales to the office of the superintendent of *hacienda*. When the viceroy had worked out a scheme whereby certain sorts of business were to be transacted at certain hours on certain days of the week, another royal order, October 2, 1790, overthrew the whole arrangement. Although, in the words of Revilla Gigedo, "the revenue from tobacco is the most complicated by reason of the number of employees, the diversity of the operations in the buying and selling of the various kinds of tobacco, the manufacture of these various kinds into cigarettes, cigars, and the various forms in

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<sup>56</sup> Revilla Gigedo, art. 374-376. In the immediately following paragraphs of the *instrucción*, the opinion is expressed that in many parts of Mexico the natives had a natural talent for weaving and that it would be possible to build up a considerable industry in the manufacturing of cotton. Reference is made to the favorable experiment made in the neighborhood of Tixtla in this industry, which it was thought possible to extend wherever good cotton lands could be found.

which they were sold and eventually distributed to the public,"<sup>57</sup> the home government was undismayed and continued to interfere with these matters which required the greatest possible local and special information.<sup>58</sup> When the tobacco monopoly was established in Mexico and there resulted a great public clamor over the taking away of the privilege of everyone to roll his *puros* and *cigarillos* in the manner which seemed to him best, the whole matter was called up for adjudication in Madrid, by the *real orden* of January 4, 1789.<sup>59</sup>

In the construction of the great public works of various kinds, where large sums of money were involved, the hands of the viceroy were tied more than ever by numberless orders and instructions from Spain. There was probably no more serious problem of this kind than that presented by the drainage of the valley in which the City of Mexico was situated. The dangers of an inundation of the city were so serious that for over a century the question of carrying away the surplus waters had been ever present to the Mexican government. In January, 1790, the king officially thanked the *consulado* of Mexico for its share in the building of the great drainage canal,<sup>60</sup> and after considerable intermediate correspondence another royal order, in the year 1793, ordered a new investigation of the project.<sup>61</sup> As the work progressed, reports from Mexico and new directions from Spain alternated continuously, though the interest taken by the royal government in the great *desagüe de Huehuetoca* did not lead to a final completion of the work while Mexico was still a Spanish colony.<sup>62</sup> However, the interest taken by the crown in this engineering work was not appreciably greater than that given to

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<sup>57</sup> Revilla Gigedo, art. 1170.

<sup>58</sup> *Ibid.*, art. 1171.

<sup>59</sup> *Ibid.*, art. 1172. January 4, 1793, a royal order, "*muy reservada*," directed the viceroy to find out if there were any means of suppressing the tobacco monopoly, without prejudice to the royal treasury and the employees of the *renta de tabaco*. This project would have left the whole tobacco business to private industry.

<sup>60</sup> *Ibid.*, art. 262.

<sup>61</sup> *Ibid.*, art. 266.

<sup>62</sup> *Ibid.*, art. 268.

the drainage of the interior of the City of Mexico, or even the problem of paving a part of the city streets. In May, 1785, the *audiencia*, which had at that time the control of the government pending the arrival of the new viceroy, Bernardo de Gálvez, requested the king to grant a slight increase in certain taxes for the purpose of carrying out the work of paving a few main streets.<sup>63</sup> It would hardly seem worth the attention of the Council of the Indies to debate such a question, but this is what happened. By a royal order of November 28, 1785, approval was given to the petition of the *audiencia* on all points except the increase of the tax on *pulque* from two to four *granos* per hundredweight. The viceroy was authorized "to continue the work of paving, if he considered the matter urgent, with the revenue derived from the two *granos* and the other taxes."<sup>64</sup> After a report on what had been done had been sent back to Spain, a new royal order, dated February 16, 1791, informed the viceroy that the instructions already given settled the question. A *fiscal* then sent back still more information to the king with the further result of more *órdenes reales* and more memorials from Mexico, but by the end of the administration of Revilla Gigedo the work was still incomplete and no definite policy had been decided upon at Madrid.

Even at the risk of making tiresome these details of a more or less useful interference in purely Mexican affairs on the part of the crown, these transactions have been stated in order to show by typical illustrations the character and import of the watch which Spain jealously maintained over her colonies. Spanish paternalism stooped at no detail in the complex political and economic organization of her dependencies, and additional examples of its operation could be given, *ad infinitum*. The regulation of the exact manner in which reports should be submitted in some subordinate government office in California, or the amount of duty that ought to be levied or remitted in order to enable Mexican sugar to supply enough raw material for the rum

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<sup>63</sup> Revilla Gigedo, art. 274.

<sup>64</sup> *Ibid.*, art. 275.



industry, were proper subjects for correspondence and interchange of views between the viceroy and his king.

The policy of the Spanish government in looking upon the viceroy and the *audiencia* as mutual checks upon one another led to the necessity of settling disputes between them in the Council of the Indies. Sometimes these disputes were grave ones involving matters of jurisdiction and sometimes they were mere questions of precedence and etiquette. The most famous of these cases of a prolonged misunderstanding between the viceroy and the *audiencia* was the one which began in 1789, when Revilla Gigedo began his rule. In his own language we have the following account: "On taking possession of this command I found the abuse that the personal guard of the viceroys accorded the honors of a captain-general to the archbishop and the honors of governor of the province to the *audiencia* when it appeared in a body. Before trying to remedy this abuse, I had a talk with the archbishop and the two representatives of the *audiencia*, in which I told them I did not wish to violate the military ordinances governing such matters, and accordingly I suspended the rule which related to military honors on the plaza.<sup>65</sup> The archbishop and the *audiencia* promptly appealed to the king, asking that the military honors formerly shown them on public occasions be continued. They based their claim on the royal order of August 3, 1765, which ordered a continuation of such honors to the *audiencia* after they had been suspended by the order of the Viceroy Cruillas.<sup>66</sup> They further declared that unless they were so treated they would suffer a loss of esteem in the eyes of the public. The result of these appeals was a *real orden*, January 25, 1792, deciding the main contention in favor of the archbishop and the *audiencia*, and allowing them the same honors which they had enjoyed before the accession of Revilla Gigedo.<sup>67</sup> Another decree of April of the same year, however, saved the face of the viceroy by forbidding his personal guard to give royal honors to

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<sup>65</sup> Revilla Gigedo, art. 524-525.

<sup>66</sup> *Ibid.*, art. 526.

<sup>67</sup> *Ibid.*, art. 527.

anyone but himself and members of the king's family. To soothe the archbishop and the *audiencia*, it was provided by this same decree that a special palace guard be created to render them the proper military honors. This meant more appeals to the king on the part of the viceroy's rivals, this time through the secretary of war instead of the Council of the Indies. After considerable delays and two more *órdenes reales*, a decision was at last reached and Revilla Gigedo was finally sustained in the position he had taken.<sup>68</sup>

In the cases described above, the viceroy prevailed signally over his political opponents, but in the most important cases decided between them during the latter half of the eighteenth century, decisions had been the other way. The high court composed of lawyers and churchmen must have felt as great a contempt for the soldier-politician who had been elevated to the first place, as such an able soldier and statesman as Revilla Gigedo felt for them when they attempted to interfere in military affairs and demand for themselves the highest military honors. The creation of the office of *regente*,<sup>69</sup> practically excluding the viceroy from his former position as chief justice, and the royal order which forbade his taking any part in judicial affairs, were objected to vehemently by the chief executive but were maintained in force in spite of his protests to Madrid.<sup>70</sup> This was therefore a victory for the lawyers, and all things considered, their position was stronger relatively to the viceroy toward the close of the Spanish regime than it was at the beginning.

It is therefore apparent that the home government had succeeded in so shaping the constitution of the viceregal office as to maintain a balance between the *audiencia* and the viceroy and to keep a close watch on all details of the administration. It was evidently the policy at Madrid to confer upon the viceroy all possible dignity and maintain him in that dignity against all opposition, but never to allow him a disproportionate amount

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<sup>68</sup> Revilla Gigedo, art. 529.

<sup>69</sup> *Ibid.*, art. 54.

<sup>70</sup> *Ibid.*, art. 64.

of power. That no invasions of his dignity were to be allowed can be seen from the history of the struggle for precedence between the viceroy and the *audiencia*. In the words of Revilla Gigedo himself,<sup>71</sup> "The presidency of the *audiencia* places the viceroy at the head of that body but not to give orders to it, as even his acts in matters of justice are subject to it; and although he is present at its sessions, which is very difficult, considering the grave and continuous occupations which so vast a command imposes upon him, he does not have a vote in matters which are regularly dealt with there—that is, matters of justice. Thus it comes about, that the pre-eminence of the *audiencia* scarcely consists, when the viceroy is not a lawyer, in more than the prominence of the place which he occupies when they meet together in public functions." The ceremonies to be observed on these public occasions, such as the viceroy's riding alone in the state carriage and having the *regente* walk at his left side, and similar matters, were definitely determined by the *real cédula* of October 17, 1791. The vote of the viceroy in the *audiencia* had no more weight than that of any other member and when decisions were rendered contrary to his judgment he did not have the power of rectifying things himself but could only report matters to Spain, giving reasons for the action he proposed.

The last example to be given of the correspondence between Mexico and Madrid is that one dealing with the difficult problem of the Provincias Internas.<sup>72</sup> These somewhat misnamed interior provinces were, in 1789, in a most critical condition because of the dissensions among their officers and the attempt of the commandant to make himself independent of the Mexican viceroyalty. On account of this trouble, Revilla Gigedo was ordered by the king to visit the districts affected. In consequence of this visit, a report was sent home, February 12, 1790, declaring in substance that the independence of the Provincias Internas was not desirable, and a new plan for their government was submitted

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<sup>71</sup> Revilla Gigedo, art. 20.

<sup>72</sup> *Ibid.*, art. 719.

at the same time.<sup>73</sup> In the meanwhile order had been restored there and everything was tranquil when the *real órden* of November 22, 1792, provided for the absolute independence from the viceroyalty of the states of Sonora, Nueva Viscaya, New Mexico, Coahuila, and Texas. In this case, as in so many others, the advice of the colonial governor was not followed, but he was employed freely as a trusted agent in carrying out the wishes of the royal government. Where there was such a dispute over jurisdiction, as in the case of the commandant of the interior provinces who claimed an entirely independent position and actually exercised it in military affairs, the interference of the crown was necessary. This interference was perhaps the more necessary because of the difficulties arising out of the financial relations of the two areas.<sup>74</sup> However, in most of the cases described above, it would seem as if greater simplicity and consistency in the administration would have been secured by giving to the viceroy a greater degree of discretion.<sup>75</sup>

From a study of these illustrations of the relations of the viceregal government to that of Spain, it will be possible to make clear the following conclusion. In the first place, there was apparently no limit to the scope of the interference of Spain in Mexican affairs. If anything occurred in the Mexican administration which awakened the slightest degree of suspicion or interest in Madrid, the whole matter would be taken up for consideration there. Detailed information upon the subject in all its bearings would be ordered from Mexico, and a decision would be reached on the basis of these written reports. If it were not a matter simply to be decided one way or the other, but some new administrative project which had to be thought out carefully and in great detail, it was a very common thing for the

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<sup>73</sup> Revilla Gigedo, art. 720. In a letter of February 28, 1793, the viceroy tried to convince the government of Charles IV of the impossibility of really making the interior provinces independent, at least without great expense, as had been found out during the administration of Bucareli.

<sup>74</sup> The head of the Provincias Internas, bearing the military title of commandant, had to rule over a Spanish frontier community which was too poor to maintain the military establishments necessary for its defense. Hence the financial dependence on the viceroyalty of New Spain.

<sup>75</sup> Revilla Gigedo, art. 721.

Council of the Indies to send along with their decisions a most elaborate set of rules to govern the enforcement of the act. Nearly every military unit, or commercial company, or organization of any kind, had its own particular constitution and by-laws. Such corporate bodies as the University, the Academy of Fine Arts, or the *Consulado* of Mexico, had constitutions many times the length of that of the United States. It very often happened, moreover, that some one of these by-laws or some procedure in pursuance of them, required in itself special interpretations from home, so that in a certain sense no question was ever definitely adjudicated, and there was no limit to the piling up in the archives of official documents and correspondence.

In the second place, and this complementary to the statement just made, the viceroy and the *audiencia* referred all sorts of questions to Madrid. It was evidently understood that nothing but a very temporary or unimportant departure from the usual routine would be tolerated by the crown, so that any measure in the slightest degree novel was usually sent up to the Council of the Indies for final decision. There is no evidence that the home government made any effort to discourage these constant and petty appeals, and it seemed preferable to despatch countless *órdenes reales* approving of some act, rather than to allow the possibility of the viceroy's making a mistake independently.

In the third place, the vast deal of correspondence and the timidity of the colonial officials in acting alone, resulted in a painfully slow pace in matters of administration.<sup>76</sup> The criticism which has always been made by foreign critics of the Spanish administration everywhere is that of insatiable desire to draw up papers. A mass of documents has always figured as the great cause of the retardation of the course of Spanish justice. It certainly made very cumbersome the routine of colonial government, and the delays caused by collecting information and drawing up reports became proverbial.

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<sup>76</sup> So much has been said about this feature of the Spanish administration that a similar state of affairs existing in the English colonies should be pointed out as a corrective to the idea that Spain had a monopoly of this kind of inefficiency. Greene, pp. 66-77.

In the fourth place, by means of the minute supervision which the crown exercised over the viceroys in America, the latter were held to an accountability which could not be secured in any other way without entirely remodelling their system of government. In the Spanish-American viceroalties there was no such thing as a legislature to restrain the executive through the power of the purse. The English royal governors in North America were by no means dictated to in matters of detail to the same extent as were the Spanish governors in the south, but the English provincial executives were ever watched by a jealous assembly armed with the power of withholding supplies. A Mexican *audiencia* was perhaps as jealous as the colonial assembly, but there was the all-important difference that the *audiencia* could not stop the whole governmental machine by its control of appropriations.

In the fifth place, it is undeniable that there was no other European power which had in its service, at home, such an experienced and able corps of experts on colonial affairs as was the Council of the Indies. This fact, combined with traditions of an absolute monarchy, doubtless tempted the kings of Spain to rely more on the methods of a highly centralized administration than would have been permissible in Great Britain. All the members of this Council were supposed to be intimately acquainted with the details of government in the Kingdom of the Indies, and these very qualifications made it all the easier for them to legislate on fine points where an English parliament would have to be content with laying down broad lines and leaving to the colonial officials the working out of the details.

## CHAPTER III

THE VICEROY AS GOVERNOR<sup>1</sup>

Anyone but slightly acquainted with Spanish-American institutions might naturally fall into the error of assuming that the duties of the viceroy could easily and accurately be classified under the heads of civil, military, and ecclesiastical; and that these three grand divisions were administered by the viceroy as governor, as captain-general, and vice-patron, respectively. Doubtless the whole mass of viceregal duties might be apportioned off into those three fairly definite compartments, but in the matter of actual administration it will be found that each department was not administered by the viceroy in any strictly well-defined capacity.

In a general way, of course, the viceroy's commission as *gobernador*, or governor, placed him at the head of the civil administration, just as the great department of war and military matters belonged to him as captain-general, and as his acts in matters ecclesiastical were performed as vice-patron, but these statements are true only in a general sense.<sup>2</sup> The following important qualifications of the above statement must be made at the very outset. The civil side of the *ramo militar*, the work of a modern war department, was performed by the captain-general, and many matters of the nature of organized charity and poor relief, which we

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<sup>1</sup> In the writing of this chapter little or no help was received from the secondary authorities. These writers, even including Bancroft, are at their worst when handling the civil administration of New Spain. This may be a reflection of the obscurities of the primary sources, for they are by no means clear and are often even contradictory. The instructions of the viceroys are, however, the best material available, and those of the two Revilla Gigedos, of Marquina, and to a less degree, of Branciforte were most used for this chapter.

<sup>2</sup> Revilla Gigedo, the Elder, art. 26.

now see carried on as one of the functions of the civil government, were then done by the church or by the vice-patron. Moreover, some of the most important activities of the viceroy as a civil administrator were performed, not by the governor, but by the viceroy as superintendent-general of the *real hacienda*. The regulation of the finances, always one of the most important branches of a modern government, did not then belong to the governor at all, and consequently must be treated independently in a chapter by itself.

Though in the eyes of the Spaniards it was the office of captain-general which was the greatest ornament and source of power to the rulers of New Spain, the investigator of the present day must be more interested in the way civil affairs were conducted, the way justice was or was not secured, and the way the government touched the every-day matters of industry, commerce, and the general welfare, than in the purely military problems of the time. The latter were not so vital to the national safety or to the Spanish supremacy in America as the more prosaic questions of handling the Indians wisely or binding the creoles to Spain politically, by wise economic and commercial legislation. There was little real danger to Spain of losing her American empire as the French lost Canada, as long as her rule was acceptable to the great mass of the colonial population, and thus the real problems before the viceroys were civil ones, and the governors and superintendents-general of the *real hacienda* were the most important officials of New Spain, outward show and pomp notwithstanding.

In treating of these duties of the viceroy as governor it must be remembered that in this aspect of his rule the viceroy was more of a local official than he was as captain-general, vice-patron, or superintendent of finance. In addition to the three last named positions, the viceroy's authority was as wide as the whole territory of the viceroyalty, but as governor he was only one of a dozen or so governors, with this difference, that the province of Mexico was by all odds the wealthiest, most populous, and most important of them all. As governor of this central prov-



ince, containing as it did the capital city and the central administrative offices, the viceroy might pitch the tone of the provincial administration for the whole country, and aside from this indirect influence, he was not lacking in actual authority over the other governors.<sup>3</sup> In this matter, then, the governor of Mexico was not the apex of the great administrative hierarchy, but only a sort of *primus inter pares*. However, the governor of Mexico had an influence on the civil administration disproportionately greater than the size of his province would justify. All the governors, and later the intendants, were constantly receiving directions from the Council of the Indies, and it need not be a matter of surprise to find that the viceroy-governor had far greater opportunities for influencing the Council of the Indies than could possibly be possessed by the other governors. This gave him a position of advantage, which, combined with the superior personality of the man chosen for this post, usually made the governor of Mexico the central figure in the provincial as well as in the vice-regal government. This same principle was observed after the decree of the intendants was put into effect in 1786, so that the intendant of the province of Mexico was regularly the viceroy himself.

According to the laws of the Indies it was provided that the viceroys "also be governors of the districts under their command," and they were further ordered to govern their dominions in peace and justice.<sup>4</sup> There were many other royal orders which kept this precept before the minds of the viceroys, and they were made, in a special sense, the guardians of the natives. But about the middle of the eighteenth century serious inroads were made on the judicial powers of the viceroy. Although these judicial functions were gradually taken away, with the exception to be noted later in regard to the natives, one of the most important

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<sup>3</sup> Revilla Gigedo, art. 251. Here the viceroy declares that all the provincial towns follow the example of the capital.

<sup>4</sup> *Ibid.*, art. 63. "Deben los Vireyes ser tambien Gobernadores en los distritos de su mando, segun la ley quinta del titulo de los Vireyes y Presidentes en la Recopilacion de Indias, y deben, segun ellas y otras, gobernar los pueblos en paz y en justicia. Hay algunas Reales Cédulas que repiten este precepto á los Vireyes, y aun les han reconvenido de no haber hecho que se administre justicia y se castiguen los delitos."

duties of the governor and the one which will be considered first here, was that of having general charge of the enforcement of the laws. The more recent laws issued by the Spanish crown had had the effect of depriving "the viceroys absolutely of any part in the procedure of the administration of justice, either alone or in company with the other judges, voting with them in the *audiencia*."<sup>5</sup> By 1794, these changes had been carried so far that the supreme power in matters of justice lay in the *audiencia*, so that it had the last word in determining all cases appealed to it from inferior tribunals.<sup>6</sup> Though the foregoing statements show clearly enough that the later tendencies of Spanish legislation were to separate all judicial functions from the chief executive in New Spain and to reduce the governor of Mexico to the position of a provincial executive, pure and simple, there remains something to be said on the other side.

The governor had still been allowed to remain president of the *audiencia* and as long as he remained in this position it was practically impossible to prevent his having some influence on the courts of justice. In a great many cases matters of government were so inextricably intermingled with matters of justice that it was not possible to separate them, and in such cases the governor had to use his vote and take a hand in the settlement of such matters, regardless of royal prohibitions. In a land where administration concerned itself so much with the business and the rights of citizens, there must have been a great many cases on the border-line between justice and politics, and all over this doubtful field the influence of the governor was felt.<sup>7</sup> Inasmuch as the *audiencia* was continually seeking to extend its jurisdiction at the expense of the other magistrates, the latter were driven in self-defence to assert their power to the uttermost, and thus

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<sup>5</sup> Revilla Gigedo, art. 64.

<sup>6</sup> *Ibid.*, art. 65. Though the *audiencia* was in one sense the supreme court of the country, it had little resemblance to such a body as the Supreme Court of the United States. Usually the judges were divided among three groups, or *salas*, two for civil suits and one for the criminal. It was very seldom that the whole *audiencia* met as one body. This viceroy recommended the reduction of the number of *oidores* from ten to eight.

<sup>7</sup> *Ibid.*, art. 84.

the governors were tempted to exercise a part of the judicial functions under the color of administering their political office. In general, however, in the course of this long struggle between the viceroys and the *audiencias* over the matters that might be appealed to the latter and those that might not, it became evident that the *audiencias* were gaining ground. The viceroys kept insisting to the last that the crown definitely settle the dispute,<sup>8</sup> but in the meanwhile they held to their prerogatives in a way that must have seemed to the *audiencias* nothing less than usurpation.

The remedy suggested by Revilla Gigedo to Branciforte was, in his words, “. . . very simple to preserve the decorum of the viceroy, the authority of the *audiencia* and of the judges, and the efficiency of the administration of justice to the vassals of His Majesty, and would be to have the decisions appealed from the Viceroy, heard before himself, with two or three of the judges associated with him.”<sup>9</sup> Such an arrangement, he thought, would not embarrass everybody as did the arrangements then in force, and the authority of the viceroy would suffer less in the popular esteem if his decisions were set aside in his own name.<sup>10</sup> This he believed would also tend to expedite questions under adjudication and so relieve one of the worst abuses of Spanish justice, thus frankly making the governor the presiding judge of the highest court of appeals. It is interesting to see a proposal of this kind put forth on the eve of the dissolution of Spain’s rule in America. During this period of war and confusion, which was not to be interrupted by a period of peace until Mexico was independent, there was no opportunity for reforms, and so the struggle between the *audiencia* and the viceroy was never settled.

In spite of the contest with the *audiencia* and the tendency of the crown to limit the judicial functions of the governor, there were still left to him four distinct situations wherein he was called upon to act as judge. The first, was as judge of the City

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<sup>8</sup> Revilla Gigedo, art. 86.

<sup>9</sup> *Ibid.*, art. 90.

<sup>10</sup> *Ibid.*, art. 91.

of Mexico, under the title of *corregidor*.<sup>11</sup> The *corregidor* was the chief official of the city and so presents some analogy to a modern mayor, but he was more of a judge and less of an executive than the mayor of an American city. It would seem a patent absurdity to thrust this additional burden upon the ruler of the viceroyalty and at times the two offices were kept separate, but at the end of the eighteenth century the governor and the *corregidor* were one. The second judicial duty of the governor was exercised as chief of the general Indian court, the *juzgado general de indios*, which was exclusively for the trial of law-suits involving the natives, and was the highest court of this kind. The third and fourth cases did not belong strictly to the governor, but rather to the viceroy in his other capacities. As subdelegate of the post office department, which meant the chief of that division of the administration for the whole viceroyalty, he was judge in the first instance of all cases growing out of this branch of the public business, appeals going from him to the national head of this department, the *ministro de correos*, in Madrid.<sup>12</sup> Also, as captain-general, rather than as governor, he was supreme judge in all cases growing out of the *fuero militar*.

In the light of all this evidence the conclusion must be drawn that the home government did not succeed in establishing any clear line of demarcation between the executive and the judicial divisions of the viceroy's powers. The order from Madrid not to "*proceder en punto de administracion de justicia*" could not be obeyed even in spirit without a more violent change in the governmental organization than was desired at home, and in consequence the order remained practically a dead letter.<sup>13</sup> Nothing has been discovered among the authorities to show why the Council of the Indies sought to divest the executive officers in

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<sup>11</sup> Revilla Gigedo, art. 79. The courts of justice for the City of Mexico were eight in number, there being one court for each of the eight *cuarteles*. Of the eight judges, five were *alcaldes de corte*, two were *alcaldes ordinarios*, and one was the *corregidor*. In each of the eight districts there were also four inferior *alcaldes* who had little discretion in legal matters and merely carried out orders of their superiors. This was the same scheme that worked so well in Madrid. There were twenty-eight cities in 1794 that had *alcaldes ordinarios*.

<sup>12</sup> *Ibid.*, art. 106.

<sup>13</sup> *Ibid.*, art. 64.

the New World of their role as judges.<sup>14</sup> There had been, to be sure, plenty of complaint in regard to the amount, the tediousness, and the expense of litigation in the colonies. There was, too, the old complaint of corruption, and the Madrid government may have sought to attack this old evil by taking the administrator off the bench. It is possible that the theory of the separation of powers may have been working among Spanish statesmen, but there is no direct evidence that the ideas of Montesquieu were consciously applied in Spanish-America.

A much more important work for the governors of Mexico than the administration of justice was the building of public works. The construction of roads, bridges, drainage canals, and public buildings of various kinds was assuredly one of the most engrossing of the governor's duties. In spite of the many disadvantages under which they labored, these Mexican rulers were able to accomplish much in the way of improving internal communications and developing the resources of the country. In the words of one of the viceroys, "In the realm of economics and policy the laws have sought to reserve to the viceroys a wider jurisdiction than in that of justice; nevertheless, very seldom can they exercise their faculties without contradiction and in many points they find themselves restricted by various royal orders, especially in the handling of money derived from certain taxes (*la inversión de propios y arbitrios*) which funds ought to be used for general public utility inasmuch as they are the general property of the district which pays them."<sup>15</sup> Though the governor had real power in the matter of public improvements, both in their initiation and in their superintendence while in the process of construction, there was a lack of resources, both in population and money, to permit a great deal being done.<sup>16</sup> Besides the configuration of the country, which

<sup>14</sup> Revilla Gigedo, art. 83. Outside the City of Mexico the intendants and their assessors were the best fitted, in the opinion of the viceroy, to exercise the simplest judicial functions. The subdelegates were such an inferior lot of men and so lacking in independence that they could not be trusted in any judicial capacity.

<sup>15</sup> *Ibid.*, art. 141.

<sup>16</sup> *Ibid.*, art. 142.

by its roughness and great elevation often converted the building of a carriage road into a veritable feat of engineering, there was always the permanent difficulty of an extremely sparse population. This sparse population was not only of a low average per capita wealth, but was further divided into different races, so that it was not only scattered but disunited.<sup>17</sup>

The principal evil that was complained of as standing in the way of the carrying through of the great public improvements was the inefficiency of the local administration and the lack of a concentration of power in the hands of the governor.<sup>18</sup> One of the prominent examples of this weakness of the local authorities, and the consequent difficulties placed in the way of the governor, is to be found in the building of the road from the capital to the town of Toluca. The valley of Toluca was called the granary of Mexico and there was urgent need of easy communication between the two.<sup>19</sup> In 1768 the first survey was made by an engineer named Ailmert. Nine years later they had proceeded as far as drawing up plans.<sup>20</sup> By 1785 the question was again brought to the front and a scheme of operations was prepared. The financing of the project was long and difficult, it being especially hard to get the different localities sufficiently interested to appropriate the necessary money,<sup>21</sup> and it was only through the generosity of a private citizen that this money was secured as a loan. The work was at last begun in the fall of 1793, and seemed to be regarded by Revilla Gigedo as one of the monuments to his administration.<sup>22</sup>

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<sup>17</sup> Revilla Gigedo, art. 143 and 144. According to the census of the year 1790, the population of the viceroyalty was estimated at three and a half millions at the outside. The forbidding of Spaniards to live in the villages of the Indians had, of course, kept the races apart and denied the Indians the advantage of contact with a superior civilization.

<sup>18</sup> *Ibid.*, art. 154. Also, for details of the duties of a provincial governor see the correspondence in the first volumes of the *Provincial State Papers*, particularly vols. i-iii.

<sup>19</sup> *Ibid.*, art. 173.

<sup>20</sup> *Ibid.*, art. 174.

<sup>21</sup> *Ibid.*, art. 177.

<sup>22</sup> *Ibid.*, art. 185. The status of the project in 1797 may be seen from the letter Branciforte to Paz, Dec. 27, 1796.

Of a similar nature, and equally illustrative of the activities of the governor, was the work on the other great highways, such as the road from Vera Cruz to Mexico, and from Mexico to Acapulco,<sup>23</sup> and the road leading from Mexico in a northeasterly direction to the region of Tampico.<sup>24</sup> It is interesting to see how one of the roads proposed to the viceroy at this same time was rejected for political reasons. Though the viceroy admitted that the chief obstacle to internal trade was the absence of roads, the building of the one from Louisiana, through Texas, and down to the City of Mexico was opposed by him because it would interfere with the security of the Spanish domain from an attack from the north. These reasons were stated by Revilla Gigedo in a report to the Ministers to the Indies, April 30, 1793. The substance of his argument was that the inhabitants of New Orleans in particular, and to a less extent the Americans in general, were deserving of suspicion. He even went so far as to recommend the abandonment of the town of Nacogdoches and the giving up of any attempt to encourage trade between Texas and Louisiana.<sup>25</sup>

Of greater importance to the City of Mexico than the building of public highways was the proper drainage of the valley in which the City of Mexico was situated. In the language of the instruction to Branciforte, the drainage canal of Huehuetoca was "always and of right ought to be one of the principal cares of the viceroys, as upon that depends the freedom of this capital from a contagion as fearful as that of the inundations, and for which purpose there has been assigned sufficient funds derived from the three taxes which yield twenty thousand pesos annually."<sup>26</sup> The direction of the actual construction of this drainage canal, or *desagüe*, as well as the providing of sufficient revenues for it, fell to the governor. From the earliest days the

<sup>23</sup> Revilla Gigedo, art. 197. Also, Branciforte to Paz, Sept. 26, 1796.

<sup>24</sup> *Ibid.*, art. 196.

<sup>25</sup> *Ibid.*, art. 448.

<sup>26</sup> *Ibid.*, art. 268. There had not been a serious flood in the City of Mexico since the seventeenth century, but the fear of the recurrence of such an event was never absent.

problem of disposing of the vast body of surplus water which accumulated in the valley of Mexico during the rainy season had remained most difficult to solve. The city was surrounded by low mountains which shed their waters into the valley from all sides,<sup>27</sup> and some of the floods had caused great damage to property and great loss of life. Various experiments had been made in the drainage of the valley, but it can scarcely be said that the question had been settled rightly by the end of the eighteenth century. A special corps of officials had been created to look after this work, at the head of which was placed a superintendent, or *juez superintendente*. To assist him there was created a guard, (*guarda mayor*), with the proper officers.

During the rule of Flores, the *consulado* of Mexico was given charge of the execution of this work, and the regent of the *audiencia* was commissioned to examine it and report on what had been done.<sup>28</sup> The home government now took an active interest in the matter, so that the governor henceforth could do little more than offer advice and keep an eye on the *consulado*.<sup>29</sup> In a sense, however, the governor was never free from worry and responsibility growing out of the fear of an inundation, and the canal of Huchuetoca must be regarded as an expensive makeshift, imperfectly doing the work expected of it till the proper solution was arrived at in the time of Díaz. It is not easy to think of the land of Mexico as peculiarly adapted to internal water communications, but in 1794 we find a viceroy saying that "much more advantageous than the roads, would be the construc-

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<sup>27</sup> Revilla Gigedo, art. 255. The drainage of the Valley of Mexico was carried in a northeasterly direction to the Gulf of Mexico, by way of the Tula and Tampico rivers.

<sup>28</sup> *Ibid.*, art. 256.

<sup>29</sup> The *consulado* of Mexico was created in the sixteenth century on the model of institutions of the same name in various cities of Spain, notably after that of Seville. These *consulados* were designed to further trade and industry and to assist in the administration of the commercial law of the country. They were at once chambers of commerce, admiralty courts, banks, and business corporations. A large number of new ones were established and several of the old ones given new charters during the latter half of the reign of Charles III, and they formed no inconsiderable part of a new commercial system put into force at that time. They were ruined by their large advances of money to the crown during the Napoleonic wars.



tion of canals, or rendering navigable certain rivers, which could be accomplished at slight cost."<sup>30</sup> It was believed that, with very little expense, a large part of the viceroyalty, to the south and southeast of the City of Mexico, could be made tributary to the port of Vera Cruz by means of internal waterways.<sup>31</sup> In May, 1790, the director of engineers, Miguel del Corral, submitted plans for such an undertaking in pursuance of an order to that effect given him by Revilla Gigedo. In spite of the comparatively low cost of this and similar undertakings, the drain upon the Mexican finances, caused by the remission of funds to Spain, and the confusion brought about by foreign war, prevented anything very effective being done.<sup>32</sup>

Although little was actually accomplished along these lines, it is interesting to see what attention the Mexican governors were bestowing upon a comprehensive scheme of internal improvements. There seems to have been nothing comparable to this anywhere among the English North American colonies. Enough was done by the Mexican governors to illustrate on a modest scale the workings of an enlightened despotism in a Spanish dependency. It was proposed to take full advantage of the location of the City of Mexico at the hydrographical center of the viceroyalty.<sup>33</sup> Though the rivers were not large, they flowed in all directions from the central plateau down to the two coasts, and it was proposed to utilize them to convert the capital city into a common center of all the trade routes crossing the country, whether by land or water. It was realized that neither the population nor the trade at that time justified the immediate carrying into effect of all these projects, but the attempt to formulate scientific plans for the carrying through of these internal improvements as times and conditions justified them, reflects the highest credit on the Spanish rule. According to the viceroy-

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<sup>30</sup> Revilla Gigedo, art. 199.

<sup>31</sup> *Ibid.*, art. 200. It does not appear that any one contemplated at this time the building of a great road over the Isthmus of Tehuantepec or of constructing an interoceanic canal.

<sup>32</sup> *Ibid.*, art. 205.

<sup>33</sup> *Ibid.*, art. 202.

governor who ruled from 1789 to 1794,<sup>34</sup> "It was most necessary for works of this and other kinds, and to carry them through with complete information, that there be engineers in these dominions for that particular object. With this in mind I asked that there be sent over, knowing this lack, two engineers of ability and industry in the work, to prepare a topographical map of the country." With such a topographical map to throw light on the lay of the land, and a census to answer a similar purpose for the population, there was a most intelligent beginning for all manner of political and economic reforms.

One of the most important duties of the governor was the general care and supervision of the public health. Even with the magnificent climate of the central plateau region, there prevailed over the whole viceroyalty a high death rate among people of European birth.. Humboldt's treatment of this subject was so thorough that all that need be said here is in the way of illustration of the viceroy's political activities. The unhealthfulness of the coast regions, not only around Vera Cruz on the Gulf coast, but also around San Blas on the western side, was proverbial, and as captain-general the viceroy had to wrestle with the problem of keeping the health of the troops garrisoning such places. But the civil population of the country was also exposed to the ravages of various epidemics.<sup>35</sup> One of the causes commonly assigned for these plagues was the presence of cemeteries in the cities, and it was only after a long fight that the governors succeeded in having new cemeteries established outside the larger centers of population.<sup>36</sup>

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<sup>34</sup> Revilla Gigedo, art. 206.

<sup>35</sup> *Ibid.*, art. 241.

<sup>36</sup> In spite of the fact that the City of Mexico was not as compactly built and crowded as most European cities of the same size, there were certain conditions adverse to public health. Physical uncleanness was very general, and Revilla Gigedo's description of what was visible from the palace windows (art. 244) gives an idea of street life. The lower classes were accustomed to go about with little or no clothing except one garment which answered all purposes. The employees of the government were forced to dress properly, and in one year ten thousand workmen of the tobacco factory and other government shops were made to adopt suitable garments. In Vera Cruz the problem of the disposal of the dead was especially acute. Revilla Gigedo, Feb. 9, 1792.

It is not easy to assign the exact functions of taking care of the public health to the different officials who had some degree of responsibility for it. The governor had the leading, though not the exclusive, part in this matter, and the full responsibility was not centered in any one office. The general care of the health of the troops belonged naturally to the captain-general, the management of many of the hospitals rested finally with the archbishop, while in financial matters and the providing of necessary revenues the intendants had an important share. Such a matter as the providing for suitable cemeteries, referred to above, was not settled without reference to all these officials and some interference from the home government in addition.

In all matters relating to public health the governor was assisted by an official called the *proto-medicato*, who not only concerned himself with the examining and licensing of physicians, but also occupied a position not unlike that of a modern health officer. The relation of these officials one to another may perhaps be best exhibited by the following facts. The *corregidor* of the City of Mexico, in November, 1790, reported that a number of persons had died of tuberculosis and that other persons had afterwards worn the clothing of the deceased.<sup>37</sup> On receiving this information the governor summoned the *proto-medicato* to assist in working out a number of general hygienic rules relating to this question. Cases of violation of these rules were to be reported by physicians and other persons to the authorities of the city and suitable penalties were to be imposed upon the offenders. In the drafting of these ordinances the governor was represented by the *fiscal de lo civil*, who collaborated with the *proto-medicato*.<sup>38</sup> The *informe*, or report, of the latter, on being approved by the *fiscal* and finally by the governor, was sent around to all the intendants of the viceroyalty. The most important provisions in this general order related to the burning of the clothing of those who had died of infectious diseases and the fumigation of the wards in the hospitals where they had

<sup>37</sup> Revilla Gigedo, art. 228.

<sup>38</sup> *Ibid.*, art. 229 and 230.

died. In a similar way the governor and the *proto-medicato* took other measures to diminish the danger of epidemics, and pest-houses or *lazaretos* were established in the places where they were most needed.<sup>39</sup> Medical men were encouraged to write essays on the cure of the most dangerous diseases<sup>40</sup> and the beginning was made of an attempt to collect and tabulate vital statistics with particular reference to the various diseases and their relative mortality.<sup>41</sup> The cleaning of the streets of the City of Mexico, the disposal of filth and debris, which were not only unsightly but also unhygienic, also required the attention of the governor, and were regarded as important enough to deserve considerable space in the instructions Revilla Gigedo prepared for Branciforte in 1794.<sup>42</sup>

Duties like these just mentioned in regard to the public health had a close connection with the more general problems of municipal government, and lead up naturally to the discussion of the duties of the governor as head of the administration of the City of Mexico. The governor was sometimes the *corregidor* and sometimes there was a separate official for that post, but at all times the governor was responsible in a general way for the government of the city.<sup>43</sup> When there was a separate *corregidor* he was directly subordinate to the governor, and so it was a comparatively unimportant matter whether the two offices were single or combined. All the Mexican municipalities had their local government, with numerous elective officers and a town council, or *ayuntamiento*, but these local officials were overshadowed in the capital by the presence of the viceroy.

Reference has been made above to the work of the viceroys and their correspondence with Madrid on the subject of paving

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<sup>39</sup> Revilla Gigedo, art. 234.

<sup>40</sup> *Ibid.*, art. 241. Of the essays submitted, two were voted acceptable, though one "was very diffuse and both needed considerable corrections."

<sup>41</sup> *Ibid.*, art. 238 and 239.

<sup>42</sup> *Ibid.*, art. 245 and 246.

<sup>43</sup> The opinion stated here is my own, and is an inference from a large number of facts bearing on the relation of the governor with the *corregidor*. I never have seen an explicit statement that the *corregidor* was actually subject to the governor.

the streets of Mexico City and providing for suitable drainage. These and other activities, which in a modern American city would be performed by a board of public works, were not merely referred to the governor, but were actually initiated by him. As was shown in Chapter II, it was most unusual for anything of consequence to be completed without the interference of the home government, but whatever was done or decided in America had to pass through the hands of the viceroy. Without going too greatly into details, mention can be made of the following measures that were considered important during the first years of the reign of Charles IV.

Before 1789, very little had been done toward the illumination of the city or toward making effective provisions for the protection of life and property. In 1776, proclamations had been issued by the governor on the subject of lighting the city streets, and in 1783 persons with property were ordered to keep their houses lighted, as were also those in charge of the various public buildings, shops, stores, and the like.<sup>44</sup> Three years later this was approved by a royal order, but a year after there was no noticeable improvement and so the viceroy ordered the erection of street lamps where there were none before. Although offenses against these ordinances were punishable by banishment, nothing was accomplished by them up to the year 1789. Some of the wealthy merchants and public officials did their share by lighting their residences and offices, but something more drastic was required to secure the general enforcement of the law.<sup>45</sup> Instead, however, of continuing this attempt to force property-owners to illuminate their own premises, the governor had recourse to the *ayuntamiento* to furnish revenue for a system of street lighting at public expense and administered by the city. The new system was installed at a cost of 35,429 pesos, and with an annual cost of maintenance of 24,440 pesos. Revenue for this was found by an

<sup>44</sup> Revilla Gigedo, art. 292. The lighting of the streets was done by means of oil lamps. A month was given to the inhabitants to comply with the law, and if any resisted they might be expelled from the *cuartel*. The enforcement of the law was in the hands of the *alcalde de cuartel* who decided how each person was to pay.

<sup>45</sup> *Ibid.*, art. 293.

octroi tax on flour,<sup>46</sup> approved by the *procurator-general* and the *síndico* and still later by the *fiscales de lo civil y de real hacienda*. The final approval was given by the *junta de propios*, or council of taxation, October 15, 1790, and a special fund for this purpose was administered separately.

About the same time the problem of fire protection for the city was attacked by the governor, who, in September, 1790, had fire-pumps constructed for the custom-house, the tobacco factory, and other important places.<sup>47</sup> Various rules for the fighting of fires and the safeguarding of the property rights of those who suffered directly or indirectly by them, were embodied in a *reglamento* of twenty-eight articles.<sup>48</sup> A few years later, during the rule of Viceroy Marquina, numerous fires and the problems resulting from them attracted the attention of the governor. Special provision was made for the appointment of a certain judge to try cases growing out of a conflagration; and a rule was put in force that as soon as the fire-bell rang there should assemble at the palace a company of infantry of the guard regiment, so that in such a time of confusion there might be special protection, not only for the palace, but for the neighboring public buildings. In addition, a subaltern and twenty men and a detachment from the dragoon regiment should be sent to the scene of the fire to preserve order and prevent looting.<sup>49</sup>

Because of the irreparable loss that might very well be occasioned by a great fire getting beyond control, not only to the city proper, but to the general government of New Spain, on account of the presence there of so many public buildings, it is not a matter for surprise that the governor should take so acute an interest in the protection of the city from danger. Nevertheless, many matters of minor detail relating purely to the municipal

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<sup>46</sup> Revilla Gígedo, art. 294. This tax on flour could be collected at the octroi stations at the same time the *alcabala* was collected. Moreover, as the great mass of the people lived upon maize instead of wheat the tax did not bear especially on the poor.

<sup>47</sup> *Ibid.*, art. 298.

<sup>48</sup> *Ibid.*, art. 299.

<sup>49</sup> Marquina, art. 87.

government were not settled by the *ayuntamiento* but were solemnly carried up to the chief executive. The city markets even received considerable attention from Viceroy Revilla Gigedo. He complained on his accession to power that the sale of food stuffs was in an incredibly disordered state. Stalls for the principal markets were first built, and then the *corregidor* was instructed to draw up a *reglamento* to answer for every market in the city. The duties of the judge of the plazas, *juez de plazas*, usually one of the *regidores*, were defined, and an administrator to care for the lighting and cleaning of the public squares was provided.<sup>50</sup> These measures not only added greatly to the safety and sightliness of the markets,<sup>51</sup> but they increased the city's revenue, as the persons who rented the stalls could afford to pay the increased rental because of the greater security from fire and robbery.

In the same way as the policing and regulating of the public markets were regarded as one of the duties of the governor, the furnishing of the city with an adequate supply of pure water became one of his obligations.<sup>52</sup> In 1789 the arrangements for piping the drinking water to the city were in a bad way. The pipes were nearly ruined and the wastefulness of those who had the privileges of using the water was in itself a great evil.<sup>53</sup> Moreover, much water was wasted before reaching the capital or was used for watering gardens and other purposes, so that not only were great quantities of water diverted from their proper use, but even the streets and roads were at times flooded and seriously damaged. In order to remedy all this, repairs were made in the various conduits and a couple of guards were appointed to patrol the aqueducts so as to warn the *juez de canerías* of any leaks or breakages.<sup>54</sup> The latter official was expected to prevent individuals from taking more than their rightful share

<sup>50</sup> Revilla Gigedo, art. 302. ". . . . con el auxilio de dos Guardos Ministros á quienes se señaló un particular uniforme ó traje."

<sup>51</sup> *Ibid.*, art. 303. ". . . . el buen orden, claridad y seguridad."

<sup>52</sup> *Ibid.*, art. 304.

<sup>53</sup> *Ibid.*, art. 305.

<sup>54</sup> *Ibid.*, art. 306.

of the water, but owing to the fact that the chief offenders were influential persons, "personas mas poderosas y respectables," it was a difficult matter to enforce the various ordinances. It seemed a small matter for the governor to decide whether the pipes should be laid in the center of the street or along the sides, and whether they should be constructed of tiling or of lead, but these matters had to be settled by him. The ten public fountains were remodelled in order to secure a greater economy and better protect the public health.<sup>55</sup>

Even more important than securing the city against the danger of fires or even maintaining a good water supply, was the duty of providing against famines.<sup>56</sup> For a great many years it had been the duty of the authorities to supervise the furnishing of the city with its supply of grain and meat,<sup>57</sup> and the policy of maintaining large reserves of grain and flour as a protection against lean years had become permanent.<sup>58</sup> The public granaries, *alhóndigas* or *pósitos*, were receptacles for storing the grain, but in furnishing bread to the populace use was made of a guild or corporation of bakers. A succinct and authoritative statement regarding this organization was given by Viceroy Marquina in 1803. "The purveyance of bread to this very numerous population may be said to be a monopoly here. It does not follow the ordinary rules of freedom of sale. It is confined to a guild, called that of the bakers, which forms a body or organization, and has the duty of supplying this food of primal necessity. On some occasions it has been questioned if it would not be more convenient if there were no such guild, nor any special number, as there are, of bakeries; but without doubt there would have been insuperable difficulties in doing without them and I am convinced that it has always eliminated the risk of any failure of the bread-supply, which would be most serious in a populous city, if the sale of bread were left free, and there were

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<sup>55</sup> Revilla Gigedo, art. 307.

<sup>56</sup> *Ibid.*, art. 308.

<sup>57</sup> Revilla Gigedo, the Elder, art. 82.

<sup>58</sup> Revilla Gigedo, art. 310.



any failure to furnish enough to prevent such a fearful result and its consequences."<sup>59</sup> The difficulties of administering this branch of the government were increased by the general confusion of the business world resulting from the revolutionary and Napoleonic wars.<sup>60</sup> In February, 1797, the crown ordered that the various ordinances for the *pósitos* of Spain be made the basis of the regulations for those of Mexico and the matter was submitted to a junta to be put into shape, but in spite of the efforts of Viceroy Marquina no progress was made. The physical difficulties of collecting the grain in the big cities were considerable, and the financing of the *alhóndigas* was full of complexities. The millers combined to force the bakers to pay a high price for flour, and in the contest which grew out of this, appeal was taken to the governor. The latter interfered to keep down the price of bread, and forbade the millers to deal in grain and force up its price or to do anything but manufacture flour.<sup>61</sup>

The complexity of these problems would seem to forbid the governor's taking care of them intelligently, but he was expected to keep a firm hand on all these regulations, controversies, and decisions affecting public policy.<sup>62</sup> He was expected to be interested in such questions as whether it would be better to manufacture a new kind of bread, "medio entre comun y pan bazo;" to prevent frauds on the part of these various guilds; and to keep an eye on the various public improvements of the city as well. He was expected to study the problem of the fluctuations in the prices of grain, anticipate shortages in the crops, and buy for the state when the market was most favorable.<sup>63</sup> All this presupposes a superhuman talent and activity on the part of the governor, who,

<sup>59</sup> Marquina, art. 80.

<sup>60</sup> *Ibid.*, art. 82. Marquina declares that a combination of the millers and bakers could fix the price of bread to the disadvantage of the public and so constitute a dangerous monopoly.

<sup>61</sup> Revilla Ggedo, art. 316.

<sup>62</sup> *Ibid.*, art. 323. It was evidently the opinion of this viceroy that the business of furnishing flour and bread should not be in the hands of the corporations (*gremios*). If it were thrown open without restriction to general competition, persons of small capital would be encouraged to enter the field.

<sup>63</sup> *Ibid.*, art. 319.

besides other inevitable disqualifications due to overwork and lack of training for the position, was always a foreigner and therefore more or less ignorant of local conditions.

One of the chief branches of the administration of the public food supply was that relating to meat, or *abasto de carne*.<sup>64</sup> It was customary in Mexico for the larger towns and cities to grant the monopoly of furnishing the cities with meat to some person or group of persons, because it was generally believed that so much capital was required for the proper conduct of so large a business that it could not be left to private enterprise and competition among a number of small dealers.<sup>65</sup> The meat supply had to come from a considerable distance and the cities had very generally alienated their public lands so that they could not raise their own animals for slaughter. The contract for this monopoly was sold to the highest bidder by judicial auction. This contract had to be submitted to the viceregal government for approval, though apparently the governor did not have anything else to do with the matter. However, when Revilla Gigedo was governor he did concern himself with the question of the recovery of the land rightfully belonging to the City of Mexico, which had been usurped by private individuals. Likewise it had long been a problem for the governors how to regulate the bull fights, for a very important by-product of bull fighting was the cheap meat afterwards sold to the poorest consumers of animal food.<sup>66</sup>

It would not be worth while to enumerate further the miscellaneous occupations which were forced upon the governor as a result of his being the virtual head of the government of the City of Mexico. It is enough to say that practically all the activities which we now associate with a modern municipality and which are distributed among a great number of different officials and boards, had some connection with the office of the governor.

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<sup>64</sup> Revilla Gigedo, the Elder, art. 12.

<sup>65</sup> Revilla Gigedo, art. 325 and 326.

<sup>66</sup> Marquina, art. 94. Here is to be found an express condemnation of the bull fights. He refused to permit such a way of celebrating his accession to power because, among other things, "of the injuries both moral and political which always originate at bull fights, in spite of the most vigilant care."

The laying out of streets and boulevards, improving the general plan of the city and increasing its regularity in outline, constructing aqueducts, fighting the contraband trade, improving primary education,<sup>67</sup> and seeking to improve the lot of the workingman, were all part of the governor's business, as well as scores of duties not mentioned here. The amount of attention bestowed on these matters by the different governors depended very largely on the vigor and personality of the man, as well as upon the pressure of outside circumstances such as foreign wars and the amount of interference from the home government.

From the well-known propensities of the Spaniard toward paternalism, there need be no surprise that the governor was to look after the morals of the people within his jurisdiction. About the middle of the eighteenth century the population of the viceroyalty was described as forming two general classes, one of the nobility and gentry, of white color, called by the elder Revilla nobles or patricians, and the other, made up of all the various inferior mixed breeds, called the plebeians.<sup>68</sup> The former were grateful to the mother country for all the advantages they had received, past and present, and were actuated by a deep loyalty to the crown. The latter, divided into various castes, were poor, vicious, and for lack of anything to do, much given to laziness. The same authority tells us that the nobility were docile and submissive, and easy to govern "con la suavidad,"<sup>69</sup> while the "plebs" were so "vicious and cowardly" that only a few soldiers were necessary to keep them in order and restrain their excesses. The chief protection against the vulgar mob was to be found in its condition of disunion.<sup>70</sup> It looked to the government for an ample and cheap supply of corn and meat, with bull fights for the chief amusement, *panem et circenses*. Next to the wide prevalence of laziness came theft and drunkenness as the *vicios dominantes* of the common people. The governors were therefore obliged to wage a constant war against highway rob-

<sup>67</sup> Revilla Gigedo, art. 335.

<sup>68</sup> Revilla Gigedo, the Elder, art. 7.

<sup>69</sup> *Ibid.*, art. 5.

<sup>70</sup> *Ibid.*, art. 10.

bery and thieving in its various forms, invoking the aid of the Santa Hermandad with its star chamber procedure.<sup>71</sup>

The increase of drunkenness and the failure of the ordinary preventives brought that evil to the particular attention of the viceroys and governors.<sup>72</sup> Owing to the ease with which *chinguerito* could be manufactured and the lack of other employment for so many people, the secret and illicit manufacture of spirituous liquors had grown to be a great evil. Laws and proclamations were directed against the sale and manufacture of the native brandy, but apparently without result. Even a more potent cause of intoxication was the native wine, or *pulque*, which was not forbidden by law but was even approved of as a medicine.<sup>73</sup> The elder Revilla Gigedo complained that the natives spent more on this beverage than on food stuffs and clothing. Commissions were appointed to cope with the *chinguerito* evil while a like means was adopted to limit and regulate the *pulque* traffic.<sup>74</sup> One governor ordered the places where alcoholic liquors from Castile were sold, to be closed at nine o'clock at night, while extra efforts were made to punish with severity the distillers of *chinguerito*.<sup>75</sup> A more rigid inspection of the *pulquerías* was undertaken with the same general object in view, and judges and other officials were admonished to exert themselves to enforce the law.<sup>76</sup>

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<sup>71</sup> Revilla Gigedo the Elder, art. 14.

<sup>72</sup> *Ibid.*, art. 15. As late as 1791 the problem of the control of the manufacture of spirituous liquors was a pressing one. Revilla Gigedo to the Conde de Lerene, Sept. 26, 1791.

<sup>73</sup> *Ibid.*, art. 16.

<sup>74</sup> *Ibid.*, art. 19.

<sup>75</sup> *Ibid.*, art. 21.

<sup>76</sup> *Ibid.*, art. 355-362. In these articles the viceroy discussed the evils growing out of the liquor business in a way which reminds one of the later attempts at regulation and prohibition in the United States. Complaints had reached the king in Spain regarding the bad influence of the retail liquor business, and the royal order, March 18, 1778, directed that everything possible be done to remedy them. The *alcaldes* were ordered to make frequent visits to the *pulquerías* and to take such measures as "their zeal dictated." A junta, composed of the archbishop, the regent of the *audiencia*, the senior *fiscal*, and the superintendent of the custom house, was appointed to meet with the governor to devise remedies for the saloon evil. Laws against drunkenness were issued and the *pulquerías* were limited to the sale of *pulque* and were not allowed to furnish provisions and other accessories.

The attack which the governors were expected to lead on popular vices was not confined to the liquor traffic. A number of games of chance came under the ban of the law and some attempt was made to restrict them. The same cannot be said of the social evil, toward which the governors maintained an attitude of frigid tolerance. In 1775 the viceroy wrote, "Secret incontinence, here and in all the world, is not to be remedied entirely, and prudent governors content themselves with avoiding publicity, as I have done in my time, banishing and punishing those worst courtesans who give public scandal."<sup>76</sup> Stricter rules were also drawn up at about the same time to limit the excesses in the Paseo de Jamaica, and a company of cavalry from the palace guard was assigned the duty of patrolling the slum district at night. These facts point quite clearly to the generally unrecognized truth that the Spanish rulers in New Spain were by no means indifferent to the moral well-being of their subjects, however crude their measures may seem at the present day.

The various evils referred to above could not be dealt with adequately by the governors without reference to the question of immigration. It seemed to be a very general belief among the viceroys of the later days of Spanish rule that a great many of the ills afflicting society sprang from an influx of foreigners and that a more careful enforcement of the laws against the undesirable immigrant was necessary. Among the most explicit declarations to be found in the primary material is that of Viceroy Marquina, written in the year 1803. He wrote in his instruction to Iturrigay, that when he first began to inform himself about America, he became persuaded that the laws of the Indies in regard to persons from Europe being admitted to the colonies ought to be put into force rigorously;<sup>77</sup> and that this should apply not only to foreigners, but to those Spaniards who had secured passports or licenses. During his incumbency he became aware of the presence of foreigners by seeing them on the streets of the capital, and became more and more convinced that there was a

<sup>76</sup> *Ibid.*, art. 24.

<sup>77</sup> Marquina, art. 66.

danger lurking in this non-observance of the laws.<sup>78</sup> Strict orders were thereupon sent to the governor of Vera Cruz, reminding him of his duties in this matter, and ordering him to make every possible effort to check the ingress of all Europeans, particularly those coming from other countries than Spain.<sup>79</sup> Those who were to be admitted were to show whence they came, the motive of their coming, and the proper documents authorizing their voyage. Additional orders were sent to the judicial officers of the cities between Vera Cruz and the City of Mexico to insist that all travelers from Vera Cruz produce passports from the governor of that place.<sup>80</sup> The *alcaldes* of the capital were likewise commanded to cooperate in running down unauthorized persons.<sup>81</sup> Of like import were the remarks of Viceroy Branciforte to his successor Azanza, in 1798, but it does not appear that these efforts at restriction were very successful.<sup>82</sup> They are mentioned here, however, rather as illustrations of the duties of the governor and of the matters of state policy which attracted the attention of the Spanish colonial rulers.<sup>83</sup>

Although the organization of charity and poor relief in Mexico during the Spanish régime was mainly in the hands of the church, there were certain aspects of it which could not be ignored by the state.<sup>84</sup> There is sufficient evidence of the interest taken in this matter by the governor, derived from the *reglamentos* and *instrucciones* of the viceroys, so that a few words are due the subject in this study. The question of poor relief is always as much a matter for statesmen as for philanthropists, and in Mexico especially the question was inseparable from the larger problem of keeping the masses in good order and pro-

<sup>78</sup> Marquina, art. 67.

<sup>79</sup> *Ibid.*, art. 68. The tumults of the French Revolution were particularly alarming to the Spanish official class, and several documents illustrate the determined efforts of the viceroy to exclude Frenchmen and their revolutionary writings from Mexico.

<sup>80</sup> *Ibid.*, art. 69.

<sup>81</sup> *Ibid.*, art. 70.

<sup>82</sup> *Ibid.*, art. 71.

<sup>83</sup> Branciforte, art. 11.

<sup>84</sup> Marquina, art. 104.

ductively employed. In every large city there was a *hospicio de pobres*, or poorhouse, but the one in the City of Mexico was, of course, the most important. As one of the viceroys said, "The poorhouse might very well be a seminary where many useful trades and occupations might be learned; . . ." but as a matter of fact, there was not enough money available to hire suitable teachers or to give the proper material equipment.<sup>55</sup> In 1794, there were seven hundred and fifty inmates and the income derived from taxes and gifts amounted to twenty thousand pesos. Much of the work done in the institution was of an inferior kind and almost worthless because of the ignorance or physical weakness of many of the inmates. Nevertheless, it kept a certain number of people off the streets though it was not large enough to solve the problem of mendicity even in the capital, and affairs were not so promising in the provincial towns.<sup>56</sup> The poorhouse of the City of Mexico was in charge of a director, who was subordinate to a committee composed of the archbishop, the regent of the *audiencia*, the dean of the university, two *regidores* of the *ayuntamiento*, the prior of the *consulado*, and the director of the poorhouse. The procurator and the syndic were honorary members without vote, and the *corregidor* had no connection whatever with the institution.<sup>57</sup> With a little better management and more revenue, this *hospicio de pobres* might have been the place to which the children of the foundling asylum were transferred on reaching the proper age.<sup>58</sup> The *casa de expósitos*, or foundling asylum was entirely independent of the governor and was managed by a committee selected from the body of its supporters, the Congregation of Charity. These two charities were the ones which came most under the notice of the civil power and so indirectly to the attention of the governor, but neither was in any sense administered by him.

One of the institutions of New Spain for which there is scarcely a parallel in the United States at the present time was

<sup>55</sup> Revilla Gigedo, art. 350.

<sup>56</sup> Marquina, art. 105-106.

<sup>57</sup> Revilla Gigedo, art. 351.

<sup>58</sup> *Ibid.*, art. 352.

the *montepío*. The *montepío militar*, which will be described in chapter IV, was exclusively for officers in the army, while the *montepío de oficinas* was for the benefit of the officials in the civil administration. A royal decree of May 10, 1776, ordered the governor of Mexico to report on the desirability of such an institution, its objects being similar to those of a modern mutual life-insurance company.<sup>89</sup> The report was favorable to such an institution, and the royal assent was given February 18, 1784.<sup>90</sup> Persons holding royal commissions with salaries above four hundred pesos a year were admitted.<sup>91</sup> The organization was perfected and dated its official beginning July 1, 1784. Its officials were an accountant, a secretary, a treasurer, an usher, and two other officials.<sup>92</sup> The beneficiaries were the widows and the orphans of the deceased, who received one-fourth of the salary of the deceased at the time of his death.<sup>93</sup> The chief officials were nominated by the viceroy, who apportioned them among the representatives of the various government offices.<sup>94</sup> A similar institution was organized for the benefit of the higher officials of the financial department, and bore the name of the *montepío de ministros*.<sup>95</sup> This was organized in June, 1785, and its general government was the same as that of the *montepío de oficinas*. Still another form of *montepío* was organized in February, 1775, and was under the immediate protection of the viceroy. The official title was *monte de piedad de ánimas*, and its governing body was appointed by the governor.<sup>96</sup> It was an out-and-out charity institution and so differed somewhat from the other forms of *montepíos*. It was founded as the result of a gift of three hundred thousand pesos by the Conde de Regla, for the purpose of lending money on personal property such as

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<sup>89</sup> Revilla Gigedo, art. 1385.

<sup>90</sup> *Ibid.*, art. 1386.

<sup>91</sup> *Ibid.*, art. 1387.

<sup>92</sup> *Ibid.*, art. 1388.

<sup>93</sup> *Ibid.*, art. 1389.

<sup>94</sup> *Ibid.*, art. 1390.

<sup>95</sup> *Ibid.*, art. 1392.

<sup>96</sup> *Ibid.*, art. 1407.



furniture, clothing, and other articles now commonly found in a pawn-shop.<sup>97</sup> This *monte de piedad* did a tremendous business and has remained till modern times one of the great curiosities of the City of Mexico.

Among the many institutions introduced into Mexico from Spain, there was none more characteristic than the *consulado*. The tribunal of the *consulado* became the great law court of the country for the decision of all suits growing out of trade and trade relations, or, in the words of one of the viceroys, "between merchants on account of merchandise."<sup>98</sup> The *consulado* of Mexico was modelled on that of the city of Seville,<sup>99</sup> and its prior and two consuls constituted the court of original jurisdiction in mercantile cases.<sup>100</sup> It had its court of appeals and legal counsels, *asesores*, the latter receiving a considerable salary. The great criticism of the *consulado* was that it held its sessions only at the capital city, which caused obvious disadvantages to the merchants living at a distance.<sup>101</sup> Moreover, the *consulado* strove for the commercial advantage of the City of Mexico to the detriment of other cities in the country, as in the case of the *alcavala* tax, which it sought to have reduced for Mexico but increased in Vera Cruz. It was also true that the tribunal of the *consulado* was less needed in the capital than in almost any other part of the country, because of the presence there of a great number of other high courts. These objections induced the younger Revilla Gigedo to recommend either the complete abolition of the *consulado*, or the establishment of one in every large city. The only advantage of having the *consulado* in the capital was the convenience, not to say necessity, to the government in carrying on certain public works like the canal of Huehuetoca.<sup>102</sup>

The large revenue which the *consulado* enjoyed was derived chiefly from an impost, *avería*, on all goods passing through the

<sup>97</sup> Revilla Gigedo, art. 1408.

<sup>98</sup> *Ibid.*, art. 111.

<sup>99</sup> *Ibid.*, art. 461.

<sup>100</sup> *Ibid.*, art. 462.

<sup>101</sup> *Ibid.*, art. 463.

<sup>102</sup> *Ibid.*, art. 464.

custom-houses of Vera Cruz and Mexico. This impost tended to become higher till it reached one and one-half per cent, and was paid by the consumer in the enhanced selling price of the goods. With these revenues the *consulado* became the great financial institution of the country, and in the absence of banks afforded to the government a most convenient means of tapping the national wealth. It financed great public undertakings, maintained a regiment of militia, and lent money to the king. These extra-commercial activities alone were sufficient in importance to make it one of the great agencies for the government of the viceroyalty, and justify its mention in this place in a study of the viceroy as governor.

Of much less interest to the general historian, though important enough in the social and industrial organization of society in the eighteenth century, were the various craft guilds. The viceroy-governor in 1794 held a rather low opinion of the workmen and trades-unions of Mexico. This was partly attributable to the lack of education of the laborers, but was also due to the organizations of the workingmen.<sup>103</sup> The capital had fifty different *gremios*, each with its own constitution, in the majority of cases dating from the previous century.<sup>104</sup> They tended to monopolize the various branches of industry and in the main did nothing to advance the arts.<sup>105</sup> The viceroy recommended the suppression of some of these unions, but it is notable that he approved of retaining others as the best means of maintaining the proper relations between the masters, the journeymen, and the apprentices.<sup>106</sup>

There is no part of the government of New Spain which has been so inadequately explained or so generally neglected by the secondary historians as that which pertained to the secretariat of the viceroy.<sup>107</sup> The *Secretaría de Cámara del Virreynato*,

<sup>103</sup> Revilla Gigedo, art. 337.

<sup>104</sup> *Ibid.*, art. 338.

<sup>105</sup> *Ibid.*, art. 339.

<sup>106</sup> *Ibid.*, art. 341. This governor thought that it was footless for the *gremios* to attempt to prescribe the sizes and designs of the fabrics they turned out.

<sup>107</sup> Revilla Gigedo to the Conde de Lerene, Oct. 29, 1791.

as it was referred to in the documents of the time, constituted a most important part of the government mechanism. It was in the secretariat that a great many of the details of actual administration were worked out, and while it would be too much to say that the members of this official body formed the viceroy's cabinet, it may be said that they formed his civil staff. This body of minor but extremely useful officials appears at first as a part of a great bureaucracy, but if this be true it is only so in a peculiar sense of the term. A modern cabinet officer whose tenure of office is not long, is regularly dependent upon his permanent under-secretaries for information and direction, for everything except those changes in policy which are the result of the ebb and flow of party politics. The members of the secretariat were not ordinarily appointees for life or for long periods of time and were not men seeking a career in this employment. They were not, as a body, men of more than mediocre talent and it seems that their importance arose from their part in the working out of the details of exceedingly complicated administrative rules which no one above them in rank could, or cared to, master.

Spanish administrative methods have ever been notorious for a cumbersome procedure resulting from an endless writing and re-writing of rules and regulations governing the minutest details in affairs of government. On its good side these practices made for orderliness, pains-taking methods, definiteness, and a full preservation of records. It was in its very nature opposed to what is careless, and slipshod, and indefinite. In the hands of the average official, however, it proved to be a slow and unwieldy means of getting things done. Masses of papers, made up of reports, opinions, citations of previous law and practice, were likely to accumulate to such an extent that the superior official who was required to examine them in order to reach a conclusion was often taxed to the uttermost in his attempt to master their contents. When it is remembered that the viceroys were military men for the most part unfamiliar with the law and civil procedure and were almost never allowed to remain in office long enough to become thoroughly acquainted with its duties, it is

easy to understand their dependence upon the members of the secretariat.

Our chief sources of information for the history and organization of the Mexican *Secretaría del Cámara* are the reports and correspondence of the second Revilla Gigedo. Soon after his entering office he sought to improve the efficiency of his subordinates in the secretariat, and his report of January 11, 1790, and the accompanying *reglamento* are the leading documents to be consulted. His recommendations were never more than partially adopted, but they afford an admirable view of the problems and difficulties which this ruler had to meet. He begins his report to Secretary Valdez with a pointed reference to the "general epidemic of ineptitude" from which *la primera oficina del reino* was suffering, and he added a statement on the margin of this document to the effect that the secretary then serving and his predecessors had labored to remedy the evil conditions and without result.

It seems that in the earliest times there was no legal provision for a secretary and that the viceroys supplied this want voluntarily out of their own income. The salary was 1400 pesos and the other expenses of the office were met out of the revenue accruing from vacancies in certain military organizations. This meant that the pay of the under-secretaries and copyists was extremely small and derived from an uncertain source. As the salaries were inadequate the officials were driven to increase their incomes by means at once illicit and undignified. As a result the honor and good name of the viceroys as well as the public service were injured and even state secrets were occasionally sold. Another bad feature was the pernicious rotation in office which every change of viceroy brought about. The chief secretary or *oficial mayor* was expected to hold office indefinitely, but even his salary was drawn as a member of the tribunal of accounts (*tribunal de cuentas*). This false economy led to inefficiency because the *dependientes* were not only underpaid but had no hope of promotion and were ever looking forward to the time when they

might find employment elsewhere. The official records were badly kept and the central archives were in confusion.

The first attempt at a reorganization of the secretariat was made in the first year of the rule of the Marqués de las Amarillas, in 1756. The new arrangements were embodied in the royal *cédula* of August 28, 1757, whereby three salaried positions were created drawing 1500, 1000, and 500 pesos respectively. But already these new provisions were inadequate. The constantly increasing business of these secretaries due to the increasing military establishments, the administration of the tobacco monopoly, and the growing complexity of other departments of public finance drove the later viceroys to make further demands for men and salaries. The Marqués de Croix succeeded in adding two more officials to this department, but in February, 1771, the volume of business had so outrun the office force that the same viceroy was again begging aid from the home government. In January, 1772, and February, 1773, the new viceroy, Bucareli, renewed the demand of his predecessor for a further increase in the personnel of the secretariat which resulted in the second reconstitution of that department. This was the one actually in force in the time of Revilla Gigedo and was based upon the royal *cédula* and order of June 19, 1773. This royal *cédula* provided for six officials with salaries ranging from 2000 to 600 pesos, whose duties were primarily the drafting of the various kinds of documents issued from that office. Provision was also made for an *archivero*, or keeper of the archives, and six other functionaries who were to serve without pay and were regularly referred to as *meritorios*. They were expected to have some independent means and to possess the character and talent requisite to promotion and regular salary. The secretary, the six officials, and the archivist were to enjoy such advantages as exemption from the *media anata* and admission to the *monte pío de ministros*.

Some further modifications in the direction of a more generous treatment of this office were secured by Bucareli in February, 1778. Two more *oficiales*, or under-secretaries, were

granted, together with two copyists and a porter. There were now seventeen employees of all grades subordinate to the secretary. By 1790 this number had increased to thirty, and it had been even larger for a while under Viceroy Mayorga. Though this seems a considerable advance over the conditions existing before the secretariat was organized in 1757, yet matters were in a very unsatisfactory condition, as Revilla Gigedo has so clearly set forth. This viceroy was unwilling to continue the employment of the *meritorios*. He considered them satisfactory for some of the government offices, as for instance in the secretariat of the bureau of accounts, but he thought they ought not to be entrusted with the more important and delicate matters relating to the viceroy's own office.

The work of these secretaries or clerks required not only a moderately high degree of intelligence and industry but a special aptitude for finding one's way about in the mazes of previous legislation. The procedure in dealing with an *expediente* is described by Revilla Gigedo as follows:

This minister, either because he has not the necessary information, or because he wishes to protect his office, asks for precedents, or else he submits a report or instruction to other tribunals, magistrates or individuals. These reports are collected in the *archivo de secretaría*, where they are assembled with other *expedientes* which are already in the same office or in the copy rooms of the Government, where they have or have not completed their various processes, and in this manner, months or years pass by before they return to the Fiscal (about the same thing happening with the other *informes*). Because they who have to prepare these *informes* are already over-burdened with the duties of their respective positions, it is necessary that their ordinary work be neglected as much as their importance will permit, and also the additional work required to prepare the extra reports and opinions.

The *expediente* then comes back to the *fiscal* in the form of a first draft, or as a problem to be solved, and if he does not repeat his request, for further instruction, with the delays that it implies, it goes to the *asesor general* or it is carried to the *Junta Superior de R. H.*, which body is likewise burdened with serious problems of government of divers character, and as this body meets only two days in each week, this work progresses very slowly.

Finally the document or report is verified, and if there results its acceptance as an *ad interim* measure it incurs the new delay arising from the taking of testimony and ultimately from its formulation by the

secretariat according to the contents of those documents, letters or representations with which it is submitted for royal consideration.

These delays are the ordinary ones incident to a clear and easy *expediente*, for when difficulties occur, the trials of the procedure are multiplied. Then arise in the midst of the proceeding new and perplexing points, due to remanding the whole question to some other department for discussion, with the result that interminable debates are precipitated; confusion is produced by the accumulation of useless documents, likewise by the complex of contradictory opinions which cause distrust of the wisdom of the decision which have been arrived at.

I do not mean by this that important matters are decided without the formalities of law, royal order, ordinances, or *reglamentos*; but when these laws declare and determine the point which they raise, and do not prescribe the procedure by which they are put into effect, it seems to me that [these formalities] ought to be waived for the sake of the quickest and best service of the King and the public and out of regard for the principal office of the realm, the laboratory in which are produced the laws which govern this vast empire, binding together all the parts which sustain it.

This is the science which the officials and the secretariat of the viceroyalties ought to study and know. But how can they master it when all their labors are, as I have just said, arduous, crude and tedious?

They draw up the first accurate copy as I pointed out in par. 25. They repeat the same labor in the register book (there is a tedious number of them) relating to this matter, and they make a separate copy which they take to each magistrate for him to state and sign:—"received the *expediente*, marked so and so, No. so and so, Folio so and so," and in the same manner the *oficial de la mesa* writes: "reprinted on such a day, and returned on such a day."

The preparation of these abstracts is prolonged as a result of the involved procedure of the *expediente*; if they require at any stage of their preparation, orders from the king, or viceroy (*órdenes superiores*) there are inserted, copied or abridged (sometimes badly) the petitions or decisions of the magistrates, and if finally the report is made, to the king, the same labor is repeated in the accompanying testimony, which at times obscures essential points or confuses everything by stupidly ordered clauses and conditions. As a result, the secretaries and ministers of state become disgusted and are obliged to ask for a better abstract of testimony, which makes a new operation necessary, postpones royal decisions or suspends them because of the obscurities of the *expedientes* and of the letters themselves, which are apt to end without any enlightening suggestions.<sup>108</sup>

So varied were the duties of the viceroy as governor that it seems futile to attempt any resumé of them. There was scarcely

<sup>108</sup> Revilla Gigedo to Valdez, Jan. 11, 1790.

a governmental function in the realm of civil affairs that was not in a measure dependent on him at some stage of its operation. Though some of the viceroys complained of the diminution of authority which their office had suffered in its later years, it is hard to see what more could be thrust upon their time and attention. They still had extensive judicial powers in spite of the encroachments of the *audiencia*, and the number of executive acts which every governor had to perform in a single year was so large that it is not believable that they could all receive due consideration. Of course, the governor of Mexico, who was also the viceroy, was by far the hardest worked of them all and an entirely different set of conditions was presented to the provincial governors. The governor of California, for instance, though a little potentate in his distant territory, had very simple problems to deal with compared to the governor of a populous district with a large city in addition. From the correspondence between the governors of California and the viceroys it is clear that the former had only petty difficulties to cope with in comparison with the latter. The governors nearly all disappeared after the decree of the intendants was put into effect, but the viceroy was not greatly relieved by the change. The intendency of Mexico was placed under his charge and he fulfilled the same civil duties under a new name.



## CHAPTER IV

## THE VICEROY AS CAPTAIN-GENERAL

Toward the close of the period of the Spanish rule, all Spanish America was divided into a number of territorial units ruled over by an officer called the captain-general, or by a viceroy whose chief source of authority lay in his power as a captain-general.<sup>1</sup> The attributes of this office were those which gave it a peculiarly Spanish character, and it is perhaps not too much to say that it was the most characteristic of all the positions of trust and profit in Spain's system of colonial administration. Other nations have had their viceroys and other officials who had their Spanish counterparts in the various subordinate ranks, but the captain-general was so distinctly an Iberian institution that the title would seem out of place in an English, French, or Dutch colony. From Chile and the extreme south to Mexico and Cuba on the north, the whole of Spanish America was divided, not into viceroyalties or provinces, but captaincies-general, and the rulers of these districts had the all-important duty of maintaining the authority of the Spanish crown by the ultimate logic of military force. From some points of view it was a purely incidental matter whether or not certain of these captains-general were further dignified by the title of viceroy. It was the military command, the *imperium*, that in the last analysis held down the subject native population, preserved order among the Spaniards

<sup>1</sup> The office of captain-general, like practically all other titles, civil, military or ecclesiastical, found in the colonies, was transplanted thither from Spain, and the two officers originally had the same duties attached to them whether in Europe or America. As a strictly military office the grade of captain-general was, in the words of Desdevises du Désert, the highest in the whole military hierarchy and the military governors of the most important provinces in Spain took that title, by courtesy as it were, whatever their real rank may have been. The following Spanish provinces had captains-general in 1800: Aragon, Catalonia, Valencia, Majorca, Granada, Andalusia, Estremadura, Old Castile, and Galicia. See Desdevises du Désert, ii, 133-134.

themselves, and defended those most tempting regions from the foreign enemy.

It is not difficult to see how the viceroy of New Spain derived most of his importance from the fact that he was captain-general, as well as being governor and head of the ecclesiastical establishment as vice-patron. In the sixteenth century it was scarcely possible to make any distinction whatever between the early conquerors and those who succeeded them as the normal chiefs of the army under another title. From the very beginning the military aspect of things was pre-eminent in the Spanish colonies. After the first conquests were completed and the work of Cortés, Pizarro, Almagro, and Valdivia was over, there succeeded a period of turbulence which required the presence of a soldier in authority. After the Spaniards were once definitely in the saddle and the period of danger from buccaneers had been weathered, the combination of military traditions with the constant fear of the English and Dutch prevented the evolution in America of the essentially civilian, or English, type of viceroy. As Villarroel said, the military functions of the viceroy were from the beginning the most important, and he might have added that this primordial condition was never outgrown.

No more striking contrast between the Spanish and English ways of governing dependencies could be offered than in the divergent development of the chief executive office in the colonies of these two peoples in America. On the eve of Spanish-American independence the captain-general as the representative of the military side of the administration was, if anything, gaining at the expense of the governor and his civil functions; that is, the viceroy was becoming more and more exclusively a military ruler.<sup>2</sup> In direct opposition to this was quite another tendency observ-

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<sup>2</sup> Greene, pp. 188-192. The account given in these four pages of the encroachments of the American provincial assemblies on the military powers of the governor is brief, but clear and trustworthy. I am not aware of anything analogous for Spanish America. An examination of the *instrucciones* of the Spanish viceroys and a comparison of the earliest ones with the latest, would show a striking growth in the amount of space devoted to the department of the captain-general. For example, compare the *instrucción* of Antonio de Mendoza, circa 1544, with that of Marquina, 1803.

able in the evolution of the English provincial governor. As a result of the steady encroachments of the provincial assemblies upon the powers of the royal governors, even the control over the colonial forces was taken from them, at least in a very large measure, so that the legislative committees and other agents of the assemblies took the actual direction of the forces against the Indians, becoming responsible at times even for the discipline of the troops. Thus it was that a governor of Virginia in the middle of the eighteenth century had practically lost all semblance of a military character, while Governor Dinwiddie's contemporary, Revilla Gigedo, the Elder, was primarily a captain-general and afterwards a governor. These facts explain the condition referred to in chapter I, namely, that only military men and, as it turned out in most cases, those woefully deficient in experience or natural aptitude for civil administration, could aspire to the head of a viceroyalty, while in the English colonies the chances of a mere soldier for the governor's post were increasingly slight.

Another evidence of the importance of the viceroy's position as captain-general may be inferred correctly from the controversy in regard to the succession to these duties when a viceroy died without a *pliego de providencia*. There could be no difficulty in allowing the *audiencia* to take over the duties of the governor as well as those of the vice-patron when the viceregal office was vacated, but such a post as that of commander-in-chief could not be turned over lightly to a cumbersome body of inexperienced civilians. It was with the utmost concern that Revilla Gigedo, in 1789, contested this whole question along with that of the military honors to the archbishop, fairly importuning the crown to allow a military officer to have control of the troops while the *audiencia* had charge of all other matters during the *ad interim* government.<sup>3</sup> Certain aspects of this question were

<sup>3</sup> Revilla Gigedo, art. 516-522. From these articles it is easy to perceive what peculiar importance the viceroy attached to his military office. He would have much preferred to have the command of the troops fall upon the subinspector-general or the commandant of Vera Cruz than upon the *audiencia*. Revilla Gigedo to Valdez, Jan. 8, 1790.

discussed in chapter II, illustrating the way the king interfered in the affairs of the viceroyalty, but it is again mentioned here as throwing light upon the relative importance of the civil and military authority in Mexico. The viceroy was particularly opposed to any diminution of what he regarded as his "función primitiva," and that explains his energetic expression of the views regarding the succession to his command.

In the opinion of one of the ablest of viceroys,<sup>4</sup> by the last decade of the eighteenth century the powers which belonged to him as captain-general were not only more distinctive, but more important than those which he possessed as governor, as vicepatron, or as superintendent-general of the *real hacienda*. In the language of the *Instrucción Reservada*, they were "of an order much superior and much more extensive than any other."<sup>5</sup> It was claimed, furthermore, and this is an interesting argument for centralization, that this greater authority had led to a much more efficient administration. Though it would have been better if the military department of Yucatán<sup>6</sup> had been directly under the control of the viceroy, as were the departments of justice and *hacienda*, yet there had been such a centralization of power in the hands of the captain-general that he had been able to administer the *ramo militar* much more successfully than the other branches. According to Revilla Gigedo, "That authority which is commonly believed to reside in the viceroy, to enable him to secure peace and good order in these dominions, would have produced much better results if it had extended to all branches of the government as well as the military, and this is proved by the amount of progress and reform in the time of my command in the army and in the great economies secured in the reforms of the militia, in contrast with the slight progress secured in the administration of justice and the political side of the government."<sup>7</sup>

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<sup>4</sup> Revilla Gigedo, art. 512-513.

<sup>5</sup> *Ibid.*, art. 512.

<sup>6</sup> *Ibid.*, art. 513.

<sup>7</sup> *Ibid.*, art. 514.

It is not easy to make clear the military administration of New Spain. There did not exist a minister or secretary of war, nor indeed a war department, in any modern sense. There was, of course, no Mexican legislature to provide for the necessary revenue and for the enlistment and provisioning of the troops. All legislation dealing with such matters emanated from Spain, as did that for every other department of the government. There was a certain simplicity in this arrangement, but in the matter of the administration of these laws there are all but insuperable difficulties to our understanding of it.

The viceroy as captain-general was, of course, the commander-in-chief and also in some respects the civil head of the army, though by no means a regular secretary of war. In time of war he was assisted by a council of military men, *consejo supremo de guerra*, something akin to an American board of strategy. In times of peace and under normal conditions, the troops stationed outside the province of Mexico were taken care of by the intendants<sup>8</sup> and those inside this province were under the eye of the captain-general and under his direct control. There was no regularly organized general staff to assist him, though he had a few aides and orderlies, and a few officers at large which he might summon for advice, and if he chose, send on special missions anywhere in the viceroyalty. It was the intention of the crown to keep eight engineer officers, *oficiales de ingenieros*, in New Spain, but the Viceroy Marquina complained, in 1803, that only four were actually available.<sup>9</sup> These were employed on miscellaneous duties but could be regarded as a part of the viceroy's staff.

The first assistant to the captain-general and the highest officer who devoted himself exclusively to military affairs, was the subinspector-general,<sup>10</sup> an appointee of the crown and in

<sup>8</sup> The duties of the intendants will be discussed in considerable detail in a later chapter.

<sup>9</sup> Marquina, art. 158.

<sup>10</sup> Revilla Gigedo, art. 515. Here the viceroy argues that, in spite of the excellent service of his subinspector, the office ought to be filled in the future by one of the lieutenants of the king, who ought to be appointed in Mexico.

some ways a check upon his nominal superior in Mexico. His title, subinspector, implied that he was a subordinate of the inspector-general in Spain,<sup>11</sup> but he seemed to have worked in harmony with the viceroys and without such conflicts as the latter had with the *audiencia*. At any rate, in the various vice-regal instructions it is made apparent that many of the suggestions for reform in the military institutions of New Spain came from the subinspector-generals and that the responsibility for carrying out such reforms was generally committed to them also. General Francisco Crespo prepared a complete scheme for the reorganization of the military forces of the viceroyalty, and this was accepted by the crown October 20, 1788, not indeed *in toto*, but with rather unimportant modifications. A few years before this, during the rule of Viceroy Cruillas, when a number of military reforms were put through, it was another subinspector, General Villalba, who was sent over to superintend them. These facts are mentioned in this connection to show the importance of the subinspector, who was the nearest approach to a chief of staff that the viceroy had. After the dispute between Villalba and Cruillas had been settled in favor of the latter and it was definitely settled that the subinspector was after all directly subordinate to the viceroy, it was evident that the Spaniards really took an intermediate position on the general question of the degree of control over the military which should be conceded to the colonial authorities. King Charles III did not allow the subinspector-generalship to become such an office as

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<sup>11</sup> There seemed to have been some difference of opinion among the viceroys themselves regarding the advantages to be derived from having a special officer for the post of subinspector-general. For the sake of economy the younger Revilla Gigedo recommended that the duties of this office be given to one of the generals in the Mexican service and this suggestion was apparently acted upon, for Marquina is found arguing for the re-establishment of the office in 1803. "I have given an idea of my unalterable opinion, previously, regarding the importance of having a subinspector-general for this kingdom. I gave this opinion in a letter to the King of July 27, 1800, to which reply was made, November 28, that it was not necessary, because the *comandancias de brigada* had been created." Marquina still persisted in his demands for an inspector, but he was relieved of his position before anything was done. Revilla Gigedo, art. 515, and Marquina, art. 285-287.

is now held by the commander-in-chief in India, nor did he send over generals from Spain to monopolize the command of the troops as the English government did in North America.<sup>12</sup> On the other hand, the military powers of the captain-general were not quite as absolute as those of the French viceroys in Canada.

The organization of the Spanish forces in Mexico reached practically a complete form at the end of the eighteenth century, during the rule of Viceroys Azanza and Marquina. Before the middle of the eighteenth century there was scarcely any organization worth mentioning, so small was the armed force maintained in New Spain, consisting of only a few companies of militia and even fewer regulars. The early Spanish conquerors were not really regulars at all, but only bands of adventurers led by some captains with very indefinite commissions from the king. During the seventeenth century but few soldiers were necessary to hold down the native population, therefore the bulk of the disciplined troops were stationed at the coast towns to keep off the buccaneers. The inroads made during the seventeenth century upon Spain's American dominions did not lead to any notable increase in the army of New Spain. The presence of the English in Jamaica and of the Dutch in Curacao was disturbing enough in its way, but did not call for a great

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<sup>12</sup> On the face of it, it would seem as though the abolition of the office of subinspector would have considerably increased the power of the captain-general by removing a possible rival. Marquina, however, possibly because he was a naval officer and therefore felt more keenly the need of a powerful military chief of staff, could not approve of the alternative scheme then in force. "De contado no me detengo en asegurar que mal podrán los diez comandantes de brigada suplir la falta de subinspector, aun cuando ejerzan sus funciones, si se atiende solo á la dificultad, ó mas bien, imposibilidad que debe haber para que tantos gefes concuerden en el modo pensar; y esto siempre pondrá al Virey en la perplejidad que es consiguiente á la variedad de opiniones de sugetos situados á mucha distancia entre sí, resultando un nuevo y extraordinario trabajo para la combinacion de los pensamientos, y para discernir despues y decidirse por el mejor y más acertado; y aun cuando se quisiese no hacer caso de esta reflexion, no puede prescindirse de que los Cuerpos veteranos no reconocen en el dia otro inspector que al Virey, y de que no habrá quién en su interior se lisonjee de poder llenar á un tiempo ambos encargos con la propiedad y exactitud que exigen. V. E. verá cuando guste lo que he representado, y sobre todo tocará en breve la realidad y fundamento de mis reflexiones." Marquina, art. 287.

increase of the land forces in the Spanish colonies. The struggle of the maritime powers, France and England, in the next century, with the overwhelming victory of the latter, made a change for the worse as far as Spain was concerned, and the building up of a British colonial empire bordering on Florida and the West Indies presented a new and dangerous problem. After the experiences of the Seven Years' War, Spain realized the possibilities of serious trouble from the English, who had taken Manila and Havana in 1762, and had generally terrorized the Spanish-American coasts. Accordingly, in 1768, several regiments were sent over from Spain for the defense of Mexico and the West Indies. It was at this time that the office of sub-inspector was given additional importance and was conferred upon the Marqués de Rubí. During the next few years these seven Spanish regiments were sent back home; nevertheless, from this time till the end of the Spanish rule the viceregal government retained a more decided military character.<sup>13</sup> It was, then, the danger of foreign war and aggressions from the English in particular, that gave a new prominence to the office of captain-general between the years 1760 and 1810.

Before examining the actual composition of the army of New Spain at the close of the reign of Charles III, it must be made clear that the crown never attempted to maintain regularly a standing army of royal troops in Mexico, as most European nations did in their colonies and as the English still do in India. The military forces of New Spain were, with the exception of a few officers, recruited in the country and their maintenance was charged against the Mexican treasury. From a military point of view the viceroyalty was intended to be self-supporting, though in case of war or emergency aid from Europe could of course be counted upon. It could never be asserted by the Spaniards that their colonies had been a drain on their military resources in any serious way, and it was not till the war of inde-

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<sup>13</sup> Baneroft, *History of Mexico*, iii, 405. The British establishments in Honduras were a constant source of anxiety to Spain. Branciforte to Paz, May 31, 1797.



pendence that there was any occasion for the transportation of troops to America on a large scale, except for the regiments referred to above.

With the exception of the very unusual appearance of European regiments in New Spain in time of war and of a comparatively small number of officers taken from the regular home army for the colonial service, the white men in the Mexican army were creoles. It was the policy of the crown to limit the total number of effective forces in New Spain, but to encourage the enlistment of recruits of all the different colors represented in the Mexican population. Besides the organizations composed exclusively of whites, there were some made up partly of whites and partly of *mestizos*; there were companies made up of *mestizos* alone, with white officers; and there were even several companies of black freedmen, both among the regulars and the militia. Whether the racially miscellaneous character of the Mexican army was due to a desire on the part of the home government not to have it too closely united by an *esprit de corps*, or to the necessity merely of employing in the army anybody who could be induced to enlist, is not clear, but there is ample evidence that the Madrid government was extremely jealous of the provincial troops. Their numbers were not allowed to reach large proportions at any time, though that cannot be charged to opposition from Spain so much as to the inability to get sufficient funds.<sup>14</sup> Viceroy Branciforte was undoubtedly in favor of a larger force in his territory but, as he complains,<sup>15</sup> he was obliged during the two years and eight months of his rule to send away in subsidies on the king's account thirty-two millions of pesos. Such a sum of money as this implied that little or nothing could be done in the way of a comprehensive reorganization of the troops on a peace footing. He even went so far as to state that he did not

<sup>14</sup> Bancroft, *History of Mexico*, iii, 407, note 17.

<sup>15</sup> Branciforte, art. 23. "Es constante que en los dos años y poco mas de ocho meses de mi gobierno en estos dominios, han salido de ellos, por Veraeruz y Acapulco, para Europa, Asia, islas de Barlovento, Luisiana, Florida y provincia de Yucatan, treinta y dos millones de pesos por quenta del Rey."

have enough men under his command to put down popular tumults in a country so large as the one he was called upon to rule over.<sup>16</sup>

The various authorities seem unable to agree upon the number of troops actually with the colors.<sup>17</sup> It is possible that no one knew how many there were, though Bancroft claims to know that there were only 4700 regulars between 1789 and 1794.<sup>18</sup> Yet Revilla Gigedo in his instructions to Branciforte claimed that there were more than twice as many. In 1789 the whole army exclusive of the militia and irregulars amounted on paper to about 5600 men.<sup>19</sup> Another authority, cited by Bancroft in a footnote, declared that the total force of all arms, and of all grades of discipline and effectiveness, amounted to over 29,600 men.<sup>20</sup> Within these wide fluctuations there is little use of attempting to fix any definite figures, but it is obvious enough that the whole military establishment was on a small scale compared with the population and even the wealth of the country. The isolation and natural position of Mexico were its chief defences, as at that time its land frontiers were still too far from the English-speaking peoples to the northeast, and its seacoast was so unhealthful as to discourage an invasion from that direction.

In 1789 the regular army was composed of the following units: four regiments of infantry; two companies called the

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<sup>16</sup> Branciforte, art. 13. “. . . cuando reducidas á la menor expresion las fuerzas de este ejército, no eran suficientes para contener alborotos populares en un reino tan vasto como el de Nueva España.”

<sup>17</sup> In the correspondence of Branciforte with his successor, Azanza, is found a document giving in tabular form the composition of the army of New Spain in the spring of 1798. The total force amounted to 31,594 men, distributed as follows: 25,502 in the Army of Occupation; 5,504 in cantonments; 4,816 in garrison; 2,120 at posts not fortified; and 20,819 in the provinces and at home. As some of these figures are mutually inclusive they are very confusing, but two facts may be gleaned from them. The first is that the total armed force of the country was 31,594; and the other, that the field army numbered 25,502.

<sup>18</sup> Bancroft, *History of Mexico*, iii, 407.

<sup>19</sup> Revilla Gigedo, art. 565. “Cotejada la fuerza que debia tener este ejército de tropa veterana, cuando yo entré en el mando, con el que debe tener en el dia, resulta un aumento de quinientas noventa y siete plazas efectivas, pues entonces era su total fuerza de cinco mil seiscientas tres.”

<sup>20</sup> Bancroft, *History of Mexico*, iii, 414, note 35.

Volunteers of Catalonia; and three fixed companies, stationed at Acapulco, San Blas, and the Presidio del Carmen; two companies of artillery of a hundred and twenty-five men each; two regiments of dragoons; and two troops, also of dragoons, stationed at the Presidio del Carmen.<sup>21</sup> One of the regiments was scarcely more than a *cadre*, and none of the organizations had the full complement of men. As it was hard on any body of troops to be stationed long at such places as Vera Cruz and Acapulco, on account of the climate and the generally unhealthful conditions, therefore it was proposed, in November, 1789, to create another company of artillery. This one was designed to relieve the other two by turns at the unhealthful posts and also to act as a sort of extra force, in cases of emergency. All this was approved by the crown and soon went into effect, along with a number of other minor changes necessitated by the outbreak of war. Among these changes was the sending of a couple of the regiments of infantry to Havana.<sup>22</sup> To make up for the lost services of these regiments, a "fixed," or garrison company, *compañía fija*, was raised for the fortress and city of Vera Cruz, and more attention began to be bestowed upon the various means of making the militia more numerous and efficient.

It is needless to say that with a regular army no larger than the one described above and so widely scattered over a large area, it was impossible to have any further organization into larger units. A regiment in the Spanish army was, as elsewhere in Europe, the administrative unit. The new system of grouping together regiments into brigades and brigades into divisions, with two or more divisions united to form an army corps, was not yet (*circa*, 1794) the practice in Europe; consequently such a thing was not to be thought of with the meager forces in New Spain. Before the century was over, the whole viceroyalty was divided into ten divisions or departments, each commanded by a briga-

<sup>21</sup> Revilla Gigedo, art. 542.

<sup>22</sup> *Ibid.*, art. 561. "The same circumstances [the outbreak of war] required the dispatching, first of the regiment of Nueva España and afterwards that of Mexico to Havana, and in consequence of that, the creation of the new *batallón fijo* of Vera Cruz."

dier, *comandante de brigada*, each brigadier acting as inspector-general in his own circumscription, but this was as far as any higher organization of the troops went.<sup>23</sup>

The amount of care given by the home government and the viceroys to the organization of the militia would seem to indicate that in the absence of a large standing army this reserve must be the ultimate dependence in case of war. To be sure, it had not yet attained to a very high degree of efficiency by the end of the eighteenth century, and Revilla Gigedo went so far as to say that in case of serious foreign invasion veteran Spanish troops would be necessary to defend the country. Nevertheless, the reorganization of the reserve force was pushed vigorously and the more important of the viceregal instructions are full of plans and comments on the various schemes. It need surprise no one that an officer trained in the regular Spanish army should have held slightly contemptuous views of the colonial militia. The English generals, before and after Braddock, were not entirely enthusiastic over the colonials they sometimes had to command, even on campaigns against the Indians, where the militia and volunteers appeared to the best advantage, and a similar prejudice was to be expected among the captains-general with regard to their non-regular soldiers. However, after making all allowance for bias in our historical sources, the records must be understood to condemn the Mexican militia as untrained and ill-equipped.

It would seem impossible to devise a plan of military organization which should be quite as difficult to understand as the organization of the Mexican militia described in the various instructions of the viceroys. The following statement is an attempt to disentangle the main facts from the confused accounts in

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<sup>23</sup> Marquina, art. 257. The real meaning of the Spanish word *brigada* must not be confused with our brigade. Like their word *compañía*, which is not the English company, *brigada* was used in the general sense of organization or unit, and apparently did not mean a body of troops of a definite number. The following use of the word in the instruction to Branciforte illustrates my point: “. . . pero como siempre hay allí una brigada ó destacamento de artillería, que es de 28 hombres . . .” Revilla Gigedo, art. 554. Also Revilla Gigedo to Conde del Campo de Allange, August 2, 1791.

the primary material, and the starting point must be that plan submitted by subinspector Crespo, in 1778. This plan called for four complete regiments of infantry, four separate batallions, two corps of grenadiers and light infantry, *granadores y cazadores*, all of which were to be Caucasians; two batallions of colored troops, and fifty companies of coast guards. There were also to be one hundred and thirty-four companies scattered through the interior provinces. Then there were six complete regiments of cavalry, a squadron of lancers at Vera Cruz, and a regiment of infantry, called the city commercial regiment, and another squadron of cavalry for the City of Mexico. This whole force was to number 35,643 men and was to be maintained at an annual charge of a little over three hundred thousand pesos.<sup>24</sup>

Each of the regiments was to have a colonel, two lieutenant-colonels, one commandant, twelve sergeant-majors, four commanders of divisions and brigades, two subinspectors of colored troops, thirty-nine adjutants, and sixty lieutenants, a total of one hundred and twenty-two commissioned officers and more than four hundred sergeants, corporals, musicians, and others. These officers were, of course, to be veterans, and it was expected that this reorganization would result in a great gain in efficiency. However, the objection to it was that it would be too expensive.<sup>25</sup> and on the recommendation of the younger Revilla Gigedo a modification of Crespo's scheme, which will be explained presently, was adopted. The adoption of this modification resulted in a saving to the treasury of nearly two hundred and forty thousand pesos, but this was obtained only at a reduction of the total force from about thirty-five thousand to about twenty thousand men.

In the opinion of the viceroy it was not possible to raise a larger force without too great a drain upon the country, and furthermore, he did not believe that it would be possible to use

<sup>24</sup> Revilla Gigedo, art. 661. See also Humboldt, vol. 1, book ii, chap. 14, for a discussion of the Mexican militia.

<sup>25</sup> *Ibid.*, art. 662. Besides the cost involved in the Crespo scheme, there was the further objection that it would draw too many men from peaceful occupations and furnish more militia than the captain-general would know what to do with. This was discovered by a census, or *padrón*, one of the innovations of Revilla Gigedo.

more than a certain number of militia anyway. If a serious danger came, he believed that the main reliance must be placed upon the regular forces and regiments from Europe, and that the militia would be useful only when they were not permitted to constitute more than a certain proportion of all the national forces.<sup>26</sup> In other words, he did not think it good policy to spend large sums of money on an indefinite expansion of the native forces. Branciforte, though holding no very high opinion of the militia, inclined to the view that the peace footing as established by Revilla Gigedo was not on a generous scale.<sup>27</sup>

The modified plan which was finally adopted left the militia forces divided into the main groups the description of which follows. To simplify the matter a classification of these troops will be given along lines slightly different from what is usually found in the documents. What may be called group number one, was composed of the poorest troops in the viceroyalty, namely, the various separate companies, *compañías sueltas*, assigned to guarding the coasts. The second group was composed of the provincial militia distributed throughout the interior districts. The third group was made up of what might be called the "crack" organizations of the country, those organizations stationed in the important cities, such as Mexico, Puebla, and Vera Cruz.

The most vulnerable point of New Spain, the part most exposed to foreign attacks when practically the only enemy was the maritime power of Great Britain, was the coast of the Gulf of Mexico. In the early days this part of the country had been liable to attacks from buccaneers, and it was now recognized that in spite of the heat and fever along the coast, an English invasion

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<sup>26</sup> Revilla Gigedo, art. 663. ". . . pues en un caso de guerra, se necesita siempre contar conque vengan regimientos europeos y con la tropa veterana, y solo seran utiles las milicias, teniendo con ellas la debida proporción."

<sup>27</sup> Branciforte, art. 13. Though there had been no serious uprising of the natives in New Spain, it is not unlikely that Branciforte was affected somewhat by what he knew of the civil war in the Peninsula, which occurred about ten years before. The revolt of Tupac Amaru took place in 1781, and taxed the resources of the viceroy of Peru to the uttermost

must be prepared against. Every plan for organizing the militia had taken this into consideration, and the wars of the French Revolution had made such precautions particularly necessary. In the spring and summer of 1793 the following steps were taken to put the Gulf coast in a suitable posture for defense:

The coast on both sides of Vera Cruz was divided into four districts, the southernmost reaching to the province of Tabasco and the northernmost reaching to the river Pánuco and the city of Tampico. Throughout this region the old-fashioned militia companies were reorganized, some being suppressed and others being augmented, while all were put in shape for the approaching war. Out of the thirty-two original companies, some of them mostly on paper, twenty-two new ones were created with a total effective force of over twenty-two hundred men.<sup>28</sup> These new companies were composed of both infantry and lancers, and were divided among the four divisions. Skilled veteran officers of the rank of captain were placed at the head of three divisions to take the place of the "*comandantes accidentales*," men of little intelligence and inept in everything.

Although the southern and western coasts of Mexico were not exposed to the same dangers of invasion as those on the north and east, they could not be left without some provision for their defense.<sup>29</sup> It was decided to take such measures in regard to them as would prepare the Spaniards for all eventualities. Special commissioners were sent to examine all the harbors, bays, and places suitable for anchorage, and to report to the viceroy what they thought should be done. The great number of antiquated militia organizations (there were eighty-three different companies making claims to existence), were reduced in numbers

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<sup>28</sup> Revilla Gigedo, art. 605. The total number of the militia in these four divisions, as stated above in the text, is given on the authority of the Viceroy Revilla Gigedo. There is some discrepancy in his estimates for the total number of troops in the viceroyalty when compared with those of Branciforte. In such cases I am not able to say which is the more reliable, as both were doubtless tempted to distort the facts slightly, the outgoing viceroy to exaggerate the number of troops he turned over to his successor and the latter to underestimate their number.

<sup>29</sup> Revilla Gigedo, art. 616.

and reorganized, leaving out the Indians using bows and arrows, but there still remained companies with few more than twenty-five men.<sup>30</sup>

According to this new arrangement five divisions were provided for, similar to the four divisions on the Gulf coast. The first was composed of eight companies of non-white soldiers and one company of Spaniards, and its district was the coast south of Mazatlan and southwest of Zacatecas. There were six hundred and eighty men in this division with a captain for its commander.<sup>31</sup> The second division, stationed just south of the first, along the coast to the southwest of Guadalajara, had eleven companies of infantry and lancers, non-white, and two troops of Spanish cavalry, with a total number of eleven hundred and forty men. The headquarters of this division were at Colima.<sup>32</sup> The third division was that of Acapulco, commanded by the commandant of that place, and composed of three companies of *pardos*, three hundred in number.<sup>33</sup> The fourth and fifth divisions were similarly organized and were placed so as to defend the coast between Acapulco and Tehuantepec.

To facilitate communications between these various headquarters and to observe the first approach of an enemy, twelve lookout stations were scattered along between the divisions. This entire force numbered over thirty-five hundred men, and though its effectiveness was never put to a test by an invader, its presence gave a sense of security to the whole Pacific coast region.<sup>34</sup>

The second group into which it is convenient to divide the whole Mexican militia was made up of divers organizations not included in those just mentioned, nor among those stationed in the large cities. Throughout the interior of the viceroyalty there were lists drawn up of all persons qualified to serve, according to the ratio of one soldier to every fifteen families of pure blood,

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<sup>30</sup> Revilla Gigeda, art. 617.

<sup>31</sup> *Ibid.*, art. 618.

<sup>32</sup> *Ibid.*, art. 619.

<sup>33</sup> *Ibid.*, art. 620.

<sup>34</sup> *Ibid.*, art. 621-622.



*casta limpia*.<sup>35</sup> The companies thus enlisted were grouped so as to form sixteen divisions throughout the whole country. These divisions were not of equal size, numerically, but depended on the extent of the various districts and the density of the population.<sup>36</sup>

There would be no advantage in describing each one of these various divisions, or even locating the separate districts on the map; therefore one will be taken as typical of all. This first division comprised the districts to the south of a line drawn between Puebla and Vera Cruz, and was composed of nine companies with a total force of seven hundred men.<sup>37</sup> Many of these divisions had only three or four companies with three or four hundred men, and to believe that any of them attained to a very high degree of efficiency would require an exercise of faith.<sup>38</sup>

The third group in the division of the Mexican militia was undoubtedly composed of the best troops of the country, and many of the organizations had an interesting and separate history. The city of Guanajuato had a battalion of infantry made up of one company of grenadiers and four companies of fusiliers with an extra company, or troop, of cavalry.<sup>39</sup> This force was employed not only as the garrison of the city but also as a sort of police for the surrounding country. In the city of Puebla was a company made up exclusively of bakers, butchers, and tanners, the mounts being furnished by those guilds and the other equipment by the government. In the same city was also a *regimiento del comercio*, founded in 1742, and organized in imitation of the similar but more famous regiment of the capital city. This regiment had only four companies, with two hundred and twenty-

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<sup>35</sup> Revilla Gigedo, art. 628.

<sup>36</sup> *Ibid.*, art. 629.

<sup>37</sup> *Ibid.*, art. 630.

<sup>38</sup> Branciforte, art. 47. "The uniforms and mounts have been furnished completely and of good quality; but the fire-arms and swords had been supplied provisionally from the old collections which were in the royal armories, with the obligation of furnishing new ones when they arrived from Spain . . . ."

<sup>39</sup> Revilla Gigedo, art. 627.

eight men, but it had all the attachments for parade and ceremony, each company having six grenadiers to act as color escort.<sup>40</sup>

The most famous of all the militia units was the *Regimiento Urbano del Comercio de México*, dating from the seventeenth century.<sup>41</sup> It was customary for every organization to have its own constitution, but this regiment did not receive its *arreglo* until the fall of 1793. In 1790 the subinspector-general reviewed this regiment and the next year reported to the viceroy that it had six hundred and eight men distributed among two companies of grenadiers and eight companies of fusiliers, the companies being of unequal size. The grenadier companies were evidently the *corps d'élite* and were made up of men of wealth and social position, "the best men of New Spain," according to Viceroy Branciforte, writing in 1797.<sup>42</sup> The fusiliers, however, were evidently a sorry lot. They were almost all mercenaries, very unprepossessing, both as regards color and physique. Had it not been for the fairly good appearance of the grenadiers, the review might have passed as a ridiculous military farce, "*por una farsa militar ridicula.*" After the review the subinspector gave the regiment a good overhauling, removing among other things the abuse of allowing a member of the *consulado* to hire a mercenary to act as his substitute in the regiment, while he, the merchant, enjoyed the *fuero militar*, with all the exemptions which that implied.<sup>43</sup>

This account of the Mexican militia, though it may seem sufficiently long-drawn-out already, is only a general sketch which leaves out a great many separate organizations and even classes

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<sup>40</sup> Revilla Gigedo, art. 614.

<sup>41</sup> *Ibid.*, art. 610, 611, 612, *et seq.* Later on the *consulado* of Mexico asked to be relieved of the duty of keeping up this regiment. The regiment contained over a thousand men in September, 1793. An earlier reference to this matter is found in the letter of Matias Galvez to José Galvez, Nov. 30, 1782.

<sup>42</sup> Branciforte, art. 40.

<sup>43</sup> It was finally decided by the crown that the privileges of the *fuero militar* could be enjoyed by persons in the militia only when they were actually serving with the colors.

of organizations. The authorities speak of various mixed companies, black companies, and companies of varying shades of color, to say nothing of the different kinds of equipment and maintenance. The military organization of the interior provinces, which meant the districts along the northern land frontier exposed to the attacks of Indians, was separate from that of the rest of the viceroyalty.<sup>44</sup> The *comandante general* of the Provincias Internas was independent of the viceroy in strictly military affairs, but there was a general tendency to abandon the different special corps on the other Indian frontiers.<sup>45</sup> All the infantry companies in the district of Colotlan were given up and only a few dragoons remained in their stead. For a long while there had been no little controversy over the utility of the militia along the Sierra Gorda; though they were not all entirely abandoned, they were reduced in numbers and those corps which had acted as a special frontier police were withdrawn.<sup>46</sup>

The distribution of all the troops mentioned in the foregoing paragraphs can, of course, be considered only in connection with the purposes which they were designed to fill. The forces in the Provincias Internas and along the land frontiers were primarily for defence against the natives, while the various urban regiments and companies and the various organizations scattered throughout the settled parts of the interior,<sup>47</sup> (the two classes forming the great majority of the militia) were to preserve internal order and to act as a reserve in case of foreign invasion. The troops which were specifically designed to repel, if possible, foreign invasion, were placed in certain fortresses commanding the means of ingress into the country.

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<sup>44</sup> Revilla Gigedo, art 719 *et seq.* The question of the administration of the Provincias Internas was a very delicate one for the viceroys. Revilla Gigedo bitterly resented the independence of these northern frontier states and he argued at great length against their separation from the rest of the viceroyalty. The constant dangers from the warlike Indians in those regions seemed to require the attention of a military man on the spot and so the crown decided against the viceroy.

<sup>45</sup> Marquina, art. 290.

<sup>46</sup> Branciforte, art. 35. This viceroy was disposed to keep up with the militia forces that were stationed along the Sierra Gorda and Colotlan.

<sup>47</sup> *Ibid.*, art. 38. Also Branciforte to Álvarez, June 30, 1797.

Foremost among these fortified places were Vera Cruz at the eastern gateway of New Spain, and Acapulco at the western, with an interior fortress at Perote to serve as a rallying place between Mexico City and the Gulf in case Vera Cruz were captured. The fortress of Vera Cruz really consisted of two distinct places, but as both were close together and commanded the eastern terminus of the Mexico-Vera Cruz highway, they may be considered together. The first, on a small island lying right before the harbor of Vera Cruz, was the well known castle of San Juan de Ulúa. In the year 1789 it was defended by two hundred and thirty-six pieces of artillery. Some of these were out of order, so that the total number of cannon of all calibers, together with the mortars, was something like three hundred pieces.<sup>48</sup> About this time it was the opinion of the commandant that a great many of these were only of moderate utility and that practically all the brass cannon, though in a good enough state of preservation, were of such an old make as to be of very little use.<sup>49</sup> The city of Vera Cruz proper had very little in the way of fortifications,<sup>50</sup> but its chief defence was always its abominable climate.<sup>51</sup> Moreover, as Vera Cruz was the only real harbor on the Gulf coast, and even that was exposed to strong north winds at certain seasons, it was the opinion of the viceroy in 1794 that it would be a very difficult thing for a hostile squadron to remain long in that neighborhood.<sup>52</sup> On the south coast, according to the same authority, there was no danger of invasion because there was no nation within striking distance strong enough to undertake a regular expedition; and it was hardly conceivable that any of the European powers would send a large expeditionary force around Cape Horn because of any possible

<sup>48</sup> Revilla Gígedo, art. 695.

<sup>49</sup> *Ibid.*, art. 696.

<sup>50</sup> Marquina, art. 173. "La primera [Vera Cruz] se guarnece con la tropa veterana de este ejército, y es capaz de muy poca defensa: San Juan de Ulúa no promete tampoco mucho si los enemigos le cortan los socorros; y su guarnicion se suministra de la de Veracruz."

<sup>51</sup> *Ibid.*, art. 213. ". . . porque el mal temperamento y la temible enfermedad que allí domina con dolorosos estragos en estos últimos tiempos, hace los mas prontos y crueles efectos en todos los forasteros . . ."

<sup>52</sup> Revilla Gígedo, art. 728.

advantage of attacking Mexico by way of Acapulco. The difficulties of transportation, the lack of provisions and particularly of water, practically forbade any attempt to invade the viceroyalty by way of Texas, so that the only real point of danger was from a landing at Vera Cruz.<sup>53</sup> Consequently all efforts of defense were concentrated along the line of the highway leading from Mexico to the Gulf coast and that was what gave the port of Perote its strategic significance.<sup>54</sup> The fortress itself was not intended as a place capable of withstanding a regular siege, and little or no attempt was made to make of it a fortress of the first class. Its great value lay in that it could be made a safe place to collect military stores as well as a base from which to succor Vera Cruz and San Juan de Ulúa.<sup>55</sup> Moreover the superior climate of Perote and its environs made it especially favorable as a point around which to mobilize troops intended to operate in the neighborhood of Vera Cruz. This same advantage was possessed by the town of Jalapa which lay directly northwest of Vera Cruz, and it was immediately thought of as a place for extensive barracks when the news of the outbreak of the wars of the French Revolution reached Mexico.<sup>56</sup> With the nature of this country in mind, it was believed by Revilla Gigedo that with the help of two or three regiments from Spain there would be little to fear from invasions in this direction.<sup>57</sup>

The fortress commanding the best harbor on the Pacific coast of Mexico and the one which was used in the Philippine trade, was officially called San Diego de Acapulco. This was in some ways the most modern of the fortified places in the country and with a little repairs would suffice for the purposes for which it was built. Several additional cannon with other munitions of war were brought to it from Manila in 1794. About the end of the century, one of the viceroys declared that, in spite of those

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<sup>53</sup> Revilla Gigedo, art. 729.

<sup>54</sup> *Ibid.*, art. 699.

<sup>55</sup> Marquina, art. 173. "Perote, que esta situado á un lado del camino real, puede solo servir para un repuesto resguardado de armas y otros efectos de guerra . . ."

<sup>56</sup> Revilla Gigedo, art. 730.

<sup>57</sup> *Ibid.*, art. 733.

augmentations of its resources, it could hardly be expected to withstand a regular siege of more than eight days.<sup>58</sup> However, such a contingency hardly needed to be provided for.

Viceroy Branciforte, who devoted much of his time to purely military problems, had strengthened these various fortresses, particularly those of Vera Cruz and San Juan de Ulúa, and his predecessor had concentrated a number of additional troops around the eastern coast.<sup>59</sup> The sudden accumulation of a considerable force in that unhealthy region led to a fearful outbreak of disease, which not only nearly destroyed several of the detachments sent there, but created such a panic among the survivors that desertions became incessant and scandalous.<sup>60</sup> This caused such a dread of the service that recruiting became more difficult than ever, and for some time the military service had such a hard reputation that not only the actual number of the troops, but the morale and discipline declined grievously. Such an epidemic as this, breaking out among troops habituated to climatic conditions much more closely resembling those of the Vera Cruz coast region than those with which any European troops were familiar, was some indication of the danger to which an English expedition would have been exposed had it attempted a descent upon the same place. There is no question that Branciforte at least took a hopeful view of the situation, and I can do no better than to quote his words:<sup>61</sup> "It is certain that no hostile naval force could arrive on the coast of Vera Cruz and effect a disembarkation of its troops as

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<sup>58</sup> Marquina, art. 173. ". . . el castillo de Acapulco se reduce á un cuadrado fortificado, que, en mi concepto, podrá resistir á lo más ocho dias si fuere atacado con fuerzas suficientes."

<sup>59</sup> Branciforte, art. 62. This viceroy prepared the fortress of San Juan de Ulúa to withstand a siege of six months.

<sup>60</sup> *Ibid.*, art. 66. ". . . han destruido con enfermedades y muertes los cuerpos veteranos y provinciales acantonados, causando incesantes y escandalosas deserciones."

<sup>61</sup> Branciforte, art. 67. Branciforte was so optimistic that he was able to write the following: "In such a case our victory would seem to me the more certain and the attempt of any foreign enemy to make himself master of this country the more difficult, even though the attempt be made with a large and veteran army; nevertheless, we ought not to give up or postpone our prudent and opportune precautions."

quickly as our forces could occupy the positions for defense; it ought to be the policy of the commander of our forces to hold them in reserve until he can attack and rout the enemy with superior numbers of men, healthy, strong, and robust, after the enemy had been weakened by disease due to the climate, the incommoding rigors of the heat, the insects, the rains, and the lack of healthful provisions."<sup>62</sup>

It is interesting to see the new importance which the ports of the extreme northwestern coast of the Mexican territory began to assume by the year 1794. In a letter of April 12, 1793, Revilla Gigedo laid the proposal before the king that the next ports to be fortified should be those of Monterey, San Diego, San Francisco, Bodega, and the mouth of the Ezeta or Columbia River.<sup>63</sup> With the same purpose in view, the viceroy turned his attention more and more to the building up of the maritime department of San Blas. That station had been established with the object of affording a base of operations for the founding of the missions and presidios in the Californias. All kinds of supplies were shipped from this port, and it was the place regularly used for fitting out ships to carry men and provisions to the ports farther north. By the end of the eighteenth century, however, San Blas was something more than a convenient place for the provisioning of the California posts, and had become "a point of the greatest importance for maintaining us in the rightful possession of those distant and valuable lands which belong to His Majesty in that region."<sup>64</sup> By this time those coasts and adjacent waters had begun to be frequented by the ships of different nations and a growing sensitiveness regarding their presence there was discernible in the viceregal instructions.<sup>65</sup> The expenses of the estab-

<sup>62</sup> Branciforte, art. 68.

<sup>63</sup> Revilla Gigedo, art. 701. Revilla Gigedo to Aranda, Nov. 30, 1792.

<sup>64</sup> *Ibid.*, art. 703.

<sup>65</sup> Marquina, art. 194. ". . . there had visited the coasts of the South Sea various armed English vessels cruising or fishing, and taking several prizes, besides reconnoitering the Gulf of California or the Sea of Cortes, going as far as the mouth of the Colorado, and making small disembarkations on the peninsula of Lower California, with the object of getting fresh water and provisions."

lishment of San Blas had kept growing and it had become by the days of Revilla Gigedo the headquarters of the Pacific squadron (if the few vessels could be dignified by that name), and was therefore, next to Vera Cruz, the chief naval station of the viceroyalty.

The captain-general was, of course, the head of whatever there was of a viceregal navy and he maintained two small flotillas on the two Mexican coasts. In addition to a few coast guards, corresponding to modern revenue cutters, there were stationed at Vera Cruz a small and varying number of gunboats to supplement the defenses of the port. They were of very light draft and were apparently the kind of vessels that Jefferson wanted for the navy of the United States. Nevertheless, any serious naval operations undertaken in the Gulf would be placed under the direction of an admiral of the royal navy, but the captain-general, through his commandant at San Blas, could exercise undisputed control over the movements of the ships on the Pacific coast. In 1794 there were attached to the station of San Blas three frigates, one packet-boat, one brigantine, three *goletas*, and one sloop.<sup>66</sup> The last four boats were suitable for exploration but did not carry heavy guns. The commandant there had a staff of ten naval officers, besides the usual chaplains, pilots, and so forth. There was also a small arsenal with its corps of workmen and a guard.<sup>67</sup>

Important as the station of San Blas had become, there were many reasons why it would have been better to abandon it entirely and to transfer all its activities to the neighboring port of Acapulco. Though the viceroy strongly urged this upon the crown in 1789 and 1790, the matter was passed over without even a reply. The climate of San Blas was very unhealthful.<sup>68</sup> It was

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<sup>66</sup> Revilla Gigedo, art. 705.

<sup>67</sup> *Ibid.*, art. 706.

<sup>68</sup> *Ibid.*, art. 707. It was evidently the intention of the viceroy to concentrate everything at the port of Acapulco. Besides the advantages enumerated above, there would be the further economy of having the naval commandant act as the *castellano*, or commander of Acapulco. Furthermore, supplies could be brought cheaply by water from Lima or Manila.



a long and most expensive process, the carrying of materials and supplies by land from Vera Cruz, while the harbor of Acapulco was not only more commodious, but was better defended. In spite of these and other reasons which might be recited, the captain-general was not allowed to have his way.

Among the duties which fell to the captain-general as head of the army was that of providing for the housing of the troops, of providing barracks for them when they were able to be in the ranks, and hospitals when they were sick or wounded. The occasional outbreak of an epidemic such as the terrible "*vómito negro*" and a high death rate at other times, reflect the lack of success which the captains-general experienced in taking care of the health of their troops. No attempt was made to procure permanent quarters for the militia, but that problem for the regulars was faced by the younger Revilla Gigedo, and he devoted several pages to the matter in his instruction to his successor. The proper places to begin were, of course, the important cities of Mexico and Vera Cruz, where considerable garrisons were kept regularly in times of peace. In 1763 the work on the barracks of Vera Cruz had been begun in pursuance of the order of the king, September 26, 1762, which had appropriated ten thousand pesos a year for that work. Contracts for the materials were immediately let, but there then succeeded a series of delays which, in a manner quite characteristic of the Spanish administration, deferred the doing of anything really important for something like twenty-one years, and the work was not accomplished until the beginning of the nineteenth century.<sup>69</sup>

While the construction of adequate and sanitary barracks for the regular troops was thus being delayed, it was of course necessary to rent quarters. According to the viceroys these were expensive, unhealthful, and generally unsatisfactory, conducing to the ravages of diseases, and, of course, tended to make the service unpopular and desertions frequent.<sup>70</sup> It throws inter-

<sup>69</sup> Revilla Gigedo, art. 676.

<sup>70</sup> *Ibid.*, art. 678. The duty of selecting sites for barracks fell to an officer of engineers, in the first instance, and then they had to be approved by the subinspector.

esting light on the ways of the Spanish administration, just such a question as this one of providing sufficient barracks. The captain-general was responsible for the health and efficiency of his troops, but while he was sending on the average millions of pesos a year out of the country, he was prevented by the indifference or selfishness of the crown from taking those steps which were absolutely necessary for the proper carrying out of his duties. It was only with the greatest difficulty that at last in February, 1792, authorization was finally secured for the erection of barracks in Vera Cruz, sufficient for three battalions of infantry, a squadron of dragoons, and five hundred prisoners of the galley.<sup>71</sup> In the capital itself there were quarters for only one regiment, though some improvement was made toward the end of the eighteenth century. It would be fruitless to give more illustrations or to attempt to give this subject further treatment.

What was true of the effort to secure adequate barracks was also true of the military hospitals. There was no military hospital in the City of Mexico and lacking this, it was necessary to send the sick soldiers to the hospital of San Andrés, which was under the management of the archbishop.<sup>72</sup> There resulted in consequence constant bickerings and occasionally serious disputes between the hospital corps and the soldiers. These complaints were reciprocal and very hard to satisfy, so that finally admission to the hospital was forbidden to patients suffering from certain specified diseases. Thereafter it was necessary to send soldiers with those diseases elsewhere and there were in consequence inefficiency and delay.

There was a hospital in Vera Cruz,<sup>73</sup> the San Carlos, for soldiers and sailors,<sup>74</sup> but a great many more hospitals were

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<sup>71</sup> Revilla Gígedo, art. 681. It had been the intention of the viceroy to secure a part of the College of San Pedro y San Pablo, formerly a Jesuit institution, for the barracks of the City of Mexico, but this property was divided between the *montepío* and the Colegio Carolino, and the military was left out.

<sup>72</sup> *Ibid.*, art. 682.

<sup>73</sup> Marquina, art. 215-217. "Considero que ninguna habia tan oportuna como la construccion de un hospital nuevo y capaz, sobre lo que dejó un expediente mi inmediato antecesor, y otro se ha principiado en mi tiempo . . ."

<sup>74</sup> Revilla Gígedo, art 683.

needed all over the country. One was indeed begun at Chihuahua in the spring of 1790, but that was only the merest beginning.<sup>75</sup>

Such details as these are necessary to show the actual course of affairs in New Spain, and to show the real nature of the power of the captain-general. The primary authorities abound in evidence of the diverse nature of his task and of the restrictions imposed by the mother country upon the proper fulfilment of it. The captain-general had to attend in a general way to the pay of the troops, their equipment, their housing, and their training. He had to direct the great powder factory at Chapultepec and see that its products were distributed aright.<sup>76</sup> He was responsible through the subinspector-general for the inspection of the troops and was directly charged with the inspection of the artillery. Viceroy Marquina tells of his drawing up a *reglamento* governing the securing of goods from the storehouses containing the artillery supplies.<sup>77</sup>

Although the financial duties of the viceroy were mainly those which came to him as superintendent-general of the *real hacienda*, yet, owing to the peculiar methods of financing the military establishments in Mexico, it might even be said that the captain-general had something to do with the raising of revenues.

The regular forces, the army, as the Mexicans called them, were maintained out of the viceregal treasury. The urban regiment of the City of Mexico was paid for by the *consulado* of that city, and various funds were tapped for the support of the different militia organizations. When the militia was reorganized in 1764, under General Villalba, it was ordered that a special tax should be levied in each province for that purpose. A committee was appointed to consider the whole matter. This committee was composed of the viceroy, Visitor-General Gálvez, and

<sup>75</sup> Revilla Gígedo, art. 684.

<sup>76</sup> Marquina, art. 191.

<sup>77</sup> *Ibid.*, art. 190. "La inspeccion del ramo de artilleria estaba entonces unida al Vireinato, y las principales providencias que se habian dictado sobre la materia, se reducian á la formacion de un reglamento para el taller de Perote, . . . y la instruccion . . . relativo al método y formalidades para la . . . extraccion de efectos en los almacenes del . . . ramo de artilleria."

General Villalba, and as a result there was levied a new tax on *pulque* of half a *real* on every *carga* brought into Mexico<sup>78</sup> (February, 1767). There were other taxes on food-stuffs and the like, established in the City of Mexico and in Puebla, but it took a long while to have this movement spread to the other cities. In 1774 it was proposed to increase the dreaded *alcabala*. About the same time they even proposed to make a government monopoly of the native rum (popularly called *chinguerito*), which would not compete with Spanish brandies. It was not until the rule of Flores, in June, 1788, that much real progress was made. The taxes at that time, in the various intendancies, for the support of the militia, were found to be of the greatest possible varieties, so great that only a few examples can be given here. In Puebla there was a sort of octroi tax on wheat. In Oaxaca they taxed sugar and cocoa, which was sufficient to support twelve soldiers and a corporal. In Guanajuato there was a tax on corn and wheat, but only a part of the income was devoted to the soldiers. In San Luis Potosí and Guadalajara there were no taxes at all for the support of the militia.<sup>80</sup> In February, 1792, the subinspector-general fell back again upon the *alcabala* to raise the necessary funds, and an addition of one-half per cent was proposed.<sup>81</sup> The directors of this branch of the revenue objected to any further increase of the *alcabala* and proposed a tax on either tobacco or *chinguerito*.<sup>82</sup> None of these new taxes was levied, however, but it was the opinion of the viceroy in 1794 that the various taxes formerly established very nearly paid for the militia, and that nothing further was necessary than a somewhat more just apportionment of them.

It is thus apparent that the military establishment in New Spain was not supported by any logical and comprehensive scheme of taxation or by regular appropriations from the vice-

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<sup>78</sup> Revilla Gigedo, art. 665.

<sup>79</sup> *Ibid.*, art. 666.

<sup>80</sup> *Ibid.*, art. 669.

<sup>81</sup> *Ibid.*, art. 671.

<sup>82</sup> *Ibid.*, art. 672.

regal treasury, but was kept going by a hand-to-mouth process of raising revenue. It could not be divined from the documents that the viceroys had any very definite ideas on the subject themselves, so that in this case the fault cannot be charged to the interference of the crown with the viceroy's plans.

The subject of the military organization of New Spain cannot be left without a paragraph on the *fuero militar*, or the special rights enjoyed by persons in the military service, and a paragraph also on the *montepío militar*, modelled on the institution of the same name in Spain. In 1768, while Gálvez was in Mexico as visitor-general, there were put into effect those military ordinances which constituted the military code of the country. Any military man, or any one who by some means or other secured the *fuero militar* (as was, for instance, possible to the members of the *consulado* of Mexico when they furnished substitutes for the city regiment) had the right to be tried by a military tribunal. This might in many cases give a great advantage to the member of the favored corporation over the ordinary layman who could plead no exemption, and so was, of course, liable to abuse. Questions arising out of the administration of this *fuero* had to be settled by the viceroy in his military capacity. As head of the army and responsible for its discipline, the captain-general was the supreme judge of the viceroyalty in all cases within the military jurisdiction. This was so great a power that some mention of it is due in any treatment of the position enjoyed by the viceroy as captain-general. The military jurisdiction had been gaining toward the end of the eighteenth century, according to one viceroy, “. . . especialmente desde las ultimas declaraciones que han dado al fuero tanta extension, la tiene grandisima en estos reinos . . .”<sup>83</sup> Acting in his capacity as supreme military judge the captain-general was assisted by an *auditor de guerra* who was also one of the members of the Mexican *audiencia*. There was no appeal in these cases over the head of the captain-general to the *audiencia*, so that in such

<sup>83</sup> Revilla Gigedo, art. 98.

matters the viceroy acted practically in a sovereign capacity.<sup>84</sup>

The *montepío militar* was established in Spain in the year 1761, probably in imitation of the *mont de piété* in France. In February, 1765, it was introduced into New Spain as a kind of pension fund for the widows and orphans of the officers dying in the service. This fund was supported by a *mesada*, or monthly payment which every officer had to give, and a further tax of two and one-half per cent of his pay thereafter, and by an annual subsidy of two thousand pesos. On the death of an officer his widow or children received annually one-fourth of the salary he had at the time of his death.<sup>85</sup> The administration of the *montepío militar* was in the hands of royal officials. The fund received additions from time to time and by the end of the year 1793 had brought into the treasury over three hundred and sixty thousand pesos and had paid out enough less so that there had been a surplus of over two hundred and eighty thousand pesos.<sup>86</sup> It must be regarded, then, as a means of producing revenue, on a small scale, as well as a public charity and a device for making the military service more attractive.

There were a number of general problems confronting every viceroy as captain-general, on which, if he could not decide them, he might at least give advice even on his own authority. Besides, regardless of whether his influence was to have any weight or not, it was impossible for him not to have an opinion and not to ponder over it seriously. It must be helpful, if not necessary, to an understanding of the position of the captain-general to indicate at least in broad outline what these problems were.

The first question had to do with the extent of the military preparations which ought to be made by the viceroyalty in antici-

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<sup>84</sup> Revilla Gigedo, art. 99. "Con este nombre se halla tambien condecorado el teniente letrado de la intendencia de Veracruz, pero en realidad no es posible que ejerza las funciones del oficio, pues aquel gobierno es independiente de este Capitanía general, y asi solo en ella, y en las independientes de provincias internas y de Merida de Yucatan, puede haber con propiedad Auditor de guerra, y cualesquiera otros que sean nombrados como el de Veracruz, no haran mas funciones que las da un Asesor en asuntos militares."

<sup>85</sup> *Ibid.*, art. 734.

<sup>86</sup> *Ibid.*, art. 738.

pation of a possible foreign war. There could be no doubt in the mind of any intelligent man that there was always danger of an attack upon the Spanish American colonies by the English, and after the experiences of the Seven Years' War, when both Manila and Havana had been captured, there could be no doubt of the danger of leaving the colonies without adequate means of defense. The expedition of the English against Buenos Ayres in 1806 showed that the Court of St. James was in earnest in its designs upon certain parts of the Spanish colonial dominions, while the intrigues with Miranda, probably not clearly understood by the Spaniards, afforded plenty of ground for a suspicious attitude toward the English.<sup>57</sup> Viceroy Branciforte in a communication to his successor, Azanza, May 28, 1798, speaks of the fact that he had been informed by the Prince of Peace, Manuel Godoy, regarding an expedition which the English were fitting out against Mexico, in which Miranda was to play a considerable part. Such things as this indicate the growing nervousness of the Spaniard with respect to his American possessions, though the viceroys were not all agreed as to the means to be employed in meeting the danger. Those who leaned toward a strong military policy, of which Branciforte was undoubtedly one, thought that the proper course to pursue was to increase as much as possible the military resources of the colonies. Viceroys like the younger Revilla Gigedo were just the opposite of alarmists and thought that the natural difficulties involved in any attempt to conquer Mexico were so great that with the aid of a very few Spanish regiments the country could defend itself.

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<sup>57</sup> Branciforte, in a letter to Azanza, dated May 28, 1798, refers to Miranda, " . . . . que sirvió de general en Francia á los principios de la guerra, y que se hallaba al sueldo de la Inglaterra: asegurándose por último que aquel hombre pérfido se habia embarcado con destino á Mexico, donde se suponía tener un partido favorable á las operaciones de nuestros enemigos; . . . ."

It is clear from the *Minutes of a Court-Martial for the Trial of Sir Home Popham*, London, 1807, that in 1804 the English government meditated an attack on South America in coöperation with Miranda. Referred to by Moses, *South America on the Eve of Emancipation*, p. 255. Consult also Robertson's *Miranda*, listed in the bibliography.

Men who held this view would naturally believe the money was better spent in developing the internal prosperity of the viceroyalty and increasing the loyalty towards Spain, than by laying it out upon new fortresses and new regiments.

Though the advocates of a strong military force eventually carried the day, there remained the other great question, which was debated warmly at the time, as to what this force should comprise. The question was, should the chief reliance for the defense of the country be placed upon the Mexican troops, or should the viceroyalty depend more and more upon the regiments from Spain? The views of those who placed their main reliance upon European troops may be summed as follows:

In the first place, owing to the lack of military spirit among the creoles and the Mexican natives, and the growing sentiment of indifference or disloyalty toward the king, the provincial troops, whether regular or militia, were inferior in quality to the Spaniards proper. The conditions of service were so hard that the recruiting of a sufficient number of regulars was practically out of the question, while as many as there were of them were of inferior quality compared with the Spanish veterans themselves. In the eyes of the professional military men the great majority of the militia were impossibles. The militia officers were mainly individuals lacking in intelligence, training, and even courage, who had purchased their positions to enjoy the dignity of even a humble military command, or else to enjoy the privileges and exemptions of the *fuero militar*. When called into service where there was a prospect of real fighting, they suddenly took ill or resigned, or in some way shirked their duties.<sup>88</sup> The rank and file had poor and obsolete weapons and did not receive sufficient

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<sup>88</sup> Villarroel, iii, 158-160. Always an atrabilious critic, Villarroel is at his worst when speaking of the evils of the Mexican militia system. "Without hyperbole, the King has more officers than privates; it being evident that most of the former purchased their places to make a spectacle of justice, to escape paying their debts, to gamble, and live a life of libertinage under the protection of their epaulettes. But if there is occasion to march to Vera Cruz to repel an enemy or for any other urgent reason they feign illness and make all pretexts imaginable to avoid the service."



drill even with those that they had. In the face of such facts as these, and they could scarcely be disputed, what could be done if some ten thousand British veterans were safely disembarked at Vera Cruz?

From the point of view of the statesman there seemed other reasons equally valid for committing the defense of New Spain chiefly to the mother country. The more the captains-general succeeded in making the colonies independent of the crown in a military way, by improving the fighting spirit and discipline of the colonials, the more dangerous it would be to Spain if there should ever occur a serious dispute between her and the colonies. There was already beginning to be observable a strong antagonism, economically and politically, between the two main divisions of the Spanish empire. With this before them, Spanish statesmen could not ignore the evil political effects of a consciousness of military independence among the Spanish Americans. Branciforte in a letter to Azanza refers to the fact that Miranda was counting on a following in the viceroyalty, if he should be able to land there. In another place the same viceroy speaks of the tumults among the populace that could scarcely be taken care of by the forces at his disposal.<sup>59</sup> Consequently, it was nothing less than dangerous for Spain to try to evade her responsibility of garrisoning her dependencies. Moreover, on the selfish side, Mexico could be made to support a great many Spaniards, if they were given good positions in the army, and if the support of that part of the army were charged to the Mexican treasury.

Arguments quite as elaborate and perhaps more effective in opposition to those given above were in circulation among thinking men at the time when everybody was deeply concerned over the wars of the French Revolution. No one denied the lack of military qualities in the troops of New Spain as they existed at the end of the eighteenth century, but it by no means followed that there was any inherent incapacity for war or any innate

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<sup>59</sup> Branciforte, art. 13.

lack of military virtues in the American population.<sup>90</sup> It was held by a great many that all that was necessary was to spend the same care and money on the native troops as was done upon the Europeans, in order to secure the same degree of efficiency. It would take time, patience, and money, but it was perfectly feasible.

From the Mexican point of view there would be the further advantage of spending all this money at home and upon Mexicans, besides developing their own military institutions, and in the long run it would be more economical because the average pay would not be so high in the New World as in the Old. The complaint that there was an excessive amount of idleness and a lack of opportunities for work in the colonies would be partially met by the employment of a few thousand more men in the army.

There were, moreover, certain positive objections to the presence of Spanish regiments in the colonies in time of peace. It was the duty of the viceroys to take into consideration something besides merely the superior qualities of the European troops when they first arrived in America. To begin with, they had no sooner been disembarked than they began to deteriorate. Their downhill progress was rapid, if only a part of Villarroel's statement is true. The officers gave themselves up to all forms of dissipation and extravagance and the common soldiers imitated them to the extent of their humble means. Disease and desertions thinned the ranks at an appalling rate, while the general morale was depreciated in proportion. According to Villarroel, a Spanish regiment was worthless after a short sojourn in Mexico, and besides the loss of what would otherwise be valuable troops, there were certain incidental evils of a serious nature.<sup>91</sup>

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<sup>90</sup> Villarroel, iii, 139. According to this author, those who held the anti-Spanish views admitted the inferiority of the native as a fighting man but attributed it to the Mexicans' bad breeding and absence of education. "Man is by nature the same, and what is lacking to the Mexican is only direction, instruction, and subjection to the proper discipline in order to make him the equal of the European, and particularly good leaders [are necessary] who by example and energy can overcome their evil inclination, . . ."

<sup>91</sup> Villarroel, iii, 145 *et seq.* After pointing out the increased cost of bringing over and maintaining the regulars from Spain, he asked the

New Spain at this time was beginning to be afflicted with unwelcome immigration from the Old World, particularly refugees from France. These people very often brought with them "French principles" which did not harmonize with the views on society, religion, and government held by the ruling classes in the viceroyalty. Also, a greater influx of undesirables of all kinds from Spain itself was aided by the bringing over of the Spanish regiments. Deserters from the army became a pest to Spanish American society and there seemed to be no remedy but the rigid exclusion of all immigrants from Spain, excluding even the regulars, and then making things uncomfortable for all the objectionable characters by herding them into the Mexican army. In this way it was hoped to arrange military affairs on a proper basis and at the same time solve the immigration problem. That this aspect of the problem, the question of immigration, and that of putting restrictions on the foreign element, had become so important a one to the viceroys, is apparent from the documents.<sup>92</sup> Branciforte was driven to communicate with Madrid on this subject early in his administration and he informed his successor that soon after he assumed command he began to instruct himself, "with serious attention to this grave matter."<sup>93</sup> As the preservers of public order the captains-general had to pay attention to these matters incidental to the great military question itself.

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question, "What good is it to the monarchy to send over these troops for the garrison of this country, if after a few months of residence they are not fit for anything, either officers or soldiers?" The officers give themselves over to *juego* and *cortejo*, while the soldiers go about well dressed and many of them carrying two watches! A further objection was that these troops adopted French manners and dress and made themselves the laughing-stock of the sober-minded.

<sup>92</sup> Villarroel, iii, 147-148. There is no definite information in the documents in regard to the number of desertions from the army, though it seems to be agreed that they were quite too numerous. Villarroel, as usual, took the extreme view, that largely through these desertions the Spanish peninsula was being depopulated and the Mexican viceroyalty overrun. This condition he declared to have existed in its worst form since the free trade decree of 1778.

<sup>93</sup> Branciforte, art. 12.

It is now perhaps possible to see quite clearly what sort of capacity was expected of the captain-general, what sort of problems he had to face, and what were the activities which pressed upon his time and attention. These duties were the very heart of the whole body of responsibilities which were imposed upon the viceregal office and were historically and actually the most important things which the viceroy was called upon to do. It was Villarroel who referred to the office of captain-general as the "*función primitiva*" of the viceroy. In the words of Marquina, "The army of this realm in its different branches is an object of first importance, because one looks to it as the defense against external enemies, and as the interior reserve for the maintenance of good order and tranquility . . . ." <sup>94</sup> Because he was commander of the army and navy, the captain-general had to see to the enforcement of the imperial navigation laws, the running down of smugglers, and the preservation of order on the frontiers and the navigable waters. As head of the armed forces he was chief justice for all cases involving a *fuero militar*, and also the one person in the viceroyalty to whom the troops might accord the royal honors.

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<sup>94</sup> Marquina, art. 147.

## CHAPTER V

## THE VICEROY AS VICE-PATRON

No study of the viceregal office in America would be complete without some reference to the powers exercised over the church by the viceroy as vice-patron.<sup>1</sup> The vast spiritual interests which the church possessed in the conversion and instruction of the native races of America not only made the ecclesiastical establishment an important feature in the life of the New World, but it also brought it into close contact with the civil government. Considering the importance of the church, it is not a little surprising that there was so little conflict between it and the state, but whatever the reason for this may have been, there can be no question that the relations of the state and church in Spanish America were free from serious conflicts, even if these relations were not always exactly harmonious.<sup>2</sup> It may be that this harmony can be accounted for by the definite settlement of the old controversies between the popes and the kings of Spain before there really was any church in America; and also by the fact that the means of communication between Rome and America were so inadequate and so indirect that there was little chance or temptation for the popes to interfere in the Spanish colonies.

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<sup>1</sup> The two chapters in Bancroft's *History of Mexico*, vol. iii (chaps. 32 and 33) are so satisfactory that a formal treatment here of the subject of the church of Mexico would only be an imitation. What will be dealt with here under the title of "The Viceroy as Vice-Patron" is not the church of Mexico, but the much narrower subject of the viceroy's connection with it.

<sup>2</sup> These words of Parkman, with reference to the politico-ecclesiastical situation in Canada, would have been true of Spanish America: "After all, the dispute between the civil and ecclesiastical powers was not fundamental. Each had need of the other; both rested on authority, and they differed only as to the boundary lines of their respective shares in it." Parkman, *Old Régime in Canada*, ii, 135.

In defining royal patronage it might not be possible to do better than to reproduce the language of some of the eighteenth century viceroys. The elder Revilla Gigedo, in his instruction to his successor, the Marqués de las Amarillas, referred to it as follows: "The Royal Patronage of the Indies, as it is defined in Law I, title vi, book 1, belongs to His Majesty by many most just titles in order that the Catholic zeal may plant, conserve, and promote in these vast dominions the faith of Jesus Christ and the conversion of the gentiles, by endowing churches and missions for the spread of the Gospel; and this being a matter which has been greatly agitated among writers, and many of the doubts which have influenced the prelates having been settled, the Royal Patronage is now in the care of the viceroy, who has nothing to do but maintain its rights and prerogatives in their present form."<sup>3</sup> Even more striking are the words used by the younger Revilla Gigedo in his instruction to his successor, the Marqués de Branciforte: "The functions of the Royal Patronage which the viceroy exercises as vice-patron are those which most exalt the authority of that office, not so much by the direct authority which they give to the government, as by the indirect influence which is conferred upon the person who rules even in the temple (*manda aun dentro del templo*) and by the ecclesiastics who were always an object of veneration among the peoples of all nations."<sup>4</sup> The same authority thought that the kings of Spain who obtained from the pope the *patronato universal de las Indias* had given no greater evidence of wisdom than the securing of that "richest jewel in the royal diadem."<sup>5</sup> In the same light was viewed the grant of tithes as a partial recompense for the great expense and labor which the crown had been exposed to in the conquest of the country. ". . . In nothing else has there been better evidence of the generosity, piety, and religious spirit of our Sovereigns than in the use which they made of this large donation, all of which and more, they have employed in the building and endowment of the beautiful temples which

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<sup>3</sup> Revilla Gigedo the Elder, art. 143.

<sup>4</sup> Revilla Gigedo, art. 25.

now exist in these dominions, and in the propagation of the faith, and the teaching of that doctrine to the Indians."<sup>5</sup>

From such statements as the above it can be seen how the viceroys in the eighteenth century looked upon their positions as vice-patrons. It was to them a matter of great importance in that it gave them a certain prestige among the people over whom they were commissioned to rule; but not from the fact that they derived from it any great increase of actual political power. It was not even believed that a very great deal had been accomplished for the religious improvement of the Indians after all these efforts.<sup>6</sup> In spite of the vast outlay of money on church property and the material side of the church's activity, besides the maintenance of a large body of church officials, the condition of the natives, from a religious point of view, was most discouraging even at the end of the Spanish régime. "The most grievous thing about it is, that so great expenditures, care, and zeal, and such wise measures taken during all these times upon this point, have not produced the effect which one ought to expect, and the Indians are still very ignorant and rude in matters of religion, as Your Excellency will discover when you inform yourself regarding their devotions and the way they fulfill their religious duties."<sup>7</sup>

Though there is an abundance of evidence that a large proportion of the Indians of New Spain remained practically unaffected by the introduction of Christianity, yet this must not be charged to the fault of the viceroys.<sup>8</sup> The actual administration of the affairs of the church, particularly on its purely religious side, was in the hands of the church officials and the influence of

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<sup>5</sup> Revilla Gigedo, art. 26. The words in the quotation marks were not Revilla Gigedo's but came from Ribadeneyra. Bancroft, *History of Mexico*, iii, 684, note 9.

<sup>6</sup> The one viceroy who unqualifiedly praised the native population was Branciforte, but he praised everything. Branciforte, art. 103. Bancroft, *History of Mexico*, iii, 681, note 1.

<sup>7</sup> Revilla Gigedo, art. 27.

<sup>8</sup> The general directions of the missions was in the hands of the vice-patron, but it was impossible for him to know all about them. Revilla Gigedo the Elder, arts. 152-155.

the viceroys could be only very indirect. In a general way, they were to see that the rights of the king were not infringed upon by too zealous ecclesiastics, and that the latter did not fight among themselves to the detriment of the interest of the government and the people at large.<sup>9</sup> This vague and general authority did not allow of much more than a moderating influence in church affairs, as the following pages of this chapter will make evident, and so from the point of view of this thesis the holding of the *real patronato* was only one of the minor functions of the viceroy.

The history of the royal patronage in Spain and America is both simple and accessible, there being a number of good accounts in Spanish and a few even in English. As is stated in all the books, the rights which the kings of Spain possessed over the church in America were derived from the numerous papal grants, beginning with the celebrated one of Pope Alexander VI, of the year 1493, and enlarged upon by the bull of Julius II, in 1508. As the popes had little or no machinery for managing their interests in America, at least in the earliest days, and as the Spanish kings seemed disposed to co-operate with rather than to antagonize the popes in purely spiritual affairs, the concession of the tithes and the right to nominate all church officials to the king was obtained without great difficulty. In 1574,<sup>10</sup> Philip II stated explicitly in a royal decree the basis for his claims to the patronage and by that time the exercise of it by his predecessors had given it a sanction which was not to be disputed thereafter.

Although the main questions between the church and state had been settled by the middle of the sixteenth century, there remained till the end of the Spanish rule a number of outstanding points of friction.<sup>11</sup> The papal nuncio at Madrid was the center of most of these difficulties in the seventeenth century. In the words of Marqués de Mancera, 1673, "Some of the apos-

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<sup>9</sup> Revilla Gigedo the Elder, art. 167. Mancera, p. 268.

<sup>10</sup> Moses, *Spanish Rule in America*, pp. 241-242.

<sup>11</sup> One of the most sweeping condemnations of the church and its unworthy servants among the viceregal documents is to be found in the instruction of the Duke of Linares to the Marquis of Valero, pp. 308-309.



tolie nuncios resident in Madrid have attempted at different times (either because of instructions or orders from Rome, or because of their own natural desire to extend their authority) to introduce themselves with Italian dexterity into the affairs of the new church of the Indies, and they have ever opposed the measure taken by the Council . . . to put into effect the bull of Gregory XII, ordering that ecclesiastical cases be concluded before the royal judges without further appeal."<sup>12</sup>

In such matters the viceroys resisted the pretensions of the church and the activities of the nuncios and prelates with such vigor that difficulties of this nature had well nigh disappeared by the end of the eighteenth century. This same Mancera declared that "The viceroys and ministers have acted in such cases with that care and vigilance which was needful just in proportion to the resistance which the prelates offered, due to ignorance or malice."<sup>13</sup> A case in point was the one growing out of the proclamation of a jubilee by Clement X, on his accession to the pontifical throne. The brief which the Pope issued on this occasion was sent direct by the nuncio at Madrid to "a certain prelate" in New Spain, who directly promulgated it, and affixed it to the churches, without waiting to secure the previous approval of the Council of the Indies (which should have been secured before the brief was sent to America at all) or even notifying the government in Mexico. All this irregular procedure was condemned by the order of June 10, 1652, and this action may very well be taken as typical of the attitude of the Spanish crown in regard to allowing direct correspondence between the European authorities in the church and the prelates in the Indies.<sup>13</sup>

Although it can scarcely be said that there were no points of difference between the civil and ecclesiastical authorities toward the end of the Spanish régime, yet it must be conceded that those points of difference were of distinctly minor importance as compared with the issue stated in the above paragraph. The younger

<sup>12</sup> Mancera, p. 270.

<sup>13</sup> *Ibid.*

Revilla Ggedo and the archbishop had a little trouble about their relative dignity, and the small question arose whether the archbishop should receive from the palace guard the same military honors as were accorded to the captain-general,<sup>14</sup> but the general tone of the relations of the two was amicable. As an illustration of the contrast between the feelings of the heads of the civil and ecclesiastical branches of the government in Mexico in the seventeenth and eighteenth centuries, the following quotations may not be lacking in interest. With the markedly hostile words of Mancera in mind (see above) the following words of the instruction to Cagigal, written in 1760, are striking enough. "The functions of the vice-patron, which are among the most extensive privileges conceded by the sovereign to his viceroys, are entirely accepted and in use. Your Excellency will find in the most illustrious archbishops and bishops of this realm those dispositions which are to be expected from their positions (*las disposiciones de que es capaz la piedad de sus dignidades*) and the most active zeal for religion and for the service of the king, and without offense to the rest, Your Excellency will immediately find in the most illustrious prelate of this capital all the admirable qualities which with double advantage for the above cited qualities will make easy for you a close union of the two jurisdictions, and a happy concord of honor and justice . . . ."<sup>15</sup> It is impossible, with the limits imposed upon the length of this paper, to reproduce here the language of the Viceroy Branciforte, in his characterization of the multiple virtues of the church and all its servants in his day, but a few sentences will be sufficient to indicate the general trend of his remarks. After paying the highest compliment to the piety and loyalty of the Archbishop of Mexico, Branciforte referred to the bishops suffragan as "adorned with the same admirable qualities and . . . . resplendent virtues which the diocesan prelates of New Spain possessed to an equal

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<sup>14</sup> Revilla Ggedo, art. 524 *et seq.*

<sup>15</sup> Marfil, p. 109.

<sup>16</sup> Branciforte, art. 98.

of the Holy Cathedral Churches and the Royal College of Guadalupe, well served by distinguished, cultivated, and exemplary priests, dedicated to the fulfilment of their sacred offices . . . . with that decorum, propriety, and apostolic zeal and magnificence which induced true sentiments of religion and piety into the hearts of the faithful."<sup>17</sup>

It would be easy to increase the number of citations of this kind, if it were worth while, but enough has surely been given to indicate that a great change had come over the relations of the viceroys and the archbishops from the earlier to the later period. The crushing blow dealt to the Jesuits in 1767 was in no sense a disadvantage to the rulers of the secular clergy; while, in general, the church in America escaped those attacks upon its privileges and property which Charles III had instituted so vigorously in Naples and had later applied, in a somewhat milder form, in Spain itself. This almost perfect harmony between the clergy and the civil government during the last days of the Spanish rule will help to explain the extreme loyalty of the church to the Spanish government, when the wars of independence broke out.

It would seem easy to account for the loyal support which the church so uniformly gave to the government by pointing out the advantages conferred on the latter by the former, but it should be remembered that there were two sides to this. The church in America, though it was able to amass great wealth, was also obliged to contribute very liberally to the support of the government. As was explained in the preceding chapter, the salaries of the ecclesiastics were taxed by the collection of the *media-anata* and the *mesadas*, and in two other ways was the church made to pay a share for the expenses of the state. The sale of the bulls of the *Santa Cruzada*, while not a tax on church property, was a means of raising revenue through the instrumentality of the church and so probably diverted money which might normally have gone into the hands of the prelates, into

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<sup>17</sup> Branciforte, art. 99.

the royal treasury.<sup>18</sup> Moreover, the tithes, which were the chief source of revenue of the church, were, according to the bull of 1501, to be paid into the hands of the king. They were used largely in the maintenance of the religious establishments but not entirely, and a considerable surplus later came to be reserved for the ordinary temporal demands on the royal treasury.<sup>19</sup>

That this complex financial relation of the church and state could be maintained for centuries without any friction whatsoever was not to be expected, in spite of the general good understanding between them. There were some cases of misunderstanding between the viceroys and the prelates in the course of Mexican history. In one case, the king disregarded the grant of immunity from paying tithes which had been made by the pope to Cortés;<sup>20</sup> in another case, in 1539, the bishops of Mexico and Michoacán "disagreed on this subject," according to Bancroft, "and the king ordered the latter prelate to submit to the decision of the viceroy and the *oidores* without appeal."<sup>21</sup> Other examples might be given of disagreements between the lay and clerical authorities in the sixteenth and seventeenth centuries, but their respective rights were pretty well established and mutually understood by the days of Charles III.

From the point of view of the Spanish administration of New Spain the duties which fall to the viceroy as vice-patron, or the personal representative of the king as the temporal head of the church, may be considered under three heads. Under the first may be placed those duties which related to the appointing power, and which involved the right of presentation, or the nomination of all church officials holding appointive offices, which amounted to being present at the election of those church officials

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<sup>18</sup> The chief source for information about the financial system of New Spain is still the *Historia de Real Hacienda*, by Fonseca and Urrutia, 6 vols., Mexico, 1853. The revenues derived from the church are all exhaustively treated there.

<sup>19</sup> Bancroft, *History of Mexico*, iii, 666, note 50.

<sup>20</sup> *Ibid.*, p. 668, note 58.

<sup>21</sup> *Ibid.*, p. 667, note 54.

who received their nominations from chapters and other collegiate bodies. Under the second may be grouped those viceregal functions which brought the viceroy into contact, and sometimes conflict, with the ecclesiastical courts, and the various privileges and exemptions which the church and its functionaries possessed as an organization more or less outside of the ordinary civil government. Under the third may be considered that group of political activities in the field of education and charity which was so largely under the control of the church. Within these three groups may be classified practically every official act which the viceroy performed as vice-patron. I shall now attempt to show what part each one had in the administration of the viceroyalty.

In the earliest days of the Spanish conquests and colonization the small number of priests and friars in America required no special supervision, and constituted no particular problem for the home government. When the church had been so fully established that it possessed large properties, its own hierarchy of officials up to the archbishops in Mexico and Lima, and had difficulties in its own internal organization growing out of jealousies of the secular and regular clergy, the necessity of a vice-patron was forced upon the attention of the king. In 1535 the first viceroy in America, Antonio de Mendoza, was given, along with his other powers, that of the royal patronage. He was to have full power to present to all benefices, high and low, and fix the limits of the dioceses as well. Although he was commissioned to fill all vacancies in the church, in practice the archbishop of Mexico (the first one was Juan de Zumárraga, 1547) and the other prelates were elected by their respective chapters in the presence of the king's representative. In such elections it was necessary for the viceroy to exercise extreme care lest partiality or prejudice on the part of the members of the chapter prevent the choice of the right candidate. The elder Revilla Gigedo, writing in 1755, declared that the vice-patron "ought to observe the names placed in nomination with great circumspection." Again he stated, "as it is extremely difficult to find a chapter whose members combined learning, virtue, and impar-

tiality, it is not possible to count upon the majority of votes being cast for the most worthy.’<sup>22</sup>

This appointing power covered all cases of promotions and translations of the secular clergy and the privileges of the regulars to fill curacies or to enjoy any exceptional favor. It extended to all positions in the cathedral chapters, though it was enjoined upon the viceroy that graduates from Spanish universities, and from Lima and Mexico, should be favored over others. When an election took place in any monastery or collegiate body, it was customary for the viceroy to appoint an *asistente real* to act in his stead as the representative of the king.<sup>23</sup> As many of these places were very well paid, particularly the four stalls in the Cathedral of Mexico, there was often a lively competition for the vacancy.<sup>24</sup>

One viceroy tells how difficult it was to secure impartiality in such appointments, although it was necessary for the most intelligent selection of the candidate: “. . . for, as it has turned out in my time, before the election had taken place, each candidate had made sure of the number of votes upon which he could count.”<sup>25</sup>

As has already been intimated, the election of the officials among the regular clergy came under the supervision of the vicepatron. At times these elections aroused such partisan feelings among the electors that special measures had to be taken to preserve the proper forms and decorum. There were occasions when something worse than a breach of decorum was imminent. The younger Revilla Gigedo, writing in 1794, left an account of an election held in the Franciscan convent of the City of Mexico

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<sup>22</sup> Revilla Gigedo the Elder, art. 145.

<sup>23</sup> *Ibid.*, art. 146. This authority states that he was accustomed to appoint as *asistente real* a Jesuit, “accredited with virtue and letters.” This functionary was to be present at the synods and meetings where the candidates appeared in public, so that he might inform the viceroy regarding the qualifications.

<sup>24</sup> Bancroft, *History of Mexico*, iii, 690, note 26. There was a possibility of disagreement between the viceroy and the ecclesiastical authorities over the matter of vacancies. Revilla Gigedo to Porlier, July 27, 1790.

<sup>25</sup> Revilla Gigedo, art. 29.

in which "there would have been the greatest difficulty in finding a remedy for the disorder which was brewing if I had not received, in advance, positive information that certain individuals belonging to one of the parties into which those friars were divided, were holding their own sessions in the name of the assembly."<sup>26</sup> It seems that these churchmen were occasionally tempted to indulge in such sharp political practices that the viceroy felt the necessity of intervening in order to compose the factional fights and prevent scandal to the church. About the same time there was a meeting of the Augustinians in the Mexican capital, according to the same authority, which threatened such a breach of the peace that the viceroy had to call in the services of a member of the *audiencia*.<sup>27</sup> The Augustinians of the province of Michoacán likewise gave the viceroy some concern over the matter of bringing over some more members of their order so that there would be the proper alternation between the Spaniards and the creoles in the appointments to office.<sup>28</sup> Twenty thousand pesos had been provided for the expenses of the trip of these newcomers, and the whole matter was at last settled by an agreement between the viceroy and the archbishop, in pursuance of the *real cédula* of April 9, 1791.

The selection of the curates, or parish priests, offered very little difficulty to the vice-patron.<sup>29</sup> It was necessary for the names of three candidates to be presented, and the viceroy usually chose the one mentioned first, owing to the practical impossibility of deciding between the relative merits of the competitors.<sup>30</sup> This practice was identical with that long since prevailing in England.

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<sup>26</sup> Revilla Gigedo, art. 34.

<sup>27</sup> *Ibid.*, art. 33.

<sup>28</sup> *Ibid.*, art. 36. Also Mancera, p. 273. An explanation is given here of the policy of "alternation," which was not easy to carry out to the satisfaction of the Spaniards and creoles.

<sup>29</sup> *Ibid.*, art. 30.

<sup>30</sup> *Instrucción General*, pp. 59 and 60. Here the vice-patron was specifically ordered to examine into the merits of the three candidates proposed, and if none of them were suitable, reject all three and require a second trio of nominations. Watch was also to be kept upon the bishops in order that they might not allow vacancies to go too long unfilled, and appropriate the curate's salary to themselves.

where the king nominally has the appointment of the bishop or prebend, but with rare exceptions chooses the first on the list.

In addition to the appointments among the regular clergy mentioned above and the overseeing of the elections in the monastic orders, there also belonged to the royal patronage a number of colleges, and among them there were forty-two fellowships and twenty chairs.<sup>31</sup> In these cases, also, the recommendation of the rector would probably have weight, but the choice lay with the viceroy if he cared to insist upon having it so. The remaining positions in these colleges or seminaries were filled according to the terms of their endowment, or by competition. One other appointment must be mentioned before leaving this part of the subject. In every diocese there was to be an official who was to go on circuit, as it were, with the object of remedying abuses and reporting upon them. This diocesan *visador* was regularly appointed from the cathedral chapter.<sup>32</sup>

The second point of contact between the church and state in New Spain was the administration of justice. All the secular clergy enjoyed the *fuero eclesiástico*, which gave them practically as great an exemption from the operation of the ordinary law of the land as was claimed by Thomas Becket in the twelfth century. It was not until well toward the end of the eighteenth century that the common courts were given jurisdiction when a churchman committed a serious crime. It was during the rule of Branciforte, October, 1795, that a *real cédula* was issued depriving the ecclesiastics of these privileges. Two years before this, according to the viceroy, "Among the privileged jurisdictions, the chief one is the ecclesiastical, which in these dominions was formerly in a very high position (*en el mas alto punto*); but its limits have been reduced gradually, and finally it has been still further narrowed down by the decree that the secular courts have cognizance in matters affecting the principal and income of the church endowments (*capellanías*) and pious works (*obras pías*)."<sup>33</sup> These ecclesiastical tribunals conducted themselves in the same

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<sup>31</sup> Revilla Gigedo, art. 37.

<sup>32</sup> Ribadeneyra, p. 275.

<sup>33</sup> Revilla Gigedo, art. 94.



manner as those in Spain,<sup>34</sup> that is, there was one for every small district in marked distinction to the tribunal of the inquisition, which sat in Mexico City but included within its district not only the whole viceroyalty, but also the Kingdom of Guatemala, the Windward Islands, and the Philippines.<sup>35</sup>

Although the church retained a much favored position, legally, for so long a time in the Spanish empire, the extinction of its most important privileges came before the beginning of the nineteenth century. Even before the decree of October, 1795, the viceroys had successfully maintained their right to decide disputes over jurisdiction (*competencia*), a right which has been called "one of the things which give the greatest authority to the employment of the viceroy."<sup>36</sup> All ordinary cases coming to the ecclesiastical courts had to be settled in the viceroyalty, or at least might not be appealed beyond the Council of the Indies. Appeals from the decisions of papal delegates, whether appointed *ad hoc* or of an ordinary cleric acting in that capacity, went to Rome itself. It would only be fair to state that long before limitations began to be placed upon the church courts in the reign of Charles III and Charles IV, there had been a great many noteworthy prohibitions in regard to what cases these courts could take cognizance of and what punishments they might inflict. As this topic is satisfactorily treated by Bancroft, nothing more than the reference will be given here; and the curious question of the right of asylum, which the church maintained at this time, will be taken up.<sup>37</sup>

<sup>34</sup> Revilla Gigedo, art. 95.

<sup>35</sup> *Ibid.*, art. 96.

<sup>36</sup> *Ibid.*, art. 93.

<sup>37</sup> While Bancroft's treatment of the subject of the church in Mexico is valuable because of the wealth of material upon which his account is based, as well as the general sanity of his judgments, he has scarcely said the last word on the subject. For instance, on page 710, vol. iii, of his *History of Mexico*, he states that "the nuns were as contentious as the friars." His general reference in support of this statement is to Viceroy Mancera. No attempt was made to reconcile the statements of Mancera with those of Viceroy Revilla Gigedo (the Elder) who apparently deliberately exempted the nuns from such a charge: "En las religiosas y sus elecciones, poco ó nada tiene el Virey porque la blandura de su sexo con facilidad se reduce al dictamen de los preladós." Art. 168.

The custom of regarding certain churches and sacred places as rightfully giving sanctuary to criminals was an inheritance from Spain and the earlier centuries. Such a practice as the legal recognition of an asylum could only give undue encouragement to criminals. Charles III had diminished this evil in Spain by placing limits on the number of sanctuaries and the kind of malefactors that might take refuge in them. The popes cooperated with the royal authority to abate this evil and it was the duty of the viceroys to do all in their power to enforce these new regulations in America. It cannot be disputed that these numerous places of refuge for criminals gave unnecessary encouragement to a part of the population that ought not to have had protection, but that the whole question of the right of sanctuary was also one of very minor importance to the viceroy is equally indisputable. Because of this comparatively slight importance, the whole subject is dismissed with so brief a notice in the account here given of the duties of the vice-patron.

There remains one other phase of the broad question of church and state in New Spain which had caused no little difficulty to the viceroys in the sixteenth and seventeenth centuries, but which had been brought to a satisfactory settlement before the close of the eighteenth. The Inquisition had been introduced into Spain by the Catholic Kings about a decade before the first voyage of Columbus and had been supported there by succeeding rulers against all its enemies, even the popes and the church itself. In 1569 the inquisition with its tribunals was set up in Mexico with the same legal status that it had in Spain. However, the tribunal of the Holy Office in Mexico did not get along as smoothly with the viceroys as it did with the kings at home after the reign of Philip II. Bickerings and misunderstandings at last became so numerous that the crown thought it necessary to interfere. In 1610 Philip III promulgated the famous *Concordia*, which was designed to offer a *modus vivendi* consistent with the continued activity and usefulness of the Inquisition, but preventing its encroachment upon the rightful authority of the vice-

roys.<sup>38</sup> It is not possible to regard this *Concordia* as a definite settlement of all the evils it was intended to provide against. It was still possible for such serious disputes to arise that the inquisitors felt justified in excommunicating or threatening to excommunicate the viceroy, and for the latter to reply with threats of banishment.

In 1727 Philip V issued a decree ordering the viceroy to resist encroachments of the Inquisition upon the rights of the king, but to coöperate with it in carrying on its legitimate duties.<sup>39</sup> Twenty years later the inquisitor general prepared an elaborate regulation attempting to define the respective rights of his subordinates and the king's officers, though the former did not always live up to their instructions.<sup>40</sup> The reform legislation of Charles III settled in favor of the crown the disputes over *competencia*, giving the viceroy the final word in all these matters of disputed jurisdiction.<sup>41</sup> In fact, the later viceroys made little or no complaint of any troubles with the Holy Office, and there seems to have been a considerable relaxation of vigor on the part of the latter on the eve of the Spanish American revolution. The one criticism which Revilla Gigedo, in 1794, levelled against the Inquisition was that it had been the custom for its tribunal to publish the edicts or decisions without first submitting them to the viceroy. But on his complaint that this was a very strange procedure, "*cosa bien estraña*," the king ordered that in the future the viceroy was to be notified before any of the edicts of the Inquisition were published.<sup>42</sup> As the other instructions of the viceroys are silent in regard to this matter

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<sup>38</sup> As a rule the viceroys speak respectfully of the Inquisition. Mancera, writing in October, 1673, said that "the tribunal of the Holy Office which resides in Mexico, having been granted the fullest jurisdiction and having been ennobled by many pontifical and royal privileges and exemptions, has been and is feared and respected with all veneration in these provinces . . . ." This same viceroy's comments on the *Concordia* are the only ones I know of from a viceregal pen. Mancera, *Instrucción de los Virreyes*, pp. 270 and 271.

<sup>39</sup> Bancroft, *History of Mexico*, iii, 700, note 57.

<sup>40</sup> *Ibid.*, note 58.

<sup>41</sup> Revilla Gigedo, art. 93. Before deciding a question of *competencia* the viceroy took the opinion of the *fiscal de lo civil*.

<sup>42</sup> *Ibid.*, art. 97.

of disputes between the representatives of the civil power and the Inquisition, it is fair to assume that there were no serious ones, and that some time before the final abolition of the Holy Office in Mexico, in 1821, it had ceased to be a vigorous, militant institution.<sup>43</sup>

As was stated in chapter III, about everything relating to education and charity was in the hands of the church. Therefore, no account of the administrative activities of the vice-patron would be complete without some reference to his relations to those forms of public philanthropy, these relations forming the third group of the viceroy's duties as vice-patron. It must be confessed that the part the viceroy had to play in these matters was scarcely more than nominal and belongs most certainly to that large class of minor duties which went to swell the vast number of governmental acts which he was supposed to perform. In only the most limited sense could the viceroy be regarded as a minister of education—any more than could the king himself in Spain be so regarded. The actual management of the schools and seminaries, and even the highest institutions of learning, was in the hands of the church and their respective faculties, and the authority of the head of the government was invoked only in cases of disputed jurisdiction, or petty details of ceremony.

The nearest approach to an actual direction of these eleemosynary institutions was shown in the appointment of the officials connected with them.<sup>44</sup> This was briefly described under the first division of the vice-patron's functions. Nevertheless, the supervision of the schools and hospitals extended somewhat further than the appointment of the principal officials. The duty of an occasional inspection fell to the vice-patron, as is illustrated by the case of the College of San Ildefonso which was improved by a visit of a couple of commissioners during the rule of the younger Revilla Gigedo.<sup>45</sup> The same viceroy did introduce one novelty, as the result of the royal *cédula* of June 11, 1792. The

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<sup>43</sup> Bancroft, *History of Mexico*, iii, 701.

<sup>44</sup> Revilla Gigedo, art. 41.

<sup>45</sup> *Ibid.*, art. 38.

reform in question required that henceforth teachers in the universities, seminaries, and coeducational schools under the protection of the royal patronage must obtain a license from the viceroy before contracting marriage.<sup>46</sup>

The vice-patron had an opportunity to influence the course of educational policy, indirectly, by reporting to the king on things that interested him. If the power of the rector of one of the universities seemed too great, it was perfectly proper to incorporate this opinion in an instruction to a successor or even to the king direct.<sup>47</sup> Revilla Gigedo introduced his comments of displeasure in regard to the rector of the University of Mexico in his *Instrucción Reservada*. The viceroy thought it very shocking, "*muy chocante*," that the rector should allow his servants to carry arms when such a distinction was denied to the highest officials of the viceroyalty. The same viceroy criticised the curriculum and library facilities of the university, and advocated the carrying on to completion of the botanical gardens.<sup>48</sup> In such ways as these the vice-patron could influence the policy of the schools, though one cannot at present be sure to what degree or even in what direction.<sup>49</sup>

The power of the vice-patron over the hospitals of the country was similar to that which he possessed over the schools and colleges. The royal hospital for Indians, at the capital, was under the immediate care of the viceroy, who had been accustomed to delegate his authority over it by appointing a judge of the *audiencia*.<sup>50</sup> After 1791, in accordance with a command from the king, the *regente* was regularly given this position,<sup>51</sup> though the matter was complicated by the issuance later on of other

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<sup>46</sup> Revilla Gigedo, art. 40.

<sup>47</sup> *Ibid.*, art. 44.

<sup>48</sup> *Ibid.*, art. 46.

<sup>49</sup> As there was really no such thing as secular education in Mexico and as the viceroys were always soldiers or priests, it is not believable that they attempted any serious reforms along this line. There is to be found an occasional reference to industrial training, but that seems to be all.

<sup>50</sup> Revilla Gigedo, art. 50.

<sup>51</sup> *Ibid.*, art. 51.

orders from Madrid of a contradictory nature.<sup>52</sup> The hospital of San Andrés, at the capital, was under the direction of the archbishop, a fact mentioned to show the lack of uniformity in the system of hospital administration and the absence of complete control by the vice-patron.<sup>53</sup> When the confusion of these arrangements became at all serious, a reference of the entire dispute or difficulty to Madrid was always in order, and few important steps were taken without word from the home government. In 1794 there was pending the question of the appointment of the second, or assistant, surgeon at the Indian hospital, as full information had been submitted to the king by the viceroy, but the royal decision was still to be made.<sup>54</sup>

From the foregoing review of the position of the vice-patron in New Spain, it must be apparent that his activities entitle him to only the secondary consideration of the modern student. Though he was the king's representative in everything touching ecclesiastical policy, he was never trusted to carry out any important measure on his own sole responsibility. An illustration from the history of the missions will answer as well as any. One of the most important steps taken in the eighteenth century in the furtherance of the mission policy was that one of Serra's, in California. But the interesting fact about the expedition from the point of view of Spanish colonial administration was, that it was set on foot and directed in the earlier stages by the *visitador general*, Gálvez, and not by the viceroy. In other details of administration the circumscribed character of the vice-patron's position was equally evident. If a hospital had to be suppressed<sup>55</sup> or a building constructed for the botanical gardens, the royal permission had to be secured, and throughout, the strict control of the home government was never relaxed. The most that could be said about the importance of the *real patronato* would be to the effect that it was increasing as time went on, and that it was

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<sup>52</sup> Revilla Gigedo, art. 54.

<sup>53</sup> *Ibid.*, art. 59.

<sup>54</sup> *Ibid.*, art. 56.

<sup>55</sup> *Ibid.*, art. 47.

more extensive at the end of the Spanish rule than it had been at the beginning. The general tendency in the eighteenth century was for an extension of the power of the crown as against that of the church, even if the crown did not see fit to endow its representatives in America with any part of this increment of authority.

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<sup>56</sup> Revillo Gigedo, art. 57.

## CHAPTER VI

## THE REFORMS OF GALVEZ

A brief account of the place of José de Gálvez in the history of the office of the viceroy of New Spain was given in chapter I. The object of this chapter is to show in some detail what was actually accomplished by him after his return to Spain to fill the office of Minister General of the Indies. While his influence had been felt in all the departments of the administration of the Indies, and he was justly regarded as the prime mover of a great multitude of changes in the government of the Spanish colonies, it is scarcely too much to say that his greatest work as a reformer was embodied in two pieces of legislation of the most far-reaching influence. The first of these, chronologically, was the free-trade *reglamento* of October 12, 1778, and the second was the decree of the intendants, December 4, 1786.

It is difficult to say anything very definite about the antecedents of either of these laws, or to understand the exact motives which led to their promulgation. The life of Gálvez has yet to be written and the ordinary sources of information for the reforms of the reign of Charles III have not yet been made to contribute the information needed on these points. Florida Blanca's well-known *Instrucción Reservada* refers to these measures as among the real accomplishments of that age of enlightened despotism, but the allusions are too general to be of much value. It is necessary to fall back upon our knowledge of the general political and economic conditions of Spanish America in the last quarter of the eighteenth century, to give the desired light on the needs which this legislation was intended to meet.

There is some reason for believing that both these ideas, the idea of free trade between Spain and her colonies, and the idea



of introducing the intendant system into Mexico, originated in South America. At any rate, something very like the free trade decree of 1778 was temporarily put into effect by Cevallos in 1776 at Buenos Ayres; and the intendants were employed in South America about four years before they were introduced into New Spain.<sup>1</sup> In both cases the experiments must have been regarded as successful before they were made a permanent part of the new and reformed colonial system.<sup>2</sup> The first-hand information which Gálvez possessed of the needs of New Spain makes its reasonably certain that both these laws were made to apply there only after a settled conviction that they would prove beneficial to that country.

Because these reforms were so sweeping in their general character and were applied to so extended an area, it has been easy for writers to fall into error regarding their real purpose. Their intent was undoubtedly to secure a more efficient government for the colonies and to improve conditions of life there for all classes of the inhabitants, but always incidentally to the increasing prosperity of Spain and the greatness of the empire. There is no evidence whatever that any reform was intended for the fundamental abuse which was afterwards remedied by the colonies becoming independent. This fundamental abuse was the directing of all things governmental in the colonies to the interest of Spain and a very small Spanish aristocracy in America, instead of to the interest of Spain and all the Spanish-American population regardless of race, color, or social condition. The general efficiency of the administration was no doubt improved, but its general objects remained the same, and it is doubtful if the native population was essentially better off in 1800 than it had been a century before.

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<sup>1</sup> Although I have made the statement that the intendants were tried in South America before they were introduced into Spain, it is also true that there was an intendant at Havana before there was one at Buenos Ayres, so that in one sense it might be proper to say that the intendants were first tried in Cuba before they were introduced on the mainland.

<sup>2</sup> For an analysis of the decree of the intendants which was put into effect in Buenos Ayres, see the work by Quesada, referred to in the bibliography.

The first and most notable of the reforms usually credited to Gálvez was that relating to the commercial relations of Spain and her American colonies. Judging from the whole tone of Spanish legislation even at that time, it seems more likely that the object of this reform was not so much the benefit of the colonies as of the mother country, and although usually thought of as a measure bringing relief to the colonies, it was quite as much a relief to Spain herself.

The process of removing the various restrictions on trade between Spain and America was a slow one and by no means accomplished at one stroke by the issuance of any one law. These later changes were foreshadowed as early as 1718, when the *Casa de Contratación* was removed from Seville to Cádiz. Later on the old fleet system was abandoned and a disposition was shown to relax the artificial restraint on trade. About the middle of the eighteenth century a number of new ports of entry were created in Spain, and in 1776 Viceroy Cevallos at Buenos Ayres threw open that port to the trade of all Spanish vessels. By this time there was no one who had a good word to say for the old system, unless we except a few merchants in the city of Cádiz who enjoyed certain monopolies and privileges under it. Consequently, the way having been prepared by those previous changes for a definite break with the old system, there was little difficulty in putting into effect the great *reglamento* of October 12, 1778.<sup>3</sup>

This *reglamento* contained, in its fifty-five articles, a statement of the new rules and regulations governing the trade of the mother country and the colonies, both in America and the Philippines, and in the *aranceles* appended after these articles were given the schedules that were to go into effect under the new dispensation. The whole document is so interesting in the light

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<sup>3</sup> There are two copies of this *reglamento* in the Bancroft Library of the University of California, one in the twelve-volume set of *Órdenes y Cédulas Reales*, and the other bound separately. Important as this document is, it has never been incorporated in any of the three great collections of the *Documentos inéditos*. It ought to be supplemented by many other explanatory documents of a much later date in order that the full effects of the new attempt at freer trade may be understood, as for example Branciforte to Paz, Oct. 27, 1796. Also Revilla Gigedo to Valdez, Feb. 28, 1790.

it throws on the trade relations of the period after 1778, and is so essential to any clear ideas of the meaning of the changes wrought at that time, that a short summary of its contents seems necessary.

After the fashion of most royal documents issued in Spain, the *reglamento* begins with a prefatory declaration of the intent and purpose of the king in promulgating it. The first article plunges *in medias res* with a statement of the qualifications which a ship must have in order to be allowed to trade with the Indies. Normally only Spanish vessels, built in the country, were to be given these privileges, but an opportunity was offered to Spanish merchants to acquire foreign-built ships and operate them in the colonial trade. However, every encouragement was to be given to those built at home, and this purpose was stated in Article II. Of similar nature were the regulations in Article III, in regard to the crews of the ships and their nationality.

The next two articles constitute a small group by themselves, and declare what are to be the *puertos habilitados* in Spain, Balearic Isles, and the Canaries, as well as in America. This multiplication of the harbors that might really receive ships was one of the most important provisions of the laws, and struck a blow at the monopoly held hitherto by a half-dozen sea-ports, like Cádiz, Santander, Seville, Vera Cruz, and Puerto Cabello.

The succeeding articles were not arranged in any discernible logical order but can be grouped together, for the sake of convenience, in the following manner. Numbers seven, eight, nine, thirty-six, forty, and forty-six are given over to defining methods to be pursued in the actual management of the ships, such as the obtaining of clearance papers and preparing ships' manifests, sending the vessels back on the return voyage, securing the cargoes in America, releasing goods held in bond, and arranging for the sailing of ships in company for mutual protection and assistance. In this same group, perhaps, ought to be included number twenty, which prescribed the latitude allowed a captain in putting in to other ports than the one demanded by his clearance papers.

Articles six, sixteen, twenty-two, twenty-four, thirty-three, forty-eight, and fifty dealt with certain specific encouragements which the king granted to the merchants engaged in colonial trade. These took the form, in the main, of a reduction of port dues and taxes, sometimes affecting the ships themselves and sometimes the goods they carried. For example, Article xvi deals with the reduction of taxes on vessels bound for America, while Article xxii grants certain abatements of duties of Spanish manufacture. Articles forty-eight and fifty give similar encouragement for the trade with Louisiana, particularly on the peltries exported from New Orleans.

Articles ten, eleven, thirteen, fourteen, and thirty supplement the laws of the Indies in regard to the licensing of persons going to America and provides punishment for those who immigrated without proper authorization. Adults had to show that they were of good character and were going to the colonies for legitimate business, while minors had to secure the consent of their parents or guardians. Among other things, married men were required to secure the consent of their wives before leaving home. Article xxx further directed penalties against those who falsified official papers of any kind, or trade-marks.

The remaining articles defy any attempt at classification and so must be put down simply as miscellaneous. Some dealt with taxes or duties, as Article xvii, with its provisions regarding port dues in America. Article xii made it illegal for a ship to attempt the return voyage from America without first having been inspected to see whether it was seaworthy. Article xviii condemned the substitution of goods of foreign manufacture for those from Spain, when cargoes were being prepared for the outward voyage. Article xxi dealt with the increased prices which might be charged for goods after they had been shipped to America, and Article xxxviii prohibited the re-exportation of goods from America after they had once been landed there. The only other article that need be referred to here was perhaps the most famous of them all, number fifty-three, which called for the establishment of *consulados* in all the *puertos habilitados*,

where those institutions did not already exist. As this article is commented on at some length in chapter IV, no attempt will be made to discuss it further.

Although the summary just given of the free-trade *reglamento* is not detailed enough to be dignified by the title of an analysis, it has outlined the principal points found in the document. It may seem at first glance as if this decree had only an incidental relation to the subject of the government of the viceroyalty of New Spain, but its influence on all the colonies was so great that some mention of it could scarcely be avoided in any treatment of the viceregal government, toward the end of the eighteenth century. Practically every writer whose name is at all prominently identified with this period of history speaks of this reform as resulting in a great increase of trade. No authoritative statement has yet been made of all the results flowing from this decree, and Humboldt's discussion of it in his *Political Essay on New Spain* still remains the best that has been put forth.

The following considerations will, however, go far toward explaining why the Gálvez internal reforms appeared just when they did. In the first place, overwhelming evidence had been brought home to the Spanish crown that the Indians throughout the New World were in an extremely unhappy position. The alarming growth of drunkenness and various forms of debauchery, such as the elder Revilla Gigedo described, indicated something like despair in the lower strata of the Mexican population, while the prolonged and desperate revolt of the Peruvians under Tupac Amaru gave unmistakable warning that a danger point had been reached among the inflammable subjects of the Kingdom of the Indies. In the second place, the alarming example set by the English American colonies had at least made an impression in Madrid, and even if there seemed no immediate danger of a Spanish-American revolution, the attention of the Spanish statesmen was turned toward the colonies as never before. In the third place, it was not to be denied that the viceroy was grievously overworked, a fact which must have been patent to the man who had been for so many years the visitor-general to

New Spain.<sup>4</sup> The cutting down of a great part of the viceroy's duties, which was the first effect of the decree of the intendants, could scarcely have been unintentional. The later restoration of a great part of these lost powers brought back the old trouble, though the second change was thought necessary for other reasons. Finally, the craze for uniformity was on at this time in the government of Charles III, and as the intendants had done very well in Spain, and as the Americas were now supposed to be civilized up to a nearly equal level, the extension of the system of government by the intendant could seem nothing less than the obvious thing to do.

There seems no better way of arriving at a real knowledge of exactly what the decree of the intendants was, than to make a somewhat extended analysis of the document itself. In its printed form it constitutes a large volume of four hundred and ten coarsely printed pages and with an *indice* of sixty pages more. It is a much more voluminous document than the one issued in 1749 for the intendants of Spain, and goes into great detail regarding the duties of the newly created officials. Its full title is, "Royal Ordinance for the Establishment and Instruction of the Intendants of the Army and Province in the Kingdom of New Spain." The whole document is made up of a preamble and three hundred and six articles which may be grouped as follows: The first fourteen articles, dealing with the intendant system as a whole, and defining its relation to the

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<sup>4</sup> Revilla Gigedo, art. 837. After 1793 there were actually only eleven intendants, for by the royal order of April 18 of that year the intendency of Mexico proper was united to the viceregal office. This undid in a measure the relief to the viceroy which the decree of the intendants promised originally to give. Revilla Gigedo seemed to imply that it would have been possible for the viceroy to act as intendant as well, if he were only given four additional officials to assist him. It would seem, then, that the viceroy was quite as busy a man after 1793 as he was before 1786. Marquina, writing in 1803, urged very strongly the restoration of the intendant-corregidor for the province of Mexico, and he communicated his views to Madrid in letters of July 27, 1800, and June 26, 1802. He complained that it was a fearful waste of time and energy to force the viceroy to burden himself "with the numerous petty details which this intendency gives rise to." Most of these duties could be discharged by a subordinate official, and if this were done more time would be had for many real important matters of policy which were then neglected. Arts. 308-310.

viceroy and the other officials of the country; articles fifteen to fifty-six inclusive, dealing with the *causa de justicia*; articles fifty-seven to seventy-four inclusive, dealing with the *causa de policia*; articles seventy-five to two hundred and forty-nine inclusive, dealing with the *causa de hacienda*; articles two hundred and fifty to three hundred and five inclusive, dealing with the *causa de guerra*; and article three hundred and six concluding the document with the statement that it has the force of law and revoking all other regulations in conflict therewith.

The preamble or enacting clause of this law is a kind of exordium and statement of the general purposes for which the decree was intended. It runs as follows: "Moved by the paternal love which all my vassals merit, even the most distant, and by the lively desire which I have felt since my elevation to the throne to make uniform the government of the great Empire which God has confided to me, and to place in good order, felicity, and defense my extensive dominions of the two Americas, I have resolved, with very well founded information and mature examination, to establish in the Kingdom of New Spain intendants of the Army and Province in order that, endowed with sufficient authority and salaries, they may govern those peoples and inhabitants in peace and justice in those things which are confided to them in this instruction, that they may take care of its police, and maintain the legitimate interests of my royal treasury with that integrity, zeal, and vigilance which the wise laws of the Indies prescribed, and the two royal ordinances which my august Father, Philip Fifth, and my beloved brother, Ferdinand Sixth, published on July 4th, 1718, and October 14th, 1749; whose prudent and just rules I desire to be observed exactly by the intendants of the aforesaid Kingdom with those additions and restrictions which will be explained in the articles of this ordinance and instruction." This extensive quotation is here incorporated in the text because it shows the official and formal statement of the purposes back of the law. The actual provisions appear in the later three hundred and six articles.

The first article begins with the division of "that empire," meaning the viceroyalty, into twelve intendancies, excluding the Californias. Each intendancy was to be known by its capital city, where the intendant was to reside. One of the said intendants was to have the special title of *Intendente General de Ejército y Provincia*, and was to reside in the capital city of the viceroyalty. As a matter of fact, this intendant was to be known as *superintendente general de real hacienda* and was to be the immediate superior of the other intendants, who were to be known simply as *intendentes de provincias*. The capitals of the provincial intendancies were Puebla, Vera Cruz, Mérida, Oaxaca, Valladolid, Guanajuato, San Luis Potosí, Guadalajara, Zacatecas, Durango, and Arispe (for Sonora and Sinaloa). The king reserved to himself the nomination of all these intendants, committing to them the "immediate government and protection of my peoples."

The second article reserved to the viceroy all his usual general powers, but gave to the *superintendente* the entire control of the *real hacienda*. Article III defined still more accurately the relation of these two highest officials one to another and to their subordinates. Article IV determined the composition of the *Junta Superior de Real Hacienda*. This body, which was easily, next to the viceroy himself, the highest single authority of New Spain, was made up of the following officials: after the superintendent, who was ex-officio president, was the regent of the *audiencia*, the fiscal of the *hacienda*, the senior member, *ministro*, of the tribunal of accounts, and the senior accountant, or treasurer-general of the *hacienda*. The secretary of the superintendent's office was always to be present. Article V simply arranged for substitutes, when for any reason a regular member of this *junta* had to be absent. The sessions and duties of the *junta* were defined in Article VI, and it was stipulated that the sole intermediary between it and the crown was the *Despacho Universal de Indias*, or the colonial office in Madrid. Matters of justice growing out of ordinary governmental disputes, or relating to the *causas*, or departments, of police and government,



were to be appealed over the intendant's head to the various *audiencias*. The government in matters political of the large cities such as Puebla, Oaxaca, Vera Cruz, Valladolid, Guanajuato, San Luis Potosí, Zacatecas, and Mexico, as well as the outlying provinces of Nueva Vizcaya, Sonora, and Sinaloa, was to be given to their respective intendants, and their *corregidores* and *alcaldes mayores* were *ipso facto* suppressed. Article VII further provided a basis for the relations of the intendants and the other officials of the king, such as the military commandants of the frontier provinces.

Article VIII stated that with the exception of those of Mexico, Guadalajara, Arispe, Mérida, and Vera Cruz, the intendants were to exercise the royal patronage, but in the above-mentioned jurisdictions the viceroy, the *regente*, the *comandante general* of the frontiers, and the captain-general, respectively, were to retain that sovereign power. For some reason or other the intendant of Puebla was to have the patronage for the intendancy of Vera Cruz. The rulers of Puebla and Nuevo León were to exercise the royal patronage as subdelegates of the viceroy.

All the other *corregidores* and *alcaldes mayores*, besides those expressly mentioned in Article VII, were by Article IX suppressed and their duties united with the others possessed by the intendants. Also, an attempt was made in this same article to remove one of the standing anomalies in the administration of justice by depriving the descendants of Cortés of their special rights to *corregimientos* and *alcaldías mayores*, or at least of continuing them only temporarily till some other reward could be invented as a substitute.

By Article X it was provided that the civil and military governors of Yucatán, Tabasco, Vera Cruz, Acapulco, Nuevo León, Nuevo Santander, Coahuila, Texas, and New Mexico, were to retain their jurisdiction in matters of justice and police, except in the handling of the revenues and public property of the cities. The commandant, *castellano*, of Acapulco was to have authority only over the city and its immediate environs, but as soon as the intendant system was well enough organized to permit the selec-

tion of subdelegates, the latter were to be introduced everywhere excepting in Yucatán, Vera Cruz, and Campeche.<sup>5</sup>

In Article XI the provision for the *alcaldes ordinarios* is found. With the wiping away of the old *corregidores* and *alcaldes mayores*, the intendants became the *justicias mayores de provincias*, but they were not to stand in the way of the *alcaldes*, who were in reality to become their chief agents in the administration of justice. All cities and villages with a Spanish population of sufficient size (no definite number being specified) were to elect two *alcaldes* within a year after the decree of the intendants was put into effect. If in any place there was no *ayuntamiento* to do the electing, the governors or intendants were to make the appointments conformable to the spirit of the law. These *alcaldes* were to have a biennial term, one retiring every year, and the senior or holdover judge was to instruct the newly elected one in the duties of his office.

In every Indian village which was the capital of a *partido*, or subdivision of an intendancy, and in which there had been a lieutenant of the governor, a *corregidor*, or an *alcalde mayor*, there was to be placed a new official called a subdelegate, who was to have jurisdiction in the four *causas* (justice, police, *hacienda*, and war) and who must be a Spaniard. This official, after bonds had been furnished, was to be responsible for the good order and obedience of the natives of his district. These subdelegates had to be formally appointed by the intendants exclusively,<sup>6</sup> unless special exception was made, and they were

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<sup>5</sup> The subdelegates were a very important part of the new body of officials created by the ordinance, being, in the language of one of the viceroys, "the instruments through which the provisions (of the decree of 1786) were to be put into effect and upon which must depend in the beginning the good government of the small towns." These subdelegates were to exist along side of the *alcaldes ordinarios*. Revilla Gigedo, art. 847 and 848.

<sup>6</sup> This provision was changed considerably by the *cédulas reales* of March 28th, and October 25, 1787, which gave the viceroy a share in the selection of the subdelegates. Later, by the royal order of October 7, 1788, it was declared that no subdelegate might be appointed without the consent of the viceroy. In practice, the intendants proposed three names from which the viceroy chose one, or even one not of the three, in which latter case his reasons had to be submitted to the king. Revilla Gigedo, art. 859 and 860.

not to be subject to taxes. In those districts where the intendants did not possess plenary powers, the subdelegates were to be chosen by agreement between the intendant and the governor, but in no case were any of these officials or combinations of them to make any more *repartimientos* under the severest penalty. In case the intendant should desire to create new subdelegacies he was to refer the matter to the *junta superior de hacienda*, and if consent were given by that body, notice of the proceeding was to be sent to the king by the *vía reservada de las Indias*. This meant communicating direct with the Minister of the Indies instead of through the Council of the Indies.

In spite of the above provisions in regard to the subdelegates, it was not intended that the privilege of holding office in the Indian settlements should be reserved exclusively for Spaniards. In Article XIII the will of the king was declared to be that the old rights and customs of the Indians be preserved, and that annual elections be held for the various local officials, in order to carry out the economic side of the local government, "para su regimen puramente economico." The chief duty of these officials was to collect the tax known as the tribute, which was levied on every male Indian between the ages of eighteen and fifty.<sup>7</sup> In order to avoid disputes and disturbances among the natives at these elections, it was decreed that they be held under the presidency of the subdelegate, or some other Spaniard.

The provisions just referred to were amplified in Article XIV to this effect. When the elections were completed at the time and manner prescribed, the subdelegate, or *alcalde ordinario*, had to report to the intendant or the governor, as the case might be, for his approval. In the choice of these lowest officials preference was to be given to those who understood the Spanish language and to those who had distinguished themselves, "in a commendable application to agriculture and industry." In this way it was hoped that by gentle and opportune efforts the

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<sup>7</sup> The *tributo* of the Spaniard was a capitation tax instead of a hut tax, as in parts of South Africa, or a tax payable in agricultural produce, as in Java, or a land tax, as in India.

Indians would be inclined to take an interest in the elections, devote themselves more earnestly to industry, and learn to speak Spanish.<sup>8</sup>

The first of the four main divisions into which the work of the intendants was divided was called by the Spaniards the *causa de justicia*.<sup>9</sup> This was scarcely the first in importance of the intendant's duties, but as it comes first in the Ordinance, it will be given first place here. In all his work the intendant was assisted and advised by an officer called the assessor, *asesor*, who was not only expected to be his advisor under normal conditions, but was to take the intendant's place temporarily in case of death, sickness, or other disability.<sup>10</sup> This *asesor* was to be a lawyer and was to act regularly as the chief civil and criminal judge of his district, which meant the intendancy. The *asesor* of the *intendente general* at the capital was likewise to succeed his chief with full powers, in case of the latter's incapacity to serve.<sup>11</sup> The assessors were appointed in the following manner. The candidate had first to be approved after examination by an *audiencia*, and then three names were submitted for a given office by the Council of the Indies. One of these three was chosen by the king, for a term of five years, with a salary fixed at twenty-five hundred pesos a year besides perquisites. They were not removable except for cause shown and the approval of the king or the Council of the Indies.<sup>12</sup> They might, however, be suspended by the *junta superior*, on the representation of their intendant. Appeals from the decisions of the *asesores* were to be taken to the *audiencia* of the province.<sup>13</sup>

The duties of the intendants themselves as head of the department of justice were so numerous as almost to defy classification,

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<sup>8</sup> Villarroel's great objection to this whole Ordinance was that it did not do enough for the natives.

<sup>9</sup> The Spanish words *causa* and *ramo* mean division, branch, or department. The former was applied to a branch of the government, while the latter was applied to a government monopoly, as the *ramo de tabaco*.

<sup>10</sup> *Ord. de Int.*, art. 15.

<sup>11</sup> *Ibid.*, art. 16.

<sup>12</sup> *Ibid.*, art. 18.

<sup>13</sup> *Ibid.*, art. 19.

but the following summary will be attempted. They were first of all, as successors to the *corregidores*, mayors of the capitals of the intendancies, and as such, of course, presided over the *ayuntamiento* and at all public municipal functions.<sup>14</sup> They were to be in a general way responsible for the enforcement of the law within their province.<sup>15</sup> In particular they were to watch over the native population, seeing to it that the local officials did not tyrannize over the Indians or act with "prejudice, passion, or vengeance."<sup>16</sup> One of the most common abuses to be guarded against among their subordinates was extortion, in the form of collecting excessive taxes.<sup>17</sup> They were expected to make a tour of inspection of their districts,<sup>18</sup> with the purpose not merely of seeing that the laws were enforced, but of promoting agriculture, commerce, and the development of the mines. If it were impossible or inexpedient to make these official visits in person, they might send subdelegates in their stead.<sup>19</sup>

With the object of securing greater uniformity in the administration of the municipal funds of the Spanish cities and towns, and also of the communal property of the Indian pueblos, the administration of these matters was referred primarily to the *junta superior* of Mexico.<sup>20</sup> Whatever this council might decide was then to be carried into effect by the intendants as its agents. Also the central office of the general auditing department of the *real hacienda*, the *contaduría general*, was to remain in the City

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<sup>14</sup> *Ord. de Int.*, art. 20.

<sup>15</sup> *Ibid.*, art. 21.

<sup>16</sup> *Ibid.*, art. 22.

<sup>17</sup> *Ibid.*, art. 23.

<sup>18</sup> *Ibid.*, art. 26. Also Revilla Gigedo, arts. 844-846. The viceroy explained in these articles why it was that this provision of the law of the intendants was not fully carried out. In spite of his repeated orders for its observance, only the intendants of the following provinces complied by the year 1794: Puebla, Valladolid, Guadalajara, Yucatan, Zacatecas, San Luis Potosi, Sonora and Guanajuato. The two chief reasons why the law was not more thoroughly observed were the expense and the difficulty of the intendants' leaving their regular posts for so long a time. The viceroy believed, however, that great good would result from these tours of inspection.

<sup>19</sup> *Ord. de Int.*, art. 27.

<sup>20</sup> *Ibid.*, art. 28.

of Mexico as it had been established by the visitor-general in 1766. This department, besides doing the work of auditing as we understand it at the present time, was to prepare the various orders and despatches necessary to carry out the decisions of the *junta superior*. The head of the auditing department, *contador general de propios y arbitrios*, was to be the permanent secretary of this *junta*, and the person to whom the intendants made their report on the subject of municipal finance.<sup>21</sup> At the beginning of each year the intendants were expected to send in a complete statement of the revenues and expenses of their intendancies and these reports were to be tabulated and interpreted in the auditing department before they were submitted to the *junta superior* and to the authorities at Madrid.<sup>22</sup>

The final clause of the decree of the intendants which relates directly to the administration of justice is an exhortation for them to have special care that the decisions and judgments of the subdelegates and minor officials should be in conformity with the law and that they be not allowed to fall into corrupt practices. That this might be done the more efficiently the intendants were directed to correspond with the regents of the *audiencias*.<sup>23</sup> Finally, all matters worthy of a report at all were to be referred normally to the viceroy and the superior tribunals of New Spain; but in case of emergency or special need the intendants were authorized to correspond directly with the king through the Minister to the Indies, indicating in each case whether a report was also made to the aforesaid authorities of New Spain.<sup>24</sup> This provision for direct communication between the intendants and the king concludes that part of the decree of the intendants relating to the *causa de justicia*, and it is now necessary to take up the duties of the intendants under the *causa de policia*.

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<sup>21</sup> *Ord. de Int.*, art. 29.

<sup>22</sup> *Ibid.*, art. 33.

<sup>23</sup> *Ibid.*, art. 55.

<sup>24</sup> *Ibid.*, art. 56. The viceroys occasionally voiced their jealousy of the independence of the intendants in their correspondence with Madrid. Branciforte, 169 Reservada, Sept. 28, 1795.

The department of *policía* was quite as miscellaneous in character as the department of justice and must have been a kind of catch-all for the legislators who framed the decree of the intendants.<sup>25</sup> The first article under this division calls for the preparation of maps of the separate intendancies. These maps were to contain all kinds of topographical details, such as mountains, forests, rivers, and lakes, as well as the boundaries of the provinces, and this work was to be committed to qualified engineers.<sup>26</sup> They were also to furnish information on the climate and productions of the various districts; the character of the rivers with reference to a possible improvement of them for navigation; the places where bridges and aqueducts might be built; and the general betterment of internal communications, together with the harbors for foreign commerce. These reports were intended to be a later basis for the actual reforms to be carried out by the rulers of New Spain.<sup>27</sup>

Although the well-being of the whole population was charged upon the intendants in the *causa de justicia*, there was a special injunction also to look after the public morals, in Articles fifty-nine and sixty, under the *causa de policía*. The subordinate officials, *jueces subalternos*, were expected to keep a watch on the customs and mode of life of the populace, to castigate the idle and evilly inclined, and all those whose vices "disfigured the fair face of the republic."<sup>28</sup> Under no pretext, however, was this provision of the law to be made an excuse for prying into the private and domestic affairs of the inhabitants. The care of the idle, criminal, and the indigent was to be in the hands of the intendants. Vagabonds and beggars who were physically capable were to be sent to work on the government roads, or to the poorhouses, according to their strength.<sup>29</sup> The criminals of the community were to be rounded up and sent to prison or to the

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<sup>25</sup> The word *policía* is not easily translated. Either of the English words police or policy might be used for it, but the former has been chosen arbitrarily to represent its meaning.

<sup>26</sup> *Ord. de Int.*, art. 57.

<sup>27</sup> *Ibid.*, art. 58.

<sup>28</sup> *Ibid.*, art. 59.

<sup>29</sup> *Ibid.*, art. 60.

army or navy, whichever seemed best. The most hardened cases were to be sent to the mines and the presidios as ordinary convicts.

Practically all the remaining articles under the *causa de policia* deal with the encouragement of industry in its various forms. Agriculture in its widest sense was in no wise to be neglected by the intendants. Cultivation of the crops that were supposed to be especially suited to Mexican soil and climate, and which would be least objectionable through competition to the Spaniards in Europe, was to be increased by every means possible. The collection of cochineal,<sup>30</sup> which was at that time one of the declining native industries because of the wasteful methods involved by the gatherers of the insects, the raising of flax, hemp, cotton, and silk, were all to receive government aid.<sup>31</sup> A greater utilization of the water supply of the country for irrigation, the improving of breeds of stock, and the conservation of the forests were all placed under the same category as worthy of royal protection.<sup>32</sup> The public lands were to be divided up into small tracts and sold to the natives at reasonable prices in order that they might be put to the best use and a system of agriculture based upon small holdings and peasant proprietorship be developed. The general level of property values was to be raised by the building of roads and bridges and a better management, while inland transportation was to be furthered by increasing the general use of wheel vehicles.<sup>33</sup>

Everything that was prescribed for the country was to be done, as nearly as conditions would permit, for the cities.<sup>34</sup> What the governor or viceroy was for the City of Mexico, the provincial intendants were to be for the towns and cities other than the capital. This implied a general oversight of the building and repair of streets, public buildings and churches, water supply, and fire protection, and all other municipal activities.<sup>35</sup>

<sup>30</sup> *Ord. de Int.*, art. 61.

<sup>31</sup> *Ibid.*, art. 62.

<sup>32</sup> *Ibid.*, art. 63.

<sup>33</sup> *Ord. of Int.*, arts. 64 and 65.

<sup>34</sup> *Ibid.*, art. 67.

<sup>35</sup> *Ibid.*, arts. 68 and 70.



Finally the intendants were to send in crop reports four times a year for the information of the viceroy and the central government, and administer the public granaries in their own provinces.<sup>36</sup> The protection of the coinage and monetary system from the different abuses to which it was liable was the last injunction of that part of the decree which dealt with *policía*.

That division of the intendant's duties which was third in order in the Ordinance was easily first in importance. There seemed no limit to the variety of things which the intendants were expected to do, but if some one group of their functions had to be singled out as being of the most consequence, it would undoubtedly be that group which is entitled the *causa de hacienda*. It was in this department that they were expected to bring about such reforms as would put new life and vigor into the whole internal administration of the viceroyalty and confer extensive benefits on the whole population of New Spain.<sup>37</sup> With these facts in mind, it is quite possible to see the reason for the detail into which the law descended on this subject.

From the first articles of this chapter of the law it would appear that the intendant was primarily a judge in all cases touching in any way the royal treasury. All other tribunals were expressly forbidden to have anything to do with such cases, and appeals over the intendant's head were to be taken to the *junta superior* at Mexico, itself a court of the department of the *hacienda*.<sup>38</sup> Even lawsuits growing out of the management of the monopolies of tobacco, *pulque*, powder, and playing cards, and *alcabala*, although under a separate administration, were to be judged in the first instance by the intendant or his subordinates.<sup>39</sup> Cases involving public lands, frauds against them, sales, grants, and the like, as well as all questions about confiscated property, prizes taken at sea, shipwrecks, and so on, belonged to the same jurisdiction.<sup>40</sup> All royal orders and decrees

<sup>36</sup> *Ord. de Int.*, art. 71.

<sup>37</sup> *Ibid.*, art. 75.

<sup>38</sup> *Ibid.*, art. 78.

<sup>39</sup> *Ibid.*, art. 79.

<sup>40</sup> *Ibid.*, arts. 81-83.

touching the department of *hacienda* were to be given to the intendant for enforcement.<sup>41</sup> In case of any conflicts of jurisdiction between the intendant and any other tribunal, the former was to submit his reasons to the latter, go ahead with the decision of the question, and report to the king on what he had done.

In order to invest the intendants with all the dignity and privileges possible, they and their families and servants and their official subordinates were given the *fuero militar*, and they were also allowed to enjoy the benefit of the *montepío militar* as well.<sup>42</sup> All the officials of the *hacienda*, from the intendant down, were to receive ample salaries but were forbidden to engage in trade of any kind or to receive any other emolument or perquisites.<sup>43</sup>

For the sake of uniformity and to allow the central authorities to keep in touch with the financial operations in the various intendancies, it was required that every extraordinary expense should be reported to the *junta superior*.<sup>44</sup> In pursuance of this same plan, each intendant was to prepare an annual statement, *libro de la razón general de la real hacienda*, of the incomes and expenditures of his province. This *libro* was to contain a statement of the entire income of the treasury, whether from such general sources as the *alcabala* and the tribute, or from such special branches as the ecclesiastical revenue, *mesadas*, *cruzada*, and the like, or from such unusual sources as the *montepíos*.<sup>45</sup> The expenditures were to be grouped under the following six "fixed charges": 1, *real hacienda*; 2, political; 3, ecclesiastical; 4, military; 5, perpetual pensions; 6, temporary pensions.

Although enough has already been said to show that the intendants were very important financial officers, it seems necessary to explain whence these revenues came. The first source of revenue dealt with by the Ordinance was that of the tribute.<sup>46</sup>

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<sup>41</sup> *Ord. de Int.*, art. 84.

<sup>42</sup> *Ibid.*, art. 85.

<sup>43</sup> Revilla Gigedo, arts. 912-914.

<sup>44</sup> *Ord. de Int.*, art. 108.

<sup>45</sup> *Ibid.*, arts. 109-113.

<sup>46</sup> *Ibid.*, arts. 126 and 127.

The central office for the administration of this department was the *contaduría general de reales tributos*. In a sense, the intendants were the agents of this body for the collection of the tax on the Indians. This work had been done formerly by the corregidores and *alcaldes mayores*, but was now transferred to the intendants, though the actual collections were made by the sub-delegates and the lowest officials in the Indian villages.<sup>47</sup> The next source of revenue dealt with was the famous *alcabala*. This tax was levied at the various custom houses of the city, though it was supposed to be a tax on sales.<sup>48</sup> An exceptional position was held by the chief of the custom house of the City of Mexico, who was less directly dependent on the intendant. The third source of revenue was *pulque*, which, in spite of the evils it caused, had to be retained for the sake of the profits brought to the government. Article one hundred and forty-six of the Ordinance discussed the extension of the *pulque* industry and the means to be taken to extinguish the traffic in other pernicious beverages.

It would be impossible within the compass of a chapter to do more than enumerate the remaining sources of income enjoyed by the government of Mexico. There was a large number of special sources, such as government monopolies of powder and playing cards, and the taxes levied on mercury, paper, and the *medias-anatas*<sup>49</sup> and *lanzas*.<sup>50</sup> The old royal fifth on gold, silver,

<sup>47</sup> *Ord. de Int.*, art. 129. The income derived from the *tributos* was always one of the principal items of the entire Mexican revenue. The total revenue of the country in 1794, according to Revilla Gigedo, amounted to 19,000,000 pesos, which was three times as much as it was when Gálvez first came to America in 1764. The tribute was originally paid in kind, but in the year 1651 it was ordered to be paid henceforth in money. Revilla Gigedo, arts. 741 and 931.

<sup>48</sup> *Ord. de Int.*, arts. 144 and 145. The Indians were exempt from the *alcabala*, as it was intended that the tribute should be their peculiar tax. Owing to the difficulty of collecting the latter it was proposed to abolish it and substitute the *alcabala* to make up the required revenue. In 1794, the tribute amounted to about 1,500,000 pesos, and the cost of collecting it was 100,000 pesos.

<sup>49</sup> *Ord. de Int.*, art. 156. . . . *Medias-anatas* were granted to Ferdinand VI by Pope Benedict XIV in May, 1754, but it was not until October, 1775, that advantage was taken of that bull. *Ord. de Int.*, art. 209.

<sup>50</sup> *Ibid.*, art. 158.

and other metals still remained, and though certain concessions were made to private individuals to develop the mining industry, it was still very profitable to the king. The bulls of the *Santa Cruzada* continued to bring in considerable revenue, as did also the tithes which belonged to the king.<sup>51</sup> *Juntas de Diezmos* or councils for the administration of the tithes, were to be established in the most important cities, and the intendant was to act as chairman of the *junta* in his province.<sup>52</sup> Taxes called *cuartas episcopal y capitular*, or episcopal fourths, and the *reales novenos*, or royal ninths, were still retained and collected by the intendants. These and other taxes were retained with very little change by the law of 1786, and but few modifications were introduced at the time. One of the new provisions, which was not of a purely financial character but which was put in force by the Ordinance, was that relating to the various *juntas de almonedas*, or councils of auctions, which were henceforth established in the principal cities.<sup>53</sup> The above list of sources of revenue is not even a complete enumeration but shows the variety and demands on the intendant's time and attention.

Every year general inventories or statements of the fiscal condition of the province had to be prepared by the intendants and sent to their chief in the City of Mexico.<sup>54</sup> Watch had to be kept of every person employed in the *real hacienda* in order to observe his capacity and conduct, and be able to correct his faults.<sup>55</sup> Frauds of all kinds against the revenue laws were to be guarded against by the intendants with all possible care, and they were to have power to confiscate goods brought into the country contrary to the law.<sup>56</sup> Above the intendants as courts of appeal and as administrative bodies giving orders, were the two *juntas*, the one, the *junta superior de real hacienda*, and the

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<sup>51</sup> *Ord de Int.*, art. 165.

<sup>52</sup> *Ibid.*, art. 170.

<sup>53</sup> *Ibid.*, art. 164. These *juntas* had control of the sale by public auction of certain public offices.

<sup>54</sup> *Ibid.*, art. 237.

<sup>55</sup> *Ibid.*, art. 238.

<sup>56</sup> *Ibid.*

other, the *tribunal de contaduría de cuentas*.<sup>57</sup> The superintendent-general was to have the same powers in New Spain that the officer of the same title enjoyed in Spain. The last articles in the Ordinance dealing with the *causa de hacienda* define the relations of all the various officials in this department from the chief at Mexico to the intendants in the provinces.<sup>58</sup>

The fourth of the great departments presided over by the intendants was called by the Spaniards the *causa de guerra*. This was the branch of the government which had charge of the maintenance of the provincial troops in peace and war and constituted what in most countries would be called the war department. In Mexico, however, instead of one central war department with a concentration of all these powers in a central ministry of war, there were established twelve intendancies. These provincial rulers were subordinate to the general intendant in the City of Mexico, but in the nature of things had a good deal of independence in practice. In the language of the law itself. "Being my royal wish that the intendants of the provinces have a care for all that which corresponds to war and has a connection with my *real hacienda* . . . ."<sup>59</sup> This was defined by a later article to mean everything pertaining to the subsistence of the troops, their management and discipline, and general improvement.<sup>60</sup> Likewise was included everything relating to their pay, to their establishment in quarters, and the issuance of rations. The intendant had charge of the movement of the troops from one province to another, and their assignment to various military organizations, and the Ordinance prescribed the formalities which had to be observed in doing this.<sup>61</sup>

In order to carry this out more effectively it was necessary to collect reserves of provisions at the military posts and large cities, and take great care that none of these supplies were mis-

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<sup>57</sup> *Ord. de Int.*, arts. 242 and 243.

<sup>58</sup> *Ibid.*, arts. 248 and 249.

<sup>59</sup> *Ibid.*, art. 250.

<sup>60</sup> *Ibid.*, art. 252.

<sup>61</sup> *Ibid.*, art. 255.

appropriated by the minor officials or issued without proper authorization.<sup>62</sup> The soldiers had to be protected against foods which were adulterated or of inferior quality, and in the purchase of supplies the government had to be protected against similar frauds and dishonest weights and measures.<sup>63</sup> All these things and innumerable others were placed in the hands of the intendant by the law of 1786. Horses and fodder, firewood, and other necessities, carts and other means of transportation, were furnished through the intendant's office.<sup>64</sup> The military forces stationed in the province were to be reviewed every month. All the officials of the commissary department down to the mere clerks and attendants were directly under the command of the intendant, so that no confusion might be experienced in the civil administration of the army.<sup>65</sup>

The various establishments for the manufacture and preparation of munitions of war were also in the hands of the intendants and they had to keep a watch on all these institutions, from the army bakeries to cannon foundries, which had to be inspected regularly.<sup>66</sup> The repair of fortifications and all buildings used by the military was likewise entrusted to the intendants, though any important measure of this kind had to be reported carefully to the king of Spain.<sup>67</sup>

The last articles under the *causa de guerra* and consequently of the whole Ordinance, deal with the relation of the intendants to the superintendent-general in Mexico on the one hand, and to the viceroy and the commandant-general of the frontiers on the other;<sup>68</sup> of the councils of war;<sup>69</sup> of the rank and pay of the intendants;<sup>70</sup> the bonds they had to give on entering office;<sup>71</sup> and

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<sup>62</sup> *Ord. de Int.*, arts. 258-261.

<sup>63</sup> *Ibid.*, art. 262.

<sup>64</sup> *Ibid.*, arts. 264-267.

<sup>65</sup> *Ibid.*, art. 277.

<sup>66</sup> *Ibid.*, arts. 292-296.

<sup>67</sup> *Ibid.*, art. 296.

<sup>68</sup> *Ibid.*, arts. 299 and 300.

<sup>69</sup> *Ibid.*, art. 301.

<sup>70</sup> *Ibid.*, arts. 302 and 303.

<sup>71</sup> *Ibid.*, art. 304.

the inevitable *residencia* at the end.<sup>72</sup> The last article of all forms a kind of second enacting clause, and declares that the Ordinance was to have the force of law and that it revoked all preceding laws, customs, dispositions, and establishments of contrary effect.<sup>73</sup>

The mere statement of the principal points in the Ordinance of the Intendants cannot give an adequate idea of the real intentions of those who promulgated this law and still less of its actual effects in New Spain. There is very little doubt about the nature of the evils it was designed to combat, such as the corruptions and abuses chargeable to the *corregidores* and the *alcades mayores*, and the evil of a too despotic power in the hands of the viceroy. There has been little serious divergence of opinion in regard to the principal mistakes made by the Spanish government in the administration of her colonies, but there has always been a singular lack of agreement on the part of the various writers who have dealt with the reforms which were directed against those mistakes. The new system of government by intendants was put in force by Gálvez and the most enlightened government Spain has ever had, and the introduction of this system into New Spain came only after a trial in other parts of Spanish America. Nevertheless, in spite of the powerful advocates back of the measure, it certainly failed to be an unqualified success.<sup>74</sup> Moreover, it did succeed in arousing a great deal of adverse criticism and it had not been in force two years before one of its most important features was given up and a return to the previous order of things permitted.

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<sup>72</sup> *Ord. de Int.*, art. 305. Viceroy Revilla Gigedo pointed out the unwisdom of holding *residencias* for the subdelegates, but he did not feel so strongly about holding them for the intendants. Revilla Gigedo, art. 864.

<sup>73</sup> *Ibid.*, art. 306.

<sup>74</sup> Revilla Gigedo, art. 831. Although the intendants supplied the long felt want of some kind of intermediate officials between the viceroy and the superintendent-general in the capital and the distant provincial districts, their appointment took a good deal of authority from many existing officials and so caused antagonisms right at the start. The same authority declares (articles 834 and 835), that the first intendants, with one or two exceptions, had no political experience and no specific knowledge of the country they were sent to rule over. As was to be expected, this proved a great drawback, especially at the inception of this new project.

One of the first difficulties that present themselves to a modern investigator is that of realizing just what difference the law of the intendants really brought about in the government of Mexico. At first, of course, it stripped the viceroy of a great deal of power and set up as a sort of rival the new superintendent-general. But this first and most obvious change was only temporary, and the intendant system had only been fairly established when the viceroy was himself made superintendent-general, and so had all his old powers back again.<sup>75</sup> The question still remains, what were the permanent effects of the new law?

The answer to this question naturally falls into two parts, the first consisting of those facts about which there is no controversy, and the second consisting of mutually contradictory statements which cannot be reconciled as yet by the historian, nor even have their relative merits decided. The admitted facts are that the new system introduced a more definite official hierarchy, with the greater simplicity it implies, and centralized and made uniform the government of the *provincias* henceforth intendancies, without saving the viceroy any responsibility.<sup>76</sup> The Indians were also regarded after 1786 as more independent, and the abandonment of the *repartimiento* system tended to obliterate the economic differences between the native races and the white man. Beyond these few simple statements it is impossible to go without encountering serious differences of opinion.

The leading critics of the intendent system were Viceroy Revilla Gigedo the Younger, and Villarreal, the author of the *Enfermedades Políticas*. The former believed that the results of the Ordinance had been disappointing in that the good that

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<sup>75</sup> Revilla Giegdo, art. 740.

<sup>76</sup> *Ibid.*, art. 838 *et seq.* In the year 1791 this viceroy submitted to the home government a memorandum of 532 paragraphs on the subject of the intendants. Besides those views of his stated in the text, there was one proposing that the intendants should be divided into classes, those of the lowest class being assigned to the least important and least populous intendancies, and with smaller salaries than those of the upper class, who were to be stationed in the leading cities, such as Mexico, Guadalajara, and Vera Cruz. In this way it would be possible to promote the inferior intendants who had shown ability and still keep them in the service.



might have been expected was wanting, owing to the inferior character of the men who had been appointed intendants.<sup>77</sup> Nor was that all. The twelve intendants were not enough numerically to allow of sufficiently small provinces, and so they were overworked.<sup>78</sup> Furthermore, they were all too much alike in their functions to suit the variety of the districts they were set to rule over and there was a demand, so this viceroy thought, for some distinctly military intendants for the frontier provinces.<sup>79</sup> Not only the intendants, but their subordinates, the *subdelegados*, received some criticism from the same man. Owing to poor pay and their dependence on the men who went on their bonds, the *subdelegados* were not independent enough either to command the respect of their superior, the viceroy, or to carry on their comparatively humble duties as subordinates of the intendants.<sup>80</sup> They were always compared unfavorably with the *alcaldes mayores* and the main reason seems to be that the dignity of their office, and the pay likewise, were so low as to fail to attract the right type of office-holder.<sup>81</sup>

In the main, Villarreal agreed with Revilla Gigedo in the latter's arraignment of the remodelled government of New Spain, but his whole tone is more caustic and less judicial. What seemed to him the greatest condemnation of the Ordinance of 1786 was the way it met the problem of the native races. There had been enough abuses under the old régime, and the oppression of the Indian by the *corregidores* had become a commonplace. Nevertheless, under the new law there was too indiscriminate a change in the government of the Indians without a real better-

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<sup>77</sup> Revilla Gigedo, art. 835.

<sup>78</sup> *Ibid.*, art. 836.

<sup>79</sup> *Ibid.*, art. 839.

<sup>80</sup> *Ibid.*, arts. 862-863.

<sup>81</sup> *Ibid.*, art. 849 *et seq.* One of the unfortunate points about the position of the subdelegates, besides poor pay and inferior dignity, was the lack of opportunity for promotion. To meet this difficulty it was suggested that they be divided into three classes, the first class numbering thirty, the second sixty, and the third, eighty. There was to be a marked gradation of pay and so there could be an opportunity for promotion. It could then be insisted upon that every subdelegate be *letrado*, or educated in the law.

ment of their condition. The old *repartimiento* system, which kept the native in a peonage, if not serfdom, was not without its merits. It did something toward keeping the natives busy and under the supervision of the white man. This might mean tyranny in many cases, but it did not throw the Indian on his own slender resources to compete against the Spaniard. Under the new scheme the Indian was to be given more responsibility and less direction, while the tribute was exacted just the same. Villarroel regarded the decree as unconstitutional because the usual procedure had not been observed in the drafting of the measure and its submission to the king. It was intended, he thought, to deprive the king of his direct control over the administration in America. These reasons seem so fantastic that it will not be necessary to give them further consideration, particularly as the writer himself advances no proof whatever for the assertions.

The great difficulty encountered by one who attempts to form an opinion of the Ordinance is that it was not in force long enough really to show what its effects would be. It had been in force only a very few years before the wars of the French Revolution so disturbed commerce and turned all thoughts toward military questions that there was no disposition left to embark on any thorough-going reforms. The two objections urged by Revilla Gigedo in 1794, that there were not enough intendancies and that the men appointed were inexperienced and consequently inefficient, were scarcely arguments against the system itself. The writer is inclined to believe that the idea of having intendants was a good one if there had been enough of them, so that the intendancies might have been small enough for one man to handle, and if the best men available had been appointed to the post. It was a misfortune that foreign war and other extravagances seemed to require such economies that it was impossible to appoint a sufficient number of properly paid officials for the viceroyalty; and that the particular experiment was tried when most of the appointments could be dictated by such a statesman as Manuel Godoy.

From what has been shown in the preceding pages, it may seem as if the title to this chapter has not been justified. There is every reason to believe that many persons in New Spain during the last two decades of the eighteenth century did not regard all the changes instituted by Gálvez as reforms. However, the great free-trade *reglamento* was all but universally regarded as a reform and as a notable advance toward a correct colonial policy. Many of the minor reforms of Gálvez have not been treated in this chapter partly because they appear in another place, but particularly because a certain advantage of simplicity is gained in treating alone the two most distinctive pieces of legislation which have in this chapter been referred to as the reforms of Gálvez.

## CHAPTER VII

## CONCLUSION

While the author of this thesis cannot attempt to say what he has done, it seems but right for him to make a clear avowal of what he has tried to do, and (this is almost as important) what he has not attempted. There has been so much written of a disappointing character about the Spaniards in America that one wants to know rather definitely the scope and intent of any new work before it can command any consideration or attention whatever. Let it be understood, therefore, at the outset, that this study does not make any pretense of affording a complete exposition of the Spanish administrative system in America, or even in Mexico, and the most that may be claimed for it is that it is a statement of the functions of the viceroy as they were to be found in the closing years of the Spanish reign.

A word of explanation is now due in regard to the needs of any such work in the light of the amount that has already been done. In the first place, the great bulk of the works on Spanish America deal with its history in the ordinary narrative form with only a casual reference here and there to the administrative system itself; and then the principal interest is always shown in the evils of that system as it worked out in regard to the native races. The second great group of books in this general field relate to geography and travel, and, while the literature is rich and varied and throws some light on the workings of Spain's colonial government, there is nothing either comprehensive or detailed on the purely administrative side. The works that have deliberately attacked the problems of the actual government of New Spain and have been based upon the sources, have con-

fined themselves too exclusively to a certain kind of documents, namely, the Laws of the Indies. This has resulted in our knowing a great deal about what the Spanish officials were supposed to do but almost nothing about how they actually did it. One of the common fallacies to which writers on Spain in America have been subject, as Rivera pointed out, has been to confound the legislation for the Indies with the execution of those same laws. He might have added that this mistake in the method was largely due to the far greater knowledge which the historians had of the former than of the latter. The statutes have been accessible for a long while, but the materials for showing how these same statutes operated have been most difficult to use and interpret.

With such works as that of Solórzano, who described the whole political organization of New Spain, and that of Antuñez, who brought together in one volume all the laws relating to the trade between the colonies and the mother country, and other books of a like nature, there is ample means for knowing what the law was on any particular subject. The trouble has always been, however, that none of these writers has been disposed to go into the details of the operation of these laws. What is really wanted at the present time for the clear understanding of how the Spanish regime actually worked is an exposition of the actual process of carrying into effect these laws. Perhaps enough has already been written to show fairly clearly what the general framework of the government of Spanish America under the colonial system was, but the attempt of this thesis has been to make a beginning of the study of Spanish colonial administration.

From the obvious necessity of some kind of limitation, this study has confined itself to only one portion of the Spanish empire, namely, the Viceroyalty of New Spain, and to a certain very definite period, the latter half of the eighteenth century. Though the writer is persuaded that a great deal of what is stated to be true for the region of Mexico was also true for Peru and other parts of America, no attempt has been made to assert

anything for the territories outside of New Spain. In spite of the great changes wrought during the reign of Charles III, the greater part of the administrative structure found standing in America in the days of Gálvez had stood in a recognizably similar form for a long time before, so that, in many ways, what has been stated to be true during the administrations of Bucareli and the younger Revilla Gigedo was also true for a much earlier period.

The foregoing chapters have made it appear, it is hoped, that the viceroy was an official endowed with a great variety of functions. It is well to bear in mind that all his duties, as governor, captain-general, vice-patron, and superintendent-general of *real hacienda*, must be viewed from at least two different standpoints. From one point of view the viceroy was the agent of the home government, sent over-sea to look after imperial interests and govern a subject population. From another standpoint he was a local official with his chief object the defense and good government of the district over which he ruled, and the prosperity and good order of its inhabitants. That these two interests were often widely separated and not infrequently in direct opposition, is, of course, patent to all. In many cases one would expect the viceroy to be troubled as to which one of these interests to support. The extreme care exercised by the crown in excluding all creoles from high office and reserving for Spanish grandees the post of viceroy itself, succeeded, so the great majority of writers think, in keeping the interests of the mother country supreme. There is reason to believe that some of the English governors in North America tried to defend the rights of the colonists, at times even against the mother country, but if such has ever been the case in Spanish America it has escaped notice.

The viceroys and captains-general were always willing enough to protect the rights of their subjects against the encroachments of other colonies but apparently never against the interests of Spain itself. For instance, the viceroys of Mexico resented very deeply the payment of subsidies, *situados*, to Guatemala and the neighboring islands of the West Indies, but they seemed to take

pride in sending as much as possible to the king. The obligations of the viceroys as local officials never seemed to weigh heavily enough to make them want to build up local industries at the expense of those in Spain, or to retain the large sums which were sent to Europe, to expend on public improvements in the dependency.

It is all but impossible to make any intelligent comparison of the merits of the colonial systems of Spain and the other colonizing powers, but a comparison of the different forms of colonial government is inevitable. In many ways Spain was the pioneer among the nations that had colonies to rule, and it may not be too much to say that Spain's system was the model upon which the other powers more or less unconsciously built. The resemblances of the various European colonial systems were, after all, far greater than their differences, and the fact that Spain was first in the field makes it more than probable that her example in colonial matters was largely followed.

In making a comparison between the colonial systems of Spain and her European rivals, it would seem natural to begin with their respective methods of control over the colonies by the home government. A difficulty is encountered, in the beginning, because of the wide difference between the strictly governmental control adhered to by Spain and that of the great chartered private companies of the Netherlands and Great Britain. To be sure, both the English and the Dutch eventually abandoned the company system in the East Indies and adopted a system of administration approximating to that of Spain, but when this was done there was no longer any Spanish system left, so that there was no possible opportunity for a comparison of the workings of this same system by the different maritime powers, for the same period. The Portuguese system was throughout very much like that of the Spaniards, but it is not easy to draw a very close parallel even between these two. The Brazilian plantations were not organized into a viceroyalty until 1720, so that Brazil, as a full-fledged dependency of the first rank, was much younger than the adjacent Spanish viceroyalties in America,<sup>1</sup> excepting only Buenos Ayres.

Because of the great general similarity in the government of dependencies observable in the systems of Spain and Portugal, they might with some justification be called the Iberian. In this system, the principal organ for administrative control on the part of the metropolis was the Council of the Indies. This drafted all legislation for the colonies, issued commissions to the colonial officials, and approved of all bulls and briefs which were to be published there. The English counterpart of this body was the Board of Directors of the East India Company in the earlier days, and after 1784, the Board of Control. A similar organization prevailed in the Netherlands, where the directors of the company likewise constituted the legislative body for the colonies. In the nineteenth century both the English and the Dutch reorganized their system of control by the home government and approached very closely to the Spanish model. After the Sepoy mutiny the English government openly took over the sole responsibility for the government of India and created an India Council, or rather a Secretary for India and Council, which immediately suggests the *Consejo de Indias* and the *Ministro Universal de Indias*, of Spain. Even the title of viceroy was adopted after 1858,<sup>2</sup> though it had no recognition in the language of the English statutes.

Although the Dutch made changes in the nineteenth century which brought their colonial system much nearer that of the older Spanish model, they did not create an Indian Council or anything to be compared at all accurately with the *Consejo de Indias*. This step has been advocated by some of the most intelligent colonial experts in the Netherlands but neither the Council nor the viceregal title has been accepted by them. The Dutch National Legislature has reserved for itself all those duties which might have been assigned to an India Council, except those which have been retained by the crown. The king acting through his minister has retained there a power somewhat analogous to that formerly exercised by the kings of Spain and the *Ministro Universal*. It

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<sup>1</sup> Zimmermann, p. 173. Also, Hurtado, p. 34 *et seq.*

<sup>2</sup> Chesney, p. 132.



will be remembered that during the French occupation of Canada, as described by Parkman in his *Old Régime*, all legislation emanated from France, and that the Council, which used to sit at Quebec, was executive, not legislative in character.

Turning from the question of the control of the colonies by the home governments to the governments of the dependencies as they were found in the dependencies themselves, it is interesting to make comparisons here between the methods of Spain and the other countries. As will be remembered from chapter III, the government of the Spanish viceroalties centered around the viceroy and an *audiencia*. For all intents and purposes, the governor-general at Batavia was a viceroy in everything but title, without being hampered by the presence of anything comparable to the Spanish *audiencia*. The council of five members which was given to the governor-general in 1854 was quite subordinate to him,<sup>3</sup> and never has been the check upon the executive that the *audiencia* was in New Spain. The real check upon the governor-general of the Dutch East Indies is the ease and rapidity of communication with the home government, as is also the case of the English viceroy in India. It is more than doubtful that Amsterdam and London, in these days of the telegraph and cable, dictate as much in the minutiae of administration as did Madrid and Paris in the seventeenth and eighteenth centuries,<sup>4</sup> but it may explain the disposition of the Dutch to leave their governor-general in Java without the fetters of a powerful council. With the viceroy of New Spain, although provided with a corps of clerks, forming the various secretariats, there was not the same division of his civil functions into certain well-defined departments, such as is now found in British India and Java. On its administrative side the *audiencia* of Mexico had nothing like the importance of the councils at Batavia and Calcutta, and in that regard was far less efficient. The Portuguese viceroys of Brazil were no better supplied with administrative

<sup>3</sup> Day, pp. 415 and 416.

<sup>4</sup> Parkman, pp. 73-82.

assistants than the viceroys of Peru and Mexico, and their control over the provinces under their care was even less effective and immediate.<sup>5</sup> The nine subdivisions of Brazil were fairly independent of the viceroy and of each other, so that the centralization of the government in Portuguese America was less marked than in the neighboring Spanish territories.

The provincial government of Spanish America in the eighteenth century was far more highly developed than that of the English and Dutch colonies in the Indies. The only comparison that can be made, therefore, is with the English and Dutch dependencies in the nineteenth century, or at the present time.<sup>6</sup> The twelve intendancies of New Spain would correspond roughly to the twenty-two residences in Java, or the fifteen major territorial units of British India. In the degree of centralization of all sorts of administrative functions the intendant stood highest, though the Dutch Resident is supposed to do, or oversee the doing of, nearly everything that a ruler can do. The Spanish subdelegates, the direct subordinates of the intendants in New Spain, suggest a comparison with the district officers of British India and the assistant residents of Java. They possessed the same sort of powers that the intendants themselves had, only on a humbler scale and in a smaller district. Thus the individual efficiency of these officials, as of the assistant residents and district officers, determined very largely the character of the whole government.

One rather striking point in common with the Spanish, Dutch, and English systems was the very general employment, in humble capacities to be sure, of native officials. Under the subdelegates in the Spanish intendancies was a large class of native officials who collected the taxes and came into immediate contact with the mass of the native population. These *subalternos* in the Indian villages were elected, under the direction of the subdelegates or *alcaldes*, by the natives themselves, and are to be compared

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<sup>5</sup> Zimmermann, pp. 173-174.

<sup>6</sup> Day, chap. 12, *passim*.

<sup>7</sup> Day, p. 420.

with the regents in the Javanese provinces. The important difference was, however, that the regents in Java were chiefs of great influence among the native population while the *subalternos* were the humblest kind of office-holders. Moreover, the Dutch endeavored to keep up an hereditary succession among their native rulers while the Spanish method was to depend on annual elections. Perhaps it would be more correct to liken the *subalternos* to the district heads and their subordinates (who form the lowest group in the administrative hierarchy in Java) rather than to the dignified regents, who are appointed by the governor-general from the native nobility. As the French in Canada had no civilized native population to deal with, their experience with the problem of native office-holders was simply nil, and as the new empire which they have in recent times acquired in Indo-China is so far removed in space and time from the conditions in New Spain under the Spaniards, there would be no advantage in trying to institute comparisons between the two.

It would be possible to extend this comparison of the Spanish rule with those of the other powers into a number of departments, showing the differences in levying taxes, organizing the military, building public works, maintaining the church, providing public schools, and so on, but I refer to limit myself to a mere reference to a couple of points which seem never to be mentioned in the books. The first is the notable absence in all the early dependencies of Spain, France, Portugal, and the Netherlands of any provision for provincial legislation, and the very early appearance of the same in the English colonies. As was pointed out in chapter II, the supervision of the viceroy by the home government was extreme, and this implied a monopoly of the legislation, which contrasted markedly with the liberty in local affairs enjoyed by the English colonies in North America.

On the other hand, apparently in conflict with the above, there was the provision in Spanish America for local councils, which were absent in French Canada and are still unknown in Java. Every town in New Spain had its *ayuntamiento*, or board of aldermen. The membership was, it is true, supplied mainly by

sale of the positions, and the *regidores* were not a type of official to be praised highly, but there was the germ of local self-government in the institution and as such is deserving of attention.

In this concluding chapter it does not seem necessary to attempt a resumé of the subject-matter of this entire thesis, or even to pass a judgment on the Spanish colonial system, as a whole or in part. It is realized by the writer that, important as the viceroy and his activities were, he was not the entire government even of the viceroyalty, and of course was a still smaller part of the great imperial administrative organization which had its center at Madrid. It is nevertheless put forth with some confidence that there does not exist as yet anything like an adequate study of the viceregal office, and that until such a study is available it will not be possible to understand the true nature of the Spanish rule in America. With this need in mind, the preceding pages have been written and are submitted as a very modest contribution to the beginning of at least one part of that study.

#### BIBLIOGRAPHICAL NOTE

The authorities upon which this thesis is based may be divided roughly into two general classes, primary and secondary; but the secondary material is used rather for illustration of point of view than as a basis for any judgment or conclusion found in this study.<sup>1</sup> The primary material naturally varies greatly, not only as to its general value, but also for the particular purposes for which it may be used. It has seemed not only convenient but logical to divide the primary materials further into two groups, corresponding to their derivation, official and unofficial. Of the two, the official sources are of much the greater importance and may be described as follows

Fundamental in their nature, and absolutely essential to any understanding of the workings of the Spanish administrative system, are the Laws of the Indies, the code or body of statute laws for the whole Spanish colonial empire. These laws were more than the mass of legislation which Spain provided for her colonies, for they partook of the nature of a constitution as well, and so were in effect the basis of all law, statute and administrative, for Spanish America. But strictly speak-

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<sup>1</sup> Practically all the sources used for this thesis are in the Bancroft Collection of the University of California. Much of the primary material is in the form of transcripts of documents now in the national archives of Mexico and the remainder has been printed but is now almost inaccessible.

ing, the *Leyes de las Indias* were not the only laws framed by the metropolis for the dependencies. The code proper was supplemented by a vast number of royal orders and decrees, *cédulas y órdenes reales* and *decretas reales*, by which it was substantially modified, amended, and enlarged. Of similar import, though of a lower degree of validity, were the decrees and rulings of the viceroys themselves, which under the name of *bandos* constantly appear among the source of materials of this thesis. Comparable to our common law were the decisions of the highest provincial courts, the *autos acordados* of the *audencias*, which were therefore an addition to the amount of legistic material that had to be examined, but which had proved relatively unimportant for this particular subject. Similar to the above, in that they are practically of the same legal character, are the numerous charters which were issued to various corporations by the kings of Spain. The most important of these charters related, on the one hand, to the great commercial companies such as the Philippine Company and the Caracas Company, and, on the other, to the various *consulados* which were such useful pieces of administrative machinery for the regulation and encouragement of commerce. Their connection with the functions of the viceroys was rather remote, but occasionally threw light upon the relations of the viceregal governments to the whole subject of commerce. Miscellaneous charters, like that of the University of Mexico or that of the Academy of Fine Arts, also gave indications of the activity and influence of the church in education, and indirectly of the viceroy's powers as vice-patron.

The remainder of the official documents is made up of the official source materials which are not laws, constitutions, nor charters, but which are indispensable for the correct understanding of the actual operation of the same. Foremost among these are the various instructions which were written by the viceroys, at the close of their own administrations, as a report on what they had accomplished during their separate terms of office, and as a guide for their successors. These *instrucciones de virreyes* have been recognized as being of sufficient importance to deserve printing, but with one or two exceptions they have been little used by the secondary historians. It would be difficult to imagine a more useful kind of material for the study of a viceroy's administration, and the particular instruction written by Revilla Gigedo in 1794 for his successor Branciforte, has been used constantly in the preparation of this thesis.

It is impossible to over-estimate the value of these reports, for while they do not tell the whole story or perhaps any part of it so that it can be taken without qualification, they do tell clearly enough what the viceroys conceived to be their duties, how they attempted to fulfil them, and to what extent they believed they failed or succeeded. It must occur to anyone that these instructions or reports are open to the suspicion of bias on account of the very natural desire of the writer to make as good a showing as possible for his administration, but as these reports were for the guidance of an immediate successor, who would be in posi-

tion to judge of their accuracy, and who would not, therefore, be imposed upon very long, there existed a very serious check on the tendency of an outgoing official to warp the truth too decidedly. In fact, it may be asserted of most of these *instrucciones* that they were written in a humble tone, rather apologetic than boastful, and they stand the test of credibility when they are checkèd by other contemporary documents.

The remaining official contemporary documents which have been used, partly to check the viceregal reports, and partly to furnish independent evidence on matters ignored by or but hinted at in them, consist of three sorts—proceedings and findings of the *residencias*, or investigations directed against the viceroys at the close of their administrations; reports, or *informes*, of the visitor-general; and the correspondence of various officials, notably that of the viceroys with their subordinates. The full text of the *residencias* of the elder Revilla Gigedo is in the Bancroft Library of the University of California, and has been studied to show the nature of that court of inquiry and its relations to the larger question of the control over the viceroy exercised by the home government. The *informes* of the visitor-general were particularly useful for the aid they gave in understanding the workings of the *real hacienda*, and the duties of the viceroy as superintendent-general of that department of the government. Of all the official correspondence, the fullest and most enlightening is that of the viceroys and the governors of the provinces—that of Viceroy Bucareli and Governor Neve of California being used the most.

Concerning the unofficial contemporary materials very little need be said, because of the distinctly minor importance that it has had in the preparation of this thesis. Facts of historical value may, of course, be found in such periodicals as the *Gazeta de México* and the *Correo de Indias*, but the perusal of these papers proved to be of little profit to this study of the viceregal administration. Of incomparably greater worth were the four volumes in manuscript of Villarroel, the vigorous critic of Mexico's "*Enfermedades Políticas*," as his work is called. He sweeps over the whole field of the state's activities—morals, religion, police and crime, finance, treatment of the natives, the administrative changes during the last third of the century—and so offers a striking account of the state of the country parallel to the reports of the viceroys.

Of the rich and fascinating travel literature which has been left by Europeans as a record of their impressions of Spanish America, Mexico has had its full share, but with the exception of Humboldt, who must be regarded after all as a secondary writer, these foreign authors and observers have not been called upon to give testimony regarding the government of New Spain. They have always been interested in the picturesque aspects of Spanish American colonial life, the mistreatment of the Indians, the raids of the buccaneers, the founding of missions, and the like, rather than the prosaic question of government and administration. Among the great number of secondary authorities only a few of

the great names, and those who have been of particular service, can be mentioned here. Foremost in actual value and reputation stands Alexander von Humboldt. It must be remembered, however, that Humboldt's interests were not primarily in matters governmental, still less administrative, so that I have been unable to make as much use of the *Political Essay on New Spain* as the fame of the author might seem to justify. Dealing with contemporaneous conditions and events, and with the most unusual opportunities for observing what he wished to write about, the four-volume essay of Humboldt partakes of the nature of primary material, and contains as much material for history as it does history itself.

For somewhat different but quite as valid reasons, the modern investigator must acknowledge his indebtedness to Hubert Howe Bancroft. The general survey which this historian has made of the history and institutions of Spanish North America is in all its main outlines substantially correct. While it is true that in his thirty-nine volumes Mr. Bancroft devotes only eight or ten pages specifically to the administrative functions of the viceroy of New Spain, there is scattered through his works a vast amount of miscellaneous information about the system by which Spain governed her colonies. But it is not for information on matters of historical fact, chiefly, that I have been led to consult Mr. Bancroft's works, but rather for information relating to the primary sources. As a bibliographical guide these volumes are indispensable to any one using the Bancroft Collection, and as such they have been a constant aid in the prosecution of this work. Many even of the most important documents cited in his *History of Mexico* have not been utilized by him to the uttermost, in some cases hardly used at all, and this fact has made it possible to write an intensive study on the viceroy of Mexico, in what is recognized as Mr. Bancroft's own field.

The briefest possible notice of the secondary authorities cannot be concluded without a reference to the recent invaluable contribution to the history of Spanish institutions in Europe and America by G. Desdèvises du Désert, entitled *L'Espagne de L'Ancien Régime*. These three volumes touch only incidentally on American conditions, but contain the clearest statement available of the workings of the Spanish royal government. In the United States, within very recent years, have been published two separate one-volume studies introductory to the history of Spanish America—*Spain in America* by Professor Bourne, of Yale, and *The Establishment of Spanish Rule in America* by Professor Moses, of the University of California, both of which are useful outlines, the latter particularly on the governmental side.

The list of authorities given below contains only titles of books and documents consulted, and is not meant for a complete bibliography of the subject. Those authorities that have been consulted frequently, and are therefore of considerable importance to this thesis, have been commented upon briefly to indicate the nature of the aid they furnished.

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