

## The Settlers, Rescript Government, and the Foundations of the Kingdom

In July 1582, in the middle of a bitter lawsuit, the *mestizo* priest Alonso Romero de Aguilar told the *Audiencia* of Santafé the story of the coming of Christianity to the region half a century before. ‘In the beginning of the planting of the faith’, he explained, ‘many friars came to this New Kingdom.’ These Franciscans and Dominicans learned the local language ‘most perfectly’, and used it to preach in Indigenous towns, markets, and various public places. ‘These Indians’, he continued, ‘thus began to understand and be persuaded that the coming of the Spaniards to this land was principally so they could teach them doctrine’, and many had converted to Christianity. But this golden age of evangelisation had not lasted. Before long, the friars had abandoned their study of languages, interpreters had become scarce, and ‘these Indians, whose faith was not yet well imprinted, apostatised and placed their faith in idolatry’.<sup>1</sup> Romero was a secular priest, ordained a few years before by the second archbishop of Santafé, Luis Zapata de Cárdenas, who had recently ignited a conflict with the religious orders over the distribution of Indigenous parishes.<sup>2</sup> It was in this context that Romero and some of his fellow secular priests, all of whom were bilingual, had taken their case to the *Audiencia*, arguing that the mendicants were not fit to run such parishes because of their neglect of Indigenous languages – a fact made all the more scandalous by their supposed early history – and that in any case

<sup>1</sup> Alonso Romero de Aguilar to the *Audiencia* of Santafé, 10 July 1582, AGI SF 234, n. 47, 24r.

<sup>2</sup> The precise details of this controversy, which concerned the use of Indigenous languages in catechisation, are scrutinised in Chapter 5.

they were no longer needed now that there was a functioning diocesan hierarchy and plenty of secular priests to go round.<sup>3</sup>

Conflicts of this kind between the secular and regular church will be familiar to many scholars of colonial Spanish America and the Philippines. When the Spanish crown needed to deploy clerical manpower overseas, only the mendicant orders could provide it: they had sufficient numbers, indeed far outnumbering their secular counterparts in Iberia in the sixteenth century; a long tradition of missionary activity in Europe and the further reaches of the world known to Europeans; and, above all, they were the only people in the church with the institutional organisation and experience required. These were circumstances and qualities that the secular clergy lacked.<sup>4</sup> The regulars, in turn, generally did not have many of the powers necessary to minister to the laity, a task from which they had traditionally been excluded, so a number of these were granted to them by the papacy to make their participation in this missionary enterprise possible.<sup>5</sup> Rooted in earlier concessions designed to facilitate the conduct of missions outside of Europe during the middle ages, these grants empowered the regulars not just to run parishes and administer the sacraments to the laity in the absence of secular priests but even, as a collective, to perform functions usually reserved to bishops.<sup>6</sup> As a result, in many regions, the evangelisation of Indigenous people was initially in

<sup>3</sup> The suit also concerned the more immediate issue of the payment of the salary of the holder of the chair of Muisca language, Gonzalo Bermúdez, which had been withheld by the *Audiencia* at the request of the regular authorities as part of this broader conflict. This is also discussed in greater detail in Chapter 5.

<sup>4</sup> The Spanish crown funded the passage to Spanish America of over 15,000 regulars between 1493 and 1822, to destinations from California to Patagonia. Of these, around 1,150 were dispatched to destinations in New Granada. Detailed records survive of these subsidies, which have been analysed in detail in Pedro Borges Morán, *El envío de misioneros a América durante la época española* (Salamanca: Universidad Pontificia, 1977), 477–540.

<sup>5</sup> For a discussion of these privileges, see Antonio García García, ‘Los privilegios de los franciscanos en América’. *Archivo Ibero-Americano* 48, no. 48 (1988): 369–390; and Jorge E. Traslosheros, ‘Audiencia Episcopal (Episcopal Court)’. *Max Planck Institute for Legal History and Legal Theory Research Paper Series* 2021 no. 12 (2021), 13–15.

<sup>6</sup> In 1521, for example, they had been authorised to administer even confirmation and ordination (up to minor orders), to consecrate chapels, altars, chalices, and other objects; appoint ministers for churches and other benefices; grant indulgences; and other powers usually reserved to ‘bishops in their dioceses’. See *Alias felicitis recordationis*, 25 June 1521, in Metzler, *América Pontificia*, vol. 1, 161–162. Subsequent grants extended these privileges. On earlier, medieval, concessions, see James Muldoon, *Popes, Lawyers and Infidels: The Church and the Non-Christian World, 1250–1550* (Philadelphia: Penn State University Press, 1979).

their hands and so, when the secular church finally arrived years later – the story goes – it had the difficult task of carving a place for itself on an already crowded table, which often resulted in administrative and jurisdictional conflict.<sup>7</sup>

These are the broad coordinates within which the early institutional history of Christianisation in New Granada has usually been laid out, from early descriptions such as Romero's, through the writings of successive chroniclers, to the work of generations of historians. First, a haphazard, mendicant evangelisation from the late 1530s, followed by a painful but effective transition to a second stage characterised by the growing leadership of the secular church, which sought, with royal support, to centralise and homogenise the missionary enterprise – variously collaborating or clashing with the civil authorities on the ground.<sup>8</sup> The trouble, as is so often the case with the New Kingdom of Granada, is that much of what we think that we know about this early history is, like Romero's sketch of the early mendicants of Santafé, mostly misconception, wishful thinking, or illusion. In reality, there was no golden age of mendicant evangelisation in New Granada: when the first bishop, Juan de los Barrios, arrived in Santafé in 1553 there were but two Franciscans in the entire highlands and one of them was in jail, the lone Augustinian had

<sup>7</sup> In Mexico, the religious orders enjoyed a period of relative autonomy in which to experiment with a variety of missionary models, without the guidance or pressure of a centralised ecclesiastical hierarchy – until one began to take shape in the 1530s and to seek to curtail their independence. In Peru, invasion and conquest came later, and were followed by a period of instability and civil war, during which evangelisation was also largely in the hands of regulars, with the secular church lagging behind. In both contexts, the tide began to turn in the 1550s, with the promulgation of the first comprehensive legislation of the secular church at the first provincial councils of Mexico and Lima, which notably sought to circumscribe the role of the regulars. The trend then accelerated with the conclusion of the Council of Trent in 1563 and royal legislation to strengthen episcopal control over evangelisation from 1574. For an introduction to this broad chronology, see John Frederick Schwaller, ed., *The Church in Colonial Latin America* (Lanham, MD: Rowman & Littlefield Publishers, 2000), especially xvii–xviii. On the Peruvian context, see Estenssoro Fuchs, 'Simio de Dios', 459–461 and *Paganismo*, 31–34 and 47–53. On Mexico, Ryan Dominic Crewe, *The Mexican Mission: Indigenous Reconstruction and Mendicant Enterprise in New Spain, 1521–1600* (Cambridge Latin American Studies. Cambridge: Cambridge University Press, 2019), especially ch. 6.

<sup>8</sup> For this perspective, see, for example, Groot, *Historia eclesiástica y civil*; Mario Germán Romero, *Fray Juan de los Barrios y la evangelización del Nuevo Reino de Granada* (Bogotá: Academia Colombiana de Historia, 1960); Juan Manuel Pacheco, *La evangelización del Nuevo Reino, siglo XVI. Historia extensa de Colombia. Vol. 13, part 1* (Bogotá: Academia Colombiana de Historia, 1971); and Luis Carlos Mantilla, *Los franciscanos en Colombia (1550–1600)* (Bogotá: Editorial Kelly, 1984).

gone in search of El Dorado, and the Dominicans were in crisis. Almost no one had learned Indigenous languages. And few Indigenous people had ever had contact with Christianity – let alone embraced the new religion in droves. Nor was the arrival of the secular church and its civil counterpart, the *Audiencia* of Santafé, a straightforward watershed. The introduction of these institutions of royal government was in fact haphazard, chaotic, and ineffective, and both would struggle for decades to make their claims and designs material.

This chapter explores the early history of colonial rule in the New Kingdom of Granada, and of the friars, secular priests, bishops, and royal officials tasked with introducing Christianity to Indigenous people in the middle decades of the sixteenth century. If understanding the workings of the social and political organisation of Muisca groups, and especially their religious practices, required unpicking a series of entrenched stereotypes and powerful assumptions, making sense of this history requires a comparable effort. Once again, it is not just the colonial chronicles, so favoured by earlier generations of historians, that are misleading – in this case, conventual histories that gloss over the complexity of this early period or understand it as the gradual unfolding of a fully formed missionary church and colonial administration.<sup>9</sup> In fact, early descriptions of missionary activity in petitions and letters are, like the accounts of the invasion analysed before, rife with exaggeration and misconception, designed more to elicit support and reward than to record or document. These and later sources also tend to take the efficacy of the power of the kingdom's civil and ecclesiastical authorities for granted, when in reality their ability to effect change remained fleeting, contingent, and inconstant.

To understand the limitations of early Spanish colonial governance in New Granada, this chapter reflects on the particularities of three of its

<sup>9</sup> This is the case in the very first Franciscan chronicle, produced in the 1580s by the then head of the order in Santafé, fray Esteban de Asensio, *Memorial de la fundación de la provincia de Santa Fe del Nuevo Reino de Granada del orden de San Francisco 1550–1585* (Madrid: Librería General de Victoriano Suárez, 1921). The first conventual chronicles and histories of the Dominicans in Santafé, which appeared in print as part of a larger work in 1619, also largely skipped the period between their formal establishment in 1551 and the activities of some of their more notable members after 1565. See Antonio de Remesal, *Historia de la provincia de S. Vicente de Chyapa y Guatemala de la orden de nuestro glorioso padre sancto Domingo*, (Madrid: F. de Angulo, 1619) book 9, 549–556. It would take until the 1690s for a Dominican chronicle specifically focused on the New Kingdom to appear, in the form of Alonso de Zamora, *Historia de la provincia de San Antonino del Nuevo Reino de Granada*. Edited by Caracciolo Parra and Andrés Mesanza (Bogotá: Editorial ABC, 1945).

principal areas of action. First, it re-examines the establishment and consolidation of Santafé as an administrative centre in civil and ecclesiastical affairs by exploring the participatory and contingent nature of the royal administration and judiciary, at both an imperial and a local level, and its reliance on petitioners, supplicants, and rescript. Then it reassesses the role of legislation in shaping the development of the kingdom and the incorporation of Indigenous peoples into colonial rule, by exploring the legislative projects and designs of Bishop Barrios and his civil counterparts. Finally, it tests the efficacy and real impact of these institutions and their claims on the lives of the over 280,000 Indigenous inhabitants of the provinces of Santafé and Tunja through a careful re-reading of the records of early visitations, showing that for decades royal control remained an illusion, and in practice power remained far from the hands of the kingdom's civil and ecclesiastical authorities.

'PAPER AND GOOD WORDS'

That the early history of Christianisation in the New Kingdom was so easily reimagined in the 1580s is in part a reflection of the comparative lack of sources produced in the region before the arrival of the two principal institutions of royal government in the middle of the century: the *Audiencia* – or royal court and chancery – of Santafé de Bogotá; and the bishop and his curia, its counterpart in ecclesiastical affairs.<sup>10</sup> The two served as judicial authorities in their respective spheres of action, hearing cases, conducting enquiries, and resolving conflicts.<sup>11</sup> They received petitions and complaints and took action to address them, either by themselves or by issuing writs and instructions empowering others to do so on their behalf. Both also issued legislation, according to the extent of their jurisdictions and in different capacities. They exercised – at least on paper – executive authority in their share of government, to a greater or

<sup>10</sup> On the development and characteristics of Spanish colonial *audiencias*, see Carlos Antonio Garriga Acosta, 'Las audiencias: Justicia y gobierno de las Indias'. In *El gobierno de un mundo: Virreinos y audiencias en la América Hispánica*. Edited by Feliciano Barrios (Cuenca: Ediciones de la Universidad de Castilla-La Mancha, 2004), 711–794.

<sup>11</sup> In the case of the bishops, on cases pertaining to spiritual affairs broadly understood, from matters of canon law and doctrine, to issues concerning the clergy and certain issues pertaining to the behaviour and customs of the laity. For an excellent recent introduction to the organisation and functioning of episcopal courts (*audiencias episcopales*) in Spanish America, see Traslosheros, 'Audiencia Episcopal'. Unfortunately, the archive of the episcopal court of the Archdiocese of Santafé has never been available to researchers, and may well have been lost.

lesser extent in representation of the distant monarch. And they too, in turn, acted as informants, petitioners, supplicants, and generally prolific correspondents with their superiors on the other side of the Atlantic. As a result, the bulk of the colonial archive, whether now held in Colombia, Spain, Rome, or elsewhere, was generally produced by, mediated through, or at the very least involved, one of these two institutions. But Santafé had not always been an administrative centre, and the story of how it became one, although more difficult to reconstruct, deserves attention.

Since its foundation in 1538, Santafé and the other highland cities established in the wake of the European invasion had fallen under the jurisdiction of the Caribbean city and province of Santa Marta in both civil and ecclesiastical affairs. The first expedition to reach the highlands, under Gonzalo Jiménez de Quesada, had set off at the initiative and under the authority of Santa Marta's governor, Pedro Fernández de Lugo, and so the newly settled regions fell under its jurisdiction – despite Jiménez's ultimately unsuccessful efforts to claim an independent title to the new discoveries. Santafé's early development, then, was as an offshoot. After Lugo's death in 1536, the government of Santa Marta had fallen to interim governor Jerónimo Lebrón, who was in Santa Marta when Jiménez and some of his men, including San Martín and Lebrija, passed through in June 1539 on their way back to Castile to petition the king to recognise their claims and settle their conflicts. Lebrón promptly set about organising his own expedition to the interior, which arrived in the highlands in the summer of 1540s, not least to sell the newly rich settlers a full complement of European imports.<sup>12</sup> His successor, Fernández de Lugo's son and heir Alonso, would do the same shortly after, once he was confirmed in his late father's titles.

In ecclesiastical matters, the highland interior also fell under the jurisdiction of the diocese of Santa Marta, the first in the region of modern-day Colombia, which had been established in 1534. Its bishop, Juan Fernández de Angulo, thus sent *maestrescuela* Pedro García Matamoros with Lebrón's expedition, to minister to Spaniards in the new highland cities as his representative.<sup>13</sup> As Santafé began to expand and develop as an economic centre, the balance between the Caribbean lowlands and the

<sup>12</sup> His ostensible aim, to have the settlers of Santafé recognise him as their governor, was less successful. José Ignacio Avellaneda Navas, *The Conquerors of the New Kingdom of Granada* (Albuquerque: University of New Mexico Press, 1995), 40–44.

<sup>13</sup> Alberto Lee López, 'Clero indígena en el Arzobispado de Santafé en el siglo XVI'. *Boletín de Historia y Antigüedades* 50, nos 579–581 (1963): 9.

Andean highlands began to shift in its favour, and this was reflected in the growing interest of successive ecclesiastical authorities to relocate to Santafé. In the mid 1540s, Fernández de Angulo's successor, Martín de Calatayud, passed through the city on his way to being consecrated in Lima, and began to petition the king to ask the pope to move the seat of his diocese there permanently.<sup>14</sup> The change would take another eight years to take effect, but this was how Calatayud's successor, Juan de los Barrios, found himself arriving in the city in April 1553 as bishop of Santa Marta and New Kingdom of Granada, as the diocese was now known.<sup>15</sup> That the Spanish crown was so closely involved in this is a reflection of the special privileges that the Spanish monarchy had come to enjoy over the church in the previous decades: the succession of papal concessions known collectively as *patronato*, or royal patronage, which granted the crown wide powers over ecclesiastical affairs and, in certain key respects, made the secular church answerable to the monarch.<sup>16</sup>

Barrios and his secular church were one part of a larger effort to transform the highlands from Caribbean hinterland into northern South America's colonial core.<sup>17</sup> The other was the establishment of the *Audiencia* to serve as the kingdom's chief executive authority and highest court of appeal.<sup>18</sup> The bishop and the *Audiencia* were to work to overhaul their respective spheres of action but also to collaborate in the pursuit of even their most central objectives. The *Audiencia* was to help the bishop construct an effective missionary project, exercising a number of the powers of royal *patronato*. The bishop, for his part, was to help the *Audiencia* implement recent empire-wide legislation on the treatment of Indigenous people and the reform of the *encomienda*, the famous New

<sup>14</sup> His petition was referenced in the king's reply, the royal rescript or *cédula* of 5 February 1549, AGI SF 533, lib. 1, 131–13v.

<sup>15</sup> See also Pacheco, *La evangelización*, 168; Luis Carlos Mantilla, *Historia de la arquidiócesis de Bogotá: Su itinerario evangelizador, 1564–1993* (Bogotá: Arquidiócesis de Bogotá, 1994), 8.

<sup>16</sup> For an outline of these papal concessions, see Juan Fernando Cobo Betancourt, *Mestizos heraldos de Dios: La ordenación de sacerdotes descendientes de españoles e indígenas en el Nuevo Reino de Granada y la racialización de la diferencia, 1573–1590* (Bogotá: Instituto Colombiano de Antropología e Historia, 2012), 32–35.

<sup>17</sup> These imperial designs, and their implementation, are the subject of Muñoz Arbeláez, 'The New Kingdom'.

<sup>18</sup> The precise date of the creation of the *Audiencia* of Santafé is unclear and remains the subject of debate, and could, on paper, have been as early as May 1547, when its first *oidores* were appointed. For an overview, see Mayorga García, *La Audiencia*, 453 n. 8.

Laws of 1542–1543. And each was to keep an eye on the other and alert the king if they went astray.<sup>19</sup>

This new *Audiencia* was given power and jurisdiction not just over the highland interior but also over the older Caribbean districts, *gobernaciones*, of Santa Marta and Cartagena – a change that was matched in ecclesiastical affairs in 1564, when the diocese of Santafé was elevated to the rank of archdiocese and made the metropolitan of the older dioceses of Cartagena and Popayán. Santafé's transformation into an ecclesiastical capital was completed in 1577, when the old region of Santa Marta was spun off as an independent diocese once more, but now under Santafé's jurisdiction.<sup>20</sup> This territorial refocusing from the Caribbean to the Andes was also reflected in the expansion of the term 'New Kingdom of Granada', initially used to describe only the highland interior, but which came to be applied to the entire region of northern South America under the rule of the *Audiencia* of Santafé, including the older Caribbean districts. In theory and in legislation, then, this New Kingdom developed very rapidly indeed. In practice it would take a great deal more than ink and paper.

It is tempting to understand these developments as the implementation of a design by the Spanish crown: first to impose its authority and power over the region's inhabitants through the creation of institutions of civil and ecclesiastical government, and then to use these institutions to implement royal policy. Intuitive as this may seem to modern eyes, this perspective in fact obscures the complex and participatory nature of the workings of early modern government and legislation – and its most fundamental limitations. Although in theory and in law colonial governance was a top-down affair, involving the delegation of power and jurisdiction from the monarch through successive rungs of the administrative hierarchy, in practice, the relationship between the crown and its subjects in most spheres of activity was in many ways the opposite, as it was local actors and officials who brought the monarchy's authority to bear on the issues that affected them through petitions (*peticiones*) and reports (*memoriales*).<sup>21</sup> In them, petitioners and supplicants provided the distant monarch, or his more

<sup>19</sup> As was made clear to Barrios on his appointment. See his letter from Prince Philip, 10 November 1551, AGI SF 533, lib. 1, 176v.

<sup>20</sup> The historiographical consequences of this change are discussed in Chapter 3.

<sup>21</sup> For an excellent survey of colonial Spanish American diplomatic, see José Joaquín Real Díaz, *Estudio diplomático del documento indiano* (Seville: Escuela de Estudios Hispanoamericanos, 1970), which discusses petitions and their handling in the royal chancery at 58–72.



immediate representatives, with a vision of local affairs and usually suggested a course of action to resolve the issue at hand.<sup>22</sup>

Such petitions could be requests to the monarch for a favour, a *merced*, in response to a particular need, great or small: from asking the pope to move the seat of the diocese of Santa Marta to Santafé, to rewarding a young bilingual priest for his merits and service. Or they could be requests for the monarch or his representatives to rule in the resolution of a conflict or a suit. Petitions could be answered straight away, or they could prompt an inquiry, a *consulta*, requiring the input of other administrators and counsellors, whether at court or elsewhere in the monarchy, before issuing a decision or ruling.<sup>23</sup> Responses to petitions and requests then took the form of royal letters of decree – *reales provisiones*, *cédulas*, or other *despachos* – which constitute much of Spanish colonial law.<sup>24</sup> These responses then empowered a given petitioner or official to take action in a specific way, but also generally left them the initiative and responsibility for doing so. Not only was this administration by response, but also, because these decrees tended to reproduce the content of the original petitions, it was also administration by *rescript*. The language of supplicants became the language of the king, and in the process, their appeals and petitions served to make – however fleetingly – the monarch's authority and power a reality on the ground.<sup>25</sup>

This is clear in the emergence of Santafé as a colonial centre. Within a year of the city's foundation in 1538, confident that 'this city will be the most important in the whole province', the settlers who made up Santafé's

<sup>22</sup> Although the usefulness and purpose of this early modern information-gathering should not itself be taken for granted. See Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham, NC: Duke University Press, 2010), 12; and Arndt Brendecke, 'Informing the Council: Central Institutions and Local Knowledge in the Spanish Empire'. In *Empowering Interactions: Political Cultures and the Emergence of the State in Europe 1300–1900*. Edited by Wim Blockmans, André Holenstein, and Jon Mathieu (Farnham: Routledge, 2017), 236–237.

<sup>23</sup> On the functioning of these *consultas*, see the introduction to Antonia Heredia Herrera, ed., *Catálogo de las consultas del Consejo de Indias (1529–1591)* (Madrid: Dirección General de Archivos y Bibliotecas, 1972).

<sup>24</sup> On the taxonomy of the documents (*despachos*) issued by the royal chancery, from the most solemn (*provisiones*) to the least (*cédulas*), see Real Díaz, *Estudio diplomático*, 147–187.

<sup>25</sup> For an overview of rescript government in Spanish America, and its role in the development and spread of categories and ideas of race and difference concerning *mestizos*, see Cobo Betancourt, *Mestizos heraldos de Dios*, especially ch. 1. More recently, Adrian Masters explored similar trends in 'A Thousand Invisible Architects: Vassals, the Petition and Response System, and the Creation of Spanish Imperial Caste Legislation'. *Hispanic American Historical Review* 98, no. 3 (2018): 377–406.

brand new *cabildo*, or municipal council, began to petition the crown to make their city the administrative capital of the region, whether by relocating the provincial administration from Santa Marta or by creating an independent administration in Santafé. It was they who petitioned the king from as early as 1539 ‘to call, and command others to call, this city and kingdom “the New Kingdom of Granada”’, to establish a mint and other government offices, and to foster its church. The king, they requested, should provide priests for Santafé and neighbouring cities, build churches and endow them with ‘ornaments and other sundries’, and also send friars and other ‘expert men’ to engage in the conversion of Indigenous people to Christianity.<sup>26</sup> Along the way, the settlers of Santafé also petitioned for favourable rates of taxation on the importation of cattle and other necessities, the extraction of gold and precious stones, Indigenous tribute, and other concerns. In the best style of rescript government, these petitions soon gave rise to a whole string of royal legislation, echoing their petitions, and variously granting, tempering, or rejecting their requests.

Rescript government was by no means unique to the early modern Spanish administration but was a recurring feature of many premodern governments. In the European context, it has received perhaps the most attention as a key contributor to the expansion and consolidation of papal authority from the twelfth century and the production of canon law.<sup>27</sup> There, too, a chancery received an ever-growing flood of petitions and appeals requesting a ruling or response. These were issued by papal officials, often echoing the wording of the request, and ideally, if not always, ensuring that the response was in accordance with the law and earlier responses.<sup>28</sup> In the process, the act of petitioning itself contributed to make the papacy’s broad claims of jurisdiction a reality, at least for those concerned.<sup>29</sup> As Colin Morris noted, rescript government was

<sup>26</sup> This in a 1539 petition to the king from the *cabildo* of Santafé (AGI SF 60, n. 1, 2r).

<sup>27</sup> For a recent outline of this historiography, see Thomas William Smith, *Curia and Crusade: Pope Honorius III and the Recovery of the Holy Land: 1216–1227* (Turnhout: Brepols Publishers, 2017), 21–24. I remain indebted to Patrick Zutshi for this insight on the parallels between the chanceries of the twelfth- and thirteenth-century papacy and of early modern Spanish royal courts.

<sup>28</sup> On this problem, see Arndt Brendecke, *Imperio e información: funciones del saber en el dominio colonial español*. 2nd edition (Madrid: Iberoamericana, 2016), 110–112.

<sup>29</sup> Patrick Zutshi, ‘Petitioners, Popes, Proctors: The Development of Curial Institutions, c. 1150–1250’. In *Pensiero e sperimentazioni istituzionali nella Societas Christiana, 1046–1250: Atti della sedicesima Settimana internazionale di studio, Mendola, 26–31 agosto 2004*. Edited by Giancarlo Andenna (Milan: Editrice Vita e Pensiero, 2007), 287.

particularly well suited to contexts in which governments lacked the means to enforce their authority evenly – especially over vast geographies – but could offer ‘a jurisdiction to which parties could turn’.<sup>30</sup> Conversely, it was a system that was ill suited to proactive or consistent policymaking – especially policy that ran counter to the interests of the supplicants and petitioners on whom the system depended. Contrary to the top-down, universal claims of the papacy, in practice the formulation, content, and direction of papal decisions and their subsequent implementation, scholars have shown, is better understood from the opposite direction, as the result of the influence and participation of countless petitioners and supplicants.<sup>31</sup>

There is significant distance from the medieval papal Curia to the early modern Spanish court, but not much in this regard. What the monarchy offered its subjects in distant geographies and contexts was a jurisdiction that they could invoke in the pursuit of their own affairs. On its own, this was little more than ‘paper and good words’ – to paraphrase Gonzalo Fernández de Oviedo on the contribution of the king to conquest – but still words that local actors could enact into reality.<sup>32</sup> In the process they also helped to establish precedents and patterns that shaped and moulded – or more accurately, *translated* – the law to better respond to the conditions of their diverse developing contexts and circumstances. In this way, rescript administration was also a key component behind perhaps the most distinctive characteristic of colonial Spanish American law, what legal historians since at least Víctor Tau Anzoátegui have described as its emphasis on casuistry rather than on systematic principles – that is, the fact that the law was predominantly rooted in the particularities of each individual case, rather than on abstract norms or legal doctrines.<sup>33</sup> With the exception of a handful of specific areas, which

<sup>30</sup> As a result, for Colin Morris, ‘at the heart of what may seem a very active administration the pope or king was passive, responding to applications without, in many cases, any real capacity to assess the situation’. See *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford: Clarendon Press, 1989), 211–213.

<sup>31</sup> Even, as Thomas Smith recently argued, in areas such as the organisation of the crusades, which were well beyond ‘quotidian ecclesiastical business’. See *Curia and Crusade*, 24.

<sup>32</sup> Gonzalo Fernández de Oviedo y Valdés, *Historia general y natural de las Indias, islas y tierra-firme del mar Océano* (Madrid: Real Academia de la Historia, 1851), book 35, ch. 4 (=vol. 3, 597). The phrase was analysed by Alfonso García Gallo in ‘La ley como fuente del derecho en Indias en el siglo XVI’. *Anuario de historia del derecho español* 21–22 (1951), 608.

<sup>33</sup> Víctor Tau Anzoátegui, *Casuismo y sistema: Indagación histórica sobre el espíritu del derecho indiano* (Buenos Aires: Instituto de Investigaciones de Historia del Derecho, 1992). For a recent discussion of Tau’s contributions to early Ibero-American legal history, and his distinction between casuistry and system, see Thomas Duve and Heikki

will be discussed in a moment, it is difficult, therefore, to write of proactive policymaking on the part of the monarchy, or of the development of systematic principles beyond identifying patterns in the response to multiple petitions over time. This was a challenge with which the successive jurists, academics, and administrators who sought to compile and codify royal legislation struggled time and time again, as Tau and others showed, because overcoming casuistry and arriving at a fixed and uniform legal system in fact involved trying to read coherence and structure into the law retroactively.<sup>34</sup>

The other driver of rescript government was the resolution of conflicts, which was also key for the development of public law and imperial institutions. The establishment of the *Audiencia* of Santafé is a case in point. In the years after their first petitions to the monarch, the settlers of Santafé and nearby Tunja had begun to struggle with the expense and inconvenience of taking their suits and cases to authorities in the Caribbean, let alone across the Atlantic. A key issue was the growing number of disputes among the settlers over the spoils of the invasion. The city's founder, Gonzalo Jiménez de Quesada, had made the first distribution of *encomiendas*, grants of Indigenous tribute, and in the process had favoured his own followers over those of Nikolaus Federmann and Sebastián de Belalcázar, the leaders of the two expeditions that had arrived in the highlands shortly after his own.<sup>35</sup> This gave rise to conflicts over uneven access to tribute and resources, while even those who had received *encomiendas* from Jiménez felt insecure in their titles and sought royal guarantees of their permanence, fearing that subsequent governors might take them away in favour of their

Pihlajamäki, eds, *New Horizons in Spanish Colonial Law. Contributions to Transnational Early Modern Legal History* (Frankfurt: Max Planck Institute for European Legal History, 2016), and especially the chapter by Brian Philip Owensby, 'The Theater of Conscience in the "Living Law" of the Indies', 125–149.

<sup>34</sup> See Tau Anzoátegui, *Casuismo y sistema*, 152. Tau also discusses the earliest of these efforts, by Juan de Ovando from 1569 (at 393–394). An excellent survey of this and subsequent efforts of compilation and codification of Spanish American law remains Juan Manzano Manzano's two-volume *Historia de las recopilaciones de Indias: siglo XVI* (Madrid: Ediciones Cultura Hispánica, 1950).

<sup>35</sup> According to María Ángeles Eugenio Martínez, Jiménez granted *encomiendas* to 105 of the 289 Spaniards who arrived in the three initial expeditions, of whom 72 were his followers. See *Tributo y trabajo del indio en Nueva Granada (de Jiménez de Quesada a Sande)* (Seville: CSIC, 1977), 13.

own clients.<sup>36</sup> This was, predictably, precisely what Alonso Luis de Lugo proceeded to do after he displaced Jiménez as *adelantado* and governor of the region in the early 1540s, when the crown ruled that Santafé should belong to the governorship of Santa Marta that Lugo had inherited from his father Pedro.<sup>37</sup>

Matters were further complicated by the crown's promulgation of the famous New Laws in 1542–1543 that, among other matters, sought to reform and curtail the institution of the *encomienda*.<sup>38</sup> Their implementation was the principal task entrusted to Miguel Díez de Armendáriz, a royal official first sent to the region in March 1543 to conduct a general visitation in response to the petitions and complaints of the settlers, and who would later displace Lugo as the first royal governor of the New Kingdom.<sup>39</sup> His promulgation of the New Laws in Santafé in early January 1547 poured fuel on the fire of settler discontent, especially as he started to investigate and reverse some of his predecessors' grants of *encomiendas* and to make his own.<sup>40</sup> Appeals to the crown to intervene in resolving their various conflicts, and indeed to suspend the application of hated aspects of the New Laws, were slow and frustrating, but the kingdom's settlers had their eyes on another solution, even if the price was steep.<sup>41</sup>

The New Laws had redrawn the political geography of much of Spanish America, disbanding the *Audiencia* of Panama and creating new *audiencias* in Lima and Guatemala. This reorganisation bypassed northern South America, which remained under the jurisdiction of the *Audiencia* of Santo Domingo, although the settlers soon set to work to

<sup>36</sup> For example, in the petition of the *cabildo* of Santafé, 1539, AGI SF 60, n. 1, 2r.

<sup>37</sup> After years of failed litigation by Jiménez to hold on to these positions, the crown eventually ruled that the new discovery fell under the terms of a 1535 *capitulación* it had signed with the governor of Santa Marta, Pedro Fernández de Lugo. Lugo had died in 1536, so these titles and powers were awarded to his son and heir Alonso, who proceeded to take his own expedition of settlers from Spain in 1542–1543. For an English-language outline of this history, complete with translations of key documents, see Francis, *Invading Colombia*.

<sup>38</sup> An excellent overview of those aspects pertaining to the *encomienda* remains Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Boston; Toronto: Little, Brown and Company, 1949), 91–105.

<sup>39</sup> See the inventory of the various items of legislation that either empowered Díez to act on a matter, or that he was required to implement, dated 22 March 1543, which included not just a decree empowering him to do so, but also six freshly printed copies of the legislation, AGI Patronato 195, r. 10, 29v.

<sup>40</sup> See Eugenio Martínez, *Tributo y trabajo*, 3, 33–40.

<sup>41</sup> If not entirely ineffective, as the settlers had managed to obtain a two-year suspension of the New Laws until 1549. See *Ibid.*, 22–33, 131–133.

change this. A few of these petitions survive, such as an extensive report of 3 February 1547 by procurators for Santafé, Tunja, and other highland cities on the various ills that afflicted their constituents – chief among them the *encomienda* clauses of the New Laws and actions of governor Armendáriz – in which they argued that they should be given an *Audiencia* of their own to better resolve their suits and grievances. Getting petitions to Santo Domingo was ‘hard work and a great expense’, while Santafé was an ideal site for an *Audiencia*, being at the centre of several provinces and boasting the best climate and the most abundant supplies of food. With this, they added, ‘we will not be aggrieved and bothered by governors, as we have until now’.<sup>42</sup> In the same vein, two weeks later, the *cabildo* of Santafé wrote to the king directly, reiterating the arguments they had been making for almost a decade – that their city should be an administrative centre as ‘land so healthful and abundant’ – but now explicitly arguing for the need to establish an *Audiencia* there, and as soon as possible.<sup>43</sup>

It could hardly have been a surprise to the settlers, after their requests were granted, that the *oidores* that began to be appointed to set up the new *Audiencia* of Santafé later that year were given express instructions to implement the dreaded New Laws on arrival, as they duly did on the inauguration of the *Audiencia* in April 1550, but at least now they could appeal and negotiate with the king’s representatives more directly and also take advantage of the new institution to pursue their claims and resolve their conflicts.<sup>44</sup> Notably, the *Audiencia* also arrived with instructions to implement a series of reforms concerning everything from tribute collection schedules to different aspects of the extraction and taxation of emeralds – all in answer to requests from the settlers and their representatives, such as a twenty-nine-point petition by Jiménez himself, which alone resulted in no less than twelve rescripts instructing the *Audiencia* to take action on specific issues.<sup>45</sup> In other words, the coming of the *Audiencia* was at least as much the policy of the settlers of Santafé as it

<sup>42</sup> Petition of the procurators of Santafé, Tunja, Vélez, and los Panches, 3 February 1547, AGI Patronato 195, ramo 1, 181r.

<sup>43</sup> Letter of the *cabildo* of Santafé to the king, 15 February 1547, AGI SF 60, n. 4, 1v.

<sup>44</sup> Admittedly, the fact that in 1545 the king had revoked the most controversial clause, forbidding the granting of new *encomiendas* and ordering that they all revert to the monarch on the death of their holders, had taken some of the sting out. Hanke, *The Spanish Struggle for Justice*, 101.

<sup>45</sup> The petition, on these issues and more, can be found in AGI Patronato 196, r. 30, and its rescripts in AGI SF 533, 62v–73v.

was of the king, for it was they who had been working to persuade the monarchy to turn Santafé into a colonial administrative centre, invited the *Audiencia* into their city, provided it with much of its agenda, and invoked and enacted the king's claims of jurisdiction in pursuit of their own interests and for the resolution of their grievances and conflicts – even if it meant submitting, at least in theory, to life under a tighter leash.

It is all too easy to take the effectiveness of the jurisdiction and power of the Spanish crown for granted, precisely because the sources this system produced, of petitions and rescripts, are predicated on accepting its claims and, as we have seen, served to enact them in specific contexts. But, in practice, the administration was greatly dependent on the continued participation of its supplicants and informants, and not just at the level of the court of the king. The receipt of appeals and petitions was also the principal mode of operation for the Spanish imperial administration at a local level. *Audiencias* in Spanish America and the Philippines were not just courts of law where cases were heard, but just as fundamentally chanceries, *chancillerías*, that received and answered appeals and petitions as correspondence.<sup>46</sup> Supplicants, like Romero de Aguilar, addressed their requests to the *Audiencia* of Santafé as if to the king ('Most powerful Lord', in the singular) and it in turn issued rescripts, *reales provisiones*, in response, written in the king's stead ('Don Carlos, by the divine clemency Emperor', etc.) and with his seal.<sup>47</sup> This is how most of the cases discussed in Chapter 1, concerning ritual practices, came to the attention of the authorities – with the notable exception of cases encountered in the course of periodic rounds of visitation, which will be examined later.

More often, news reached the *Audiencia* in the form of a petition or as part of a dispute and, if the case merited it, it would then open an investigation, either summoning witnesses or commissioning someone to investigate and report back. If nothing was reported, however, short of stumbling upon a matter whilst doing something else, the *Audiencia* remained oblivious. And matters were further complicated by the system's reliance on the quality of petitions and appeals. If the information they provided was inadequate or inaccurate, so were the results it generated as it moved through the bureaucracy, and so too the impression left to today's scholars in the bureaucratic archive. This is made clear by the

<sup>46</sup> On this function, see Antonio Dougnac Rodríguez, *Manual de historia del derecho indiano* (Mexico City: Universidad Nacional Autónoma de México, 1994), 160.

<sup>47</sup> On these, see Real Díaz, *Estudio diplomático*, 194–198.

early history of Christianisation in the New Kingdom, which is overdue a re-examination.

‘THE BEGINNING OF THE PLANTING OF THE FAITH’

A total of twenty priests accompanied the six expeditions that constituted the European invasion of the highlands of the Northern Andes, from Jiménez de Quesada’s initial expedition of 1536 through to that of Alonso Luis de Lugo, which reached Santafé in May 1543.<sup>48</sup> Most of these priests did not stay in the highlands, returning to Castile with the leaders of the expeditions or moving elsewhere. Contrary to what the experience of other regions might lead us to expect, those who stayed were mostly secular priests, rather than friars. Evidence survives for five secular priests and two regulars remaining in Santafé and Tunja, and what limited records exist all suggest that they were largely devoted to ministering to the Spanish population of the two cities.<sup>49</sup> A little issue like a lack of sources, of course, was not going to get in the way of chroniclers and their readers from telling a good story, and by the 1690s, the Dominican Alonso de Zamora had not only transformed one of these early, fleeting figures – Domingo de las Casas OP, who had left in 1539 – into a central player in the invasion of the Muisca territories and the foundation of Santafé, but had also written at length about the ministry of a further four distinguished members of his order who had been active throughout this period converting key Indigenous leaders through the power of their preaching, but who are nowhere to be found in the historical record.<sup>50</sup>

These early arrivals aside, it was not until the middle of the century that priests began to arrive in earnest. The Franciscans were the first to do so, with a dozen friars dispatched to New Granada in 1549. Those that reached Santafé were led by one Jerónimo de San Miguel, who proved to

<sup>48</sup> Two in each of the first three expeditions, under Jiménez, Belalcázar, and Federmann, eight under Lebrón, one under Montalvo de Lugo, and three under Alonso Luis de Lugo. See Avellaneda Navas, *The Conquerors*, 134–135.

<sup>49</sup> These were the secular priests García Matamoros, Juan Esteban Verdero, Juan Gómez de Córdoba, Juan Cetino (or Patiño), and Diego de Riquelme; the Dominican Juan de Torres (or Aurre); and the Augustinian Vicente de Requejada. A further five priests settled in other cities of the interior. See *Ibid.*, 135.

<sup>50</sup> These were Pedro Durán, Juan de Montemayor, Lope de Acuña, and Antonio de la Peña, in Zamora, *Historia*, book 2, 272–314. Cf. Avellaneda Navas’s careful tallying of members of the expeditions, in *The Conquerors*, 134–135.



be an effective petitioner, promptly complaining to the king about what he claimed to have found, and requesting royal intervention.<sup>51</sup> When his petitions were received and processed in the royal chancery, in the best style of rescript government, multiple decrees were dispatched to the New Kingdom instructing the *Audiencia* and *encomenderos* to provide funding for the friars, ordering *encomenderos* not to get in their way, and authorising friars to tell Indigenous people about royal legislation that benefitted them – in each case repeating San Miguel's claims as fact and following his suggestions for their resolution.<sup>52</sup> Most strikingly, in September 1551 the king, at San Miguel's request, ordered the secular priests of Indigenous towns in the province of Santafé to stop preventing the friars from entering their towns to preach.<sup>53</sup> Except, of course, in reality, there were no such secular priests. Of the original five, one, Juan Esteban de Verdero, had died in 1542. The trail also runs cold for a second, Juan Gómez de Córdoba, who was appointed sacristan to the *cabildo* of Santafé that year. The other three were employed in ministering to the Spaniards of the cities of Santafé and Tunja.<sup>54</sup>

<sup>51</sup> To summarise San Miguel's first letter to the king, 20 August 1550, AGI SF 233, ramo 1, d. 7. On this early history of Franciscan petitions, see Juan Friede, 'Los franciscanos en el Nuevo Reino de Granada y el movimiento indigenista del siglo XVI'. *Bulletin Hispanique* 60, no. 1 (1958): 5–29.

<sup>52</sup> See the decrees ordering the *Audiencia* to find funding for friars of 4 September 1550 (AGI SF 533, lib. 1, 234v–235r); and the decrees ordering *encomenderos* to admit them in their *encomiendas* (11 August 1551, *Ibid.*, 233r), to let them share news of royal legislation (10 November 1551, *ibid.*, 175r), and to provide them with stipends (8 August 1552, *Ibid.*, 259r).

<sup>53</sup> Royal rescript on allowing the friars to preach in Indigenous towns, 4 September 1551, AGI SF 533, lib. 1, fol. 168v.

<sup>54</sup> Much of this was pieced together by Avellaneda Navas from the few documents that survive of the records of the *Cabildo* of Santafé for this early period, most of which were lost to a fire in May 1900. See José Ignacio Avellaneda Navas, 'The Conquerors of the New Kingdom of Granada' (PhD dissertation, University of Florida, 1990), 291–292, 312, 315, 326, and 329. Some are accounts sent to Spain, which document, for example, Cetino collecting his wages as parish priest of Santafé in 1552, and others are surviving fragments of *Cabildo* deliberations, recording, for example, Gómez's appointment as sacristan on 20 May 1542 (published as Guillermo Alba, 'Primicia documental del archivo de la ciudad de Bogotá'. *Boletín Cultural y Bibliográfico* 11, no. 10 (1968): 61). On Verdero's death, see José Ignacio Avellaneda Navas, *La expedición de Gonzalo Jiménez de Quesada al mar del sur y la creación del Nuevo Reino de Granada* (Bogotá: Banco de la República, 1995), 224. Matamoros was parish priest of Santafé until September 1541, when he moved to Tunja to replace Vicente de Requejada, where he remained until October 1552. See Lee López, 'Clero indígena', 11, and Ernesto Porras Collantes, 'Historia del primer templo mayor de Tunja, nombrado de Nuestra Señora de Guadalupe'. *Anuario Colombiano de Historia Social y de la Cultura* no. 31 (2004): 37. Porras also identified a further two priests, possibly in minor orders, although it is unclear

Equally, contrary to what these petitions and later sources led scholars to believe, there were also strikingly few friars. As we saw, when Barrios arrived in 1553 there were just two Franciscans left in the New Kingdom. One was Juan de Santo Filiberto, who had arrived a few months before as the new head of the order in Santafé, only to find that all his fellows had left for greener pastures – although not before, as he put it to the king, ‘having infected the land with their poor examples’. The other, San Miguel, had been prevented from escaping by the *Audiencia*, for ‘his actions were too grave’, and was instead jailed pending his removal to Spain for trial.<sup>55</sup> The Dominicans were doing almost as poorly. One, fray Juan de Torres, had arrived with Lebrón in 1540, and was still working as a priest in Santafé a few years later.<sup>56</sup> He was joined by a few more Dominicans by 1550, who established convents in Santafé that year and in Tunja in 1551.<sup>57</sup> But by 1553, at least according to Barrios, these too were struggling, their leaders ‘sick people’ and their fledging order on the brink of collapse under the strain of their poor leadership.<sup>58</sup> The Augustinians would take a little longer to arrive, only establishing their first convent in Santafé in 1575.<sup>59</sup> In the meantime, the only member of their order in the New Kingdom, Vicente de Requejada, who had arrived with Federmann in 1538 and briefly served as the founding parish priest of Tunja, had ditched the highlands altogether in 1541 to take part in a failed attempt to find El Dorado, and later a botched attempt to loot a

when they arrived in the highlands. These were Vicente de Ruesga and one unidentified ‘fray Francisco’, both employed as sacristans in Tunja from 1545 to 1552 (at 38, n. 26).

<sup>55</sup> It is unclear what these were exactly, even if later authors imagined them to have been heroic. Asensio, writing in the 1580s, skipped over the details (in *Memorial*, 14), but by the 1680s Piedrahita had recast him as a brilliant theologian whose temper occasionally got the better of him (*Historia general*, 474–475). In the 1950s, Friede speculated that his fate was the result of his ‘combative pro-indigenous position’, in ‘Los franciscanos y el movimiento’, 14, but this seems wishful thinking on the basis of little evidence. Cf. Juan de Santo Filiberto’s letter to the king of 3 February 1553 (AGI SF 188, fol. 33r).

<sup>56</sup> José Ignacio Avellaneda Navas, *La jornada de Jerónimo Lebrón al Nuevo Reino de Granada* (Bogotá: Banco de la República, 1993), 241–242.

<sup>57</sup> For a recent outline of this history, see William Elvis Plata, ‘Frailes y evangelización en el Nuevo Reino de Granada (s. XVI). Vicisitudes de un proceso conflictivo y no muy exitoso’. *Franciscanum* 58, no. 165 (2016): 263–302.

<sup>58</sup> Letter of Juan de los Barrios to the Council of the Indies, 15 April 1553, AGI Patronato 197, r. 26, 123r–126r.

<sup>59</sup> Fernando Campo del Pozo, ‘Los agustinos en la evangelización del Nuevo Reino de Granada’. In *Provincia Agustiniense de Nuestra Señora de Gracia en Colombia: Escritos varios*. Vol. 3. Edited by José Pérez Gómez OSA (Bogotá: Provincia Agustiniense de Nuestra Señora de Gracia en Colombia, 2000), 402.

lowland town that resulted in the deaths of some 400 people.<sup>60</sup> A golden age of evangelisation this was not.

Finally, a careful reading of early sources confirms that this was not an age of secular-regular conflict either, as historians have tended to assume. Far from the image of rivalry and competition between secular priests and friars conveyed in San Miguel's letters and other sources, under Barrios's watch the secular and regular church trundled together. The bishop, a former Franciscan, took an active interest in the internal affairs of the religious orders, complaining in his correspondence with the crown that that the friars of New Granada were 'dissipated and destroyed', their leaders 'ill and unsuitable', and their ranks full of 'renegade friars' that should be removed from their positions, even if it meant 'leaving churches deserted and forsaken'.<sup>61</sup> But his principal interest, throughout his term, was to reform rather than displace them. His interference in the affairs of the friars prompted a handful of complaints to the king in the late 1550s, which resulted in rescripts admonishing him to 'in no manner bother them' and to 'treat them lovingly'.<sup>62</sup> These, in turn, elicited the bishop's indignation and complaints in his own letters to the king, which have often been quoted for their ferocious language, such as when he complained of the quality of the friars by comparing them, in helpfulness, to 'corpses washed up on our shore', or, more often, to 'scum and filth that Spain discards' – but these were only paper and bitter words that have tended to be blown out of proportion by historians.<sup>63</sup>

In fact, the principal issue afflicting the church in this period was a lack of manpower. This is difficult to overstate. When in 1556 Barrios called the first synod, or ecclesiastical assembly, of his diocese the priests who gathered in Santafé were not so much the representatives of the secular clergy of the kingdom as the clergy in its entirety. It consisted of Barrios, two members of his cathedral chapter (one of whom was Pedro García

<sup>60</sup> On this episode, see J. Michael Francis, 'The Muisca Indians under Spanish Rule, 1537–1636' (PhD dissertation, University of Cambridge, 1998), 225–226. Requejada would later return to the highlands in the second half of the 1550s, settling in Tunja once again. For a recent, rather hagiographical, biography of Requejada, see Fernando Campo del Pozo, *Fray Vicente de Requejada: Biografía y mito de un agustino quijotesco* (Tunja: Academia Boyacense de Historia, 2012).

<sup>61</sup> Letter of Juan de los Barrios to the Council of the Indies, 15 April 1553, AGI Patronato 197, r. 26, 124r.

<sup>62</sup> This in a royal rescript to Barrios of 29 October 1559, AGI SF 533, lib. 2, 149r.

<sup>63</sup> The first in his letter to the king of 10 June 1561 (AGI SF 188, 337r) and again in 1564, the second, a recurring formula, in that of 15 April 1553 (AGI Patronato 197, r. 26, 125r) and in at least two subsequent letters in the 1560s. Cf. Pacheco, *La evangelización*, 179.

Matamoros), and eight further priests who ministered to the inhabitants of six Spanish cities across the interior of New Granada.<sup>64</sup> Only Santafé and Tunja had more than one priest – a fact confirmed by a string of petitions to the king from the *cabildos* of the other cities around this time asking to have two priests as well.<sup>65</sup> Barrios would do little to improve this situation: before his death in 1569 he had ordained just four more secular priests, and the secular church continued to minister principally to Spaniards.<sup>66</sup> His focus instead was on bringing more (and better) friars to the New Kingdom. For this he had brought four Franciscans with him when he arrived; dispatched the remaining Franciscan he found in Santafé, Juan de Santo Filiberto, to Spain to plead for reinforcements; and requested more friars be sent in practically every letter he sent to the king.<sup>67</sup> And not just Franciscans: at least two Dominicans participated in the synod, and a further seven would be sent to New Granada the following year.<sup>68</sup> This trickle would soon become a larger flow – one discussed in Chapter 3. But how to sustain all these priests?

#### LEGISLATION FOR THE KINGDOM

A key clause of the New Laws that travelled to the New Kingdom with Armendáriz was the requirement that royal authorities establish a *tasa*, or standard assessment of the tribute that each Indigenous community should pay its *encomendero*. This was, as is well known, a response to a multitude of petitions and complaints the crown had received, whether because the tributes *encomenderos* levied were excessive, or because *ad hoc* arrangements made keeping track of the resulting tributary obligations of *encomenderos* themselves more difficult.<sup>69</sup> For this the officials of

<sup>64</sup> ‘Constituciones sinodales hechas en esta ciudad de Santafé por el señor don fray Juan de los Barrios, primer arzobispo de este Nuevo Reino de Granada, que las acabó de promulgar a 3 de junio de 1556’. In *La legislación de la arquidiócesis de Santafé en el periodo colonial*. Edited by Juan Fernando Cobo Betancourt and Natalie Cobo (Bogotá: Instituto Colombiano de Antropología e Historia, 2018), 136.

<sup>65</sup> This is mentioned in their rescript of 29 October 1556, AGI SF 533, lib. 2, 5r.

<sup>66</sup> It is crucial to highlight that these numbers are not unproblematic, given the poor records for this period. See López, ‘Clero indígena’, 30.

<sup>67</sup> *Ibid.*, 16.

<sup>68</sup> Juan Méndez and Jerónimo de Vidas. See ‘Constituciones sinodales 1556’, 136.

<sup>69</sup> As Chapter 38 of the New Laws itself explained. In its initial formulation, it in fact sought to cut *encomenderos* out of tribute collection entirely, by requiring tribute to be collected by royal officials, who would then pay the *encomendero* their allotted share. This was particularly contentious, and entirely unrealistic in most regions, and was soon moderated. See Silvio Zavala, *La encomienda indiana*. 3rd edition. Biblioteca Porrúa 53

the four *Audiencias* of Spanish America were ordered to conduct inquiries about the economic conditions of Indigenous people in their districts and set tribute rates that they could comfortably afford. The idea, at least in the law, was that these should be ‘less than what they used to pay in the time of their *caciques* and lords before becoming our subjects, so that they may know that we wish to relieve and favour them’. The resulting rates were to be carefully recorded in their archives, copies were to be given to *encomenderos* and Indigenous leaders, and an account of everything was to be sent to the Council of the Indies.<sup>70</sup>

In the New Kingdom, which still lacked an *audiencia* in the 1540s, this task fell to the embattled Armendáriz, who was also commissioned with conducting a visitation of the cities and towns of Santa Marta and the New Kingdom, and completed neither.<sup>71</sup> This, despite the fact that the settlers of the principal cities of the New Kingdom, led by one Juan Ruiz de Orejuela, petitioned Armendáriz, and through him the king, to suspend the application of most of the New Laws, but still establish a *tasa* – at least provided the king dropped the plan to make tribute less than before the coming of Europeans (‘which we know for certain was much less than the tributes and services they currently give Spaniards’, and which were already too low for their liking). Revealingly, they also petitioned that he establish stricter penalties for people failing to pay – ideally imprisonment, because, in their words, ‘the Indians of this kingdom are so ill disposed and reticent in paying’ that they needed to be ‘forced and compelled’ to do so, something with which many *encomenderos* clearly already needed help.<sup>72</sup>

At the end of the decade the tasks of setting a *tasa* and a carrying out a visitation were inherited by the three founding *oidores* of the *Audiencia* of Santafé, who would themselves be in no rush to complete them, despite

(Mexico City: Editorial Porrúa, 1992), 82, 102–105. The idea would finally be realised in the form of *corregidores* later in the century, as examined in Chapter 4.

<sup>70</sup> *Leyes y ordenanças nueuame[n]te hechas por Su Magestad, p[ar]a la gobernacion de las Indias y buen tratamiento y conseruacion de los indios: Que se han de guardar en el consejo y audie[n]cias reales q[ue] en ellas residen: Y por todos los otros gouernadores, juezes y personas particulares dellas* (Fueron impressas ... en la villa de Alcalá de Henares: En casa de Joan de Brocar, 1543), 11v–12r.

<sup>71</sup> Armendáriz’s commission was among the items given to him on his appointment, 22 March 1543, AGI Patronato 195 r 10, 29v.

<sup>72</sup> Petitions of procurators of the New Kingdom to the king, 3 February 1547, AGI Patronato 195, r. 15, 187r, 186v.

repeated admonitions from the king.<sup>73</sup> Of the three, two – Francisco Briceño and Beltrán de Góngora – were immediately seconded to the Caribbean and Popayán, respectively, leaving only Juan de Galarza, who did little. A fourth *oidor*, Juan de Montaña, was dispatched in 1552, and tasked with conducting a *residencia*, or inquiry into how Góngora and Galarza conducted themselves in office, which resulted in both being suspended, arrested, and sent back to Spain to answer charges – only to drown when their ship sank on the way.<sup>74</sup> Montaña would fare no better, developing an intense rivalry with Briceño, and later becoming the first of only two *oidores* ever sentenced to death for their conduct in office in the history of Spanish America. We will meet the other, Luis Cortés de Mesa, also *oidor* in Santafé, in Chapter 3.<sup>75</sup> To say that the *Audiencia* of Santafé was a mess in this period would be a generous understatement.

As a result, the first visitations of the Indigenous communities of the New Kingdom, which finally began in the early 1550s, were in fact carried out by the settlers themselves, for their own purposes. In the province of Tunja the task fell to none other than Juan Ruiz de Orejuela, who had led the charge against the implementation of the New Laws in 1547 and was now the newly minted *alcalde mayor*, or magistrate, of the city and province, which he set off to inspect in July 1551. His counterparts in Santafé did the same there the following year.<sup>76</sup> The resulting records are lost, although the Franciscan chronicler Pedro de Aguado, writing in the 1570s, seems to have consulted those for Tunja and described the procedure followed by Orejuela in some detail.<sup>77</sup> In any case, the visitors' observations made their way into the settlers' petitions, whether to complain of

<sup>73</sup> They were first given the tasks in the royal rescript to the *Audiencia* of Santafé, 4 September 1549, AGI SF 533, lib. 1, 90v–92v. These instructions would be reiterated twice in 1551, and in 1552 and 1553. See respectively, AGI SF 533, lib. 1, 153v and 156v–158r; Indiferente 532, 52v–53r; and SF 533, lib. 1, 284v–296v.

<sup>74</sup> On the former, see the royal decree commissioning Juan de Montaña, 11 July 1552 (AGI SF 533, lib. 1, 221v); on the latter, which included giving *encomiendas* to their friends and relatives, see the royal decree briefing Francisco Díaz de Arbizu, appointed president of the *Audiencia*, of 25 September 1555 (*Ibid.*, 399v). Arbizu would drown on the way to take up his post.

<sup>75</sup> For a brief account of both, see Ernst Schäfer, *El consejo real y supremo de las Indias: Su historia, organización y labor administrativa hasta la terminación de la Casa de Austria*. Vol. 2 (Seville: Imprenta M. de Carmona, 1935–1947), 128–129, notes 205 and 206. I am grateful to Santiago Muñoz for bringing this to my attention.

<sup>76</sup> See Eugenio Martínez, *Tributo y trabajo*, 133–137.

<sup>77</sup> Aguado, *Recopilación historial*, vol. 1, book 4, ch. 16, 403–409. The population figures cited by Aguado, and their use by scholars, are discussed in J. Michael Francis, 'Nature

the inefficacy of the *oidores* or the plight of *encomenderos*, and into the royal rescripts that these prompted, such as a 1552 royal decree that confidently asserted that it was Indigenous leaders (and, by implication, not downtrodden *encomenderos*) who were oppressing their subjects with excessive tributes and levies.<sup>78</sup> A proper visitation by royal officials would not take place until the following decade.

Remarkably, in the middle of this chaos, Briceño and bishop Barrios managed to come together to set the first *tasa* in 1555, based on those early haphazard visitations. Few records of this process survive and much remains unclear. For example, although royal officials reported in 1555 that Briceño and Barrios, taking advantage of a brief absence by Montañón to the coast, had ‘set rates for most of this land’, it is not known exactly how much of it they actually managed to cover.<sup>79</sup> Records are clearest for the province of Tunja, for which a summary of the rates for 103 communities was included as part of a later suit over their adjustment in 1562.<sup>80</sup> This has received significant attention for its demographic and economic information, but for our purposes it is the original *tasa* decrees issued by Briceño and Barrios that are the most revealing, if also the rarest and least often examined. These have survived for just seven communities in Tunja and Santafé, copied into the proceedings of later visitations.<sup>81</sup>

One such community was Cota, located some twenty miles north-west of Santafé, whose *cacique* of the same name and *encomendero* Francisco de Tordehumos appeared before Barrios and Briceño in January 1555 and duly received the rates of goods and services the pair had set. Each year, Cota and his subjects were to provide Tordehumos with 400 *mantas*, various amounts of timber, firewood, hay, and, if they hunted, game; to grow potatoes, wheat, barley, and maize for him (with his seeds);

and Quality of Early-Colonial Tribute Records in Colombia’s Eastern Highlands, 1560–1636’. *Jahrbuch Für Geschichte Lateinamerikas* 49, no. 1 (2012).

<sup>78</sup> Royal decree of 31 January 1552, AGI SF 533, lib. 1, fol. 202v.

<sup>79</sup> Treasurer Andrés López de Galarza and other officials to the king, 1 October 1555, AGI SF 68.

<sup>80</sup> In the suit of the *encomenderos* of Tunja against the *visita* and *retasa* of Diego Angulo de Castejón, 1563–1567, AGI Justicia 511 d 1, 3r–56v, which was collated in Francis, ‘The Muisca’, 283–330 alongside later rates, and discussed in Gamboa, *El cacicazgo*, 408–409.

<sup>81</sup> In addition, as Germán Colmenares noted, in at least forty of the *encomiendas* visited by Tomás López in 1560, in the visitation discussed later, the 1555 *tasa* was at least mentioned, even if copies of the decrees had been lost. See Germán Colmenares, *La provincia de Tunja en el Nuevo Reino de Granada; ensayo de historia social, 1539–1800* (Bogotá: Universidad de los Andes, Facultad de Artes y Ciencias, Departamento de Historia, 1997), 94 note 7.

and to provide two people to work as his shepherds, two as farmhands, and six more in his household (whom Tordehumos was to feed and clothe). If the community failed to meet its obligation, they would incur fines and any outstanding amounts would be doubled, with the municipal authorities of Santafé empowered to confiscate the property of the *cacique* and community to settle their debts. These penalties were not as harsh as those that the settlers had requested in 1547, but it was their own *cabildo* that was given power and responsibility to enforce them. If Tordehumos overcharged the people of Cota he was to make restitution, in full the first time, quadruple the second, and forfeiting the *encomienda* on the third offence – a penalty left to the *Audiencia* to enforce.<sup>82</sup> Almost identical arrangements, with different amounts and products – including, sometimes, gold – are recorded in the decrees for the communities of Ubaté, Suesca, and Tunjuelo in Santafé, and Ramiriquí, Cucaita, and Moniquirá in Tunja, and were established for many others too.<sup>83</sup>

Most significantly for us, the *tasa* also served as an opportunity for Barrios to establish, at least on paper, the rudiments of a system of funding for religious instruction. All surviving decrees contain a section, left out of the 1562 summary, imposing additional tributary obligations on each community for this purpose. The *tasa* for Cota, for example, noted that until ‘there are tithes from which to support a priest or friar’, the people of Cota should provide food and sustenance for a priest in the interim: four *fanegas* of maize per month, plus ten birds per week or, during Lent and other fasts, a dozen eggs and some fish. Each day they were also to provide a small vessel of *chicha* (maize beer), some firewood, and – if the priest had a mount – some hay as well.<sup>84</sup> The legislation assumed priests would be itinerant and required the community to pay only ‘during the time when the said priest was actually resident’, before moving on.<sup>85</sup>

<sup>82</sup> 1555 *tasa* for Cota, copied in Diego Villafañe’s 1563 visitation of the *encomienda* of Francisco de Tordehumos, AGN E 12, d 8, at 228r–229v.

<sup>83</sup> The 1555 *tasas* for Ubaté, Suesca, and Tunjuelo survive as part of Diego de Villafañe’s 1563 visitation of those communities. See AGN VC 5 d 5, 991r–992r; 5 d 6, 950r–951r; and 5 d 6, 957r–958v, respectively. In Tunja, those for Ramiriquí, Cucaita, and Moniquirá survive as part of the records of the 1571 visitation by Juan López de Cepeda. See AGN VB 9 d 3, 774r–775r; 14 d 12, 876r–877r; and 5 d 3, 388r–389r.

<sup>84</sup> A *fanega* is a unit of volume equivalent (at least in Castile) to about 55 litres. *Equivalencias entre las pesas y medidas usadas antiguamente en las diversas provincias de España y las legales del sistema métrico-decimal* (Madrid: Imprenta de la Dirección General del Instituto Geográfico y Estadístico, 1886), 7.

<sup>85</sup> 1555 *tasa* for Cota, AGN E 12, d 8, 228v.



We can only speculate as to whether Briceño and Barrios actually believed that this procedure, and the pieces of paper they duly gave the *encomendero* and the *cacique* – at least one of whom could not read – would actually settle the thorny questions of tribute collection or of the provision of resources for Christianisation, especially as the *tasa* was to be enforced by justices in the employ of the *encomenderos* and other settlers who made up the *cabildos* of these provinces. This was, not, however, the only aspirational legislation to which Barrios put his name in this period, or even the most ambitious. That was the legislation he issued at the first synod, or ecclesiastical assembly, of priests of the diocese, held in his half-built cathedral the following year, and which sought to establish a firm foundation for the development of the church and its programme of Christianisation.

The constitutions of the first synod of Santafé comprise 135 chapters, arranged thematically into ten books.<sup>86</sup> We will explore several of these in more detail later, but for now what is most significant is the first book, which concerns how religious instruction should take place and what it should contain. Its provisions were by no means sophisticated. In practical terms, the legislation differed from the approach of the 1555 *tasa*, which had bypassed *encomenderos* entirely and required communities to provide food and other provisions to priests directly, and now echoed royal requirements that dictated that it should be *encomenderos* who were to make provision for the instruction of the people under their jurisdiction. For this *encomenderos* were ideally to provide a priest, failing this a lay ‘Christian and virtuous Spaniard’ certified as such by the bishop or at least a nearby priest, or – as a final resort – teach their subjects themselves. Failure to do so was to be punished by a modest fine, increasing for repeat offenders, half of which was to be given to whoever brought these breaches to the authorities’ attention, in recognition of their limited ability to police the behaviour of *encomenderos* or indeed anyone else.<sup>87</sup> The synod also ordered churches be built, at least in the larger settlements where *caciques* resided, with bells to call the people together for regular religious instruction. For this, the legislation outlined a programme of frequent catechisation, with all priests in the diocese, even members of the cathedral chapter, required to teach Christian doctrine to

<sup>86</sup> For an overview, see Cobo Betancourt and Cobo, *La legislación*, li.

<sup>87</sup> Starting at ten pesos, and increasing by a further ten on each offence, tit. 1, ch. 4, 17–18.

Indigenous people on Sundays and feast days, on pain of a fine of two pesos.<sup>88</sup>

Also key was an easily ignored section, tucked away at the very end of the last book, among chapters concerned with procedural matters, of short but radical chapters concerning the controversial question of restitution.<sup>89</sup> These considered if and to what extent the dispossession of Indigenous people was licit – whether in the initial invasion of the region or subsequently through the *encomienda* and other means – and how and in what way Spaniards were obliged to make restitution for what they had illicitly taken.<sup>90</sup> Chapter 9 thus considered the question of whether *encomenderos* who ‘have failed to provide instruction for their Indians or taken care to teach and indoctrinate them’ as required were obliged to make restitution of the tribute they had received from them. For this Barrios quoted a long section from one of the first assemblies of bishops of New Spain, the *Junta eclesiástica* of 1546, which detailed the obligation of *encomenderos* to provide religious instruction to their subjects in place of the monarch, which entailed not just someone to instruct them but everything else required for the proper functioning of the local

<sup>88</sup> *Ibid.*, tit. 1, ch. 4, 24–25. Many of these requirements will be familiar to historians of other regions of the Andes, for they were drawn from recent legislation issued in Lima. Legislation of this sort was never produced in a vacuum, but drew on a broad range of legal, theological, and pastoral sources from a variety of different geographic and temporal contexts. In this case, in addition to the First Provincial Council of Lima (1551–1552), Barrios’s synod drew from that of Mexico (1555), and earlier legislation still from that of Seville of 1512. The circulation and translation of knowledge and ideas in ecclesiastical legislation is a central theme in Cobo Betancourt and Cobo, *La legislación*.

<sup>89</sup> I am indebted to Aliocha Maldavsky for first encouraging me to explore the question of restitution in the New Kingdom of Granada. For her work on restitution in Peru, in particular in relation to the *encomienda*, see, most recently, ‘Teología moral, restitución y sociedad colonial en los Andes en el siglo XVI. *Revista Portuguesa de Filosofía* 75, no. 2 (2019): 1125–1148.

<sup>90</sup> The first of these chapters (ch. 8) thus began with the biggest issue of all, the Spanish invasion of the region, but concluded that it exceeded the jurisdiction of the synod and referred the matter to the Spanish court and, of all places, the Council of Trent. ‘Constituciones sinodales 1556’, tit. 10, ch. 8, 125–126. This was less radical than the almost contemporaneous effort by the bishop of Popayán, Juan del Valle, who in the 1560s took his grievances to the king’s court in person, and – finding no resolution – set off to the Council of Trent himself, making it as far as France before his death in 1561. See Juan Friede, *Vida y luchas de don Juan del Valle, primer obispo de Popayan y protector de indios* (Popayán: Editorial Universidad, 1961).

churches, including ornaments and consumables.<sup>91</sup> If they failed to provide this, the Mexican *junta* recommended, ‘in addition to incurring and remaining in grievous fault, they are to make restitution of everything they should have justly spent on these matters’ – a penalty that should increase if they had also obstructed the task of priests and other missionaries. How much was to be up to the ordinary (i.e. the bishop) and until they had made this restitution their confessors were to deny them absolution, an instruction that Barrios now gave to confessors across his diocese.<sup>92</sup>

The idea of centring restitution in the regulation of the *encomienda* was not new, nor was using an ecclesiastical sanction to enforce civil legislation.<sup>93</sup> But here, after a faltering start, it would be transformative. On one hand, the synod centred the provision of religious instruction in how the authorities should assess the conduct of *encomenderos*, going further than contemporary royal legislation, which was largely concerned with tributes exceeding pre-Hispanic precedent or established rates.<sup>94</sup> For Barrios, a failure to provide adequate religious instruction automatically forfeited at least a portion of any tribute owed. On the other, it also went further than the Mexican *junta*, extending ecclesiastical sanctions to *encomenderos* who overcharged their subjects, ignoring the official rates

<sup>91</sup> The assembly had been called by the royal visitor-general Tello de Sandoval to discuss the application of the New Laws in New Spain. On this and the other *juntas eclesiásticas* that preceded the first provincial council of Mexico, see Fernando Gil, ‘Las juntas eclesiásticas durante el episcopado de Fray Juan de Zumarraga (1528–1548): Algunas precisiones históricas’, *Teología: Revista de la Facultad de Teología de la Pontificia Universidad Católica Argentina* no. 54 (1989): 7–34.

<sup>92</sup> ‘Constituciones sinodales 1556’, tit. 10, ch. 9, 127–130.

<sup>93</sup> As Natalie Cobo notes, Bartolomé de las Casas – who had himself been subject to the denial of absolution as a young *encomendero* – had already gone much further in his 1545 *Avisos y reglas* in arguing for restitution *in solidum*, that is, that the entire group of *encomenderos* was liable for the damage caused by any and all of their members, even if these were now dead. She also explores how this more radical idea was taken up in the Philippines by bishop Domingo de Salazar OP in the Synod of Manila (1582–1586), which she situates in the broader context of the spread and development of the ideas of the School of Salamanca at a global level. Salazar also went much further than Barrios in considering the thorny question of the legality of the Spanish title to the Philippines himself. See ‘Creating Authority and Promoting Normative Behaviour’. In *The School of Salamanca: A Case of Global Knowledge Production*. Edited by Thomas Duve, José Luis Egío, and Christiane Birr (Leiden: Brill, 2021), 210–244. For a recent English-language edition of the *Avisos*, see David Thomas Orique, *To Heaven or to Hell: Bartolomé de Las Casas’s Confesionario* (University Park: Penn State University Press, 2018).

<sup>94</sup> E.g. royal decree on conducting a visitation, 20 December 1553, AGI SF 533, lib. 1, 294v–296v.

that he and Briceño had set the previous year, as well as to those Spaniards who had looted Indigenous graves and other sites and stolen gold and precious objects.<sup>95</sup> Failure to obey the law, or to make appropriate restitution after doing so previously, would now not only incur the sanctions and penalties already laid out in royal legislation that the settlers of New Granada were proving so able to ignore: it would exclude them from salvation.

The sanctions stung. There are few details of how many *encomenderos* incurred them, but by the end of the decade their complaints were pouring into the royal chancery through their allies and representatives. The magistrate Juan de Penagos of Santafé, for example, wrote to the king in 1559 and 1560 complaining of Barrios, who ‘like a shepherd gone to war with his own sheep’ had ‘agitated and upset the citizens of this kingdom with excommunications and censures’, and urged him to intervene ‘before something terrible happens’.<sup>96</sup> Less vague and threatening was his argument that Barrios was overstepping his jurisdiction – an idea that he and his friends in the *cabildo* of Santafé also took to the *Audiencia*, which, in October 1560, ruled that it pertained not to the bishop’s jurisdiction but to its own to enforce restitution. It then commanded Barrios to absolve ‘all the citizens and persons he has excommunicated, and lift any and all censures’.<sup>97</sup> Chastised but undeterred, Barrios continued to apply and enforce ecclesiastical sanctions, prompting repeated complaints to the king and repeated rescripts ordering him to stop excommunicating people altogether until shortly before his death in 1569.<sup>98</sup> As for the synod, in 1561 the crown ruled that its application (and that of those of other regions) should be suspended altogether, pending their review at court, in case they did indeed overstep the fuzzy boundaries of royal patronage.<sup>99</sup>

<sup>95</sup> ‘Constituciones sinodales 1556’, tit. 10, chs. 10 and 11, 130.

<sup>96</sup> *Alcalde mayor* Juan de Penagos to the king, 15 September 1559, AGI SF 188, 226r.

<sup>97</sup> Decree of the *Audiencia* of Santafé, 19 October 1560, quoted in Zamora, *Historia*, book 3, ch. 6, 69–70.

<sup>98</sup> Royal rescript ordering Barrios not to excommunicate people, 27 August 1560, reiterated on 4 November 1568 (AGI SF 534, lib. 3, 151v).

<sup>99</sup> Royal decree on the publication of synods, 31 August 1560 (Diego de Encinas, *Cedulario indiano Recopilado por Diego de Encinas. Reproduccion facsimil de la edicion unica de 1596*. Edited by Alfonso García Gallo (Madrid: Ediciones Cultura Hispánica, 1945), vol. 1, 137). This decree, which also affected other regions, is also discussed in Ismael Sánchez Bella, *Iglesia y estado en la América Española* (Pamplona: Ediciones Universidad de Navarra, 1991), 32.

What was not suspended, but in fact wholly embraced and appropriated by the *Audiencia*, was the idea of using restitution as a tool to enforce the *tasa* and to require *encomenderos* to make provision for religious instruction. Regardless of who wielded it, in other words, the instrument of restitution served to give royal authorities, perhaps for the very first time, some teeth. To understand how, we need to turn away from the realm of legislation and consider what was happening on the ground.

#### ‘TO LEARN AND INVESTIGATE’

Just as the promulgation of ecclesiastical legislation in synods and councils was a rare instance of proactive policymaking for bishops in this period, their counterparts in the *Audiencia* too had occasional, if more limited, opportunities to break from their usually reactive role in rescript government. Of these few were more important for our purposes than the periodic visitations they were supposed to conduct of the region under their care. These *‘visitas ordinarias’* or *‘de la tierra’* were tours of inspection, carried out by a member of the *Audiencia*, that served to observe and record information about a given region, its population, and their affairs.<sup>100</sup> To quote one such visitor’s standard explanation of their purpose, they were opportunities ‘to learn and investigate’ by interviewing local people, usually elites, following a standard questionnaire. Visitors usually carried out a census of the population (or at least of men of working age), their economic activities, and the resources at their disposal, making possible the establishment and periodic updating of standard tribute rates. They were also there to listen: to investigate local affairs and resolve conflicts, without having to wait for petitioners, supplicants, or litigants to bring these affairs to Santafé, or indeed for them to be able to meet the cost and effort of doing so. Visitors explicitly asked people about the conduct of local officials and particularly *encomenderos*, providing an often-valuable opportunity for them to bypass local authorities and deal directly with a higher instance. In doing so, visitations also served a pedagogical purpose, instructing Indigenous people, or at least

<sup>100</sup> These are not to be confused with the ‘general’ visitations that were dispatched to investigate the conduct of the colonial administration in response to specific issues, such as that carried out by Armendáriz in the 1540s, or those that followed later in the century, discussed in Chapter 3. An excellent survey of the literature on both kinds of civil visitations is Tamar Herzog, *Ritos de control, prácticas de negociación* (Madrid: Fundación Ignacio Larramendi, 2000), 5–6 notes 2–3, and 11–12, which itself focuses on the former.

their elites, of the role of the institutions they represented, royal legislation that affected or protected them, and of practical aspects about the functioning of the bureaucracy and judiciary and how they might be of use. They were also rare opportunities for the *Audiencia* to proactively introduce reforms or policies, to ascertain whether earlier initiatives were bearing fruit, and to take corrective action. Finally, visitations were also carefully choreographed affairs, in which the visitor and his retinue conjured up a tangible vision of the monarchy before its subjects. Visitors were there not just to see, in other words, but also to be seen.<sup>101</sup>

After the haphazard visitations of the early 1550s, the first comprehensive visitation of the provinces of Santafé and Tunja was finally carried out in 1560 by the *oidor* Tomás López Medel, who had recently arrived to replace Juan de Galarza. This was part of a broader visitation of the highlands of the New Kingdom that he was commissioned to perform by the *Audiencia* in November 1559, following a similar tour in neighbouring Popayán.<sup>102</sup> Summaries of his findings began to circulate soon after, most notably as part of a detailed anonymous description of the

<sup>101</sup> Visitations of this sort – and their ecclesiastical counterparts, pastoral visitations, considered in Chapter 6 – have thus received significant scholarly attention across Spanish America and the Philippines. Historians have explored their institutional development from medieval precedents, serving to bring the king's most fundamental function, the administration of justice, to his subjects on the ground, for example, Carlos Antonio Garriga Acosta, 'La expansión de la visita castellana a Indias: Presupuestos, alcance y significado'. In *XI Congreso del Instituto Internacional de Historia del Derecho Indiano: Buenos Aires, 4 al 9 de septiembre de 1995. Actas y estudios. Vol. 3* (Buenos Aires: Instituto de Investigaciones de Historia del Derecho, 1997), 51–80. Others, such as Armando Guevara Gil and Frank Salomon, have studied their role as instances of 'political theatre', performing claims of power and jurisdiction, in 'A "Personal Visit": Colonial Political Ritual and the Making of Indians in the Andes'. *Colonial Latin American Review* 3, nos 1–2 (1994): 3–36. Others still have reviewed them as spaces of negotiation between colonial institutions and the people ostensibly under their rule, such as Gabriela Ramos, who focused on ecclesiastical visitations in 'Pastoral Visitations: Spaces of Negotiation in Andean Indigenous Parishes'. *The Americas* 73, no. 1 (2016): 39–57. On visitations in New Granada, see Muñoz Arbeláez, 'The New Kingdom', 111–118, who pays special attention to the materiality of the visitation – the caravan of the visitor and his retinue and its physical presence on the land – and of the paper artefacts that resulted from its efforts. Visitation of Suta by Tomás López, 15 April 1560, AGN VB 18 d 2, 199r.

<sup>102</sup> In his previous position as *oidor* of the *Audiencia* of Guatemala, López had also carried out extensive visitations in Chiapas and Yucatán. For a detailed study of his career there and in the New Kingdom, see Berta Ares Queija, *Tomás López Medel: Trayectoria de un clérigo-oidor ante el Nuevo Mundo* (Guadalajara: Institución Provincial de Cultura 'Marqués de Santillana', 1993), 588–591, which includes a copy of his 1559 commission.

territories and inhabitants of both Popayán and the New Kingdom that López had visited, which collated statistics on the numbers of tributaries belonging to each community, their tribute obligations, and their economic activities, which has received significant scholarly attention.<sup>103</sup> These counted a total of some 35,482 tributaries in Santafé and 52,564 in Tunja, and it is on the basis of these records that successive historians have sought to estimate the size of the broader population, calculating – with some agreement around Germán Colmenares's proposal of a multiplier of 3.2 individuals per tributary – a total of some 280,000 individuals in the two provinces.<sup>104</sup> The records of López's visitation of individual *encomiendas*, from which these summaries were produced, are less well studied. Of the 171 documented across the two provinces in 1560, visitation records survive only for 41 *encomiendas* in the province of Tunja, comprising some 63 individual communities, whose leaders appeared before López between April and August of 1560. Equivalent records for towns in Santafé have not survived, except as quoted in the records of a 1563 visitation of that province by the *oidor* Diego de Villafañe, which we will come to in a moment.

With tight deadlines and scant funding, López's enquiries rarely took place in the settlements where his Indigenous interlocutors actually lived. Instead López remained largely stationary, and the visited came to him. In the province of Tunja most inquiries took place in the city itself, with a handful more in Sogamoso, the centre of an *encomienda* belonging to the crown in the northern reaches of the province. As a result, his inspections are devoid of observations about local conditions. Instead Indigenous leaders of different ranks, and the occasional Indigenous commoner, appeared before the *oidor* in quick succession to answer a short list of

<sup>103</sup> This anonymous *relación*, held at the Real Academia de la Historia in Madrid, is the closest equivalent to the famous *relaciones geográficas* of other regions that was ever produced in New Granada. It was published as Hermes Tovar Pinzón, 'Visita de 1560'. In *No hay caciques ni señores* (Barcelona: Sendai Ediciones, 1988), 21–120.

<sup>104</sup> These figures, which are, as ever, likely inexact, are from *Ibid.*, 78–81 and 94–96. Tovar's sums, as J. Michael Francis noted (in 'Población, enfermedad y cambio demográfico, 1573–1636. Demografía histórica de Tunja: una mirada crítica'. In *Muiscas: Representaciones, cartografías y etnopolíticas de la memoria*. Edited by Ana María Gómez Londoño (Bogotá: Editorial Pontificia Universidad Javeriana, 2005), 120), were slightly off. I am grateful to Jorge Camargo Hernández, who as a student intern at Neogranadina worked in collating and mapping this and other demographic data. Colmenares proposed his multiplier of 3.2 in *La provincia*, 50, on the basis of later visitations and of visitations of neighbouring provinces that did include non-tributaries. For a discussion of this multiplier, see Francis, 'Población', 118–123.

questions about their treatment by their *encomenderos* and their Spanish neighbours, labour conditions, the rates and specie of their tributes, and the provision of religious instruction. That so many Indigenous authorities travelled significant distances to appear before the *oidor* is not explained by the sources, which, as ever, take the efficacy of royal authority for granted, but in many cases, it seems the opportunity to voice grievances against *encomenderos* or other Spaniards was very welcome. At the end of the visitation, in August and September of 1560, the *oidor* summoned each *encomendero* and asked them to provide information on their titles to the *encomienda*, tribute arrangements, and any grievances voiced by their subjects. In complex cases he carried out new inquiries, interrogated more witnesses, and wrote new reports. And in the end, he issued each *encomendero* with a sentence, imposing fines or penalties for the specific charges resulting from the investigations, which in some cases resulted in appeals and further legal action.

López is an intriguing figure. He was already an experienced administrator, cutting his teeth as *oidor* in the *Audiencia* of Guatemala in the aftermath of the promulgation of the New Laws, where he conducted extensive visitation tours in Chiapas and Yucatán, before arriving in the Northern Andes and doing the same in Popayán. He was also a distinguished humanist, educated at Alcalá de Henares and Seville, where he obtained a doctorate in canon law and was admitted to holy orders.<sup>105</sup> A prolific writer, after his time in the New Kingdom he would go on to write texts on the failings and reform of evangelisation, on the need for regulars to engage in missionary activity, a manual for confessors, a catechism, and a pathbreaking treatise on the natural history of the New World and the history and politics of its Indigenous inhabitants, among others.<sup>106</sup> It is tempting to focus on his ideas and designs for the reform of Indigenous peoples in Guatemala and the New Kingdom, which have long drawn historians. To do so properly, however, it is first

<sup>105</sup> López was long the focus of the work of Berta Ares Queija. On his education and early career, see her excellent biography, *Tomás López Medel*, 24–55.

<sup>106</sup> The first was ‘Tratado intitulado “Matalotaje espiritual”’, composed around 1562; the second, ‘Apologia o defensión para persuadir la pasada de los religiosos a las Indias’, for which the date is unclear. The confession manual and catechism, which perhaps date to the 1570s, when he was offered – but declined – the job of bishop of Guatemala, are unfortunately lost. The final text is his famous treatise, Tomás López Medel, *De los tres elementos: Tratado sobre la naturaleza y el hombre del Nuevo Mundo*. Edited by Berta Ares Queija (Madrid: Quinto Centenario: Alianza, 1990). On these and other texts, see Ares Queija, *Tomás López Medel*, 196–235.



essential to understand the shape and limitations of the power that he wielded, and of the institution that he represented. For this we need to examine the records of his visitation of Tunja.

If a careful recounting of the numbers of priests active in the highlands in this period began to chip away at the notion of even a basic programme of religious instruction for Indigenous people in the middle decades of the sixteenth century, the records of López's interviews with Indigenous authorities up and down the province demolish it. Of the sixty-three communities for which records survive, only five had their own priest at the time of the visitation. The first of these, Sogamoso, had reverted to the crown a few years before and – as the local *cacique*, don Alonso, explained – had then become home to a few friars.<sup>107</sup> Gonzalo Suárez Rendón, the founder of Tunja, who held Tibaná and Icabuco, had provided the two communities with a priest between them for two or three years, according to Quecamucha, *cacique* of the latter, who added that a few people had become Christians, although he himself had not.<sup>108</sup> In Suta, where the *cacique* was a minor, his guardian, Cuyacucha, explained that the new *encomendero*, Antón de Santana, had brought a priest when he took over, although Tibagiüenza, another captain, explained that it had only been for stretches of a few months at a time, adding that 'usually the Indians die without having become Christians, although a few have'.<sup>109</sup> The *encomendero* of Chita, Pedro Rodríguez Salamanca, had provided a priest since taking over the *encomienda* some six or seven years before, and the *cacique*, don Miguel, explained that 'many Indians', himself included, 'had become and continue to become Christians'.<sup>110</sup> What exactly this meant is a question for later.

The other fifty-eight communities whose leaders were questioned had no such provision. Some, like Boyacá, had a priest previously, but no longer. A few received the odd traveller, while others were occasionally visited by priests based in the five communities that had them or in Tunja. This included six whose leaders reported occasionally hosting friars from Sogamoso, and a few more from Chita, which had emerged as small-scale, *de facto* centres of religious instruction.<sup>111</sup> Sometimes their visits may

<sup>107</sup> Visitation of Sogamoso by Tomás López, 13 April 1560, AGN VB 8 d 4, 775r.

<sup>108</sup> Visitation of Tibaná, Icabuco, and Guáneca by Tomás López, 10 and 11 April 1560, AGN VB 7 d 6, 398v.

<sup>109</sup> Visitation of Suta by Tomás López, 18 April 1560, AGN VB 18, d 2, 200r.

<sup>110</sup> Visitation of Chita by Tomás López, 12 July 1560, AGN VB 19 d 10, 582r.

<sup>111</sup> From Sogamoso, Satoba, Chámeza, Pesca, Guáquira, Tota, and Socotá; from Chita, Ura, Cocuy, and Cheva.

have been organised by the *encomendero*, like Luis de Sanabria, who held Firavitoba and Cormechoque, and claimed he had arranged for priests from Sogamoso to visit his communities every so often.<sup>112</sup> His neighbour, Diego Montañez, *encomendero* of Tota and Guáquira, recalled the names of several priests from Sogamoso whom he apparently paid to make the journey to his *encomienda*.<sup>113</sup> Elsewhere, arrangements seem to have been more spontaneous, perhaps at the initiative of priests themselves or even of Indigenous people. For example, in Chaine, near Tunja, Cuyiava, the *cacique*, explained to the visitor that his subjects often had business in the city, building stone walls, and sent ‘the youths’ to the city’s Franciscan convent while they worked.<sup>114</sup> So did some of the people of Monquirá, at least occasionally – as Sastoque, the *cacique*, explained – ‘and some of the Indians have become Christians, but others have died without being so’. The onus, it seems, was on them.<sup>115</sup>

The lack of priests was not just a local problem. There were, as we saw, strikingly few in the New Kingdom in the 1550s, and their numbers would not increase substantially until the following decade. As a result, a typical example was the community of Chivatá, located less than ten miles from Tunja, where indoctrination was largely in the hands of lay Spaniards. There, *cacique* Neausipa explained that a priest had been with them for three or four months, ‘otherwise never’, but that ‘a few Spaniards have taught the Indians doctrine’. Overall, he noted, ‘usually most die without becoming Christians’. The *encomendero*, Pedro Bravo de Ribera, blamed the shortage of priests, which was corroborated by other *encomenderos* and citizens of Tunja whom he called to declare in his favour when López drew a number of charges against him. Instead, Bravo explained, he had hired various laymen, including his teenage son, and even stepped in himself.<sup>116</sup> In all, a full twenty communities had apparently never had a priest to indoctrinate them at all.

For some *encomenderos* it was a question of resources. Susaba, captain of Rasgón, explained that his late *encomendero*, Francisco de Sierra, had always taught them Christian doctrine himself, and that after his death his

<sup>112</sup> Visitation of Cormechoque and Pirabita by Tomás López, 7 August 1560, AGN VB 9 d 9, 871r.

<sup>113</sup> Although ‘how much he could not recall’. Visitation of Tota and Guáquira by Tomás López, 18 August 1560, AGN VB 19 d 5, 533r.

<sup>114</sup> This was the case in Bagajique, Chaine, Soracá, Viracachá and Neacachá.

<sup>115</sup> Visitation of Monquirá (de Sánchez Roperero) by Tomás López, 18 July 1560, AGN VB 18 d 10, 311r.

<sup>116</sup> Visitation of Chivatá by Tomás López, 15 April 1560, AGN VB 18 d 6, 265v, 270r.

widow, María de Sotelo, got her brother to do so. When interrogated, she explained that she received no more than two dozen *mantas* a year as tribute, so could afford nothing else.<sup>117</sup> This was roughly the value of the annual bonus that the *encomendero* Bartolomé Camacho claimed that he paid one of his workers to teach his community of Pánqueba.<sup>118</sup> But for other *encomenderos* it was clearly something else. Francisco de Velandia, *encomendero* of Chitagoto, received 2,000 *mantas* a year in tribute, but decided a layman would do just fine. After all, his subjects, including *cacique* don Francisco, who said he was a Christian, could not tell the difference.<sup>119</sup> Nor could don Antonio, *cacique* of Somondoco, also apparently a Christian, who reported 'that a man has been teaching them, but he does not know whether he is a priest or not'.<sup>120</sup>

Although it is common for historians to refer to these sites in this period as *doctrinas*, Indigenous parishes, and to imagine them to have been organised into some sort of institutional structure, controlled – even ostensibly – by the bishop, they were no such thing.<sup>121</sup> In reality, these were *ad hoc*, haphazard arrangements that were out of the authorities' hands. The bishop was powerless even when called in to intervene. In Cucaita, for example, the *encomendero*, Gregorio Suárez, reported that he had employed the Dominican fray Juan de Zúñiga for a whole four and half years, only for his order to move him and replace him with one Bartolomé de Ojeda, who had barely turned up. The disgruntled Suárez and Zúñiga had gone to Barrios in 1559 to ask him to force the Dominicans to reinstate him, but the bishop had no success.<sup>122</sup>

Legislation was no different. Even its most basic requirements proved unenforceable. While the synod of 1556 had made provision for laymen to be in charge of instruction when no priests could be found, it had also required that they be vetted and that they follow the synod's prescribed

<sup>117</sup> Visitation of Rasgón by Tomás López, 2 August 1560, AGN VB 8 d 6, 796v, 798v.

<sup>118</sup> Visitation of Pánqueba and Neacachá by Tomás López, 1 August 1560, AGN VB 9 d 4, 823v.

<sup>119</sup> Visitation of Chitagoto by Tomás López, AGN VB 19 d 11, 595v, cf. 1555 *tasa* in Francis, 'The Muisca', 291.

<sup>120</sup> Visitation of Somondoco by Tomás López, 27 August 1560, AGN VB 19 d 4, 517v.

<sup>121</sup> E.g. most recently, Jorge Iván Marín Taborda, *Vivir en policía y a son de campana: El establecimiento de la república de indios en la provincia de Santafé, 1550–1604* (Bogotá: Instituto Colombiano de Antropología e Historia, 2022), 373–374, apparently following the late seventeenth-century chronicler Zamora. Even on paper, such positions would only become benefices from 1574, as Chapter 3 discusses.

<sup>122</sup> Visitation of Cucaita by Tomás López, 12 April 1560, AGN VB 19 d 7, 549r.

materials – on pain of various fines and the denial of absolution.<sup>123</sup> Of the fifty-eight communities without a priest, only in three had the *encomendero* followed the requirement. One was Velandia, in Chitagoto. In Súnuba (near Guateque), *encomendero* Diego Paredes explained he had hired a carpenter called Andrés, who had been examined ‘as the bishop commands’.<sup>124</sup> And in Socha the *encomendero*, Gerónimo de Carvajal, followed the synod’s requirements with unusual care, explaining he had a layman ‘examined by the priest of the city [of Tunja] in accordance with the synod’, and adding that he had voluntarily relaxed the tribute obligations of his subjects by 100 or 200 *mantas* – up to a third of their annual obligation – ‘for the lack of proper instruction, to allay his conscience’.<sup>125</sup>

Where arrangements existed, in other words, they were down to *encomenderos*, and reflected the disparate resources at their disposal and, perhaps especially, their widely varying interest and concern for Christianisation. Barrios could legislate all he wanted, but the initiative and control remained with them, and very few bothered. On one end of the spectrum were *encomenderos* like Carvajal, or indeed Luis de Sanabria, *encomendero* of Firavitoba and Cormechoque, who claimed not only to have brought visiting priests to provide instruction but also to have hired a layman expressly for this purpose, at the cost of some 300 pesos over four years.<sup>126</sup> On the other, *encomenderos* who seemed to have made something up on the spot when confronted, perhaps for the first time, by an authority with the power to sanction them in any meaningful way. This seems to have been the case with the *encomendero* Cristóbal de Roa of Tenza, who was questioned by López after the *cacique*, Neamuechequa, revealed that ‘there has never been a secular priest or friar to teach the Indians doctrine’. Thinking on his feet, Roa denied that he had been negligent because, actually, ‘one of his sons, aged about 10 or 11, teaches the Indians doctrine’ – likely an illegitimate son, whose age he struggled to remember, and whose name he could not even recall, living with his Indigenous mother.<sup>127</sup> Somewhere in between were

<sup>123</sup> ‘Constituciones sinodales 1556’, tit. 1, ch. 3, 17–18.

<sup>124</sup> Visitation of Súnuba and Bagajique by Tomás López, 12 April 1560, AGN VB 9 d 6, 842r.

<sup>125</sup> Visitation of Socha by Tomás López, 24 October 1560 (AGN VB 8 d 9, 832v), cf. its 1555 *tasa*, of 600 *mantas* and other products, as compiled in Francis, ‘The Muisca’, 315.

<sup>126</sup> Visitation of Cormechoque and Pirabita by Tomás López, 7 August 1560, AGN VB 9 d 9, 871r.

<sup>127</sup> Visitation of Tenza by Tomás López, 8 April 1560, AGN VB 9 d 10, 884v, 888v.

people like Martín Sánchez Ropero, *encomendero* of Moniquirá and Socotá, who claimed he had always provided someone, although it had often been '*indios ladinos*' – that is, able to speak Spanish – 'to say the doctrine to the other Indians'.<sup>128</sup>

The synod of 1556 seems to have gone practically unnoticed, as had the efforts of the crown and *Audiencia* to the same effect. For instance, the synod had also ordered that churches be built, at least in the larger towns, but of the sixty-three only one – Martín Sánchez's Moniquirá – seems to have had anything approaching one, and it was only just under construction.<sup>129</sup> In fact, Barrios's main impact on the development of Christianisation on the ground may instead have come in an entirely different form. If his long-time critic, the magistrate Penagos, can be believed, Barrios may have been unwittingly responsible for unleashing a catastrophic epidemic that devastated the population of the highlands from 1558. In a complaint to the king of September 1559, Penagos claimed that the epidemic, which he calculated had already killed over 40,000 people, had arrived in the region borne by a number of enslaved Africans, whose names were not recorded, recently brought from Santo Domingo by Barrios for his service.<sup>130</sup>

Whether a consequence of Barrios's actions or not, the epidemic, which contemporaries speculated may have been of both smallpox and measles, certainly resulted in the deaths of thousands, making it, according to Michael Francis, likely the deadliest to hit the region in the entire colonial period.<sup>131</sup> While we lack any concrete figures of the death toll before López's visitation, records for a reassessment of tribute rates in the province of Tunja carried out in 1562 by the *oidor* Diego Angulo de Castejón, suggest that of the 52,564 men of working age counted by López in 1560, only 35,480 survived two years later.<sup>132</sup> As many as

<sup>128</sup> Visitation of Socotá and Moniquirá (de Sánchez Ropero), 12 August 1560, AGN VB 18 d 10, 317r.

<sup>129</sup> Visitation of Moniquirá (de Sánchez Ropero) by Tomás López, 18 July 1560, AGN VB 18 d 10, 311r.

<sup>130</sup> Juan de Penagos to the King, 15 September 1559, AGI SF 188, 226r–229r.

<sup>131</sup> The death toll, as with other demographic data, is inevitably imprecise. The most thorough analysis of demographic change in the region remains the work of J. Michael Francis, who focuses on the province of Tunja, where the data is most abundant. See 'Población'.

<sup>132</sup> The first figure is from the anonymous report discussed earlier (Tovar Pinzón, 'Visita de 1560', 94–96). Records for Angulo's individual inspections have largely not survived, but a summary of the resulting reassessment can be found at AGN C&I 5, d. 2, 574–592. This was published as 'Retasa de la provincia de Tunja', in Hermes Tovar

17,000 tributaries had perished in Tunja alone in the intervening two years, perhaps reflecting a drop of 31 per cent of the overall population.<sup>133</sup> Unsurprisingly, it was the epidemic, and not anything the authorities had done, that had been the real watershed for the people López interviewed and had the greatest impact on the development of Christianity in the region.

The epidemic had disrupted much of what little religious instruction was taking place, worsening the shortage of priests. Multiple communities reported that they had had some sort of provision only until it hit. In Bagajique (near Soracá), the eponymous *cacique* explained ‘there has not been a friar or other priest since the smallpox’.<sup>134</sup> In Moniquirá, Nimpiqui, a captain, explained ‘after the smallpox there has been no instruction’.<sup>135</sup> Their counterparts in at least another seven *encomiendas* made similar reports. Some, like Boyacá, which had had their own resident priest, had lost them – ‘and since the smallpox no priest has been to our town’, as Sichabón, the *cacique*, explained.<sup>136</sup> In others, like Socha, where priests had only ever visited, these visits stopped. As Tobagia, the *cacique*, put it, ‘before the smallpox some priests would come to our town to teach the Indians, and stay two or three days’, but no longer.<sup>137</sup> Nemchía, *cacique* of Samacá, reported that our acquaintance Vicente de Requejada, having abandoned his Augustinian habit, had turned up every so often in his community, but had not been seen since.<sup>138</sup> We do not know precisely what was happening in the province of Santafé at this time, but there are suggestions that things there were no different. Alonso de Grajeda, a recently arrived *oidor*, complained to the king in October

Pinzón, ‘Apéndice documental: Estado actual de los estudios de demografía histórica en Colombia’. *Anuario Colombiano de Historia Social y de la Cultura* no. 5 (1970): 115–117. The reliability of both sets of figures is discussed in Francis, ‘Tribute Records’.

<sup>133</sup> See Francis, ‘Población’, 75, 103–104. The epidemic is also briefly discussed with reference to the province of Santafé in Juan A. Villamarín and Judith E. Villamarín, ‘Epidemic Disease in the Sabana de Bogotá, 1536–1810’. In *Secret Judgments of God: Old World Disease in Colonial Spanish America*. Edited by Noble David Cook and W. George Lovell (Norman: University of Oklahoma Press, 1991), 118.

<sup>134</sup> Visitation of Súnuba, Sochaquirá, and Bagajique by Tomás López, AGN VB 9 d 6, 839v.

<sup>135</sup> Visitation of Moniquirá (de Chinchila) by Tomás López, AGN VB 11 d 9, 817v.

<sup>136</sup> Visitation of Boyacá by Tomás López, AGN VB 18 d 9, 305v.

<sup>137</sup> Visitation of Socha by Tomás López, AGN VB 8 d 9, 830v.

<sup>138</sup> Visitation of Samacá by Tomás López, AGN VB 8 d 12, 856v.

1559 that the Dominicans there had apparently hidden away in their convent, refusing to come out.<sup>139</sup> The epidemic also interrupted many of the informal arrangements by which Indigenous people would travel to nearby towns and cities to receive instruction. Tocavita, captain of Susacón, explained that 'he and his youths would go to the *repartimiento* of Soatá', where there was a priest, but 'after the smallpox they have not returned and there is no instruction'.<sup>140</sup> In Soracá, Anbarja, the *cacique*, reported that 'before the smallpox the youths would come to Tunja to the Franciscan convent', but that this had stopped with the epidemic. 'After the smallpox there has been no instruction, and some Indians in the town die having been baptised, but others without.'<sup>141</sup>

At the same time, it was during the crisis that some *encomenderos* and priests had organised large-scale efforts to baptise Indigenous people before they perished. Alonso, brother of the *cacique* of Turmequé, explained that in his community 'at the time of the smallpox many Indians became Christians', and his *encomendero*, Juan de Torres, explained that he had 'brought men to baptise and tend to them'.<sup>142</sup> Simbaumba, a commoner from Tunquirá, explained that in his community they had never had a priest, 'except in the time of the smallpox, when a priest came'. Neubasia, his captain, explained that the priest 'made the dying Christians'.<sup>143</sup> In Motavita, Saacha, a captain, explained that it was 'in the time of the smallpox that many Indians became Christians'. Indeed, when different witnesses reported that members of their communities had 'become Christians' by the time of the visitation, it had often been the result of such efforts. This was the case in Boyacá, the only one of the sixty-three communities where witnesses reported 'that most of the Indians of the town are Christians, as are those who have died'. As Sichabón, the *cacique*, explained, 'in the time of the smallpox all the Indians who died became Christians', and many more besides.<sup>144</sup> Beyond being baptised, however, these conversions appear to have made little impact on the lives of these people, as we will see.

<sup>139</sup> Alonso de Grajeda to the king, 22 October 1559, AGN SF 188, 234r.

<sup>140</sup> Visitation of Susacón by Tomás López, AGN VB 8 d 7, 809v.

<sup>141</sup> Visitation of Soracá by Tomás López, AGN VB 11 d 7, 777v.

<sup>142</sup> Visitation of Turmequé by Tomás López, AGN VB 18 d 5, 236v, 247r.

<sup>143</sup> Visitation of Tunquirá (Baganique) by Tomás López, AGN VB 18 d 4, 212v, 214v.

<sup>144</sup> Visitation of Boyacá by Tomás López, AGN VB 18 d 9, 306v, 307v.

## 'SATISFACTION AND RESTITUTION'

The sentences that López issued *encomenderos* all conformed to a standard template that reflected the visitor's priorities. This included a general admonition to treat their subjects well and to follow 'the laws, *cédulas*, and *provisiones* that his majesty has issued in their favour'. But the bulk of the sentences concerned issues of religious instruction. *Encomenderos* were ordered, within six months, 'to construct in the said town a church of the most permanent construction possible', a task with which the Indigenous community was, vaguely, 'to help'. The church's dedication was to be selected by the bishop, or at least by a local priest. *Encomenderos* were to purchase a bell of a specified weight, depending on the size of the community; a reredos, 'whether carved and painted or just a decorated canvas'; and all the vestments and ornaments required for mass and the administration of the sacraments. And, of course, they were to provide 'sufficient instruction by a secular priest or friar, as the law requires'.<sup>145</sup>

It is striking how much of what López sought to enforce in his visitation had been the policy promoted by Barrios in his synod and in the years leading up to the visitation. López and his colleagues in the *Audiencia* could complain about Barrios invading their jurisdiction, but they clearly embraced his priorities and made them their own. In fact, López's sentence referred to Barrios, noting how 'the bishop of this kingdom has long been concerned with the satisfaction and restitution that must be made of tributes and other things that have been collected without the provision of instruction', and ordered *encomenderos* to make restitution as per the terms of the synod, 'beseeching their conscience' to comply, but also adding that failure to do so would incur penalties from the *Audiencia* too, including large fines. In this vein, Juan de Torres, *encomendero* of Turmequé, was ordered to return 300 *mantas* to his subjects.<sup>146</sup> In similar terms *encomenderos* were ordered to stick to the standard *tasa*, not to alter or commute the obligations without permission, and not to force their subjects to work or send them to the mines in the lowlands.

Although absent from those issued in Tunja, we also know from a 1563 visitation of the province of Santafé by Diego de Villafañe, which

<sup>145</sup> See, for example, the terms issued in the visitation of Tutasá by Tomás López, AGN VB 11 d 8, 814r.

<sup>146</sup> Visitation of Turmequé by Tomás López, AGN VB 18 d 5, 262v.



we will examine shortly, that López also used his sentences to introduce a further reform, the mass resettlement of Indigenous communities into nucleated towns. This was by no means a new initiative, and legislation had been in place in parts of the viceroyalty of New Spain for this purpose since the 1530s, which López had helped to implement in his visitation of Yucatán earlier in the 1550s.<sup>147</sup> This was something that the crown had ordered the *Audiencia* to pursue from its foundation, but which had been generally neglected until López issued a set of instructions in 1559 to outline how towns were to be laid out and people resettled.<sup>148</sup> López's legislation conformed to what was by now a standard model, aiming to congregate dispersed populations into gridded towns of a standard size and shape, which has been examined in detail by scholars of New Granada and other regions, and which we will explore in greater detail later, when the initiative finally gained some traction under López's successors at the end of the century.<sup>149</sup> For now it was yet another item in López's aspirational list, and was added to his sentences too.

Finally, the sentences imposed fines and penalties for specific offences committed by each *encomendero*. Pedro Bravo de Ribera, *encomendero* of Chivatá, was found guilty of mistreating his subjects and was ordered to return some land that he had seized. Juan de Torres, in Turmequé, was also found guilty of abusing his former subjects when he was *encomendero* of Bosa, banished from their town, and ordered to pay compensation

<sup>147</sup> This was pioneered in Hispaniola and detailed legislation was later issued for this purpose in Guatemala in the 1530s. It was later adopted as a priority by the first congregation of bishops held in Mexico in 1546, and extended elsewhere. See Pierre Duviols, *La lutte*, 248; Farriss, *Maya Society*, 161ff; and Francisco de Solano, *Ciudades hispanoamericanas y pueblos de indios* (Madrid: Consejo Superior de Investigaciones Científicas, 1990), 43, 337–338. Much of the legislation on this process in New Spain and Peru is compiled in Francisco de Solano, *Cedulario de tierras: compilación de legislación agraria colonial, 1497–1820* (Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 1991).

<sup>148</sup> Royal decree on the congregation of indigenous people, 9 October 1549, AGI SF 533, lib. 1, 99r. Instructions issued by Tomás López, 1559, AGN C&I 49, doc. 97, 751r–78ov.

<sup>149</sup> For New Granada, most recently by Guadalupe Romero Sánchez, *Los pueblos de indios en Nueva Granada* (Granada: Editorial Atrio, 2010). On the better known resettlement programme of the Central Andes, see Jeremy Ravi Mumford, *Vertical Empire: The General Resettlement of Indians in the Colonial Andes* (Durham, NC: Duke University Press, 2012), and S. Elizabeth Penry, *The People Are King: The Making of an Indigenous Andean Politics* (Oxford: Oxford University Press, 2019).

to the current *cacique*.<sup>150</sup> Finally, *encomenderos* were generally sentenced to pay small fines plus the costs of any legal procedure or investigation resulting from their charges – in the case of Bravo, ten gold pesos, and of Torres, fifteen. These small fines were often paid quickly, as is frequently noted in the documentation of the visitations themselves. The report for Chivatá, for example, finishes with a short line by the scribe noting that Bravo ‘paid the fine’.<sup>151</sup> So too with Diego Montañez, *encomendero* of Tota and Guáquira, who was ordered to pay ten pesos and costs, and with many others.<sup>152</sup>

In general, the *encomenderos* and Indigenous authorities that interacted with the visitor all acknowledged his authority and the validity of his power – at least according to the scribes, officials, and interpreters who travelled with him. There are, for example, almost no examples of *encomenderos* visibly interfering with the visitation as it was happening. One was Pedro Bravo de Ribera, of Chivatá, who had apparently sought to prevent the *cacique*, Neausipa, from speaking to López. As Neausipa explained, Bravo had come to his house and confronted him about his plans to see López in Tunja and particularly to show him the *tasa* and the weights that Bravo had given him to weigh the gold for his tribute. ‘He said we must not bring them, and took them, and would not let us.’ Realising the game was up, Bravo had returned with two other men and tried to force the *cacique* and two of his captains to pay their tribute early, before López corrected the rate and weights, with threats and eventually violence.<sup>153</sup> If other *encomenderos* tried something similar then perhaps they were more discrete. The imminent arrival and presence of López, and through him, the *Audiencia*, clearly had some effect. But for how long after he left?

#### ‘THE POWER IN OUR HANDS’

One way to assess the effectiveness of López’s visitation is to examine the records of the next one, carried out in the province of Santafé by the *oidor* Diego de Villafañe in 1563. These survive only for nine *encomiendas*, but at least tend to be more detailed than those of López because Villafañe travelled to where his Indigenous interlocutors lived. Of the nine, only

<sup>150</sup> Visitation of Turmequé by Tomás López, AGN VB 18 d 5, 262v.

<sup>151</sup> Visitation of Chivatá by Tomás López, AGN VB 18 d 6, 286v.

<sup>152</sup> Visitation of Tota and Guáquira by Tomás López, AGN VB 19 d 5, 535v.

<sup>153</sup> Visitation of Chivatá by Tomás López, AGN VB 18 d 6, 266v–267v.

one, Ubaté, had a resident priest, who had been there for the last eight months, and another before him for a shorter period. As the *cacique*, Orencipa, explained, both had run a programme of religious instruction for young and old alike.<sup>154</sup> A second community, Suesca, had seen a stream of priests, most recently Franciscans, including the future chronicler Pedro de Aguado, who had done the same, although no one was currently in residence.<sup>155</sup> Elsewhere the picture was much the same as it had been in Tunja three years before. Witnesses in a couple of towns reported occasional visits from priests based in Santafé or communities for which visitation records are lost. The longest were four- and five-month stays in Cota and a month-long stay in the community of Gachancipá.<sup>156</sup> The rest were occasional visits lasting no more than a few days, or even a few hours. Some were spontaneous, as in Suta and Tausa, where the odd priest had come for the day on five occasions since López's visitation; others by arrangement of the *encomendero*, as in Choachí, which received a five- or six-day visit from neighbouring Ubaque twice a year.<sup>157</sup> Elsewhere, as the eponymous leader of Tunjuelo reported, 'never in this town have we seen a secular priest or friar to teach the Indians doctrine', whether before or after López's visitation.<sup>158</sup>

López seemed to have fared a little better in his command that churches be built – at least in part. Of the communities for which records survive, Suesca, Ubaté, and Gachancipá had properly appointed churches, which the scribe often described in the records, all apparently built after López's visitation.<sup>159</sup> Only two towns, Simijaca and Tunjuelo, were still without a church. In the rest, each Indigenous community had done its part and built a church, of thatch or adobe, but *encomenderos* had not done theirs, so that these basic buildings lacked ornaments, a reredos, or an altar cloth. In at least one case, Cota, the *encomendero* had rushed to acquire some of these things before Villafañe turned up.<sup>160</sup> These empty churches, largely unused, lay in various states of disrepair, and two – in Choachí

<sup>154</sup> Visitation of Ubaté by Diego de Villafañe, AGN VC 5, d 7, 986v.

<sup>155</sup> Visitation of Suesca by Diego de Villafañe, AGN VC 5, d 6, 942v.

<sup>156</sup> Visitations of Cota and Gachancipá by Diego de Villafañe, AGN E 12 d 8, 218r, and VC 7 d 14, 670v.

<sup>157</sup> Visitations of Choachí and Suta and Tausa by Diego de Villafañe, AGN VC 4 d 11, 973r, and 12 d 11, 1039r.

<sup>158</sup> Visitation of Tunjuelo and Unjica by Tomás López, AGN VC 5 d 6, 940r.

<sup>159</sup> See AGN VC 5 d 6 943r–943v; 5 d 7, 978r; and 7 d 14 617r–617v, respectively.

<sup>160</sup> Visitation of Cota by Villafañe, AGN E 12 d 8, 219v.

and Tenjo – had already burned down or collapsed. Villafañe's visitations also ended on similar terms to López, with a standard template containing much the same as his predecessor's instructions: *encomenderos* were to build or finish churches, appoint them with adequate ornaments and materials, and provide proper instruction by secular priests or friars. He also appealed to the consciences of negligent *encomenderos*, ordered that they make restitution for ill-gotten gains, imposed small fines for this and that, and reiterated the same threats of stripping their *encomiendas* for repeated offences that surely, by now, were ringing hollow.

It is for this reason that restitution, ordered not just under the threat of the deprivation of office but also ecclesiastical sanction, is especially interesting. Few *encomenderos*, as we saw, followed the letter of the law unprompted. Gerónimo de Carvajal, *encomendero* of Socha, was alone among the *encomenderos* visited by López in voluntarily reducing the tribute he collected from his subjects to compensate for his inability to find them a priest. But others did follow López's command, such as Nicolás de Sepúlveda, *encomendero* of Gachancipá, who settled his debt to the people under his charge by reducing their tribute obligations for a time.<sup>161</sup> Some took a little longer to obey, only making arrangements for restitution on their deathbeds, perhaps moved by the bishop's command that they be denied of absolution by their confessors if they failed to do so. This was the case with Diego Rodríguez de Valderas, the late *encomendero* of Ubaté, who had been ordered by López to reimburse his subjects 200 pesos in *mantas*, and finally did so in his will, as his executors confirmed.<sup>162</sup> Even so, it was no magic solution. Some remained unmoved, such as Diego Montañez, of Tota, who was sentenced to make restitution by López and perhaps also by later visitors, but who in the 1570s was at the centre of a suit with the *cacique* in which it emerged that even though he had eventually repaid what he had been ordered – 3 pots of gold containing some 160 pesos – he had promptly stolen 2 of them back, and was trying to recover the third.<sup>163</sup>

An older historiography on the *encomienda* might lead us to expect relations between *encomenderos* and their subjects to be like that of

<sup>161</sup> Visitation of Gachancipá by Villafañe, AGN VC 7 d 14, 962v, 700v.

<sup>162</sup> Visitation of Ubaté, AGN VC 5 d 7, 1029v. 1032v. Villafañe, notably, ordered his widow to make further restitution, as it was insufficient and had not been done according to law, at 1053v.

<sup>163</sup> Suit of Diego Montañez against don Diego, *cacique* of Tota, 3 December 1574, AGN C&I 29, d. 1, 82v–83r. The gold had been given to don Diego's predecessor, presumably the same Unicón who appeared before López in 1560.

Montañez and the people of Tota, in no small measure because this is also how royal legislation, the rhetoric of colonial officials, and the writings of polemicists such as Las Casas generally characterised them.<sup>164</sup> Some certainly were, such as that of *encomendero* Antonio Bermúdez and his subjects in Choachí. There, witnesses came forwards to report myriad abuses to Villafañe: these included the murder of a young man; beatings, with the visitor shown the resulting bruises, broken bones, and scars; and multiple instances of the theft, damage, or destruction of land and other property. To cap things off, Villafañe discovered that Bermúdez had also been able to depose Fosatiba, the *cacique*, and replace him with his own man, Guanecipa. Bermúdez had enough retainers to run the old *cacique* out of town with threats of violence after they quarrelled, declared he had abandoned his office, and appointed Guanecipa his replacement. The new leader 'mistreats the Indians', Fosatiba complained, 'for I have seen him beating them with whips and canes, and this is why Bermúdez likes him: he forces the other Indians to do as he says'.<sup>165</sup>

Other relationships, however, were quite the opposite, built on collaboration and community of interest, such as that between Bermúdez's neighbours, *encomendero* Juan de Céspedes and his subject Ubaque, the

<sup>164</sup> The historiography on the *encomienda* is vast, especially since the publication of Silvo Zavala's 1935 study, *La encomienda indiana*, subsequently much revised and expanded in multiple editions. For a survey of the historiography of the institution in Perú, see Teodoro Hampe Martínez, 'La encomienda en el Perú en el siglo XVI (ensayo bibliográfico)'. *Histórica* 6, no. 2 (1982): 173–216. Two recent approaches that constructively engage with this historiography and encourage us to rethink its assumptions are the works of Santiago Muñoz, whose work on the *encomiendas* of the valley of Ubaque, *Costumbres*, is discussed later; and Aliocha Maldavsky, who examines the complex ways in which *encomenderos* in Peru participated in religious change even beyond the curtailment of the *encomienda*, through restitution, charity, and the sponsorship of the sacred. On this, see her articles, 'Les encomenderos et l'évangélisation des Indiens dans le Pérou colonial: "Noblesse", charité et propagation de la foi au XVI<sup>e</sup> siècle'. In *Le Salut par les armes: Noblesse et défense de l'orthodoxie (XIII<sup>e</sup>–XVIII<sup>e</sup> siècle)*. Edited by Ariane Boltanski and Franck Mercier (Rennes: Presses Universitaires de Rennes, 2011), 239–250; 'De l'encomendero au marchand: Charité et évangélisation dans le Pérou colonial, xvi<sup>e</sup>–xvii<sup>e</sup> siècles'. *Cahiers des Amériques latines* 2011, no. 67 (2012): 75–87; 'Giving for the Mission: The *Encomenderos* and Christian Space in the Late Sixteenth-Century Andes'. In *Space and Conversion in Global Perspective*. Edited by Giuseppe Marcocci, Wietse de Boer, Aliocha Maldavsky, and Ilaria Pavan (Leiden: Brill, 2014), 260–284; and 'Encomenderos, indios y religiosos en la región de Arequipa (siglo XVI): Restitución y formación de un territorio cristiano y señorial'. In *Invertir en lo sagrado: salvación y dominación territorial en América y Europa (siglos XVI–XX)*. Edited by Aliocha Maldavsky and Roberto Di Stefano (Santa Rosa: Universidad Nacional de la Pampa, 2018).

<sup>165</sup> Visitation of Choachí by Villafañe, 28 March 1563, AGN VC 12 d 11, 1041r.

ruler of the community of the same name. This was clear in the great celebration held by Ubaque in late 1563, discussed in Chapter 1, which had been so resoundingly condemned by the authorities, but which had in fact been organised with the support of Céspedes. News of Ubaque's plans had first reached the *Audiencia* through witnesses who had apparently seen people from Ubaque travelling around the region inviting Indigenous authorities to participate in the celebration. Several reported that their movement was facilitated by Céspedes's involvement, such as Gonzalo García Zorro the elder, *encomendero* of Fusagasugá, who explained that the couriers were bearing a note, signed by Céspedes, reading 'Christians, let these Indians through for they are messengers', with the implication that they were travelling on Céspedes's business – which, in a sense, they were. When questioned, Ubaque later explained Céspedes had made fourteen such writs for him, to aid with the preparations.<sup>166</sup> This was just one example of the complex relationship between Céspedes and Ubaque, which has been studied in detail by Santiago Muñoz, who also details other ways in which Céspedes advocated for Ubaque against *Audiencia* officials and supported his ambitions over neighbouring communities.<sup>167</sup> Indeed, a careful examination of these and other records of the actions of *encomenderos* in this period reveals a broad range of attitudes, priorities, and concerns.

Conversely, to recognise that the powers of the *Audiencia* and the bishop were profoundly limited should not be understood to imply that the power of *encomenderos* was not. Some may have been able to resist or ignore the command of the king's representatives, especially outside of the formal setting of a visitation or hearing, but so too could their own subjects ignore theirs. The power of *encomenderos* itself was tenuous, contingent, and fleeting. This is clear from Villafañe's findings concerning López's policy of resettlement, which reflected not only the varying interest and willingness of *encomenderos* to participate in implementing the policy, but more fundamentally their ability to compel their subjects to obey them. A couple claimed to Villafañe that they had managed it, although it is unclear what they had actually done, as in Cota, where none of the Indigenous witnesses seemed to know anything about having been resettled. Others had tried and failed. Florentina de Escobar, the acting *encomendera* of Tenjo, explained that her late husband had tried,

<sup>166</sup> Documents pertaining to the case of Ubaque, 1563, AGI Justicia 618, 1398r–1398v, 1417r.

<sup>167</sup> Muñoz Arbeláez, *Costumbres*, 44–53.

'but afterwards they left the settlement and went back to their old houses', and he had been powerless to stop them.<sup>168</sup> In Gachancipá, *encomendero* Nicolás Sepúlveda had gone as far as to burn their old houses, as the *cacique* complained.<sup>169</sup> Leonor Maldonado, acting *encomendera* of Ubaté, spelled it out for the visitor: 'the Indians do not want it, because it would be to their detriment', and to force them, quite simply, 'would take the strength and authority to execute justice, to command, to arrest, and to imprison, and neither my late husband nor any *encomendero* can do it, because it exceeds the power in our hands'. Pushing too hard would only drive them 'to flee elsewhere, so that we will not be able to collect tribute, and they will be lost'.<sup>170</sup> The others, it seems, had avoided it altogether. 'I did not try to congregate or compel or force them', Gonzalo de León, *encomendero* of Simijaca, explained, adding that it should be a matter for the *Audiencia* 'and not for me to do on my own'.<sup>171</sup> But what could the *Audiencia* do?

Uprooting and relocating entire communities clearly exceeded the power of many *encomenderos*, but so too did some of the everyday business of their *encomiendas*. Even their most basic function, the collection of tribute, required negotiation and compromise. A key question in both visitations was whether *encomenderos* had commuted any of the terms of the *tasa*, perhaps exchanging the obligation to provide a certain kind of product with another or altering the quantities. Officials asked this question because they were concerned, often rightly, that *encomenderos* might do this in order to increase their profits to the detriment of their charges, as some certainly did. But the visitations also reveal the opposite: *encomenderos* who had no choice but to accept tribute in different forms to those prescribed by their *tasa*, or not receive it at all. In Suta, the *cacique*, Cupachilagua, reported that instead of paying Gonzalo de León the gold and *mantas* in their *tasa*, they grew some wheat for him, while his neighbour, Fosquiraguya, *cacique* of Tausa, had agreed to pay *mantas* but not gold.<sup>172</sup> Leonor Maldonado was candid on the subject, explaining that her late husband had negotiated with the *cacique* to reduce the number of *mantas* they paid him, in exchange for doing some more agricultural work, 'because *encomenderos* are forced to accept

<sup>168</sup> Visitation of Tenjo Villafañe, AGN E 6, d 18, 505r.

<sup>169</sup> Visitation of Gachancipá by Villafañe, AGN VC 7 d 14, 692r.

<sup>170</sup> Visitation of Ubaté by Villafañe, AGN VC 4 d 7, 1000v.

<sup>171</sup> Visitation of Simijaca by Villafañe, AGN VC 4 d 11, 997r.

<sup>172</sup> Visitation of Suta and Tausa by Villafañe, AGN VC 4, d. 11, 973v, 974v.

whatever the Indians give them, for they never fulfil or pay what is contained in the *tasa*'. This was an exaggeration, no doubt, but not entirely. She and many other *encomenderos*, she added, had complained to the authorities, 'but they have not forced them to pay'.<sup>173</sup> And how could they?

Indigenous leaders in turn relied on a delicate balance of ritual, reciprocity, and participation to exercise what power they had. In those rare instances when commutations went through the official channels, leaving us with more of a paper trail, Indigenous leaders reported having the same problems as *encomenderos*. Just two years after the 1555 *tasa* was issued, for example, the leaders of Tibaná in Tunja petitioned Briceño to commute their obligation to pay their *encomendero*, the mighty Suárez Rendón, 330 pesos of low gold, into *mantas*: 'we cannot give gold because we do not have any and cannot get it, and if we were to demand it of the Indians of our town they would flee and abandon it'.<sup>174</sup> And who, indeed, could prevent it?

#### THE FOUNDATIONS OF THE KINGDOM

Reading the records of the first visitations of the provinces of Santafé and Tunja against the better thumbed legislation and correspondence surrounding the introduction of the *Audiencia* and first bishop to the New Kingdom reveals a series of striking parallels. Both, at first sight, seem to be expressions of increasingly confident and effective monarchical power. Indeed, an earlier historiography understood the introduction of the *Audiencia* as the first step in the progressive unfolding of a colonial state over the settlers and Indigenous peoples, one that allowed the Spanish crown, at least for a time, to strengthen its grip on local affairs and impose its authority on unruly local elites.<sup>175</sup> It was common for historians to understand the centuries that followed as the story of collaboration with, or resistance against, the monarchy by local elites: of 'imperial centralization and colonial decentralization', in the words of John Leddy Phelan.<sup>176</sup> The historiography on the New Kingdom was by no means unique in this

<sup>173</sup> Visitation of Ubaté by Diego de Villafañe, AGN VC 4 d 7, 1001v.

<sup>174</sup> Visitation of Tibaná by Tomás López, AGN VB 7 d 6, 406r.

<sup>175</sup> For Jaime Jaramillo Uribe, for example, it was with the *Audiencia* and the New Laws that 'the monarchy, the Spanish state, assumed control and exercised its full sovereign rights over the new territories'. See *Manual de historia de Colombia*, 1:350.

<sup>176</sup> John Leddy Phelan, *The People and the King: The Comunero Revolution in Colombia: 1781* (London: University of Wisconsin Press, 1978), xviii.



regard. As Tamar Herzog has shown, much of the historiography on early modern government in Spain and Spanish America has focused on royal projects of state-building, in which ‘the state’, a public administration understood to be the monarchy or its royal bureaucracy, ‘gradually affirmed itself against opposition’.<sup>177</sup> In these readings, royal officials such as *oidores* are understood to be fundamentally distinct and separate to the people they are sent to govern, concerned primarily with state-building.

In this interpretation, visitations become primarily opportunities for gathering information in the service of this state, implementing policy, and bringing wayward subjects to heel: mechanisms, through which ‘the state’ intrudes on the localities and their people, to observe, command, and discipline. These conclusions are easy to draw from the documentation itself, which after all takes for granted the visitors’ ability to do all these things themselves and more. Indeed, the very records they produced often presented these visitations as watersheds. Some claimed to draw a line under a period of lawlessness and inaugurate one of better government, as in the case of López, whose sentences repeatedly explained that ‘failures and excesses will be punished with all rigour *from now on*’, or that transgressions of different sorts would be tolerated no longer; while others, such as those of Villafañe and his successors, announced new and stricter standards for the future.<sup>178</sup> It is, in other words, easy to read these claims and imagine that the purpose and effect of the visitations was to tighten the vice of royal control one inspection at a time.

As this chapter has shown, however, a careful reading of both sets of records reveals a very different picture. It was not just the establishment of the *Audiencia* of Santafé, or the coming of the bishop, that must be understood within the context of the operation of rescript government, as the result of multiple petitions by the settlers of the New Kingdom to turn their principal city into an administrative and ecclesiastical capital, in pursuit of their own interests. So too must their continued operation and ability to function, as institutions themselves dependent on the participation of litigants, supplicants, informants, and diverse other actors, whether at home in their chambers in Santafé or out in the field in a

<sup>177</sup> Indeed, as she notes, this historiography is predicated on the existence of multiple binaries, ‘state versus society, institutions and bureaucrats versus local elites, law versus its implementation, tyranny versus flexibility, public versus private spheres’. See Tamar Herzog, *Upholding Justice: Society, State, and the Penal System in Quito (1650–1750)* (Ann Arbor: University of Michigan Press, 2004), 5–8.

<sup>178</sup> As in López’s visitation of Chivatá, AGN VB 11 d 8, 814r. My italics.

borrowed room or a visitor's tent. Instead of the image of a constant, universal authority confidently projecting its power from the courts of the bishop and *Audiencia* on to Spanish and Indigenous subjects that is embedded in the triumphant rhetoric of royal legislation and administrative records, what the visitations show is patchy, fleeting, and contingent: flickering spots of power and jurisdiction moving across the landscape like fireflies in the night, following a visitor as he interacted with local people on a visitation, surrounding an official as he carried out an inquiry, or invoked by different actors in the resolution of a suit or conflict, before fading into the darkness and disappearing once more. Because everything in the bureaucratic archive is illuminated by this light, it is easy to imagine that it shone over everything and that it was always on, but we must not lose sight of its fleeting, incomplete, and partial nature.

What is more, in practice, royal authority was not something for a bureaucrat to impose, but rather something that was collectively brought into being by the interaction of the monarch's subjects, whether or not they were one of the tiny handful of salaried royal officials. They did so when they sent the monarch or his representatives a petition or request, appeared before a magistrate or official, testified in a visitation, or obeyed – or indeed appealed – a sentence or ruling. Visitations facilitated many of these interactions, by bringing the *Audiencia* or the bishop to the localities, and making it easier, for example, for the people of Tota to denounce Diego Montañez and obtain restitution. Without the participation of witnesses and informants, the *Audiencia* would have remained unaware of his abuse. But they were no magic solution: lacking the means to compel Montañez in the long term, he was able to reverse course once the visitor left and steal the money back. Other *encomenderos*, of course, did not, but not because the nature of their sentences, the threats of pecuniary or spiritual sanctions, or the claims of power and jurisdiction of the authorities over them were any different. What changed was the nexus of social relations, obligations, reciprocity, expectations, beliefs, priorities, and much more besides, that shaped the actions of each *encomendero*, and their relations to their subjects, neighbours, and different authorities. This complex web is often invisible in the documentation, which so stubbornly prioritises hierarchy above all else, but it is essential in understanding how the power of the monarchy functioned in practice.

The records of the visitations show how, time and time again, the visitors overestimated not just their own authority, but also that of the people with whom they interacted. They thought little of ordering

*encomenderos* to take on enormous tasks and seemed to believe they would achieve them if only they did as they were told. But these same records, as we saw, are also revealing of the limits of the power of those local actors. They show how *encomenderos* were aware of the limitations of their power, and how they devised diverse strategies and compromises to pursue their interests. These in turn remind us of the fragility of the authority of the Indigenous leaders with whom they interacted, which the Chapter 1 explored, and which constituted the very foundations of the kingdom and its tributary economy. Seen from above the authority and power of the *Audiencia*, bishops, and even *encomenderos* may seem solid and unshakeable, but seen from the ground up they are revealed to be as delicate, contingent, and fragile as the power of Muisca leaders. In pursuing their ambitions, the bishops of Santafé and their civil counterparts would have done well to see that the New Kingdom was built on sand. Instead, over the following decades, both would grow increasingly belligerent, and push the kingdom to breaking point.