

# INTRODUCTION

On to the indigenous civilisations of the Zapotecs and Mixtecs, the Castilian conquerors grafted the political and religious experience of Spain. The Aztec outpost of Huaxyacac became the centre of Spanish power and influence in the fertile Valley of Oaxaca. Through the course of the later sixteenth and seventeenth centuries, many of the indigenous areas of the province of Oaxaca fell under the spiritual control of the Dominican Order, which, from its Baroque convents and churches, exercised a theocratic authority that virtually excluded the power of the Crown. The Crown's authority emanated from the capital, the city of Antequera de Oaxaca, named after Antequera in Andalusia, which it was supposed to resemble; but in these religious centuries, often the authority of the Bishop of Oaxaca evoked a more immediate response in consciences.

Oaxaca was one of the main centres of Spanish power in the colonial period, a power whose bases were fixed more firmly into the centre and south of New Spain than in the modern Mexican Republic, which tends more strongly to the north and north-centre. The colonial Oaxaca was a region comparable with Guatemala, with Quito, and the highland regions of Peru, centres where Castilian authority influenced and permeated already well-formed indigenous cultures, and where, gradually, not without resistance, and often by means of symbols and demonstrations, the religion brought by the friars exercised a mystical fascination for the former subjects of the Aztecs, Mayas, or Incas. Within New Spain itself, Oaxaca was one of the great episcopal sees like Puebla, or Valladolid de Michoacan, under the authority of the archiepiscopal see of Mexico.

Many of the indigenous crafts of the pre-conquest era continued in Oaxaca, the cotton-mantle industry of Villa Alta, Teotitlán del Camino, and other towns, and the gathering of the cochineal insect to produce the indispensable scarlet dye, for example. After the expansion and decline of the silk industry in Oaxaca in the course of the sixteenth century, the cochineal, cotton, and cotton-mantle trades assumed the role of the central activities of the indigenous population, upon whose labours the Spanish element depended for their prosperity and political supremacy.

Oaxaca, because of these activities, was often considered by the Spanish Peninsular merchants and the Royal administrators there to be next in



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importance to the silver-mining regions of Guanajuato and Zacatecas. For, the export of the scarlet dye to the European textile industries contributed to the lessening of the bullion drain from the Indies, which so much plagued and perplexed the Spanish Metropolitan Government. The cotton of the Pacific coast region, especially around Jamiltepec, supplied the cotton textile *obrajes* (workshops) of both Puebla and Oaxaca, emerging in the course of the eighteenth century.

Foreign commentators also frequently alluded to the Oaxaca cochineal dye.1 For, prior to the invention of chemical dyes in the middle of the nineteenth century, the chief source of the scarlet dye was Oaxaca, and of the purple and blue dye, the indigo of Guatemala and later Venezuela. These, and to a lesser degree, the dye-woods from Yucatán and Central America, attracted merchants from Spain, and aroused the competition of the Dutch, British, and French. These rival merchants would operate through the Cádiz and Seville trades, through their bases in the Caribbean islands, or by contraband directly from the shores of the Spanish Indies. In Spain, great merchant houses, such as the Cinco gremios mayores de Madrid and the Casa de Uztáriz dealt both in the cochineal of Oaxaca and the indigo of Guatemala in the eighteenth century. Houses with bases in Cádiz and Veracruz, the Casas de Cos, Muñoz, and Cosío, and a house with connexions also in London, the House of Gordon, Reid, and Murphy, with Tomás Murphí as its representative in Veracruz, all traded in dyes and bullion in return for manufactured goods or the primary products of the Peninsula.

The predominance of such primary products as olive oil and wines in Spain's trade to the Spanish Indies was evidence of her incapacity to become the industrial metropolis for her American market. Such an endemic and strategic weakness favoured both foreign manufacturers and

<sup>1</sup> The French botanist, Thierry de Ménonville, described in his Travels to Guaxaca in 1777 how he succeeded in smuggling examples of the cochineal insects and the cactus on which they throve out of Oaxaca to the French part of the Caribbean island of Santo Domingo, where the French hoped to produce the dye for themselves: see M. Nicolas Joseph Thierry de Ménonville, Travels to Guaxaca, Capital of the Province of the same name, in the Kingdom of Mexico, contained in John Pinkerton, A General Collection of the Best and Most Interesting Voyages and Travels in All Parts of the World (17 vols.; London 1808–14), xiii, 753–876.

The Abbé Raynal described the importance of the cochineal dye and New Spain's export of it along with silver to the Philippines for exchange with Chinese silks, in his, Histoire philosophique et politique des établissements et du commerce des européens dans les deux Indes (Paris 1820 edition), tome III, bk. 5, 89; bk. 6, 352-60.

The German traveller and scientist, Baron Alexander von Humboldt, wrote of it, after his visit to New Spain in 1803, in his Essai politique sur le royaume de la Nouvelle Espagne (5 vols.; Paris 1811), II, 324; III, 262.



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domestic producers within the Indies itself. In New Spain, both the obrajes and the indigenous village textile crafts employed the cochineal of Oaxaca and the indigo of Guatemala for silks, cottons, woollens, and linens. These products were in considerable demand among the mestizo and Indian population of the Viceroyalty, as they were generally of an ordinary quality and low price. The indigenous production from Oaxaca, in particular the town of Villa Alta, reached markets as far and diverse as Mexico City, Puebla, and the silver-mining communities of Taxco, Guanajuato, and Zacatecas.

In contrast to the Bajío, the province of Oaxaca was not so much dominated by the Creole landowners as by the Alcaldes Mayores and the Spanish Peninsular merchants. The former, also chiefly of Peninsular origin, were notorious for their abuse of the indigenous population and for their peculation of the Royal revenues. These Alcaldes Mayores occupied the function of civil administrators of the towns in the indigenous areas of settlement.<sup>4</sup> They resided in the head-towns of the regions, the *cabezera*, in the local Royal residence, the *Casas Reales*. Their faculties included the cognizance of civil and criminal jurisdiction in the first instance in Indian areas, in contrast to the Alcaldes Ordinarios of the Cabildos, who undertook the same function for the areas of Spanish and

- 1 See Ricardo Cappa, S.J., Estudios críticos acerca de la dominación española en América (Madrid 1888-97), vii; Humboldt, Essai politique, iv, bk. 5, 284 et seq.; État des manufactures et du commerce de la Nouvelle Espagne'; Jan Bazant, 'Evolución de la industria textil poblana 1544-1845', Historia Mexicana, 52 (April-June 1964), 473-516; John L. Phelan, The Kingdom of Quito in the Seventeenth Century: Bureaucratic Politics in the Spanish Empire (Wisconsin 1968), 66-85.
- <sup>2</sup> For the obrajes see M. Carrera Stampa, 'El obraje novohispano', Memorias de la Academia Mexicana de la Historia, xx (April-June 1961), no. 2, 148-71; ibid. 'Los obrajes de indígenas en el virreinato de la Nueva España', Vigésimo-séptimo Congreso Internacional de Americanistas, ii (Actas de la Primera Sesión celebrada en la Ciudad de México en 1939), 555-62.
- <sup>3</sup> Biblioteca de la Sociedad Mexicana de Geografía y Estadística (BSMGE), Mexico City, MSS José María Murguía y Galardi, Estadística del estado de Oaxaca 1826-28 (5 tomes containing 9 vols.), vol. i, app. to pt. 2, f. 29 v.
- There was little difference between the functions of Alcaldes Mayores and Corregidores. Theoretically, the latter governed a town, while the former administered a territorial division in the countryside, known as a provincia, and later, after the replacement of Alcaldes Mayores by Subdelegates under the Royal Ordinance of Intendants of 1786, as a partido. Territories within the jurisdiction of the Audiencias of Quito, Lima, and Charcas had no Alcaldes Mayores, only Corregidores. Unlike the case of the Spanish Peninsula, the Corregidores in the Indies were not required to have qualified at law, but might be laymen, i.e. de capa y espada as opposed to letrados or togados. José María Zamora y Coronado, Biblioteca de legislación ultramarina en forma de diccionario alfabético (6 vols.; Madrid 1844-49), i, 180-84; J. Ignacio Rubio Mañé, Introducción al estudio de los virreyes de Nueva España 1536-1746 (4 vols.; Mexico 1959-61), i, 77-79; C. H. Haring, The Spanish Empire in America (Oxford 1947), 138-42; L. B. Simpson, The Encomienda in New Spain, The Beginnings of Spanish Mexico (California 1950), 191, n. 18.



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Creole residence. The Alcaldes Mayores, often military men, were entitled to appoint lieutenants who were expected to be qualified at law (tenientes letrados), in order to advise them on matters of legal procedure. Both officials were required to offer the Crown a fianza, an advance guarantee, which would ensure the Crown's receipt of the revenues it had trusted its administrators to collect. The presentation of fiadores, who would reimburse the Crown in the Alcalde Mayor's default, was the condition of receipt of office from the Superior Government in Mexico City.<sup>1</sup>

In the city of Oaxaca, another local representative of the Royal authority resided, the Corregidor.<sup>2</sup> As a Royal magistrate the judicial functions of this official involved the exercise of full jurisdiction in the area to which he had been assigned. Like the Alcalde Mayor, he enjoyed the right to appoint a lieutenant. The Corregidor also acted as president of the Cabildo and the Royal representative on that municipal corporation.<sup>3</sup> Both the Alcaldes Mayores and the Corregidores were forbidden by the Crown to hold estates or to engage in trade either in person or through agents during their five-year term of office.4 They were not allowed to marry any resident of their area of jurisdiction while they still occupied public office unless they received a special dispensation from the Crown.5 While ensuring that the Indian tribute revenue was duly collected, the Alcaldes Mayores and Corregidores were especially entrusted with the task of protecting the Indians. Both officials were to make regular visits to the Indian towns with their rod of justice (vara de justicia), in order to hear complaints of injustice against local landowners, estate managers, Indian caciques, or parish priests.6

- 1 E. Ruiz Guiñazú, La magistratura indiana (Buenos Aires 1916), 295.
- <sup>2</sup> Carlos E. Castañeda, 'The Corregidor in Spanish Colonial Administration', Hispanic American Historical Review [HAHR], ix (1929), 446-70.
- 3 Ibid. and Ruiz Guiñazú, Magistratura indiana, 292-300.
- 4 Recopilación de leyes de los reynos de las Indias (Madrid 1943 edition), bk. 5, title 2: law xxv, 'Que los gobernadores no apremien a los indios a que les labren ropa'; law xlvi, 'Que los virreyes procuren remediar las ganancias ilícitas de los gobernadores'; and law xlvii, 'Que la prohibición de tratar, y contratar comprehende a los gobernadores, corregidores, alcaldes mayores, y sus tenientes'.
- 5 Ibid. law xliv, 'Que los gobernadores, corregidores, alcaldes mayores, y sus tenientes letrados no puedan casar en sus distritos'; and law xlv, 'Que los gobernadores no tengan ministros, ni oficiales naturales de la provincia, ni parientes dentro del quarto grado'. See Archivo General de Indias [AGI] Mexico 1128, Consultas, decretos, y reales órdenes (1769–1770). On 31 May 1770, the Crown conceded license to Joseph Rodríguez del Toro, Oidor of the Audiencia of Mexico, to marry his daughter, born in New Spain, to the Corregidor of Oaxaca Pedro de Pineda. The prohibition, then, was not absolute. It served as a reminder to the parties concerned to consult the Crown before they acted.
- 6 Recopilación, bk. 5, title 2, law xv, 'Que los gobernadores y corregidores visiten los términos,



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While the Laws of the Indies assigned certain specific salaries, for example the sum of 2,500 pesos per year for the Corregidor of Mexico City, the average salaries for the Alcaldes Mayores and Corregidores in the locality were too small to cover their administrative expenditure. The Crown could not afford to pay its extensive bureaucracy. Prior to Philip II's Real Cédula of 1582, which provided for the payment of salaries from the Indian tribute revenues, the Crown had charged them to the account of the Indian communal funds. The tribute levy, however, was no solution, owing to the fluctuating and undependable nature of such revenues, and the collapse of the indigenous population figure in the course of the sixteenth and earlier seventeenth centuries in New Spain. Therefore, the issue of salaries for the representatives of the Royal authority in the locality and in the Indian towns plagued the Metropolitan and Superior Governments throughout the colonial period.1

This lack of proper salaries forced the Mexican Alcaldes Mayores and the Peruvian Corregidores to contravene the Laws of the Indies by indulging in illicit trading practices so stringently forbidden by the Crown. In most cases the goods or cash in which they traded would be supplied through a contract with a private merchant, a member of the mercantile corporation, the juridically constituted Consulado of Mexico. In return for agreeing to such a contract, the merchant would offer to cover the administrator's fianza.<sup>2</sup>

The ingoing administrators were generally small men of low position, or military persons of small fortunes. Newly arrived in the Indies, they expected to gain rapid wealth, and return to Spain to live in style. However, since the Crown's exigencies required them to pay their own fare across the Atlantic, and expected them on arrival to meet the obligations of the *fianza*, they were faced with financial burdens far beyond their limited capacity. Their plight was described by Viceroy Amarillas of New Spain in a letter to the Crown written on 9 April 1759 from Mexico City. He explained that the Alcaldes Mayores sent by the Metropolitan Government would often arrive in Veracruz burdened with family obligations as well as their duty to offer the *fianza*, and to pay the shipping companies which had brought them. Some of the justices did not even know of the

y de lo que resultare avisen a las Audiencias'; G. Lohmann Villena, El corregidor de indios en el Perú bajo los Austrias (Madrid 1957), 403-49; Constantino Bayle, El protector de indios (Seville 1945), 125-8.

<sup>&</sup>lt;sup>1</sup> Recopilación, bk. 5, title 2, law i; Castañeda, 'The Corregidor', 463; Lohmann Villena, El corregidor, 428, 431 n. 23; Bayle, El protector, 127, 143.

<sup>&</sup>lt;sup>2</sup> Zamora y Coronado, Biblioteca, III, 244-7; Lohmann Villena, El corregidor, 436.



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fianza requirement, and actually expected to take up office immediately upon arrival.1

Similar complaints were expressed by Villarroel, Alcalde Mayor of Tlapa, to the Viceroy on 16 April 1774. As a result of their debts, the fianza, and the 1,000 pesos for the equipment of their offices, the Alcaldes Mayores were reduced to begging favours from door to door. In their everyday administration right down to the very official sealed paper on which all business was to be written they had to offer fianzas. Therefore, in order to pay their way, they were constrained to commit all manner of extortions and injustices in the smaller and poorer provinces. In the richer provinces they would be obliged to form a contract, generally with a Spanish Peninsular merchant, for the coverage of the fianzas, in return for which the Alcaldes Mayores would undertake to manage the fiador's trading activities with the Indians. Such an operation, in which the Alcalde Mayor issued cash or basic equipment or commodities to the Indians on the account of the merchant, was known as the repartimiento. This form of trading, always denounced by Crown and clergy (at least at the level of the episcopacy) and contrary to the Laws, occurred frequently in the province of Oaxaca, because of the demand for its products. The merchant who financed the repartimiento was known as the aviador or habilitador, and the process of outside financing as avío or habilitación. Ingoing administrators would solicit such avío from the merchants to the sums of, for example, 15,000-20,000 pesos in silver reales or in commodities for issue to the Indians. In return, the Indians would be required to pay back their debt in the finished product of their region, such as cochineal, cotton, cotton mantles, and other ordinary cotton garments for use amongst the indigenous and mestizo population.

It would not so much be the Alcalde Mayor himself who occupied the central role in such trading operations but his legal lieutenant. This official, instead of being qualified at law as the Laws of the Indies specified, would be a nominee of the merchant-aviador. Villarroel complained that the Alcaldes Mayores were powerless to prevent the abuse of their authority by such lieutenants in the collection of Indian debts to the repartimiento. In any case the lieutenant usually could not be removed without the prior consent of the aviador. Moreover, at the end of his term of office, the Alcalde Mayor was expected to divide the profits of his trade among all interested parties, including both his aviador and the lieutenant.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Archivo General de la Nación [AGN] Correspondencia de los virreyes (serie 1), 1 (Amarillas 1755–6), exp. 123, f. 185.

<sup>&</sup>lt;sup>2</sup> Biblioteca Nacional [BN] (Mexico) MSS 1378, f. 211, Hipólito Ruiz y Villarroel, 'Sobre



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Only the Corregidores and Alcaldes Mayores were able to manage the *repartimiento*, because only they were endowed with full Royal jurisdiction, which they employed to coerce the Indians to trade in commodities they might not otherwise be inclined to produce in bulk. The Royal power of justice, then, was used to violate the freedom of trading prescribed for the indigenous communities by the Laws of the Indies. By creating commercial monopolies within the locality, and by expelling any intruding merchants, the Alcaldes Mayores sought to keep the local trade confined to their *aviador's* interests.<sup>1</sup>

Similar aviador functions were assumed by the Spanish Peninsular merchants of the Consulado of Lima in the Viceroyalty of Peru. The merchants undertook to finance both Corregidores in their repartimientos and mine-owners in their operations.<sup>2</sup> Like Peru and New Spain, the Captaincy-General of Guatemala contained large groups of indigenous communities living at subsistence level. There, too, the repartimiento functioned in connexion with the indigo monoculture. The merchantaviador occupied a central role. For, the indigo planter received the basic commodities necessary for his subsistence and operations through the contracts made between the Spanish Peninsular aviador and the local Alcalde Mayor or Corregidor. In return for such a contract, the merchant would pay into the Royal Treasury in Guatemala City the revenues due to the Crown from the administrator's area of jurisdiction.<sup>3</sup>

The present work traces the struggle of the Spanish Crown and the episcopal authorities in Oaxaca to secure the observation of the law in the trade and government of the region. The importance of the products of Oaxaca for both New Spain itself and for the wider world market provided the main explanation of the difficulty of achieving such a regulation, and the main incentive for the adoption of such a thorough reform as that advocated by Visitor-General to New Spain, José de Gálvez. The interests of the merchant-aviadores, in both Mexico City and Oaxaca, and of the Alcaldes Mayores, naturally made them bitter opponents of the administrative and commercial reforms enacted by the Spanish Crown between

el modo de servirse las Alcaldías mayores, y perjuicios que sufren de los oficios de México' (1774).

<sup>1</sup> Recopilación, bk. 5, title 6, De los indios; Lohmann Villena, El corregidor, 431-5.

<sup>&</sup>lt;sup>2</sup> Ibid. and G. Céspedes del Castillo, 'Lima y Buenos Aires. Repercusiones económicas y políticas de la creación del virreinato del Plata', Anuario de Estudios Americanos, iii (1946), 669-874.

<sup>&</sup>lt;sup>3</sup> Robert S. Smith, 'Indigo Production and Trade in Colonial Guatemala', HAHR, xxxix (1959), 181-211; Troy S. Floyd, 'The Guatemalan Merchants, the Government, and the "Provincianos" 1750-1800', HAHR, xli (1961), 90-110.



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1778, when the system of freer trade within the empire was first definitively codified, and 1795, when two new Consulados were incorporated at Veracruz and Guadalajara. Their opposition meant a political split within the ranks of the Spanish *Peninsulares* within New Spain. This was especially serious because, firstly, the government in Spain during the reign of Charles IV (1788–1808) was at its most unpopular both in Spain and the Indies, and, secondly, the split occurred against the background of mounting Creole demands for self-government.



#### CHAPTER I

# OAXACA—ENVIRONMENT AND TRADE

During the course of the first century after the Conquest, the dye trade of Oaxaca secured a position in New Spain's export trade second only to that of silver. The scarlet cochineal dye, produced almost exclusively by the Indian population, maintained this role until well into the nineteenth century, when competition from Guatemala after 1821, and the invention of chemical dyes after the 1850s combined with the effects of the wars of Independence after 1810 to damage the Oaxaca economy to the degree that the indigenous dye trade was practically eliminated.<sup>1</sup>

Prior to the discovery of the Mexican-Indian cochineal, the chief source for the scarlet dye had been the kermes insect, which had thrived in the Mediterranean basin, and had provided the European powers with their needs. The entrepôt had been Venice. However, the exploitation of the Mexican dye, produced in the early years in Tlaxcala, Huejotzingo, and Cholula, as well as Oaxaca, put on the world market a dye with ten or twelve times the propensities of the kermes.<sup>2</sup> The first shipment of the Tlaxcala–Oaxaca dye into Spain occurred in 1526, and by the late 1540s cochineal was being sold in quantity in the market of Tlaxcala. In response, the local cabildo (municipal council) sought to encourage plantation of nopaleras, the cactus groves on which the cochineal insect throve. By the middle of the sixteenth century, Tlaxcala's Indians were reputed to be earning over 100,000 ducados annually from their dye sales.<sup>3</sup>

Most European merchants took active interest in the fortunes of the dye trade. The powerful Fugger banking and commercial house maintained agents in the major ports and capitals, between 1550 and 1600, in order to report the crucial movements and unfortunate vicissitudes of Spain's trades in bullion and dyes. 4 The first cochineal cargoes arrived in

- See Raymond L. Lee, 'Cochineal Production and Trade in New Spain to 1600', The Americas, iv (1947-8), 449-73; and, 'American Cochineal in European Commerce, 1526-1625', Journal of Modern History, xxiii (1951), 205-24.
- Lee, 'American Cochineal', 205-6. For remarks on the sixteenth-century areas of production, see Charles Gibson, The Aztecs under Spanish Rule. A History of the Indians of the Valley of Mexico, 1519-1810 (Stanford 1964), 354.
- <sup>3</sup> Lee, 'Cochineal Production', 457; Charles Gibson, *Tlaxcala in the Sixteenth century* (Yale U.P. 1952), 149-50.
- 4 Victor von Klarvill (ed.), The Fugger News-Letters, Being a Selection of unpublished letters



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Antwerp in 1552 and 1553, and in 1569 records began of the dye's import into England, where it came to assume considerable importance in the English cloth industry. The Amsterdam exchange received its first trading quantities of the dye in 1589.1

The increasing demand for the product, and the heavy profits received from it, encouraged extremes of fraud and speculation within New Spain itself. As early as 1548, the Cabildo of Tlaxcala had been appointing Indian officials to supervise the administration of the cochineal trade.<sup>2</sup> However, anxious to assert for the Crown this supervisory role, Viceroy Martín Enríquez established the office of *juez de granas* (cochineal magistrate) in the city of Puebla in 1572. At such a clear emphasis of Royal right, the Cabildo of Puebla naturally protested, seeing its corporate privilege threatened. This response, nevertheless, revealed the intensity of private interest in the trade. For, the very Alcalde Mayor of Puebla himself had severely compromised his position by becoming one of the city's chief dye merchants, along with the Regidores (city councillors) of the cabildo. For such reasons, Martín Enríquez justified his actions. Moreover, the merchants of Seville were reporting that the present year's cargoes of cochineal had been adulterated with soil.<sup>3</sup>

In 1575, the Viceroy reported to the Crown that the cochineal trade was a much greater activity than any other in the Realm. Mestizos and other castes would pass with ease among the Indian towns, despite such blatant violation of the Laws of the Indies, persuading the inhabitants to cultivate the dye. In the province of Oaxaca, the Dominican Order controlled most of the Indian towns, and the Franciscans exercised similar authority elsewhere. In certain of the Oaxaca towns, cochineal assumed such importance that about 7,000 arrobas would be gathered in an average year at the rate of 12 reales of silver per pound. In this way, the average annual value of the trade was reaching 259,000 pesos, a very considerable sum in those early decades.<sup>4</sup> Around 1600, the estimated cochineal import into Spain reached between 10,000 and 12,000 arrobas, valued at 600,000 pesos. By the 1620s, then, a substantial trade was developing in Mexican cochineal at the port of Seville.<sup>5</sup>

from the Correspondents of the House of Fugger during the years 1568-1605 (2 vols.; London 1925-6) ii, 231-2; for example, the Fugger agent in Lisbon reported on 19 October 1591 that the fleet from New Spain, about seventy ships, carried 14,000 arrobas of cochineal.

- <sup>1</sup> Lee, 'American Cochineal', 207, 209, 210.
- <sup>2</sup> Gibson, Tlaxcala, 150, n. 84.
- <sup>3</sup> AGI Mexico 19, Correspondencia de los virreyes de Nueva España (años 1574–5), ramo 1, no. 132: Martín Enríquez–Crown, 5 April 1574.
- 4 Ibid. no. 157: Martín Enríquez-Crown, 21 Sept. 1575.
- 5 Lee, 'American Cochineal', 206, 208.