

THE BEGINNINGS OF THE CHURCH IN MEXICO, 1520-1600

by

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A. B., Park Colloge, 1920

Submitted to the Department
of History and the Faculty
of the Graduate School of
the University of Kansas in
partial fulfillment of the
requirements for the degree of
Master of Arts.

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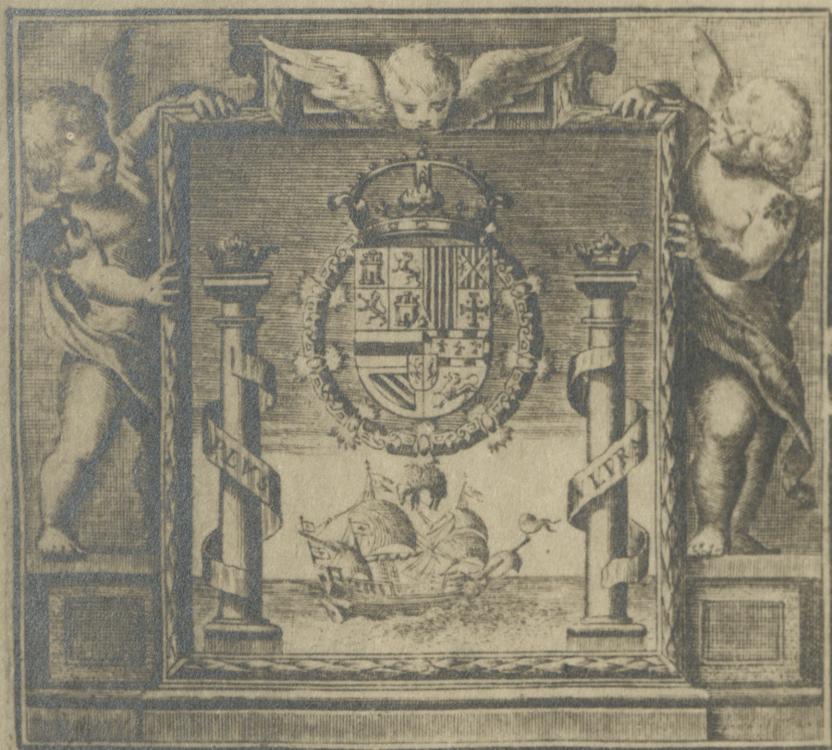
RECOPILACION DE LEYES DE LOS REYNOS DE LAS INDIAS.

MANDADAS IMPRIMIR , Y PVBLICAR
POR LA MAGESTAD CATOLICA DEL REY

DON CARLOS II. NUESTRO SEÑOR.

VA DIVIDIDA EN QVATRO TOMOS,
con el Indice general, y al principio de cada Tomo el Indice
especial de los titulos, que contiene.

TOMO PRIMERO.



En Madrid: POR IULIAN DE PAREDES, Año de 1681.

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PART I

CHAPTER I

THE HIERARICHIAL SYSTEM

Significance for the Church of the Conquest of Mexico.- Christianity came into Mexico from the islands of the West Indies. Its coming was an incident of the invasion led by Cortez. He conquered under the sign of the Cross. The conquest of Mexico opened a profoundly important chapter in the history of the Church in America. Before 1520 the main task of the Church in the Indies involved at most a few score thousand primitive savages. After 1520 its task involved millions of natives, far advanced in the acts of civilization and dominated by a highly organized priesthood. Just as the conquest of Mexico meant the establishment of a great new colonial possession for the Crown of Spain, so the conquest meant the establishment of a great new crown in America of the Roman Catholic Church.

And as the political organization of those many peoples and regions which made up the vice royalty of New Spain necessitated the creation of an elaborate system of laws regarding government, so the establishment of the Church in New Spain necessitated the passage of many and far-reaching statutes regarding the Church and its relationship to the new state and the Indians. Before 1520 there

was, in fact, comparatively little legislation concerning religious establishments in America. At best, the legislation was chaotic and groping. Since 1493 the Church in America had grown without much plan. It was after the conquest of Mexico that the Council for the Indians, realizing the complex and vast new social problems, began to lay the systematic legal foundations of the Church in America. It is the purpose of this chapter and of those which succeed it to review the course of these legal foundations, as set forth in the Recopilacion of the Laws of the Indies.

The Spanish Crown was supreme in all temporal affairs of the Church in America. This regime was definitely established by law with the assent of the Pope. All spiritual affairs - including, of course, matters of doctrine - were in theory not included in the Crown's ecclesiastical powers. The hierarchical system in Mexico, and in Spanish America, was a replica in most respects of that in Spain. Its outline was set forth by the following laws enacted during the sixteenth century.

Royal Patronage. - During the sixteenth century - mostly after 1520 - a considerable amount of legislation was enacted relating to the hierarchical system. These laws positively set forth the provisions relating to the Royal Patronage; Apostolic Bulls and Briefs; Bishops, Archbishops, and Visitors; Provincial and Synodical Councils; Ecclesiastical Judges and Attorneys.

The claim to the right of patronage in the Indies was based on the fact that the New World had been discovered by or for the Crown, as is provided in law 1, book 1, chapter VI: "We order and command that this right of the Patronage of the Indies be reserved forever intact and exclusive to Us and our Royal Crown, and that it may not be separated therefrom in whole or in part, and, whatever favor, grace, privilege or other agreement that we or the Kings who succeed Us may make shall not be understood as granting the right of Patronage to any person, Church or Monastery whatsoever, nor as impairing in any way our right to the said Patronage."¹

The king possessed all authority in relation to the establishment of churches and other pious foundations as

1. Recop. Lib.1, Tit. VI, Ley 1. D. Felipe Segundo en S. Lorenzo a 1 de Junio de 1574. Capit del Patio... En Madrid a 2 de Febrero de 1575.

This and subsequent references to the Recopilacion are from the translation by Prof. Arthur Owen.

stated in law 2, book 1, chapter VI: "We order and command that no Cathedral, Parish Church, Monastery, Hospital, Votive Church, nor any other Religious or Pious Foundation shall be built, instituted, founded or constituted without our express permission."¹

The nomination of the dignities and prebends of the cathedrals of the Indies was to be made by the king as is decreed in law IV, book 1, chapter VI, "that the Dignities, Canonships, Livings and Half-livings of all the Cathedrals of the Indies shall be filled upon nomination made by us, approved by our Royal Council of the Indies and signed by our name"²

University graduates were preferred in the nominations of the prebends, as law V, book 1, chapter VI, states "that in the nominations that may be made for the Dignities, Canonships and Prebends of the Indies preference be given to Priests holding degrees from the Universities of Lima and Mexico and from the others which have been approved in our Kingdom of Castile, over those persons not so qualified"³ ...

1. Recop. Lib. 1, Tit. VI, Ley 11, El mismo alli, capit del Y. D. Felipe quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. VI, Ley IV, El mismo alli ordenanza 4 en Aranjuez a 17, de Enero de 1561. En el.. a 3 de Noviembre de 1569. Y en Madrid a 11 de Septiembre 1659.
3. Recop. Lib. 1, Tit. VI, Ley V, D. Felipe Segundo en la Ordenanza a 6 de Patronazo de 1574.

In the Cathedrals of the Indies there were to be two jurists and ten theologians for four of the canonships where it could be conveniently accomplished and as is stated according to law VI, book 1, chapter VI, "that there shall be present in each Church one jurist graduated from the University and another graduate Theologian, also graduated from the University, for the Doctoral Canonship and for the Magistral Canonship respectively; these two shall occupy the pulpit with the same duties which the Doctoral and Magistral Canons perform in the Churches of Spain. Likewise another graduate Theologian to read the lessons from the Holy Scriptures and another graduate, either Theologian or jurist for the Penitentiary Canonship, in accordance with the rules established by the Holy Council of Trent. The foregoing Canons shall be of the number allowed by the Foundation of the Church."

The appointment of the four canons was to be made in the following form according to law VII, book 1, chapter VI, which states, "that the appointment of the four canons, Doctoral, Magistral, Penitentiary and the one charged with the reading of the Holy Scriptures, shall be made by examination in the places that may be designated; and our Viceroy and Presidents shall arrange with the Prelates that

1. Recop. Lib. 1, Tit. VI, Ley VI, El mismo alli Ordenanza 7 y 8 de el Patronazgo.

when as many as four Canonships shall become vacant in any one of the Churches already announced or which may hereafter be announced, they shall cause edicts to be published in the cities, towns and villages which may seem wise to the said Viceroy and Presidents, in order that all the learned men who may be scattered throughout the land, both in the Prebends of other Churches and in Ecclesiastical Offices and Schools, may know the day of the examination, and that they may present their theses, in the manner customary in such cases.¹"

Upon the presentation of the nomination the candidate was to be immediately installed in his canonship as is provided in law XI, book 1, chapter VI, which charges "the Prelates of our Indies that when a candidate presents to them our original nomination they shall without any delay whatever cause the nominee to be installed in his canonship and shall place him in the enjoyment of its revenues"²..

In case there were not at least four resident prebendanes in the cathedral churches, the prelates were to appoint competent persons to make up the number, according to law XIII, book 1, chapter VI, which says "that in any of the Cathedral Churches of the Indies there shall be

1. Recop. Lib. 1, Tit. VI, Ley VII, D. Felipe Segundo en el Campillo a 14 de Mayo de 1597.
 2. Recop. Lib. Tit. VI, Ley XI, D. Felipe segundo en la Order a 7 del Patronazgo En S. Lorenzo a 24 de Junio de 1577.

at least four Resident Prebendaries, provided by our Nomination and the Canonical Installation of the Prelate, - whether the Prebends are vacant or the Prebendaries filling them absent for more than eight months, even though for legitimate cause, - the Prelate, while awaiting our nomination, shall appoint enough to make the number four, choosing the most able and competent who may present themselves or who may be found, in order that they may serve the Choir, Altar and the Church in the place of the Prebendaries who are missing as aforesaid.".....¹

The persons appointed were to be capable of the position and were not to have any voice in the churches as is laid down in law XIV, book 1, chapter VI, which charges "that the Archbishops and Bishops of our Indies that when it shall be necessary to appoint persons to serve in their Churches temporarily in place of those who are absent, in conformity with the license and authority which they hold from us, these shall be able persons and such befit the service of God, our Lord and the Church; and they shall further see that the said persons have no chairs of their own,....² nor any title nor voice in the Chapter,"...

1. Recop. Lib. 1, Tit. VI, Ley XIII, D. Felipe Segundo en la Ordenanza del Patronazgo Y en Madrid a 7 de Julio de 1567. En Aranjuez a 7 de Junio 1578.
2. Recop. Lib. 1, Tit. VI, Ley XIV, El Emperador D. Carlos Y el Cardenal Loaisa G. en Madrid a 14 de Julio de 1540.

A diligent examination was to be made of the persons nominated to the prebends in accordance with the provisions of law XV, book 1, chapter VI, which orders the Archbishops, Bishops and Prelates of Churches in which there were vacancies among the Prebendaries that when candidates named by us present themselves for these offices, they shall make a diligent examination and ascertain whether they possess those qualities of fitness and ability which were required according to the Foundation of the Church and following its provisions; upon which point we charge their consciences.¹"

An account of the prebends which became vacant and a list of the worthy priests were to be sent to the king as is provided in law XIX, book 1, chapter VI, which states that "by each sailing of the fleet from the Indies to these kingdoms, the Archbishops and Bishops are directed to send us an account of the Dignities, Canonships, and other livings which become vacant in the Churches, and of any other Benefices which come within our grant, and of the amount of the income and emoluments in each case; likewise a list of worthy and deserving Priests of their District who have been most active in the teaching and conversion of the Indians, and of their qualifications, age, ability, training, life and morals, provided they be persons possessed of the other necessary qualifications to fill the Prebends

1. Recop. Lib. 1, Tit. VI, Ley XV, D. Felipe en Madrid 19 de Abril de 1583.

and Benefices in order that the Council of the Indies may pass upon them and order whatever shall be fitting.¹"

No priest was allowed to hold two dignities at the same time as is provided by law XX, book 1, chapter VI, which states, "that in the Indies no Priest may hold at the same time two Dignities, Benefices or other Ecclesiastical Offices in one Church or in more than one Church; and that if anyone shall present himself provided with our recommendation for any Prebend, Dignity, Canonship, Benefice, or other office, he shall before being installed renounce any office previously held by him or else hold the former office and renounce that one to which he is entitled by our recommendation, in which case he shall enjoy no privilege or emolument pertaining to the Prebend or Benefice which he renounces."¹

Law XXIII, book 1, chapter VI, orders, "that persons appointed by us to Benefices in the Churches of our Indies shall only differ from others Holders of Benefices in that they shall not be removable at the will of the Patron and the Prelate."²

If the governors did not present worthy priests for the benefices, law XXVII, book 1, chapter VI, provided that, "the Viceroy or Presidents or whoever may hold the chief authority may recommend such."³

1. Recop. Lib.1, Tit. VI, Ley XX, D. Felipe Segundo en la Ordenanza 22 del Patronazgo. El Emperado D. Carlos y la Reyna G. en Valladolid a 12 de Noviembre de 1537. Y. D. Felipe Segundo en Badajoz a 19 dese Septiembre de 1580.
2. Recop. Lib. 1, Tit. VI, Ley XXIII, D. Felipe Segundo en S. Lorenzo a 28 de Agosto de 1551.
3. Recop. Lib.1, Tit. VI, Ley XXVII, D. Felipe Segundo en Madrid a 19 Abril de 1583.

The parish priests were required to know the language of the natives, as is set forth in law XXX, book 1, chapter VI, which orders "that the Priests or Monks who go from these kingdoms to those of the Indies or any part thereof and wish to be appointed to the Doctrinal Schools of the Indians, shall not be admitted if they do not know the general language in which instruction has to be given, and they shall present a written certificate signed by the professor of that subject to the effect that they have successfully passed one entire course therein, or the time necessary in order to discharge the functions of a Priest in that language....."¹

No foreign priest could be nominated to a benefice as stated in law XXXI, book 1, chapter VI, which provided "that the Presidents and Governors shall not nominate any person for a benefice or an ecclesiastical office who is not a native either of these kingdoms or of those of the Indies, in accordance with the laws, except he have an express order or naturalization papers issued by us...."²

According to law XXXII, book 1, chapter VI, it was ordered, "that the Priests from Navarre nominated by us

1. Recop. Lib. 1, Tit. VI, Ley XXX, D. Felipe Segundo en el Padro a de Deziembre de 1578 Y en Badagoz a 19 y de Septiembre de 1580. Y en Lisbo a 26 de Febrero de 1582.
2. Recop. Lib. 1, Tit. VI, Ley XXXI, D. Felipe Segundo en Monte.. a 20 de Febrero de 1583.

to prebends and ecclesiastical benefices, in accordance with the regulations of the Royal Patronage are to be considered natives of these kingdoms of Castile."¹

Law XXXIII, book 1, chapter VI, ordered the "Viceroys, Audiencias and Governors that for the benefices and for the Indian schools they shall not nominate Priests who are relatives or kinsmen of the Indian Commissioners."²

In the nomination papers two clauses were not to appear and the vacancies were not to last more than four months as is stated in law XXXV, book 1, chapter VI: "We order that in the nominations which our Viceroys, Presidents and Governors shall give to Priests and Monks the following two clauses shall not appear: first, that the cleric presented shall make use of the initiative which his Order possesses, if the Bishop or his Vicar, by virtue of the nomination, does not give authorization to occupy the benefice: and second, that if the Priest appointed shall have been performing the duties of the benefice or curacy to which he is nominated, before his nomination, he shall not be paid a salary for the time that he has so served."³

If the prelate did not promptly invest the candidate within ten days he was to apply to the next nearest prelate

1. Recop. Lib. 1, Tit. VI, Ley XXXII, El Emperador D. Carlos y el Principe G. en el Pardo a 28 de Abril de 1553, D. Felipe Segundo en Lisboa a 13 de Noviembre de 1581.
2. Recop. Lib. 1, Tit. VI, Ley XXXIII, D. Felipe Segundo en el Capillo a 28 de Mayo de 1597.
3. Recop. Lib. 1, Tit. VI, Ley XXXV, D. Felipe Segundo en Badajoz a 5 de Agost de 1580. Y en Madrid a 6 de Deziembre de 1583. Y en el Capillo a 19 de Octubre de 1555.

as is stated in law XXXVI, book 1, chapter VI, in which the Viceroys, Presidents and Governors were commanded "in order that there may be no lack of teachers in the Doctrinal schools to take particular pains to see that nominations are sent with all possible promptness so that if possible the candidates will not be obliged to apply for them in person; and if the Prelates do not invest the candidate within ten days he shall apply to the next nearest Prelate, in accordance with the Bull of our Royal Patronage, in order to be invested and proceed to the discharge of their duties."¹

The provisions of law XL, book 1, chapter VI, "gave authority to the diocesan Prelate of our Indies to divide, unite or suppress any benefices or curacies when need thereof shall arise, provided they obtain first the consent of our Vice-Patrons, who must concur with the Prelate in giving the necessary orders."²

Law XLI, book 1, chapter VI, "declared that all the benefices in the Indian towns which we present or which are presented by our Ministers in our name, are curacies and not single benefices."³

1. Recop. Lib. 1, Tit. VI, Ley XXXVI, D. Felipe Segundo en Badajoz a 19 de Septiembre de 1580.
2. Recop. Lib. 1, Tit. VI, Ley XL, D. Felipe Segundo y la Princess G en Valladoled a 4 de Agosto de 1557. Y en Madrid a 18 de Noviembre de 1576. Y en S. Lorenzo a 28 de Agosto de 1591.
3. Recop. Lib. 1, Tit. VI, Ley XLI, D. Felipe II, en Madrid a 26 de Mayo de 1573.

The chapels in the cathedrals could not be given away nor sold without the license of the King as law XLII, book 1, chapter VI, provides, "that chapels be not sold nor given in the cathedral churches of our Indies without our license;" and no other arms but the royal arms could be set up at the doors of the royal schools, hospitals and other buildings.¹

When any person wished to found any work of piety he was to have the patronage of it as provided by law XLIV, book 1, chapter VI, which orders, "that the chief administrator of the construction of churches and hospitals in the Indies shall be named according to the regulations of the Royal Patronage, without any deviation therefrom, and that it be so done by the Viceroy and Presidents and any others who administer the Royal Patronage."²

In cases of doubt relating to the regulation of the Royal Patronage law XLV, book 1, chapter VI, charged, "the Archbishops, Bishops and other Prelates of our Indies that they obey and observe strictly the laws of our Royal Patronage without departing therefrom. And if questions arise concerning which they are in doubt and if it seems to them that they are not covered by the said Patronage they shall report to Us through our Royal Council of the Indies where

1. Recop. Lib. 1, Tit. VI, Ley XLII, El Emperador D. Carlos y el Principe G en Valladolid a 26 de Octubre de 1554. D. Felipe Segundo en S. Lorenzo a 18 de Octubre de 1583.
2. Recop. Lib. 1, Tit. VI, Ley XLIV, D. Felipe Segundo en San Lorenzo a 18 de Agosto de 1591.

it will be decided what is best to be done....."¹

Law XLVI, book 1, chapter VI, charged "the Archbishops and Bishops to examine with especial care into the number of Indians that can be properly taught and doctrinated by each parish, priest and curate, giving consideration to the physical features of the country and the distances between the towns, and with these things in mind to mark out the limits of each parish and the number of Indians which seems advisable, which is never to exceed four hundred, except in those cases when the nature of the country and the locations of the towns make it necessary to increase or diminish this number..."²

The viceroys were to see that the laws and privileges of the royal patronage were observed as provided in law XLVII, book 1, chapter 1, and which orders, "that the Viceroy, Presidents, Magistrates and Governors of the Indies observe, fulfill and obey, and cause to be observed, fulfilled and obeyed in all the Provinces, Towns and Churches of the Indies all the laws, rights and privileges which belong to our Royal Patronage, in every particular as is provided and ordered, which they will do making use of those means which seem to them most fitting and adequate, giving all necessary orders and directions, for that which we grant them full power in due form."³

1. Recop. Lib. 1, Tit. VI, Ley XLV, D. Felipe Segundo en Madrid a 29 of Deziembre de 1593.
2. Recop. Lib. 1, Tit. VI, Ley XLVI, D. Felipe Segundo en San Lorenzo a 25 de Iulio de 1593.
1. Recop. Lib. 1, Tit. VI, Ley XLVII, D. Felipe Segundo en Ordenanza 24 del Patronazgo. Y D. Felipe Quarto en el Recopilacion.

Apostolic Bulls and Briefs. - The apostolic bulls and briefs were to be executed according to law 1, book 1, chapter IX, as follows: "that the President and members of our Royal Council of the Indies were commanded to fulfill and execute all the Letters, Bulls and Apostolic Briefs which may be issued by our Most Reverend Father, concerning ecclesiastical business, in accordance with the regulations of the Holy Canons,¹....."

The audiences of the Indies were to take up the original bulls and deal with them as is provided in law II, book 1, chapter IX, which orders, "the Viceroy, Presidents and Magistrates of our Royal Audiences to take up the originals from the hands of whatsoever persons may have them, and having made supplication to His Holiness, for this must be done first, they shall send them at the first opportunity to our said Council; and if, having been examined in the Council, they shall prove to be such as ought to be put in force they shall be executed,²....."

If briefs were found authorizing the collection of inheritances they were to be sent to the Council as is provided in law IV, book, chapter IX, which orders "the Royal

1. Recop. Lib. 1, Tit. IX, Ley 1, D. Felipe IV en esta Recopilacion.
2. Recop. Lib. 1, Tit. IX, Ley II, El Emperador D. Carlos en Valladolid a 6 de Septiembre de 1538. D. Felipe Segundo en Madrid a 21 de Octubre de 1571. Y en Arajuez a 14 de Mayo de 1583. Y D. Felipe quarto en esta Recopilacion.

Audiences, Governors, and other Justices of the Indies that, having inquired whether there are any persons holding powers and Apostolic Bulls for the collection of inheritances of Archbishops and Bishops who die in those Provinces, or the revenues of vacant Sees, and having ascertained who have any such, they shall cause the Bulls to be brought to them, and first of all they shall present a petition to His Holiness concerning them, and they shall not permit nor give any opportunity for anyone to make use of the said powers or Bulls in any way whatever, to collect the inheritances nor the revenues of vacant Sees, nor to do any other acts to the prejudice of the rights and concessions from the Pope which we have touching this matter and the immemorial custom of not collecting these inheritances and revenues...¹"

Law V, book 1, chapter IX, orders that "there shall be in the office of each one of the secretaries of the Council a book in which shall be made certified copies of the Bulls and Apostolic Briefs which pertain to the Indies, and that the originals shall be deposited in the Archives of the Council or in those of Simancas and from them shall be made a number of certified copies so that they can be sent² wherever it may be necessary without sending the book..."

1. Recop. Lib. 1, Tit. IX, Ley IV, El Emperador D Carlos y el Príncipe Gen Madrid a de Marzo de 1543. D. Felipe segundo en la Ordenanza de Audiencias de 1563. En el Escorial a 29 de Mayo de 1596. Ordenanzas 3 de Audiencias.
2. Recop. Lib. 1, Tit. IX, Ley V. D. Felipe II en la Ordenanza 36 del consejo en el Pardo a 24 de Septiembre de 1571.

When bulls and briefs were issued in favor of the Priests and differences had arisen between them and the bishops law VII, book 1, chapter IX, ordered "the Presidents and Magistrates that when such cases come up, they send to our Council of the Indies by the first ship the Briefs and Bulls of His Holiness issued in favor of the Priests; or a copy of them, taking them for this purpose from whatever Prelate or Clerics may have them, which Prelates We charge to give them over for the aforesaid purpose without inter-¹posing any objection."

The king's ambassador to Rome was not allowed to impetrate any thing except that which was authorized by the Council as law IX, book 1, chapter IX reads: "Because some persons impetrate from our Most Holy Father favors, dispensations and other dispatches referring to the Indies which cause trouble and are to the prejudice of our Patronage, and the welfare of the Indies, our Ambassador at the Papal Court or any who attend in his place shall take great pains to see that nothing is impetrated except that which We order through our Council of the Indies...."²

Bishops, Archbishops, and Visitors. - The income from the tithes of the bishoprics was to go to the Archbishops

1. Recop. Lib. 1, Tit. IX, Ley VII, D. Felipe Segundo en Madrid a 19 de Febrero de 1571.
2. Recop. Lib. 1, Tit. IX, Ley IX. El Emperador D. Carlos y la Emperatriz G. en Valladolid a 18 de Marzo de 1538.

and Bishops, as law II, book 1, chapter VII, provides "that the person or persons into whose hands they may have fallen or may in the future fall to hand them over at once, or the proceeds from them, to the Prelates nominated by Us to the Churches of our Indies since the day of the aforesaid fiat."¹

Law III, book 1, chapter VII, says that "the limits appointed for each one of the Bishoprics of our Indies are spaces of fifteen leagues round about, which are to be measured beginning at the town in which the Cathedral Church is located, and any other land which lies between the limits of two Bishoprics is to be divided into half and each one is to have one half, and when the division is made in this manner the subjects of each chieftain shall enter into the Bishopric to which he himself belongs even though they reside within the limits of another Bishopric."²

When the prelates ordained with the first order law V, book 1, chapter VII, ordered them "to do so only in the case of persons who possess the qualities and requirements ordered by the Holy Council of Trent."³

The prelates were not to ordain those persons as described in law VI, book 1, chapter VII, "who do not have the

1. Recop. Lib. 1, Tit. VII, Ley 11. D. Felipe segundo en el Pardo a 25 de Enero de 1569.
2. Recop. Lib. 1, Tit. VII, Ley III. El Emperador D. Carlos en Toledo a 20 de Febrero de 1534. Y en Principe G en Madrid a 11, de Febrero de 1553 Y D. Felipe quarto en esta Recopilacion.
3. Recop. Lib. 1, Tit. VII, Ley V. D. Felipe segundo y la Princesa G en Valladolid a 18 de Noviembre de 1556.

qualifications of education, ability, virtue, modesty and exemplary life which are required, and to choose only the virtuous, because if these are honored and exalted the others will refrain and correct their habits, being warned that if they do not improve them they will not be accepted; and to observe precisely the dispositions of the Holy Council of Trent.¹"

Half-breeds could be ordained under the conditions as stated in law VII, book I, chapter VII, in which the bishops were charged, "to ordain as priests the half-breeds of their districts if they possess the necessary ability and qualifications for the priestly state; but this shall be only after diligent inquiry and examination by the Prelate into their lives and customs, and only if they are found to be educated, able, capable and born of legal wedlock."²

The archbishops and bishops were not to permit priests and monks to go to the provinces to take part in the teaching of the doctrine to the Indians without the license of the king, as law VIII, book I, chapter VII, states, "we beg and charge the Archbishops and Bishops not to permit priests and monks who may have gone, or who may in the future go, to those Provinces, without our express license, to say Mass, administer the Holy Sacraments, nor take part in the teaching of

1. Recop. Lib. 1, Tit. VII, Ley VI, D. Felipe segundo en Madrid a 5 de Noviembre de 1578. Y alli a 13 de Diciembre de 1577.
2. Recop. Lib. 1, Tit. VII, Ley VII, D. Felipe segundo en S. Lorenzo a 31 de Agosto y a 28 de Septiembre de 1588.

the doctrine to the Indians, but shall require them to take ship at once and return to these kingdoms;.....¹"

Concerning the recommendations of ecclesiastical petitioners law IX, book 1, chapter VII, states that, "the Archbishops and Bishops are to give the said approval to those within their districts who ask for it and who deserve it, which approval shall be presented together with the brief, and they shall send us separately by each sailing of the fleet their secret and private opinion concerning the education, virtue, example, life and morals, age and quality of all the clerics of the districts of each of them, and how long they have served and in what employment it seems to the Prelates that each one is most necessary and suitable, in order that all this being examined in our Council of the Indies, We may do justice to each one in accordance with what appears in his papers; and they shall take especial pains to see that they by no means give any license to any priest to come to these kingdoms with his petition; and concerning the fulfillment of this We charge their consciences."²

The prelates were not to allow vagrant priests to remain in their dioceses without their dismissory letters nor

1. Recop. Lib. 1, Tit. VII, Ley VIII. El Emperador D. Carlos y el Principe G. a 31 de Mayo de 1552. D. Felipe segundo en Madrid a 4 de Agosto de 1574. Y D. Felipe quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. VII, Ley IX, D. Felipe segundo en S. Lorenzo a 22 de Junio de 1588. Y en Madrid a 27 de Julio de 1567.

were they allowed to be admitted to the benefices without such letters. Law X, book 1, chapter VII, charges, "the Prelates not to permit any Priest to remain within their Bishopric who shall have resided within another Bishopric of those Provinces, unless he have his license, dismissory letters and aprobation of the Prelate of that diocese, and those who are without these documents they shall make return to the Bishoprics from which they came, and shall not permit them to wander from one town to another nor to administer the Blessed Sacraments."¹

Concerning the punishment of priests who have committed crimes law XII, book 1, chapter VII, charges, "the Prelates of our Indies not to impose upon them monetary penalties, at the same time leaving them in their parish or transferring them to another, for which such slight punishment they will not reform, and they will set a bad example for the Indians; but in such cases they shall do what befits the services of God, our Lord, and the welfare of the souls of their subjects by punishing the crimes of the parish priests in accordance with the disposition of the Holy Canons; so that they become an example to the rest; and the rules of our Royal Patronage are to be followed in cases of dismissal."²

1. Recop. Lib. 1, Tit. VII, Ley X, D. Felipe segundo y la Princesa G en Valladolid a 21 de Mayo de 1550. El Mismo en S. Lorenzo a 5 de Agosto de 1577.
2. Recop. Lib. 1, Tit. VII, Ley XII, D. Felipe segundo en Madrid a 25 de Noviembre de 1578.

Regarding those Spaniards living in the Indies married to women in Spain law XIV, book 1, chapter VII, charged "the Prelates of the Indies that they personally or by means of their visitors ascertain whether in their dioceses are living any Spaniards who are married or betrothed to women residing in Spain, and if they find that there are such, they shall report the matter at once to our Viceroy, Presidents, Audiencias and Governors, who without delay, tolerance, excuse nor evasion shall cause such persons to take ship at the first opportunity and return to these kingdoms to live with their wives."¹

Law XVI, book 1, chapter VII, forbade the bishops "to take from the priests who had a charge among the Indians the fourth part of their salaries or stipends; and they were to see that these were not paid to those who did not reside in the district of their charge, during the time that they were absent."²

The salaries of the curates and parish priests were paid from the Royal treasury and income and because some of the prelates of the Indies brought action through the ecclesiastical courts against the royal officers and Indian commissioners concerning the payment of the stipend which belonged to the royal jurisdiction law XVII, book 1, chapter

1. Recop. Lib. 1, Tit. VII, Ley XIV. El Emperador D. Carlos en Valladolid a 19 de Octubre de 1544. D. Felipe segundo en Madrid a 10 de Mayo de 1569. En Navacarnero a 25 de Junio de 1579. Y en el Boque de de segovia a 29 de Julio de 1565. Vease la ley tit. 3 libro. 7.
2. Recop. Lib. 1, Tit. VII, Ley XVI. D. Felipe segundo en Madrid a 3 de Septiembre de 1572. Vease las leyes 18 tit 13 y 16 tit 15 de este lib.

VII, ordered, "that all Churches, Monasteries, Prelates, Prebends, Priests, Curates and Parish Priests who, through our favor or that of the kings, our ancestors, enjoy any grants or alms of money of kind, or any other honorariums, shall be obliged to bring action or suit before the Vice-roys, Presidents, or Governors who exercise our royal jurisdiction, who shall do justice, attentive only to the truth. in the briefest possible time, investigating the matter directly and openly."¹

When cases arose in which it was necessary for the prelates to absolve any of the magistrates it was to be done freely and in accordance with law XVIII, book 1, chapter VII, which charges, "the Archbishops of all the Metropolitan Churches and Cathedrals of our West Indies,.... that when any cases arise in which they should absolve any of our Magistrates, Alcaldes, Governors of other Judges or Justices or their Ministers or Officers, against whom they may have brought action by censure, for any of the causes by which they may legally do so, that they do so absolve them freely as is the custom in our kingdoms of Castile, and not oblige them to go personally to receive the absolution in their own persons and in the episcopal houses or in the churches,...."²

1. Recop. Lib. 1, Tit. VII, Ley XVII. D. Felipe segundo en Madrid a 17 de Enero de 1593.

2. Recop. Lib. 1, Tit. VII, Ley XVIII, D. Felipe Tercero en Madrid postrero de Octubre de 1599.

Law XX, book 1, chapter VII, charged "the Archbishops and Bishops of the Indies not to have Priests or Monks as Provisors, and that those whom they appointed should be such as may properly exercise this function in accordance with the dispositions of canonical law."¹

"Because some Archbishops of the Indies send visitors to the suffragan bishoprics without observing the form laid down by the Holy Council of Trent, from which the Bishops receive injury, law XXI, book 1, chapter VII ordered and charged the Archbishops that in this matter they observe strictly the provisions of the Holy Council without departing in any case from what is there specified."²

Law XXIV, book 1, chapter VII, charged "the Prelates of the Indies to visit personally all their dioceses, to examine into the state of the parishes the preaching of the Holy Gospels and the conversion of souls, and to administer the Blessed Sacrament of confirmation, seeking to inform themselves with the exactitude which is recommended by the Holy Canons and Councils and by our royal laws, and to make these visits with moderate suite, in order that they may be an example and edification to the natives and not an annoyance to them...."³

1. Recop. Lib. 1, Tit. VII, Ley XX, D. Felipe segundo en Badajoz a 26 de Mayo de 1580.
2. Recop. Lib. 1, Tit. VII, Ley XXI, D. Felipe segundo en Madrid a 8 de Mayo de 1568.
3. Recop. Lib. 1, Tit. VII, Ley XXIV, D. Felipe segundo en S. Lorenzo a 5 de Agosto de 1577.

The visitors were not to collect any illegal revenues from the laymen and especially the Indians as law XXVI, book 1, chapter VII states that, "the ecclesiastical visitors shall not collect from laymen any illegal revenue, tributes, maintenance or contribution either in kind or in money, since the laymen and especially the Indians are not obliged to pay any such; and they shall try to take with them the smallest possible number of attendants and to travel with as little baggage and as few carriages as may be, stopping in the towns no longer than necessary, in order not to occasion the inhabitants expense or annoyance....."¹

The prelates were not to remove the Indians from their villages for any crime but should punish them there as law XXVII, book 1, chapter VII orders "the Bishops and Archbishops, Vicars, Visitors and all other Ecclesiastical Judges whatsoever not to remove nor order to be removed from their towns and districts any Indians, men or women, for any reason whatsoever, and in cases which fall under their jurisdiction they shall punish them in their towns, giving great heed to their limited intelligence and weakness, because it is our intention and will that these our vassals shall not receive any harm, or injury, but shall be supported and aided."²

1. Recop. Lib. 1, Tit. VII, Ley XXVI. D. Felipe segundo y la Princesa G en Valladolid a 12 de Junio de 1559.
2. Recop. Lib. 1, Tit. VII, Ley XXVII. D. Felipe segundo en Madrid a 15 de Enero de 1569. Y D. Felipe quarto en esta Recopilacion. Vease la 16 tit 10 de esta libro.

Law XXXI, book 1, chapter VII, ordered, "the Prelates and their Visitors not to introduce themselves among the Indians with the pretense of protecting them or in any other manner in order to inquire into cases among the Indians which belong to our royal jurisdiction; and in those which belong properly to the ecclesiastical jurisdiction they shall not bring against them ordinary law suits, and neither they nor their notaries shall charge them excessive fees, but, inquiring openly into the cases, they shall do simple justice."¹

The prelates were not to appoint fiscals, according to law XXXII, book 1, chapter VII, which charges, "the Prelates not to appoint fiscals nor to allow them to be appointed except in cities where there were Metropolitan Churches and Cathedrals, in which cities We consider it wise that they should be named, and not in other cities, towns or villages of their dioceses; and they shall not cause the Indians, men or women, to be arrested or flogged in cases which do not come under their jurisdiction."²

The bishops were to receive what the Indians bequeathed to pious work in accordance with the provisions of Law XXXIII, book 1, chapter VII, which orders, "that from the Community Treasuries of the Indians, in which it is required that the property of deceased persons be deposited,

1. Recop. Lib. 1, Tit. VII, Ley XXXI. D. Felipe segundo en Madrid a 3 de Septiembre de 1575.
2. Recop. Lib. 1, Tit. VII, Ley XXXII. D. Felipe II en Toledo a 2 de Marzo de 1560. Y en Madrid a 17 de Enero de 1593. Y D. Felipe quarto en esta Recopilacion

shall be taken out and paid any sums which they may have left for Chaplaincies, pious works and Hospitals, either in money or in income producing property.¹"

In case the tithes did not amount to five hundred thousand maravedis "the royal officers of all the Provinces of our Indies, Islands and Tierrafirme as law XXXIV, book 1, chapter VII states, shall ascertain what the value of the tithes amounts to for each year, which tithes belong to the Bishops of those Provinces, and finding that they do not amount in any one year to five hundred maravedis, they shall make up the deficit and pay to the Bishop out of any funds in our Treasury, according to the fiat of His Holiness."²

The bishops and archbishops of the Indies were not allowed to return to Spain as law XXXVI, book 1, chapter VII states, "that the Archbishops and Bishops of our Indies are required to live within their prelaties according to law and to the Council of Trent, and it is our duty to royal privilege and as universal Patron of the Churches, to see that this law is obeyed."³

The prelates were charged according to law XLIV, book 1, chapter VII, "to give great heed to the matter of punishing curates and parish priests who are guilty of fraud and

1. Recop. Lib. 1, Tit. VII, Ley XXXIII. D. Felipe segundo en Burgos a 24 de Septiembre de 1592.

2. Recop. Lib. 1, Tit. VII, Ley XXXIV. El Emperador D. Carlos y el Cardenal Tavera G en Talavera a 6 de Julio de 1540.

3. Recop. Lib. 1, Tit. VII, Ley XXXVI. D. Felipe segundo en Madrid a 26 de Octubre y a 14 de Diciembre de 1561. Y D. Felipe quarto en esta Recopilacion.

unfair dealing, executing the provisions of the canonical law and the apostolic briefs."¹

In keeping with the above law, law XLVII, book 1, chapter VII, charged "the Archbishops and Bishops, Provisors and Vicars-general and all other Ecclesiastical Judges of our Indies not to pronounce excommunication in the cases that come under their jurisdiction for trivial causes, following the regulation of the Holy Council of Trent, nor to levy fines upon laymen because of the inconveniences which result from that practice."²

The prelates according to law XLVIII, book 1, chapter VII were charged, "not to confer the benefices of which We are Patron upon any person until the said person has presented our nomination to the benefice in the form which has been provided by law, to the person who is to confer the benefice;..."³

Concerning the proceeds from confiscations or fines law LII, book 1, chapter VII, charged the Prelates to "apply a part toward the wars against the heathen and toward the expenses of the armadas."⁴

1. Recop. Lib. 1, Tit. VII, Ley XLIV. D. Felipe segundo en Madrid a 13 de Marzo de 1597. Y D. Felipe quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. VII, Ley XLVII. D. Felipe II en Toledo a 27 de Agosto de 1560.
3. Recop. Lib. 1, Tit. VII, Ley XLVIII. D. Felipe II en Madrid a 18 de Febrero de 1583.
4. Recop. Lib. 1, Tit. VII, Ley LII. D. Felipe quarto en Madrid a 14 de Julio de 1538.

The presidents and magistrates were ordered in law LIV, book 1, chapter VII, "not to hinder the Prelates, nor the Ecclesiastical Judges, nor their Ministers or Officers in the exercise of the ecclesiastical jurisdiction, but rather give them all possible aid and favor which they may ask and which they ought to give according to law."¹

Church Councils. - Owing to the great distances that separated the bishoprics and the expense that would be incurred by frequent assemblies, it was provided, in accordance with the decision of Pope Paul V, that the provincial councils might be held every twelve years. Law 1, book 1, chapter VIII, charged "the Prelates that when there is no absolute necessity for assembling their Councils they should follow what is permitted by the aforesaid Brief and allow as long an interval to pass as may seem to them safe, and when they decide to convoke the Councils they shall first send Us word, so that We may advise them what is best, and what was determined by the last preceding Council must have been accomplished and executed, for which accomplishment it will be sufficient if the Prelates convoke their own Synods, and advise Us concerning their decision."²

The viceroys, presidents and governors were ordered as stated by law II, book 1, chapter VIII, "to be present,

1. Recop. Lib. 1, Tit. VII, Ley LIV. D. Felipe II en Cordova a 29 de Marzo de 1570. Vease la ley 4 tit 1 libro 3.
2. Recop. Lib. 1, Tit. VIII, Ley 1. D. Felipe segundo en Madrid a 21 de Junio de 1570. En a 30 de Octubre de 1591.

each in his own District, at the Provincial Councils in our name in order to handle all matters that present themselves in our behalf, so as to obtain the good results which are expected of these holy gatherings, in which they are to occupy the place which is customarily given to those who attend such Councils representing our person, and We give them all power and authority to this effect."¹

The councils were to be celebrated with the least possible expense according to the provisions of law IV, book 1, chapter VIII, which orders the Archbishops and Bishops of our Indies that when they celebrate Synodical Councils they shall avoid invitations, expenses and sumptuous and popular demonstrations,....."²

Moreover the prelates were charged according to law V, book 1, chapter VII, "that each time that they convoke and assemble Synodical Councils in their Provinces they shall show every courtesy to the Priests and Monks who attend them, and allow them to vote freely and express their opinion without hindering them in any way."³

In accordance with the provisions of law VI, book 1, chapter VIII, the archbishops were charged, "that when they celebrate Provincial Councils in their Archbishoprics, they send Us through our Council of the Indies the decisions of said Provincial Councils before they are published or

1. Recop. Lib. 1, Tit. VIII, Ley II. D. Felipe II en Barcelona a 13 de Mayo de 1585.
2. Recop. Lib. 1, Tit. VII, Ley IV. D. Felipe II en Cordova a 29 de Marzo de 1570.
3. Recop. Lib. 1, Tit. VIII, Ley V. D. Felipe en Arajuez a 27 de Mayo de 1568.

printed, in order that the Council, having examined them, may order what is best; nor shall their provisions be put into effect until they have been examined and approved as aforesaid.¹"

The decrees and laws concerning "the ecclesiastical state, the doctrine of the Indians and the administering of the blessed sacraments" which were drawn up by the councils of Lima and Mexico, law VII, book 1, chapter VIII, ordered that "the most Reverend Fathers, the Archbishops of Peru and New Spain, and the suffragan Bishops included within the said Provincial Council, each in his own District, to obey and cause to be obeyed inviolably what is disposed and ordered in these decrees, just as it is set forth, and commanded by His Holiness, without changing or altering anything whatever."²

Law IX, book 1, chapter VIII charged, "our Bishops and Archbishops of the Indies that they order to be fixed in the Provincial Councils a tariff of the duties which the Clerics and Monks shall collect and which rightly belong to them for saying mass, conducting funeral services, solemnizing marriages, attending the divine offices, anniversaries and whatever other ecclesiastical ministers there may be."³

1. Recop. Lib. 1, Tit. VIII, Ley VI. D. Felipe II en Toledo a 31 de Agosto de 1560. En Madrid a 16 de Enero 10 de 1590.
2. Recop. Lib. 1, Tit. VIII, Ley VII. D. Felipe segundo en San Lorenzo a 18 de Septiembre de 1591. Y en Madrid a 7 de Febrero 10 de 1593.
3. Recop. Lib. 1, Tit. VIII, Ley IX, El Emperador D. Carlos y la Reyna G. en Valladolid a 16 de Abril de 1538. Y los Reyes de Bohemia G G a 29 de Abril de 1549. D. Felipe segundo en Madrid a 27 de Febrero 1575. Y D. Felipe quarto en esta Recopilacion.

Ecclesiastical Judges and Attorneys. - At times the ecclesiastical courts encroached upon the civil authority and in view of this fact law 1, book 1, chapter X, ordered "the Royal Audiencias to preserve our jurisdiction inviolate in their Districts and by no means to allow the contrary to be done, putting into effect and executing the laws of these kingdoms upon this matter, and dispatching all necessary orders so that the Prelates and Ecclesiastical Judges will not attempt to break them...."¹

Because there were some contentions and differences between the ecclesiastical and secular judges law II, book 1, chapter X, ordered, "the Archbishops and Bishops of the Indies to give the necessary orders to all the Judges and Vicars in order that they shall avoid these wrongs and annoyances in so far as may be possible....."²

Among the other restrictions placed upon the ecclesiastical judges law VI, book 1, chapter X, ordered "the Prelates and all other Ecclesiastical Judges that, when they proceed against them, they shall not levy fines upon them for any reason whatever, but shall avail themselves of the other penalties permitted by law...."³

1. Recop. Lib. 1, Tit. X, Ley I. D. Felipe segundo y la Princesa G. en Valladolid a 13 de Febrero de 1559. Y D. Felipe quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. X, Ley II. D. Felipe segundo en Badajoz a 19 de Septiembre de 1580.
3. Recop. Lib. 1, Tit. X, Ley VI. D. Felipe segundo en Madrid a 7 de Febrero de 1560.

The prelates, chapters, and ecclesiastical judges were ordered, according to law IX, book 1, chapter X, "to obey unconditionally the orders and directions, which may be sent by our Royal Audiences, in which they are ordered to mitigate the penalties or abrogate the ecclesiastical censures which the Prelates, Chapters or Judges may make or decree."¹

Law X, book 1, chapter X, provides "that in ecclesiastical cases which are tried in the Indies before the Archbishop, Bishop, their Vicars or other Ecclesiastical Judges, touching upon our royal jurisdiction, as well as all other cases in which the Ecclesiastical Judges take action against the Governors, Alcaldes or other Ministers of Justice by means of excommunication, if an appeal is made and, because the appeal is not granted, a protest is lodged with our royal authorities, the notaries of the ecclesiastical court being required by this our law so to do, shall immediately within the space of six days cause a certified copy to be made in an open and public manner which shall establish all the acts which have been performed by their court, in the nature of excommunication and ecclesiastical censures, against any persons whatsoever, regardless of their rank and condition, who have interposed the said appeal and protest, and this copy shall be sent

1. Recop. Lib. 1, Tit. X, Ley IX. D. Felipe segundo en San Lorenzo a 3 de Septiembfe de 1586. En Madrid a 15 de Enero de 1594.

by a trustworthy messenger to the Royal Audience of the District, in order that the said Audience may examine the case and pass upon the question of whether or not ecclesiastical jurisdiction has been exceeded...."¹

The royal authority was to be exerted in accordance with law XI, book 1, chapter X which ordered, "that the royal authority and favor shall be extended to the Bishops of the Indies and their Ecclesiastical Ministers by the Audiences and Royal Chancellories and by any other Judges and Justices of ours in the cities and Provinces whenever they require it and there is just cause for such intervention."²

The ecclesiastical judges were charged according to law XII, book 1, chapter X, "not to arrest any laymen nor execute sentence upon him nor confiscation of his goods for any reason" without the royal authority."³

When the ecclesiastical judges wished the support of the secular judges "to make arrest and execute sentences upon laymen," law XIII, book 1, chapter X, ordered that, "the said authority shall be asked by petition and not by requisition."⁴

1. Recop. Lib. 1, Tit. X, Ley X. D. Felipe segundo en Madrid a 12 de Febrero de 1589. Y D. Felipe cuarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. X, Ley XI. D. Felipe segundo en el Bosque de segovia a 16 de Julio de 1575. La Princesa G en Valladolid a 17 de Marzo de 1559.
3. Recop. Lib. 1, Tit. X, Ley XII. El Emperador D. Carlos y la Emperatriz G en Madrid a 21 de Septiembre de 1580.
4. Recop. Lib. 1, Tit. X, Ley XIII. D. Felipe segundo en la Ordenanza 16 de Audiencias en Monzon a 4 de Octubre de 1563. Y en la Ordenanza de 1596.

The royal justices were instructed, according to law XIV, book 1, chapter X, "not to charge any fee for lending their aid to the ecclesiastical judges, nor to proceed against the Indians, nor to annoy him in any way."¹

Concerning the payment of chaplaincies founded by private persons law XV, book 1, chapter X, provided that, "the Royal Justices shall not issue orders for the payment of the stipends of chaplaincies which have been founded by private persons and shall allow the Ecclesiastical Judges to exercise their jurisdiction and issue said orders."²

The religious orders were not to make use of attorneys except in the manner permitted in law XVI, book 1, chapter X, which orders, "the Viceroy, Presidents and Magistrates of our Royal Audiences in all parts of the Indies to take great pains in order to see that in their Districts and within their jurisdictions that which is ordered by the laws of the Crown and by the Holy Council of Trent, session 14 of the reformation, chapter V, on the subject of Attorneys which may be named by the Religious Orders, and to permit no violation of this law in the cases which arise either officially or by petition from private individuals, nor to allow the Religious Orders to make use of Attorneys except in the cases permitted by law, and then within the limitations laid down, and not allow them to set up a tribunal

1. Recop. Lib. 1, Tit. X, Ley XIV. D. Felipe segundo en Arajuex a 7 de Mayo de 1571.

2. Recop. Lib. 1, Tit. X, Ley XV. D. Felipe segundo en Valladolid a 10 de Agosto de 1592.

nor make use of any insignia which they ought not to use and which do not belong to them, nor of any other thing contrary to the aforesaid law.¹"

1. Recop. lib. 1, Tit. X, Ley XVI. D. Felipe segundo en Madrid a 25 de Julio de 1575. Y en el Monasterio de le Estrella a 12 de Octubre de 1592.

CHAPTER II

THE PHYSICAL CHURCH

Building of Churches. - The first Christian Churches in Mexico were the reconsecrated temples and palaces of the aborigines. But these buildings were temporary only. They were unsuited to the purposes of Christian worship and work. Their place was taken rapidly by hundreds - eventually thousands - of new buildings, ranging in size from the splendid Cathedral of Mexico to the humble parish churches in the Indian villages. Nor were such places for formal worship all or most of the physical property of the Church. Dwellings for the priesthood, numbering thousands, belonged to the Church. The bishops and arch-bishops had their stately palaces; the friars and nuns their often extensive monasteries and convents; the parish priests, their comfortable abodes, usually in the midst of plenty. And as time passed the Church became possessed of vast landed estates through bequest and direct grant. By the end of the sixteenth century no other institution in New Spain could compare in extent and richness of its holdings with the Church. Its Cathedrals, chapels, convents, monasteries, hospitals, colleges, schools, farms, bishops' palaces, and curates' cottages covered the land. The Council of the Indies sought to establish in law the status of the physical Church. The object of this chapter is to review the

formative legislation on this subject in the sixteenth century.

Legislation during the sixteenth century concerning the physical church - or rather, the property of the Church in the Indies - included places for formal worship (parish churches and cathedrals); monasteries, convents and charitable institutions; and hospitals. Among the earliest and most fundamental of statutes regarding the physical church in America were those referring to the location and building of churches.

The law provided that parish churches should be built in the principal places of the Indian villages at the expense of the king, encomenderos and the Indians. The encomenderos were under obligation to provide everything necessary for divine worship. Two copies of the specifications of the churches were to be sent to the Council of the Indies and distribution of the tithes were to be observed as set forth and provided in the specifications.

After the discovery of the West Indies, the crown ordered churches to be built in those provinces and also suggested to the Pope that cathedrals and metropolitan churches be established. The building endowment, and decoration was to come from the royal income, as the sovereign was the patron of all the metropolitan churches, cathedrals, and other places of worship.

In accordance with the laws of the royal patronage the crown was to receive a full report of all new ecclesiastical foundations. Law 1, book 1, chapter II ordered and commanded "the Viceroy, Presidents and Governors of our Indies that they report to us a full account of the Churches which are founded and of those which it seems suitable to found in order that the Indians who have received the Holy Catholic Faith be taught and instructed in the Doctrine as is fitting, and that those who still persist in their Paganism shall be led and converted to God, our Lord." ¹

The cathedrals were built at the cost and expense of the royal treasury and the tithes which belonged to the crown by apostolic concession. These were applied to their endowment and upkeep according to the division made by the king, and law II, book 1, chapter II, decreed that, "henceforth and whenever it seems to us necessary Churches to be built to serve as Cathedrals, they should be built in fitting form, and the cost of the work should be divided into three parts: one of which shall be contributed from our Royal Treasury; another by the Indians of the Archbishopric or Bishopric; and the other by the Indian commissioners (Encomenderos) who may have under their charge

1. Recop. Lib. 1, Tit. II, Ley 1. El Emperador D. Carlos en monzon a' 2 de Agosto de 1533. Y el mismo en Toledo a' 10 de Noviembre de 1528. D. Felipe II en San Lorenzo a' 10 de Junio de 1574. Y D. Felipe IV en esta Recopilacion Vease las leyes 1 tit 3 y 2. tit 6 deste libro.

Indian towns within the Diocese, and for that part which belongs to us, of those towns whose encomenderos have been incorporated under the Crown, we shall contribute in the same proportion as the aforesaid encomenderos; and if in the said Diocese there live Spaniards who have no encomenderos over the Indians, also some part shall be appointed to them, giving heed to their quality and their estate, since they also have obligations in the building of the Cathedral, and what is apportioned to these shall be deducted from the shares charged against the Indians and against the commissioners, and the apportionment shall be made of what remains, besides that which may be realized from the revenues of vacant ecclesiastical posts which we have turned over for the building of the Churches and besides any other private gifts which have been made or may be made for this purpose." ¹

The churches were to be built at the expense of the king, the encomenderos and the Indians as law 111, book 1, Chapter II, provides "that the Parish Churches which shall be built in the towns of Spaniards shall be of durable and fitting construction, and their cost shall be divided and paid, as follows: one third from our Royal Treasury; one third at the cost of the Indian Commissioners of that region where they may be built; and one third at the cost of the

1. Recop. Lib. 1, Tit. X, Ley II, El Principe D. Felipe G destos Reinos en Monzon a' 28 de Agosto de 1552. Y D. Felipe Quarto en esta Recopilacion.

Indians who live in such regions¹

The part which the encomenderos were to contribute toward church building was fixed as follows, according to law IV, book 1, chapter 11: "the provision concerning the contributions of encomenderos for the building of Parish Churches shall be understood to apply to those encomenderos who are Parishioners and partake of the Blessed Sacrament in the Churches which are to be built, and not in any other sense."²

All of the churches were to be built in the principal places of the Indian villages as law 11, book 1, chapter 11 states "that the Viceroy, Presidents and Governors should take great pains that in the principal places of all the Indian villages, both those incorporated under the Royal Crown and those in the charge of any other persons whatsoever, should be built Churches where they may be taught and where they may receive the Blessed Sacrament...."³

In keeping with the above law, law VII, book 1, chapter 11, ordered "the officers of our Royal Treasury, with the approval of the Provincial Government and the Prelate of each Province, to provide out of any funds in their hands

1. Recop. Lib. 1, Tit. X, Ley III. D. Felipe II en Madrid a' 8 de Diciembre de 1588. Y D. Felipe Quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. X, Ley IV. La Princesa D Juana G de estos Reinos en Valladolid cedula de 16, de Abril de 1559. Y D. Felipe Quarto en esta Recopilacion
3. Recop. Lib. 1, Tit. X, Ley VI, El Emperador D. Carlos en Monzon a' 2 de Agosto de 1533. D. Felipe II, de Junio de 1594. Y D. Felipe Quarto en esta Recopilacion.

for each Church which shall be built in an Indian village of those incorporated under the Crown and of those under the charge of private persons, one set of holy vestments, one chalice, with paten to celebrate the Holy Sacrifice¹ of the Mass, and one bell."

Two copies of specifications were to be sent to the Council in accordance as law VIII, book 1, chapter II, provides "that the Archbishops, Bishops and Abbots of all the Churches of our Indies which may now be constructed or which shall be constructed hereafter that they cause to be made two authentic copies of the specifications of their Churches, with the briefs and apostolic bulls by virtue of which they may have been built or shall be built, and likewise of the limits and boundaries of their dioceses...."²

According to the distribution of the tithes the prelates were to follow these specifications as provided by law IX, book 1, chapter II: "We beg and charge the Prelates of the Churches of our Indies that in the distribution of the tithes they shall observe and cause to be observed what is set forth and provided in the specifications of their Churches approved by Us, without exceeding these in any way, and the Viceroy shall give

1. Recop. Lib. 1, Tit. X, Ley VII. D. Felipe II en Madrid a' 12 de Diciembre de 1587. D. Felipe Tercero a' 16, de Noviembre de 1558.
2. Recop. Lib. 1, Tit. X, Ley VIII, D. Felipe Segundo en el Pardo a' 21 de Noviembre de 1520. Y D. Felipe Cuarto en esta Recopilacion.

them the necessary aid in order to do this." ¹

The part of the tithes which were devoted to the building of churches were spent in conformity with law XI, book 1, chapter II, as follows: "We order that part of the tithes which is devoted to the building of Churches shall be handed over to their Stewards in order that they may spend it upon the things necessary for the aforesaid Churches, with the approval of the Prelates and Chapters and upon vouchers signed by them, and in no other way. And we charge the Archbishops and Bishops not to interfere in collecting and spending these sums and to follow the specifications." ²

The specifications ordered the three masses for the soul of the sovereign to be sung as declared by law XII, book 1, chapter II, "that the three Masses which in the specifications in the Churches of the Indies are ordered to be said on the first Friday of each month for Us and for the King's who shall come after us and for our Forefathers, and on Saturdays for our health and the prosperity of the realm, and on Monday for the souls in Purgatory, should be sung." ³

1. Recop. Lib. 1, Tit. X, Ley IX, D. Felipe Segundo en Cordova a' 29 de Marzo de 1570.
2. Recop. Lib. 1, Tit. II, Ley II, D. Felipe Segundo y la Princesa G. en Valladolid a' 16 de Abril de 1559.
3. Recop. Lib. 1, Tit. II, Ley XII, El Emperador D Carlos V el Cardenal G. en Madrid a' II de Junio de 1540. D. Felipe Segundo en la Ordenanza 55 de Audiencias en Monzon de Aragon a' 4 de Octubre de 1553.

Some of the prelates and ecclesiastics of the Indies exceeded the authority granted to them by the documents authorizing the foundation of their churches, and settled questions against the will of the royal patronage. As it was not the intention of the crown to permit them to decide any questions against it, law XIV, book 1, chapter II, ordered "that in the specifications which shall be made from this time on, there shall be placed a clause to the effect that whatever is to be emended, amplified, corrected, established anew or reported, the Prelates shall make report thereof to our Royal Council of the Indies...."¹

Law XVI, book 1, chapter II, charged, "the Archbishops and Bishops of our Indies, that, first informing themselves either by personal investigation or by that of their inspectors, of the condition of the building of the Churches of their Districts both in Spanish and Indian villages, on plantations and in mining camps, of the decorum with which are installed the Blessed Sacrament, the chalices and other adornments and everything which pertains to divine worship; they cause the Churches which have been commenced to be completed, that they repair those which are damaged, and rebuild those which have been destroyed, and do everything else necessary for their maintenance...."²

1. Recop. Lib. 1, Tit. II, Ley XIV. El Emperador D. Carlos y el Cardenal G. en Madrid a' 11 de Junio de 1540. D. Felipe Segundo en la Ordenanza a 55 de Audiencias en Monzon de Arazon a' 4 de Octubre de 1553.
2. Recop. Lib. 1, Tit. II, Ley XVI, El Emperador D. Carlos y el Cardenal G. en Talavera a' 15 de Febero de 1541. D. Felipe Segundo en S. Lorenzo a' 23 de Octubre de 1597.

The Indians were to build houses for the priests in conformity with law XIX, book 1, chapter II, which says "that the Indians of each town or district should build the houses which seem necessary in order that the Priests of such town or district shall live comfortably. These houses shall be attached to the Church of the Parish in which they are built, and shall belong to the Priests assigned to that Church and those who are occupied in the instruction and conversion of the Indians of the Parish, and they cannot be applied to other uses."¹

Inventories were made of the properties of the churches and law XX, book 1, chapter II, ordered "the Ecclesiastics that when they moved from one church to another, they should not carry with them anything whatever of those things which belonged to the Churches where they had resided,"²

An examination of the funds and properties belonging to the construction of the churches was to be made in conformity with law XXII, book 1, chapter II, which demanded, "the Archbishops and Bishops of the Indies, each one in his own Diocese, shall examine, either personally or through an examiner, the properties and funds devoted to the Construction of Churches and Hospitals for the

1. Recop. Lib. 1, Tit. II, Ley XIX. El Emperador Carlos en Toledo a' 3 de Abril de 1534.
2. Recop. Lib. 1, Tit. II, Ley XX. D. Felipe Segundo y la Princesa G. en Valladolid a' 23 de Mayo de 1559. Y el Mismo en Lisbon a' 20 de Noviembre de 1582

Indians, and audit the accounts of the Stewards and Administrators of the said Churches and Hospitals, collect balances which may be due and place the money in the proper depository whence they shall cause it to be distributed for necessary and useful things in conformity with the direction of the Governor of each Province;...." ¹

The commissioners were ordered by law XXIII, book 1, chapter II, "to provide everything necessary for Divine Worship and for the Ministers, Holy Vestments, wine and wax, according to the direction of the Head of the Diocese, according to the location and quality of these towns:...." ²

Monasteries and Charitable Institutions. - Monasteries were established in accordance with law 1, book 1, chapter III, which ordered, "that in the cities and towns of the Indies should be built and established Monasteries for Monks, these being necessary for the conversion and instruction of the natives and for the preaching of the Gospel, with the condition that before building Church, Convent or Almshouse, report should be made and special license obtained according to the custom followed in our Council of the Indies, with the approval and permission of the chief Prelate of the Diocese in conformity with the rulings of the Council of Trent, and of the Viceroy, the

1. Recop. Lib. 1, Tit. II, Ley XXII D. Felipe Segundo en S. Lorenzo d' 28 de Agosto de 1591.
2. Recop. Lib. 1, Tit. II, Ley XXIII. Congregacion de Nueva Espana ano de 1546 en cedula del Emperador Carlos V y el Principal G. dada en Valladolid a 10 de Mayo de 1554.

Court of the District, or the Governor." ¹

When license had been given to found monasteries law II, book 1, chapter III, directed "the Viceroy, Presidents or Governors, each one in his district, not to permit that more extensive sites be taken than may be strictly necessary for the comfortable accomodation of the members of the Order, and that a fixed time limit be indicated to them, in order that within such limit they shall build and complete their Foundations;" ²

The Monasteries which the orders were to build in the Indian towns, in accordance with law III, book 1, chapter III, "must be at least six leagues distant from each other, for thus befits the service of God, our Lord, and Our service, and the welfare of the Indians." ³

The cost of the monasteries was to be in conformity with law IV, book 1, chapter III, which ordered "that when Monasteries are to be founded in Indian towns, and our license has been previously obtained, the buildings shall be modest and of moderate size, and in communities incorporated under the Crown shall be built at our expense, and in those in charge of private individuals, the expense shall be

1. Recop. Lib. 1, Tit. III, Lay 1, D. Felipe Segundo en Madrid a' 19 de Marzo de 1593 y en 11 de Junio de 1594.
2. Recop. Lib. 1, Tit. III, Ley II. D. Felipe Segundo y la Princesa G. en Valladolid a' 18 de Agosto de 1556.
3. Recop. Lib. 1, Tit. III, Ley III. D. Felipe Segundo en Aranjuez a' 4 de Marzo. Y en Madrid a' 9 de Agosto de 1561.

borne in common by Us, the encomenderos, and the
Indians of the community in proportion to their means." ¹

"To each one of the Convents of Religious Orders
which shall be newly founded in the Indies with our
License and in new towns, in accordance with law V, book 1,
chapter III, there shall be given from our Royal Treasury
one set of vestments, one chalice with its paten and one
bell." ²

The high chapel and choir of each monastery were
reserved to the king in accordance with law VI, book 1,
chapter III, which ordered that, "in the Monasteries of
the Religious Orders in the Indies which are endowed and
founded from our Royal Treasury, the High Chapel and Choir
be reserved to Us; and the Monks and Nuns may dispose of
the other Chapels and the Sepulchres as is done in these
Kingdoms by Monasteries of Royal foundation and endowment,.."

Poor monasteries were granted alms in supplies of
wine and oil, with which to keep the lamps on the alter
burning and to celebrate the holy Sacrifice of the mass
as law VII, book 1, chapter III indicates: "We command
our Viceroy, Presidents and Governors that, with the
assistance of the Royal Officers of the District, they
should make an official investigation of what may have been

1. Recop. Lib. 1, Tit. III, Ley IV. D. Felipe de Segundo en Madrid a' 10 de Agosto de 1563. Y en Aranjuez a' postrer 10 de Noviembre de 1568.
2. Recop. Lib. 1, Tit. III, Ley V. D. Felipe segundo en San Lorenzo a' 14 de Agosto de 1588. D. Felipe Quarto en esto Recopilacion.
3. Recop. Lib. 1, Tit. III, Ley VI. D. Felipe Segundo en Madrid a' 7 de Enero de 1588.

given to each convent in the six years preceding, and in conformity with this they shall estimate the quantity necessary for each year, and that it shall be given only to those Monasteries and Convents whose poverty is such that if they were not succored in this manner, Divine¹ Worship would not be carried on in them:...."

Wine was to be given to the conventual orders as declared in law IX, book 1, chapter III, "that the wine which by Royal Grant we have given or shall give to Religious Orders for celebrating Mass shall be given and provided only to Conventual Orders who actually celebrate Mass in the Monasteries, and not to those who reside in the towns and schools of the Indians, in consideration of the fact that these are paid salaries."²

Certain warrants were granted by the crown giving as law XV, book 1, chapter III states, "to the members of Religious Orders who fall sick while in the Monasteries of Our Indies the right to medicines at the expense of the Royal Treasury, and to food, in the case of new-comers to the country who shall fall sick, we order that those warrants which have been granted and any which may be granted in the future shall be honored in the terms contained therein."³

In the convents a greater number of nuns was not to be

1. Recop. Lib. 1, Tit. III, Ley VII. D. Felipe Segundo en Madrid a' 15 de Enero de 1594.
2. Recop. Lib. 1, Tit. III, Ley IX. D. Felipe Segundo en Madrid a' 11 de Noviembre de 1571.
3. Recop. Lib. 1, Tit. III, Ley XV. D. Felipe Segundo en Madrid a' 4 de Febrero de 1588. Y D. Felipe Cuarto en esto Recopilacion.

received than could be maintained according to law XVI, book 1, chapter III, which charged, "the Prelates of our Indies that they do not allow to enter the Convents of Nuns a larger number than that permitted by their foundations and if in any there shall be a greater number of Nuns, this number shall be reduced, as vacancies occur, to that permitted in the charter, providing this number can be maintained...."¹

The viceroys were to visit each year the college for girls in Mexico and aid and support it as law XVIII, book 1, chapter III, provided: "We order our Viceroys of New Spain that the College for Girls in Mexico be visited each year, by the Viceroy and by a justice of the Royal Court of Mexico named by the Viceroy, in alternate years, and that they see to it that it has necessary facilities for teaching the Doctrine and the necessary safeguards for the girls, and that there be persons who look after them, and that they be brought up virtuously, and busy themselves in that which befits the service of God and their own advantage and improvement...."²

Hospitals. - Hospitals were established in all the towns inhabited by the Spaniards and Indians in accordance with law 1, book 1, chapter IV, which ordered, "the Viceroys, Courts and Governors that with special care they see to it

1. Recop. Lib. 1, Tit. III, Ley XVI, D. Felipe Segundo en Madrid a' 10 de Noviembre de 1578.
2. Recop. Lib. 1, Tit. III, Ley XVIII. El Emperador D. Carlos y el Principe G. en Monzon de Aragon a' 18 de Diciembre de 1552.

that in all towns inhabited by Spaniards or by Indians within their Provinces and jurisdiction shall be founded Hospitals, where the sick shall be cared for, and where Christian charity shall be practiced."¹

When a new town or village was founded, law II, book 1, chapter IV, commanded that, "Hospitals should be established therein for the poor who are sick with diseases which are not contagious. These shall be close to and within the precincts of the Churches. And for those sick with contagious diseases they shall be built in elevated places and places from which no wind blowing from the Hospitals can penetrate into the town."²

"The Viceroy of Peru and New Spain were ordered according to law III, book 1, chapter IV, to take care to visit from time to time the Hospitals of Lima and Mexico and cause the Magistrates of the Royal Court in their turn to do the same when they cannot do so personally, and examine into the care, service and hospitality which is shown the sick...."³

Nothing could be taken from the funds belonging to the hospitals of the Indians as stated in law IV, book 1, chapter IV; "From those funds assigned to the

1. Recop. Lib. 1, Tit. IV, Ley 1. El Emperador D. Carlos y el Cardenal G. en Fuensalid a' 27 de Octubre de 1541.
2. Recop. Lib. 1, Tit. IV, Ley II. D. Felipe Segundo en la Ordenanza depoblacioner en el que de Segovia a' 13 de Julio de 1573.
3. Recop. Lib. 1, Tit. IV, Ley III, D. Felipe Segundo en Madrid a' 9 de Enero de 1587.

Hospitals for Indians the usual three per cent for the Seminaries shall not be deducted nor shall any deduction be made therefrom for this purpose; but as concerns donations made by the encomenderos to the Hospitals the directions given by the Provincial Councils shall be followed."¹

The royal hospital of Mexico was to be under the control of the archbishop as law X, book 1, chapter IV, states: "Inasmuch as Father Zumarraga, late Bishop of the Holy Cathedral of Mexico, seeing the greatest necessity that there was in that city of a Hospital where might be received poor people sick and afflicted with the disease called buboes, constructed a Hospital at his own expense and besought us to accept the title of Patron of the Hospital and to order that it be called and entitled the Royal Hospital, and it was so ordered. And having accepted the Patronage of this Hospital in order that we and those Kings who succeed us should be Patrons, and as such provide that which may be necessary to the welfare of the Hospital and its poor, it was ordered to place upon it the Royal Arms, and that the Bishops who hereafter should be attached to that Holy Church should assume the administration of the said Hospital, and that the regulations that it might be necessary to make for it

1. Recop. Lib. 1, Tit. IV, Ley IV. D. Felipe Segundo en Tordesillas a' 22 de Junio de 1592. Y en Madrid a' 12 de Febrero de 1589.

should be made by the said Bishop and by our Viceroy of New Spain, and it was ordered that the Bishops who should succeed to this charge should give an account of the administration and income of the hospital, without their, for that reason, having any interest therein." ¹

Certain regulations were made and confirmed by the royal council of the Indies according to law XI, book I, chapter IV, which ordered "that the poor who are admitted to the Hospital of St. Lazarus of the City of Mexico in New Spain might be well cared for and well governed, certain regulations were made, which were confirmed by our Royal Council of the Indies last year, (1582). By these presents We confirm and approve them anew and order that they be observed, fulfilled and executed as in them and in each one of them is set forth and declared, as long as it shall be Our will and We do not order otherwise." ²

1. Recop. Lib. I, Tit. IV, Ley X. El Emperador D. Carlos y el Cardenal G. a' 29 Noviembre de 1540. Y D. Felipe Quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. IV, Ley XI, D. Felipe Segundo en Lisboa a' 11 de Junio de 1582.

CHAPTER III

THE ECCLESIASTICAL PERSONNEL.

The Secular and Regular Personnel. - The Church in Mexico during the sixteenth century was much more than an institution for the formal worship of God. In a sense it was an arm of the government. It performed many of the duties now performed by the state. All hospitals, orphanages, homes for the aged, primary schools, and colleges were maintained and administered by the Church. Every Indian village had its priest; every town of any size, its numerous churchly institutions. By the end of the sixteenth century the ecclesiastical personnel in New Spain numbered more than 10,000. The selection, training, direction, and control of this great body of church officials and employees was no slight task. The Laws of the Indies sought to fix the character, place, duties, and powers of the ecclesiastical personnel. This personnel consisted of two sharply defined groups; the secular clergy and the regular clergy. The former were under the immediate control of the bishops. By the end of the sixteenth century most curacies were held by the seculars. The cathedral personnel was drawn from the same source. The object of this chapter is to review the early legislation - during the 16th century - on this part of the Church's personnel. The legislation is not extensive and is rather chaotic. Apparently, much was left to the

bishops.

Clerics. - The clerics were not permitted to engage in any kind of business or make contracts according to law II, book 1, chapter XII, which "charged the Archbishops and Bishops to provide and give orders that the Clerics and Priests may not act as factors of the encomenderos nor of any other persons, nor engage in trade in any kind of merchandise, either in their own persons or through intermediaries;" ¹

They were also forbidden to exploit mines as law IV, book 1, chapter XII states: "Because if the Clerics and Monks were to exploit mines, besides this being an unseemly thing for them to do, scandal and bad example would result therefrom; therefore We charge the Prelates not to allow nor permit it but to punish with severity and publicity those who break the law." ²

The viceroys and royal justices were ordered according to law V, book 1, chapter XII, "to keep themselves informed continually as to what Monks and Priests have business and traffic through the agency of laymen, and with what persons and in what manner, and to put a stop to it by punishing and doing justice against the

1. Recop. Lib. 1, Tit. XII, Ley II. D. Felipe Segundo en Madrid a' 18 de Febrero de 1588. En S. Lorenzo a' 30 de Marzo de 1575. Y en Madrid a' 15 de Marzo de 1563.
2. Recop. Lib. 1, Tit. XII, Ley IV, D. Felipe Segundo en Vienna de Navarra a' 15 de Noviembre de 1592.

laymen who do the business;" ¹

The prebendaries were allowed to dispose of their property as they pleased as is stated in law VI, book 1, chapter XII: "We beg and charge all and whatsoever Prelates of the Indies to allow and permit the Prebendaries and Clerics to make their wills with the freedom which the law permits and to distribute their property to whomsoever they please according to the very ancient custom followed and observed in these our Kingdoms of Castile,...." ²

Clerics of bad example were to be banished according to law IX, book 1, chapter XII; "We beg and charge the Archbishops and Bishops of our Indies that when they receive word from the Viceroy or Presidents that there are in their dioceses any Clerics who are seditious, turbulent and of bad morals and example and who it is not fitting should remain in the land, they shall punish them and, with the approval of the Viceroy or Presidents, banish them from the land, without other consideration than that of the public good." ³

Against those persons who had been guilty of treason and afterwards became priests or entered some religious

1. Recop. Lib. 1, Tit. XII, Ley V. D. Felipe Segundo en el Pardo a' 27 de Septiembre de 1576.
2. Recop. Lib. 1, Tit. XII, Ley VI, El Emperador D. Carlos y la Reina G. en Valladolid a' 30 de Enero, de 1538. Y el Cardenal G en Talavera a' 6 de Julio de 1541. Y D. Felipe Segundo ano de 1571. Y en el Pardo a 2 de N Noviembre de 1591. Y D. Felipe Quarto en esta Recopilacion.
3. Recop. Lib. 1, Tit. XII, Ley IX, D. Felipe Segundo en Madrid 28 de Diciembre de 1568. Y a' 9 de el dicho mes de 1583.

order action was to be taken according to law X, book 1, chapter XII: "The Viceroy and Royal Justices shall order to be enforced the laws which apply to cases in which laymen are found guilty of uprisings and treasons, and in order to avoid the punishment for their crime became Priests or enter a Religious Order, at the same time remaining in the country, and if they are not tried before taking such action and if the scandal and injury which they caused were serious, they shall charge their Prelates to punish and send them to these Kingdoms after examining them and their causes."¹

According to law XI, book 1, chapter XII, the royal justices were instructed "that if the Ecclesiastical Prelates wish to banish from their Bishoprics any Clerics who are exempt from their ordinary jurisdiction, they shall not hinder them."²

Clerics were exempt from excessive excise taxes. "When the excise taxes are levied in the Indies the clerics," according to law XII, book 1, chapter XII, "were not to be required to pay nor allowed to pay more than they are justly obliged to do."³

When the taxes were levied two members of the chapter of the cathedral was to be present as is stated

1. Recop. Lib. 1, Tit. XII, Ley X. D. Felipe Segundo en a' 17 de Febrero de 1575.
2. Recop. Lib. 1, Tit. XII, Ley XI. El Emperador D. Carlos en Valladolid a' 23 de Agosto de 1538.
3. Recop. Lib. 1, Tit. XII, Ley XII. El Emperador D. Carlos en Granada a' 28 de Julio de 1526.

in law XIV, book 1, chapter XII, "We order that when in any province of our Indies taxes are levied which affect ecclesiastics, the levy shall be made in the presence of representatives of the Chapter of the Cathedral, without any hindrance being offered them."¹

Certain clerics who had remained four months in a bishopric were not to leave the bishopric without dimissory letters, according to law XV, book 1, chapter XII, which charges "that the Priests of the Order of Our Lady of Mercy in the Indies who have resided in any Arch-bishopric or Bishopric for four months may not leave said Bishopric or Archbishopric without dimissory letters from the Prelate in whose Diocese they reside,...."²

No cleric or Monk was allowed to come to New Spain without the license as law XVI, book 1, chapter XII declares, "that whenever any Clerics or Monks who reside in our Indies wishes to come to these Kingdoms from the places where they reside, shall be obliged to ask permission from their Prelates where they have resided and if the said Clerics or Monks are of those who went to the Indies in order to undertake preaching, conversion and teaching of the Indians, the Prelates shall not give them permission unless they establish that they have resided

1. Recop. Lib. 1, Tit. XII, Ley XIV. D. Felipe Segundo en el Pardo a' 17 de Noviembre de 1593.
2. Recop. Lib. 1, Tit. XII, Ley XV. El Emperador D. Carlos en Madrid a' 17 de Marzo de 1553.

ten years in the said Provinces and engaged in the said ministry." ¹

If the priests wished to leave the Indies their superiors were to persuade them not to abandon their holy work as is stated in law XVII, book 1, chapter XII, "We order our Viceroy, Presidents and Governors of the Indies that, if any Priests and Monks of any Order who are engaged in preaching and teaching the Christian doctrine ask permission to return to these Kingdoms, they shall persuade and earnestly exhort them not to abandon such a holy work and apostolic office which is of such vast importance." ²

Law XVIII, book 1, chapter XII, ordered; "the Viceroy to be very careful not to give licenses to Clerics in order to come to these Kingdoms to present petitions even though they hold the license of their Prelate." ³

The secular and regular prelates according to law XIX, book 1, chapter XII, were charged "to admonish the Clerics and preaching Monks with the greatest care not to use in the pulpit unseemly words concerning the public and general government, nor words which may arouse passion or bickering or cause in the minds of private individuals hearing them dissatisfaction nor other uneasiness; but they shall preach

1. Recop. Lib. 1, Tit. XII, Ley XVI. D. Felipe Segundo en Madrid a' 27 de Junio de 1563. Y a' 10 de Enero de 1589.
2. Recop. Lib. 1, Tit. XII, Ley XVII. D. Felipe Segundo en Madrid a' 9 y a' 14 de Marzo de 1564. Y D. Felipe Quarto en esta Recopilacion.
3. Recop. Lib. 1, Tit. XII, Ley XVIII, D. Felipe Segundo en S. Lorenzo a' 12 de Junio de 1588.

the doctrine and set the example which is expected of them,"¹

"....The Clerics, from whom all should take example, should be very circumspect and occupy their time virtuously," according to law XX, book 1, chapter XII, "Where We charge their Prelates not to allow them to gamble in any amount great or small."²

They were also charged according to law XXII, book 1, chapter XII, "That when they are summoned by our Viceroy and Royal Audiences, to heed the summons at once without making any objection."³

Curates and Parish Priests.- When the teaching of the doctrine was entrusted to monks clerics were not to be appointed in their stead as is stated in law 1, book 1, chapter XIII: "We charge the Archbishops and Bishops that in the towns and settlements of the Indians where there are Monasteries and where the teaching of the doctrine is entrusted to Monks, they are not to appoint Clerics in their stead until further orders; but outside the limits set for the Religious Orders they are to appoint Clerics as Curates, and indicate to each one the number of Indians whom he can

1. Recop. Lib. 1, Tit. XII, Ley XIX. El Emperador D. Carlos y la Emperatriz G en Ocana a' 25 de Enero de 1531. D. Felipe Segundo en Madrid a' 28 de Diciembre de 1568. Y en la de Virreyes de 1595. Cap. 8.
2. Recop. Lib. 1, Tit. XII, Ley XX. D. Felipe Segundo en a' 13 de Mayo de 1577.
3. Recop. Lib. 1, Tit. XII, Ley XXII. D. Felipe Segundo en el Pardo a' 1 de Diciembre de 1573.

properly instruct and care for...." ¹

Law II, book 1, chapter XIII ordered "that in any town of the Indies where a Cleric has been appointed by the Archbishop, or Bishop, Curate of that village no Monastery of any Order shall be founded; and if any Monk go to preach in towns where there are Curates, the Archbishop or Bishop shall order that when they have preached, they shall go elsewhere or return to their Monastery, and shall not try to found Convents, except in those places where it seems to our Viceroy, Audience or Governors as well as to the Prelate, that it is wise, necessary and possible to found a Monastery; and this may be done only with our license according to law." ²

"If any Prelates attempt to bring pressure upon Clerics by means of censures in order to make them go to Parishes among the Indians, and if the said clerics appeal from them to our Audiences," law III, book 1, chapter XIII, orders, "the said Audiences that in cases of this nature which may come before them they shall so proceed that the Indians will not be left without teachers of the doctrine." ³

According to law VI, book 1, chapter XIII, "Our Viceroy, Governors and Justices may not permit the Curates

1. Recop. Lib. 1, Tit. XIII, Ley 1. D. Felipe Segundo y la Princesa en su nombre en Valladolid a' 30 de Mayo de 1557. El mismo en Madrid a' 9 de Agosto de 1561.
2. Recop. Lib. 1, Tit. XIII, Ley II. D. Felipe Segundo y la Princesa G en Valladolid a' 23 de Mayo de 1559.
3. Recop. Lib. 1, Tit. XIII, Ley III, D. Felipe Segundo en Zaragoza a' 8 de Marzo de 1585.

and Parish Priests, whether Clerics or Monks, to maintain jails, prisons, stocks or fetters in order to arrest or detain the Indians, nor cut off their hair, nor flog them, nor impose other sentences, except it be in those cases in which they hold permission from the Bishop and in which, in accordance with the laws of this Compilation, they may impose penalties;...."¹

The prelates were ordered to observe the provisions of law VII, book 1, chapter XIII which reads: "Likewise our Viceroy, Royal Audiences, Governors and Justices shall not consent nor allow that the Indians of their Districts and jurisdiction be obliged to make offerings at any of the Masses which are said for them; rather shall they protect them and prevent the Bishops, Clerics, Monks and other ecclesiastical Ministers from forcing them to do so; for although to make offering is a thing laudable and acceptable in the Holy Church, the doing must be voluntary, the same as all other works of charity, and to compel it to be done is an abuse ill-introduced, especially among the Indians, who are poor and needy."²

Likewise the priests were forbidden to make any levy upon the Indians in accordance with law VIII, book 1, chapter XIII, which orders, "that if the Parish Priests

1. Recop. Lib. 1, Tit. XIII, Ley VI, D. Felipe segundo en Madrid a' 11 de Junio de 1594. Y en Toledo a' 4 de Septiembre de 1580.
2. Recop. Lib. 1, Tit. XIII, Ley VII. D. Felipe segundo en el Pardo a' 2 de Diciembre de 1578.

make any levy upon the Indians for the vestments of the Churches or other purposes it shall be deducted from their salaries to the same amount; and if the amount which they levy is excessive they shall be removed from their parish, to avoid the frauds which might occur.¹

"In some Provinces it is required that the stipends of the Parish Priests be placed in the hands of a trustee who is appointed for that purpose, and nevertheless our Audiences issue orders by means of which the Monks and their Lyndics may collect in full the said stipends without their passing through the hands of trustees; and since it is just that the same practice be followed with the Clerics, " law XV, book 1, chapter XIII, orders, "that it be so done without offering any hindrance, in those Provinces where it shall appear that it is done for the Monks."²

In case the prelates appointed some person to instruct in the doctrine they were to be paid in conformity with law XVI, book 1, chapter XIII. "We order that if the Archbishops or Bishops name any Clerics or Monks to serve in a benefice or in a parish which may be vacant while they are awaiting the appointment of a titular Priest in accord with the dispositions of the law of our Royal Patronage which treats of the matter, he

1. Recop. Lib. 1, Tit. XIII, Ley VIII. D. Felipe segundo en el Pardo a' 1 de Diciembre de 1573.
2. Recop. Lib. 1, Tit. XIII, Ley XV. D. Felipe segundo en Madrid a' 24 de Enero de 1580.

shall be paid the salary which is justly due him pro rata for the time that, by virtue of the said appointment, he discharges the duties of the office, provided said time does not exceed four months;" ¹

Law XVIII, book 1, chapter XIII ordered "that sums which shall accrue through the nonpayment of salaries to absent Parish Priests for the time that they are absent shall be spent upon the Churches where the said Priests reside and from which they are absent, or upon vestments for the said Churches, and this shall be done with the approval of the Bishop of the Province, and for greater safety and more exact administration of these sums, a strong box shall be made with three keys, of which the Magistrates of the District shall hold one, the Curate of the Church in the town where the box is or his Vicar the second, and the third shall be kept by the Steward of the Church in which is deposited the money accumulated in this manner; and accounts thereof shall be kept in a book especially arranged to show receipts and disbursements, and when it is necessary to open the box, all three key-holders shall be present, or at least two, and a scrivener, if one can be found, who shall certify to what action is taken together with the day, month and year." ²

1. Recop. Lib. 1, Tit. XIII, Ley XVI. El Emperador D. Carlos y el Principe G. en Madrid a' 17 de Marzo de 1553. D. Felipe segundo en S. Lorenzo a' 8 de Agosto de 1591.
2. Recop. Lib. 1, Tit. XIII, Ley XVIII. D. Felipe segundo en a' 20 de Febrero. Y en el Pardo a' 15 de Noviembre de 1583. En S. Lorenzo a' 2 de Septiembre y en Madrid a' 1 de Diciembre de 1587. Veanse las leyes 16 tit 7 y 16. tit 15 de este libro.

According to law XIX, book 1, chapter XIII, "the Beneficiaries and Curates shall be paid their salaries from the tributes of the same towns where they serve if there are conveniences for paying them, and they shall not be required to go to our Royal Treasuries to collect the same."¹

The curates were to receive the tithes which belonged to them in accordance with law XX, book 1, chapter XIII, which ordered "the Royal Audiences to give orders that the Curates receive that part of the tithes which belongs to them and is assigned them by the foundation of the Churches, which sums they are to have and enjoy in the same manner as other Prebendaries; and if the amount which is thus assigned to the Curates by the foundation is not sufficient to make up the sum which they ought to have according to orders issued by Us and according to the following law, each one shall receive enough to make up the deficit,...."²

In case the tithes did not amount to the sum that had been fixed law XXI, book 1, chapter XIII, ordered the Royal Officers that if, after having made diligent investigation, they ascertain that the tithes for any one year do not provide for each Priest of the doctrine the sum of fifty thousand maravedis and for each Sacristan twenty five thousand maravedis for their stipend and salary, to which

1. Recop. Lib. 1, Tit. XIII, Ley XIX. D. Felipe segundo Madrid a' 10 de Junio de 1594 capit 9.
2. Recop. Lib. 1, Tit. XIII, Ley XX. D. Felipe segundo en Madrid a' 23 de Noviembre de 1566.

according to the foundations they are entitled, they shall make up the said amounts from other funds of our treasury, and this investigation shall be made every year." ¹

Likewise law XXII, book 1, chapter XIII, ordered "the said officers not to pay the salary or stipend to any Priest or Monk of the doctrine unless they first ascertain that he has come to the Indies with out license, and any sums that they pay otherwise shall not be credited to them." ²

Cathedral Dignitaries.- "In order that the Priests of the Cathedrals may be present in them and be found readily by the persons who need them for the administering of the Holy Sacraments," law XXIV, book 1, chapter XIII, ordered "that a third part of the salary assigned them by the foundations shall be considered to be earned by attendance in the choir at the Holy Offices of Mass and Vespers, and when they are absent from any of these it shall be noted down as in the case of the Prebendaries, and discounted from their salaries whatever they have lost by reason of such absence, unless said absence is caused by their being engaged in the duties of their ministry." ^{3.}

1. Recop. Lib. 1, Tit. XIII, Ley XXI, D. Felipe segundo en Cordova a' 19 de Marzo de 1570. Y en Madrid a' 15 de Noviembre de 1574. Y en Burgos a' 14 de Septiembre de 1592. D. Felipe segundo en Madrid a' 4 de Agosto de 1574.
2. Recop. Lib. 1, Tit. XIII, Ley XXII. D. Felipe segundo en el Pardo a' 27 de Septiembre de 1576.
3. Recop. Lib. 1, Tit. XIII, Ley XXIV. El Emperador D. Carlos y el Cardinal G. en Madrid a' 24 de Enero de 1540.

The Prebendaries were required to reside in the churches in accordance with law 1, book 1, chapter XI, which charged "the Archbishops and Bishops and the Chapters of the Cathedrals not to permit the Prebendaries, Dignitaries, Canons, nor any others who by reason of their Prebends and Benefices are under obligation to reside personally in their Church, to attend to the service of the choir, the divine worship and the administering of the Blessed Sacraments, to absent themselves from their Churches, nor go out to make visits nor transact any other business which may come up in those provinces, without a very urgent, necessary, and unavoidable reason;" ¹

The form of law II, book 1, chapter XI was to be observed concerning permission to the prebendaries to be absent. "Likewise when the Prelate shall find it necessary to give permission for some Prebendary or Beneficiary to absent himself from his Church, let it be for urgent, necessary and unavoidable reasons in accordance with the foregoing law, and with the approval of the Chapters of the Cathedral and not otherwise; and if they do not agree in giving their approval, We order our Viceroy, President or Governor of the district to meet with the Prelate and the Chapter and compose their difference on this point; ..." ²

1. Recop. Lib. 1, Tit. XI, Ley 1, El Emperador D. Carlos y la Reyna G. en Madrid a' 22 de Abril de 1535. D Felipe segundo alli a' 18 de Octubre de 1560. Y en Cordova a' 29 de Marzo de 1570. Y en Barcelona a' 8 de Junio de 1585. D. Felipe Tercero en Valencia a' 17 de Marzo de 1599. Y D. Felipe quarto en esta Recopilacion.
2. Recop. Lib. 1, Tit. XI, Ley II. El Emperador D. Carlos y el Cardenal Loaysa G en Madrid a' 14 de Julio de 1540.

No prebendary was allowed to hold a curacy as provided in law IV, book 1, chapter XI, which orders, "that he who holds a prebend or canonship shall serve it, and not be permitted to hold any other chaplaincy or benefice which requires personal attention, except it be that he wish to lay down his prebend in order to enter upon some curacy, and in such case he shall enjoy only the income of his new position in accordance with law, and this shall be strictly observed."¹

"By the Holy Council of Trent and the foundation of the Churches of the Indies" law V, book 1, chapter XI, ordered "that the distributions of the Prebendaries shall be received only by those who attend at the hours of holy offices and divine worship and not by the others. And because it is well that this should be obeyed, We charge the Prelates of the churches that, according to law and to the foundations of the Churches, they shall so order it that no one may receive any wrong because of which he will have occasion to appeal to Us nor to send any complaint."²

The practice of the cathedral of Seville was to be followed according to law VII, book 1, chapter XI, which ordered, "the form of voting in the Chapters, the dressing of the Dignitaries and Canons with the Bishops and the Canons with the Dignitaries, the altar attendants, and

1. Recop. Lib. 1, Tit. XI, Ley IV. D. Felipe segundo en Badajoz a' 19 de Septiembre de 1580.
2. Recop. Lib. 1, Tit. XI, Ley V. D. Felipe segundo en Madrid a' 3 de Febrero de 1569.

saying of Mass by the Priests in the high altar shall be the same in the Metropolitan Churches and Cathedrals of our Indies as in the Cathedral Church of Seville." ^{1.}

Law VIII, book 1, chapter XI, charged, "the Archbishops and Bishops and all of our Viceroy, Presidents and Governors that,they report to Us very exactly concerning the Prebendaries who are engaged in the discharge of their duty, those who are absent and for what reasons, and those who have died, in order that we may take whatever steps are necessary." ²

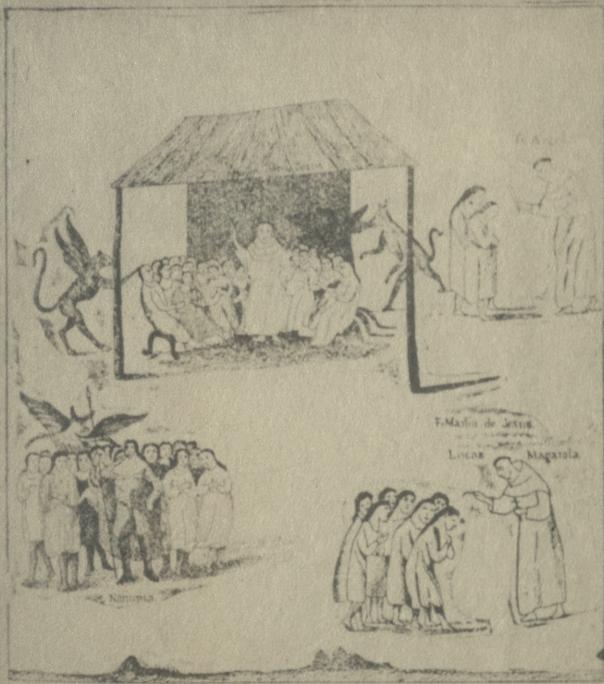
Nothing was to be paid to the prebendaries above the value of the tithes according to law XIII, book 1, chapter XI, which ordered, "that nothing be paid from our Treasury to the Prebendaries, Deans and Chapters of the Churches above the value of the fourth part of the tithes, without our special order; and what belongs to them from the fourth part of the tithes shall be distributed to them according to the terms of the foundations of their Churches." ³

The salaries were to be paid to the prebendaries every four months as is provided in law XIV, book 1, chapter XI, "We order our Royal Officers to pay the Deans, Chapters and other Clerics who serve in the Churches what is due them from the Royal Treasury, as is provided by Us, every four

1. Recop. Lib. 1, Tit. XI, Ley VII. El Emperador D. Carlos en Madrid a' 9 de Enero de 1540.
2. Recop. Lib. 1, Tit. XI, Ley VIII. D. Felipe II en la Ordenanza del Patronazgo, en Madrid a' 15 de Junio de 1574.
3. Recop. Lib. 1, Tit. XI, Ley XIII. El Emperador D. Carlos y el Cardenal G. en Madrid 21, de Abril de 1540.

months, promptly on the expiration of that period
and without any delay." ¹

1. Recop. Lib. 1, Tit. XI, Ley XIV. El Emperador D. Carlos y el Principe Don Felipe en su nombre, en Monzon a' 25 de Noviembre de 1552.



Primera labor de los Franciscanos en Michoacán.
(Lienzo de Michoacán).

CHAPTER IV

THE REGULAR PRIESTHOOD

The Importance of the Orders. - It is no exaggeration to say that Mexico was Christianized during the Sixteenth century by the religious orders. The friars - or the "regular clergy" - were the pioneer teachers and preachers to the Indians. With them came the better things in the new civilization. Within a century after the Conquest their monasteries, convents, schools, colleges, hospitals and asylums covered the land. Mission stations were still being established by them and some missions had with the passing years become established towns far from the frontier.

As society in New Spain settled down under the new order the secular clergy increased in number and social importance, but so firmly established were the various orders of friars (and sisterhoods) that the secular order by no means replaced the regular. In fact, Colonial Mexico witnessed such a vast development of organized brotherhoods that both the bishops and the civil authorities when in conflict with the orders found it difficult to assert their rightful authority, or, the authority which they claimed. The same thing was true in other parts of Spanish America.

The Laws of the Indies sought to regularize, protect and properly subordinate the orders in the Indies. As the orders grew many difficult problems relative to their work and privileges were pressed upon the Council for the Indies

for settlement. The difficulties faced in South America and North America were alike. The legislation of the Council was, of course, for all the Indies, but had there been no region beyond Mexico it would have been much the same.

During the sixteenth century formative legislation was enacted to establish in society the place and powers of the orders. This legislation sought: 1. to distinguish between ordinary friars and teaching friars; 2. to subordinate all of the orders to the control of the highest civil authorities, in accordance with the principles of Royal Patronage; 3. to establish some sort of academic freedom for doctrinal teachers; 4. to limit the authority of bishops and archbishops over the work of the orders; 5. to control the movement of monks to and from America; 6. to set up standards of academic and moral excellence for friars; 7. to provide for rigid examination and inspection of friars and monasteries; 8. to establish harmony between the orders and between the secular and regular clergy.

It is needless to say that some of this legislation was futile, but certainly it helped, in the historic course of events, to fix in Mexican colonial society the place of these great orders. The following is, in outline, the statutory law of the Council during the sixteenth century relative to the monks.

Monks. - When it was necessary to send for more monks the prelates were to send the lists which, according to

law XIV, book 1, chapter XIV provides "that when the Provincials of the Orders resident in our Indies need to summon additional Monks from these kingdoms they shall not send other Monks as their representatives to conduct them but shall make a list of the Monks already there and of the charges which they hold, and a list of the additional ones considered necessary, and shall send Us one copy of the list and another to the Viceroy, President or Governor in order that he may report to Us, and thus without the necessity of any Monks returning to Spain We may take whatever steps are necessary."¹

In keeping with the above law the traveling expenses were to be paid as law VII, book 1, chapter XIV, states: "We order and command the President and Judges of the India House at Seville that when We send Monks to the Indies at our expense according to the foregoing law, they do not permit any of them to remain in Spain, and that they only make the aforesaid payments to those who are actually to go, and they are to keep accurate account, and the Judge whose duty it is to go to the harbors to inspect the sailing of fleets and armadas shall make certain that the aforesaid Monks actually embark;"²

Law IX, book 1, chapter XIV ordered, "that the Monks who go to the Indies with our license and by any chance or

1. Recop. Lib. 1, Tit. XIV, Ley III. D. Felipe segundo en Madrid a' 27 de Septiembre de 1574.
2. Recop. Lib. 1, Tit. XIV, Ley VII. D. Felipe segundo en Sevilla a' 7 de Mayo de 1570. Y D. Felipe Quarto en esta Recopilacion.

accident touch at the Canary Islands shall not remain there but shall go immediately to their destination, and likewise that from the said Island no Monks shall go to the Indies without our license under the same conditions that are prescribed with respect to Monks going from these Kingdoms." ¹

"If it shall prove that any Monk of those who are sent to the Indies shall leave the envoy or commissioner who is conducting him and who brought him from his own Convent for that purpose, and shall join another commissioner who is also conducting Monks to the Indies," according to law X, book 1, chapter XIV, "our President and Judges of the India House of Seville shall not allow him to sail nor give him passage money except he go with the commissioner who brought him from his convent in order to take him to the Indies or unless the said commissioner give his consent to his going with another." ²

The provincial of the order of St. Augustine of the province of Andalusia according to law XI, book 1, chapter XIV, was charged, "not to send Monks of his Order to the Provinces of the Indies, because the Convents and Monks of the said Province are subordinate to the Provincial of the Province of Castile, and if Monks from Andalusia were

1. Recop. Lib. 1, Tit. XIV, Ley IX. El Principe G en Guadalaxara a' 8 de Septiembre de 1546. Y Reina en Madrid a' 12 de Diciembre de 1567. Y a' 21 de Enero de 1572. Y a' 4 de Febrero de 1588.
2. Recop. Lib. 1, Tit. XIV, Ley X. El Emperador y el Principe G en Madrid a' 11 de Marzo de 1553.

to go to the Indies they would be outside of any authority."¹

No foreign monks were allowed to go to the Indies according to law XII, book 1, chapter XIV, which ordered, "our Presidents and Judges of the India House of Seville not to permit any foreign Monks to go from our Kingdoms to the Indies, and if they hold the license of their Superior who is a resident of these Kingdoms or of persons in authority, they shall send the said license to the Council of the Indies who shall examine it and decide what is best to be done, and in the meantime not to permit them to sail."²

In keeping with the above law they were not allowed to go except in conformity with law XIII, book 1, chapter XIV, which reads: "Likewise they shall not permit any Monk to go to the Indies who does not acknowledge obedience to his Prelate, and who has not our special license or that of the Council of the Indies, even though he have the license of his Prelate or Apostolic letters to the same effect."³

Law XIV, book 1, chapter XIV, likewise ordered, "our Presidents and Judges not to allow to go to the Indies any Monk of an Order which is not represented there, even though he have our license, except that the said license contain

1. Recop. Lib. 1, Tit. XIV, Ley XI. D. Felipe segundo en Madrid a' 4 de Febrero de 1588.
2. Recop. Lib. 1, Tit. XIV, Ley XII. El Emperador D. Carlos y la R. G. en Ocana a' 9 de Noviembre de 1530.
3. Recop. Lib. 1, Tit. XIV, Ley XIII. El Emperador D. Carlos y la Emperatriz G. en Madrid a' 28 de Octubre de 1535.

the specific abrogation of this law."¹

Only suitable monks were allowed to go to the Indies in accordance with law XV, book 1, chapter XIV, which ordered, "that no license be given by our Council nor authorization by the Judges of the India House for any Monks to go to the Indies without first investigating who they are, where they come from, as well as their lives and doctrine and whether they are zealous in our blessed religion, and will give so good an example as will redound to the service of God."²

The governors of the ports of the Indies according to law XVI, book 1, chapter XIV, were ordered "that if any Monks of Orders which have no Convents in those Provinces arrive in the ports in fleets, armadas or other ships, they shall not permit them to proceed, but shall make them re-embark and return to Spain unless they hold our express license to the contrary."³

Likewise law XVII, book 1, chapter XIV, ordered "that when any Monks wish to go to the Indies, before license for them to embark can be granted, they must present a report from the Provincial of their Order for the Province in which their Convent was located and a statement of their qualifications, which report and statement must be submitted

1. Recop. Lib. 1, Tit. XIV, Ley XIV. D. Felipe segundo en Lorenzo a' 19 de Septiembre de 1588.
2. Recop. Lib. 1, Tit. XIV, Ley XV. El Emperador D. Carlos y la Emperatriz Isabel G. en Ocana a' 17 de Febrero 10 de 1531.
3. Recop. Lib. 1, Tit. XIV, Ley XVI. D. Felipe Tercero en Valladolid a' 29 de Marzo de 1501.

to our Council of the Indies which will decide whether the said Monks are entitled to go to those Provinces." ¹

Monks who had returned from the Indies were not allowed to go back except as law XVIII, book 1, chapter XIV provides: "We order that when any Monks go with our permission to the Indies, our President and judges of the India House, before they allow them to pass, shall ascertain whether there are any among them, not holding a license, who have returned from the Indies; and if they find any such who, having returned from the Indies, wish to go back there without our express license, they shall not allow them to embark even though they hold the license of their Provincial or Vicar or of any other persons." ²

Those monks who went to the Indies were to go to the places assigned to them as law XIX, book 1, chapter XIV, provides: "We order the Viceroy, Audiencias and Governors to ascertain with the greatest care and diligence what Monks there are resident within their Districts of the number which have gone to the Indies at our expense, and whether all are residing in the places to which they were sent; and if they find that any are not doing so, they shall, with the approval of their Prelates, cause them to go to their proper post immediately, notwithstanding any obstacle, reason or objection which they may assign for

1. Recop. Lib. 1, Tit. XIV, Ley XVII. La Emperatriz G en Medina del campo a' 27 de Junio de 1532.
2. Recop. Lib. 1, Tit. XIV, Ley XVIII. D. Felipe segundo en Madrid a' 19 de Enero de 1562.

not doing their duty."¹

They were also not allowed to take any relatives with them as is stated in law XXI, book 1, chapter XIV. "We order our Presidents and Judges of the India House not to allow any Monk to take with him to the Indies, either in His company or as servants, his brothers, cousins nor other relatives whether men or women, even though they should be taking the latter to give them in marriage in those Provinces; it is necessary that religious persons should be free from these embarrassments."²

The monks who came to Spain on business were to bring written instructions regarding what they were to ask as provided in law LXXXIX, book 1, chapter XIV: "We beg and charge the Provincials of the Religious Orders of our Indies that when any Monks of their Orders come to these Kingdoms upon business for the Order they shall give them signed instruction specifying what they are to ask and what they are to do, because otherwise they will not be heard nor will any attention be paid to them."³

No monk was allowed to come back from the Indies without following the provisions of law XCI, book 1, chapter XIV, which says that, "the Viceroy, Presidents, Governors

1. Recop. Lib. 1, Tit. XIV, Ley XIX. D. Felipe segundo en el Pardo a' 9 de Noviembre de 1592.
2. Recop. Lib. 1, Tit. XIV, Ley XXI. El Emperador D. Carlos y el Consejo en carta de Valladolid a' 19 de Agosto de 1552. D. Felipe segundo en Madrid a' 19 de 1598.
3. Recop. Lib. 1, Tit. XIV, Ley LXXXIX. D. Felipe segundo en Aranjuez a' 10 de Septiembre de 1561. D. Felipe quarto en esta Recopilacion.

and all other Justices of our Indies shall not permit nor allow any Monk of the Orders which have been founded there to come to these Kingdoms except it be with the express license of his Prelate resident in those Provinces, which license shall be presented in writing signed by the Prelate and sealed with the seal of the Order; and before the said Prelate may give said license he must communicate the nature of the business upon which the Monk is coming, to the Viceroy, President or Governor of the Province where he resides, and if it shall seem to him just and not otherwise, the Viceroy, President or Governor shall grant him license and a letter for the General of the fleet in which he is to embark, in order that said General may permit him to go on board, and if he does not present said letter he shall not be allowed to embark. And it is our will that the said Monks shall declare the amount of money which they are carrying, and if any person receives money from them in trust he shall be fined the amount received plus one fourth additional." ¹

Law XXIII, book I, chapter XIV, ordered "the Viceroy, Presidents, Audiencias and Governors that when any monks of the Jesuit Order who have come from Spain with our license shall be sent from one Province or from one College to another, they shall be allowed to make their journey without

1. Recop. Lib. 1, Tit. XIV, Ley XCI. D. Felipe segundo y la Princesa D. Juana G. en Valladolid a' 13 de Febrero de 1558 en Madrid a' 24 de Diciembre de 1597.

any hindrance and provided they have the license of their Superior, they shall be assisted and favored in so far as they need help; and as for Priests of the doctrine they shall be treated in the same manner."¹

The prelates were not to remove the monks engaged in the conversion of the natives except in conformity with law XXXVII, book 1, chapter XIV, which charged "the Provincials of the Orders who reside in our Indies not to remove without very just and necessary cause, nor send away from their station, Monks who with our commission or with that of the Viceroy, Presidents or Governors in our name, are engaged in the pacification and conversion of the natives, nor any such whom We or the Viceroy and Audiencias shall subsequently send to certain Provinces for that purpose, but they shall rather favor and help them."²

Law XXXIX, book 1, chapter XIV, ordered "that no persons, and especially those who have charge over the Indians (i.e. the Encomenderos) nor their servants shall be so bold as to prevent the monks who hold their Prelates' license from preaching and teaching freely the Christian Doctrine and the mysteries of our Holy Catholic Faith to the Indians or from remaining in their towns all the time that they see fitunder penalty of being deprived of the Indians in their charge, plus a fine of half of their

1. Recop. Lib. 1, Tit. XIV, Ley XXIII. D. Felipe segundo en Madrid a' 24 de Marzo de 1572.
2. Recop. Lib. 1, Tit. XIV, Ley XXXVII. El Emperador D. Carlos y el Principe Don Felipe gobernando en Valladolid a' 14 de Septiembre de 1543. Y D. Felipe Quarto en esta Recopilacion.

property to be paid into our Royal Exchequer; and We further order our Justices to take pains to favor and help the Monks and to execute these penalties." ¹

"The Religious Orders," according to law XL, book 1, chapter XIV, "shall obey the laws of our Royal Patronage, and no General, Commissary-general, Visitor, Provincial nor any other Prelate of a Religious Order shall go to the Provinces of the Indies without first presenting before the Council his authorization, and having presented the same the Council will grant him permission and will issue credentials so that he may embark, and the Viceroy, Audiences and Justices and all our other vassals shall receive them and allow them to exercise their office and shall give them every favor and assistance." ²

Aid was to be given to the prelates in reforming their orders in conformity with law XLIII, book 1, chapter XIV, which ordered "the viceroys, Presidents, and Magistrates of the Royal Audiences and all our other Justices of the Indies that if they are asked in the name of any Visitor or Provincial of any Order for aid and assistance in order to reform, visit or send to these Kingdoms any Monks, that they give and cause to be given such assistance as much as they legally may, under pain of the loss of our favor and of a fine of one hundred thousand maravedis upon each one

1. Recop. Lib. 1, Tit. XIV, Ley XXXIX. El Principe Don Felipe gobernando en Valladolid a' 7 de Septiembre de 1543.
2. Recop. Lib. 1, Tit. XIV, Ley XL. D. Felipe segundo en la Ordenanza 14 de el Patronazgo.

who disobeys." ¹

Briefs were to be published providing for the mendicant friars to administer the sacraments to the Indians in accordance with law XLVII, book 1, chapter XIV, which ordered "the Viceroy, Presidents and Magistrates and all the Justices of the Indies shall cause to be published the Brief granted by our Most Holy Father at our request on the twenty fourth of March 1567 which provides that the Friars of the Mendicant Orders may administer the Holy Sacraments in all the towns of the Indians in the manner and form in which they did so before the Holy Council of Trent." ²

"His Holiness Pope Pius V and His Holiness Pope Gregory XIV of blessed memory issued Briefs by which they ordered," according to law XLVIII, book 1, chapter XIV, "that the Commissaries-General of the Order of St. Francis who go to our Indies should not be removed from their offices, even though a general Chapter of the said Order should be created, but should continue in the exercise of their functions until the arrival of their successors appointed by the General or whoever has the authority to appoint them." ³

The Viceroy and audiences were ordered according to law L, book 1, chapter XIV, "to give much attention to the

1. Recop. Lib. 1, Tit. XIV, Ley XLIII. D. Felipe segundo en Ara'juez a' 10 de Enero de 1561.
2. Recop. Lib. 1, Tit. XIV, Ley XLVII. D. Felipe segundo en Galapagar a' 15 de Enero de 1568.
3. Recop. Lib. 1, Tit. XIV, Ley XLVIII. D. Felipe segundo en San Lorenzo d' 18 de Junio de 1577. Alli a' de Junio de 1584. En el Pardo a' 9 de Noviembre de 1591.

enforcement of the law which prohibits the owning of private property by Monks, availing themselves of the Provincials and Superiors of the Orders for this purpose, and they shall also punish any laymen who participate in the breaking of the law in order that the scandal may cease which results from the Monks having money and returning to Spain therewith; and particularly the provisions of the special Bulls of His Holiness for the Indies shall be followed."¹

The religious orders were to choose places for their chapters in accordance with law LIX, book 1, chapter XIV, which ordered "the Viceroy and Audiencias of the Indies that they shall allow the Monks of the Orders who have Convents and Provinces in the Indies to choose freely the place which may seem to them convenient for their elections, and permit them to celebrate their chapters in the said place and the said Viceroy and Audiencias shall not hinder them, nor send them from the place which they have chosen for their meeting to any other place, observing, however, the rule of our Royal Patronage whereby Chapters may not be held in Indian towns;"²

"Any Provincial, Visitor, Prior, Guardian or other Prelate who may be nominated and elected in the Indies, before he shall be allowed to enter upon the duties of his

1. Recop. Lib. 1, Tit. XIV, Ley L. D. Felipe segundo en Madrid a' 28 de Diciembre de 1568.
2. Recop. Lib. 1, Tit. XIV, Ley LIX, Ley LIX. D. Felipe segundo ena' 1 de Febrero de 1586. En Almazan a' 2 de Marzo de el mismo ano.

office, must," according to law LXIV, book 1, chapter XIV, "report to the Viceroy, President, Audience or Governor or whoever holds the superior government of the Province and submit the credentials of his nomination and election, in order that he may give him whatever assistance may be necessary to enable him to enter upon the exercise of his functions." ¹

Law LXV, book 1, chapter XIV, ordered, "the Viceroys, Presidents, Magistrates, Governors and other Justices of the Indies to honor greatly the Monks of the Orders who reside in those Provinces and occupy themselves with the conversion and instruction of the natives, which they do to our entire satisfaction, and by which God has been pleased that the natives should be greatly benefitted; and further to give them all the assistance which they need in their work, and encourage them to continue doing the same as hitherto and even better if possible, which is what We expect of persons of their excellent character." ²

Because it is best that the Monks should not be embarrassed with matters foreign to their state and profession," law LXVI, book 1, chapter XIV charged "the Prelates of the Indies not to intervene in affairs of the government, nor to permit their Monks to do so and to allow

1. Recop. Lib. 1, Tit. XIV, Ley LXIV. D. Felipe II en la Ordenanza 15 del Patronazgo de 1574.
2. Recop. Lib. 1, Tit. XIV, Ley LXV. D. Felipe segundo en Madrid a' 19 de Julio de 1566. Alli a' 27 de Enero de 1572.

the Governors to attend to these matters by themselves,¹
for otherwise We shall consider ourselves ill served."

The royal audiences, magistrates, alcaldes, fiscals, and all other ministers were ordered according to law LXVII, book 1, chapter XIV, not to interfere in any manner in the government or administration of the Religious Orders or the Monasteries of Monks or Nuns, nor in the correction which the Prelates may find it necessary to make of their subjects;...."²

Because of the differences arising between the monks of the religious orders and the Indians law LXVIII, book 1, chapter XIV, was passed ordering "the Viceroy and governing Audiences to inform Us with special care concerning the conditions which in this respect obtains in each one of the Orders; and if they find that these quarrels or other similar ones require a prompt remedy, they shall take the matter up with their Prelates and Superiors and try to reconcile them, giving them to understand the harm that results to their government and to the administration of the Christian doctrine, for which purpose they went and are living in those provinces;"³

Law LXIX, book 1, chapter XIV begged and charged, "the Provincials, Priors, Guardians and Monks of the Orders who

1. Recop. Lib. 1, Tit. XIV, Ley LXVI. D. Felipe segundo en Madrid a' 17 de Enero de 1590.
2. Recop. Lib. 1, Tit. XIV, Ley LXVII. D. Felipe segundo en Madrid a' 15 de Julio de 1568.
3. Recop. Lib. 1, Tit. XIV, Ley LXVIII. D. Felipe segundo en la instruccion de Virreyes, cap. II. Vease ley 1. tit 3. lib 3.

reside in our Indies to endeavor to bring about the most perfect brotherhood and harmony among the several Orders, to the greater service of God our Lord, as well as to the advantage and Christian welfare of both Spaniards and natives and in so far as may be possible to each one, they shall endeavor to aid each other for the greater glory¹ of God and the accomplishment of their holy purpose."

"It is proper that there should be perfect peace and concord between Clerics and Monks," and therefore law LXX, book 1, chapter XIV orders "that if any are so unruly and incorrigible that it becomes necessary to punish them for any notorious fault or scandal, the Viceroy, Presidents or Governors shall send them to their Prelates, with a report upon the circumstances or the scandal, so that they may punish them."²

"We desire that virtuous and right living Monks should be favored and respected, and those who give a bad example should be punished with great severity," and to that end law LXXI, book 1, chapter XIV, ordered "the Viceroy, Audiences and Governors that when any Monks are handed over to them to be returned to Spain because of crime which they have committed, they shall send them by the first ships, and exercise the greatest care to prevent them from remaining in those regions."³

1. Recop. Lib. 1, Tit. XIV, Ley LXIX. D. Felipe segundo y la Princesa G en Valladolid a' 18 de Agosto de 1556.
2. Recop. Lib. 1, Tit. XIV, Ley LXX. D. Felipe segundo en Madrid a' 19 de Abril de 1583.
3. Recop. Lib. 1, Tit. XIV, Ley LXXI. D. Felipe segundo en N.S. de Esperanza a' 3 de Febrero de 1574.

The presidents, audiences, governors and other justices of the Indies according to law LXXIII, book 1, chapter XIV, were ordered, "not to institute public or secret inquiries against any Monks of those resident in the Indies, except when the case has become public and scandalous, and then only for the purpose of informing Us; and the inquiry shall be made secretly, and they shall require the Provincial, or Prelate in whose Province the Monk resides to punish him according to the crime which he has committed,...."¹

The vicars-general were not to take action against the monks as stated in law LXXV, book 1, chapter XIV, "We order our Audiences to cause the Vicars-general of the Prelates within their Districts not to interfere or take action against any Comissary, Regular Prelate, or Monk of any Order, except in those cases and for those causes which they are entitled and which it is their duty to examine, with the warning that if they do not do so, We shall order proper steps to be taken in order that justice may be done."²

The monks were not to make use of the services of the Indians except in cases authorized by law LXXXI, book 1, chapter XIV, which states that "the Viceroy, Audiences, and Governors shall order the Monks not to avail themselves

1. Recop. Lib. 1. Tit. XIV, Ley LXXIII. D. Felipe segundo en Madrid a' 6 de Junio de 1565.
2. Recop. Lib. 1, Tit. XIV, Ley LXXV. D. Felipe segundo en el Escorial a' 29 de Junio de 1568.

of the services of Indians except in cases of great necessity, and in such cases they shall pay them what is just at the rate which the government has fixed for their wages." ¹

Law LXXXIII, book 1, chapter XIV, ordered "the Viceroys and Justices and charged the regular Prelates, that in case they have information that any Monks are outside of their Monasteries or wandering from one Province into another, they shall cause them to return to their Monasteries if there are Monasteries of their Orders, and if there are not and if the Monks are turbulent and go about without our license and that of their Prelates, they shall cause them to leave those Provinces for Spain, so that being reduced to the life of the Cloister they may live in a befitting manner." ²

The viceroys and audiences were ordered according to law LXXXIV, book 1, chapter XIV, "to take great pains to inform themselves concerning Monks of Religious Orders which have no convents in the Indies and who are residing there, removed from the authority of their Prelates, and likewise concerning any Priests, who, having been formerly Monks, may have laid aside, while in those Provinces, the habits of their Orders; and having ascertained the truth they shall cause any such they may find to take ship and

1. Recop. Lib. 1, Tit. XIV, Ley LXXXI. D. Felipe segundo en S. Lorenzo a' 18 de Junio de 1594.
2. Recop. Lib. 1, Tit. XIV, Ley LXXXIII. El Emperador D. Carlos y el Cardenal G. en a' 28 de Octubre de 1541.

come to these Kingdoms, at the first opportunity that presents itself,...."¹

Law LXXXVI, book 1, chapter XIV charged, "the Commissaries general of the Order of St. Francis who reside in the Indies that if any cloistered Monks, un-cloistered Monks, Tertiaries of the Order of St. Francis or any others whatsoever of their Order go to the Indies without our license and that of their Prelates, they shall oblige them by force, if necessary, to leave the Indies and embark for Spain at the first opportunity, without permitting them to offer excuse, argument nor any delay;.."²

Doctrinal Monks.- The monks were required to know the language of the Indians of their parishes. Law VI, book 1, chapter XV, charged "the Archbishops and Bishops of the Indies not to permit any Monk to assume a position as curate or parish priest without first being examined and approved by the diocesan Prelates or the persons whom they may appoint for this purpose, both as to their general competence and as to their knowledge of the language of the Indians whom they are to instruct and to whom they are to administer the Holy Sacraments as well as to the Spaniards who dwell there; and this shall be scrupulously obeyed, even though the said doctrinal monks

1. Recop. Lib. 1, Tit. XIV, Ley LXXXIV. El Emperador D. Carlos en Barcelona a' 1 de Mayo de 1543. D. Felipe segundo en S. Lorenzo a' 13 de Abril de 1588. Y en Aranjuez a' 26 de Octubre de 1560.
2. Recop. Lib. 1, Tit. XIV, Ley LXXXVI. El Emperador D. Carlos en Burgos a' 17 de Junio de 1524.

be the Superiors of the Religious Houses or Convents where they live, and no excuse shall be accepted, either because of the eminence of the person concerned or his elevation in his Order, because it is our will that, in order to discharge the duties of these officers, they shall possess the aforesaid abilities, and attempt to satisfy these conditions by having other monks with them who know the language and who take their places and discharge their duties, for the title conferred by the diocesan Prelate should go to the person who possesses the qualifications and does the work; and if in the visits which the Prelates make they find any without the necessary competence and skill in the Indian language, they shall remove them And we order our Viceroy, Presidents and Royal Audiences to give the necessary favor and assistance to the Archbishops and Bishops." ¹

The regular Prelates were charged according to law XI, book 1, chapter XV, "that when they desire to move Monks of their Orders holding doctrinal positions in the Indies to other places, they shall nominate Monks to replace them before removing them from the posts in which they are, and if they do not do this, the Archbishop or Bishop shall nominate persons ad interim who shall occupy the posts which have been left vacant." ²

1. Recop. Lib. 1, Tit. XV, Ley VI. D. Felipe segundo en Badajoz a' 5 de Agosto de 1580.
2. Recop. Lib. 1, Tit. XV, Ley XI. D. Felipe segundo y la Princesa G. en Valladolid a' 22 de Mayo de 1552.

It was provided by law XIV, book 1, chapter XV, "that the Prelates of the Orders make provision for the stipends of the doctrinal Monks in such manner that they may be given everything that is necessary for their raiment, sustenance and support, and particularly that they be given wine, and, if they are ill, be supplied with delicacies and the proper diet, and provide them also with a horse, so that when it happens that any Indian or other parishioner falls sick on the plantations, farms and estates in the country, they may be able to visit and console him and administer the Blessed Sacra-¹ments."

"In all the Provinces of our Indies, in the towns, villages and plantations, Spaniards, negroes and Indians should have the necessary doctrine and persons to teach it to them. Law XV, book 1, chapter XV, "therefore charged the Prelates of the Religious Orders that when the Archbishops or Bishops request of their Monks to occupy doctrinal posts, they shall supply them with those which are necessary without making any excuse or inposing any² objection."

Law XVI, book 1, chapter XV, ordered, "that the provisions concerning Priests not resident in the doctrinal posts, shall be applied to doctrinal Monks in the same³ manner as to the Clerics."

1. Recop. Lib. 1, Tit. XV, Ley XIV, D. Felipe segundo en Madrid a' 29 de Diciembre de 1587.
2. Recop. Lib. 1, Tit. XV, Ley XV. D. Felipe segundo en Cordova a' 12 de Abril de 1570.
3. Recop. Lib. 1, Tit. XV, Ley XVI. D. Felipe segundo en Aranjuez a' postrero de Mayo de 1597.

The monks were to live in vicarages in accordance with law XIX, book 1, chapter XV, which charged "the Prelates of the Religious Orders to give the necessary orders so that, wherever possible, the Monks of their provinces engaged in the teaching of the doctrine shall live and reside in vicarages of three or four monks together, and from there go forth to teach the Indians, so that they may not live alone, except when they go to their doctrinal post to administer it, and when they have done so they shall return to their vicarage or to their legally founded monastery."¹

The mendicant monks were to be given nominations in conformity with law XXIII, book 1, chapter XV, which stated that "the nominations of the Monks shall be issued the same as those of the clerics, and because the Monks who may hold and administer doctrinal positions in the Indies must be Mendicants, We order that they shall not be charged any fees for their credentials."²

The stipend to the Franciscan monks was to be in the nature of alms as specified in law XXV, book 1, chapter XV, which declares "that in the credentials which are given to Monks of the Order of St. Francis, entitling them to fill the benefices and doctrinal positions to which they have been appointed, it shall be stipulated that what is given to them is an alms and not a stipend, or income."³

1. Recop. Lib. 1, Tit. XV, Ley XIX. D. Felipe segundo en Madrid a' 3 de Diciembre de 1571.
2. Recop. Lib. 1, Tit. XV, Ley XXIII. D. Felipe segundo en Madrid a' 24 de Marzo de 1593. En Azeca a' 4 de Mayo de 1596.
3. Recop. Lib. 1, Tit. XV, Ley XXV. D. Felipe segundo en Madrid a' 6 y a' 16 de Diciembre de 1593.

Law XXVI, book 1, chapter XV, ordered "that in regard to the monasteries which the Monks may have built in Indian villages, if at any time the administration of the doctrinal charge is taken away from the Monks of that Order, they may continue to dwell in them and compel the inhabitants to build other parochial churches; and said Monasteries shall remain as parish churches and shall be used as such; and the Viceroy, Presidents and¹ Governors shall cause this to be enforced."

"Inasmuch as the question has been raised whether Monks of the Jesuit Order are allowed to go to doctrinal positions in the Indies according to their Rule, and inasmuch as it has been established by a Bull of His Holiness Pope Adrian that they may do so, the same as Monks of other Orders, law XXVII, book 1, chapter XV ordered,"that² it be so understood in the future."

Law XXVIII, book 1, chapter XV, ordered, "that for the present and until We order otherwise, the doctrinal charges shall remain in the hands of the Monks as hitherto, and that no change or innovation in this respect shall be instituted, and that the appointment and removal of Monks who are Priests, whenever necessary, shall be made by our Viceroy of Peru and New Spain or by the Presidents or Governors who exercise our Royal Patronage in our name..."³

1. Recop. Lib. 1, Tit. XV, Ley XXVI. D. Felipe segundo en Madrid a' 1 de Diciembre de 1575.
2. Recop. Lib. 1, Tit. XV, Ley XXVII. D. Felipe segundo en a' 1 de Diciembre de 1573.
3. Recop. Lib. 1, Tit. XV, Ley XXVIII. D. Felipe segundo en Barcelona a' 25 de Mayo y a' 1 de Junio de 1585. En Aranjuez a' 16 de Marzo de 1586. En Madrid a' 16 de Diciembre de 1587.

The bishops and visitors were to visit the parish churches but not the convents in conformity with law XXIX, book 1, chapter XV, which charged "the Provincials, Priors, Guardians, Rectors, Commanders and other Monks of the Indies, that, when the Ordinary or his Visitors come to visit the towns where the Monks are administering the Holy Sacrament, they shall allow them to visit the churches and examine the Blessed Sacrament, the holy oils, the ornaments and books with which they administer their priestly functions, the brotherhood and the alms, as is set forth in the preceding law, and that they permit them to inventory all these things as things belonging to the church where they reside, and they shall show them the books containing the records of baptism and weddings, in order that the Visitor may collect data therefrom; and the foregoing shall not apply to the Convents of the Religious orders nor to their belongings, but only to the parish churches where the Monks are serving as Priests; and in the Convents they shall report to the Visitors those who have been married, baptised and confessed." ¹

The monks were ordered according to law XXX, book 1, chapter XV, "to hold and serve in the doctrinal positions in the manner as hitherto and as is ordered by the laws of his chapter, without instituting any change. And because of the great importance of the instruction and conversion

1. Recop. Lib. 1, Tit. XV, Ley XXIX. D. Felipe segundo en Toledo a' 29 de Noviembre de 1559. Allí a' 21 de Agosto de 1560. Y en Segovia a' 7 de Agosto de 1565.

of the Indians who are so new to the faith, this matter should not be left to the will of the Monks; therefore all those who serve in doctrinal positions, curacies and benefices are to understand that their ministry and office is not *ex voto charitatis*, as the saying is, but is a just obligation upon them to administer the Holy Sacraments to Spaniards and Indians alike among their parishioners, according to the Apostolic Indulgences and commission of their Bishops; and the Bishops shall give Us very exact reports as to how the Monks fulfill this duty and discharge this obligation." ¹

"It is necessary that among the Religious Orders should exist the most perfect harmony, in order that the best results may be obtained from the preaching of the Holy Gospel; it is our will therefore, that, for the present, the Viceroy and Royal Audiences should endeavor to bring it about that in any district where one Religious Order has already entered to undertake the conversion of the Indians, the Monks of other Orders be not allowed according to law XXXII, book 1, chapter XV, to take part in the teaching of the doctrine nor to found Monasteries." ²

1. Recop. Lib. 1, Tit. XV, Ley XXX. D. Felipe segundo en Aranjuez a' 16 de Marzo de 1586. En Madrid a' 16 de Diciembre de 1587.
2. Redop. Lib. 1, Tit. XV, Ley XXXII. D. Felipe segundo y la Princesa G. en Valladolid a' primero de Agosto de 1551.

CHAPTER V

THE TITHES

Sources of the Church's Income: - During the sixteenth century the Church in the Indies became possessed of a tremendous income. Ecclesiastical activities absorbed a large part of the surplus wealth from field, shop and workbench. The economic and social effect of churchly taxes has never been adequately worked out. There is much evidence that it had a profound effect in the course of development in Mexico - as well as in other parts of Spain's American dominions.

In time, no part of the viceroyalty of New Spain was untouched by the ecclesiastical tax-gatherers. The agricultural sections and large towns were the hardest hit; the mining areas the least. The income of the church was derived, in the main, from two sources: bequests and tithes. The last was the more important. It was a net tax of 1/10 on the gross production of most economically productive activities of the state. "This tithe shall be paid," ran the law regarding farm produce, "in full, without first removing the seed for next year, nor the rent, nor any other expense."

The Church accomplished many great and good works with the mounting volume of its income. It financed a far-flung campaign of education, charity, and piety. It sent

missionaries into far-off Sonora; it established missions in the mining camps of Michoacan; it set fine convents on hills; it built and bedecked with incredible richness splendid churches in the cities; it maintained colleges, schools, and asylums; it sent priests to live and work in most Indian villages. But, as usual in human affairs, with wealth came controversy, conflict, and in time a sort of dry rot. It is not the object of this chapter to discuss the burdens and problems of wealth but rather the statute law concerning its chief source in the sixteenth century. Therefore what follows concerns the legal regulations of tithes and tithing.

Extent of the Tithes. - "Inasmuch as the ecclesiastical tithes of the Indies, belonged to Us by Apostolic concessions of the Popes," law 1, book 1, chapter XVI, ordered "the Offices of the Royal Treasury of those Provinces to collect and cause to be collected all the tithes which are due and which the natives of their Districts must pay, and in the form in which they are customarily paid, and from them to supply the Churches with persons of good character and fitting attainments for their service, and with all the ornaments and necessary things for the service of divine worship, in such a way that the Churches shall be adequately served and equipped, and report to Us the condition of such service and equipment;..."¹

1. Recop. Lib. 1, Tit. XVI, Ley 1, El Emperador D. Carlos en Pamplona a 22 de Octubre de 1523. D. Felipe segundo en Madrid a 10 de Junio de 1572. Y D. Felipe IV en esta Recopilacion.

Law II, book I, chapter XVI, ordered "that in all our Indies, islands and mainland, tithes and first fruits shall be paid upon the products and articles hereinafter mentioned and in the following manner.

"First, he who harvests wheat, barley, rye, millet, maize, panic-grass, spelt wheat, oats, peas, lentils, carob beans, hay or any other cereal, vegetable or seed, shall pay as tithe one measure out of each ten, and if there is some thing among these which is not customarily measured, he shall pay as a tithe one out of each ten of the said article; this tithe shall be paid in full without first removing the seed for the next year, nor the rent nor any other expense.

"Likewise a tithe shall be paid on the rice after it has been treated, and the one who is to collect it, shall go for it to the house of him who is pay it.

"A tithe shall be paid on chocolate.

"Likewise, a tithe shall be paid in full on lambs, goats, pigs, chickens, geese, ducks and pigeons even though they are eaten in the house of him who raises them.

"If the sheep are taken to pasture from one place to another and remain in the pasture more than a half year, the parish where the sheep are pastured and the parish where the owner lives shall divide the lambs of the tithe; and if they remain there for a whole year the tithe shall belong to the parish where the sheep are.

"Likewise, a tithe shall be paid upon the milk which is sold, and upon the butter and upon the cheese; this shall be paid to the parish where these articles are made; and upon wool the tithe shall be paid to the parish where the clip is made.

"Tithes shall be paid upon oxen, horses, mules and donkeys at the time that they are shod or that they should be shod, and upon pigs and fowls at the time that they are weaned; the tithes shall consist of one out of each ten, and a half of one out of each five; and when it becomes necessary to tithe five, one shall be sold to the highest bidder who shall keep it and pay the tithe; and if the number of these things does not reach five, their value shall be estimated by two trustworthy persons, one representing the person who owes the tithe and one representing the collector and the amount which these two fix shall be paid.

"Likewise, a tithe shall be paid on the fruit of all trees except pineapples and acorns, upon which no tithe shall be paid; and those who pay the tithe must take it to the place assigned for receiving the tithe, even though this be distant from the place where the fruit is harvested.

"Likewise We order that a tithe shall be paid in full on grapes in the natural state, and those who harvest the grape shall carry the tithe to the town or place assigned for receiving it, even though the vineyard be distant from said town or place.

"Likewise a tithe shall be paid in full upon olives; one measure out of each ten, and a half measure out of each five; and the tithe shall be paid at the mill where the oil is made; and he who collects the tithes shall go after it.

"Upon vegetables a tithe shall be paid of one article out of each ten or one bed out of each ten, and the one who collects the tithes shall go for it to the garden where it is raised; and if the gardener sells his vegetables before the tithe is taken, he shall pay as a tithe one maravedi out of every ten that he receives.

"Likewise, a tithe shall be paid in full upon honey, wax, and swarms of bees, and he who receives the tithe shall pay for the hive in which the bees are which he receives, and he shall go for his bees to the apiary, and for the wax and honey to the house of the person who pays them.

"Those who raise silk shall pay as a tithe one cocoon out of each ten, in the same manner as it is paid in the Archbishopric of Granada in these Kingdoms, which tithe shall be paid to the church in whose district the silk is raised.

"A tithe shall be paid in full upon any green barley which is sold; and he who raises flax, hemp or cotton shall pay a full tithe without deducting his seed, paying the tithe upon the flax and hemp on the ground where it is harvested, and requiring the one who collects the tithe to come after it, and the tithe upon cotton shall be paid at the house of him who raises it.

"Likewise a tithe shall be paid upon sumach, madder, wood and fuller's earth, and he who collects the tithe must go to the house of him who pays it.

"We declare that where there is a difference of Parishes as regards the owners of the property and not the property itself, i.e., if a parishioner of one church sells his tilled land to a parishioner of another church, if the crops have appeared above the ground the tithe of the property for that year is to be divided between the parishes who receive tithes from the buyer and the seller; and if the crops are not up, the tithe shall go to the parish of the buyer; and if the difference regards the lands and not the owner, i.e., if one man owns land in two parishes each piece of property shall pay the tithe to the parish in which it is.

"The provisions of the preceding paragraph shall be held to apply in the case of cereal crops when the plants are above ground and in the case of trees and vines when they have put out leaves, and in the case of olives when they have blossomed, and in the case of other trees which do not shed their leaves, when they are in bloom.

"He who harvests as many as six bushels of any of the things which pay first fruits shall pay a half bushel of first fruits; and if his harvest does not amount to six bushels he shall not pay anything; and if it amounts to much more than six bushels he shall still pay but half a bushel; and if it be of things which are not commonly

measured, he shall pay in a like proportion; and in the case of milk, he shall pay whatever is made from the milk of the first nights milking.

"The farmers of the tithes or first fruits or the persons who are to receive them shall go to the threshing floors, in the case of cereals and other things which are measured, and he who is to pay the tithe shall inform him who is to receive it in plenty of time so that he may go for it.

"Likewise, We declare that if a parishioner of one church shall rent his property to a parishioner of another church, so that the owner of the property receives a certain part of the produce, as for example a half, a third, or a fourth, the parish to which the owner belongs shall receive the tithes of that part of the produce which the owner receives; but if he rents it for a specified sum, either in money or in grain or in any other thing, as for example a hundred fanegas of grain, or twenty, the parish to which the renter belongs shall receive the tithe of the whole production."¹

The tithes for the sugar plantations were to be paid according to law III, book 1, chapter XVI: "We order and command that to avoid fraud against the Church, before any division is made between the growers and the manufacturers

1. Recop. Lib. 1, Tit. XVI, Ley II, D. Fernando y D. Isabelin Granada a 5 de Octubre de 1501.

of the sugar and the owners of the sugar mills for manufacturing the several varieties of sugar and molasses, the tithe shall be paid in all our Indies and the adjacent islands in the following manner: the purified and solidified sugar of the first quality shall pay a tithe of five per cent, and all the other grades of sugar and molasses shall pay at the rate of four per cent every year and those who operate the sugar mills shall be required to take out the tithes except in case there may be in a given locality an established custom to the contrary.¹

A tithe was to be paid on cochineal and indigo as law IV, book 1, chapter XVI orders, "that persons who raise cochineal and indigo shall pay tithes thereon to the church in whose district it is raised."²

Likewise a tithe was to be paid on cassava in accordance with law V, book 1, chapter XVI, which declared "that a tithe shall be paid upon the cassava as follows: if those who are to receive the tithe desire it in the form of bread, it shall be paid at the rate of one in every twenty, and if they prefer it in yucca, which is that from which the cassava is made, it shall be paid at the rate of

1. Recop. Lib. 1, Tit. XVI, Ley III. El Emperador D. Carlos a 8 de Febrero de 1539. Y en Madrid a 19 de Septiembre del mismo ano. El Emperado y Carlos Cardinal G. allí a 15 de Iulio de 1540. Y en Talavera a 11 de Abril de 1541.
2. Recop. Lib. 1, Tit. XVI, Ley IV. Y el Principe G. en Madrid a 31 de Mayo de 1552. Y por sentencia de el Consejo, Cap. 2.

one in ten; and if in any locality it is customary to pay¹ either in bread or in yucca, the custom shall be followed."

Regulation of Tithing. - In the tithing of cattle the provisions of law VI, book 1, chapter XVI, ordered, "that the provisions of law II, chapter XX, part 1, which treats of this matter shall be followed strictly and exactly as² therein set down."

Moreover the tithes upon cattle were to be paid where they were raised in accordance with law VII, book 1, chapter XVI, which states that, "the tithes upon cattle shall be paid to the Bishops within whose district and boundaries they are raised,³....."

The tithe upon livestock was to be paid in the field as law VIII, book 1, chapter XVI, declares "that for the tithe upon cattle, sheep, horses, mares, mules, and colts shall be given one out of each ten, which tithe must be paid in the field where the owners count their cattle at the time that they make the round-up, and the said owners shall⁴ not be obliged to bring the tithe to any other place."

The tithes were to be paid on the fruits which were harvested as law IX, book 1, chapter XVI orders, "that the

1. Recop. Lib. 1, Tit. XVI, Ley V. El Emperador D. Carlos y el Cardenal G en Talavera a 11 de Abril de 1541. Y el Principe G. en Madrid a 31 de Mayo de 1552. Por la dicha sentencia de el Consejo, Cap. 1. Y D. Felipe IV en esta Recopilacion.
2. Recop. Lib. 1, Tit. XVI, Ley VI. El Emperador D. Carlos en Valladolid a 20 de Noviembre de 1539.
3. Recop. Lib. 1, Tit. XVI, Ley VII, El Emperador D. Carlos en Toledo a 23 de Mayo de 1539.
4. Recop. Lib. 1, Tit. XVI, Ley VIII. El Emperador D. Carlos y el Cardenal y Principe G. ano de 1541 y 1552 por la dicha sentencia cap. 3.

inhabitants of our Indies shall pay to the Prelates thereof, according to the foundations of the churches, tithes in the fruits which they harvest.¹"

Law X, book 1, chapter XVI, ordered, "that the tithes of cereals and grains which are raised by the Indians and paid as tribute, as well as those which are raised by Spaniards at their own expense, shall be paid in the place where they are harvested; and if, at the request of the churches, they are carried thither, it shall be at the expense and risk of the church."²

The Indians were not allowed to carry the tithes according to the regulations of law XI, book 1, chapter XVI, which orders, "the Viceroy, Governors and Audiencias of the Indies shall not permit nor allow the Prelates to compel the Indians to bring to them on their shoulders the tithes which belong to the said Prelates, even though they may say that the Indians do so of their own free will; nor shall they allow any other inhabitant to do so;...."³

The encomenderos were to pay a tithe upon what the Indians had paid them in tribute, according to the terms of law XII, book 1, chapter XVI, which orders "that those

1. Recop. Lib. 1, Tit. XVI, Ley IX, El Emperador y la R.G. en Monzon a 2 de Agosto de 1533.
2. Recop. Lib. 1, Tit. XVI, Ley X. El Emperador D. Carlos y la Emperatriz G. en Valladolid a 20 de Julio de 1538. El mismo en la dicha sentencia de 1541. Capit. 3 y 7.
3. Recop. Lib. 1, Tit. XVI, Ley XI, D. Felipe segundo en Madrid a 23 de Noviembre de 1566.

Spaniards who have under their charge Indians from whom they collect tribute shall pay a tithe upon all those things which they receive from the Indians in tribute, provided¹ they are things upon which tithes should be paid;...."

The Indians were to pay the tithes as is declared in law XIII, book 1, chapter XVI: "We order and command that with respect to the tithes which the Indians are obliged to pay, the articles tithed, and the quantities to be paid, upon which points there is variation in certain provinces of our Indies, no charge shall be made for the present and the customs obtaining in each province shall be continued..."²

The provisions of law XIV, book 1, chapter XVI, ordered "that the Spaniards shall pay tithes upon real property to the person who, according to the foundations of the churches as approved by Us, should receive them; but they shall not pay upon gold, silver, pearls, precious stones, metals and other things reserved by the Apostolic Bulls."³

1. Recop. Lib. 1, Tit. XVI, Ley XII. El Emperador D. Carlos y la R.G. en Valladolid a 3 de Septiembre de 1536. Y en Principe G. alli a 21 de Mayo de 1544. En Madrid a 16 de Abril de 1546. Los Reyes de Bohemia GG. en Valladolid a 29 de Abril de 1549. D. Felipe segundo y la Princesa G. alli a 20 de Agosto de 1556.
2. Recop. Lib. 1, Tit. XVI, Ley XIII. El Emperador D. Carlos en Monzon a 2 de Agosto de 1533. El Principe G en Valladolid a 23 de Febrero de 1543. Y a 8 de Agosto de 1544. La Princesa G. alli a 14 de Septiembre de 1555. D. Felipe segundo y la Princesa G. alli a 10 de Abril y a 2 de Diciembre de 1557. El mismo en... a 28 de Diciembre 1568. En Madrid a 10 de Noviembre de 1588. En... a 12 de Febrero de 1589.
3. Recop. Lib. 1, Tit. XVI, Ley XIV. Y D. Felipe IV en esta Recopilacion. El Emperador D. Carlos en Toledo a 27 de 1534.

"No inhabitant nor transient in the cities, towns, and villages of the Indies shall absent himself from the city, town or village where he lives," declares law XV, book 1, chapter XVI, "without establishing to the satisfaction of the governor or chief justice that he has paid the tithe which he was required to pay, and that he does not owe any tithe."¹

A tithe was to be paid upon all the estates of the king as law XVI, book 1, chapter XVI, provides, "We order that all the estates and plantations which We possess in the Indies and any that We may come to possess shall pay the tithes in the same manner that they are paid by the other inhabitants."²

The knights of the military orders were to pay the tithes in conformity with law XVII, book 1, chapter XVI, which ordered and commanded that no Knights of the Orders of Santiago, Calatrava, and Alcantara who reside in the Indies shall be exempted from paying the ecclesiastical tithes upon all his estates and plantations, both those which he now owns and any which he may subsequently own; but they shall pay them in the same manner and form as they would be required to pay if they were not Knights of the Orders; and they shall not allege any excise or oppose any obstacle."³

1. Recop. Lib. 1, Tit. XVI, Ley XV, E. Emperador D. Carlos y el Cardenal y Almirante G. en Tordesillas a 20 de Octubre de 1521.
2. Recop. Lib. 1, Tit. XVI, Ley XVI. El Emperador D. Carlos y el Almirante y Condestable GG en Victoria a 25 de Julio de 1522. Y el mismo Emperador en Valladolid a 4 de Julio de 1523.
3. Recop. Lib. 1, Tit. XVI, Ley XVII. El Emperador D. Carlos en Madrid a 3 de Noviembre y el Cardenal G. a 14 de Diciembre de 1539. D. Felipe segundo y la Princesa G. en Valladolid a 19 de Marzo y el mismo en Toledo a 3 de Septiembre de 1559.

According to law XVIII, book 1, chapter XVI, "no tithes shall be paid upon fish or game because no tithes are due on such things."¹

Double tithes were not to be paid according to the provisions of law XIX, book 1, chapter XVI. "We order and command that double tithes shall not be asked nor collected upon the proceeds of the sugar plantation or of any other properties which have already once paid the tithe upon that which is produced by them, nor shall anything whatever of crops or livestock be tithed a second time if it has already once paid a full tithe."²

Personal tithes were not to be collected in conformity with law XX, book 1, chapter XVI, which declared, "that personal tithes are not due and are not to be collected in the Indies, following the custom in the Archbishopric of Seville. And We charge the Prelates of the Indies that if they have issued any orders or decrees to the contrary, they shall revoke them..."³

Law XXI, book 1, chapter XVI, ordered "that in the Indies first fruits shall be collected from those same articles which pay them in the Archbishopric of Seville, and not from any other."⁴

1. Recop. Lib. 1, Tit. XVI, Ley XVIII. El Emperador D. Carlos y el Cardenal y el Principe G. cap. 4 de la dicha sentencia de 1541.
2. Recop. Lib. 1, Tit. XVI, Ley XIX. El Emperador D. Carlos y el Cardenal y el Principe B. cap. 5 de la dicha sentencia.
3. Recop. Lib. 1, Tit. XVI, Ley XX. El Emperador D. Carlos y la Emperatriz, ano 1530. El Emperador D. Carlos y el Cardenal y Principe G. cap. 6 de la dicha sentencia. El mismo Cardenal G. en Talavera a 22 de Junio de 1541.
4. Recop. Lib. Tit. XVI, Ley XXI, El Emperador D. Carlos Y la R.G. en Valladolid a 16 de Abril de 1538.

The exemptions were to be deducted according to law XXII, book 1, chapter XVI, which orders "that from the tithes of each Bishopric shall be deducted the exemptions of each town according to its charter, and after they have been removed, all the tithes shall be placed together in one place and then the fourth part which belongs to the Bishop shall be set aside....."¹

The tithes which were collected in each church were to be divided according to law XXIII, book, chapter XVI, which ordered and commanded "that from the tithes of each church shall be taken two fourth parts for the Prelate and the Chapter, as is provided by each charter; and the other two fourths shall be divided into nine parts, of which two ninths shall belong to Us, and of the other seven, three shall be for the construction of the cathedral and hospital and the other four ninths, after the salaries of the priests as specified by the charter have been paid out of it, shall be given to the Majordomo of the Chapter who shall make use of it in the manner provided in the Charter, and shall put it with the other fourth part of the tithes which belong to the Chapter, from which fund shall be paid the endowment and the salaries of the Dignitaries, Canons and other officers which have been created by the charter from the service of the cathedral....."²

1. Recop. Lib. 1, Tit. XVI, Ley XXII. El Emperador D. Carlos y el Cardenal G en Talavera a 6 de Julio de 1540.
2. Recop. Lib. 1, Tit. XVI, Ley XXIII. El Emperador D. Carlos y el Cardenal G. en Talavera a 3 de Febrero de 1541 Y De. Felipe IV en esta Recopilacion.

Concerning the two ninths which belonged to the royal patrimony law XXIV, book 1, chapter XVI, declared "that the two ninths reserved to Us in the tithes of the Metropolitan Churches, Cathedrals and Parish churches of our Indies, belong to the royal patrimony, and their collection and administration belongs to the officers of our Royal Treasury, who shall themselves give them to those churches or persons who through our consent are to have them."¹

Law XXVIII, book 1, chapter XVI, ordered "our royal officers of each province to be present at the time when the yearly accounts are balanced and the auctioning of the tithes gathering privilege takes place, in order that the assignment of this privilege may be properly made, both when there is a vacancy in the prelacy and when there is not and they shall attend to the manner in which it is done and loof after the maintenance and proper collection of the tithes and see that no fraud or other injustice is committed."²

When the account of the tithes was taken a royal officer was to be present in conformity with law XXX, book 1, chapter XVI, which ordered and commanded "that one of the officers of our royal treasury be present at the time when the accounts of the tithes are rendered so that they may be distributed according to the charter, and also a magistrate,

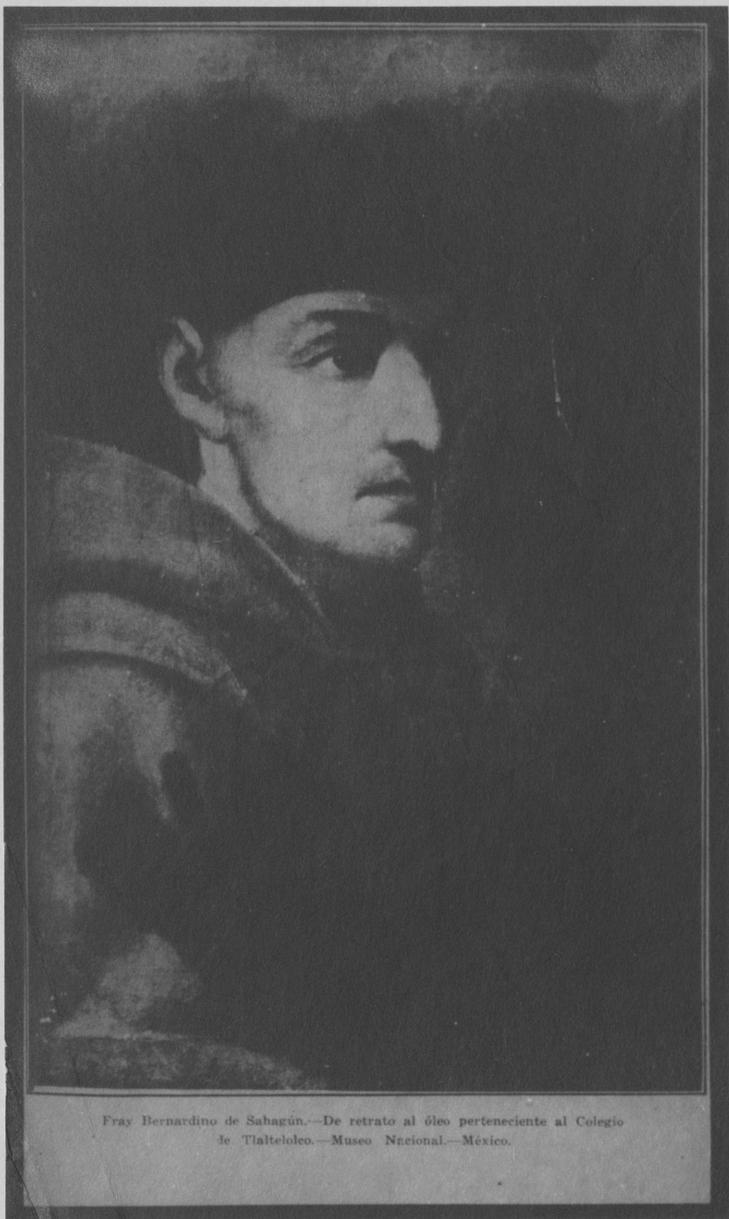
1. Recop. Lib. 1, Tit. XVI, El. Emperador D. Carlos en Madrid a 3 de Octubre de 1539.
2. Recop. Lib. 1, Tit. XVI, Ley XXVIII. El Emperador D. Carlos y los Reyes de Bohemia GG en Valladolid a 12 de Marzo de 1549. Y Da. Felipe IV en esta Recopilacion.

if it is in a district where there is an Audience."¹

Those persons who were interested in the tithes were forbidden to farm them. Law XXXI, book 1, chapter XVI states that "In both the time and the manner of settling the accounts of the tithes, the canonical law shall be obeyed and the Royal Audiences shall not permit the Prelates, Beneficiaries, Priests nor other persons interested in them, either in their own name or through the agency of others, to let them out on contract nor farm them; and if in some region they do farm them, the city or town where this is done may take the tithes over at the same price, for otherwise there would result grave injury to our Royal Patronage and to the construction of the Churches."²

1. Recop. Lib. 1, Tit. XVI, Ley XXX. D. Felipe segundo en Monzon a 4 de Octubre de 1503 en la Ordenanza de Audiencias y Ordenanza 71 de Audiencias de 1596.
2. Recop. Lib. 1, Tit. XVI, Ley XXXI. El Emperador D. Carlos y la Emperatriz G. en Toledo a 23 de Mayo de 1539. Los Reyes de Bohemia GG en Valladolid a 24 de Abril de 1550. D. Felipe segundo en Madrid a 23 de Enero de 1588.

PART II.



Fray Bernardino de Sahagún.—De retrato al óleo perteneciente al Colegio de Tlaltecleo.—Museo Nacional.—México.

CHAPTER VI

THE ESTABLISHMENT OF THE ORDERS
AND EPISCOPAL ORGANIZATION

Cortes and the Church. - Cortes, the conqueror of Mexico, was a very religious man. Although cruel in his persecution of the conquered people, he never forgot that the sacred motto under which he had set forth was a holy one. He even claimed that the primary motive of the conquest was a spiritual one, without which the temporal acquisitions would be unjust.¹ Immediately he took measures to accomplish this great aim. No sooner had Tenochtitlan fallen than he began to send letters to Spain, asking for spiritual help to carry on the religious work.² "Each time I have written Your Sacred Majesty," he wrote, "I have told Your Highness of the preparation made for the conversion to our holy religion of the Indians of these parts, and I have since besought Your Caesarian Majesty to provide religious persons of good life and example; but so far very few or almost none have come. It is positive they would obtain great fruit, and I have again to recall it to Your Highness' memory, beseeching you to order some provision in this with all possible haste, because God, our Lord, will be much pleased, and Your Majesty's desire as a Catholic in this matter will be gratified. The

1. Icazbalceta, Col. Doc., i.445-51; Priestly, The Mexican Nation, Chap. VI, pp. 96-7.

2. Priestly, The Mexican Nation, Chap. VI, p. 97.

procurators Antonio Quinones and Alonzo de Airla, counsellors of the towns of New Spain, and myself, begged Your Majesty to send us bishops and other prelates to administer the offices and divine cult, for it then appeared to us that this was necessary, but, examining the matter more fully, it now seems to me Your Sacred Majesty should order other measures to be provided for the more speedy conversion of the natives, and that they may be better instructed in the mysteries of our holy faith. This would be as follows:

Your Majesty should order many religious men to come to these parts, as I have already said, who would be zealous for the conversion of infidels; houses and monasteries would be provided for them in the provinces which we would indicate and a tithe of one tenth may be levied for their support; the surplus would be assigned for the churches and their furnishings in the towns where Spaniards live, and to their clergy. The tithes would be collected by Your Majesty's officials who would keep account of them and provide all such monasteries and churches with necessaries; the amount will be enough and more than enough so that Your Majesty may receive the surplus. Let Your Highness beseech His Holiness to concede Your Majesty the tithes in these parts for this purpose, making him understand the service rendered to God, our Lord; and this can only be obtained in this way, because, they will follow the customs, which as a punishment for our sins exist to-day, of disposing of the gifts of the Church

and wasting them in pomps and other vices, leaving family estates for their children. A still worse evil might happen, for the natives of these parts had, in their times, those who conducted their rites and ceremonies who were so strict not only in composure and honesty, but also in chastity, that if one was discovered violating his vows he was punished with death; if they now saw the servants of God's Church in the power of Mammon, practicing vanities, and learned that they were ministers of God, and beheld them falling into vice, as is the case in our times in Spain, it would bring our Faith into contempt and the natives would hold it as a mockery; and this would do such mischief that I do not believe any amount of preeching would be of any avail. As this is of such importance, and the principal object of Your Majesty is, and should be, the conversion of these people, those who reside here in Your Royal name should behave as becomes Christians. I have wished to give this information and my opinion which I pray Your Highness to accept as coming from your subject and vassal, who has worked with all his vital powers, and will ever strive to extend Your Majesty's kingdoms and dominions in these parts and to publish Your Royal fame and great power among these people: and who likewise desires and will strive that Your Highness may sow amongst them our Holy Faith meriting thereby the eternal reward to ever lasting life. As the giving of holy orders, the consecration of Churches, ornaments, oils and chrism, and other functions require a bishop, and, we not having any, it would be difficult to seek them elsewhere. Your Majesty should

likewise beseech His Holiness to grant such powers to two principal persons amongst the religious men coming here, who might be as special delegates, one from the Order of St. Francis, and the other from the Order of St. Dominic. They should bring the most extensive powers Your Majesty can obtain, because these countries are so distant from the Roman Church, and the Christians who actually live here and will hereafter reside here are so far from religious discipline and, as human beings, subject to sin, that His Holiness should grant to these religious men very ample powers to be handed down by persons who always reside here, be it either to one General or to a Provincial of each Order in this country.¹"

The First Priests in Mexico. - During the siege of the capitol (Tenochtitlan) five religious teachers were present, Fathers Olmedo, the three clergymen, Juan Diaz, Juan de Leon, Juan Ruiz de Guevara, and the Franciscan Pedro Melgarejo de Urrea.² To this number might be added the interpreter Aguilar. Of these only two stand forward as teachers and ministers, Olmedo and Diaz. A bull had been issued by Pope Leo X, in April 1521, permitting two Franciscans to enter New Spain to preach, baptize, confess, and administer the sacraments. Due to the death of the pope, followed by that of Clapion, and various causes, they were prevented from coming. But with the election of Adrian of Spain to the papacy, on May 13, 1522, a new bull was issued, authorizing all the mendicant friars, to undertake religious work in America. Thus

1. Cortes, Fourth letter, Vol. 2, p. 213. (McNutt)

2. Bancroft, "Mexico," Vol. 10, p. 157. (See Bernal Diaz)

the work of converting the Indians was first intrusted to the mendicant orders.¹

The Episcopal Organization. - Long before a single conversion was made, before the regulars had even entered the field to perform their great mission, a see, had been created and a bishop had been appointed for New Spain. The Pope was at the head of the church secular and the regular. Nevertheless the regulars had their superior officers including their generals and provincials, while the seculars were directed by their bishops and archbishops.²

Julian Garces, Bishop of Cozumel. - The beginning of the episcopal organization of the secular church in New Spain was after the reports of Cordobas and Grijalva's voyages off the coast of Yucatan had been made known in Spain. And as a result of these favorable reports, Bishop Fonseca conferred upon his confessor, Julian Garces, a Dominican monk, the title of bishop of Cozumel. Since this island proved so unimportant his authority was extended over all Yucatan when in 1526 the see was extended to include the districts of Tabasco, Vera Cruz, and Chiapas, including Tlaxcala.³

Thus, inspired with the general progress which was being made in ecclesiastical affairs, there arrived in 1527, the first bishop of Tlaxcala, Fr. Julian Garces.⁴

1. Bancroft, "Mexico," Vol. 10, p. 157. (See Bernal Diaz)
2. Priestly, "History of the Mexican Nation," p. 105.
3. Bancroft, "Mexico," Vol. X, p. 298.
4. Cuevas, "Historia De La Iglesia En Mexico," Tomo 1, Capitulo IX, p. 238.



EL ILLMO.
Y R. S. D. FRAY
IVAN DE ZUMARRA
GA PRIMER OBIPOY
O ARCOB. DE MEX. Y F. V.
DAIDR DE SE. P. S.
PITA. BLAMO
D DIOS.

Illmo. Sr. Dn. Fr. Juan de Zumárraga.
Del antiguo Hospital del Amor de Dios, hoy en el Museo N. - México.

However, about the same time that Garces was made bishop of the Tlaxcala see another one embracing the regions to the west and south and the important districts of the lake valley was offered to Pedro de Gante. Since 1523 he had been preaching and teaching as a Franciscan lay-brother in the Mexico Valley.¹

It is said that this offer of a bishopric was due mainly to his relationship to Charles V. Although he was well fitted for this position and had been urged a number of times by his superiors to take a higher position among his order and in the church, he had declined, refusing to leave his rather humble station and work.²

Juan de Zumarraga, Archbishop of Mexico. - The see was then bestowed upon Juan de Zumarraga, who had come to New Spain with the first audiencia in 1528.³

Juan de Zumarraga was born in 1476 in the country seat of Durango, in the manor of Vizcaya. Then the country seat was called Tabira of Durango. He was the son of Juan Lopez de Zumarraga and of Dona Teresa de Iares, of the most noble lineage of the Arrazola, senores de la Casa y Torre de Muncharraz. If the surnames had been used then as now, those of Fray Juan would have been Zumarraga y Arrazola.⁴

His parents were prosperous and left him a house and land. They were also very pious people, and among some of

1. Bancroft, "Mexico," Vol. X, p. 297.

2. Ibid, p. 298.

3. Cuevas, "Historia De La Iglesia En Mexico," Tomo. 1. p.239.

4. Ibid. p. 238.

their good deeds was the offering of the hospitality of their home to the Franciscans who passed through Durango. From an agreement with them originated the vocation of Juan. He put on the habit of San Francisco, as it seems probable, in the convent of Abrojo, near Valladolid.¹

While still very young he left Vizcaya, but all his life he remained honest and gentle. It is said that his grammatical blunders made Felipe II laugh.²

Soon he was employed by his superiors in the duties of government. He was guardian, according to Gonzalez Bavila of the convent of Avila and was there fifteen days. In 1527 Zumarraga was directing the convent of Abrojo at the time when the Emperor Charles V was holding the customary Cortes in Valladolid.³

The Monarch passed the holy week in the convent of Abrojo and on leaving he placed in the hands of the guardian a large amount of money. Immediately he distributed the amount among the poor without reserving a maravedi for his community.⁴

The Emperor formed a favorable conception of the guardian to whom it was proposed, from then, confided positions of a greater degree.⁵

In the same year 1527 two girls were charged before the audiencia of Pamplona for having assisted conventicles

1. Cuevas, "Historia De La Iglesia En Mexico, p. 239.

2. Ibid, p. 239.

3. Ibid, p. 239

4. Ibid, p. 239.

5. Ibid, p. 240.

of conjurers. They confessed their guilt and offered to denounce the conjurers if they were pardoned. This was done and it was also later discovered that in the provinces the Basques had yielded abundantly to the superstitions and diabolical usages.¹

In 1527 Fr. Juan de Zumarraga was named for bishop of Mexico, where he arrived early in December of the following year.²

Due to the conditions existing in Mexico it was extremely difficult for Zumarraga to carry out his instructions as protector over the Indians. Any advance which he might make in behalf of the oppressed natives clashed with the interests of the settlers. All of his efforts were opposed by the audiencia to such an extent that the two came to an open conflict, resulting in the excommunication of two of the oidores.³

He was even charged of using the pulpit for denouncing the officials for their deeds, and the second audiencia was granted the power to prevent him from using such language and to check his power as protector.⁴

That which stands out in the life of Fr. Juan Zumarraga and gives essence and luster to all his deeds is his consistent Christian piety, his union with God, and his humble spirit.⁵

1. Cuevas, "Historia De La Iglesia En Mexico," Tomo 1, p. 240.
2. Ibid., p. 240.
3. Bancroft, "Mexico," Vol. X, pp. 298-9.
4. Ibid., p. 299.
5. Cuevas, "Historia De La Iglesia En Mexico, Tomo 1, p. 243.

In keeping with a character of this kind it is only true that he should be very eager to extend the faith to the oppressed natives. But it was so difficult for them to receive it due to the many little relics they still possessed which kept alive in their hearts the old heathen practices, endeared by time, persecution and suffering.¹

These relics must be destroyed so Zumarraga and his faithful companions set out on the searching raid which was destined to handicap anthropology and history. The scrolls and manuscripts with their pictures and signs seemed to the protector the incarnation of devilish art and sorcery.²

From public places and private houses wherever they could be found they were brought and piled in the market place and burned. "It was the crowning act of misguided zeal! And what a pyre was there! Records of the strange unfoldings of an aboriginal civilization, of half-developed myths, of curious customs, of evolving sciences perhaps of arts already lost."³ This willful destruction of the treasuries of human experience was not confined to the city of Mexico alone, but to the larger cities and towns from which they were gathered and committed to the flames.⁴ This was indeed an unwise act on the part of the first bishop of Mexico.

1. Bancroft, "Mexico," Vol. X, p. 299.

2. Ibid., p. 299.

3. Ibid., p. 299.

4. Ibid., p. 299.

However, Zumarraga accomplished a good work. With his alertness and fluency of speech he was able to teach a good wholesome lesson to and reform the low morality existing then among the friars and clergy.¹

During the first years of the conquest the church made very slow progress due to the fact that the teaching of the friars and the secular clergy was ignored by the Spanish settlers, and the natives soon observed this indifference on the part of their superiors to the clergymen. Hence it was a natural thing for the Indians because of their heathen character and indifference to follow the example of the Spaniards.²

In 1532 Zumarraga was called to Spain to give his advice as to the best method of handling the native population. He succeeded in making his voice heard on this subject and was given the power to examine the methods of collecting the tribute, and the audiencia was to assist him in his work.³

Upon his return to Mexico in 1534 he took up the active duties of his office as bishop.

In 1531 the second audiencia took up the episcopal organization. The old bishopric of Tlaxcala soon proved to be unwisely located, since many parts of it were one hundred and sixty leagues from the episcopal center, thus making it almost impossible for the bishop to make his customary calls. So it was suggested that the see of Mexico be limited in area

1. Bancroft, "Mexico," Vol. X. p. 300.
2. Priestly, "The Mexican Nation." p. 106.
3. Ibid., p. 106.

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and the bishopric reorganized.

These suggestions were adopted in 1532 and the bishopric of Tlaxcala was limited in area and the town of Pueblo was included in it.²

Sebastian Ramirez de Fuenleal president of the second audiencia and a man who had had experiences in episcopal matters in Santo Domingo recommended that the four bishoprics of New Spain be increased in number and that Mexico be raised to the rank of a metropolitan church immediately.³

Accordingly in 1534, New Spain was divided into four bishoprics namely: Mexico, Michoacan, Tlaxcala and Oaxaca. These dioceses were not to be more than fifteen leagues in radius and the cathedral town was to be in the center.⁴

Antequera was made the cathedral town of the bishopric of Oaxaca which was established in 1535 and Juan Lopez de Zarate, a Dominican, its leader. The bishopric of Michoacan was established in 1530, with the see at Tzintzuntzan. Vasco de Quiroga was made the first bishop of Michoacan. The bishoprics of Tlaxcala and Michoacan were subject to the authority of the Archbishop of Seville in their early years as was Mexico, until it was organized as an archiepiscopacy.⁵

With the establishment of the episcopal organization including the establishment of the bishoprics and the organization of the provinces of the regulars, the work of the

1. Priestly, "The Mexican Nation," p. 107.

2. Ibid., p. 107.

3. Ibid., p. 107.

4. Ibid., p. 107.

5. Ibid., p. 107.

church was more lasting in character than the conversions which had been made heretofore:¹

Zumarraga died June 3, 1548, just before the end of the rule of the Viceroy Mendoza. His place was filled by Alonzo de Montufar, a Dominican.²

Arrival of Franciscans. - The first mendicant order to arrive in New Spain under the papal permission were the Franciscans. Three friars of that order came from Ghent, reaching Villa Rica August 30, 1522. They were Juan de Tecto, the emperor's confessor, and a very learned man, Juan de Aora, and Pedro de Jante. Going to Tezcuco, they began their work here of ministering the gospel.³

The first monks to come to Mexico in May 1524, with permission of the Emperor and license of the pope, were the Franciscans, led by Fray Martin de la Coruna, Fray Juan Xuares, Fray Antonio de Ciudad Rodrigo, Fray Toribio de Be-nevente, Fray Garcia de Cismeras, Fray Juan de Fuensalida, Fray Juan de Ribas, Fray Francisco Ximenez, Fray Andres de Cordoba, and Fray Bernardino de la Torea.⁴

1. Priestly, "The Mexican Nation," p. 108.

2. Montufar.

3. Bancroft, "Mexico," Vol. 10, pp. 161-2.

4. Ibid., p. 164; Motolina, Cap. I, p. 114. En el ano del Senor de 1523, dia de la conversion de San Pablo, que es a 25 de Enero, el Padre Fray Martin de Valencia, de santa Memoria, con once frailes sus companeros, partieron de Espana para venir a esta tierra de Anahuac, enviados por el reverendisimo Padre Fray Francisco de las Angeles, entonces ministro general de la order de San Francisco. Vinieron con grandes gracias y perdones de nuestro muy Santo Padre y con especial mandamiento de S. M el Emperador Nuestro Senor, para la conversion de los Indios naturales de esta tierra de Anahuac, ahora llamada Nueva Espana.

They came to establish the Custodia del Santo Evangelio, the beginning of the Franciscan province, and to extend conversion in accordance with the rules of the order.¹

Cortes Greet the Franciscan Friars. - They arrived at San Juan de Ulna May 18th. Cortes sent servants to meet them and give them a comfortable reception, but the friars declined every favor and marched barefooted toward the capital. On this march the Indians applied the term motolinia, which means poor, to Father Toribio de Benavente, because of his humble appearance. He accepted this soubriquet and henceforth signed himself Toribio Motolinia. He became a great friend to the Indians and an earnest Christian worker in New Spain.²

As they approached Mexico, the conquerors led by Cortes came out to meet them, and Cortes kissed the robes of the friars, displaying a humility which astonished the natives, because such submissiveness had barely been shown to Montezuma.³ This display of humiliation was exercised for several reasons: the friars possessed great power as representatives of the church, before which the princes of the land must humiliate themselves, and from which the sovereigns of Portugal and Spain received the title to half of the world. They must be courted moreover because of "their influence at court," to which they would make reports now and then "concerning the condition of the country and the management of royal interests." Then, too, "these friars were destined

1. Mendieta Hist. Eccles. 200-2; Torquemada iii, 10-12.

2. Mendieta Hist. Eccles, 210-11.

3. Bancroft, "Mexico," Vol. IV, p. 166; Priestly, The Mexican Nation, p. 98.

to exercise control over the natives far more effective than that obtained by force of arms, and thereby assure possession of the conquest to the crown and of grants and serfs to the conquerors.¹

The sacred character and respect that should be paid to them was impressed upon the natives. The story is told that the inhabitants of Tezcucoc were wrathful because one of their chiefs was flogged for non-attendance at mass. To quiet the Indians who had received similar treatment, Cortes, informing the priests of his plan, stayed away from mass, for which absence he was flogged by the friars in the presence of some natives, thus reconciling them to the tyrannical acts of the church fathers.²

First Franciscan Council and Visitors.— Valencia, after his arrival in Mexico, summoned the five friars who were already in the country,³ and the seventeen together in a council thus decided on the best method to proceed with the work of conversion. On July 2, the Custodia del Santo Evangelio was established and divided into four districts, Mexico, Tezcoco, Huexotzinco, and Tlascala. Of the seventeen Franciscans, four were placed in each district, and Valencia making the fifth remained at the capital as the director. Convents, hospitals, and schools were soon built in each district. Father Gante began the first school, and it was sufficiently large to accommodate a thousand children.⁴

1. Bancroft, "Mexico," Vol. X, pp. 166-7.
2. Priestly, The Mexican Nation, p. 98; Bancroft, "Mexico", Vol. 10, p. 167. (See Torquemada, iii. 21-2).
3. Bancroft, "Mexico," Vol. 10, p. 167 (See Motolinia, Hist. Ind. p. 143.)
4. Bancroft, "Mexico," Vol. 10, pp. 167-8-170, (See Bernal Diaz, Hist. Verdad, p. 191; Gomara, Hist. Mex, p. 240.)

Arrival of the Dominicans.- The next order after the Franciscans to take up work in New Spain were the Dominicans. Under their general Tomas Ortiz they came to Vera Cruz in 1526. A few more of them arrived in 1528; and it was not long before twenty of them were laboring together with the Franciscans.¹ The beginning of Dominican establishment in Mexico is thus described by Mendieta:

"The first priests of the order of Father Santo Domingo who came to this new Spain, arrived at the city of Mexico in 1526, under the vigil of the glorius S. Juan Baptista. They went to take lodging in the convent of Saint Francisco, where they were received and treated with great kindness, and they were there until they had secured a house for their residence. They came under their leader, Fr. Tomas Ortiz, who had been vicar of the monastery of Chiribichi, which the Indians had pillaged for one Ojeda ("coma atras queda contado"). Two friars were killed and he escaped. In Spain he negotiated to conduct hither religious persons.

"There were six of them which he brought here namely, Fr. Vicente de Santa Maria, Fr. Tomas de Berlanga, Fr. Domingo de Sotomayor, Fr. Pedro de Santa Maria, Fr. Justo de Santo Domingo, learned priests and very religious, and Fr. Gonzalo Lucero, deacon, and Fr. Bartolome de Calzadilla, layman.²

1. Mendieta, Hist Ecles. Cap. 1, Libro 4, p. 363.

2. Mendieta, Cap. 1, Lib. 4, p. 363. The above is a free translation of the following: Los primeros religiosos de la order del padre Santo Domingo que vinieron a esta Nueva Espana, llegaion a la ciudad de Mexico el ano de mil y quinientos y viente y seis, vigilia del glorioso S. Juan Baptista. Fueronse a aposentar al convento de S. Francisco donde los recibieron y trataron con mucho caridad, y estuvieron alli hasta que tuvieron casa para su morada. Vino por candillo de ellos Fr. Tomas Ortíz, que habia sido vicario del monesterio de Chiribichi que asolaron los indios por causa de un fulano Ojeda (como atras queda contado)

"Four others joined them on the island of Espanola, namely, Father Domingo de Betanzos, a man of great piety, Fr. Diego Ruiz, Fr. Pedro Zambrano, priests and Fr. Vicente de las Casas, who was still a novice, so that all together there were twelve. Of these friars five died a few days after they arrived in this land, Mexico, and four others returned to Spain, namely, the same Fr. Tomas Ortiz, Fr. Vicente de Santa Maria, Fr. Tomas de Berlanga and another with them, and thus there remained only Fr. Domingo de Betanzos and the deacon and the novice. Father Betanzos received this time many novices, and on their coming it was agreed with the Saintly Fr. Martin de Valencia, that if God should take him (Betanzos) away from this life before he could aid the priest of his order, that he (Valencia) would take charge of his house and from among those new soldiers of Christ he would send a priest to say mass. However, this was not necessary, because shortly Fr. Vicente de Santa Maria returned with six other persons from Spain, and in place of the first chapter he was elected vicar general. This father was the notable preacher and he founded the Monastery of Mexico..."¹

1. Mendieta, Cap. 2, Lib. 4, p. 363.

(Continued footnote from preceding page)

y mataron alli dos frailes, y el se escapo por hallarse ausente. En Espana negocio de traer para aca religiosos, de los cuales fueron siete los que de alli saco es a saber Fr. Vicente de Santa Maria, Fr. Tomas de Berlanga, Fr. Domingo de Sotomayor, Fr. Pedro de Santa Maria, Fr. Justo de Santo Domingo, sacerdotes doctos y muy religiosos, y Fr. Gonzalo Lucero diacono, y Fr. Bartolme de Calzadilla, lego. Otros cuatro se le juntaron en la isla Espanola, es a saber el padre Fr. Domingo de Betanzos, varon de gran santidad, Fr. Diego Ruiz, Fr. Pedro Zambrano, sacerdotee, y Fr. Vicente de las Casas, que aun era novicio de suerte que por todos fueron doce. De estos padres, los cinco murieron pocos dias despues que llegaron a esta tierra, y otros cuatro se volvieron a Espana, es a saber el mismo, Fr. Tomas Ortiz,

Franciscans and Dominicans. - At first the Dominicans

and Franciscans agreed very well, the latter surrendering several of their districts to the Dominicans, and the two joined in opposing the abuses committed by the audiencia. However, this harmony was not to last long before the old rivalry broke out between the two, which caused a division on public questions and internal dissensions. The difficulty arose over the subject of Indian treatment, and the methods to be used in effecting conversions. The Franciscans being the more militant of the two orders favored the alliance of sword and cross. Due to their larger numbers, and earlier occupation, they were given precedence among the Spaniards and Indians. The Dominicans had to exert themselves, to develop an influence equal to the Franciscans.

One of the features which gave this order and advantage and attracted great attention was the beauty of their convent, Santo Domingo in Mexico. Some of the early missions founded by the Order were Panuco, Oajaca, and Guatemala. The first convent at Antequera was founded in 1529 by Deacon Minaya who

1. Bancroft, "Mexico," Vol. X, p. 302.

2. Ibid., p. 302, (See Torquemada iii, 40)

(Continued footnote from preceding page)

Fr. Vicente de Santa Maria, Fr. Tomas de Berlanga, y otro con ellos, y asi quedaron solos Fr. Domingo de Betanzos y el novicio. Recibio el padre Betanzos en este tiempo muchos novicios, y viendose solo con ellos concerto con el santo Fr. Martin de Valencia, que si Dios lo llevase de esta vida antes que tuviese ayuda de sacerdote de su orden, se encargase de mirar por su casa y por aquellos nuevos soldados de Cristo, enviando un sacerdote que les dijese misa y el santo varon lo acepto aunque no fue menester, porque in breve voliro Fr. Vicente de Santa Maria con otros seis religiosos de Espana y luego en el primero capitulo fue electo en vicario general. Fue este padre insigne predicador, y fundo la casa de Mexico.....

together with the priest Lucero were in charge of the Mission
¹
 Oajaca.

The Franciscans were missionaries to the poor. They devoted themselves to primary teaching among the children of the Indians and the slaves of the early settlers. The Dominicans on the other hand, were of a more aristocratic order. They
²
 made their appeal to the upper classes.

Arrival of the Mercedarians. - The next order to enter New Spain were the Mercedarians or Order of Mercy. They were brought out by Cortes in 1530 upon his return from Spain. Their leader was Juan de Leguizamo, the confessor to the family of Cortes.
³ Besides these came with Cortes a number of nuns of the order Concepcion, who founded the first nunnery called Concepcion Purisima. They very early attained a large membership among the noble maidens of the colony. The order of Mercy soon made their way into Guatemala, but it was not until 1589 that they began establishing convents in New Spain.

Establishment of the Augustinians. - Three years after the arrival of the Mercedarians a fourth order reached Mexico, the Augustinians. Six of the companions under their leader Fray Francisco de la Cruz arrived in 1533. Their names were Augustin de Coruna, who was afterward bishop of Popayan in Peru, Geronimo Jimenez de San Esteban, who lived a life of good example and piety, Juan de San Roman, Juan de Oseguera, Alonso
⁴
 de Soria, Jorge de Davila, and La Cruz.

1. Bancroft, "Mexico," Vol. X, pp. 302-1.

2. Priestly, The Mexican Nation, p. 101.

3. Bancroft, "Mexico," Vol. X, p. 303. (See Bernal Diaz His. Verdad, 231.

4. Mendieta, Cap. II, p. 367. Los primeros religiosos de la orden del bienaventurado, Doctor de la Iglesia S. Augustin que vinieron a esta Nueva Espana, llegaron a la ciudad de Mexico el ano de mil y quinientos y treinta y tres. Vino por su superior Fr. Francisco de la Cruz, que ellos lla-

This order preached in the church of Mexico against the injustice of making slaves of the Indians. Upon their arrival they were lodged in the convent of Santo Domingo for forty days, until they were loaned a house on the street of Tlacula, where they remained a few days. Afterwards, with the alms which they had received from the city, they bought a house in the site where they then were, which was a marshy place. Since the City of Mexico was built above the water, their rare and costly buildings were many times submerged. Notwithstanding all of this, the Augustinians built a very
 1
 gorgeous church and monestary.

1. Mendieta, Cap. II, p. 367.

(Continued footnote from preceding page)

maron el venerable, por su mucha santidad y Fue
 varon de continua oracion y devocion y fervor de espiritu
 y de grande humildad. Trajo seis companeros, a Fr. Augus-
 tin de la Corona, que despues fue obispo de Popayan en Pe-
 ru, a Fr. Geronimo Jimenez de San Esteban, que florecio
 con grande ejemplo y santidad de vida, a Fr. Juan de San
 Roman, a Fr. Juande Oseguera, a Fr. Jorge Davila, a Fr.
 Alonso de Soria, varon de mucho doctrina y ejemplo. A
 este religioso, predicando en la iglesia mayor de Mexico
 contra la injusticia de hacer esclavos a los indios, lo
 hicieron echar del pulpito. Estuvieron estos siete padres
 en el convento de Santo Domingo cuarenta dias, hasta que
 les prestaron una casa en la calle de Tlacula donde es-
 tuvieron algunos dias, y despues, con limosnas que por
 la ciudad recogieron, compraron una casa en el sitio don-
 de ahora estan, que por ser lugar bajo (como Mexico esta
 fundado sobre agua) se les ha hundido por veces lo que
 tenian curiosa y costosamente edificado (cosa de grandis-
 sima lastima); mas con to do esto tienen allí muy suntu-
 osa iglesia y monesterio.

Six more of this order arrived in 1535, under their leader and superior Fr. Nicolas de Agreda, prior of the convent of Pamplona, and who left his priorate to take up the conversion of the infidels in New Spain. The six companions were Fr. Gil del Peso, Fr. Augustin de Balmaseda, Fr. Pedro de Pamplona, Fr. Juan de Aguirre, and Fr. Lucas del Pedroso. In 1536 Dr. Francisco de la Cruz, returned to Spain for more assistance. The following year he conducted hither eleven selected friars making the third group to arrive in New Spain. The eleven were Fr. Gregoria de Salazar, Fr. Juan Baptista de Moya, Fr. Diego de San Martin, Fr. Juan de Alva, Fr. Antonio de Roa, Fr. Antonio de Aguilar, Fr. Diego de la Cruz, Fr. Pedro de Pareja, Fr. Juan de Sevilla, Fr. Augustin de Salamanca, and Fr. Juan de San Martin.

1. Mendieta, Los segundos vinieron el año de treinta y cinco, solos seis, y por superior Fr. Nicolas de Agreda, que era prior en su convento de Pamplona, y por venir a la conversion de infieles dejó el priorato. Los compañeros fueron Fr. Gil del Peso, Fr. Augustin de Balmaseda, Fr. Pedro de Pamplona, Fr. Juan de Aguirre, Fr. Lucas del Pedroso. Fr. Francisco de la Cruz, que iba a España por mas frailes. Y ase año siguiente de treinta y seis trajo el dicho Fr. Francisco de la Cruz once frailes escogidos, que fueron los terceros, es a saber, Fr. Gregoria de Salazar Fr. Juan Baptista de Moya (que habian sido nombrados para venir con los primeros), Fr. Diego de San Martin, Fr. Juan de Alva, Fr. Antonio de Aguilar, Fr. Antonio de Roa, Fr. Diego de la Cruz, Fr. Pedro de Pareja, Fr. Juan de Sevilla, Fr. Augustin de Salamanca, Fr. Juan de San Martin...

The Augustinians labored patiently in the districts of Tlapan and Chilapan which had been assigned to them. Five of them were placed in different parts of the country, while two of them, the prior and Padre Oseguera labored in Mexico in order to support their brethren with the alms which they would receive. Their province was called Michoacan and a convent was established in it at Tiripitio. It was from Tiripitio into the tierra caliente of the southern shore that the Augustinians carried on their work with marked success.

Establishment of the Jesuits. - The latest of the missionary societies to take up religious work in New Spain were the Jesuits or the company of Jesus, not a mendicant order. After their counteraction of the Lutheran Reformation under Ignatius Layola they entered the New World teaching the principles of the Catholic faith. Before their arrival in New Spain in 1572 they had established missions in Habana and Florida. Convinced that no good was resulting from their labors in Florida among the natives they got permission from the king to discontinue their work there.¹

Several efforts had been made six years prior to 1572 to bring the Jesuits into New Spain. Alonso de Villaseca, a wealthy gentleman of Mexico had endeavored to bring them at his own expense, but he was unsuccessful.²

Father Pedro Sanchez with twelve of his companions arrived at Vera Cruz on September 9, 1572. Inasmuch as the mendicant orders had charge of the Indians little was done during

1. Bancroft, "Mexico," Vol. X, p. 699; Priestly, The Mexican Nation, p. 162.

2. Ibid., p. 699.

1

the sixteenth century by the Jesuits for their education. Dr. Sanchez decided to found colleges in the cities and towns. By educating the Spanish youth and by preaching against the vices of the adult Spaniards he hoped he would not only improve the moral and spiritual conditions of the conquerors, but indirectly the native races subject to the white men. According to the early policy of the Jesuits it was of far more consequence to have charge of the education of the Spanish children than of the Indians although the Jesuits had² been sent to convert the natives.

The Jesuits were a shrewd order, and with considerable foresight they saw the results of training the Spaniards to be missionaries thus throwing a large number of home-trained missionaries in the field in a relatively short time. Their first college was established in 1573 in the City of Mexico called Pedro y San Pablo. This was an ecclesiastical college and was very successful in the early days of the colonial period.³ The order built a church called the Casa Profesa. No sooner had they begun working on it than three of the mendicant orders opposed its erection on the ground that it would be injurious to them. The matter was taken up before the Audiencia, who ordered the suspension of the work. Next it was referred to the council of the Indies who decided against

1. Bancroft, "Mexico," Vol. X, p. 699.

2. Ibid. p. 703.

3. Sierra, "Mexico, Its Social Evolution," Vol. 2, p. 483.

the Jesuits. The case was finally appealed to Rome and decided in their favor in 1595. All of this goes to show the increase of their influence.¹

In 1576 new priests and brothers of the society arrived from Europe; and the order was further increased by native and Spanish colonists. In 1579 there was a still further increase. The Jesuits soon began work among the Indians as well as educating the Spaniard.² In 1574 they began their work in Nueva Galicia; in 1575 in Oaxaca where they made exceptional progress; in 1573, in Michoacan; in 1578, in Vera Cruz; and in 1580, in Pueblo. Thus we have seen that the Jesuits had two objects in view when they came to New Spain, namely education and conversion.³

The Less Important Orders. - Among some of the less important orders that came in during the sixteenth century were those of La Caridad, devoted wholly to charity, the Carmelites, and the Benedictines. The leader of La Caridad was Bernardino Alvarez, who came to Mexico while a young man and served some time as a private soldier. Later he became a very disreputable character and was compelled to make his escape to Preu as a common soldier. After he had made a fortune there he returned to Mexico, and through his mother's advice he reformed and led a better life, thus devoting his time and means to charitable purposes. He was granted permission by Archbishop Montufar in 1566 to erect a hospital

1. Bancroft, "Mexico," Vol. X, pp. 704-5.

2. Sierra, Vol. 2, p. 484.

3. Ibid., p. 484; Priestly, p. 103.

which was to care for the indigent and the sick. Other hospitals were found by Alvarez namely those in Oaxtepec, Jalapa, Perote, and Pueblo.

Work of Bernardino Alvarez. - With the increase in the number of brothers Alvarez was obliged to enlarge his plans. Since San Hipolite in Mexico was too small, he obtained from the archbishop the ground and chapel adjoining it. Thus with the help of friends and with his own resources he erected a large building to accommodate the sick. The rich gentleman, Alonso de Villaseca, to whom reference has been made as the friend of the Jesuits and who had invited them to come to New Spain at his own expense, offered to pay one hundred thousand pesos to Villaseca, if he would allow him to place his coat of arms on the building, and the words stating that he was its patron. Father Alvarez declined, saying that he could not dedicate the place both to God and to Man. He gave everything he possessed to the hospital, but the income from it was to go to his brother and two sisters in Spain during their life time.

Arrival of the Carmelites. - Eleven members of the order of Carmelites with their prelate arrived in Mexico October 17, 1585. The viceroy gave them charge of the hermita de San Sebastian, which until now was held by the Franciscans. It was this order which in later times was so highly esteemed by the people of Mexico. They gave their time to improving

1. Bancroft, "Mexico," Vol. X, pp. 709-10.
2. Ibid., p. 711.

the conditions of the natives and instructing them in the christian doctrine. Their province under the name of San Alberto was constituted in 1588. This order became very wealthy during its existence in Mexico.¹

The Benedictines.— The friars of Saint Benedict or the Benedictines arrived in Mexico in 1589. The next year they founded the monastery of Nuestra Senora de Nonseate, in the southern part of Mexico City. The first prior of this monastery was Friar Luis de Boil, a very devout man, and one of the greatest iconoclast, for it is said that he destroyed one hundred and sixty thousand idols.²

Preeminence of the Franciscans.— Of all the religious orders that undertook missionary work in New Spain among the Indians, none excelled the Franciscans. It was they who were first granted permission by the Crown to engage in this wonderful work. Their first province called Santo Evangelio was found in 1524 in the City of Mexico. It became the mother of all the other Franciscan provinces which were founded in Spanish America. This province became so large that it was necessary to divide it and form new provinces. So by the end of the sixteenth century there were three Franciscan provinces in New Spain, namely, Mexico, or the original Santo Evangelio; Michoacan, or San Pedro y San Pablo; and Yucatan, or San Jose. During the first forty years of their work in New Spain they were not given an allowance from the king, but subsisted on pious gifts alone. They received regular alms from the natives and Spaniards in the form of land and personal services. After they had advanced into

the regions where there were very few white people, they¹ received regular pay from the royal treasury.

The Barefoot Franciscans had established their province San Diego de Alcalá by 1580 or 1581. A number of convents were founded in the larger cities, but they never became so well known as the first Franciscans in their missionary work.²

Development of Dominicans. - The Dominicans by the end of the sixteenth century possessed two provinces in New Spain, namely: Santiago de Mexico with forty-eight monasteries, and San Hipolito de Oajaca with twenty-one. Among some of the distinguished Dominicans were Juan Lopez Castellanos, Hernando de la Paz, and Juan de Alcazar, famous for their knowledge of the Spanish, Mexican, and Japotec languages; and most learned of all Father Bernardino de Sahagun.³

Significance of the Missionaries. - To quote from Sierra "the best army in the crusade of intelligence were the missionaries, as in the barbarous Europe of the centuries following the downfall of the Roman empire of the Occident, they lighted the star of progress, and their action in Mexico lasted longer than the colonial epoch; but there was a shift in the religious orders that undertook the enterprise of giving the old races new ideas; at first it was the Franciscans that spread over the country teaching how to love and to pardon; later on, the Jesuits effected during long years their immense silent and powerful inundation. The path for

1. Bancroft, "Mexico" Vol. X, pp. 712-3; Priestly, The Mexican Nation, p. 103-4.

2. Priestly, p. 104.

3. Ibid., p. 104.

these and other orders was smoothed by the Dominicans, the great soldiers of justice, the good fighters for right; by them the proud disdain, the despotic haughtiness with which the Indians were looked upon, lessened and if the conqueror was the sword that wounded, they were the sword and shield of defence..... The teaching of the missionaries carried with it many good and many finest germs; before all and almost exclusively they wished to inculcate the principles of Catholicism and this was beneficial in so much as Catholicism is superior to the ancient religions. The gain of the preaching, therefore, was not the introduction of a new religion since frequently the change was but verbal; it was the introduction of a worship exacting instead of blood, gold, incense, flowers and extasies."

1. Sierra, "Social Evolution of Mexico," Vol. 2, pp. 476-477.. Most all of the missionaries belonged to the regular orders, a few did not.

CHAPTER VII

THE WORK OF THE CHURCH

The Great Purpose of the Church. - The fall of the native states in Mexico meant the beginning of a new epoch in the history of the Church in America. For a generation its work among the aborigines of the New World had been confined to the untutored savages of the islands and Tierra Firma. Now its work involved millions of civilized persons of a culture utterly alien to that of Spain.

To save souls was the great end of the Church. The saving of souls logically could follow only conversion to the Christian way of life. The Christian way of life was, logically again, bound up in the theological dogma and doctrine of that age. The religious way of life of every age seems to be bound up with some sort of doctrine. In early Mexico this meant that the first and foremost purpose of the Church's representatives was to preach and teach the doctrine of the Church in order to save souls. A great amount of effort- misdirected effort may- be was expended in this direction during the sixteenth century, for this was the century, uniquely, of conversion. By the end of the century all of the inhabitants of Mexico were at least nominally Christians, most of them having by that time been born of Christian parents.

But teaching doctrine to heathen aborigines proved to be only a fraction of the work which the church was

called upon to do. It administered the sacraments, christenings, confirmations, communions, marriages and burials--all came within the limits of the Church's activities. And a great deal more than this was undertaken by the fathers. They taught the rudiments of European learning and culture to the young of the Spanish overlords and the more promising of the Indian pupils. They taught handicraft and scores of other things to the Indians - from agriculture to law. In fact, no part of the government which the white man set up in Mexico touched the Indian so frequently or so intimately as the Church. From an European point of view Anahuac was a strange and wicked world in 1520. In the beginning, certainly, the church sought valiantly to make it a better world.

Bernal Diaz on Conditions in 1520.-- First let us look at some of the practices that prevailed among the Indians in Mexico at the time of the conquest and after. Bernal Diaz makes the statement that, "these (provinces) were full of sacrifices and iniquities, for they slew every year in Mexico alone, and certain neighboring pueblos on the Lake, over two thousand persons big and little, as was found from the count which the Franciscan monks made.. . . . In other provinces many more would be added to this count, and they practised other vices of sacrifice, and these were in so many ways I should never finish writing about them in detail, but those which I saw and took note of I will call in mind. They were accustomed to sacrifice

the foreheads, ears, tongues, and lips, the breasts, arms, thighs and legs, and even the genital parts, and in some provinces they were circumcised and had flint knives with which to circumcise. The oratories, which are Cues, for so they are called among them, were so numerous that I deliver them to exeration. Much in the same way as we in Castile have in every city our holy churches and parish churches and hermitages and wayside chaples, so in this country of New Spain they have their Idol houses full of devils and diabolical figures. In addition to these Cues every Indian man and woman has two altars, one near their sleeping place and the other at the door of the house and in the houses many little chests and others which they call "petacas" full of Idols, some small and others large, and small stones and flints, and little books of a paper made from the bark of a tree which they call "Amate," and in them are marked the signs of dates and of past events. In addition to these nearly all of them were sodomites, especially those who live on the coast and hot country, to such an extent that boys go about clothed in the dress of women to gain (a livelihood) in that diabolical and abominable employment. Then they ate human flesh, just as we bring beef from the butchers, and they have in all the pueblos prisons of stout beams, made like houses, as cages, and in them they place and fatten many Indian men and women and boys, and when they are fat they sacrifice and eat them. In addition to this, in the wars which some provinces and pueblos wage against

others, those who are captured and taken prisoners are sacrificed and eaten..... From all these things which I have enumerated it pleased our Lord Jesus Christ that, with his holy aid, we the true Conquistadores, who have escaped from the wars, battles, and dangers of death, already recorded by me have freed them, and led them into cleanly ways and taught them holy doctrine."¹

In the light of information set forth by no less contemporary authorities than Sahagun and Torquemada, the foregoing dissertation on the social abuses in the native civilization in old Mexico is not exaggerated.

Two years after the conquest when nearly all the lands were at peace the Franciscans arrived in New Spain followed four years later by the Dominicans and still later by other orders to "extirpate this vice from the very root" and to convert all of New Spain to the holy Catholic faith."²

Ostensible Object of the Conquest. - "The ostensible object of the Spanish conquests in the New World was the propagation of the faith," says Lea. "This was the sole motive alleged by Alexander VI, in the celebrated bull of 1493, conferring on the Spanish sovereigns domination over the territories discovered by Columbus; it was asserted in the codicil to Queen Isabella's will, urging her husband and children to keep it ever in view, and it was put forward in all the commissions and instructions

1. Bernal Diaz, "History of the Conquest of New Spain," Vol. V, Chap. CCVIII. pp 262-3-4.
2. Bernal Diaz, "History of the Conquest of New Spain," Vol V. Chap. CCVIII. p 264.



✠✠ **Doctrina xpiana pa**

instrucion z informació delos indios: por manera de hystoria. Compuesta por el muy reuerendo padre fray Pedro de Cordoua: de buena memoria: primero fundador dla orden delos Predicadores élas yslas del mar Oceano: y por otros religiosos doctos dla misma ordé. La q̄l doctrina fue vista y examinada y apuada por el muy. R. S. el licéciado Tello de Sádoual Inquisidor y Visitador en esta nueua España por su Magestad. La qual fue impresa en Mexico por mandado del muy. R. S. dō fray Juá çumarraga pmer obispo desta ciudad: del cōsejo de su Magestad. .xc. y a su costa.

✠✠ Año de. M. d. xliiij.



Lō preuilegio de su. S. L. L. M.

Portada del primer catecismo impreso, utilizado por los Dominicos en Nueva España.
(Del original en la Biblioteca Nacional de México.)

issued to the adventurers who converted the shores of the Caribbean into scenes of oppression and carnage."¹

Primary Teaching by Franciscans. - The Franciscans devoted themselves to primary teaching. They requested that the children be intrusted to their care for instruction which should afterwards be imparted to the elders. At first the instruction was confined chiefly to learning prayers and taking part in religious exercises.

Theological Doctrine for Children.- The following was the customary manner which the fathers used in teaching the Indian children. The images of Christ and his blessed mother were placed at the end of the hall and there before the images the priests would read the prayers, sometimes standing, sometimes kneeling and sometimes placing their arms on the cross, giving an example to the innocent ones first by word than by deed, the reverence and devotion with which we have to seek God. They also came here to pray their matins at midnight. After the fathers had learned the language, they were occupied in teaching the Indians until the hour of Mass, and after mass until time to eat, After eating they would rest a little and then return to the school in the evening. They also taught the children to "make the sign of the cross and to say Pater Noster, Ave Maria, the creed

1. Lea, "The Inquisition in the Spanish Dependencies," p. 191. (see also Recopilacion de las Leyes de las Indias, Lib. 1, Tit. 1, ley 2.

1

and the Salva Regina."

All these were taught to the children in Latin. They taught them that there was "only one God and not many Gods like their fathers worshiped;" that those Gods were evil and deceived and cheated the men; that there was a heaven where God the Creator dwelled, and they would go there to have possession of its richness if they would confess and serve God while here on earth.

2

1. Mendieta, His. Ecles, Libro Tercero, Cap. XV. p. 217. The above is a free translation of the following:.... Y esto era lo ordinario, porque alli delante de los ninos rezaban el oficio divino, teniendo puestas Algunas imágenes de Cristo nuestro Redentor y de su Santisima Madre en la cabecera de la sala: y alli se ponian en oracion, a' veces en pie' y a' veces de rodillas, y a' veces puestos, los brazos en cruz, dando ejemplo á aquellas inocentes criaturas, y ensenandolos primero por obra que por palabra en lo tocante al culto divino y devocion y reverencia con que hemos de buscar a' Dios. Tambien alli' iban á rezar sus maitines a' media noche, y hacian su disciplina. Y despues que comenzaron a' hablar en la lengua, no dormian despues de maitines, sino que en acabando de tener su oracion se occupaban en enseñar a' los indios hasta la hora de misa, y despues de misa hasta hora de comer. Despues de comer descansaban un poco, y luego volkian a' la escuela hasta la tarde. Y tambien ensenaban a' los ninos a' estar en oracion. Lo primero que en las escuelas les comenzaron a' enseñar fue' lo que principio se ensena a' los hijos de los cristianos: conviene a' saber, el signarse y santiguarse, rezar el Pater noster, Ave Maria, Credo, Salva Regina, todo este en latin (por no saber los religiosos su lengua ni tener interpreter que lo volviesen en ella): lo temas que podían, por senas (como mudos) se lo daban a' entender, como decir qué habia un solo Dios y no muchos como los que sus padres adoraban: que aquellos eran malos y enemigos que enganaban a' los hombres: que habia cielo alla' en lo alto, lugar de gloria y bienaventuranza, donde nuestro Dios y Criador estaba, y adonde iban a gozar de sus riquezas y regalos los que aca' en el mundo lo confesaban y servian. Y que habia infierno, lugar de fuego y de infinitas penas y tormentos increíbles, y (Continued on next page)
2. Mendieta, His. Ecles., Lib. 3, cap XV. p 217.

They also taught them that there was a place of extreme torment and ceaseless pain, the habitation of those Gods whom their fathers served, and where those who worshipped them would go in return for their devotion. The image of the crucified man which they could see before them was our God who had died on the cross that all who believed in him and obeyed him would be free from the place of torment. The image of the woman which they beheld before them was a figure of the Mother of God, called Maria who served as our mediatrix to obtain from God that which belongs to us. Along with this they taught them to read and write, and above all, the doctrine.

Manual Training. - The practical arts were taught by training the boys as carpenters, bricklayers, and masons. While the churches in the native towns were

1. Mendieta, Hist. Eccles., Lib. 3, cap XV. p. 217.

(Footnote 1 continued from page)
 morada de aquellos que sus padres tenian por dioses, donde iban los que en este siglo los adoraban y obedecian, y ellos mismos en pago de sus servicios los atormentaban; que aquella imagen que veian de hombre crucificado, era imagen de nuestro Dios no en cuanto Dios que no se puede pintar porque es puro espiritu, sino en cuanto hombre que se quiso hacer por redimir a los hombres que le creysene y obedeciesen, y librarlos de las penas del infierno y darles gloria para siempre, muriendo por ellos en una cruz. Y que la imagen de mujer que alli veian era figura de la madre de Dios, llamada Maria, de quien quiso tomar nuestra humanidad; y como tal madre suya queria que fuese honrada y reverenciada, y que la tuviesemos por nuestra abagada y midianera para alcanzar de Dios lo que nos conviniese. Juntamente con esto les ensenaban a leer y escribir; y sobre todo, su doctrina era mas de obra que por palabra.

being established the boys under supervision of the priests would observe the operations of the different artisans and within a short time they showed themselves so skilled that the friars were glad to hasten the completion by intrusting the complicated sections to them, including the construction of arches, the laying of the large stone foundations, and the decoration of the building.¹

The Indians were so anxious to learn the trades which the artisans refused to teach them that they would buy or borrow specimens, in order to produce imitations.²

The story is told "that a saddler found a set of horse furniture missing one day. The next morning it was replaced, and shortly afterward he heard peddlers crying wares in the street exactly like his own, and at prices which put an end to his extravagant demands."³

Another story is told "of a weaver who being alone in his business made even the friars suffer from his monopoly. Rather than pay his prices, they went about in such tattered garments as to excite the pity of the natives. A devout chief took the matter in hand and sent his servants to spy out the secrets of the weaver. He thereupon constructed a loom, and soon supplied the friars with both cloth and ready made wares."⁴

1. Bancroft, "Mexico", Vol. X. p 172; Sylvester Baxter, "Architect of Colo. Mex."
2. Ibid., p 172
3. Ibid., p 172
4. Bancroft, "Mexico", Vol. X. p 172. (For details see Torquemada, iii 106)

The Finer Arts.— The finer arts were readily acquired. An Italian friar taught embroidery and from then on the churches were well provided with beautiful work of this kind. Many images were carved in perfect likeness of the originals and distributed among the Indians to remind them of the lessons taught by the good friars. ¹

Added to this sacred art were the paintings and mosaic work in feathers. The natives needed no lessons in the latter branch for they were very skillful in this particular kind of art, but in the former they had much to learn, and it was not long before they excelled the mediocre talent found among the Europeans living in Mexico. ²

The Indian children learned to draw with such skill that some of the specimens were sent to Spain. Singing was attractive to them, and readily acquired, though it was taught by an old-fashioned friar who addressed the children in Spanish phraseology. ³ Although the children could not understand a word of the Spanish they soon learned through signs and example to sing, until several of the members were so well trained that they were sent out to teach in the other towns. Instrumental music was also taught including the flute, clarionet, and other wind-⁴ instruments, as well as several stringed instruments.

1. Bancroft, "Mexico," Vol. X p 173.
2. Ibid., p. 173
3. Bancroft, "Mexico," Vol. X, p. 171
4. Ibid., p. 171

Some of these instruments the boys learned to play within a short time. At Tehuacan a native boy formed a band, which after three months practise was able to aid at mass.¹

A large majority of the boys who attended school were day scholars only. A small number remained at night under the protection of the friars. The friars had to learn the language of the natives to be able to carry out their great mission on a large scale. During the early years Cortez's old interpreter Aguilar acted as interpreter and gave lessons in the native tongues.²

The First Preacher to the Indians.- The first preacher to the Indians in their tongue was a child. "A Spanish woman and widow had two small sons and those who had talked with them grasped their language, for they spoke it well. Knowing this the religious fathers asked the governor D. Fernando Cortez's to procure for them one of those little boys, whereupon Alonsito was procured. This was another Samuel offered to God in the temple, who from his childhood served and worked for them faithfully, without returning home to his mother nor having any relation with her. He was always in company with the ministers of God who were directing his life changing it from that of a child to an old man. He had his cell with the friars. He ate with them and read

1. Ibid., pp 171-2. (For details see Motolinia, Hist. Ind., 211; Torquemada, iii. 106.

2. Bancroft, "Mexico," Vol. X, p. 173.

mass to them, and in every thing he followed in their footsteps. This boy served as the first interpreter to the friars. He taught the Indians the mysteries of the Catholic faith, and was also a teacher to the preachers of the gospel because he taught them the native language. He went with the friars from one village to another always siding them in their work. When his age permitted him he joined the order and labored actively until old age. He was afterwards called Fr. ¹ Alonso de Molina."

1. Nendieta, Cap XVI. Lib. 3. p. 219. The above is a free translation of the following: Predicador primero de los indios fue' nino una mujer espanola y wiuda tenia dos hijos chiquitos, los cuales tratando con los indios habian deprendido su lengua y la hablaban bien. Y sabiendo esto los religiosos, pidieron al gobernador D. Fernando Cortes que les hiciese dar el uno de aquellos ninos, y luntad el uno de sus hijuelos elamado Alensito. Este fue' otio Samuel ofrecido a' Dos en el templo, que desde su ninez le sirvio' y trabjio' fidelisimamente, sin volver a la casa de su madre ni tener cuenta con ella, sino solo con lo que le mandaban los ministros de Dios, haciendo desde nino vida de viejo. Tenia su celda con los frailes, comia con ellos y leiales a' la mesa, y en todo iba siguiendo sus pisadas. Este fue' el primero que sirviendo de interprete a' los frailes dio a' entender a' entender a' los indios los misterios de nuestra fe, y fue' maestro de los predicadores del Evangelio, porque el les enseno' la lengua, llevandolo de un pueblo a' otro donde moraban los religiosos, porque todos participasen, de su ayuda. Cuando tuvo edad tomo' el habito de la orden, y en ella trabajo' hasta la ultimo vejez con el ejemplo y doctrina que se vera' en el catalogo de los claros varones.....Llamose despues Fr. Alonso de Molina.

The Problem of Language.- However the best way to obtain both fluency and accent was to talk with the natives and to this end the friars "cast their dignity aside and with short straws or small stones, they gambled with their young pupils"¹ And thus European games came into Mexico. Noting the words that fell from their pupils' mouths they acquired at least a sporting knowledge of the language.

The missionaries soon learned the native language and aided by the most intelligent pupils they began teaching the adult Aztecs. They had to recite hymns which they did not understand and take part in religious ceremonies which had no significance for them. But the friars realizing the small effect of the exercises, were patient and worked for improvement. One ray of light was the mastering of the doctrine, which "Gante with native aid translated into Aztec, in the form of a hymn." This hymn set to a pleasant tune was quite attractive to the natives.

Many of the natives were deeply impressed with the new doctrine and showed a great devotion to the friars.

1. Mendieta, Cap XVI. Lib 3 p. 219. The above is a free translation of the following: Lengua de los indios, como la aprendieron los doce. Y prisoles el Senor en carazon que con los nãnos que tonian por discipulos se volviesen tambien ninos como ellos para participar de su lengua, y con ella obar la conversion de aquella gente parvuela en sinceridad y simplicidad de ninos Y asi fue que dejando a ratos la gravedad de sus personas se ponian a jugar con ellos con pajuelas o pedrezuelas el rato que les deban de huelga, para quitarles el empacho con la comunicion.
2. Bancroft, "Mexico", Vol. X, p. 174.

According to Mendieta one of the notable things which followed from the conversion of the Indians of New Spain was the great veneration and desire which they showed to have the friars of S. Francisco to come to their villages to teach them the doctrine and aid them to become good Christians.¹

Admission of Indians into The Church.- Before the natives could be admitted into the church they were required to listen to the sermons for several days and imitate the ceremonies. Many times the natives evaded this requirement, either because of indifference to the creed or because they were unable to master it. Father Gante said that he and one of his companions baptized from eight thousand to fourteen thousand persons in one day.² quite a baptismal record and probably quite untrue. No doubt it was curiosity that led so many to be baptized, rather than a true conception of the religion. Many went through the ceremony to please the missionaries or in the belief that they would receive some mysterious benefit from the repetition of the ceremony.³

Marriage.- Concerning marriage, the lower and middle classes had but one wife while many of the rich class and the nobles possessed a number of wives, a thing which was contrary to the principles of the Christian religion. Thus the polygamists were ordered to discard all but one

1. Mendieta, cap. 53. p. 321.

2. Bancroft, "Mexico," Vol. X p. 175.

3. Ibid, p. 176; Priestly, The Mex. Nat. p. 99.

wife to whom they must be married again with Christian ceremonies.¹

During these early years there were not enough friars to undertake the task of conversion. Therefore as soon as the older pupils had sufficient knowledge of Spanish and the religion, they were engaged to help in the service. At first they accompanied the friars to the Indian villages or where ever they went to preach and teach the doctrine, acting as interpreters or delivering the sermon as they had already learned it.² Afterward they were sent out alone to preach against idolatry. The children carried on the work in the homes and in the neighborhood and served as good agents in spreading the religion.³

The Task of Conversion.- The conversions did not entirely eliminate the heathen practices, but fear of the Spaniards made such practices increasingly rare. Native superstition survived in remote districts and manifested itself in such conservative action as placing the heathen Gods behind the Christian crosses and Saint tablets. Thus aided by their young disciples, the friars made a great effort to wipe out these "evil practices."⁴ Many of the Aztec temples and idols were destroyed. The Franciscans boasted that within seven years they had destroyed five

1. Ibid., p. 177.

2. Mendieta, Hist. Ecles., p. 413-14.

3. Bancroft, "Mexico," Vol. X. p. 178.

4. Ibid., p. 179.

hundred temples and twenty thousand images. ¹

The Appeal of Christianity.- There were several reasons why Christianity made such a vivid appeal to the Indians. First there was the fear which the natives had toward the conquerors. They knew that to disobey them was dangerous where if they obeyed them they would gain favors. Next there was something mysterious about the Spaniard, their origin, the land from where they came, the ruler beyond the great sea, and the "pontiff who represented the Infinite"- all of this had a great influence upon their minds. ²

Secondly there was the attraction which the ceremonials offered. The ritualistic pomp in connection with the services appealed to the Indians. Therefore the priests took great pains to make the places of worship attractive. The altar was covered with lace, flowers, ornaments, gold, and pictures. ³

There were the numerous feast-days with their brilliant pageantry, including Palm-Sunday with its impressive scenes and services and the Christmas festival - all of which offered its allurements to the Indians. ⁴

Lastly, there was the saintly character, the benign appearance, the kindness of heart, and the benevolent acts of the churchmen in sharp contrast with the rough and hellish

1. Priestly, "The Mex. Nat." p. 100.
2. Bancroft, "Mexico" Vol. X. p. 181.
3. Ibid., p. 183.
4. Ibid., p. 183.

demeanor of the conquistadores.

Thus the missionaries aided later by the secular and laics taught the fundamental things of life.

Sierra says that, "with less amplex than manual and religious teaching the missionaries prompted intellectual education: first the spotless initiators, the model friars John de Tecto, John de Aora, John de San Miguel and Peter de Gante; afterwards the twelve Franciscans that formed the apostolate of Mexico, opened the roads to be trodden by their continuators and broadened by the Jesuits, erecting churches, schools with dormitories and courts for teaching doctrine. The courts were destined for the adults and poor children, while the dormitories were reserved for the children of still powerful indigenes; but afterwards these distinctions were neglected, the power of the Indians having ended."²

Bernal Diaz on The Work of The Church.- Bernal Diaz, a captain in Cortez's army of conquest, a resident of Mexico for many years, a soldier and not a churchman, leaves this summary of the church's work in Mexico. He wrote when an old man and years after the church was established. "After getting rid of the idolatries and all the evil vices they practiced," he says, "it pleased our Lord God that with his holy aid and with the good fortunes and the holy Christianity of our most Christian Emperor Don

1. Ibid., p. 184; Priestly, "The Mex. Nat." p. 100
 2. Sierra, "Social Evolution", Vol. 2, p. 477.

Carlos of Glorious Memory, and of our King and Lord the felicitous and invincible King of Spain, our Lord Don Felipe, his much loved and cherished son (May God grant him many years to live with an increase of more kingdoms, so that he may enjoy them in this his holy and happy lifetime), there were baptised, after we conquered the country, all, both men and women, and children who have since been born, whose souls formerly went, lost, to the Infernal regions. Now there are many and good monks of (the order of) Senor San Francisco and of Santo Domingo and of other Orders, who go among the pueblos preaching, and, when a child is of the age our holy Mother Church of Rome ordains, they baptise it. Furthermore, through the holy sermons preached, the Holy Gospel is firmly planted in their hearts, and they go to Confession every year, and some of them, who have most knowledge of our holy faith, receive the Sacrament. In addition to this they have their Churches richly adorned with altars and all pertaining to the holy divine worship, with crosses and candlesticks and wax tapers and chalice and patens and silver plates, some large and some small, and censers all worked in silver. Then, in rich pueblos, they have copes, chasubles, and frontals, and often in moderate (sized) pueblos they are of velvet, damask and satin, and of taffeta of various colours and workmanship, and the arms of the crosses are elaborately embroidered with gold and silk, and the crosses of the dead are of black satin, and figured on them is a death's head with its ugly likeness and the bones, and the pall of

the bier itself is sometimes good and at other times not so good. Then the necessary bells (vary) with the rank of each pueblo. There is no lack of choir singers with well harmonized voices such as tenors, trebles, contraltos, and basses, and in some pueblos there are organs; and nearly all of them have flutes, oboes, sackbats and lutes. As for trumpets, shrill and deafening, there are not as many in my country, which is Old Castile, as there are in this province of Guatemala. It is a thing to be grateful for to God, and for profound consideration, to see how the natives assist in celebrating a holy Mass, especially when it is chanted by the Franciscans and Dominicans who have charge of the curacy of the pueblo where it is celebrated. There is another good thing, they do (namely) that both men, women and children, who are of the age to learn them, know all the holy prayers in their own languages and are obliged to know them. They have other good customs about their holy Christianity, that when they pass near a sacred altar or cross they bow their heads with humility, bend their knees, and say the prayer "Our Father" which we Conquistadores have taught them, and they place lighted wax candles before the holy altars and crosses, for formerly they did not know how to use wax in making candles. In addition to what I have said, we taught them to show great reverence and obedience to all the Monks and priests, and, when these went to their pueblos, to sally forth to receive

them with lighted wax candles and to ring the bells, and to feed them very well. This they do with the monks, and they paid the same attentions to the priests, but after they had seen and known some of these and the covetousness of the rest, and that they committed irregularities in the pueblos, they took no(further) notice of them and did not want them as Curas in their pueblos, but Franciscans and Dominicans. It does not mend matters that the poor Indians say to a prelate that they do not hear him..... but what more there is to be said about this subject had better remain in the inkpot, and I will return to my story. Besides the good customs reported by me they have others both holy and good, for when the day of Corpus Christi comes, or that of Our Lady, or other solemn festivals when among us we form processions, most of the pueblos in the neighborhood of this city of Guatemala come out in procession with their crosses and lighted wax tapers, and carry on their shoulders on a litter, the image of the saint who is the patron of the pueblo, as richly (adorned) as they are able, and they come chanting litanies and other prayers and playing on their flutes and trumpets. The same thing they do in their own pueblos when the day comes for these solemn festivals. They have the custom of making offerings, on Sundays and at Easter and especially on All Saints Day, and about this custom of making offerings the secular priests hurry them up in their parishes by such means that the Indians cannot possibly forget, for two or

three days before the festival takes place they order them to prepare for the offering. The Monks also (seek) offerings, but not with so great solicitude.

Let us get on, and state how most of the Indian natives of these lands have successfully learned all the trades that there are among us in Castile, and have their shops of the trades, and artisans, and gain a living by it. There are gold and silver smiths, both of chased and of hollow work, and they are very excellent craftsmen, also lapidaries and painters. Carvers also do most beautiful work with their delicate burins of iron, especially in carving jades, and in them depict all the phases of the holy passion, of our Lord Redeemer and Saviour Jesus Christ, such that, if one had not seen them, one would never believe that Indians had done. It seems in my judgment that the most renowned painter, such as was Apelles in ancient times, or in our times a certain Berruguete and Michael Angelo or the other modern now lately become famous, who is a native of Burgos, who has as great a reputation as Apelles, could not emulate with their most skilful pencils the works of art in jade, nor the reliquaries, which are executed by three Mexican Indian craftsmen of that trade, named Andre's de Aquino, Juan de la Cruz, and El Crespillo. In addition to this nearly all the sons of Chieftains are usually grammarians, and would have become expert, if the holy synod had not commanded them to abandon that which the very reverend Archbishop of Mexico had ordered to be done.

Many sons of Chieftains know how to read and write, and to compose books of plain chant and they are craftsmen in weaving satin and taffeta and making woolen cloth, from veintecuatrenos to sackcloth, and cotton cloths and rugs. They are carders, woolcombers, and weavers in the same manner as there are in Segovia and in Cuenca, and others are hat makers and soap makers. There are only two crafts they have not been able to undertake, although they have tried: these are to make glass, and to become druggists, but I believe them to be so intelligent that they will acquire them very well. Some of them are surgeons and herbalists. They understand conjuring and working puppets and make very good guitars, indeed they were craftsmen by nature before we came to New Spain. Now they breed cattle of all sorts, and break in oxen and plough the land, and sow wheat, and thresh, harvest and sell it, and make bread and biscuit, and they have planted their lands and hereditaments with all the trees and fruits which we have brought from Spain, and sell the fruit which they produce. They have planted so many trees that, because the peaches are not good for the health and the banana plantations give them too much shade, they have cut and are cutting down many of them and putting in quinces and apples and pears, which they hold in higher esteem."

1. Bernal Diaz, "The Conquest of New Spain," Vol. V. pp. 265-269.



Objetos de Culto a usanza del siglo de la Conquista. Convento de Tlaxcala

CHAPTER VIII

MONTUFAR'S LETTER ON THE CONDITION
OF THE CHURCH 1556

The laws of the Indies concerning ecclesiastical matters reflect what the Church was supposed to be and, to a certain extent, to do. These statutes grew out of conditions in America. In no part of Spain's over sea dominions were conditions as chaotic and difficult of adjustment as in Mexico. No sooner was the Church established there than its serious limitations were revealed. At first it was woefully undermanned. The record of its origin and work among the Indians during the first half of the sixteenth century reveals the need of clergy. But this was not the only serious difficulty. The whole matter of the Church's future financial support had to be worked out. In due time, before the end of the sixteenth century, it was worked out. Before this was accomplished, however, many bitter and perplexing controversies were experienced, involving not only the Crown but the encomenderos, the Indians and factions within the Church.

And when the ecclesiastical personnel of the Church was increased to something like adequacy for the christianizing of Mexico a demoralizing conflict within the ecclesiastical organization arose. The secular and regular

clergy became divided into hostile camps. In their respective appeals to the Crown for support the historical investigation gets many sidelights, and probably true lights, on the real advance and failures during the early years of the Church in Mexico. These controversies were not over matters of doctrines. They involved worldly affairs, mainly the control of the Indians and the power to tax them. "Although books may be written in regard to this problem," wrote Archbishop Montufar of Mexico to the Crown in 1556, "We shall try to be as short as possible and yet long enough to give you an idea of the needs for the salvation of these natives." The spiritual salvation of the natives was lost sight of by many officials and priests of the Church in Mexico in the effort to gain worldly advantage for some order or some churchly clique. "In this connection there were bitter disputes amongst the religious orders and these disputes are not as to who will take better care of the Indians," wrote the Archbishop of Mexico.

"Many places were not visited twice in five years, and these visits were mere chances," and this was a generation after the conquest. Indians were, with tyranny, forced or required to visit the priests, but "in spite of this measure only about two percent of those who were came to confession."

In this connection it is the object of this concluding chapter to present a trustworthy contemporary description

of the plight in which the church found itself in the sixteenth century. With this end in view, there is presented here a long letter from the Archbishop of Mexico to the Spanish Crown. This letter, of course, gives only one side of the controversy, but the views of the Archbishop are set forth with such cogent simplicity and directness and sum up so well the drift of most contemporary testimony that the letter is presented without further introduction or comment.

Letter of the Archbishop of Mexico to the Royal Advising Committee of the Indies concerning the collection of taxes and other affairs connected with the Religious Orders:¹

My Dear Sirs:

In the ships that came to New Spain during the recent months of March came to us a Royal Decree concerning the taxes (the tithes) that the native Indians have been paying, and still are paying, and which consist of wheat, cattle and silk.

These taxes have been collected in these bishoprics in agreement with another Royal Decree of the year '43, and in this particular bishopric they were collected by Fr. Juan de Zumarraga, our predecessor. When we came here we

1. Munoz's Collection, Vol. LXXXVIII

continued the collection of the three things above mentioned without renting them to any body but collecting them ourselves, for which purpose we had, and have, two Indians in each town.

And now, as it seems, the religious priests who went there from this country, i.e., the prior of Saint Agustin, of this city, and his companion, gave Your Highnesses some sinister information saying that we were asking for unpaid taxes which were not collected by our predecessors. This accusation will be proven to be untrue by the inquiry that His Majesty is ordering to be made.

In addition to this inquiry His Majesty orders, in the decree mention above, that information be given as to what taxes should these native Indians pay in the future and that the Church authorities send their opinion on the matter.

We are sending our opinions to Your Highnesses in this letter, which opinions were voted on and unanimously approved in the Holy Council which we held last year.

We are stating the reasons in detail, as His Majesty demands, for our opinions and conclusions. These reasons are to be considered as coming from all the priests (lay priest) in a body and who took part in the council and who are in charge of the sheep (Indians) whom you have put under our care, and regarding whom it is our duty to render an account of our actions, both, to God and to His Majesty.

It is not a small favor that which His Majesty is doing for this church and its ministers by asking us for

information about its conditions. This interest, shown by His Majesty, makes us believe that God has taken pity on these wretched people and that He wants to give us the means to save them and not let them die with the title of Christians only.¹ Till the present they have had little or no help for their salvation due to lack of knowledge of the Christian doctrine; the lack of the sacraments, and the lack of ministers of the Holy Gospel. We are sure that Your Highnesses, being catholic and confessors of His Majesty, upon being informed of the conditions, as you are being informed now, according to your own request, will have these conditions improved.

If there should be no improvement, "quod absit," we, the church officers will have done our duty, as His Majesty did His, by putting these business in the hands of that Royal committee, and the blame for the damnation of the Indians' souls will fall upon your consciences provided that you will not furnish what is needed for their salvation, as has been said above, and which has not been provided until the present time, due to the fact that Your Highnesses were not informed of the Indians' conditions but now Your Highnesses are being informed by many prelates, lay-priests and religious priests.

Since this is such an important matter, namely, the salvation of the majority of the natives of these lands, as well as the salvation of His Majesty and that of the Royal

1. By this is meant that they are not Christians.

Committee, we beg Your Highnesses to pay individual attention to this information. We beg that it should be read before the Committee as a whole and by each member separately; that it be considered with the same will, in the same sense of duty and in the same spirit in which it is written.

It should be done so, even if it should take weeks or months to read it and consider it, because this is a matter of Your Highnesses' salvation or condemnation; and besides because this is the hardest problem that that Royal Committee has yet settled or will ever settle.

Although books may be written in regard to this problem we shall try to be as short as possible and yet long enough to give you an idea of the needs for the salvation of these natives; We will not bother Your Highnesses with our rights for that wise committee knows them well enough.

The conditions of this church are as follows: There are in this land monasteries of two or three friars. Until the present the majority of them has been of two friars. They are situated in a visiting town.¹ These visiting towns are at a distance of thirty or more leagues. One of the friars remains in the monastery while the other goes around making calls on the head towns,² so that in many parts two friars are in charge of more than one hundred thousand souls. Some of these towns are visited very two weeks, others every month or every two months, or every four or six months.

1. Center towns from which they went out and which were used as headquarters.
2. Towns within the radius of the center town districts.

We have towns in our bishopric which have been visited twice in five years, and these visits were mere chances, as the priests were on their way somewhere else. These visits are usually very short: the priest arrives, says mass, performs marriages, baptizes, and departs.

When the friars are not paying calls they have the Indians come to the monasteries, guarded by officers, (police) to hear mass and receive communion. They come from a distance of from two to twelve leagues. Only a few men come from the most distant places but they compel them, as many as possible, to come. From the nearer places come pregnant women and children. From these distances they bring some sick people to confession and communion. They bring them hanging from a pole (may God grant that their death be not accelerated by the hardships of the road!) They compel these Indians to bring these sick people in that fashion for the Indians are told that they will not be buried in sacred ground unless they are brought to confession. In spite of this measure only about two percent of those who die come to confession. The religious priests, even in the towns where they live, do not want to go out to hear confessions, because they say both honesty and the regular observance of their order's rules forbid them. They claim that they are not priests (lay priests) nor wish to be and that if they hear confessions in the monasteries it is because of their charity and of their free will.

If in the towns that are in the charge of one friar or two (one of whom is usually a missionary priest and ten

priests would not be sufficient to do his work) another religious priest, of a different order, wants to enter one of the towns of their district to help them, they forbid him, as if the Indians were their own subjects and the towns their own property.

In this connection there are bitter disputes amongst the religious orders, and these disputes are not as to who will take better care of our Indians, but as to who will have more towns and provinces under their power. Thus they are perennial rivals for the occupation of all the best places; each order taking possession of as many places as it can; building monasteries at every league or one half league's distance. They do not want to people the towns where there is plenty of work and where they lack the knowledge of the Christian doctrine as they are ordered by His Majesty's decree, and if we place a priest there to help them, they put all possible obstacles in the way, and persuade the Indians not to admit him. Neither in this matter nor in some others are we more of prelates than what the religious orders want us to be, nor do the Indians obey us beyond the religious orders' wishes. It is useless for us, therefore, to give orders if the friars command the Indians not to obey them, as some of them do. Even here in Mexico where the Indians ought to be the best Christians, they are of the worst.

And the reason for all this, is that as the Indians are so innumerable and have been taught by the Franciscan friars only, we, complying with the petitions of the other orders, with the wishes of your viceroy, and the wishes of

the holy council, where the petitions were made, divided the Indians amongst the three orders. Of six parts we gave five to the Franciscans, but the Franciscan friars did not like this division and looked upon it as if we were taking from them their own vassals. Accordingly they have complained to us and to the Viceroy. Our commands have been of such little value that the Indians have disregarded them and when the Viceroy ordered them to obey us his orders also were disobeyed. This is due to the fact that the Franciscan fathers have ordered them not to obey and the Indians are so afraid of them that even those who are punished by the friars do not dare to accuse them for fear of the punishment that they undergo.

If this take place here in Mexico what will not happen in the mountains and "sierras" where the Indians do not see but friars and where their persons and property are handled as if they were the friars' vassals? The friars make mayors and aldermen; they arrest people and set them free; and they break the royal laws whenever they please. Not many months ago the prosecuting attorney of the district, because the friars had broken your justice rods in two towns, asked the Viceroy: "Why do you endure so much from the religious priests?" and he answered "There is nothing for them to do but to beat me with the broken pieces." The provincial of Saint Francis, when I had published a Holy Decree in the name of His Majesty, told me that he would ask me to render

1. Rods carried by officers as symbols of justice.

an account of my decrees, and in the presence of the bishop of "Tlascala," near this city of Mexico, the town-crier shouted to the public the justice rendered to an Indian saying: "This is the justice rendered by the Prior and the Mayor."

Here in Mexico we would consider it a large number if three or four thousand Indians were to confess, out of the sixty thousand or more who are in a condition to do so. There are some who have not confessed for a period of five, ten or twenty years and there are those who have not done it during their lives. This happens in this part of the land, which is the best taken care of, and what will not happen in other parts where they rarely see a priest? (either religious or lay priests?)

That is the number of ministers we have and this is the doctrine they give to these new people. In agreement with these conditions there are some lay priests in some of the towns, of the most worthless in this land, who like the friars, visit other towns at a distance of two, four, ten or twenty leagues. Most of the people of these towns die without any sacrament except the sacrament of baptism, and they lack even this because in our visit we baptized more than thirty adults who were married and had never received baptism. Their children die without it, many on their way to receive it.

The people are so simple and of such a low nature that no one in the town will help a dying person to die decently,

or remind him that he is a Christian. Neither will a wife bid her husband prepare himself for death, by making an act of contrition for his sins, nor vice versa. They are so simple-minded that neither the wife nor the husband will attend to each other's natural needs of food and drink, when one of them is sick and naturally they die of starvation.

All this being so, and it is still worse than I tell you, as every religious priest will corroborate, naturally one would suspect that the Holy Gospel has been of little benefit to these people. Excepting the children, how few of the adults have been, are, and will be saved! as you can conjecture by what I have told you so far and by what I will yet tell you.

If the Holy Gospel consisted in the Holy Baptism alone, we might affirm and believe that the majority of these people would be saved, but granting to be true, as it is, that besides Baptism it is necessary to believe, to do good works, and to do penance for one's sins (as St. Matthew says in his last chapter, "Go ye therefore and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost," and St. Mark, 1st chapter, also St. Peter in the Acts 2nd chapter "Repent and be baptized every one of you, in the name of Jesus Christ, for the remission of sins, and ye shall receive the gift of the Holy Ghost"). And all these requirements being conspicuous for their absence one must invent a new system of theology to believe that some of these adult Indians will be saved.

In regard to their faith we find that they do not believe what theologians and canons consider absolutely necessary for every Christian to believe, i.e., the articles of faith and the mysteries of Holy Mother Church, which mysteries the Church celebrates on her feasts. Very many people know the articles of faith and the prayers of the church half way, but it is as good as if they did not know them, because many of them know these articles of faith like parrots. They know the letter but do not know their meaning and when they are examined on these matters they answer all sorts of heresies. Finally, since they are so ignorant (excepting a few children brought up in the churches) and since it is not enough to believe there is a God who died for us and who will save us (as some doctors of the Church have clearly explained) very few will be saved.

In regard to works and penance which the Holy Gospel requires of us, I will say that these people are very much inclined to all sorts of vices, i.e., to the weakness of the flesh in its nudity, in which they are little opposed by the women; they are no less given to drinking, to stealing, lying, usury, and finally they have such an idea of religion that through the fear of God they would not cease committing all sorts of vices. What we succeed in making them do, they do without conviction, and if any other power greater than the Holy Gospel should come to them they would accept it without any resistance on their part.

There would not be found a single one who would die for his faith, as happened in the primitive church. Accordingly we do not trust them and do not dare to ordain them priests and make them guardians of the Holy Gospel, as the apostles and their successors did in the primitive church. In the towns, where there are neither religious nor lay priests, we have some Indians, brought up in the church, to teach the doctrine. These Indians have proven themselves unfit because they rob the people, take advantage of the women and of the girls, and even of the boys, "eis abutendo."

Since these people are so vicious, since they have nobody to punish them, nor confessor to absolve them, except once in a long while; since they have nobody to help them, when they are dying; since their faith is so weak, as we have said; since they do not make an act of contrition, nor the rest of the things one must do when there is no priest present to be pardoned- what hope may we have concerning the salvation? If we pity the man who (being the son or grandson of a Spaniard, and even if he is a priest) dies without confession, and if we doubt his salvation- what assurance shall we have of these simple people who die like beasts; the majority of them without having confessed in their lives, nor having received any other sacrament than that of baptism, nor any of the remedies that Christians have when there is no confession available? For these reasons we suspect that very few adults are saved, and that the preaching of the Holy Gospel has done them no good. Some religious priests claim, however, that

God and the sacraments are not bound to each other. Once I was telling one of these religious priests that contrition and penance were necessary after committing sin, and he answered me with a subtle heresy, i.e., "that God did not care enough for these people to pardon them." These Indians are not free from danger and may return to their idolatry at any time, not only in the mountains and sierras, where idolatry is very common, but even here in Mexico where we find it.

All these evils have been due, are, and will be due to the lack of ministers, because these people are simple and obedient. Nobody doubts that if they had their own regular ministers whom they knew as their pastors, and who would be in charge of them teaching them what they should believe and do, and who would administer to them the sacraments at the time of their death, all of them would be saved. It would be a miracle if any one of them were lost because the reason for their damnation is the lack of ministers.

This being so, what temporal interest can be contrasted in favor of these Indians which will be of any importance compared with the importance of their salvation? To give them enough ministers is the remedy of these evils and this can be done very easily and at very little expense on their own part, and on the part of His Majesty as we shall state below.

The main remedy and the easiest, to do away with all these evils, is to found a college in this university and

similar colleges in each of the bishoprics where the sons of the Spaniards may go and be taught the religious doctrines by lay priests. This can be done without its costing His Majesty or the Indians anything as will be stated further on. These students will be given whatever they may need as long as they remain here, as is done in Salamanca and Granada, and soon there will be enough priests for the land, and more too. These priests having been born here will not have the pricking desire to go back to Spain, as the Spanish priests do, nor will they be avaricious but will mind their duties better because they will know that they will stay in this land forever.

The best means to accomplish this, the most decent and at the same time the easiest and most convenient, is to make all the native Indians pay taxes (tighes) as God commands, and as His Holiness the Pope commands also, in his bulls, that the natives must pay taxes even as the subjects of His Majesty, the King of Spain, pay. We, the five prelates that attended the Holy Council, voted on this matter and it was approved.¹ The five prelates that took part in this council were two lay priests and three religious priests.

By paying taxes ordered by the court which was instituted by His Majesty and entrusted to us, we shall have a fund from which we shall be able to pay perpetual priests (instead of having mercenary friars and priests as we have now) and we shall draw a perpetual loan, according to the

1. The resolutions taken by the Council of Mexico to which this article refers so often may be found in Volume III of this collection, pp. 525 ff.

income of each bishopric, for the perpetual maintenance of the college. Besides, from these taxes we shall give alms, and the taxes collected in the towns where there are monasteries shall go for the maintenance of the religious priests of those manasteries. The taxes belonging to His Majesty two ninths shall be at his disposal, and he will be able to give them to the Indians and to the Church if he pleases, as he does now. If this were done many inconvenient and cruel injuries, done to the Indians now, would disappear (these injuries cause no small harm to their persons and property) and many of the complaints that the most daring Indians come to make could be attended to by the officers of Your Highnesses.

I said above that these colleges, benefices, and perpetual priests would be established without costing His Majesty a nickel for they will be paid with the taxes that we ask for, in agreement with the bulls of His Holiness and in agreement with the power given to us by His Majesty. It is clear then that we ask His Majesty for nothing in order to accomplish these things, and that the Indians themselves will pay for them by means of taxes.

This will be made clear when later on we shall tell Your Highnesses of robberies, oppressions, assessments and personal services,¹ the amounts of which exceed by far that of the taxes proposed above. These robberies, assessments, etc. the Indians are compelled to pay against the royal decrees of His Majesty. On account of these taxes the

1. Indians were compelled to do manual work in place of paying taxes.

Indians are in continuous difficulties and in slavery, and the worst of it is, that they do not dare to complain because nobody champions their defense. I will defend them in this report as it is my duty to speak in behalf of my sheep and also because of my loyalty to my king and master.

We have already said that all the prelates and church of this new Spain, in the Holy Council that we held, voted to ask Your Highnesses to request His Majesty, in our name and in the name of said churches, to order these natives to pay taxes as Christians, even as he ordered them before, in his royal decrees which have been opposed by the religious priests. We shall state here the causes that move us to take this step and the causes which move those who are opposed to these taxes, so that Your Highnesses may decide at will after seeing both sides of the question.

In as much as the law of tithes (according to the old law it was ordered to pay one in ten) is a traditional and judicial precept, it does not have force at present, but in as much as it was a moral law there is no doubt that all faithful Christians (as the Holy Mother Church orders according to the custom in each place) are obliged to pay taxes, as is stated in the "title" ¹ "the De dicimis, chaps. "Prevenit," "Cum Omnis," "Non est," "Etiam si missa," "Tua nobis," "Pastoralis," "Revertimini" and "Decime" in which chapters it is ordered to pay not only personal taxes but also to pay taxes on the land and on the profits without reducing from these latter the expenses. And the quota of all these taxes must be according to the wealth of the

1. In the original "titula" - book of law.

bishoprics as is affirmed by all the theologians and jurists. If the quota is not fair there will be mortal sin.

But in places where taxes have never been paid as in this New Spain, unless it is the three things mentioned above, the newly converted people must by human and divine laws provide for ministers of the church, under punishment of mortal sin, by either personal taxes or taxes on profits, or on land, or their equivalents. So that in this law there are no tithes or twelfths, but as much as is necessary for the competent sustenance of the ministers of the church and of the Divine Cult. This conclusion is drawn from St. M. chaps. 7 and 10, and from St. Paul's 1st to the Corinthians, verse nine, and likewise the canons and theologians stated. This conclusion is so well known that its opposite is held to be heresy.

Besides this, I suppose that the prince who is in charge of temporal government must be paid, for that same temporal government, the salary that is due to him by human and divine rights, as Saint Paul declares in "Ad Romanos," chap. 13. This salary paid to temporal powers is distinct from the one that faithful Christians must pay for the necessary and competent sustenance of the ministers of the church. No amount can be taken from the ministers' sustenance, for that would be to remove ministers from the field; neither does this temporal tax have anything to do with providing sustenance for the spiritual ministers. Each tax is due, as I have said, to each party. The spiritual tax is first in importance, however. Since the temporal

government belongs to His Majesty, as it was given to him by His Holiness, he may justly, lawfully and in a holy manner, as Saint Peter says, demand moderate taxes and services. His Majesty was charged by His Holiness to bring the gospel and the spiritual doctrine to this land, as His Holiness had the right to do.

It is the common opinion of all the theologians, jurists and canons that His Holiness has power over all temporal affairs in the things that concern the spiritual realm, especially in these lands where the faith is already established and where the people are so simple minded and of such low understanding that, as far as we can see, if the temporal power were to govern them, the coming of the Gospel to these lands would have been of no benefit at all to these people and everything would fall to the ground.

Also, even as the faithful Christians are compelled by natural and divine laws to provide sustenance for the ministers of the gospel, even so, the Pope, if he is able, is compelled by the divine law to send all the ministers needed to preach the holy gospel to the infidels, "Servatis servandis," as well as to provide enough ministers for the converted people, so that they may be instructed in the doctrine and the sacraments of the church. He is to provide them in such numbers that there will be enough to do the aforesaid things, as it is stated by Saint Mark in the last chap. "Euntes in mundum universum," etc. Little good would it do them to be baptized if they did not know what to do or what to believe. This duty that the Pope has,

he has fulfilled with His Majesty, in regard to this new world, as he clearly tells him in his bulls of Conception, because he gave the Catholic king and queen the right to conquer this land. On his part His Majesty has fulfilled his duty by putting these affairs in the hands of that Royal Committee to which, according to our information, he gave all his authority, temporal and spiritual, asking the committee to provide everything necessary for this new world. It is a very heavy load the one that Your Highnesses have on your souls and it is to your benefit to be on the watch and not to sleep on the job. Do not believe all the reports you hear, especially when you are two thousand leagues away from your problem. I do not know whether Dr. Hernan Perez had this problem in mind when he told me that now he thought that his soul would be saved, as he was no longer a member of that Royal Committee. Until the present, due to the fact that Your Highnesses were not warned, the necessary remedy to avoid the damnation of so many souls has not been sent but from now on there will be no excuse before God. God will ask Your Highnesses to render an account of all those who may be condemned here due to lack of doctrine, the Gospel and the holy Sacraments. God will ask for everything (according to the prophet Ezekiel chaps. 3 and 33) especially since the remedy is so easy and in agreement with His orders and with the orders of the Holy Ghost, as given to the church. These orders are holy and being holy Satan has been opposed to them that he may not lose the Earth which

has been in his possession for so many years.

Against this the religious priests say that the Indians must not pay taxes under any consideration, but on the contrary His Majesty must pay for all the necessary missionaries and priests to give them the sacraments. They maintain that all the short comings, the lack of doctrine, etc. and their evils must fall upon the King's royal responsibility. They maintain that he alone is the master of this land and that since he is collecting taxes in such a way that there is a continuous silver river flowing to him he must pay and provide for the said ministers before doing anything else with the money. I agree with them that in so far as His Majesty is getting more in taxes than the temporal power is allowed (in agreement with the title that the Pope gave to the King) the King must reduce their taxes and send back to them the surplus. This, however, the religious priests ought to tell to His Majesty instead of making a lot of noise about it in this land, two thousand leagues away and scandalizing those who hear them. But I cannot see the justice of having the King pay from what is due him as his salary of temporal governor, for spiritual enterprises. I cannot see it but on the contrary as St. Paul says "De enim minister est, cin tributum, tributum, cue vegtival vegtival."

I agree also with what they say, that His Majesty cannot collect two taxes, namely, loan taxes and impost taxes. These he may collect and does collect from his native and

inherited vassals. They must be high enough to defray the expenses of the temporal government only. In addition to these taxes for the temporal government, all faithful Christians are compelled by human and Divine laws to sustain the temporal ministers but this tax must not be collected with the others but separately. The taxes for the temporal government are the taxes that His Holiness gave to their Majesties the Catholic King and Queen as their due, and the expenses incurred by spiritual enterprises must not come from His Majesty's due salary, as is said by St. Paul in his first letter to the Corinthians, chap. 13 "Quis unquam militat suis estipendus."

What I can tell you about His Majesty's taxes is that I don't know whether they are high enough. I refer this matter to Your Highnesses since you know his affairs. These taxes, however, must be kept apart from spiritual affairs and the religious priests are well aware of this for in spite of all their noise and shouting His Majesty has not provided nor will he provide such a large sum as is needed. Meanwhile they do not take pity on these souls on their way to hell which could be avoided by levying a light tax which the Indians themselves would not even feel.

Furthermore, the religious priests claim that the tithes were instituted to sustain the ministers of the church and since they have been and still are its ministers the tax is theirs. Now, they say, just because they are not collecting the tax it does not mean that other persons should collect it. They claim that wherever there are priests

they are provided for with food and that for the present there is no need for anything else, especially, since those priests are not lay priests. To this we answer that it is true that ministers must be provided with their competent sustenance, although they claim that they are not priests, nor want to be, but we claim furthermore, that the taxes collected where the religious priests are should be employed for the maintenance of the buildings and of the church; for alms to the Indians and to help them so that we may reduce the taxes, overcharges, and cruel expenditures brought upon them as we will enumerate later on. To this they answer that they are ministers and that they are entitled to the taxes, which, however, they do not ask for.

After hearing all this we are surprised to find out that they collect double taxes, and triple taxes, too (as is well known and criticised in this land) in many parts of the land. They claim that the taxes are due to the ministers of the church because they are the ministers and they want everything. The Mother Church, its prelate and its councilmembers get nothing, according to the conditions¹ of the court.

When we go visiting, which is very badly needed, we go against the wishes of the religious priests and some of them do not receive us well. We have to stop at the Indians' homes and eat Indians' meals (which meals seem to be taken from the Indians themselves) and this is all the profit we

1. See page 13. The court had been established by His Majesty.

derive from our visits for I assure Your Highnesses that my bishopric does not produce a nickel for me from Indians' taxes. In exchange for this pay I have my house full of people on business. We transact their business without process of law, without oaths or fees which, if they were administered, would give our officials a goodly income.

I do not know on what human or Divine laws these Holy fathers base their conclusion i.e. that a prelate must be occupied in this manner without being helped by them in any way, and especially when this prelate has two million souls for whom he is responsible before God. The religious priests say that they are not responsible nor want to be, in spite of the fact that they take from them their property and the product of their labors. The prelates have more right to taxes for we are the ones that take care of the Indians and not the religious priests.

Certainly, sometimes I lose courage when I see the enmity of the religious priests and prelates and the anxiety they show in having the Indians not recognize us as shepherds. We are about to ruin everything and if God Our Lord does not help us with his favor and love conditions will not improve for they are trying to keep matters as they are.

As to what they say about there being no lay priests all the land testifies to the contrary and there would be plenty of them if it were not for the religious priests who have tried and are trying, even at the risk of their lives, not to have taxes, because they declare openly that

if there were taxes there would be lay priests and if there were lay priests they, the religious priests, would not be needed. Accordingly they threaten to leave the land (we understand that this what they tell Your Highnesses in the information which they are about to send) because they maintain that if there were taxes their empire will come to an end. This is what an old and spent religious priest told me and that he had come across the waters because they were free to act here and that if taxes should be instituted they would not be needed.

Therefore they do not want to preach nor do anything as is done in Spain, in the towns and amongst the Indians for whom others, and not themselves are responsible. They will take care of them in case that we give them the towns for themselves alone, and in case that the doctrines and sacraments are entrusted to them alone. Since we do not do that they take the towns against the Royal decrees of His Majesty.

As to what they say, that it has been ordered to pay the lay priests whom we might place in the field, I answer that we cannot place priests in the field because we have none. There are no lay priests because there are no taxes to make them. We would have them soon if the taxes were collected, so that not to have taxes means no priests. God grant that this may not be an excuse to remain alone in the field because for this suspicion there are many proofs. Besides, it is not decent to have the clergy depending on your Viceroy or your agents because if the priests did not

act according to the wishes of your officers, or according to the wishes of the religious priests, they would be expelled and besides there would be many other inconveniences brought about by this dependency of the priests upon the mercenary authorities (temporal authorities). All these conditions would cease to be if there were perpetual priests and an established church.

Another argument brought by the religious priests is, that according to St. Thomas, question 22, taxes should not be collected in the new lands where they are not accustomed to pay them, and the reason for this is the fear that this new people would be scandalized. This is a frivolous reason and St. Thomas does not help them at all but on the contrary St. Thomas himself gives them the answer in question 87. In the first place the Indians are not scandalized when asked for taxes, nor is there any more scandal that that made by the religious priests. I repeat that there is no scandal because these people are inclined to give offerings to such an extent that in their own temples they used to offer everything they had, including their own blood and that of their own children.

If there were any scandal I present it would be where the religious priests advised them not to pay taxes, because it is to the religious priests own profit. The longer this custom of theirs (the Indians) should be restrained the more difficult it will be to establish taxes both on account of the opposition of the religious priests and also because the

Indians themselves are becoming greedy. Granting, then, that there is a scandal, and there is none, yet the need for ministers is a stronger argument than that of the scandal, as can be proven by the rule "facilius escandalum oriri" etc. which Cayetano interprets as follows i.e. the taxes must be suspended with some people provided that the ministers have some other means of sustenance from somewhere else.

The religious priests say one thing which causes more grief than laughter, namely that it would be well for the Indians to pay taxes a hundred or two hundred years from now, which amounts to saying that we will save them for the Lord a hundred or two hundred years from now and meanwhile let them be damned. Since they claim that it is too soon to impose a tax on those people they may also claim that it is too soon to save them. I do not understand how it is possible that it be early to pay taxes since it is not too early to collect the royal tax and since these taxes ought to be of more importance than the royal tax. They do not dare to speak against the royal tax for fear of His Majesty and yet they dare to speak against God's tax, to whom these souls are so precious and also they dare to speak in favor of their own interest as shall be said later on.

The last argument they use is that if the Indians should pay taxes they would be vexed by the collectors and lessees. This argument is of very little force because our experience here had demonstrated the contrary, as for the last ten years the Indians have been paying the tax of the three things

mentioned before. As was stated we have a priest collector who collects these taxes in the towns, where there is no opposition on the part of the religious priests. In some parts we have discovered that the religious priests collect the taxes for themselves as we will inform you later.

We have already said that the remedy for all these evils is easy, namely, the institution of these taxes, as has been ordered by God and approved by the Holy Mother Church. There are other evils however, which, whether the Indians pay taxes or not, His Majesty should remedy, and they are such i.e. tyrannies, thefts, slavery, and imprisonment to which the poor natives are subjected and nobody takes their defense. These practices, in some parts, amount to twice or three times the amount of the tax. The first of these evils is the unions, as they are called in this land, and which are invested by the religious priests. Granting that these unions have a good beginning yet they have had bad practices and will have a worse end if not remedied, because through these unions the Indians are subjected to a greater tyranny, a greater slavery, and larger personal taxes. ¹ All these things together exceed by far and beyond comparison the amount of the proposed taxes.

These unions were instituted by some of the first and holy religious priests in order that these poor Indians might have a means to sustain the ministers of the church and also to pay the expenditures of some public enterprises.

1. They had to do manual work.

Without taxing the Indians these priests gave them orders, in the towns where the religious priests were situated, to institute either community farms or fishing smacks, or raise cattle (they are raising cattle in many places now.) Also the Indians were ordered to form partnerships with the Spaniards in farms for the purpose of bringing kindling or hay. All these things were to be done by Indian labor and the money derived from them was to be placed in a safe or house for the purpose of sustaining the ministers of the church and for public benefits, as is said above.

These things, although at first they did not amount to much because things were worth little then, now amount to a great deal and these unions and safes exist not only in the towns where the religious priests are situated but in every head town. Many persons have instituted and are instituting every day similar safes and houses in which there are many goods and all of these have been paid for by the poor Indians' toil. These union houses and safes must be swept away; they must not exist because they are a sort of tyranny and because they are the Indians' slavery; the slavery of their persons and of their property and this slavery they did not have in Montezuma's time. They compelled the Indians to work, by means of force, for those unions, in the community farms and in other farms belonging to the political bosses, to the governors, and to the chiefs of the communities. It is true that wherever there are lay priests or religious priests they are paid from these funds but the rest is spent by the bosses in drinking parties and for

their own private benefit without paying any attention to the well being of the community. And they do this on a grand scale and under the disguise of its being done for the benefit of the community. Frequently they spend cruelly large sums. The majority of these bosses practice these things and keep the poor Indians in slavery through the unions. We beg Your Highnesses to pay attention to this matter because it is of the greatest importance that these poor Indians should be freed from slavery.

The second evil which is not less important is that these Indians have become great litigants and they bring suits against each other about their lands and districts so that on matters of little importance they spend large sums, as simple fools that they are, in attorneys-at-law, lawyers, interpreters, and notaries. It causes great grief to see this court crowded with Indians busied in these lawsuits (and yet Your Highnesses' letters give orders to the effect that they should not be allowed to litigate). Each of the litigant parties brings thirty or forty Indians, even women to love them and serve them on the way, and as long as they are in the town they work in the private affairs of the interpreters, attorneys, and notaries who compel them to come.

We know of cases in which the interpreters, etc. pointed out the woman whom they wanted brought to serve them as a friend during their stay in the town. The poor Indians do not dare say "no" for fear of the bosses and chiefs.

Once they have spent the money they bring they go back dying of starvation (and is said many die even here in the

city, especially those coming from temperate zones to this cold region). All these expenses are paid from the union's funds but in the end the poor Indians pay for it. I assure Your Highnesses that things here are not painted as bad as they are in reality.

Another evil resulting from these unions' safes is the fact that as the religious priests are sustained from these funds and as they bring sacred vestments with them, the Indians, when they ask for a statement of the Unions' financial conditions, forget that they have spent large amounts themselves in their own feasts and drinking parties and so they insult the religious priests accusing them of having spent everything. Those in Leucal expelled the Dominican friars, and one of the bosses, for having spent forty thousand "pesos" from the communities' funds. Also Don Hernando de Portugal told me that the Franciscan friars of Tlascala had spent thirty thousand "pesos" according to the Indians' report, which were spent according to the friars, for the friars' expenses, which is not true.

Another thing must be considered and that is that none or very few dare to speak against the religious orders because of the fear they inspire throughout the whole land; because of the supreme and unendurable power they have everywhere, and because of the backing Your Highnesses give them, according to what they say here. But I being your loyal servant and because it is a matter of my own conscience, with the Lord's help, will not fear them in spite of the fact that I

am a religious officer, as they are, and in spite of the fact that I wish them all sorts of good. Therefore I will tell Your Highnesses what is going on so that you may correct them in the matters in which I think they should be corrected.

I confess that they have done, and are doing as much as they can but Dionysius says "in order that a thing should be good it must not have any defect." Thus desiring that conditions should be remedied I declare that the religious priests are the owners of the unions and safes which are in their districts, many of them having the safes in their own cells which causes a great deal of suspicion and scandal. Even after my arrival in these lands I have received complaints on this matter and I have had some of them removed from the friars' cells.

It is true that the Indians who are living near Mexico defend themselves somewhat from the religious priests, because they are becoming cunning, but in the rest of the country the religious priests have supreme command both over the Indians and over the safes whose funds are spent according to their wills and on the things they want. The Indians do not dare oppose them and if a chief or boss opposes the friars these make use of the Indians defects to have the bosses and chiefs removed from office so that the Indians do not dare oppose the friars in anything. Finally the funds of said safes are spent at the friars' wills, without anyone's checking them, and these amounts are not small.

It would be a great service to God's cause and a great freedom to these wretched people, who are treated like slaves by the above mentioned unions if His Majesty should free them by royal decrees from these unions, bosses, and chiefs, even as he freed them from doing private work for the Spaniards. And the worst is that if these unions need to spend fifty ducats ¹ they spend five hundred or one thousand, which practice is very notorious and general. Of these affairs there are plenty in the whole of the land and your viceroy and your court say that they do not know how to remedy these conditions, yet the remedy is easy.

The surveyors and collectors have decreased the royal taxes in many parts, as was stated above, but the reductions did not benefit the poor because they are always charged the same amount. This is also very notorious for if formerly they had to pay five thousand "pesos" and four thousand have been reduced, the reduction is not enjoyed by the poor people but by the chiefs and bosses who collect the same five thousand "pesos" of old, as they used to. They pay one thousand to His Majesty or to the collector, and they keep the rest. The taxes of a town near the city, which pays ² five or six "pesos" to the collector were reduced to two hundred "pesos" and after that assessment an inspector found out that the bosses and chiefs were collecting six thousand. The same conditions are true in many parts of the land.

1. Ducat, \$2.65.

2. This 5 pesos seem to be his wages.

It would be a wise measure to suppress those safes and to order that no chief could spend any amount for any purpose, without the permission of your court before which they should state the amount wanted and its purpose. The court should order how to collect and how to assess the amount. If this is not done they will not hesitate to collect fifty thousand instead of one thousand, as is practical now. In order that there may be enough public works they should allow to each town a limited amount from these taxes. They would thus be liberated and would not have to pay a great deal more than the amount of the taxes, as they are doing now. In some towns, due to the kind of freedom the Indians enjoy, there are many parts exempt from taxes. The amount of these parts, if they were taxed, would be larger than the tax we are asking for, and the Indians would esteem much more personal freedom with the payment of taxes, than not paying them and continuing to be slaves of the unions, bosses and chiefs. This would remedy the conditions and we would be able to attend to the complaints of the whole land which would set Your Highnesses consciences at rest.

Another thing is that Your Highnesses must stop the excessive cost, large expenditures, and personal services by means of which the religious priests build sumptuous and superfluous buildings in the Indian towns, which buildings are raised at the Indians' expense. Concerning the monasteries they build them so large in some places, that they

would be large enough for Valladolid, yet there are no more than two or three friars in them. Once they have been built if any friar comes, when another leaves, and he does not like the buildings or the sites, he destroys them and builds others. For a religious priest it is nothing to start a new building which will cost ten or twelve thousand ducats. To say it and to do it is for them one and the same thing. They bring the Indians from five hundred to a thousand, and put them to work without wages, they do not even give them bread. These Indians come in relays from a distance of from four to twelve leagues. To some they charge the lime, and to others the rest of the materials. I have seen recently two works on a monastery of which the one may have cost ten thousand ducats, and the other a little less. Each one was finished in one year at the expense of the money and personal labor of the poor people. It is said, that some Indians die in these works because they are not used to them, and because of starvation and lack of shelter. Just recently I visited another town where they had built three monasteries, all belonging to the same religious order. The first was poor, the second very good, good enough for any Castilian town. When this second one had been built with lime and stone one of the religious priests decided there was a better site in the town and began another monastery, four years ago. It is a sumptuous one, this latter, and in addition he built a church better than any church that the same order possesses in Spain. The latter monastery is almost finished and the second one almost destroyed.

Your viceroy was passing through the town one day and seeing the cruelty of this business, scolded the priest and limited the number of workers to one hundred and twenty men, without wages or food. Before this there had been on the job from eight hundred to a thousand, and if the Indians did not come to work they put them in jail and lashed them. This was told to me by the viceroy himself and when I was in the town and saw the new monastery and the one they were destroying I told the guardian in charge what I thought of the affair and in the name of His Majesty I stopped the destruction of the building and made out of what was still standing a hospital, in agreement with the powers given us by His Majesty. When we complained to your Viceroy of such injustice and cruelty he answered that the friars had deceived him when they asked for the license to change the monastery. In some head towns there are more and richer ornaments, more musical instruments and better ones, than in the chapel of His Majesty.

In a monastery, of the Augustinian fathers, they are having some painting done which will cost more than six thousand "pesos" (and this in mountains where there will never be more than two friars.) The monastery will be superb. We have scolded them but to no purpose. The name of this town is Epazoyuca, a small place of very poor inhabitants. All this is done at the poor Indians' expense and by means of special taxes. The Augustinian fathers are very much to be criticised for this, especially since

their home in Mexico City gets a larger income than my bishopric. Yet they build such large works in small towns at the Indians' expense! and neither your Viceroy nor myself can stop them.

The personal service that the Indians have to render to the monasteries is too excessive i.e. they work as farmers, gatekeepers, sweepers, cooks, mailmen, sexton, etc. quite without pay. In the church services there are numberless singers and in the latter monastery we found one hundred and twenty of them without counting sextons, acolytes, oboe players, sackbuts, trumpeteers, lute players, horn players, etc. All of these services and expenses of works and rich superfluous ornaments come from special assessments; and since from the safes mentioned the Bosses and chiefs draw thousands when they should draw hundreds, keeping the difference for themselves, these conditions must be changed because they cannot so continue. The religious priests themselves told me that the bosses and chiefs want them to ask the Indians for special assessments so that they may continue their stealing.

The proposed tax could be gotten by reducing His Majesty's tax; they will also be relieved from the expense which they now have of furnishing food for the priests and friars in the church factories for nothing because this will be paid from the said tax. If there were any overtaxed, their taxes might be reduced according to the taxes of those who pay less. Should these things be done the Indians would raise their hands to God in thanks-giving and would gladly pay the proposed tax.

There are some people who claim that if the religious priests say it is too early for the Indians to pay this tax it is due to their cruelty and not to their piety and that is the truth because by exempting them from a miserable temporal tax they cause their eternal damnation. The religious priests claim that it is too soon to tax them meanwhile they are having their homes built and ornamented at the expense of the poor Indians and have absolute power over the Indians and their property. They control them as if they were their own vassals.

And this is the reason why the religious priests when they are asked for information, as now happens, in regard to the establishment of taxes are not in a hurry to give it, namely, because they are more interested than the Indians in not paying taxes. Each one of those friars is in charge of about one hundred thousand Indians and they control them and profit by it as has been stated. And as they know that if taxes are paid there will be lay priests and that there will be eight or ten of them where there is now one friar or two, and that therefore their empire will cease, they oppose the tax because from being friar lords they will become friar beggars. Now it is a question of giving the information that His Majesty asks for about this tax, and so the three orders have united and made an agreement, namely, to ask that said tax be not instituted for the sake of the Indians' welfare and their own. Your viceroy, who should be impartial, seems to be, in this affair, against the tax in agreement with the friars. He is even more enthusiastic

than the latter and as he is not a scholar he trusts the friars and thinks he is in the right. There are others, however, who seem to think he is in agreement with them for some other reasons i.e. to please the religious priests for it is said, he is afraid of them. This fear of his is due to two things i.e. he fears disrespectful treatment and to be disobeyed, and secondly, what they may write against him to Your Highnesses. But I judge him better and my judgment is that he defends the Indians as he is commanded but if he should see the great harm and damnation that will follow, then as the good Christian that he is he would be in favor of the tax, according to the Lord's wishes and His Majesty's decrees, so that so many of them would not be damned for lack of taxes.

In the request that the religious priests sent recently to that royal committee they stated that if taxes are imposed on the Indians this will neither plow nor raise cattle. How sinister this is may be appreciated by the fact that Indians are renting lands from the Spaniards knowing that they will have to pay taxes on those lands, as is ordered by Your Highnesses' decree i.e. that lands rented or bought by the Indians from the Spaniards must pay taxes even as when they were in Spanish hands. And since they rent lands to pay taxes how much more gladly would they pay taxes for their own land. It is not true that they will plow more land and breed more cattle if they do not pay taxes because if they have to pay a tax in corn, as they do, they will not raise enough for themselves even if they are paid ten ducats a bushel. Even now, they will not plow or

breed unless forced, tax or no tax, by some bosses or chiefs. These bosses and chiefs do plow something by means of the sweat and labor of the poor. This was told me by your inspector Diego Ramirez who said if the laws were not changed we could not expect abundance from their farms or cattle breeding.

The taxes of the three things which the fathers asked that royal committee to discontinue are of such little importance to the prelates and church that we care little whether they are paid or not. Those taxes scarcely produce for me fifty ducats a year. In some other bishoprics they amount to a little more and in others less for as we have said nobody plows Castilian lands except a few bosses. If these have been collected during the last ten years it is not because of their importance but rather to teach these natives to recognize God as the giver of everything that they possess and to give Him offerings as they gave to the devil formerly.

They say, too, that in the primitive church taxes were not collected immediately and that it must be likewise here, as if this were a similar case! This is not a primitive church because there is now a pope, prelates, catholic king, sacred canons and the laws given by the Holy Ghost and by which the church governs itself. All these were lacking then; for the prelates were persecuted and put to death; the family did not enjoy the peace they now enjoy and there were no catholic sovereigns defending the Holy Gospel.

That is the reason why taxes were not collected then, because they feared a scandal. The Indians, however, were compelled to pay taxes under their own laws and heavier ones than they pay now. We must do things in the spirit in which the primitive church did them. The church little by little has been doing good and holy things in its government, things that were not done in the primitive church because there was no necessity for them. And he who claims that the church must not do now more than it did then wants to bring all the sacred laws down to the dust and leave the church in possession of nothing except the Holy Gospel and doctrines of the Apostles as in primitive times. And if they claim that it should be done now as in the past, why did they not order this new people to bring all their property, whatever it might have been, to the feet of the prelates, when they were corrected? That was done then. Besides, this cannot be called a new church for they have been Christians for more than forty years. As soon as the kingdom of Granada was taken the church was established there, according to the sacred canons, with its prelates, ministers and perpetual priests for which purpose His Majesty gave to the church all the taxes which His Holiness had given him for the maintenance and perpetual establishment of the church. It is true that there were religious priests there but it is also true that they stayed there for eight years only that is until the regular clergy was established. After that the religious priests sent their missionaries only. I knew

some religious priests whom the catholic king and queen of grateful memory sustained because they were missionaries. One of those friars is still alive, Jorge de Benevides, The Marquis de Mondejar, president of that royal committee, may testify to all this.

In Peru they have paid taxes from the very beginning and the prelates there were a great help to His Majesty during the revolutions that took place in that land. Thus the prelates of this land should have a reasonable sum to take care of the people and serve His Majesty when needs be.

His Majesty and that royal committee are bound to these aforesaid things by the bulls of our bishoprics in which His Holiness orders us to solve the problem by collecting the tax as is done in Christian Castile, and you are bound also by the code sent by His Majesty at the time of the institution of the ecclesiastic courts, which code has been ordered and approved by the prelates and by His Majesty. We are ordered in that code to collect all the taxes and divide them as was done in the kingdom of Granada, the king reserving for himself two ninths of two fourths. If this is so we cannot understand why they have put obstacles in the way until the present unless it is on account of the concession that Pope Alexander the Sixth gave to the catholic sovereigns i.e. the concession of the taxes of the islands which were know at the time. It seems that that concession includes only those islands that were known but if that concession is to be extended to the continent of the New World then

let me remind you that the catholic sovereigns of pleasant memory renounced the concession of the taxes in favor of the prelates then alive and of all the prelates of future generations on condition that the prelates build the churches that their Majesties were supposed to build by virtue of the said concession of taxes. Thus the catholic sovereigns came to an agreement with the aforesaid prelates and freeing themselves from the responsibility that Pope Alexander had put on them, placed it on the prelates consciences. So that this tax in the end happens to belong to the church and its ministers in agreement with both the bulls of the highest Pontiff, as they are stated in the instituted law of the bishoprics, and in agreement with their Majesties renunciation of the taxes.

As we said in the beginning, His Majesty thinks himself free from this responsibility because he has put this affair in the hands of that royal committee. All the responsibility belongs to Your Highnesses to whose consciences we are now appealing; we beg you to take pity on all these souls which we believe are being lost due to lack of things already mentioned. Do not heed those who because of self-interest or because they think they are doing a pious act, are the cause which prevents the establishment of the church and brings about the damnation of so many souls.

With this I free my conscience and all the prelates do likewise. We put this affair on Your Highnesses' consciences and if things are not remedied we will finish our duty by reporting the results to His Holiness and His Majesty.

Since this affair is of such importance, namely, to settle the temporal and spiritual affairs in this land, it would be well to send two inspectors capable in both fields, because to put it in the hands of those who are governing here is equivalent to no settlement. These inspectors must bring power over the religious orders, even as His Majesty brought in Spain to reform certain orders. If this is done, there will be many here who will dare to speak of many things of which they dare not speak through the mail. These inspectors must be one of them an ecclesiastic and theologian, the other a jurist, if possible, both from the royal committee. One who could take charge of this affair is friar Pedro Cano who being unoccupied as he is, might, if Your Highnesses asked him, take the trip for the sake of Our Lord's service. Since this will bring peace to Your Highnesses consciences and to His Majesty's as well as remedy for the salvation of these poor people and also will bring settlement of temporal affairs which will be equivalent to reconquering this land, we beg you to consider it; to talk about it; and to decide the most convenient course.

By providing inspectors they will see with their own eyes what is convenient and this land's government, both temporal and spiritual, will not be in the hands of many friars who know nothing but their language and scarcely know how to read this. With this fine education there are friars who confess four or five hundred people daily. Just now I learned that a friar coming into town confessed one hundred

and forty Indians within three leagues. If this is not mocking the sacrament then let the learned speak.

What seems to me according to God and my own conscience is that in case Your Highnesses want to help these souls and order the tax to be paid you should make the tax equivalent to one fifteenth for the present. We shall then report faithfully to Your Highnesses the amount of the collection for the first two years and we shall divide the tax according to the articles of the code. The part belonging to the prelates one fourth we shall use to build hospitals and churches wherever there are no taxes.

May Our Lord keep and prosper Your Highnesses, giving you more and larger kingdoms and estates as you deserve, and as is wished by us. Mexico, May 15, 1556.

The renunciation that the catholic sovereigns, Don Fernando, King of Aragon, and Dona Juana, Queen of Castile, made and in which they give up their right to the taxes of the islands of San Juan and Hispaniola in favor of Fray Garcia de Padilla, bishop of Santo Domingo; Don Pedro Suarez De Deza, bishop of La Concepcion; Don Alonso Manso, bishop of San Juan Island, and their predecessors took place before Francisco de Valenzuela, canon of Palencia and apostolic notary on the eighth of May 1512. The witnesses were Lope de Conchillos, Your Highnesses secretary, the lawyer Zapata, and Dr. Carvajal, of your committee. The original renunciation will be found in the archives of that royal committee. I am Your Highnesses' chaplain,

(Signed) Fray A. Archbishop of Mexico.

(From the translation by Julio Valdes).

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