A Study of the Cabildo in Seventeenth Century Santiago, Chile, 1609-1699

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A STUDY OF THE CABILDO IN
SEVENTEENTH CENTURY SANTIAGO, CHILE, 1609-1699

by

Della M. Flusche

A Dissertation Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
Doctor of Philosophy

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VITA

Della M. Flusche, the daughter of Lawrence William Flusche and Anna Mae Bernauer Flusche, was born in Muenster, Texas on March 2, 1936. She attended the public schools in Decatur, Texas. After studying at Our Lady of Viceroy College, she entered North Texas State University and received the Bachelor of Arts degree with a major in History in 1956.

Teaching on the secondary level preceded and followed a Master of Arts program at Marquette University where she held graduate research and teaching assistantships in the Department of History between 1959 and 1961. The major field of concentration for the degree conferred in 1961 was Latin American History.

Fellowships in the Loyola University History Department from 1964 until 1967 made it possible to pursue doctoral studies and to gain college teaching experience. At Loyola, Miss Flusche again majored in Latin American History, selecting Spanish Colonial Administration as her special field of concentration. An Arthur J. Schmitt Fellowship was awarded during the 1967-1968 academic year.

After completing the requirements for the degree of Doctor of Philosophy in August, 1968, Miss Flusche joined the faculty of Eastern Michigan University. She is assistant professor in Latin American History.
The municipality was the nucleus of the Hapsburg American Empire. Within the city and the rural areas comprised in its territorial jurisdiction, the cabildo (municipal council) was the local administrative agency. The Spanish American cabildo members left an account of their activities which reflects the life of the colonial cities and reveals the intricacies of the executive, legislative, and judicial processes in the Empire. The cabildo records used for this study, the Actas del cabildo de Santiago, also disclose attitudes which are significant for assessing the colonial mentality.

It is the purpose of this dissertation, based on a discreet analysis of the minutes for the weekly sessions, to define with some precision the characteristics of the cabildo and its role in the political, social, and economic development of the city of Santiago during the seventeenth century. The cabildo's relationships with the crown and with royally appointed officials in Peru and Chile are examined in discussions of cabildo office-holding and functions. Analyses of specific issues drawn from the Actas provide opportunities for commenting upon attitudes held by councilmen.

The detailed investigations of cabildo membership and specific functions are placed in perspective by supplying pertinent, general information in an initial chapter. Three chapters are then devoted to cabildo office-holding. In a fifth chapter,
the Santiagoans' reactions to the existence of a market economy based in Lima and their attempts to influence that market receive attention. A discussion is given of religious attitudes and the cabildo's relationship to the institutionalized Catholic Church, including church operated schools. A final chapter sketches the role of the cabildo in regard to public health.

The cabildo is viewed throughout as its own records delineate it. The practice in Santiago, consequently, carries the burden of the narrative. There are references to the law, particularly to the compilation of cédulas (decrees), the Recopilación de leyes de los reynos de las Indias, published in 1681. To ascertain viceregal opinions on the Chilean situation, various memorias (reports written for successors) of the Peruvian viceroys have been consulted.

The date 1609 was chosen to begin the research primarily because that year saw the installation of a permanent audiencia (royal court) in the Chilean capital. Since the audiencia completed the judiciary and administrative structure in which the cabildo functioned for the duration of Hapsburg rule, its foundation marked a turning point in Chilean institutional history.

Another factor in the choice of the date is the lacuna in the published Actas between 1595 and 1603. Most of the cabildo records after 1602 were available for publication, but some were destroyed by use or by humidity before publication began. The records following November 11, 1661, with the exception of an incomplete session for December 15, 1662, were lost. The first
entry for 1663 was made in September. None of the minutes for the
sessions in 1673 could be found by the editors. After the January
records for 1688, no sessions could be located until those per-
taining to January, 1690.

The Actas, which were published for the period between 1609
and 1699, are both remarkably full and exasperatingly vague. In
selecting topics for inclusion, the amount of material in the
cabildo records was a basic consideration. The secondary works in
the fields of institutional history and Chilean historiography
also influenced the selections. John Preston Moore's, The Cabildo
in Peru under the Hapsburgs: A Study in the Origins and Powers of
the Town Council in the Viceroyalty of Peru, 1530-1700 and
Frederick Braun Pike's series of articles, "Aspects of Cabildo
Economic Regulations in Spanish America under the Hapsburgs,"
"The Cabildo and Colonial Loyalty to Hapsburg Rulers," "The Munici-
pality and the System of Checks and Balances in Spanish American
Colonial Administration," "Public Work and Social Welfare in
Colonial Spanish American Towns," have devoted considerable atten-
tion to the cabildos in the Peruvian viceroyalty during the
Hapsburg era. Julio Alemparte in his El Cabildo en Chile
colonial: Orígenes municipales de las repúblicas hispanoamericanas
confined his investigation to cabildos in Chilean cities but ex-
tended his time period through the independence era. These three
authors, who included Santiago in their works, have outlined
several cabildo activities which need no further, extensive treat-
ment from the printed sources available for this dissertation.
To go beyond their conclusions on cabildo revenue, public works projects, and local market supervision, would require unpublished documentary materials from Chile. For the examination of proprietary offices, John H. Parry's *The Sale of Public Office in the Spanish Indies under the Hapsburgs* was a useful guide.

The emphasis placed on the protracted Araucanian war and the related subject of Indian labor in general histories, especially Diego Barros Arana's *Historia general de Chile* and Francisco Antonio Encina's *Historia de Chile desde la prehistoria hasta 1891*, and in monographs devoted to colonial Chile has relegated those topics to a tangential position in the present study. A significant contribution to that literature, by the Rev. Eugene H. Korth, S.J., is being published by Stanford University Press.

The author, by making available a copy of the manuscript entitled, "Social Justice on the Araucanian Frontier: 1535-1700," compounds a debt contracted by an apprentice historian to whom he introduced the field of Latin American history and suggested the research possibilities of cabildo records, for it was helpful in summarizing the data on the Indian question in the first chapter.

Dr. Joseph A. Gagliano, who has patiently guided this dissertation with kindness, receives my deep gratitude. His prompt reading as the work progressed relieved the anxiety delay creates for the writer. His penetrating criticism brought ideas into clearer focus. In particular, Professor Gagliano's thorough acquaintance with public health problems in the Andean region obviated difficulties in developing the chapter devoted to health. A
seminar conducted by the Rev. Charles E. Ronan, S.J. proved an invaluable aid in using the Recopilación. Dr. Paul S. Lietz has shared his stimulating insights into Latin American history and has smoothed the rough places with assistance in the practical problems besetting graduate study.

Several libraries have facilitated the research. Without the Ayer Collection in the Newberry Library and its excellent staff, compiling the materials would have been much more difficult. The holdings of the Loyola University and the Marquette University Libraries were also utilized.

Financial aid derived from an Arthur J. Schmitt Fellowship has made it possible to devote an academic year to research and composition. Encouragement and monetary assistance were never lacking from my parents.
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CHAPTER I


Seventeenth century Santiago lived its municipal life within a cluster of jurisdictions. The city, founded by Pedro de Valdivia in 1541, was the capital of the outpost of the Hapsburg American Empire officially entitled the kingdom of Chile.\(^1\) The king was the ultimate lawgiver and judge for the empire, the kingdom, and the city. A chain of paper held the empire together, but the links, forged of requests sent to Spain and responses forwarded to the Indies, were strong. Although the Council of the Indies handled the cases, which were the foundation for the law regulating the overseas dominions, the crown reserved final decision making to itself.\(^2\)

\(^1\)The official account of the foundation is in Actas del cabildo de Santiago, I, February 12, 1541, p. 67, March 7, p. 67, in, Colección de historiadores de Chile y documentos relativos a la historia nacional, ed. José Toribio Medina et al (51 vols., Santiago: Imprenta Elzeviriana and others, 1861-1953). The cabildo records are cited hereafter as Actas. The Colección itself is abbreviated as CHCD, when other works published in it are mentioned. Pedro de Valdivia, Cartas de Pedro de Valdivia que tratan del descubrimiento y conquista de Chile, annot. José Toribio Medina (fac. of the Medina ed., Santiago: Fondo Histórico y Bibliográfico, 1953), is an edition of the conquistador’s own reports from Chile.

The viceroy of Peru, the king's alter ego resident in Lima, served as an intermediary between the crown and the residents of Spanish South America. Chile's incorporation in the viceroyalty meant that the governor, appointed by the crown as the chief executive and administrative officer in the kingdom, was subordinate to the viceroy. The powers conceded to the Chilean governor, under his special title of capitán general, included military authority.

The foundation of the Santiago audiencia in 1609, which not only constituted a court of justice but also served as an advisory council to the governor and as an administrative agency in its own right, both increased and diminished the governor's powers. By

reyenos de las Indias (3 vols., Madrid: Consejo de la Hispanidad, 1943), book II, títulos II-XIV, deals with the Council; the Recopilación is cited hereafter as RLRI.


4For the office of gobernador-capitán general and a summary of the administrations of the more important seventeenth century governors, see the synthesis of the colonial period by Jaime Eyzaguirre, Historia de Chile, genesis de la nacionalidad (Santiago: Zig-Zag, 1965), pp. 150-153, 167-168; hereafter cited as J. Eyzaguirre, Genesis. RLRI, book IV, tít. XVI, law 1; book VI, tít I, law 3; tít. II, laws 1-4, 9; tít. XV, laws 4, 21, is some of the legislation applied to the office in Chile.

5Raul Muñoz Feliú, La Real audiencia de Chile (Santiago: Escuela Tipográfica, 1937), pp. 40-145, treats the overlapping authority of the audiencia and the governor. Enrique Zorrilla y Concha, Esquema de la justicia en Chile colonial (Santiago:
virtue of the additional office of presidente of the audiencia, he could preside over court sessions. He was not, however, to interfere in the judicial cases heard by the oidores (judges).\textsuperscript{6}

It was within this framework of overlapping authority, which characterized imperial administration, that Santiago had its juridical existence. The cabildo, dating from Valdivia's appointment of the first alcaldes ordinarios (magistrates) and regidores (councilmen), represented the city in its official dealings with the higher institutions.\textsuperscript{7} The cabildo also exercised immediate jurisdiction over the city and its rural environs which constituted the partido or corregimiento (province) of Santiago. The partidos of Colchagua, Melipilla, Rancagua, Aconcagua, Quillota, and Maule were subject to the cabildo's supervision but had their own corregidores (administrative and judicial officials). During the seventeenth century, the total area was bounded by the jurisdictions of Concepción in the south, La Serena in the north, the Andes on the east, and the Pacific on the west. The municipality was thus the administrative center for an extensive territory.\textsuperscript{8}

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\textsuperscript{6}RLRI, book II, tit. XV-XVIII, is the major legislation on the audiencias in the Indies.

\textsuperscript{7}Actas, I, March 7, 1541, p. 67. In addition to six regidores and two alcaldes, Valdivia appointed a mayordomo and a procurador. The best, concise introduction to the various governmental institutions in the colonies is still Clarence H. Haring, The Spanish Empire in America (New York: Oxford University Press, 1947), pp. 118-178; RLRI, book IV, tit. IX, is "De los cabildos y concejos."

\textsuperscript{8}See the map, Appendix A, for the broad jurisdictional
Functions performed by the cabildo in the city and the subject area are treated in the subsequent discussions of membership and activities. Attention is also given to the cabildo's defense of municipal authority against encroachments from above. It should be noted here that cabildo activities, based on law and custom, were conducted by men who claimed to act on behalf of the república (in the sense of commonweal) and who considered themselves the custodians of the city's honor. By petitioning Charles V, the sixteenth century cabildo had secured the right to refer to the municipality as "the noble and loyal city of Santiago." The capitulares (cabildo members), thereafter, used the phrase in their official records, the Actas, to convey their respect for the city.

A major factor in the capitulares' civic pride was the city's legal status as the capital of the kingdom of Chile. Santiago was, theoretically, the seat of Spanish rule for the entire coastal area stretching southward from the kingdom of Peru to the Strait of Magellan and extending across the cordillera to the limits of the city. Valdivia set the northern and southern boundaries at the Valle of Chuapa and the Maule River, respectively; and the eastern and western at the Andes and the Mar del Sur, see Actas, I, November 14, 1552, p. 314. The area was later divided into the subject corregimientos, which had indefinite boundaries.


10 Examples are Actas, XXIV, January 7, 1611, p. 210; XXXII, December 2, 1643, p. 209; XLIV, January 26, 1697, p. 51.
province of Tucumán. In reality, the kingdom was a divided land, because the Spaniards who entered Chile, the Nuevo Extremo of the sixteenth century, never completely conquered the territory south of the Bio-Bio River. Relentless resistance on the part of the Araucanian Indians restricted effective Spanish control to the region above the river and to the trans-Andean province of Cuyo.12

The Spaniard who had precipitated the long standing conflict with the Araucanians was Pedro de Valdivia. After his early successes in the northern area, he had extended the conquest by founding settlements in Arauco.13 At the battle of Tucapel in 1553, a band of Valdivia's soldiers was annihilated by the young warrior Lautaro. Valdivia himself was captured and probably executed by the Indians, and Lautaro passed into legend as the hero of Alonso de Ercilla y Zúñiga's epic La Araucana.14

11See map, Appendix A.


14Alonso de Góngora Marmolejo, Historia de Chile desde su descubrimiento hasta el año de 1575, CHCD, II, pp. 33-39, has various stories told of Valdivia's death; see also Pocock, pp.
During the sixteenth century the governors who followed Valdivia and the short lived audiencia, established in Concepción in 1567, directed the military campaigns against the Araucanians. Captured hostiles were transported to the pacified area where they became the laborers on the estancias (estates, ranches) owned by Spaniards. Some of these Indians were assigned to encomiendas, where they rendered tribute in the form of personal service (servicio personal) to Spaniards. Others worked as yanaconas. Although the Spanish colonization in Chile was


16For the legal aspects of the encomienda, the institution by which Indians were entrusted to a Spaniard, see Domingo Amunátegui Solar, Las Encomiendas de indígenas en Chile (2 vols., Santiago: Imprenta Cervantes, 1909) and Guillermo Feliú Cruz and Carlos Monje Alfaro, Las Encomiendas según tasas y ordenanzas (Buenos Aires: Talleres S.A., Casa Jacobo Peuser, Ltda., 1941). The seventeenth century Jesuit historian, Diego de Rosales in his Historia general del reino de Chile, ed. Benjamín Vicuña Mackenna (3 vols., Valparaíso: Imprenta del Mercurio, 1877-1878), II, p. 161, defines personal service in Chile as a type of servitude by which a Spaniard forced the Indians, both men and women, entrusted to him to work, with no limits on the demands the encomendero might make. The best account of this and other questions relating to the de jure and de facto status of the Chilean native during the Hapsburg era is, Eugene H. Korth, S.J., "Social Justice on the Araucanian Frontier: 1535-1700," (MS being published by Stanford University Press) 537 pp.

17Juan de Solórzano Pereira defined the Peruvian yanaconas as Indians tied to Spanish households as laborers and described them as similar to the colonos in Roman times, see the Política indiana (5 vols., Madrid: Compañía Ibero Americana de Publicaciones, 1930), I, pp. 151-160. This is an edition based on the 1736-1739 edition annotated by Francisco Ramiro de Valenzuela with references to decrees issued after the publication of the seventeenth century editions, the first of which appeared in Latin in
similar to the pattern found in other areas, the presence of indios de guerra (unconquered Araucanians) whom the colonists viewed as potential indios de paz (pacified Indian laborers) imparted frontier characteristics to the Long Land.\textsuperscript{18}

The war, with its implications for the labor supply in Chile, was of tremendous importance to the Santiago cabildo, not only because the cabildo was an institution representing the thrust of Spanish colonization but also because it drew its membership from the landed class.\textsuperscript{19} To be eligible for cabildo office an individual had to be either a vecino encomendero or a vecino morador. The terminology, which reflects the social structure in colonial Chile, merits an explanation. By definition both terms, vecino and morador, refer to resident householders in a municipality. A royal decree in 1554 had ruled that only vecinos could be elected as regidores. Charles V had defined a vecino as an individual who had established his residence in a city by acquiring property. The Emperor had declared, however, that a man

\textsuperscript{18}Silvio Zavala, New Viewpoints on the Spanish Colonization of America (Philadelphia: University of Pennsylvania Press, 1943) pp. 67-68, remarks that Chile represented a frontier type of colonization.

\textsuperscript{19}The term "landed" is used loosely throughout this study, for the mayorazgo (entailed estate) appeared in Chile only at the end of the seventeenth century and belongs more properly to the Bourbon period, see J. Eyzaguirre, Genesis, pp. 264-265.
did not have to be an encomendero to qualify as a vecino. 20

Despite the decree, the sixteenth century cabildo had become the stronghold of the Santiago encomenderos. In 1575 a group of moradores appealed to the Concepción audiencia to break the encomenderos' monopoly on cabildo office. 21 In effect, they were asking the oidores to apply Charles V's broad definition of vecino to the Santiago situation. The audiencia ruled in their favor by issuing a court order, subsequently upheld by the Lima audiencia, that henceforth one of the alcaides and one-half of the regidores were to be elected from among the moradores. 22

The distinction between the two classes, which continued during the seventeenth century, was more nominal than real. The vecinos encomenderos, or as they called themselves, the vecinos, were slightly more prestigious than the moradores, but both groups were landowners who relied upon Indian, mixed-blood, and Negro labor. Some individual vecinos and moradores engaged in commer-

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20 PRHI, book IV, tit. X, law 10, is the decree on vecindad; Actas, XVII, June 28, 1558, pp. 20-30, has a cédula from Philip, who was then el príncipe, given at Valladolid, April 21, 1554, with the same basic ruling; the latter decree was issued in response to the non-encomenderos' petition for cabildo membership.

21 Ibid., Actas, XVII, June 17, 1575, pp. 399-400, mentions the case.

22 Ibid., the cabildo discussed the court order; December 29, 1576, pp. 471-478, is the real provisión from the Lima oidores which includes a cédula dated April 29, 1554, declaring that non-encomenderos could be considered vecinos and be eligible for cabildo membership. January 1, 1577, pp. 478-482, the cabildo elected vecinos and moradores as ordered.
cial activities, but they were primarily producers (cosecheros). Although there is evidence that some merchants joined the ranks of the cosecheros, the comercio (merchant group), as a class, was excluded from cabildo office. The records pertaining to royal taxes and exports to Peru contain the strongest proof that merchants (comerciantes) were ineligible for cabildo office. In Santiago, the capitulares planned the special meetings called cabildos abiertos and decided who would be invited. For most matters, the cabildo invited only vecinos and moradores. If the question to be discussed were financial or economic in nature, the cabildo frequently included individual comerciantes. Craftsmen were held in such disdain that they had no direct representation in the cabildo and were not called to attend the cabildos abiertos. The practice of excluding merchants and craftsmen from cabildo office was not peculiar to Santiago and followed the legal pattern

23 The chapters on membership and activities develop this discussion further.

24 Juan Antonio Caldera was a merchant who subsequently acquired the status of a morador and served as an alcalde, see Actas XXXVIII, February 3, 1674, pp. 302-303, and XLIII, May 6, 1695, pp. 254-255. Francisco Antonio Encina, Historia de Chile desde la prehistoria hasta 1891 (20 vols., Santiago: Editorial Nascimento, 1940-1952), IV, pp. 9-12, affirms that the cabildo was the preserve of the landed aristocracy. Julio Alemparte, El Cabildo en Chile colonial: Orígenes municipales de las repúblicas hispanoamericanas (Santiago: Ediciones de la Universidad de Chile, 1940), pp. 99-100, states that the landlords used the cabildos to control the cities.

25 See the chapter devoted to the economy; Francisco Xavier Tapia, S.J., Cabildo abierto colonial (Madrid: Ediciones Cultura Hispanica, 1966), introduces the subject of the cabildo abierto.
established by royal law. It meant, however, that, in seeking to influence the course of events in Chile and in Santiago, the cabildo was the voice of a narrow social class.

At the beginning of the seventeenth century, the crown made a number of key decisions relating to the Araucanian war which affected the upper strata of society in the pacified areas as well as the fate of the Indians in the war zone. The death of Governor Martín García Oñez de Loyola in the battle of Curalaba on December 23, 1598, and the destruction of the Spanish forts and settlements south of the Bio-Bio prompted the re-evaluation of the war in Chile. The crown began to finance the war and to send regular troops to the frontier. The primary purpose of the situado, an annual shipment of 212,000 ducados in money and goods shipped from Peru, was to supply and salary the standing army.

While the militarists had the ear of the king, others were seeking a different solution to the Araucanian problem. The

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26 Solórzano, Política indiana, IV, pp. 9-10, states that those who practiced crafts (vailes ofícios) or kept stores were ineligible for membership; vecinos could deal in commerce if they did so indirectly. For similar statements see Juan de Hevia Bolaños, Curia philipica (2nd edition, Madrid: J. Doblado, 1783), p. 12. Hevia was also a seventeenth century jurist. Frederick Braun Pike, "Aspects of Cabildo Economic Regulations in Spanish America under the Hapsburgs," Inter-American Economic Affairs, XIII (Spring, 1960), pp. 67-86, proposes that urban interests were sacrificed to rural ones by the landed oligarchies controlling the cabildos; Pike centers his discussion on the local market regulations.


28 Ibid., IV, pp. 223-224, discusses the introduction of the situado and army. See also Alvaro Jara, Guerre et société au Chili: essai de sociologie coloniale: la transformación de la
Spanish conscience, sensitized to the questions of a just war and the status of the Indian by the Dominican friars Francisco de Vitoria and Bartolome de las Casas, had developed doubts about the licitness of the conflict. Those who saw the Araucanian as a potential laborer or as an enemy of the crown and Christianity argued that his ferocity necessitated his enslavement, and the debate was joined. In 1608 the crown yielded to the slavery protagonists by decreeing that captives could be enslaved. The cédula was promulgated in Santiago in 1610 by Luis Merlo de la Fuente, an oidor who had succeeded to the governorship.

At the same time, Philip III, in Spain, was approving the defensive war plan presented in the Council of the Indies by the

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30 Ibid., pp. 137-139, mentions the sixteenth century controversy on the war and the status of the Indian. The "Tratado de la importancia y utilidad que ay en dar por esclavos a los indios rebelados de Chile," written in 1601 by the licenciado Melchor Calderón, who was the treasurer of the Santiago cathedral, gives some of the arguments advanced to justify slavery; the "Tratado" is in Biblioteca Hispano-Chilena, ed. José Toribio Medina (3 vols. Santiago: Impreso y grabado en casa del autor, 1897-1899), II, pp. 5-20; the Biblioteca is cited hereafter as BHC.

31 The decree is in Miguel Luis Amunátegui, *Los Precursorres de la independencia de Chile* (3 vols., Santiago: Imprenta Barcelona, 1909-1910), II, pp. 86-88. It was issued at Ventosilla on May 26, 1608. Actas, XXIV, August 20, 1610, pp. 188-189, is the publication of the decree in Santiago. The oidor served as an interim governor from August, 1610, until January, 1611.
Jesuit padre Luis de Valdivia, who had had firsthand experience in Chile. The plan devised in Peru not only forbade the military to invade Araucanian territory but also suspended the slavery decree and sought to alleviate the condition of the encomienda Indians.

Issues and institutions, which would profoundly influence the development of Chile and its capital, Santiago, were thus taking shape in the first decade of the seventeenth century. Although the situado arrived irregularly and its disbursement was fraught with corruption, the influx of money and materials had repercussions on the colonial economy. The governors used situado funds to purchase Chilean cattle to provide the army with jerked beef. Arrangements to obtain the cattle were made through the Santiago cabildo which divided the total number of head the governor requested among the individual estancieros (ranchers). The capitulares also were entrusted with distributing situado money and goods to the ranchers in payment. A typical contract made between the cabildo and Governor Martín Mujica in 1648 called for the areas under Santiago's jurisdiction to furnish 6,000 head

32 The best contemporary account of the defensive war strategy which Luis de Valdivia helped to design is by his fellow Jesuit, Rosales, see, III, pp. 514-669; the cédula authorizing the defensive strategy is in HHC, I, p. 181.

33 HHC, II, pp. 49-93, collects some of the documents Valdivia presented in the Council of the Indies. The Korth manuscript gives a thorough analysis of the formulation of the plan and the attempts to implement it.

34Encina, IV, pp. 195-197, discusses the effects of the situado on economic development.
The actual collection of the cattle and the payment; the purchases were, nevertheless, frequent enough and large enough, to constitute a market for the class represented in the cabildo.36

The use of a standing army relieved civilians of the direct responsibility of fighting in the war. Although recruitment was sporadic, the creation of the army brought an increase in immigration from Spain and Peru. Many soldiers who joined a company bound for Chile remained as colonists when their tour of duty was over. Some, on the strength of a military reputation, became socially prominent and acquired offices in the Santiago cabildo. The older aristocracy, which traced its lineage to the followers of Pedro de Valdivia and Governor García Hurtado de Mendoza, thus assimilated a number of newcomers. The oligarchy was small, but it was not closed.37

The role of the Santiago vecinos, in defeating the defensive war strategy, along with the promises it held for the Indian, has been so well studied that it needs no extensive explication here.

35Actas, XXXII, August 26, 1648, pp. 296-299, January 22, 1649, p. 384.

36For examples see, Actas, XXIV, February 24, 1650, pp. 12-13, October 6, pp. 64-65; January 7, 1651, pp. 77-78, January 13, p. 84, September 24, pp. 171-173, December 5, pp. 201-203; February 20, 1652, p. 224; April 25, 1653, p. 334; XXXVI, July 23, 1660, p. 43; XL, May 14, 1678, p. 213.

37The genealogy of some of the more important cabildo members is mentioned in the chapters pertaining to membership. Cristóbal Suárez y Figueroa, Hechos de Don García de Mendoza cuarto Marqués de Canete, CHCD, V, is a flattering biography by a contemporary of the governor who served from 1557 until 1561 and subsequently became the viceroy of Peru.
It should be noted, however, that the failure to abolish Indian slavery and the persistence of the servicio personal represented victories for the landed class which were not seriously threatened until the eighteenth century. 38

The cabildo's attitude toward the war after the crown formally resumed an offensive strategy against the Araucanians in 1625 can be summarized very simply. The capitulares thought that the governors should use the salaried army to fight the Araucanians and leave the Santiagoans to their peaceful pursuits. Attempts by Governors Francisco Laso de la Vega in the 1630's and the Marqués de Baides in 1640's to summon Santiago vecinos to the frontier met a solid, effective resistance from the cabildo. 39 To support their stand against military levies (apercibimientos), the capitulares turned to Spain. This technique had been used at the end of the sixteenth century and secured a royal cédula exempting the vecinos from active military service. By appealing to the crown through an agent resident at court, the cabildo obtained


39 Representative of the cabildo's reactions to the levies proposed by Laso, who served from 1629 until 1639, are the sessions in the Actas, XXX, September 14, 1630, pp. 205-206, 208-210, October 8, 1630, pp. 225-229. For Baides' unsuccessful efforts, see XXXII, September 24, 1640, pp. 59-63, October 16, pp. 64-67, December 5, p. 78; Baides was the governor from 1639 until 1646; HLBT, book IV, tit. X, law 9, exempts regidores from ordinary militia service; the governors did not call cabildo members.
confirmation of the earlier decree in 1638 and 1642. Only the major Indian uprising which began in 1655 convinced the cabildo that Santiago vecinos had to help in holding the pacified areas.

The cabildo demonstrated a similar reluctance to have the vecinos participate in efforts to defend the kingdom from His Majesty's European enemies. Relieving Chilean civilians of any major responsibility in preventing Dutch insurrections when they threatened the coastal areas in the 1640's, the Marqués de Mancera, the Viceroy of Peru, sent a special expeditionary force to fortify the port of Valdivia to deal with the pirates, as the Spaniards called them. Thereafter, the cabildo, which had asked the vice-

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40 Actas, XXXI, November 11, 1639, pp. 410-411, contains the cédula issued to Governor Martín García de Loyola in 1597; Barros Arana, III, p. 228, says that Loyola complained that Santiago resisted contributing soldiers. Actas, XXXI, November 11, is the 1638 decree incorporating the earlier one; XXXII, May 7, 1644, pp. 355-356, has the 1642 decree. The governors were granted discretion in interpreting the cédulas, for the crown declared in all three that vecinos could be called if the case were one of extreme necessity. For requests to Spain, see XXXI, March 23, 1637, pp. 230-233, March 15, 1639, pp. 373-374, October 13, pp. 396-397, December 9, pp. 425-426; XXXII, January 4, 1640, p. 5, March 29, p. 18.


42 The viceroy's who were the most involved in defending
roy to act when Dutch sails were sighted, sold supplies to the Valdivia garrison but it refused Governor Baides' request for men to assist in the southern region.43

The sack of Panamá by the English in 1671 induced a more energetic cabildo action. There was some genuine fear that the English would launch an extensive attack along the Pacific coast. In addition to applying for assistance from the Conde de Lemos, the cabildo helped Governor Henríquez place militia companies in readiness to defend Valparaíso.44 With the reappearance of English freebooters in the 1680's, it responded indifferently to Governor José de Garro's plans to defend Valparaíso.45

The cabildo was thus predominantly civilian in attitude. It urged the king to direct the war against indios enemigos through his governors and wanted viceroys and governors to protect Chile

Valdivia were the Marqués de Mancera and the Conde de Salvatierra. For their respective "Relaciones," dealing with Chilean defense see Memorias, II, pp. 195-201, and 210-301, respectively. See also Barros Arana, IV, pp. 375-400, 410-412, 417, 422; V, pp. 82-83; BHC, I, pp. 441-454, is a report from García de Tamayo de Mendoza, the escribano for the real hacienda in Lima, on the fortification of the port.

43Actas, XXXII, October 29, 1643, pp. 298-299, October 31, pp. 299-300, November 14, pp. 303-305, December 17, pp. 312-313, refers to the plea sent to Mancera. Decisions on supplies and men for Valdivia are, April 21, 1644, p. 350, December 9, 1644, pp. 406-410.


From European enemies. Although the cabildo prevented the vecinos from being called into military service whenever possible, the threats posed by Indians and Europeans were consistently stressed in appeals to the crown for privileges. The capitulares repetitiously informed the king that his vassals, the vecinos, served him loyally in the poor and beleaguered land. 46

The generally pessimistic tone of the Actas was heightened in the second half of the century with frequent references to the suffering inflicted by the uprising of 1655-1657 and the earthquake which had struck Santiago in 1647. Shortly after the earthquake, the escribano (city clerk) Manuel de Toro Mazote began the minutes for June 14 by stating that the cabildo met "in the noble and very loyal, ruined city of Santiago de Chile." 47 Toro Mazote reported that there were 600 fatalities in the area under the city's jurisdiction. 48 Almost immediately an epidemic, which lasted some four years, struck the Indians and Negroes in the rural areas and brought a decrease in their numbers. In a plaintive litany reciting the hardships of life in Santiago, the cabildo session on May 12, 1651, set the death toll among the laborers at

46 Actas, XXXII, May 19, 1644, p. 362; on this occasion, some of the funds collected to send to Lima to finance the plea before Mancera were destined for Spain. One of the cabildo's initial reactions to the 1647 earthquake was to discuss asking Madrid for tax relief, see Actas, XXXIII, June 14, 1647, p. 193.

47 Actas, XXXIII, June 14, 1647, p. 190.

48 Ibid., pp. 188-190, is an undated report by the escribano describing the earthquake damage. See BHC, I, pp. 475-484, for a letter discussing the earthquake from the Jesuit Vice Provincial padre Juan González Chapparro to padre Alonso de Ovalle.
The loss of life from earthquake and epidemic will have to be considered when Chile receives a major demographic study. The Actas contain information, similar to that mentioned from 1647 and 1651, which could be utilized in a scientific study. Since no comprehensive census was taken during the seventeenth century, the figures the cabildo presented, like those given in other primary sources, were estimates. The following statements, consequently, show more about the type of materials available in written sources than they do about actual population.

The soldier-historian Alonso González de Najera, writing a chronicle based on his six years in Chile between 1601 and 1608, asserted that the city of Santiago had 300 houses. In regard to the Indian population, he wrote that the Santiagoans regretted a decline in the native population. A letter written by the oidor Gabriel de Celada to the king in 1610 was more comprehensive, as one would expect from a royal justice who was corresponding with his sovereign. The oidor set the number of households within the city at 200 and informed the king that the ecclesiastics and religious men and women totalled 261. Celada, furthermore, said that there were about 2,800 Indians on the outlying estancias. By way of contrast, he pointed out that the Indian population in the

49 Actas, XXXIV, May 12, 1651, pp. 118-120. The epidemic was identified only as tabardete (fever); see also XXXIII, January 10, 1648, p. 248.

50 Alonso Gonzalez de Najera, Desengaño y reparo de la guerra del reino de Chile, CHCD, XVI, pp. 11-12, Gonzalez finished the original manuscript in 1614.
areas under the jurisdiction of Concepción and La Serena did not equal the Santiago figure. Celada also mentioned that the two smaller cities had 76 and 46 houses respectively.\textsuperscript{51}

The cabildo, in 1621, claimed that the city had 250 vecinos encomenderos.\textsuperscript{52} Nearly ten years later, the Actas again stipulated that Santiago had 250 houses. The capitulares added that the city and its jurisdiction had fewer than 700 men over fourteen years of age capable of bearing arms. When these statements were made in 1630, the cabildo was resisting Laso de la Vega's efforts to call the vecinos into active militia service. The vecinos were needed at home, the capitulares argued, because there were many Indians and 2,500 Negro slaves who could prove dangerous if the vecinos left. To emphasize the relatively small number of white males, the cabildo asserted that the city itself had only 450 vecinos, moradores and comerciantes.\textsuperscript{53} During another militia levy in 1636, the capitulares pleaded that there were only 400 vecinos and moradores in the city.\textsuperscript{54} The racial imbalance was undoubtedly real, but the figures may have been exaggerated.

A report prepared in 1657 by Alonso de Solórzano y Velasco, the fiscal (crown attorney) of the audiencia, is less open to the

\textsuperscript{51}The letter appears in Claudio Gay (ed.), Documentos sobre la historia, la estadística y la geografía, II, pp. 194-203, the statistics are pp. 195-197. This collection cited hereafter as Gay, Documentos, is published as 2 vols. in his Historia física y política de Chile (28 vols., Paris: En casa del autor, 1844-1871).

\textsuperscript{52}Actas, XXV, March 10, 1621, p. 468.

\textsuperscript{53}Actas, XXX, August 9, 1630, p. 190.

\textsuperscript{54}Actas, XXX, September 14, 1630, p. 209.
accusation of hyperbole than the statistics included in the Actas for the 1630's. However, his information, submitted in a report to the king, is hardly satisfying. Solorzano stated that there were 107 vecinos encomenderos in the city. This small group was part of the total lay, municipal population of nearly 5,000 which encompassed all of the racial groups. The total number of 4,986 also included the 484 officers and men in the militia companies. In addition to the lay population, the fiscal noted that Santiago had 516 clergy and religious. The figures he gave for the subject partidos were apparently confined to white residents. According to Solorzano, the areas comprised within Santiago's wide territorial jurisdiction totalled 630 men and 940 women.55

In 1660 the audiencia heard a case, involving the sale of a new cabildo office, which contained some conflicting population statistics. Asserting the crown's right to sell the office, the fiscal Manuel Múñoz de Cuéllar maintained that the large population under Santiago's jurisdiction justified the creation of the additional position. He declared that there were 3,000 vecinos in the extensive area dominated by the city.56 The procurador, the cabildo's representative before the audiencia, conducted the defense against the sale. To emphasize small population, Gaspar Hidalgo chose to define the term vecino in its narrower sense which restricted it to encomenderos. Employing this definition,

55 Gay, Documentos, II, pp. 422-448, is the "Informe sobre las cosas de Chile," by the fiscal; see pp. 422, 433, for the statistics.

56 The sale was recorded in the Actas, XXXVI, March 21, 1664 pp. 265-328; the fiscal's assertion is p. 293.
Hidalgo argued that fewer than 300 vecinos maintained residences in the city. Together, the vecinos and merchants who were capable of bearing arms, totalled only 500 men. Santiago and its subject partidos had only 960 militia men. The real number of white heads of households, including vecinos, moradores, and merchants, lay somewhere between the fiscal's and procurador's totals. Even if Muñoz's higher figure is accepted the population was not large.

For the decade following the audiencia case, there are statistics which show an increase over Hidalgo's estimate of white male population within the city. The militia lists drawn in 1671, for defense against the English, showed that Santiago could call 739 men into service. The reference to that number in the Actas seems to indicate that these individuals were in the city and its immediate rural vicinity.

By 1702 Governor Francisco Ibáñez informed the king that Santiago had 800 vecinos, comerciantes, and common people who could bear arms. The letter from Ibáñez placed the number of white landowners in the subject partidos at 1,860. In the quotations available from the document, the only remarks on the Indian population are vague references to the small size of the encomiendas. The governor emphasized that the vast majority of encomenderos had 12 or even fewer Indians entrusted to them. There were a few encomiendas with 20 natives and a still smaller group

57Ibid., pp. 295-296.
58Actas, XXXVIII, July 11, 1671, pp. 165-166.
that had as many as 50 Indians. 59

Working with the type of conflicting information surveyed here, Francisco de Encina estimated that the white and near-white male population in Santiago at the end of the seventeenth century totalled 2,000. 60 Encina used the figure, which was supplied by the French engineer A. F. Frezier in his early eighteenth century description of the Pacific areas, with the qualification that it included the mestizos who lived like Spaniards. 61

The scope of Encina's work is too broad to aid in determining the size of Santiago's total population or the fluctuations in its racial composition. His study, however, gives information on the kingdom as a whole for the beginning and the end of the period under consideration. Encina stated that in all of Chile there were 2,400 Spaniards by the end of the sixteenth century. The Indians were still primarily south of the Bio-Bio and numbered some 480,000. In the entire kingdom, there were 17,000 mestizos and 5,000 Negroes, mulattoes, and zambos. 62

The figures for the end of the seventeenth century show an

59 Barros Arana, V, pp. 290-292, quotes portions of the letter which contains the statistics.

60 Encina, IV, p. 112.


62 Encina, II, pp. 197-198. A zambo was a mixed-blood of Indian and Negro parentage.
increase in the white or near-white population and the transfer of natives from the Araucanian territory with a resultant growth in the numbers of mestizos who were divided socially between those who acquired Spanish and those who followed Indian customs. For the territory north of the Bio-Bío River occupied by Spaniards, Encina set the total population at 152,000 inhabitants. The whites and near-whites numbered 110,000 and an Indian and Indian-mestizo group equalled 20,000. Included in Encina's comprehensive total were 15,000 Negroes, mulattoes, and zambos and 7,000 pacified Indians on the island of Chiloé. Encina thought that the unconquered southern area had an Araucanian population of 170,000.

Although his exact figures are open to dispute, the general trends which Encina tried to establish are probably valid. A recent study of Negro slavery in Chile supplies statistics showing that the number of Negroes and "mestizos de color" mounted from 16,000 in 1590 to 22,000 in 1620. This work indicates that Encina rightly noted a pattern of growth but may have underestimated the numbers of Negroes and mixed-bloods of Negro descent.

From the materials in the primary sources and the analysis Encina made, it is possible to assert that Santiago and its subject partidos had a relatively small population. The 5,000 inhabitants mentioned by the fiscal Solórzano is an approximation which seems acceptable for mid-century. In the absence of any full scale

63 Ibid., IV, pp. 117-118.

64 Rolando Mellafe, La Introducción de la esclavitud negra en Chile: Tráfico y rutas (Santiago: Imprenta Universitaria, 1959), p. 226. His category "mestizos de color" applies to mestizos who lived like Indians.
demographic study, it seems unwise to hazard speculations on the size of the rural population governed from Santiago. The major conclusion which can be drawn is that the cabildo, with its membership restricted to vecinos and moradores, represented a minority group which exerted an influence in inverse proportion to its size.

The cabildo used Chile's small population to plead against the imposition of royal taxes. The tax structure in the Spanish American Empire was a labyrinth which has not yet been sufficiently explored, but it is certain that Chile enjoyed exemptions from some of the usual taxes. During the sixteenth century, the kingdom was dispensed from the alcabala (sales tax) and almojarifazgos (customs duties). These taxes began to be collected in 1640 when the derecho de la unión de las armas, a new tax intended for defense spending, went into effect in Chile. The unión de las armas theoretically totalled 350,000 ducats for the viceroyalty of Peru, of which Chile was to pay 20,000 ducats. Santiago's share of the Chilean sum was 12,500 pesos.

After the Viceroy, the Marqués de Mancera, ordered the unión de las armas collected in Chile, the Santiago cabildo delayed the

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65Encina, IV, p. 200, states that the dispensation from the alcabala came from the Viceroy García Hurtado de Mendoza. The exemption from both impost was apparently confirmed by Charles V. See an anonymous plea for tax relief presented in the Council of the Indies on behalf of the cabildo in the 1670's, BHC, II, pp. 323-326; the plea gives a brief résumé of Santiago's tax history. Haring, p. 288, discusses the unión de las armas.

66Actas, XXXI, October 13, 1639, p. 396; XXXII, August 9, 1640, pp. 50-52; BHC, II, pp. 323-324. The viceroy assigned Chile the 20,000 ducats; the audiencia assigned the sum to Santiago. A peso equalled eight reales.
collection for nearly a year by asking him for an exemption. Mancera, however, held firm. 67 The cabildo, while appealing to Spain, arranged with the audiencia for a provisional encabezamiento (contract to pay the tax in a lump sum), pending an exemption from the king. 68

The method adopted to administer the tax in 1640 set the pattern for the way the cabildo handled subsequent encabezamientos. Meeting with a committee of merchants, the cabildo divided the tax between the vecinos and the merchants. Each group had to furnish financial security (fianzas) for paying 6,250 pesos annually and appointed separate tax collectors who were bonded. The tax lists (prorrata) were not included in the Actas, but the cabildo was in charge of drafting the tax roll for the vecinos. 69

The cabildo used the earthquake in 1647 to secure an exemption from the unión de las armas for Santiago and its jurisdic tion. 70 The tax was apparently collected from 1653 until the Indian uprising of 1655 brought another period of tax relief which

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67 Actas, XXXI, October 13, 1639, pp. 396-397, November 18, pp. 146-148; April 27, 1640, p. 23, July 30, pp. 45-47.

68 Pleas to Spain are Actas, XXXI, December 9, 1639, p. 425; XXXII, December 31, 1640, pp. 87-88. The arrangements with the audiencia are, August 9, 1640, pp. 50-52, August 20, p. 53.

69 Actas, XXXII, August 9, 1640, pp. 50-52, August 29, pp. 54-55, September 7, p. 56, November 9, p. 68, November 10, p. 59, December 7, p. 79, December 28, p. 86.

70 Actas, XXXII, June 14, 1647, pp. 193-194, June 22, pp. 196-198, November 21, pp. 243-244, November 23, pp. 245-247; April 7, 1648, p. 285, April 27, pp. 287-288, July 15, p. 293, concern the plea for the dispensation in Lima and Madrid. March 10, 1648, p. 281, is the viceroy's exemption for Santiago. October 22, 1649, p. 429, XXXIV, October 13, 1651, p. 178, mention a cédula authorizing the viceroy to decide the case.
lasted nearly twenty years. Although the tax amounted to 17,000 pesos when it was restored in 1674, the sum was lowered to 10,000 pesos during the period that it was farmed to an individual by the treasury officials (oficiales reales). Complaints from the vecinos cosecheros against the tax farmer in 1696 may indicate that he was honest and efficient or merely the latter.

When the cabildo administered the tax, the capitulares did not always fulfill their obligations, for back taxes from the pre-earthquake period were still owing in 1672. Part of the reason for this can probably be traced to the complications of collecting the tax in kind after 1642. The cabildo had obtained Mancera's permission to ship tallow, hides, and cordage to Lima instead of paying the derecho in silver. Financial irregularities, which developed in 1643, led to the arrest and imprisonment of some of the regidores in 1644. The corregidor was able to secure their

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71 Actas, XXXIV, September 24, 1653, pp. 482-483, September 26, pp. 483-484, October 9, pp. 487-488, October 17, pp. 489-490, November 13, p. 506. A plea for tax relief and aid in suppressing the rising is XXXV, February 23, 1655, pp. 15-17; May 2, 1656, pp. 181-183, is a report that the viceroy exempted Chile from the payment of the 20,000 ducats; XXXVI, February 8, 1661, p. 80, is a second provision from the viceroy granting another exemption; XXXVIII, January 11, 1675, p. 287, is the re-imposition of the unión.

72 Actas, XXXVIII, January 24, 1674, pp. 297-299, states that Santiago's share of the derecho had been raised to 17,000 pesos; the tax was auctioned in the 1690's for the lower sum, see XLIII, February 23, 1696, pp. 363-365.

73 Actas, XLIII, October 5, 1696, p. 414.


75 Actas, XXXII, July 17, 1642, p. 193, is a petition for this; May 26, 1643, pp. 262-267, are the documents from Lima; May 30, pp. 268-269, June 8, p. 269, the cabildo arranged for the
by promising the audiencia that a session would be held immediately to correct the situation.\textsuperscript{76} The brief period in jail did not intimidate the cabildo which arranged to borrow 100 pesos from the individual appointed to collect the unión de armas. The loan was to be used to finance a plea against the tax in Spain.\textsuperscript{77} This may not have been entirely illegal, but it shows that the cabildo derived some financial advantage by administering the tax.

The cabildo consistently protested the unión de armas, maintaining that the vecinos made valiant efforts to provision the army on the frontier and defended the city themselves.\textsuperscript{78} The capitulares avoided mentioning that the vecinos were paid for the supplies from the situado funds and that the cabildo usually denied the governors' requests for levies among the vecinos. By granting tax exemptions and financing the war, the crown derived much less revenue from Chile than it expended. The mesada (one month's salary from office holders) was collected from 1627 until it was replaced in 1633 by the medianata (an indefinite tax on salaried offices).\textsuperscript{79} After December 28, 1640, all public do-

collection in kind.

\textsuperscript{76}\textit{Actas}, XXXII, January, 1644, undated record by the escribano, p. 314.

\textsuperscript{77}\textit{Actas}, XXXII, March 9, 1644, pp. 326-327.

\textsuperscript{78}See \textit{HHC}, II, pp. 323-326.

\textsuperscript{79}\textit{Actas}, XXVIII, October 29, 1627, pp. 479-481. For the medianata see XXX, September 5, 1633, pp. 333-334 and the chapters devoted to office-holding; the tax in Chile does not fit the usual definition of one-half of the first year's salary for salaried offices.
ments were supposed to be written on special, sealed paper. These sources of revenue, however, did not constitute a heavy tax burden. A general audit of the treasury offices subject to Lima revealed that the Santiago oficiales reales had submitted only 4,500 pesos to Lima between 1690 and 1696.

Financing the city's litigation, in regard to taxes and other questions in Lima and Spain, claimed a large portion of the city's own revenue. Santiago had the usual financial resources found in the Spanish American cities. Among the major propios (sources of municipal revenues), were rural lands (potreros and dehesas) and stores in the city. These buildings and lands were leased to the highest bidder. When expenses far exceeded income, forced contributions called derramas were assigned to vecinos.

After 1619, the Santiago cabildo had at its disposal a special source of revenue. The capitulares installed a scales, a

80 Actas, XXXII, December 28, 1640, p. 86.

81 In his report on the audit conducted by the Lima Tribunal de Cuentas, the Viceroy the Conde la Monclova remarked that most of the royal revenue collected in Chile was spent there for such matters as salaries for the audiencia; see Virreinato Peruano: Documentos para su historia coleccion de cartas de virreyes, Conde de la Monclova, eds. Manuel Moreyra y Paz Soldán and Guillermo Céspedes del Castillo (3 vols., Lima: Instituto Historico del Peru, 1954-1955), II, p. 210; the entire report from Monclova is pp. 193-222.


83 Examples of decisions involving propios are, Actas, XXIV, March 5, 1610, p. 165; XXVIII, January 24, 1625, p. 250; XXXII, February 14, 1642, p. 165; XXXIV, April 21, 1651, p. 111; XXXVII, February 11, 1667, pp. 157-158; XLII, October 20, 1685, pp. 79-80.
The balanza, in Valparaiso and charged a duty on goods which passed through the port. The records, which give general rather than specific information about the way the balanza was administered, show that the cabildo usually rented the scales to an individual whose accounts were subject to review by the capitulares. In 1648 the cabildo stopped the balanza tax because of the earthquake the previous year. The audiencia restored it and designated it as a source of royal revenue in 1651. From 1667 until the end of the century, the oidores, with royal permission, allowed the cabildo to use the balanza funds for specified public works projects. The cabildo leased the scales, and the audiencia occasionally audited the accounts of proceeds and expenditures.

The capitulares, who spoke of the vecinos' poverty in ordinary sessions and in petitions to higher authorities, thus

84 Actas, XXV, August 30, 1619, pp. 344-345; the cabildo agreed to collect 1 cuartillo (quarter real) on each hundredweight (quintal) which passed through the port.

85 For an example see Actas, XXXII, February 21, 1642, p. 166, March 18, p. 172, July 17, p. 174. The financial statements were not included.

86 Actas, XXXIII, September 18, 1648, pp. 302-303.

87 Actas, XXXIV, January 11, 1651, p. 83. September 25, 1654, pp. 482-483, mentions a cédula on the balanza.

88 Actas, XXXVII, March 9, 1667, pp. 162-163. See also February 1, 1669, pp. 324-327, February 9, pp. 335-339, September 20, p. 380; XXXVIII, November 6, 1671, pp. 190-191; XLI, May 4, 1682, pp. 136-137, May 9, p. 138, June 1, p. 141, June 17, pp. 143-145; XLII, January 27, 1688, p. 263, 269-270. Cédulas mentioning the Valparaiso balanza are noted in Manuel Josef de Ayala, Diccionario de gobierno y legislación de Indias, Vols. VI and VIII of Col. doc. ind. Ibero-América, VIII, 150-152; see the discussion of the crown's special concession of the balanza to Santiago in Solorzano, Política indiana, V, pp. 58-69, the commentary is by the annotator Ramiro.
acquired the use of funds which would normally pertain to the crown. The balanza tax was reminiscent of the taxes imposed by medieval cities in Spain. By stressing Chile's poverty and vulnerability to Araucanian and foreign threats, the Santiagoans obtained favors which insulated the city from the demands which might have been made in the name of the larger problems of empire. The kingdom's weakness was a source of the city's strength in preserving the older pattern of a municipality's semi-autonomy.

Bearing a light tax burden and relieved of military duties, the Santiago vecinos were able to dominate the small city. The aristocratic minority could rely on Arauco as an uneven, but continual source of servile labor. The workers tended the herds which formed the economic base for the colony. Deriving their income from tallow and hides, the estancieros represented in the cabildo wielded power. In addition to influencing royal decisions on important social, military, and financial questions and their implementation, the cabildo guided and directed the local scene. Given the authority the cabildo exerted, its membership and functions merit the analysis presented in the following chapters.

89 The chronicles praised Chilean livestock, see Rosales, I, pp. 192-193, and his fellow Jesuit, who wrote to acquaint Europeans with his homeland, Alonso de Ovalle, Historia relación del reyno de Chile (Rome: Francisco Cavallo, 1646), pp. 10-11.
CHAPTER II

CABILDO OFFICE: APPOINTIVE AND ELECTIVE OFFICIALS

The offices which comprised the Santiago cabildo in the seventeenth century were basically similar to those found in municipal councils in the rest of the Indies. There was a general pattern of membership which, although admitting of variations, prevailed in the New World while the Hapsburgs ruled. In Santiago, the capitulares who enjoyed the right to debate and vote (voz y voto) were either alcaldes ordinarios or regidores. Specified regimientos (offices of councilmen) could be purchased from the crown for lifetime proprietorship. During most of the century, the other regidores and two alcaldes were elected on an annual basis by the capitulares from the preceding year. A corregidor, who obtained his appointment from the governor of Chile, was the presiding officer in the cabildo. The following discussions of the appointive and elective officials, in conjunction with the subsequent analyses of proprietary office-holding, delineate the structure of the cabildo and call attention to one of the cabildo's major interests, local politics.

1PLRI, book IV, tit. X, and book V, tit. II, are respectively entitled "De los oficios concejiles" and "De los alcaldes ordinarios." For useful summaries on the general composition of cabildos, see Moore, pp. 99-114, and Haring, pp. 162-170.

2See the following chapter on proprietary office-holding.
The Corregidor

In his role as the presiding officer in the cabildo, the santiago corregidor exerted an influence which was relative to the strength of his own personality and the forcefulness of the capitulares. Those issues which involved the inauguration of a corregidor, the institutions which limited his authority, his tenure in office, and the cabildo's opinions of the office form the major themes of the following discussion. Before proceeding with the exposition of the political aspects of the corregimiento (office of corregidor), a résumé of the cabildo rules of order is presented.

The minutes of a cabildo meeting began with the escribano's statement that the capitulares met on a certain date to discuss matters pertaining "to the welfare and development of the republic."³ After the meeting opened, specific topics were proposed for discussion. The corregidor, the procurador, or the capitulares could suggest items of business for the cabildo's consideration.⁴ When decisions were made, the escribano usually noted them by recording that the señores (gentlemen) of the cabildo had adopted a given resolution. If votes were listed separately, the corregidor announced the majority decision (the acuerdo). The corregidor himself voted only to break a tie. A particularly

³Actas, XL, March 30, 1677, pp. 104-105, contains the specific quotations; see also XXIV, January 2, 1609, p. 115, November 9, 1613, pp. 440-441; XLII, September 1, 1690, p. 343, for similar opening remarks.

⁴The procurador was an official elected for a one-year term to voice the cabildo's views before the audiencia.
strong-willed corregidor might occasionally dominate an individual session, but, in the vast majority of the sessions, the corregidor was a party to cabildo decision-making, not a petty tyrant. This procedural pattern is discernible throughout the seventeenth century records.

Appointed by the governor of Chile, the corregidor received a título (document conferring an office) which he had to present before taking office. A set formula described the office as necessary for the service of God and king and the welfare of the city. To justify the choice of the particular appointee, the governor usually included a list of the candidate's past services. If a man belonged to a family which had achieved some repute by holding civil or military offices, the positions were mentioned.5

After establishing the reasons for the appointment, the governor proceeded to the body of the título. The document was designed primarily to confer authority rather than to enunciate specific powers and duties; therefore, only a vague outline of the corregidor's functions was given. The emphasis in the título fell on the judicial nature of the office, for the corregidores in Santiago, like their predecessors in Castile, were judges as well as administrators.6 Admonishing the appointee to dispense royal

5For examples see Actas, XXIV, March 29, 1610, pp. 167-169; XXV, July 29, 1630, pp. 175-179; XXXIII, November 24, 1648, pp. 317-348; December 9, 1649, pp. 438-448; XXXVII, May 29, 1668, pp. 265-271; XLIV, November 10, 1698, pp. 201-204.

justice for the benefit of the Spaniards and Indians under his jurisdiction, the governor empowered his appointee to hear civil and criminal cases and to carry a staff of office, a vara, as a symbol of the king's authority. The governor, who held his office by royal appointment, thus delegated the corregidor to adjudicate differences arising between His Majesty's vassals.

The types of cases which a corregidor could hear and his executive and administrative powers were described in general terms. The títulos ordered the corregidor to fulfill the

...royal laws and pragmatics, ordinances, provisions, and decrees and the general ordinances of this kingdom and the particular ones of corregidores and those that henceforth will be made in regard to good administration (gobierno) that pertain to the said corregidores, carrying them into due execution, helping and favoring widows and the poor.

Corregidor in Castile in the Sixteenth Century and the Residencia as Applied to the Corregidor," HAHR, XXIII (May, 1943), pp. 222-257.

7Actas, XXV, December 14, 1621, pp. 530-532, is typical. RLRI, book V, tit. II, law 11, commands governors, corregidores, and alcaldes mayores to carry the vara as the insignia of their offices.

8Some governors were appointed on an interim basis by viceroys, but most were appointed by the crown. The corregidor's exact jurisdiction in cases involving the Indians is not defined in the títulos. Actas, XXVIII, February 23, 1623, pp. 122-125, like the título cited in note 9 from 1621, conferred jurisdiction to hear disputes between Spaniards and Indians. XXXI, November 17, 1638, pp. 320-326, does not stipulate whether the corregidor had judicial authority over the Indians or not; he was ordered to see that Indians received good treatment and lived Christian lives; the 1638 título is very similar in form to XXXVIII, May 19, 1668, pp. 265-271. See the discussion below relating to the corregidor and the Indians for additional statements in this regard.

9Actas, XXV, December 14, 1621, pp. 530-532, contains the quotes. See the similar injunction in XXXVII, May 19, 1668, pp. 265-271.
The governor, thereby, assumed that the corregidor would acquaint himself with the legislation relating to his offices. He was also to follow the precedents established by previous corregidores.\footnote{Ibid.} It was from these broad powers that the corregidor derived his right to preside in the cabildo.

In addition to the civil office of corregidor, the majority of the seventeenth century appointees held a military office. Since the continued conflict on the frontier kept the Chilean governors either in residence in Concepción or actively campaigning, they designated the corregidor to represent them as the local militia commander under the title of lugar-teniente de capitán general.\footnote{Actas, XXV, July 18, 1618, pp. 269-276; XXXII, December 14, 1644, pp. 412-418, have examples of títulos for the military position.} The military power granted to the lugar-teniente had minor political repercussions, but it was more important on the few occasions when Santiago accepted responsibility in the area of defense.\footnote{See Actas, XXXVIII, August 4, 1672, p. 257, for a proposal from the corregidor involving the defense of the coast.}

The \textit{Actas} give scant information about whether the corregidor received a salary. Although the títulos often state that an appointee was entitled to the salary his predecessor had had, no sums are mentioned. After the introduction of the medianata in 1633, most of the corregidor's títulos and receptions note that
the appointee had paid the tax. At first, the average payment due on the office of lugar-teniente was 130 pesos. During the 1630's, the corregidores promised to pay the assessment the oidor in charge of the medianata would make for the civil office. At that time, individuals apparently received a definite salary for the military position but relied on emoluments to compensate them for their civil duties.

A corregidor appointed in 1640 submitted evidence that he had paid a tax on the dual offices amounting to 197 pesos and four reales. By 1644, a new medianata scale had become effective which set the tax at 206 pesos and two reales for the position of lugar-teniente and at 90 pesos for the corregimiento. The previous sum of 197 pesos and four reales was again being charged in 1665 and in 1693. There were also cases, in the second half of the century, of individuals who followed the earlier practice of

13Haring, pp. 292-293, discusses the medianata; he explains in no. 52 some of the variations which make the definition of the tax as one-half of the first year's salary inadequate; he says that the first decree was issued in 1631. In 1633, Governor Laso de la Vega and the oidor Jacobo de Adaro de Samartín ordered the medianata collected from all appointed officials before their reception. The Chilean cabildos were not to allow any appointees to take office until the tax had been paid, see Actas, XXX, September 5, 1633, pp. 444-445.

14Actas, XXX, September 16, 1633, pp. 446-451; XXXI, April 2, 1637, pp. 234-238, November 17, 1638, pp. 320-326.


16Actas, XXXII, December 14, 1644, pp. 412-418; XXXIII, January 1, 1647, pp. 164-169; XXXVIII, March 13, 1665, pp. 19-25; XLIII, March 18, 1693, pp. 70-75.
promising to pay the tax at a future date. The fluctuations in
the medianata payments reflect the flexibility in its collection
and the variations in the income which a corregidor could expect.

The corregidor, who had the documents relating to his ap-
pointment in order, began his term of office by presenting his
credentials to the capitulares. The cabildo usually approved the
títulos in a routine fashion. Following an oath of office, the
corregidor was inaugurated by accepting the vara from his prede-
cessor. A typical oath was that sworn by Fernando de Irarrázabal
y Andía upon assuming the corregimiento in 1620. Writing in the
third person, the escribano stated that Irarrázabal promised as a
"caballero hijodalgo" (noble gentleman) before "God and by the
Cross" to exercise his office "as he should and is obliged and as
God would give him to understand what was fitting." Irarrázabal
also swore to observe the precepts of "justice" and royal law.
Finally, he promised to subject himself to a residencia (judicial
review of official conduct) at the end of his term and to pay any
damages assessed against him. After completing the oath, Irarrá-
zabal received the corregidor's vara, the symbol of the royal
authority invested in him. He then submitted proof that he had
posted bond (fianzas) for faithfully discharging his duties and

17 Actas, XXXVII, May 19, 1668, pp. 265-271; XLII, August
29, 1690, pp. 338-343.

18 The crown's attempt to collect the mesada had been errati-
cally enforced in Chile. See Actas, XXVIII, October 29, 1627, pp.
479-481, for the cédula dated July 21, 1625, ordering the mesada
collected. XXX, July 29, 1630, pp. 175-179, the reception of
Gaspar de Soto as the corregidor does not contain evidence that he
paid the mesada.
The procedure for admission to office illustrates some of the limitations imposed on a corregidor's authority. The solemn oath bound the corregidor on his honor and before his God to serve in an upright manner. The presentation of títulos allowed the capitulares to see that credentials were in order. This registry of credentials, one of the cabildo's most cherished rights, was employed not only for civil officials but also for those who applied to practice professions in Santiago. On one occasion, as will be seen, the cabildo used the power to delay a corregidor's reception for nine months.

The inauguration ceremony, moreover, indicates that the Chileans applied royal legislation on the residencia and followed the crown's enactments on the bonding of officials. Requiring an official to post bond was designed to complement the judicial review of his conduct. If the judge convicted an official of charges brought in a residencia and the individual were unable to

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19*Actas*, XXV, December 14, 1620, pp. 416-418, is his reception and his oath; his título is recorded, January 15, 1621, pp. 435-451. Irarrázabal belonged to one of the most illustrious families in Chile; his son's título, XXXIII, December 9, 1649, pp. 438-439, gives a brief exposition of the family's history in Spain and in Chile. See Luis de Roa Ursúa, *El Reyno de Chile, 1535-1810 Estudio histórico, genealógico y biográfico* (Valladolid: Talleres Tipográficos, 1945), pp. 331-334. On the first Irarrázabal in Chile, see "Probanza de los méritos y servicios de don Francisco de Irarrázabal, September 9, 1559," in Colección de documentos inéditos para la historia de Chile desde el viaje de Magallanes hasta la batalla de Maipo, 1518-1818, ed. José Toribio Medina (30 vols., Santiago: Imprenta Elzeviriana, 1888-1902), XXIII, pp. 39-43. The Colección is cited hereafter as CDIC, 1st ser.

20See the chapter on public health for the presentation of credentials by medical men.
pay damages or fines, the funds could be collected from the \textit{fiadores} (bondsmen).\textsuperscript{21} Although the \textit{Actas} show that the corregidores generally complied with the royal decrees regarding fianzas, there is little information about the bonding formula or the amounts for which individual fiadores pledged responsibility. At most, the cabildo records list the names of those who promised to underwrite a corregidor's administration.\textsuperscript{22}

The treatment of the residencia is somewhat more comprehensive than the references to fianzas. The acuerdos devoted to various residencias furnish some insight into the complexities of administration resulting from overlapping jurisdictions. The cabildo's views on the residencia and the application of the institution to the corregidores are discernible in the \textit{Actas}. The residencia proceedings, however, do not appear because the records were kept in the audiencia archive.\textsuperscript{23}

The cabildo voiced opinions on the residencia in 1614 when

\textsuperscript{21}RLRI, book V, tit. XV, is "De las residencias y jueces que las han de tomar," cédulas, dating from 1610 and 1620, included in this section of the RLRI as law 36, stated that corregidores in the viceroyalty of Peru who were convicted of gross irregularities in handling finances were to be permanently deprived of office and exiled to the Chilean war for six years. The deficit was to be divided among the fiadores and the capitulares who had received the corregidor. See book V, tit. II, law 9, for fianzas.

\textsuperscript{22}For examples of statements concerning fianzas, see Actas, XXIV, March 26, 1610, pp. 167-169, September 6, 1611; XXXII, December 14, 1644, pp. 412-418; XXXIII, January 1, 1657, pp. 164-169, November 24, 1648, pp. 317-321; XLIII, March 18, 1693, pp. 70-75.

\textsuperscript{23}RLRI, book V, tit. XV, law 48; the law stated that a copy was also to be sent to the Council of the Indies; the cédula was issued in 1619.
Governor Alonso de Ribera appointed Gonzalo de los Ríos Encio as corregidor in March. An important Santiagoan who had already served a term as corregidor, los Ríos was descended from one of Pedro de Valdivia's companions and had inherited an encomienda from his father. He had contracted a prestigious marriage by marrying into the Lisperguer family. His appointment provoked a protest from the regidor Luis de las Cuevas y Mendoza, whose father, Andrés de Jiménez de Mendoza, was serving as the corregidor. The legal objection which Cuevas raised was that los Ríos had not undergone a residencia for his previous term. The cabildo nevertheless, approved of the fianzas los Ríos had offered and voted to receive him.

Cuevas then appealed to the audiencia claiming that los Ríos

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24 *Actas, XXV, March 22, 1614, pp. 20-22.*

25 See Roa, pp. 12, 51, 316-318, for genealogical information on los Ríos and the Lisperguers; the first Pedro Lisperguer had entered Chile with Governor García Hurtado de Mendoza. Gonzalo los Ríos' earlier term had been by appointment of Governor Juan de Jaraquemada, see *Actas, XXIV, September 7, 1611, pp. 274-276.*

26 *Actas, XXV, March 23, 1614, pp. 20-22; see XXIV, May 2, 1612, pp. 314-316, for Ribera's appointment of Mendoza who was licensed to practice before the audiencias of los Reyes and Charcas; he had previously served as Ribera's teniente general de gobernador in Tucumán when Ribera held the office of governor there. See José Toribio Medina, *La Instrucción pública en Chile desde sus orígenes hasta la fundación de la Universidad de San Felipe* (2 vols., Santiago: Imprenta Elzeviriana, 1905), I, pp. ccccl-cccccliii, on Mendoza's academic achievements; the Actas usually refer to him as doctor Mendoza. The work by Medina is cited hereafter as *Instrucción*. On Mendoza's father see "Méritos y servicios del Juan de Cuevas y de su hijo el licenciado Andrés Jiménez de Mendoza, July 10, 1584," in *CDIC*, 1st ser., XXV, pp. 248-316, which states that Cuevas was a vecino encomendero in Santiago.

27 *Actas, XXV, March 22, 1614, pp. 20-22.*
was ineligible for the office because royal law barred a Santiago vecino encomendero from serving as the city's corregidor. He argued that a vecino who had not fulfilled the residencia requirement was doubly disqualified. On August 19, 1614, the audiencia decided in Cuevas' favor by ordering los Ríos to surrender his vara and declaring that Governor Ribera should arrange for the residencia.

The other capitulares immediately criticized the ruling, not on the grounds of the residencia, but because of the threat posed to the privileges of vecindad in Santiago. They protested that for more than sixty years it had been customary to have corregidores chosen from among the city's vecinos and moradores. To defend the custom, the cabildo sent the procurador to the audiencia to appeal the decision. The judges upheld the initial decision in an auto de revista (review decision), and Governor Ribera, rather than requiring los Ríos to appear before a residencia, appointed a new corregidor, Juan Pérez de Urasandi.

The Cuevas suit illuminates the subtleties of class distinctions in the cabildo. The regidor was arguing against the be-

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28 Cuevas did not cite the specific cédulas or give any further indication of their contents; see Actas, XXV, August 21, 1614, p. 50; XXVIII, August 1, 1625, p. 285, August 21, pp. 292-293, the two latter sessions have more complete records of the case.


30 Actas, XXV, October 4, 1614, pp. 59-60; XXVIII, August 21, 1625, pp. 292-295.

31 Actas, XXV, December 9, 1614, pp. 70-74.
sawal of the office on a Santiago encomendero and may have had sincere convictions on the subject. Since his father lost his office by the los Ríos appointment, the son's objections were probably more personal than legal. The audiencia decision against the encomendero los Ríos, however, did not place the corregimiento beyond the reach of Santiago residents and encomenderos subsequently served in the office. With the available records, it is impossible to distinguish between those corregidores who held encomiendas within Santiago's territorial jurisdiction and those who did not. It can be asserted that most of the corregidores were Chileans by birth. With a few possible exceptions, those corregidores who had emigrated from Spain or other areas in the Indies were assimilated into the upper ranks of Santiagoan society before being appointed as corregidores. The fact that many Chilean and non-Chilean corregidores held an alcaldía (office of alcalde) or a regimiento prior to acquiring the higher office demonstrates that they had established residency in Santiago.

Cuévas himself was not adverse to a Santiago resident holding the corregimiento, for he accepted the office in 1627. Upon his death in office his son, Alonso Descobar Villarroel, suc-

32 *Actas, XXXI, July 17, 1637, p. 257,* mentions that the fiscal was trying to convince the audiencia that vecinos should not be allowed to serve although vecinos and moradores customarily held the office.

33 A comparison of the individuals who held the corregimiento with the signatures of the capitulares who signed the cabildo sessions supports such a contention; the genealogical information was supplied by Roa, the "Informaciones" published in CDIC, 1st ser., and José Toribio Medina, *Diccionario biográfico colonial de Chile* (Santiago: Imprenta Elzeviriana, 1905). The latter work is cited hereafter as Medina, *Diccionario*.
The Mendoza-Cuevas-Descobar case is one of many examples of the prominent Santiago families which counted corregidores among their relatives.

Without unraveling the tangled web of relationships surrounding the corregimiento, the names of some prestigious seventeenth century corregidores can be mentioned in their familial groups. Close family ties united the corregidores Gonzalo de los Ríos, Pedro and Juan Rodolfo de Lisperguer, Fernando and Antonio de Irarrázabal y Andía, Fernando Mendoza Mate de Luna, Antonio Garcés de Marcilla, Bernardo and Pedro de Amasa y Iturgojen. Mendoza, Garcés, and Bernardo de Amasa were all peninsulares (Spaniards born in Spain) whose marriages signified their acceptance into Santiago society. The Ahumada family, Chilean since the sixteenth century, held the corregimiento for three terms during the period under consideration. Valeriano de Ahumada was appointed to exercise the office once; his son Gaspar received the vara on two occasions. The three Prado terms reversed the Ahumada pattern with the father, Pedro Prado de la Canal, serving

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34 Actas, XXVIII, August 7, 1627, pp. 446-451, is Cuevas' reception, October 15, 1627, pp. 468-475, is an appointment for Descobar to serve as his father's teniente. XXX, June 16, 1629, p. 98, June 19, pp. 99-101, November 2, 1629, pp. 134-135, relate to Descobar's acquiring the corregimiento.


36 For genealogical information see Roa, pp. 360-361; their appointments are Actas, XXXI, November 17, 1638, pp. 320-326; XXXVIII, November 27, 1670, p. 72; XLII, August 29, 1690, pp. 338-343.
twice, and the son, Pedro Prado de la Lorca, once. 37 The rivalry among familial coalitions was one of the factors in the Cuevas-los Ríos case. The audiencia had been called upon to decide a question which arose because of factionalism in the cabildo.

Luis Cuevas y Mendoza's demand for a residencia, in his campaign to unseat los Ríos, was probably influential in Governor Ribera's decision to appoint a judge to examine Andrés de Mendoza's term of office. The governor chose the alcalde Francisco de Zúñiga to conduct the trial. When Zúñiga presented his título, the cabildo accepted his authority with reservations. 38

The scope of Zúñiga's commission as the juez de residencia helps to account for the cabildo's reaction to his appointment. Ribera empowered the alcalde to hear accusations against Mendoza and his tenientes (deputies appointed by corregidores during absences). Zúñiga's jurisdiction also encompassed the alcaldes ordinarios, the regidores, and all other officials involved in municipal administration who had not previously had a residencia and who were legally obliged to undergo one. The alcalde was ordered to gather information and hear testimony in secret for a period of thirty days. Cautioning Zúñiga to ascertain how official obligations had been discharged, Ribera invested him with the power to sentence individuals found guilty of misconduct or of committing crimes or public sins. Deficits in public funds could be collected

37 Medina, Diccionario, pp. 702-704, Roa, pp. 542-544; the appointments are Actas, XXXI, November 17, 1638, pp. 320-326; XXXVII, May 19, 1668, pp. 265-271; XLII, September 17, 1687, pp. 226-227.

38 Actas, XXV, July 28, 1614, pp. 43-44; Roa, p. 475.
from the officials responsible for them and from their fiadores. Although the capitulares accepted Zúñiga as the juez to try Mendoza and the officials he had appointed, they viewed the portions of the título which applied to their offices with disfavor. The cabildo, consequently, resolved to appeal to the audiencia against the inclusion of the cabildo offices in the proposed residencia.39

How the cabildo fared in its appeal in 1614 is not recorded. The stand taken in regard to Mendoza's residencia, nevertheless, illustrates that the capitulares were willing enough to allow a judicial investigation so long as they were not subject to it. Subsequent títulos for residencia judges which included cabildo members under the special judiciary commissions show that the capitulares had not won a complete victory.40 The delay in executing a cédula dating from 1556 which stipulated that capitulares were to have residencias indicates the weight of local custom.41 While a copy of the cédula may not have been available in Santiago the divergence between royal law and its application, whether intentional or unintentional, was nonetheless real.

Another incident, again involving los Ríos, further demonstrates the amount of elasticity in imperial regulation. Los Ríos

39Actas, XXV, July 28, 1614, pp. 43-44, the powers he received are in general accord with the procedures established in RLRI, book V, tit. XV.

40Actas, XXVIII, September 10, 1627, p. 459; XXXI, December 22, 1635, pp. 155-157; the capitulares did not oppose these appointments.

41See RLRI, book V, tit. XV, law 15.
who had successfully evaded a residencia in 1614 only to lose the office of corregidor, managed to acquire the position without the trial in 1618. The new governor Lope de Ulloa y Lémos replaced Pérez de Urasandi with los Ríos in July. Ignoring the earlier declaration of ineligibility, the cabildo received him without comment. A year after los Ríos had taken office the oidor Cristóbal de la Cerda Sotomayor, ruled that the decision against los Ríos in 1614 still applied. Although Cerda declared that a new corregidor should be chosen, the governor did not follow his advice. Los Ríos must have ingratiated himself with Ulloa because the governor soon selected the corregidor to hear the residencia of his predecessor. Thus lack of cooperation between the governor and the audiencia allowed the Santiago vecino to continue in office and to gain additional authority.

Although the crown disliked the appointment of corregidores as jueces de residencia for their predecessors, it permitted the governors to appoint them at their discretion. A number of governors followed Ulloa's precedent. The cabildo's reaction

\[42\text{Actas, XXV, July 18, 1618, pp. 269-276, gives his títulos as corregidor and lugar-teniente de capitán general and his reception by the cabildo, XXVIII, August 21, 1625, pp. 292-295, for Cerda's ruling given on July 3, 1619, which was copied into the Actas at the later date.}

\[43\text{Actas, XXV, October 19, 1619, pp. 352-354.}

\[44\text{ RLRI, book V, tit. XV, law 25, states that the appointing official could select a corregidor to hear his predecessor's residencia if the appointee had the proper character and qualifications.}

\[45\text{Examples are Actas, XXXI, November 17, 1638, pp. 320-326; XXXII, December 15, 1642, pp. 228-233; XXXVI, September 27, 1663, pp. 182-188; XXXVII, March 13, 1665, pp. 19-25; XL, January 29,}
to the appointment of residencia judges is relevant to the ques-
tion of the effectiveness of the institution. In 1635, Governor
Francisco Laso de la Vega selected the corregidor Fernando Bravo
de Naveda to conduct the trial of two former corregidores.\textsuperscript{46} Although Bravo could hear charges against the cabildo members, the
capitulares accepted his commission without remonstrance.\textsuperscript{47}

Part of the explanation of the cabildo's unqualified appro-
val of Bravo's appointment rests in the fact that his título con-
tained no mention of a salary. The cabildo had adopted a new line
of strategy to disarm the residencia in 1627 by depriving the
judges of a salary. A título issued in that year by Governor Luis
Fernández de Córdoba y Arce to Alonso de Alvarado granted him a
salary which was to be collected from the fines he imposed on the
guilty.\textsuperscript{48} This was in accordance with a cédula drafted in 1618
which declared that residencia judges were to be salaried at the
expense of the guilty or from fines deposited locally which had
been collected in other judicial proceedings.\textsuperscript{49}

\begin{footnotes}
\item[46] Actas, XXX, September 16, 1633, pp. 336-351, is Bravo's
appointment as corregidor; his título for the residencia is XXXI,
December 22, 1635; the corregidores to be tried were Gaspar de
Soto and Diego Jaraquemada; see XXX, July 29, 1630, pp. 175-179
and December 29, 1631, pp. 309-315, for their respective appoint-
ments to the corregimiento.
\item[48] Actas, XXVIII, September 10, 1627, p. 459, is the appoint-
ment of Alonso de Alvarado to hear the residencia of Diego Gonzá-
lez Montero, his ministers, the alcaldes, regidores, and other per-
sons connected with civic administration. The salary was six pesos
per day.
\item[49] RLRT, book V, tít. XV, law 42.
\end{footnotes}
appeared with his appointment, the cabildo concentrated its efforts on arguing against the unprecedented salary provision. The capitulares cited, in particular, the residencia Zúñiga had conducted in 1614. Their refusal to receive Alvarado until they had informed the governor of the custom led the appointee to volunteer to serve without pay. Under that condition, the cabildo had received him. The cabildo's obvious intent was to discourage Alvarado from levying fines to collect his salary.

Alvarado must have been rather diligent, for the capitulares complained that his findings in the residencia had ill-rewarded the cabildo members who themselves served without salary. In an attempt to gain retribution against Alvarado, the cabildo authorized the procurador to plead against his decisions in the audiencia. The step was probably intended as a warning to future residencia judges.

The isolated complaint against Alvarado leaves the larger question of the effectiveness of the residencia as an institution unresolved. In most instances when governors chose corregidores to hear the residencias of their predecessors, the escribano merely copied the separate título bearing the special commission in the Actas. The cabildo's silent acquiescence to the appointments suggests that the residencia's application was not harsh.

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50Actas, XXVIII, September 10, 1627, p. 459; September 13, pp. 461-463, is Alvarado's reception. See September 13, pp. 463-465, for the título of the special escribano appointed to record the proceedings, and the cabildo's effective denial of his right to a salary. RLR, book V, tit. XV, laws 43, 48, gives the duties of residencia escribanos.

51Actas, XXVIII, October 29, 1627, p. 479.
There is definite evidence that Bravo de Naveda did not hold the residencia for which he was commissioned.\(^5^2\) It is highly probable that other jueces de residencia also shirked their duty.

Family connections between jueces de residencias, corregidores, and capitulares must have influenced residencia decisions. Factional alignments and personal animosities were also factors in protests against the office of corregidor. The first proposal for the abolition of the office came from the alguacil mayor (chief police officer) Antonio Barambio in 1639. Barambio submitted a motion for the cabildo to petition the Governor, the Marqués de Baides, to suppress the office. Barambio said that cities such as Lima which had audiencias did not have corregidores. The alguacil thought that Santiago could follow the other cities' example of entrusting the duties corregidores performed to the alcaldes. Valeriano de Ahumada, who was serving as the corregidor, kept the question from reaching a vote by deferring the question. The cabildo, which was quick to protest any decision it disliked, whether it was from king, viceroy, governor, audiencia, or corregidor, accepted Ahumada's point of order.\(^5^3\) The willingness to

\(^{52}\text{Actas, XXXI, July 7, 1637, pp. 253-256, the new corregidor Agustín de Arévalo Briseño was appointed as the juez for the residencia of de Soto, Xaraquemada, and Bravo de Naveda. Frederick Braun Pike, "The Municipality and the System of Checks and Balances in Spanish American Colonial Administration," The Americas, XV (October, 1958), pp. 139-158, concludes that neither the residencia nor other "checks and balances" unduly restricted the authority of local officials.}\n
\(^{53}\text{Actas, XXXI, June 4, 1639, pp. 385-386; Ahumada's appointment by Lasso de la Vega is XXXI, November 17, 1638, pp. 320-326; his fiador was a relative who was a regidor at the time of the appointment. The discussions of proprietary offices give further information on Barambio and the Ahumadas.}\n
allow the corregidor to defer the question indicates that he had a strong following in the cabildo. It also demonstrates that Barambio's suggestion was not widely supported.

The proposal to abolish the office was not renewed until the first of Tomás Calderón's three terms as corregidor.\(^{54}\) Appointed in 1642, Calderón aroused the cabildo's ire by his absences from cabildo sessions and public functions in which the cabildo participated as a body. He also had a penchant for emphasizing his military office over his civil one. In 1643 the capitulares instructed Valeriano de Ahumada, an elected regidor, to tell Calderón to attend the cabildo and to make appearances at public acts in his capacity as the corregidor and not as the teniente of the captain general.\(^{55}\) Growing dissatisfaction with Calderón led the cabildo to take advantage of his absence on March 9, 1644, to discuss the suppression of the office he held. The capitulares resolved to write to their agent in Spain, Pedro de Villarroel, to have him request the king and the Council of the Indies to suppress the office.\(^{56}\)

Although the Actas do not contain the text of a formal response from Spain, subsequent petitions against the office mentioned a cédula pertaining to the suppression of the corregimiento. The cabildo claimed in 1670, 1683, and 1696 that the king

\(^{54}\) Calderón's títulos are recorded in Actas, XXXII, December 15, 1642, pp. 228-233; XXXV, November 6, 1659, pp. 491-499; XXXVII, October 6, 1666, pp. 129-134. Medina, Diccionario, pp. 153-155, gives information on Calderón and his family.

\(^{55}\) Actas, XXXII, September 11, 1643, p. 292.

\(^{56}\) Actas, XXXII, March 9, 1644, p. 327.
wanted the viceroy, the Santiago audiencia, and the governor to inform him on the advisability of abolishing the office of corregidor in Santiago. Pedro de Amasa y Iturgoyen held títulos as corregidor on both the earlier occasions. In 1670 the audiencia refused to allow Amasa to exercise the office of corregidor until he had undergone residencias for his terms in Concepción and Quillota. During the vacancy created by the resignation of Pedro de Prado de la Canal and by the delay in Amasa's reception, the Governor, the Marqués de Navamorquende, allowed the alcaldes to hear the judicial cases normally under the corregidor's jurisdiction. The governor thereby adopted the corregidores' practice of appointing an alcalde as a deputy during their absences from the city. Part of the cabildo's motivation in urging the royal officials to fulfill the provisions of the cédula was to invest the alcaldes with the wider judiciary power on a permanent basis. The cabildo hoped that its objections to the office of corregidor would reach the king through his appointees in the

57 Actas, XXXVIII, August 16, 1670, p. 70; XLI, January 22, 1683, p. 219; XLIII, September 22, 1696, p. 412.

58 Actas, XXXVIII, August 5, 1670, pp. 66-68, is his appointment as corregidor and lugar-teniente and reception for the latter office; XLI, January 29, 1678, pp. 189-195; his títulos for the second term contain a commission for taking the residencia of Antonio de Puebla y Rojas, his predecessor.

59 Actas, XXXVIII, August 5, 1670, pp. 66-68; Prado was engaged in buying grain for the army; see May 23, pp. 52-53 and July 14, p. 64, for references relating to the cabildo's role in securing the wheat for the soldiers in the south. Governor Navamorquende served from 1668 until 1670. Examples of a corregidor naming a teniente to serve while he was away from the city are Actas, XXXI, January 7, 1639, p. 355; XXXVI, January 7, 1661, p. 74.
The extended length of Amasa's second term irritated the capitulares. Having been appointed by Governor Juan Henríquez in January, 1678, Amasa served until Governor José de Garro replaced him with Francisco Antonio de Avaria in November, 1684. The factionalism at work in the cabildo is clearly shown in a series of discussions and decisions in 1683 regarding Amasa and his office. In January the cabildo refrained from implementing a suggestion from the proprietary regidor Antonio Fernández Romo to request the audiencia to plead with the king against the office. Shortly thereafter, a number of capitulares expressed the cabildo's appreciation for Amasa's efforts as corregidor. Amasa, who was preparing for a trip to Peru, said he regretted that the journey would interrupt his term and deprive him of opportunities to serve the city.

Amasa's absence gave his critics an opportunity to thwart his resumption of his duties after the trip. When Amasa returned to Santiago in August, the cabildo was preparing a petition to the

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60 Actas, XXXVIII, August 16, 1670, p. 70, is the cabildo resolution favoring abolition and the decision to request the viceroy, audiencia, and governor to comply with the cédula.


62 Actas, XLI, January 22, 1683, p. 219. Previously, Amasa had asked for and received a testimony of his services from the cabildo; the resolution to allow the "información" to be collected was included in Actas, XLI, September 4, 1682, pp. 174-175, but the text was not copied.

governor to limit a corregidor's term to two years. Alonso de Toro zambrano and Antonio de Morales, the regidores who instigated the move, had encountered some difficulty in locating a cédula which supposedly set the tenure of office. Amasa, attempting to re-enter the cabildo in his official capacity, was barred from attending the cabildo until a communication from the governor would decide the issue.

A second letter repeating the request for Garro to limit tenure to two years was sent without the approval of the alguacil mayor Antonio Martínez and the regidor Luis de Gamboa. Meanwhile, Governor Garro disapproved of the cabildo's refusal to permit Amasa to exercise his office. He ordered the cabildo to allow Amasa to resume his duties. The cabildo vote on Garro's order was split, with five capitulares opposing and two favoring it. Covering their flaunting of the gubernatorial ruling, the majority remarked that it would follow Garro's decision when he had had time to consider the cabildo's second letter. Garro did not keep the capitulares waiting long. His repetition of the order to restore Amasa's vara led the cabildo to announce that Amasa would be re-

64Actas, XLI, August 14, 1683, pp. 244-245. The capitulares frequently had trouble finding a pertinent cédula in the cabildo archive; if Toro and Morales were looking for the one which appeared in the RLRI, they would have found that it limited the term of a corregidor to three rather than two years, see book V, tit. II, law 10. Amasa caught the capitulares red-handed, but they succeeded in keeping the contents of their letter to the governor from him.

65Actas, XLI, August 14, 1683, p. 245.

66Actas, XLI, August 21, 1683, p. 246.

67Actas, XLI, September 1, 1683, p. 248.
ceived when he came to the cabildo. By October 29, Amasa was again presiding and continued as the corregidor for another year. 68

At the end of the century, the cabildo made one more attempt to have the office suppressed. In 1696, the capitulares accepted a suggestion from Fernández Romo, who had criticized the office in 1683, to petition for compliance with the cédula. Instructing the procurador to copy the cédula, the cabildo asked the audiencia to write to the king on the advisability of abolishing the corregimiento. 69 The request, made during the third year of Fernando de Mendoza Mate de Luna's term, shows resentment for an individual's hold over the office. 70

It is possible that protests from Spanish American cabildos were partially responsible for the crown's suppression of the office and introduction of intendants in the eighteenth century. 71 Municipal records from the Bourbon period could be examined to dis-
cover if complaints continued to come from capitulares. The
seventeenth century Santiagoans, however, were not even successful
in limiting the corregidor’s tenure of office.

Two corregidores, in addition to Pedro de Prado, relinquished the office before a replacement appeared to accept the
 vara. Pedro Lisperguer, one of those who resigned, staged the
most dramatic exit from the cabildo. The case which was related
to the question of Indian labor also had political and jurisdic-
tional aspects. Lisperguer had become the corregidor on December
14, 1621, by appointment from Governor Pedro Osóres de Ulloa.72
During Lisperguer’s term the audiencia deprived the corregidores
and the alcaldes of their authority to make Indian labor contracts.
The Actas are not clear about the precise nature of the contracts,
but they were apparently arrangements made by an encomendero be-
fore the corregidor or the alcaldes, for his Indians to work for
another Spaniard. The audiencia was probably enforcing that part
of the legislation issued by the Viceroy, the Príncipe de
Esquilache, which regulated the hiring out of encomienda Indi-
ans.73 When Lisperguer and the alcaldes Gonzalo de los Ríos and
Andrés de Toro Mazote criticized the ruling on the grounds that it
unlawfully restricted ordinary jurisdiction, the cabildo sided

72 Actas, XXV, December 14, 1621, pp. 530-532, is his reception.

73 The tasa de Esquilache which was one of the abortive
efforts to mitigate the lot of the Chilean Indians, is in EHC, I,
pp. 134-151; the portion pertaining to labor contracts, is p. 143.
Vargas Ugarte treats Esquilache’s administration of the vice-
royalty, see pp. 137-195. The Korth manuscript analyzes the tasa
and the failure to implement it during the defensive war experi-
ment.
with them by adopting a resolution to appeal the audiencia decision in the Council of the Indies. The cabildo as a body thus endorsed the supervisory power which corregidores and alcaldes had exercised over Indians.

To signify their disgust with the audiencia's interference with local officialdom, the corregidor and alcaldes announced their resignations. The capitulares thought that the political move was unwise and refused to allow them to resign. Undissuaded, the three put their staffs of office down and left the cabildo. Their action gave the audiencia a case against them. The former corregidor and alcaldes were arrested on the charge of treating the varas, which symbolized royal authority, with disrespect.

Governor Osóres had backed Lisperguer by appointing him as the lugar-teniente, and Lisperguer's título for the new office was recorded on the same day that he resigned. The move was intended to put Lisperguer beyond the reach of the oidores and under the capitan general's jurisdiction because of the military nature of the office of lugar-teniente. Osóres failed in his attempt to

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74 *Actas*, XXVIII, October 8, 1622, pp. 77-79. Roa, pp. 401-402, treats the Toro Mazote family; Andrés was the brother of Ginés, the depositario general discussed in regard to his office below.

75 *Actas*, XXVIII, October 8, 1622, pp. 77-79.

76 The session recording the charge was missing from *Actas*, XXVIII. It appeared in XXXVIII, under the appropriate date of October 12, 1622, pp. 199-201. The editor noted that the original was unfinished.

77 *Actas*, XXVIII, October 8, 1622, pp. 74-77.
invoke the military fuero (right to trial by military court).78

In the test of strength between civil and military jurisdiction, the oidores prevailed. The audiencia sentenced Lisperguer to a two-year suspension from the exercise of both the offices of corregidor and lugar-teniente because of the contempt he had displayed for the vara. Osóres accepted the situation by appointing Florián Girón y Montenegro to the vacant offices in February, 1623.79 After denying Lisperguer and the alcaldes the authority to make the labor contracts, the governor and audiencia assumed the power.80

The cabildo, however, continued its plea in Spain until it received an answer on the contract question.81 Two cédulas dated March 4, 1628, reached Chile the following year. A decree, addressed to the governor, ruled that the matter in dispute did not constitute a court case, as the oidores had claimed, but was a contract between individuals. The king, consequently, restored

78Another case involving a dispute between the governor and the audiencia over the military fuero occurred in 1675, see Actas, XL, September 6, 1675, pp. 466-467. See a cédula issued at Madrid December 2, 1608, included in the Actas, XXV, July 18, 1618, pp. 273-274, granting the governor jurisdiction over crimes and cases involving military men, including militia commanders who were in active service.

79Actas, XXVIII, February 17, 1623, pp. 118-120, is the appointment as lugar-teniente which gives a résumé of Osóres' attempt to implement the military fuero; February 27, pp. 122-124, is Girón's reception as the corregidor. Domingo Amunátegui Solar, mentions the case in his Personajes de la colonia (Santiago: Barcells y Company, 1925), p. 107, as part of his biographical sketch entitled, "Don Cristobal de la Cerda i Sotomayor," pp. 87-121, which discusses the oidor's career.

80Actas, XXX, June 25, 1629, pp. 107-108.

81Actas, XXVIII, January 10, 1623, p. 109.
the power to arrange Indian labor agreements to the corregidores and the alcaldes. Philip IV, moreover, stated explicitly that he was returning the authorization of contracts to the "justicias ordinarias" (ordinary justices) who had held that power since the city's foundation. Although the king ruled in favor of customary procedure, he did not entirely abandon the Indians to the peculation of local officials. The cédula enjoined the governor to see that the corregidores and alcaldes did not abuse the Indians. The other decree, addressed to the viceroy, informed him of the royal decision and instructed him to forward his opinions on the subject to Spain. The king explained that the advice would be used in subsequent decisions. By sending a copy of the decree to Santiago, where it was copied into the Actas along with the one sent to the governor, the monarch had shown his vassals in Chile, whether they were governors, corregidores, or alcaldes, that the watchful eye of his viceroy would be upon them.

The king's 1628 decision is a classic example of the "checks and balances" which were a feature of imperial administration. The case also illustrates that the crown gave careful, if delayed, attention to pleas from municipalities. By appealing to the crown, the Santiago cabildo had regained considerable power for its justicias at the expense of the higher officials. The monarch, serving as the final adjudicator in a jurisdictional dispute, had ruled in favor of the Chileans and against his own

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82 Actas, XXX, June 25, 1629, pp. 107-108, is the cédula addressed to the governor of Chile.

83 Ibid., pp. 106-107, is the cédula to the viceroy.
The Actas do not indicate how corregidores and alcaldes exercised their restored authority because the labor contracts did not fall under the purview of the cabildo as a body. The records, nevertheless, contain infrequent references to the corregidor's leaving the city to conduct a visita (judiciary inspection) of the Indians within Santiago's jurisdiction. The failure to conduct visitas regularly led Governor Henríquez to appoint a special visitador, Francisco Maldonado de Madrigal, in 1671. Henríquez explained that the corregidores had been too busy to attend to that portion of their duties. The governor alluded to the time lapse between visitas by empowering Maldonado to hear disputes between Indians and Spaniards which had arisen during the previous ten years. From the evidence available in the Actas, in the latter part of the century, there are indications that although the corregidores failed to protect the Indians from the rapacity of Spaniards, they themselves at least did not harrass the natives unduly.

During the time before the cédula arrived, there were political repercussions arising from Pedro Lisperguer's suspension. When the suspension expired, Chile had a new Governor, Francisco

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84 Actas, XXXI, January 4, 1636, p. 159; XXXIII, August 20, 1642, p. 197, mention corregidores' departing for the visitas. RLRT, book VI, tit. XVI, law 62, provided for the Chilean corregidores to visit the Indians annually to see that mutual obligations between Indians and Spaniards were fulfilled.

85 Actas, XXXVIII, October 27, 1671, pp. 187-188; see XLIII, January 13, 1696, pp. 341, 344-346, for a similar appointment stating that there had not been a visita for three years.
de Alava y Nurueña (1624-1625), who selected Diego González Montero for the Santiago corregimiento. Lisperguer apparently hoped to regain the office even without its influence over Indian contracts. As an alcalde in 1625, Lisperguer led a cabildo maneuver which delayed Montero's reception until the new Governor Luis Fernández de Córdoba y Arce convinced the cabildo to allow him to take office. Lisperguer, who was still serving as the alcalde during the election day session which admitted Montero to the exercise of his office on January 1, 1626, protested the majority decision. He was supported by the depositario general (public trustee) Ginés de Toro Mazote whose brother had resigned as alcalde in the 1622 dispute.

Juan Rodolfo Lisperguer, Pedro's son, followed his father's example of resigning his vara. The younger Lisperguer, however, did not provoke a court action. He informed the capitulares in December, 1649, that he had asked Governor Alonso de Figueroa y Córdoba to appoint a replacement, which Figueroa had obligingly done. The new corregidor, Lisperguer's brother-in-law, Antonio

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86 Actas, XXVIII, April 2, 1625, is the appointment by Alava who served as governor in 1624-1625.

87 Actas, XXVIII, June 16, 1625, pp. 276-279, is Montero's reappointment by Córdoba. August 1, 1625, p. 285 and August 21, 1625, pp. 292-295, are copies of the audiencia decisions barring los Ríos from the corregimiento in 1614, which Lisperguer and his cohorts hoped to use against Montero.

88 Actas, XXVIII, January 1, 1626, pp. 326-328, is the reception of Montero after some bargain was struck between the governor and the capitulares.

89 Actas, XXXIII, November 24, 1649, pp. 317-324, is Juan Rodolfo Lisperguer's appointment; XXXIII, December 6, 1649, pp. 437-438, is Lisperguer's statement that his replacement, although
Irarrazabal y Andía failed to appear quickly enough to satisfy Juan Rodolfo, who momentarily entrusted his vara to the alcalde Martín Ruiz de Gamboa.90

There was a longer vacancy in the corregimiento in 1668, when the audiencia brought Tomás Calderón's third term to an abrupt end. Calderón had secured his final term through appointment by Governor Francisco de Meneses. The Meneses administration was so corrupt that the governor earned the nickname of "Barrábas" from the Chileans and was removed from office by the Viceroy, the Conde de Lemos.91 Suspicion that Calderón and the alcalde Pedro de Ugalde Salazar were involved in some of Meneses' illicit activities led the Santiago fiscal, Manuel de León y Escobar to bring charges against them. The oidor, Juan de la Peña Salazar, suspended them from office for the duration of their trial.92

The cabildo quietly accepted the oidor's ruling. Since the appointed, had not appeared to be received; Figueroa was the governor from 1649 until 1650.

90 Actas, XXXIII, December 6, 1649, pp. 437-438; Irarrázabal was received December 9, 1649, pp. 438-448.

91 Actas, XXXVII, March 23, 1668, pp. 241-243, is the removal of the cabildo members. See J. Eyzaguirre, Genesis, p. 152 and Barros Arana, V, pp. 39-110, on Meneses. Roa, pp. 248-250, shows that the governor married a member of the Bravo de Saravia y Ovalle Pastene Lantadilla family, thereby becoming the brother-in-law of Fernando Francisco Irarrázabal y Andía; Vargas Ugarte, pp. 321-357, treats Lemos. Actas, XXXVII, March 21, 1668, pp. 233-240, is the cabildo's acceptance of Governor Navamarquende as Meneses' replacement in a special night session. XXXVIII, April 9, 1670, pp. 41-42, April 15, pp. 42-43, July 23, pp. 64-65, have some brief comments on the investigation being conducted on the Meneses administration.

92 Actas, XXXVII, March 23, 1668, pp. 241-243; RLRIT, book V, tit. XV, law 30, states that public officials who were undergoing residencias were to be suspended during the proceedings.
corregimiento and alcaldía both involved judicial authority, Peña found it necessary to replace Calderón and Ugalde in order to prevent delays in hearing cases. The oidor, consequently, ordered their respective varas deposited with Pedro de Prado de la Canal and Juan Alfonso Velázquez de Covarrubias. The cabildo decided that the individuals were satisfactory and allowed them to serve in the cabildo as the corregidor and the alcalde.93 Some three months later Prado became the corregidor and lugar-teniente in his own right by appointment from the Governor, the Marqués de Navamorquende.94

It is probable that the factionalism, which colored so many cabildo proceedings, whether they were related to the conduct of a corregidor or to some other issue before the cabildo, figured in the capitulares' attitude toward the Calderón case. His propensity for annoying the capitulares during his first term as corregidor may have persisted and contributed to the cabildo's reaction to the oidor's auto. The cabildo's failure to rise to Calderon's defense, therefore, does not necessarily mean that the municipal council was intimidated by the royal court.

The foregoing case studies concerning the corregimiento demonstrate that the cabildo itself turned to the audiencia and the governor with grievances against the office and its holders. When unusual circumstances occurred, the higher officials became involved, but there was no pattern of arbitrary interference with

94 Actas, XXXVII, May 19, 1668, pp. 265-271; this was Prado's second term.
the exercise of the corregimiento. In the instance involving the Indian labor contracts, the crown intervened to restore an authority, which had economic implications, to the local officials. The vast majority of the corregidores exercised the powers which accrued to the office without interference from governors or oidores. Cooperation generally prevailed in the relations between the corregidor and the capitulares. Although there were signs of personal and inter-familial dissension, the cabildo and its presiding officer could act as a body in matters which transcended individual and factional differences.

**Alcaldes and Regidores**

The election sessions held on New Year's Day, in which the capitulares chose the alcaldes and regidores who would serve during the year, were not generally copied into the seventeenth century *Actas*. This fact, together with the crown's policy of selling regimientos, complicates the task of commenting upon the elective offices. The cabildo records for the regular sessions do make it clear that two alcaldes ordinarios, who with the corregidor comprised the local magistracy, were elected annually. Although the records depict the alcaldes primarily as councilmen with the right to debate and vote in the cabildo, the judiciary character of the alcaldías kept those positions from being offered

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95Some few election sessions do appear; see *Actas*, XXXIV, January 1, 1651, pp. 76-77, January 1, 1654, pp. 380-382; XLIV, January 1, 1699, pp. 217-218.
for sale. The Actas contain a limited amount of information on the way the Santiago elective regimientos were influenced by the general trend to substitute proprietary regidores for elected ones in the Indies. Although the law and procedure for the sale and renunciation of public office is treated more extensively in the following chapter, some explanation is required here.

The number of elective regimientos in Spanish American cabildos fluctuated according to time and place. The initial phase of the conquest had seen the foundation of city councils with members either elected from among the conquistadores or, as in the case of Santiago, appointed by the leader of the expedition. In the course of his reign, Charles V, adhering to the theory that political patronage belonged to the sovereign, began to bestow proprietary regimientos in some of the cities in the Indies and to allow the holders to transfer ownership. The Emperor granted Pedro de Valdivia the power to appoint three proprietors in Santiago, where in 1550, Valdivia exercised his prerogative. The cabildo, meanwhile, elected three regidores cadaños (literally, each year). By 1557 when the original proprietorships had fallen vacant, the capitulares began to elect six

96 The cabildo records have very little information about the jurisdiction exercised by the Santiago alcaldes; see Zorrilla y Concha, pp. 33-37, on this topic. There are references to jurisdictional functions in Actas, XLIV, October 24, 1698, pp. 195-196, September 25, 1699, pp. 290-291. John H. Parry, The Sale of Public Office in the Spanish Indies under the Hapsburgs ("Ibero-Americana," Vol. XXXVII, Los Angeles: University of California Press, 1953), p. 5, states that few judgeships were ever sold.

97 Parry, p. 59.
Driven by financial necessity, Philip II turned to the policy of selling regimientos not only to secure revenue but also to suppress the private trafficking in public office which had become common. A decree issued in 1591 provided that annual regimientos should be sold to individuals with a lifetime tenure. By this decree, the sale of regimientos became, in law, a royal monopoly.

The crown in 1606 granted all proprietors of public office the right to renounce their offices in favor of a successor. The Cédula de renunciaciones, drafted in that year, stated that the owner could transfer his office to an individual who would then pay the royal treasury one-half of the office's true value. In any subsequent renunciations, the individual who acquired the office would pay one-third of the current, assessed value to the crown. The whole process, minutely regulated in ensuing decrees, had to be conducted before the appropriate royal authorities resident in the Indies and had to receive final confirmation from the crown. If any of the legal measures regarding renunciation were not fulfilled, the office was to be declared vacant and for sale.

98 Actas, I, January 14, 1550, pp. 228-229, January 27, 1550, pp. 231-232; January 1, 1557, pp. 554-557; the first election of regidores was held on December 29, 1551, see pp. 283-284.

99 Parry, pp. 35-45.

100 The cédula addressed to the Viceroy of Peru, García Hurtado de Mendoza, is in Col. doc. inéd., 1st ser., XVIII, pp. 217-220.
The laws promulgated in 1591 and 1606, which led to a gradual decrease in the number of elective regimientos in the Indies, did not immediately affect Santiago, for the cabildo continued to elect six regidores each year.\(^{102}\) When the Santiago audiencia decided to execute the cédulas in 1612 by abolishing the elective regimientos and arranging for their sale, the cabildo objected, not because of the loss of the election privilege, but because the capitulares disapproved of the individuals who wanted to buy the regimientos.\(^ {103}\)

A cabildo abierto attended by the more influential vecinos and moradores voted to stop the sale by purchasing the offices in the name of the city. The residents who had been invited to the special meeting pledged a total of 5,710 \textit{patacones} for the six regimientos.\(^ {104}\) After forestalling the sale, the cabildo petitioned the crown in 1613 not to collect the proffered payment in recognition of the city's poverty and the past services of its vecinos and moradores in the Chilean war.\(^ {105}\) The cabildo records,

\(^{101}\)RLRI, book VIII, \textit{tít. XXI}, "De la renunciación de oficios," gives portions of the decree; \textit{tít. XXII}, "De las confirmaciones de oficios," describes the confirmation procedure.

\(^{102}\) \textit{Actas}, XXIV, January 2, 1609, pp. 116-117, Haring, pp. 165-167.

\(^{103}\) \textit{Actas}, XXIV, August 17, 1612, p. 342, September 7, p. 344, November 20, pp. 350-351.

\(^{104}\) \textit{Actas}, XXIV, November 22, 1612, pp. 351-356; the term \textit{patacon} is used interchangeably in the \textit{Actas} with peso; each monetary unit was worth eight reales.

which show that the capitulares asked the audiencia for a moratorium on the payment and received a period of grace from the crown, do not clarify how much money was actually paid.  

It is apparent, nevertheless, that the cabildo, after successfully defend the right to elect six regidores, became subject to a cédula issued in 1627 which applied the renunciation process to elective regimientos. Elections continued, but the cabildo had, in effect, to pay a tax for the privilege of retaining elective positions. In the decree, Philip IV had ordered the cities which had purchased the privilege of electing regidores to tie each office to the life of an individual for renunciation purposes. The aim of the law was to allow the crown to collect the fractions of the office's value upon the death of the initial appointees. Should a city fail to pay the treasury the one-half or one-third of the office's value, the regimiento would revert to the crown and would be sold to a private individual.  

One of the first indications that the 1627 cédula was enforced in Santiago appeared in the Actas for 1645. The fiscal of the audiencia Antonio Fernández de Heredia brought suit against the cabildo for having failed to meet the renunciation requirements. The cabildo defended itself against the charge, and the case apparently continued for several years.  

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106 Actas, XXIV, November 24, 1613, p. 448, XXV, May 10, 1616 pp. 143-144.
107 RLRI, book VII, tít. XX, law 19, summarizes the cédula.
108 Actas, XXXIII, October 6, 1645, p. 55.
109 Actas, XXXIII, October 19, 1645, p. 56; June 26, 1684,
court order from the audiencia in 1648, the capitulares appointed individuals, "in whose lives the six regimientos would run for the purposes of renunciations." 110 There are passing references to subsequent renunciations and the number of elective regimientos until the end of the century. 111 The cabildo forfeited one of the elected positions in 1654, and another reverted to the crown and was sold in 1684. 112

After a brief period in the 1690's when only two regidores were elected, the audiencia allowed the cabildo to elect four regidores in 1694 and six in 1697. 113 The reason for the return to the larger number of regidores candañeros was that the audiencia required each one to pay a tax of 100 pesos for the privilege of exercising the cabildo office to which he had been elected. 114

The treasury was thereby assured of a small, steady revenue in-

p. 292.

110 Actas, XXXIII, September 18, 1648, pp. 303-304.


112 Actas, XXXIV, April 11, 1654, pp. 428-437, is the record of the sale to Martín Ruiz de Gamboa who paid 8,900 pesos for it. XLI, April 21, 1684, p. 280, December 23, pp. 320-322, gives information on the vacancy of the regimiento tied to the life of Gaspar de la Barrera and its sale to Santiago de Larraguibel y Marcana for 2,500 pesos.

113 Actas, XLII, February 26, 1690, pp. 280-281, December 29, 1693, p. 127; no specific ruling from the audiencia was included for 1697, but the sessions carry the signatures of six annual regidores, see XLIV, January 26, 1697, p. 51, September 27, p. 104.

114 Examples are Actas, XLIII, January 1, 1694, p. 129, January 2, p. 130, March 2, 1696, p. 366.
stead of the larger sums which could be collected irregularly from
the renunciations. 115

The tax imposed on the exercise of elective office in the
1690's was added to the medianata on cabildo offices which had
been initiated in Santiago in 1637. A scale of payments issued
by the senior oidor Jacobo de Adaro y Samartín set the medianata
for the alcaldes and regidores at sixteen and one-half pesos. 116
During the century, the payments fluctuated between the lower sums
of eight pesos and two reales and twelve pesos and three reales. 117
The token payments were evidently designed as a tax on the honors
and perquisites of public office, for the capitulares did not re­
ceive a salary. 118

The crown's policy of deriving revenue from cabildo offices
suggested to the Santiaguans that the six elective regimientos
could be sold by the city. The need for money to finance the
building of a breakwater on the Mapocho River to prevent it from

115 Haring, p. 167, describes this as a leasing policy and
suggests that the practice was fairly widespread.

116 Actas, XXXI, January 30, 1637, pp. 220-221; the medianata
on cabildo offices in Concepción was eight pesos and two reales;
in Chillán, La Serena, Mendoza, San Juan, and Castro, it was four
pesos and one real. The cabildo postponed the imposition of the
medianata on cabildo offices by some two years, see January 12,
1635, p. 74, July 13, p. 113, August 17, p. 118, October 12, p.
140.

117 Actas, XXXII, February 1, 1640, pp. 10-11, and XLIII,
March 2, 1696, p. 365, the medianata was eight pesos and two
reales; XXXIII, March 6, 1648, p. 91, the tax was twelve pesos;
XXXIV, March 16, 1651, p. 100, it was twelve pesos and three
reales.

118 Actas, XXXVIII, March 7, 1671, pp. 132-133, the regidores
requested a salary of 50 pesos per year; they apparently did not
receive it.
flooding the city produced a proposal to see the positions to private individuals.\textsuperscript{119} A cabildo abierto of invited vecinos and comerciantes heard the corregidor Juan Rodolfo Lisperguer outline the plan in 1649.\textsuperscript{120} If the cabildo sold the regimientos which belonged to the city, Lisperguer explained, there would be no need to levy taxes on the city's residents for the public works project. The sale would also obviate the payment of the renunciation charges.\textsuperscript{121}

Finding the corregidor's arguments persuasive, the assembly agreed to sell the regimientos, providing that the city could put the entire proceeds at interest and not have to make any payment to the royal treasury. Under those conditions, the cabildo abierto voted to have the offices sold to persons who were suitable. The majority, furthermore, endorsed the principle of proprietary office by stating that proprietors would be more attentive "to the affairs of the republic" than elected regidores. There were three dissenters in the group who felt that the city should retain the elective offices as a means of rewarding and honoring the republic's worthy sons. The cabildo, meeting by it-

\textsuperscript{119}Frezier calls the Mapocho, which literally flowed through the city after hard rains, "la petite reviere," see p. 90.

\textsuperscript{120}\textit{Actas}, XXXIII, February 23, 1649, p. 391, is the cabildo's decision to have the cabildo abierto; pp. 391-392, states that the capitulares investigated the site for the tajamar (breakwater) with craftsmen; February 25, 1649, pp. 392-394, is the cabildo abierto.

\textsuperscript{121}\textit{Actas}, XXXIII, February 25, 1649, pp. 392-393, are Lisperguer's remarks.
When the capitulares re-considered the idea in 1664, they found the audiencia and Governor Meneses willing accomplices in actually selling the five remaining offices. The suggestion had come from the procurador Juan de Ureta Ordóñez, a vecino, who told the cabildo that the need for propios for public works could be met by allowing individuals to purchase the regimientos. Proprietary regidores were preferable to elected ones, Ureta claimed, because the latter were not in office long enough to acquaint themselves thoroughly with governmental matters. He assured the cabildo that well-governed republics relied exclusively on proprietary officials. To those who might object to the sale, Ureta remarked that the alcaldes and the officials such as the procurador, who were attached to the cabildo, would continue to be elected. 

Without calling upon non-members for opinions, the capitulares approved of the proposal under conditions similar to those endorsed by the cabildo abierto in 1649. The cabildo's formal decision emphasized that all of the funds should be invested in real estate so that the income could be used for public works. The city, which had already lost one regimiento by failing to pay the renunciation fees, would thus have revenue for municipal expenditures. To implement the decision, the capitulares authorized

122 Ibid., pp. 393-394, all of the objectors were members of the upper class.

123 Actas, XXXVI, February 22, 1664, pp. 244-247; his comments are pp. 244-245.
Ureta to ask Meneses for permission to sell the offices and to inform the governor that the king would surely approve because he had shown a pious concern for the city's "miserable condition" after the 1647 earthquake. 124

Both Governor Meneses and the audiencia approved of the sale, and on October 3, 1664, the cabildo received the new regidores who had purchased the offices for a total of 30,000 pesos. 125 The receptions were made with the condition that elections would be resumed if the crown did not approve of the local sale. 126 The cabildo began to invest the money early in 1665 after a momentary problem in obtaining the funds from Meneses who had supervised the sale. 127

The only capitulares elected in 1665 and 1666 were alcaldes, but the new proprietary regidores were to enjoy only a short term of office. 128 In 1667 a royal cédula ordered the cabildo to refund the purchase price to the individuals and to return to

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124Ibid., pp. 245-247.

125Actas, XXXVI, April 4, 1664, p. 358, mentions the audiencia’s approval; September 12, pp. 396-397 and October 3, pp. 399-400, relate to the sale of the offices and reception of the purchasers who seem to have paid 6,000 pesos each; October 10, pp. 402-403 and October 24, pp. 411-412, the fifth regidor was received.

126Actas, XXXVI, October 3, 1664, pp. 399-400.

127Actas, XXXVII, January 2, 1665, p. 6, January 16, p. 8, the investments began; the cabildo had instructed the depositario and the escribano to get the money from the governor in October, see XXXVI, October 24, 1664, p. 413.

128Actas, XXXVI, December 29, 1664, p. 434; XXXVII, December 31, 1665, pp. 93-94, the corregidores exhorted the capitulares to elect alcaldes wisely.
The cabildo not only obeyed and implemented the decree but also de­sisted from further attempts to sell the regimientos for the city treasury's rather than the royal treasury's benefit.¹²⁹

The point at issue in the decision to sell the elective regimientos was clearly the control of finances. The cabildo had appropriated one of the crown's few sources of the meager revenue it derived from Santiago. While the capitulares endorsed the aristocratic form of government which the crown fostered by selling proprietary regimientos, they sought to divert funds from sales and renunciations from the royal coffers. The depth of Santiago's confidence in the king's largess is one of the most significant features of the experiment launched in the 1660's. Spain's refusal to countenance the Chilean maneuver is less striking than the capitulares' belief that His Majesty would approve their move. Although Meneses was the most notoriously cor­rupt of the Chilean governors, the cooperation which the cabildo had from him and from the audiencia reveals the type of connivance between royal appointees and municipal councils which could occur in the Indies in matters which related to royal revenue.

Except for the brief period during the 1660's, the cabildo annually elected both alcaldes and regidores. Upon beginning their terms, they took an oath which was identical to the one sworn by the proprietors of ex officio regimientos. Each capi­tular promised to fulfill his duties faithfully. As the alcaldes

took office, they received varas symbolizing the judiciary nature of their positions.\textsuperscript{130}

In 1609, the capitulares adopted a form of secret ballot which was apparently used thereafter in the election sessions. Each member from the preceding year wrote his choices for the elective positions on paper, and the corregidor and previous alcaldes tabulated the votes.\textsuperscript{131} Although individuals served repeatedly in the cabildo there were some attempts to rotate the elective offices among the eligible vecinos and moradores. In 1616 the capitulares adopted a resolution which, if they had enforced it, would have prohibited an individual from serving more than one term.\textsuperscript{132}

A proposal to prevent immediate re-election received cabildo approval in 1635 and formal confirmation from the audiencia in 1644. On both occasions, the cabildo stipulated that a two-year period should elapse between the terms of the elected officials.\textsuperscript{133} The cabildo decided to ask the audiencia to declare the resolution a binding ordinance on September 2, 1644.\textsuperscript{134} Before issuing the

\textsuperscript{130}For examples of receptions of elective officials, see \textit{Actas}, XXXIV, January 1, 1654, pp. 381-382; XLIV, January 1, 1699, pp. 217-218, April 15, pp. 256-257, May 17, p. 261. The alferez real took a more elaborate oath, see the section dealing with that office in the following chapter.

\textsuperscript{131}\textit{Actas}, XXIV, January 2, 1609, p. 116, December 31, 1610, p. 206.

\textsuperscript{132}\textit{Actas}, XXV, January 29, 1616, p. 127.

\textsuperscript{133}\textit{Actas}, XXXI, August 1, 1635, pp. 118-119; XXXII, December 16, 1644, pp. 419-420.

\textsuperscript{134}\textit{Actas}, XXXII, September 2, 1644, pp. 380-381.
declaration, the oidores asked the capitulares to submit their opinions on the question.

The chief spokesmen in favor of having the rule confirmed were the corregidor Tomás Calderón and the alcalde Diego Ribadeneira de Villagra. Calderón advised the cabildo that the practice of refraining from immediate re-election was a time-honored custom worthy of audiencia confirmation. Ribadeneira voiced a more theoretical argument, containing veiled accusations of corrupt election procedures. The alcalde believed that the ordinance would insure that the electors would vote freely and would not be tempted to barter with each other. An individual, elected one year, would not promise his vote to another for the following year. The ordinance would, furthermore, encourage the capitulares to concentrate on choosing competent office-holders. If the ruling were not confirmed, the development of the republic, the "principal end" for which the cabildo was established, would be frustrated. Moreover, meritorious individuals would be deprived of enjoying the "honorable duties" of office-holding. Ribadeneira climaxed his speech with an eloquent assertion that "distributive justice" demanded that the cabildo offices should be divided among "the entire body and gentility of the republic." The alcalde of moradores, Cristóbal Fernández Pizarro, disclaimed the intention of any cabildo members to trade votes, but agreed

135 Actas, XXXII, October 13, 1644, pp. 389-394, is the session giving the opinions requested by the audiencia; Calderón's remarks are pp. 388-389.

136 Ibid., pp. 389-390, is his complete speech.
that the waiting period should be confirmed, and five of the regidores followed suit.\textsuperscript{137}

Opposition to the proposal to request audiencia confirmation came from the regidores Martín de Espinosa y Santander and the licenciado (licentiate, lawyer) Alonso Jorge de Segura. The former declared that a mere ordinance would not provide objective voting, because family members could vote for each other. The only guarantee for honest elections was for the capitulares to fear God and follow their consciences. Espinosa hoped that the audiencia, instead of confirming the anti re-election rule, would enjoin the capitulares to elect alcaldes and regidores whom they believed would perform their duties "for the service of God, Our Lord, and of His Majesty and of this republic."\textsuperscript{138} His remarks, criticizing the application for confirmation, were seconded by Segura, who thought that it would inhibit the election of those who had the aptitude for public office.\textsuperscript{139} Four regidores voted with the dissenters against the petition for confirmation, but the oidores, notwithstanding, confirmed the ordinance the majority had approved.\textsuperscript{140} The ordinance did not notably widen cabildo membership, for the same individual and family names appeared over and over again until the end of the century. By the 1644 measure,

\begin{itemize}
\item \textsuperscript{137}Ibid., pp. 390-391, gives Fernández Pizarro's opinion and the other votes.
\item \textsuperscript{138}Ibid., p. 391.
\item \textsuperscript{139}Ibid., p. 392.
\item \textsuperscript{140}Ibid., p. 393; the six opponents announced that they would protest the majority decision in the audiencia. December 16, 1644, pp. 419-420, is the confirmation.
\end{itemize}
Santiago did move into more formal compliance with royal legisla-
tion establishing intervals between the exercise of elective
positions.\textsuperscript{141}

The appeal for confirmation brought the question of cabildo
elections to the attention of the oidores. When the audiencia
issued the auto confirming the re-election policy, the oidores
included an admonition for the capitulares to elect able persons
to the alcaldías. To insure that the instruction would be obeyed,
the audiencia announced its intention to have the senior oidor at-
tend the 1645 election. The audiencia also declared that it would
review the election results.\textsuperscript{142} Despite a cabildo protest that
the elections were always held in "all peace and quietude," the
practice seems to have become established.\textsuperscript{143} On some occasions
when the governor was in Santiago at the first of the year, he at-
tended the elections and confirmed them.\textsuperscript{144} There was, however,
no evidence of overt interference in the capitulares' free choice
of their successors.

There were disputed elections which prompted individuals

\textsuperscript{141}RLRI, book IV, tit. IX, law 13, states that alcaldes
could not be re-elected to those positions until three years had
passed nor to regimientos until two years had elapsed; regidores
could serve in either office after a two-year waiting period;
book V, tit. III, law 9, states that alcaldes could be re-elected
to the alcaldía after only two years.

\textsuperscript{142}Actas, XXXII, December 16, 1644, p. 419.

\textsuperscript{143}Actas, XXXIV, January 1, 1651, pp. 76-77, XLII, February
26, 1690, p. 280 furnish examples.

\textsuperscript{144}See, for example, Actas, XLIV, January 1, 1699, pp. 217-
218; RLRI, book V, tit. III, law 10, provides for the confirmation
of elections by the higher administrative authorities.
and groups to request the audiencia or the governor for a decision. In a number of these contested elections, an individual's eligibility to serve in an office reserved for vecinos encomenderos was in question. The references to the disputed elections which involved the matter of vecindad indicate that moradores who relied on the labor of yanacona Indians occasionally were elected to the more prestigious positions.

The audiencia made an exceptionally clear statement on the social intricacies related to the division of elective cabildo offices between vecinos encomenderos and moradores in deciding the election of 1690. The Marqués de la Pica, Francisco Bravo de Saravia Sotomayor, who held an Indian village (pueblo) headed by a chieftain (cacique) in encomienda, received five votes for the office of alcalde of vecinos. Bravo's opponent for the office, who received six votes, was Gaspar Fernando Velázquez de Covarrubias whose Indian laborers were yanaconas. In deciding the case, the audiencia pointed out that it had become customary to allow moradores to serve in the offices for which vecinos encomenderos had to be elected and that Covarrubias had already served.

145 The disputed election of 1684 evoked the most protracted intervention by the Governor, José de Garro, see Actas, XLI, February 3, 1684, pp. 271-274, October 3, 1684, p. 303.


147 Actas, XLII, February 26, 1690, p. 281. See Roa, pp. 248-250, on Bravo de Saravia who was descended from the Ovalles, Pastenes, and Lantadillas. His mother was the natural daughter of Alonso Campo del Lantadilla, who is discussed in the chapter on proprietary office; Bravo's daughter Catalina married Governor Francisco de Meneses; Charles II conferred the title on Bravo, see J. Eyzaguirre, Genesis, p. 152.
a term in 1688 as a regidor of vecinos. The audiencia declared that, nevertheless, the cabildo, in practice, preferred encomenderos of indios de pueblo for the offices rather than individuals who had yanacona Indians. Steering a middle course between the candidates for the alcaldía, the audiencia ruled that the office should be given to the Marqués de Pica unless he would choose to excuse himself. Since the cabildo received Gaspar de Covarrubias as the alcalde of vecinos, the Marqués had apparently decided to decline the office. The inauguration of a non-encomendero for the office thus illustrates the nuances within the socio-economic class which was eligible for municipal office.

There is one case given in the Actas in which the audiencia ruled on the eligibility of a candidate for an alcaldía prior to the election. Before the 1699 election, a Santiago resident petitioned the audiencia to prohibit Rodrigo Baldovinos from being chosen an alcalde because he had not undergone a residencia following his terms as a regidor and as the city procurador. After the oidores ruled against Baldovinos' candidacy, the cabildo voiced its concern on December 23, 1698. The capitulares feared that the audiencia might be establishing a general rule which would require any individual who had previously served in the cabildo to have a residencia before being elected to an alcaldía. The records show that Baldovinos did win the elec-

148 Actas, XLII, February 26, 1690, pp. 280-281, contains the auto from the audiencia.

149 Actas, XLIV, December 23, 1698, pp. 215-216; see the section on the corregidor for a further discussion of the application of the residencia to cabildo offices; Baldovinos served both as a
tion and that Governor Poveda confirmed it. 150 There is no indication that a residencia preceded Baldovinos' reception. It can be deduced, therefore, that the audiencia failed to institute a general eligibility requirement.

Most of the duly elected capitulares took office immediately after their election, but a few of the regidores made tardy entries. The outstanding late arrivals were the regidores Miguel Gómez de Silva and Andrés de Toro Mazote, elected respectively in 1639 and 1695. 151 Neither Gómez de Silva nor Toro Mazote complied with repeated demands from the capitulares to attend the cabildo. 152 Both were received late in December, which indicates that they prized their right to vote in the next election. 153

In 1622 the audiencia ordered the cabildo to elect new alcaldes after suspending Gonzalo de los Ríos and another Andrés de Toro Mazote. It will be recalled that the alcaldes became embroiled with the audiencia over Indian labor contracts and had resigned with the corregidor Pedro Lisperguer. In ordering the new election, the audiencia declared that cases pending before the regidor and the procurador in 1694.


151 José Toribio Medina's "Prologo" to Actas, XXI, pp. v-viii, describes the de Silvas' control of the office of alguacil mayor de corte in the Santiago audiencia.


153 Actas, XXXI, December 29, 1639, pp. 430-433, some of the capitulares opposed the reception of Goméz de Silva; XLIII,
ordinary justices had to be heard.\textsuperscript{154} The capitulares hesitated in obeying the order because they considered the suspension an affront to ordinary jurisdiction. A second auto convinced the cabildo to elect the alférez real (city standard bearer) Francisco de Eraso and the depositario general Ginés de Toro Mazote as alcaldes. The two, however, declined the positions and only accepted after their fellow capitulares held them under arrest in the cabildo house overnight. The new alcaldes and the regidores emphasized that the election was held under duress.\textsuperscript{155} The imprisonment was probably staged to be used in evidence in the appeals to Spain to regain the contract authority.

Another mid-year vacancy in an alcaldía brought action from Governor Laso de la Vega. His appointment of the alcalde Gaspar de Soto as the Santiago corregidor led four regidores to claim the vara. The cabildo voted to bestow the staff of office on the depositario Ginés de Toro Mazote. The three disappointed claimants carried an appeal to the audiencia. Insisting that the case involved administrative (gobierno) rather than judiciary authority, Laso decided in favor of the depositario, who received the

December 22, 1695, p. 336, Toro was received by proxy.

\textsuperscript{154}The session recording the first auto was missing from the 1622 records but it was inserted later; it appeared in \textit{Actas}, XXXVIII, under the appropriate date of October 12, 1622, pp. 199-201; however, the editor noted that the original was unfinished.

\textsuperscript{155}\textit{Actas}, XXVIII, October 13, 1622, pp. 79-82; the second auto from the audiencia included fines of 500 pesos for each capitular who objected to the order; each capitular expressed his acceptance of the ruling, but noted that it was not to be construed as accepting a precedent.
The pattern discernible in political matters relating to the alcaldías and regimientos thus mirrors the characteristics noted in regard to the appointive office of corregidor. Unusual questions brought the system of checks and balances into play, but the higher authorities did not interrupt or inhibit the cabildo in its legitimate political functions.

Before approaching the subject of proprietary office, two elective offices which were attached to the cabildo should be mentioned. During the first third of the century, one of the first official acts of the newly elected cabildo was the selection of an individual to serve as the procurador-mayordomo. As the procurador he prepared the materials which were presented in the cabildo's cases heard in the audiencia. The duties of the mayordomo entailed general supervision of public works projects and some routine regulation of the properties from which the cabildo derived its revenue. In 1635 the two offices were divided, and the cabildo thereafter elected both a mayordomo and a procurador. The procuradores were invariably chosen from among former cabildo office holders or were subsequently elected as alcaldes or regidores. Since the procurador attended the cabildo and could propose topics for discussion, his influence was strong even

156Actas, XXX, August 3, 1630, pp. 185-187; Laso's auto and the cabildo's acceptance is October 12, pp. 222-224.

157Actas, XXXI, January 5, 1635, pp. 71-73. Ascertaining the precise role of the mayordomo is impossible, for the Actas generally depict him as the cabildo's passive agent implementing policies decided upon by the capitulares.
though he could not vote. The mayordomo, on the other hand, played only a minor role in the cabildo sessions which were recorded in the Actas.

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158Actas, XXXVII, May 6, 1669, pp. 353, September 6, pp. 376-378, states that the practice of electing an alcalde from the preceding year was changed to allow regidores who were finishing their term to be eligible for the following year. The office of procurador in colonial Havana is surveyed by Francisco Domínguez Company in "El Procurador del municipio colonial Hispano-americano," Revista de Historia de América, Nos. 57-58 (January-December, 1964), pp. 163-176.
CHAPTER III

PROPRIETARY OFFICE:

THE ALGUACILAZGO, DEPOSITARÍA, AND ALFERAZGO

In the seventeenth century, the Santiago cabildo had two types of proprietary regidores. One group of proprietary councilmen served only as aldermen. This group of simple proprietorships included the elective positions lost through failing to pay renunciation fees and the regimientos formerly held by the treasury officials. By virtue of a cédula of 1571, the contador (comptroller) and tesorero (treasurer), who acquired their treasury offices by appointment, had received ex officio cabildo positions.\(^1\) The oficiales reales (treasury officials) participated in cabildo sessions as councilmen from 1573 until they were deprived of their regimientos in 1622. A cédula given at Madrid in 1621 ordered the Santiago audiencia to remove them from the cabildo, permanently, and to sell the two regimientos to proprietors with the right of renunciation.\(^2\)

In addition to the simple proprietary regimientos which were sold after 1621, a group of dual, vendible offices existed in Santiago. Holders of these possessed special offices of duty.

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\(^1\)Actas, XVII, November 23, 1573, pp. 299-302, gives the cédula of 1571.

\(^2\)Ibid.; a copy of the cédula of 1621 is in Actas, XXVIII, December 17, 1622, pp. 102-103; the treasury officials acted and were treated as any other regidores in the sessions examined for this study.
within the city and its territorial jurisdiction which were attached to their cabildo positions. The first proprietary ex officio regimientos sold in Santiago pertained to the alguacil mayor (chief police officer) and the depositario general (public trustee, custodian of litigious property). The alguacilazgo and the depositaría were initially sold late in the sixteenth century. In 1613 the proprietary office of alférez real (city standard bearer) was added to the cabildo. Later in the century three other proprietary ex officio regimientos, which will be treated in the following chapter, were created. All of the positions discussed in both chapters were listed in the Recopilación as vendible and renunciable. 3

Unfortunately, the minutes of the cabildo sessions give scant information on the exercise of the special offices attached to perpetual regimientos. Within the city, each capitular, whether he was an alcalde ordinario, an elected regidor, the proprietor of a simple regimiento or of an ex officio position, was entitled to propose issues to the council and debate and vote on them. Consequently, the cabildo records concentrated on the role of the proprietary officials as council members instead of emphasizing the functions of the special offices they held. The Actas, however, contain extensive data concerning the purchase of

3RLRI, book V, tit. IV, law 1 and book VIII, tit. XX, law 1. See also Antonio de León Pinelo, Tratado de las confirmaciones reales (Madrid, 1630), Parte II, capítulo I, folios 119-120. A readily available facsimile edition was prepared by the Biblioteca Argentina de Libros Raros Americanos (Buenos Aires: Talleres S. A., Casa Jacobo Peuser, Ltda., 1922); the learned seventeenth century jurist gives an extensive treatment of vendible and renunciable offices. Solórzano, V, p. 13, also lists the positions.
offices and their transfer by the renunciation process. The following analyses of the ex officio regimientos are, therefore, dependent upon the number and completeness of documents available; the emphasis is placed on the acquisition of proprietary office. In the absence of monographic studies on the administrative offices attached to regimientos and the lack of biographies on colonists, a special section is devoted to each ex officio cabildo position. A topical approach makes it possible to humanize the cabildo, which is usually treated in an institutional sense, by introducing the names of the men who helped to shape the destiny of the colony. Because there was no appreciable difference between the holders of simple proprietary regimientos and their fellow capitulares, they do not merit an exhaustive study, and citations to their offices are used to explain the general procedure for the acquisition and transfer of proprietary positions.

The Acquisition and Transfer of Proprietary Office

The Actas reveal that the procedure followed in Santiago regarding the acquisition and transfer of cabildo offices, by sale and renunciation, generally conformed with the laws compiled in the Recopilación. Frauds and irregularities, which undoubtedly occurred, were not copied into the official records. The earliest sales of legally vendible offices were conducted by the Peruvian viceroy or the Chilean governor. After the installation of the Santiago audiencia in 1609, the oidores and fiscal took the

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4 The pertinent laws are in RLRI, book V, tit. IV, law 1 and book VIII, tits. XX, XXI, XXII.
initiative in selling the positions the crown ordered sold in the Chilean capital. The audiencia informed the Santiagoans that an office was for sale, either for the first time or because of a vacancy, by having the pregonero (town-crier) describe the position and announce that bids could be submitted to the treasury officials, who in turn had the offers approved by the oidores. After the audiencia accepted a bid (postura), it was made public by the pregonero. Bids were usually accepted for a period of thirty days.

The crown allowed the authorities in the Indies some latitude in granting special concessions to the prospective purchasers which were usually incorporated in the written bids. Permission for a relative to purchase an office in the name of a minor, in return for paying an additional sum, was the most frequently granted privilege in Santiago. When all the bids had been accepted, the prospective purchasers appeared in a public auction (remate) where an oidor and the fiscal declared the office confirmed. 

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5 León Pinelo, Parte II, cap. XI, folio 138, says that the president of the Chilean audiencia could issue títulos for offices because of Chile's isolated location; however, in practice, the oidores were more important than the governor in the sales during the seventeenth century.

6 Ibid., cap. III, folios 120-121 and cap. IV, folios 121-123. Actas, XXVIII, December 17, 1622, p. 103; XXXVIII, December 24, 1670, p. 104.

7 Parry, p. 61; Actas, XXXIII, December 30, 1648, p. 335.

8 Actas, XXVIII, December 17, 1622, p. 105; XXXIII, December 30, 1648, pp. 361-363; XLIV, January 25, 1697, pp. 45-46; royal confirmations of purchases for minors are in XXX, September 8, 1630, pp. 199-204; XLIV, January 24, 1697, pp. 29-33. See also RLRI, book VIII, tit. XX, laws 24-25; Parry, p. 65.
sold to the highest bidder. The purchaser paid the treasury officials either the entire price or made a down-payment, pledging financial security (fianzas) for installment payments. After 1631 vendible offices were subject to the medianata which also had to be paid before the purchaser or the renunciatario (one in whose favor an office was renounced) took office. In Santiago, the first proprietary position affected by the new tax was the alguacilazgo mayor when it was transferred by renunciation in 1638. Thereafter, the persons who acquired offices paid the medianata, which the treasury officials determined by a complicated formula never completely explained in the Actas. The officials computed the tax, usually paid on the first and second years of proprietorship, on the basis of the value of the office and the salary, emoluments, and perquisites attached to it. An additional financial requirement was imposed on officials who handled money or property. They had to furnish the treasury financial security for the up-

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10. RLRI, book VIII, tít. XX, laws 16-17; Parry, p. 61; Actas, XXVIII, December 17, 1622, p. 103; XXXVIII, December 24, 1670, pp. 108-109.

11. RLRI, book VIII, tít. XIX, and tít. XX, law 24; Parry, p. 61.


right exercise of their positions of trust.\textsuperscript{14} The prospective proprietors fulfilled this requirement by finding individuals (\textit{fiadores}) who would post bond for them.\textsuperscript{15} The treasury officials issued the individual, who had fulfilled all his financial obligations, a receipt.\textsuperscript{16}

When the purchaser presented his treasury certification in the audiencia, he received his \textit{título} which summarized the steps in the sale, briefly described his duties and perquisites, and stated that the office was his to exercise in perpetuity, provided that he secured royal confirmation within six years.\textsuperscript{17} Several of the \textit{títu}los issued to ex officio regidores in Santiago stipulated that the office was to be exercised as it was in Lima, but there is little specific information on which to base a comparison between the positions in the respective cities.\textsuperscript{18}

The proprietor took his credentials from the audiencia and the treasury officials to the cabildo where he was formally received by the capitulares. Although the cabildo never refused to

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{14}RLRI, book II, \textit{tít.} XXV, law 36; book IV, \textit{tít.} X, law 19; book VIII, \textit{tít.} XX.
\item \textsuperscript{15}Actas, XXI, September 9, 1605, p. 240; XXXIII, November 24, 1645, pp. 67-71, December 11, pp. 74-75; XXXIII, October 22, 1647, p. 226.
\item \textsuperscript{16}Parry, p. 61; Actas, XXXVIII, December 24, 1670, pp. 109-111.
\item \textsuperscript{17}RLRI, book VIII, \textit{tít.} XXII, laws 1-8; book VI, \textit{tít.} XIX, law 6, issued in 1627, allowed Chileans six years to receive confirmation; the law had earlier set the time limit at four years; see Actas, XXVIII, December 17, 1622, p. 103.
\item \textsuperscript{18}See the specific discussion of the depositario for mention of the Lima practice in regard to that official.
\end{enumerate}
\end{footnotesize}
admit a proprietor during the seventeenth century, some recep-
tions were delayed or protested on the basis of precedence.
places in cabildo sessions and public functions were assigned to
specific office-holders, and the regidores resented the sale of
new offices which entitled the proprietors to places above their
own.19

Following his reception in the cabildo, the proprietor,
whether he acquired his office by purchase or renunciation by a
previous owner, applied for final confirmation by sending the
papers relating to the acquisition to the Council of the In-
dies.20 If he failed to receive confirmation, the office could
be, and occasionally was, declared vacant and re-sold.21 The re-
sponsibility for enforcing the confirmation requirement rested
with the local treasury officials who were obliged to see that
royal confirmation was obtained within the legal time limit. They
were to copy the documents into the treasury records and to in-
form the audiencia when an individual failed to secure them from
Spain.22

After the cédula of 1606 declared that all vendible offices

19Actas, XXVIII, December 17, 1622, p. 107; XXXIII, Decem-
ber 30, 1648, pp. 373-374; León Pinelo, Parte II, cap. XIV, folios
141-145, and Parry, p. 62, treat the importance of reception.

20León Pinelo, Parte II, cap. XV, folios, 145-148, and
Parry, pp. 61-64, discuss confirmation procedures.

21RLRI, book VIII, tít. XXII, laws 1, 7-8; Actas, XXXVIII,
December 24, 1670, pp. 97-113; December 29, 1674, pp. 383-420;
XLI, December 23, 1684, pp. 332-349.

22RLRI, book VIII, tít. XX, law 29.
were also renunciable, any holder of a life-time proprietorship could transfer ownership to another individual. The renunciante (proprietor who renounced his office) made an agreement with the renunciatario before an escribano. The law stipulated that the renunciante had to live for twenty days after renouncing his office and that the renunciatario had to present the document in the audiencia within seventy days of the renunciation. The treasury officials and the fiscal then ascertained the office's current value. Ruling on the position's true value, the oidores ordered the renunciatario to deposit one-half of the assessed value in the treasury, if the office were renounced for the first time, or, one-third, if it had been renounced previously. The remaining steps in establishing proprietorship were identical to those for purchasers of new or vacant offices, including the requirement of securing royal confirmation of the renunciation.

Royal law presumed that the renunciation agreement between the proprietor and his successor involved a promise on behalf of the renunciatario to pay the owner or his heirs one-half or two-

23 On the cédula see Chapter II above and León Pinelo, Parte II, cap. II, folio 120.

24 RLRI, book VIII, tit. XXI, laws 4, 6; Parry, pp. 64-65.

25 RLRI, book VIII, tit. XXI, laws 13-15. On a few occasions witnesses were called to testify on an office's value, see for example, Actas, XXXV, November 16, 1657, pp. 318-335; León Pinelo, Parte II, cap. XII, folios 139-140 and Parry, pp. 65-66, say this was the usual way to determine value.


thirds of the offices' assessed value. Although some financial arrangement was unquestionably a part of the contracts for transferring proprietorship, how much the various renunciatarios paid the former owners cannot be established. It is clear, however, that the renunciantes devised techniques to avoid the loss of the money invested in the purchase of an office by insuring that the renunciation would proceed through its various steps within the legal time limits imposed. An occasional practice named multiple renunciatarios so that any one of the individuals could claim the office within the prescribed seventy days. This avoided a declaration of vacancy and its accompanying financial loss. Despite a royal prohibition of the practice in 1631, it persisted after that date.

A few of the Chilean governors appointed officials to exercise dual proprietary offices and simple regimentos on a temporary basis. Most of the interim appointees served during the licensed absences of proprietors. Licenses to leave the city for extended periods were secured either from the cabildo or the governor and were usually mentioned in connection with the interim título. A few of the appointees served between the time after an office was declared vacant and before it was re-sold. There is

30Actas, XXXV, November 16, 1657, pp. 318-334; XLI, November 30, 1681, pp. 80-92; Parry, p. 67 mentions the decree.
31For examples, see Actas, XL, March 7, 1680, pp. 350-352; XLI, December 10, 1683, pp. 260-261; XLII, September 1, 1685, p. 66, December 14, pp. 90-91.
some evidence that the interim appointees had to pay the treasury for the privilege of temporary office-holding. Open or discreet bribery probably influenced the governor's choices of appointees, but corruption was not made a matter of record.

**The Alguacil Mayor**

Before the alguacilazgo mayor was sold in Santiago, the chief police officer, who also served as an ex officio regidor, was appointed by the governor. One of the first cabildo offices made generally saleable by the crown, the alguacilazgo was included in the list of offices which the crown ordered the Viceroy of Peru, García Hurtado de Mendoza, to sell in 1591. When the office was offered for sale in Santiago, Alonso del Campo Lantadilla purchased it. A peninsular born in Burgos at mid-sixteenth century, he had fought for a time in the Araucanian war. Campo served as the proprietary alguacil from 1592 until his death in 1632. Following his forty-year tenure, his sons-in-law kept the office within the Campo family for an additional twenty-five years.

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32 *Actas, XLI, December 24, 1681, pp. 95-98.*

33 *Actas, I, April 24, 1541, pp. 72-74, Valdivia appointed the first alguacil, who had voz y voto in the cabildo; see also, XX, October 12, 1590, pp. 277-279, October 19, p. 281.*

34 *Col. doc. inéd., 1st ser., XVIII, pp. 217-220, is the decree. See Parry, pp. 24-29, for a description of the crown's bestowing proprietary alguacilazgos prior to the decision to make them vendible.*

35 *Roa, p. 467, 545-546, 665-666, has the biographical information.*
The records for the initial sale of the office are somewhat vague, but the título issued in Lima by the Viceroy Hurtado de Mendoza on September 1, 1592, contains the most important facts pertinent to Campo's purchase. He had paid 3,000 pesos of plata ensayada (assayed silver). In addition to his powers as the chief constable to appoint deputy police officers (tenientes de alguacil), he received the right to debate and vote (voz y voto) in the cabildo as a regidor. According to the cédula of 1591, the proprietorship of the dual office was for only one life, without the right to renounce the office.

Even before assuming office on November 11, 1592, Campo petitioned the crown for the right to renounce his position, stressing his services in the Chilean war. He also pointed out that he had paid much more than the office was worth because it offered few sources of profit (aprovechamiento). After Philip II responded by writing to the governor of Chile on July 27, 1592, asking if it would be advisable to grant Campo the privilege he requested, the teniente de gobierno (deputy governor), the licenciado Pedro de Vizcarra, endorsed Campo's assertions about his war record and the value of the office.

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36 Actas, XX, November 11, 1592, pp. 407-411, gives the documents; specific powers of the alguacil were not given; Campo did appoint tenientes, see, XXIV, January 2, 1609, p. 117; XXV, February 7, 1614, p. 15, October 10, p. 60, January 21, 1615, p. 83, September 22, p. 111; March 13, 1618, p. 246, September 7, 1618, p. 293; May 7, 1621, p. 485.

37 Actas, XX, November 11, 1592; Parry, p. 29.

38 The documents from the crown which mention Campo's petitions and the replies are in the session involving Campo's renunciation of the office, see Actas, XXX, Oct. 22, 1632, pp. 275-277.
compensate himself for the high purchase price by gaining the right of renunciation which would enable him to regain some of his investment. Petitions from colonists like Campo were a factor in the crown's decision in 1606 to make all vendible offices also renunciabile. 39

Philip III granted Campo special permission to renounce his office in the same year that he issued the general renunciation decree. The king stipulated that Campo could select his successor, if the individual were trustworthy. In the letter addressed to the Chilean authorities, the king provided that the renunciario who had the necessary "partes y calidades" (character and prestige) was to receive a título to exercise the office until he could secure confirmation from the crown. Philip III also exempted the future renunciario from paying any renunciation fees. 40

Gaining the right of renunciation, Campo eagerly defended the perquisites of his office. He became involved in a lawsuit, concerning the exercise of the position of fiel ejecutor (regidor who inspected shops licensed by the cabildo), from which he emerged with the privilege of serving as the fiel at the beginning of each year secure for himself and his successors. The periodic inspection tours by the regidores, in the order of their seniority, were one of the sources of the emoluments for the capitulares. As the collector of fines from violators of the local price and quality regulations, the fiel ejecutor might also anti-

39 Parry, pp. 19-20, 29, 43, discusses the increased value which the right of renunciation produced.

40 Actas, XXX, October 22, 1632, pp. 375-377.
The lawsuit on this potentially lucrative position developed in 1614 when a group of elected regidores denied the proprietary regidores the right to inspect the local shops. The scattered references to the case in the Actas mention that the depositario general, Ginés de Toro Mazote, and the alférez mayor, Isidoro Sotomayor, were involved in the dispute. After the audiencia ruled in favor of the proprietary regidores, the alguacil customarily conducted the first inspection. By winning the suit, Campo had insured that not only he and future alguaciles but also the other proprietors would enjoy the financial opportunities the fiel ejecutoría offered.

Campo Lantadilla, who complained of age and infirmities in 1614 and 1621, continued to exercise the alguacilazgo until he was approximately eighty years old. Before his death, he renounced the office in favor of his son-in-law Juan de Cajal, the son of the former oidor in Chile by the same name. The younger Cajal

41 Some of the powers of the fiel ejecutor are outlined in the "Ordenanzas de policía de la capital de Santiago de Chile," drafted by the Santiago cabildo and approved by the Lima audiencia on March 30, 1569. A copy of the "Ordenanzas" is in Gay, Documentos, I, pp. 187-210. See the discussion of the proprietary fiel ejecutor de pulperías compueatas for further mention of the fiel ejecutor de turno.

42 Actas, XX, January 3, 1614, p. 6, January 17, p. 11, January 24, p. 14, February 14, pp. 17-18, February 17, p. 19. References to the alguacil serving as the fiel at the first of each year are, XXV, January 2, 1615, p. 80; XXXI, January 1, 1637, p. 124, January 3, 1639, p. 354.

took office on October 22, 1632. Campo had promised the office as part of the dowry for Magdalena, one of his two illegitimate daughters. Under the special terms of Philip III's renunciation concession, the audiencia allowed Cajal to take office without paying one-half of the office's value to the treasury.44

Serving only four years, Cajal renounced the office in favor of his brother-in-law, Cristóbal Fernández Pizarro, on November 2, 1636.45 The renunciatario was distinguished not only by his marriage to the former oidor's daughter, Jerónima de Cajal, but also in his own right as the grandson of Pedro Cortés de Monroy, one of the peninsulares who accompanied Governor García de Mendoza to Chile from Peru in 1557.46 Since this was the first renunciation with a financial obligation to the crown, Pizarro had to pay one-half of the 5,000 peso value placed on the alguacilazgo by the audiencia. There was some delay in the renunciation process, for Pizarro was only received in the cabildo on May 21, 1638, when he presented his certification showing that he had paid the 2,500 pesos and the medianata.47

Arrangements for Fernández Pizarro to occupy the office after Cajal's death until Magalena Campo would remarry had apparently been made as part of the renunciation agreement between

44Actas, XXX, October 22, 1632, pp. 375-381, includes the renunciation, Cajal's título, and his reception in the cabildo; Roa, pp. 545-546, has information on the oidor and his son.

45Actas, XXXI, May 21, 1638, pp. 292-296.

46Roa, pp. 447-448.

47Actas, XXXI, May 21, 1638, pp. 292-296, the medianata was 196 pesos and 4 reales.
the men. By December 24, 1638, Antonio de Barambio, a peninsular absorbed into the Chilean oligarchy by his marriage to Magdalena, had obtained the alguacilazgo which he exercised for some twenty years. 48

Another peninsular who married into the Campo family acquired the office, on an interim basis, when Barambio secured a license to make a business trip to the city of Mendoza in Cuyo in 1659. Governor Pedro Porter Casanate appointed Antonio Morillo, the Granadan son-in-law of Juan de Cajal and Magdalena del Campo, to exercise the office during Barambio's one year absence. 49

The alguacilazgo became detached from the Alonso del Campo family early in the 1660's when a new proprietor acquired the office. The most significant aspect of the tenure of Antonio Martínez de Vergara was his repeated absence from Santiago. 50 Martínez must have preferred life on his estancia to residence in

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48 Actas, XXXI, December 24, 1638, pp. 347-351; he paid 1675 pesos and 6 reales, along with the medianata of 125 pesos before his reception. XXXVI, October 12, 1661, p. 125, is the last published cabildo session bearing his signature; Barambio was born in Bilbao about 1580, see Roa, pp. 665-666.

49 Actas, XXXV, May 25, 1659, pp. 459-463; XXXVI, June 25, 1660, p. 38. Morillo's first wife had been María de Escobar, the daughter of Celedón Camus and Ana de Escobar. After his second wife, Ana de Cajal died in 1665, Morillo married Elvira de Neira y Loyola, Pedro de Elguea's widow, in 1670, see Roa, p. 669.

50 Lacunas in the published Actas make it impossible to discover when he took office and when he ceased to be the proprietor. Martínez signed, Actas, XXXVI, September n.d., 1663, p. 164, as the alguacil.
the city because he was conspicuously absent from cabildo functions. By ignoring the public functions in Santiago, in which the cabildo participated as a body, Martínez was casting a blot on the honor of the city and the cabildo. The seventeenth century capitulares took civic celebrations seriously and resented the attitude Martínez displayed by staying away from them. His failure to appear at the fiestas reales (royal festivities) celebrating the birth of the prince don Carlos Joseph, the future Charles II, brought down the wrath of the capitulares on November 9, 1663. Following a suggestion from the corregidor Pedro Prado de la Canal, the cabildo adopted a resolution that the usual honorary position accorded the alguacil at such celebrations was not intrinsic to the office.

The approach of a new governor by way of Cuyo in 1664 prompted the cabildo to demand the presence of Martínez at the usual welcoming ceremonies. The capitulares agreed to inform him to come to Santiago and to appoint the ministros (ministers, in this case deputy police officers) needed for the governor's reception, or it would be held to his account. Even after

51 Martínez acquired the hacienda de Chacabuco which had formerly belonged to Pedro de la Barrera and which Martínez bestowed on the Jesuits in 1696, see Medina, Diccionario, p. 515.

52 The discussion of the proprietary depositaría summarizes one of the celebrations.

53 Actas, XXXVI, September 13, 1663, p. 167, October 10, pp. 194-195, discuss the celebration. XXXV, November 9, 1663, is Prado's suggestion and the cabildo's resolution.

54 Actas, XXXVI, November 23, 1663, p. 208; for examples of cabildo decisions on other welcoming ceremonies, see those pertaining to Governors Baides and Carro, respectively, in XXXI,
Governor Francisco Meneses arrived, the cabildo found it necessary or desirable, to threaten Martínez with a fine of 200 pesos if he did not exercise his office.\textsuperscript{55} Stipulation of such a heavy penalty may have stemmed from personal animosity toward Martínez rather than from his genuine laxity in office, for the cabildo customarily levied a fine of 4 pesos for unexcused absence from individual, regular sessions.\textsuperscript{56} However, circumstances could provoke the cabildo to threaten its membership with large fines.

Disappointed with the poor attendance at a session slated to discuss the alcabala in 1646, the cabildo postponed the meeting with a warning that absent alcaldes and regidores would face a fine of 50 pesos if they failed to attend the next meeting.\textsuperscript{57} During the Indian uprising in 1655, the cabildo levied a fine of 1,000 pesos against members who left the city. This may have been a ruse permitting capitulares to argue that their required presence in Santiago prevented them from fighting. The cabildo objected strenuously to Governor Acuña y Cabrera's calling the

\textsuperscript{55}\textit{Actas}, XXXVI, February 22, 1664, p. 243. The cabildo had been busy with preparations for Meneses' arrival on December 19, 1663, pp. 228-229, December 22, pp. 220-231; January 5, 1664, pp. 234-235. On February 1, 1664, p. 240, Meneses attended a session in the "forma" of cabildo and exchanged pleasantries with the capitulares. The actual welcoming ceremonies are not recorded in the \textit{Actas}.

\textsuperscript{56}See \textit{Actas}, XXV, January 4, 1621, p. 429; XXXIII, January 15, 1649, p. 383, October 15, p. 427; XXXV, August 13, 1655, p. 76.

\textsuperscript{57}\textit{Actas}, XXXIII, August 27, 1646, p. 119, August 31, p. 119.
corregidor Martín Ruiz y Gamboa to the front and threatened him with the same fine if he followed the governor's orders.\textsuperscript{58} The alguacil Martínez Vergara, was, nevertheless, the only regidor so severely reprimanded by the cabildo for non-attendance and the failure to perform his duties.

In the latter part of the century, Martínez Vergara's predilection for absence grew worse, but it no longer angered the capitulares. Perhaps the cabildo was becoming more lax in demanding attendance, or perhaps the members were more friendly toward Martínez than those who had criticized him earlier. He went through the formality of securing a license from the governor to be absent from the city for a year, which the cabildo honored on January 29, 1683.\textsuperscript{59}

Some two years later Martínez Vergara's inability to attend to his duties brought action from Governor José de Garro, who wrote the cabildo that he understood that the alguacil's poor health impeded his exercise of an office that required a punctual, attentive person. Garro instructed the cabildo to admonish Martínez to attend to his duties, and then if it appeared that he would not or could not, the cabildo could nominate an individual for the governor to appoint as an interim alguacil. The cabildo, accordingly, sent the escribano with the regidor José Collart to

\textsuperscript{58}Actas, XXXV, November 8, 1655, pp. 126-127.

\textsuperscript{59}Actas, XLI, January 29, 1683, p. 221.
question the alguacil. Responding immediately, Martínez Vegara informed the cabildo that his involvement in audiencia cases, which had lasted more than a year, prevented him from exercising his office. When the cases were completed, he would be able to exercise the office, because his health was improved. Nevertheless, he thought that the cabildo should make its own decision about the governor's letter. The capitulares, writing to Garro, informed him that the audiencia would soon hear the cases concerning Martínez. Consequently, the capitulares asked the governor not to appoint an interim regidor until the oidores issued a decision. The cabildo thus sought to give Martínez an opportunity to resume his responsibilities. There is a veiled resentment of gubernatorial appointees in the capitulares reluctance to accept an interim alguacil even though Garro offered to allow them to nominate the candidates.

In the last decade of the century, the cabildo reversed its earlier stand by willingly nominating candidates for the interim alguacilazgo. When Governor Tomás Marín Poveda asked the cabildo to submit nominations in 1695, the capitulares proposed Luis del Burgo y Mendoza, a limeno, and Luis Varas Ponce de León. The appointment went to Burgo, and the cabildo received him.

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60 Actas, XLI, December 12, 1684, pp. 316-317, Collart was also the proprietary fiel ejecutor, see the section devoted to that office.

61 Actas, XLI, December 12, 1684, otro cabildo, pp. 317-318.

62 Actas, XLIII, October 16, 1694, pp. 194-196, October 18, p. 197. Burgo's father was Luis Antonio del Burgo y Mendoza, a peninsular, who served as the corregidor of Cotabamba in Peru.
other nominee, who was linked to the powerful Lisperguer family, served as the interim alguacil from 1697 until the end of the century. The alguacilazgo had apparently changed hands before Luis del Burgo served his temporary term. From 1690 until 1692 Agustín de Vargas was the alguacil mayor, although no documents were included to indicate how he had acquired the office. Martínez Vergara may have renounced the office in favor of him, or he may have purchased it following a declaration of vacancy. There is also the possibility that Vargas was merely an interim appointee.

The two chief characteristics of the alferazgo were, nevertheless, its long domination by the Campo family and the trend toward absentee proprietorship which developed in the latter part of the century. Extended control by a family group and an increasing absenteeism also characterized other proprietary offices.

his mother was Francisca del Castillo Guzmán y Núñez de la Roca. In Santiago the younger Burgo married Isabel de los Reyes, the daughter of Blas de los Reyes, who was an interim fiel ejecutor de las pulperías compuestas in the 1680's; see Roa, pp. 803-804.

63Roa, pp. 316-318, 500. A Luis Varas Ponce de León married Maria Magdalena, the daughter of Juan Alfonso de Covarrubias and Petronilla Lisperguer. The former couple had a son Luis Varas Ponce de León y Covarrubias, who Roa says held the position of alguacil mayor of Santiago in 1700. His sister Isabel married Antonio Fernández Romo, a proprietary regidor from 1674 until the end of the century.

64His signature appears in the Actas during those years; he may have been the Agustín de Vargas from Madrid who served as the alcalde of vecinos in 1703-1713, see Medina, Diccionario, p. 982.
The Depositario General

The office of depositario general derived its name from the practice in Spanish law of depositing property involved in litigation with an official who performed functions similar to a public trustee. Under the terms of the sales of the office in Santiago, any property which any judge ordered deposited was to be entrusted to the depositario general. The Santiago depositario, however, did not administer the bienes de difuntos (property of the deceased). 65

In return for holding property in trust for the duration of court cases, the depositario received three per cent of all the deposits placed in his care. He was given the opportunity to increase his emoluments if he could prove that the Lima depositario received a higher percentage rate. Because of his financial responsibility, the depositario was required to post bond to guarantee the safe-keeping of the property entrusted to him. 66

When the office was originally sold in Santiago in the late 65The cédula providing for the sale of the office, issued in Lisbon on November 13, 1581 and addressed to the Viceroy of Peru, Martín de Enríquez appears in the documents relating to the first two sales of the office in Santiago; see Actas, XX, November 5, 1593, pp. 540-555, for the sale to Fernando Álvarez de Bahamonde, and July 28, 1594, pp. 587-619, for the sale to Tomás Olavarria. The list of specific properties which were subject to deposit in the seventeenth century included slaves as well as real and movable holdings, see Actas, XXI, September 21, 1605, pp. 239-240. On the property of the deceased see, Actas, XXXVI, December 15, 1662, pp. 155-156.

66Actas, XXI, September 21, 1605, pp. 240-242; XXXIII, December 11, 1645, pp. 74-75; there is no evidence to show that the depositarios tried to increase their percentage.
sixteenth century, it included the authority to administer Indian property. This power made the office extremely valuable, and the sale to Tomás Olavarría in 1594 during the administration of Governor Oñez de Loyola had brought 7,600 pesos of assayed silver. The purchaser had promised to pay for the depositaria in three equal installments. When Olavarría applied for confirmation from the crown, Philip II refused to allow the depositario to administer Indian property. Obeying the order from His Majesty, Governor Alonso de Ribera had deprived both Olavarría and his counterpart in La Serena, Juan Pérez de Urasandi, of their jurisdiction over Indian property. Olavarría did not want the office on those terms, and it was put up for sale.

The new purchaser was Ginés de Toro Mazote Peñalosa, who bought the office for his son Ginés. The elder Toro Mazote was the proprietary cabildo escribano from 1585 until his death in 1606. A madrileño, the escribano had migrated to Chile via Peru.

67 Actas, XXI, September 9, 1605, p. 234, recapitulates the sale to Olavarría, which is XX, July 28, 1594, pp. 587-619. A copy of the 1581 cédula is in the documents for 1605, see pp. 235-237.

68 Actas, XXI, September 9, 1605, p. 234; RLRI, book VIII, tit. XX, law 5, is a general decree from Philip II, March 4, 1592, prohibiting the sale of the office with power over the natives' bienes de las comunidades or other property belonging to the Indians.

69 Actas, XXI, September 9, 1605, p. 234.

70 Actas, XIX, January 25, 1585, pp. 239-244, has the documents relevant to Ginés de Toro Mazote Peñalosa's becoming the proprietary cabildo escribano by renunciation from Alonso Zapata; the office was evaluated in 1585 at 3,500 gold pesos; the new escribano paid one-third to the treasury; XXI, October 2, 1606, p. 249, the cabildo mentioned the escribano's death. See RLRI.
in the 1560's. Sometime before 1577 he married Elena de la Serna in Santiago. Several of their fifteen children rose to positions of prestige and power in the colony, largely through their father's efforts in their behalf.71 Toro Mazote's eldest son, Andrés a licenciado from the University of San Marcos in Lima, married the daughter of one of the Chilean oidores. He owned a large estancia and, as indicated earlier, served in the cabildo as an alcalde. The escribano Toro Mazote Peñalosa insured the future of his son Manuel, a minor, by renouncing the cabildo escribanía in his favor. Upon attaining his majority, Manuel served as the cabildo clerk from 1612 until 1662.72

By purchasing the depositarí a for his son, the founder of the Toro Mazote family in Chile initiated a control over the office which persisted during the seventeenth century. The sale of the office following Olavarría's resignation, was held in 1605 under the direction of Governor Alonso García Ramón. Indicative of the financial resources of the cabildo escribano, the purchase

book VIII, tít. XX and XXI and Parry, pp. 6-20, on the sale and renunciation of escribanías.

71Roa, pp. 401-402.

72Actas, XXIV, April 7, 1607, pp. 17-28, has the documents relevant to the transfer by renunciation from father to son; the office was evaluated at 2,000 gold pesos, and the crown received one-third of that sum; Manuel de Toro Mazote began to serve in 1612, see XXIV, December 29, 1612, pp. 358-359, which also contains his confirmation; he probably copied the 1662 session relating to the transfer of the depositarí a to one of his relatives; a new proprietor was serving as the escribano in 1663; see XXXVI, September, n.d., 1663, p. 164. Before Manuel reached his majority (25 years) an interim escribano appointed by the governor served as the cabildo clerk, see XXIV, April 21, 1607, pp. 29-31.
price of 1,500 gold pesos he paid for the office was almost double
the bid made by Lesmes de Agurto.\textsuperscript{73} The younger Toro Mazote
offered as his bondsman the Santiago vecino morador Fernando
Álvarez de Bahamonde who pledged security up to 2,000 gold pesos
for the upright exercise of the office.\textsuperscript{74}

The new depositario holds the distinction of being one of
the few capitulares to have the royal confirmation of his pro-
prietorship recorded in the cabildo records. A cédula given in
Madrid at the end of December, 1607, affirmed Toro Mazote's life-
time right to the depositaria with the right to debate and vote
in the cabildo.\textsuperscript{75}

The general cédula granting the renunciation right to all
proprietary officials in 1606 made it possible for the Toro
Mazotes to retain control of the office. In 1645 after serving
actively for forty years in the cabildo, Ginés de Toro Mazote re-
nounced the office in favor of his stepson, Pedro de Salinas y
Córdoba. The renunciation carried the provision that Toro
Mazote's own son, Matías de Toro y Cordoba, was to assume the

\textsuperscript{73}\textit{Actas}, XXI, September 9, 1605, pp. 234-241, are the com-
plete documents; the governor conducted the sale because the
Santiago audiencia had not yet been established; Agurto bid 800
gold pesos.

\textsuperscript{74}\textit{Actas}, XXI, September 9, 1605, pp. 240-242; Álvarez was
the first purchaser of the office.

\textsuperscript{75}\textit{Actas}, XXV, December 12, 1614, pp. 75-77, records the
confirmation; most of the confirmations were kept in the treasury
office.
office upon reaching his majority.76

The value of the depositaría, at the time Salinas y Córdoba began his term, was assessed at 5,000 silver pesos, and he paid the treasury the crown's one-half of the value.77 The audiencia required him to post bond for 4,000 pesos, a sum twice the amount demanded from his stepfather.78 This not only indicates that the number of civil suits involving property had increased between 1605 and 1645 but is also an indirect sign of population and economic growth.

An incident preceding Salinas' formal entry into the cabildo illustrates the prestige associated with cabildo membership and the colonists' propensity for elaborate public functions. Salinas, whose possession of the depositaría was in dispute, apparently capitalized on the situation which presented itself in 1645. The cabildo, which staged formal ceremonies to mark any noteworthy events in the lives of the royal family, was planning a day of official mourning for the deceased Queen Isabel de Borbón. Although Salinas had not yet paid for the right to hold the office, he had presented the renunciation from Toro Mazote in the audiencia, and, consequently, asked to take part in the commemorative

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76The depositario, Ginés de Toro Mazote, died sometime between January 24, and March 21, 1645, see Actas, XXXIII, pp. 6-7, 17. XXXVI, December 15, 1662, pp. 133-136, has the first and second renunciation of the office.

77Actas, XXXIII, November 24, 1645, pp. 67-71, gives the financial aspects of the transfer; Salinas y Córdoba's medianata was 125 pesos.

78Actas, XXXIII, December 11, 1645, pp. 74-75, gives the information on the fianzas.
service, appropriately attired in mourning like the regidores. This he probably intended to use in the audiencia to establish his acceptance by the cabildo as the legal possessor of the depositaria. A tie vote in the cabildo concerning his participation resulted in an appeal to the audiencia for a decision. After the oidores ruled that Salinas could dress in mourning but that he could not have a place among the capitulares, the cabildo duly ordered the mayordomo of the city to see that Salinas received the attire.79

Salinas, who was formally received as the depositario in December, 1645, held the office until Ginés de Toro Mazote's son claimed his inheritance in 1662.80 Matías de Toro y Córdoba presented his título in the cabildo on December 15 of that year. The session, the only one published for 1662, is incomplete. The lengthy documents recorded in the minutes, nevertheless, provide a minute description of the transfer of office through a second renunciation.81 When Toro y Córdoba submitted the renunciation agreement which he had made with his half-brother in the audiencia the oidores instructed the treasury officials to determine the

79 *Actas*, XXXIII, August 28, 1645, pp. 49-52, some of the capitulares remarked that his proprietorship was contested, but they did not mention the grounds for the dispute; June 28, 1645, pp. 39-40, 44, gives the cabildo arrangements for the day of mourning.

80 *Actas*, XXXIII, November 24, 1645, pp. 67-71 and December 11, pp. 74-75, relate to his reception; XXXVI, December 15, 1662, pp. 131-161, has the transfer.

81 *Actas*, XXXVI, December 15, 1662, pp. 131-161, has the relevant documents.
value of the depositaría. The oficiales reales called six witnesses ranging in age from thirty-five to sixty years, who assessed the office at not less than 5,000 nor more than 6,000 pesos. The oficiales reales believed that the witnesses had underestimated the value of the position and suggested to the audiencia that 7,000 pesos was a more accurate figure. The fiscal Manuel Muñoz de Cuéllar entered a plea to have the office evaluated at 10,000 pesos. 82

Asserting that the Santiago depositarios modeled their office on the one in Lima, the fiscal asked the audiencia to study documents relevant to the Lima position. Among the papers he submitted were rulings issued by the Viceroy, the Marqués de Montesclaros, in 1612 and the Lima audiencia in 1615. The evidence showed that deposits ordered by the Tribunal of the Lima Consulado fell within the depositario general's scope. 83 Included in the

82Ibid., the renunciation dated July 6, 1662, is pp. 135-136; the testimony is pp. 137-140. Juan de Ureta Ordóñez (45), a former regidor and alcalde ordinario, thought that the office's lack of income and emoluments made it worth between 5,000 and 6,000 pesos. Antonio Rodríguez de Ovalle (35) and the receptor general de penas de cámara, Martín de Urquiza (50), agreed with Ureta's evaluation. Urquiza added that Chile was a poor land and the deposits in it were small. The alcalde ordinario Juan de Arrúe (47) thought that the office was worth 6,000 pesos. Melchor de Carvajal y Saravia (38), the alcalde provincial of the Santa Hermandad, evaluated the office between 5,000 and 6,000 pesos. Fernando de Guzmán (60) thought it was worth between 5,000 and 6,000 pesos. Some of the witnesses said they were más o menos than the ages they gave; the statement from the treasury officials and the fiscal's plea are pp. 140-141.

83Ibid., pp. 142-154, gives the Lima documents; see p. 147, for the reference to the prior and cónsules of the Tribunal; María Encarnación Rodríguez Vicente studies the Consulado in her, El Tribunal del Consulado de Lima en la primera mitad del siglo XVII (Madrid: Ediciones Cultura Hispánica, 1960).
Lima documents was an outline of the powers of the office in Lima, listed by the Viceroy, the Príncipe de Esquilache in November, 1616, stating in addition to those held in Santiago, that the Lima depositario was to have charge of all property of deceased persons (bienes de difuntos) which the courts ordered deposited until the property could be sold. Simultaneously, Esquilache evaluated the office at 28,000 ducats at 11 reales each. The Lima depositario had to furnish bond up to 20,000 ducats in 1616.84

While the higher value given the office in Lima seemed to support the evaluation desired by the fiscal, the audiencia ruled in favor of the 7,000 pesos which the treasury officials suggested. Toro y Córdoba asked the oidores to lower the sum to 5,000 pesos, claiming that the Santiago office did not include the administration of the property of the deceased. When the audiencia upheld its decision, Toro y Córdoba accepted the inevitable, paying 2,333 pesos and 3 reales in cash as the one-third due the royal treasury.85

Toro y Córdoba like the other proprietary officials was enjoined to secure royal confirmation of his office within six years after taking office.86 The law, however, was unevently enforced, for the depositario had possessed the office twelve years without

84 Actas, XXXVI, December 15, 1662, pp. 142-146, 149-153.
85 Ibid., pp. 155-158; he also paid 116 pesos and 6 reales for the medianata and promised to pay the tax imposed on the second year of proprietorship; his reception in the cabildo is p. 163.
86 Ibid., pp. 159-161, the título issued by the audiencia emphasized that confirmation had to be secured.
receiving royal confirmation before he was called to account. Manuel de León Escobar, the alert fiscal who had been instrumental in the declaration of vacancy of a simple proprietary regimiento in 1670, initiated Toro's removal. León Escobar informed the audiencia that the treasury records revealed that the depositaría was vacant through failure to secure confirmation.87

Toro y Córdoba defended himself by pleading that he had given the documents necessary for confirmation to the Jesuit padre Lorenzo de Arizabalo, who upon reaching Spain was detained in Seville by the Father General of his order. Thus Arizabalo had been unable to proceed to Madrid. When the fiscal objected to the excuse, the audiencia agreed that it was not sufficient reason for allowing Toro to remain in office. Nothing daunted, Toro then argued that the confirmation had been delayed because Arizabalo died en route from Panama to Lima as he returned from Spain. Toro believed that the priest had had the papers and that they would soon come from Callao. The fiscal's rebuttal affirmed that ships coming to Valparaíso had not yet brought the papers, and that that was the issue. The audiencia found the fiscal's logic more convincing than Toro y Córdoba's and ordered a new sale.88

Determined to regain possession of the lost office, Toro bid

87Actas, XXXVIII, December 24, 1674, pp. 352-382, gives the complete records for the case against Toro y Córdoba, see especially pp. 352-354; December 24, 1670, pp. 97-113, has the records for the declaration of vacancy against Manuel Fernández Romo.

88The exchanges between Toro and León Escobar and the audiencia's decision are in, Actas, XXXVIII, December 24, 1674, pp. 357-361.
4,000 pesos with the condition that he be allowed to serve until his eighteen year old son could become the owner of the office. The fiscal's objection to the bid for the minor led Toro to present a cédula of royal confirmation for a similar sale. When the audiencia interpreted the confirmation as evidence of the legality of the purchase of an office for a minor, Toro bought the office in the remate for 4,500 pesos, paying 500 pesos immediately in return for the special conditions of the sale. The remainder was to be paid in three equal installments.

Presuming that Toro y Córdoba had sought confirmation as he said he did, his loss of office through failure to secure confirmation from Spain illustrates the hazards facing a proprietary official. He had undoubtedly sent funds to secure the confirmation which were probably difficult, if not impossible to recover. In acquiring the depositaria twice, first through renunciation and then through purchase for his son, he had spent 6,029 pesos and 2 reales including the money for the renunciation by his half-brother, the down payment on the purchase, and the medianata charged on each occasion. Of that sum 3,000 pesos went to Salinas y Córdoba in return for the renunciation. Whether Toro y Córdoba paid the 4,000 pesos due in installments after his pur-

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89 Ibid., pp. 362-363. The confirmation of the sale of the alcaldía provincial is pp. 364-368.

90 Ibid., December 24, 1674, pp. 376-380. The medianata was 70 pesos and 1 real, see pp. 379-380; his reception in the cabildo is p. 383.

91 Actas, XXXVI, December 15, 1662, pp. 135-136, contains Salinas y Córdoba's statement that he received the money in cash.
chase is not recorded in the Actas. For his 6,000 or 10,000 pesos, depending on his actual payments to the treasury, he had received proprietorship of an office which he had lost either through misfortune or his own negligence. He also guaranteed his exercise of the office during his son’s minority. Toro y Córdoba could be assured that his son would acquire possession without having to pay the usual one-half of the value for the first renunciation, provided he obtained approval for the condition of the sale in Santiago. Neither would his son have the problem and expense of seeking confirmation in Spain. The bargain he had struck for an office as potentially remunerative as the depositaria was a good one.

In 1687 the cabildo received a new depositario general with a título mentioned but not copied in the Actas. The fact that he served until 1697 indicates that Martín González de la Cruz was the proprietor. A Chilean born of a Portuguese father and creole mother, he was Matías de Toro y Córdoba’s son-in-law.\(^9^2\) The fate of the son for whom Toro purchased the office is a mute question.

An interim depositario named Matías de Toro y Córdoba, who may have been the former proprietor or another relative, served from 1697 until the end of the century.\(^9^3\) By his marriage to

\(^9^2\) Actas, XLII, September 19, 1687, p. 288; XLIV, December 14, 1697, pp. 119-120; for the biographical information see Roa, pp. 401-402, and Actas, L, ”Prologo,” by Ancieto Almeyda, p. L, the latter states that González served as the depositario from 1707-1720 which is further evidence that he was the proprietor.

\(^9^3\) Actas, XLIV, December 14, 1697, pp. 119-120.
Beatriz de Eraso, the depositario Matías de Toro y Córdoba had linked his family to that of the Erasos who controlled the office of alférez real for seventy years. González de la Cruz, who married the daughter of the Toro-Eraso union, continued the bond between the families and the offices. Through purchasing the depositaria in 1605, the escribano Ginés de Toro Mazote y Peñalosa had provided a patrimony which his descendants enjoyed for the remainder of the century, despite the vicissitudes in holding "perpetual" office.

The Alférez Real

When Santiago received a coat of arms, representing its status as a city within the Hapsburg domains, the cabildo had a municipal banner made. Electing the regidor Juan Jufré as the first standard bearer in 1556, the capitulares voted to have an annual fiesta on the feast of the apostle Saint James, the city's patron. Jufré was to have custody of the standard during the festivities and keep it in his home until he would be replaced the following year. An honorary position, the alferazgo was thereafter rotated on an annual basis among the capitulares.

Although it was included in the 1591 decree among the ven-

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94 Roa, pp. 399-402 and Medina, Diccionario, pp. 252-253, 860-868, treat the families.

95 The decree issued at Madrid, April 5, 1552, signed by the Príncipe Philip, is in Col. doc. inéd. Ibero-América, III, p. 211.

96 Actas, I, July 23, 1556, p. 534; XXIV, April 22, 1611, p. 248, May 12, p. 254; July 17, 1612, p. 338.
dible positions which were to be attached to a regimiento and sold to proprietors in the Spanish American cities, the Santiago cabildo retained the privilege of electing an alférez until 1613. At the same time that the audiencia attempted to sell the six elective regimientos, the alferazgo was sold at auction to the Santiago vecino Isidoro Sotomayor. The purchaser bid 9,500 pesos, payable in three installments, in the remate held during 1612.97

Upon his reception in the cabildo, the alférez took a special oath of office, distinguished from the one sworn by other proprietary and elective capitulares by its chivalric overtones. Swearing to exercise the offices of alférez and regidor "well and faithfully," Sotomayor pledged his "pleito-homenaje (fealty) as a caballero hijodalgo (gentleman) and a loyal Catholic vassal of King Philip and of his successors of the Crown of Castilla and León." Finally, he promised to defend the city's standard to the death "in the service of his king and natural lord."98 The essential part of the oath was the declaration of fealty, expressing the loyalty a vassal promised to his lord. Francisco de Eraso, Sotomayor's successor, and individuals who substituted for the proprietary alférez, when he was absent from the fiesta on Santiago's

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97Col. doc. inéd., 1st ser., XVIII, pp. 217-220, is the decree. The sale is in Actas, XXIV, January 1, 1613, pp. 360-364; Sotomayor's father was Francisco de Sotomayor, an Extremaduran, who went to Chile with Francisco de Villagra in 1591; he acquired an encomienda and married Juana de la Torre, the legitimate daughter of Gonzalo Hernandez de la Torre and Maria Hernandez. Isidoro was born about 1595, see Roa, p. 385.

98Actas, XXIV, January 1, 1613, pp. 363-364.
Although the capitulares received Sotomayor as the proprietary alférez, they were displeased with the sale of the office. While the sale was in progress, the cabildo had agreed to protest it in the audiencia. Emphasizing that the sale constituted a grievance (agravio) against the city and its notables (beneméritos), the capitulares, who obviously resented the loss of the privilege of rotating the alferazgo among themselves, instructed the procurador Francisco Rodríguez de Ovalle to plead their case. In receiving Sotomayor, the cabildo had reserved the right to continue its protest against the proprietorship. A power of attorney sent to the cabildo's agents in Spain in 1613 empowered them to beg His Majesty to restore the elective alferazgo to the city out of consideration for the good services the vecinos and moradores performed in the Chilean war. Some of the opposition to the sale may have stemmed from personal animosity toward the Chilean who had purchased the office for there are undefinable hints of suspicion of Sotomayor in the Actas. This

99Actas, XXV, July 24, 1618, p. 280; XXXIII, July 23, 1649, pp. 414-415.

100Actas, XXIV, November 12, 1612, pp. 350-351; Roa, pp. 547-549, treats the Ovalle family; Francisco and his wife María de Pastene were the parents of the Jesuit historian, Alonso de Ovalle.

101Actas, XXIV, November 12, 1612, pp. 361-364, includes the cabildo's protest over the sale; February 1, 1613, pp. 380-381, is the power of attorney.

102See Actas, XXV, April 19, 1614, pp. 26-27, May 2, p. 28, July 18, p. 42. Encina, IV, p. 7, contends that Sotomayor was one of the "new rich" in Santiago and thereby aroused the jealousy of the older aristocracy.
interpretation is supported by the cabildo's failure to contest the transfer of the proprietorship to Francisco de Eraso.

The records pertaining to Eraso's acquisition of the office contain a clear case of the audiencia's declaring a renunciation invalid. Sotomayor renounced the office in favor of Eraso on June 21, 1618, in an agreement in which the two men valued the office at 3,000 pesos. When Eraso presented the renunciation in the audiencia, requesting a título and stating that he would pay the amount due the treasury, the oidores sought the opinion of the fiscal Fernando Machado. Asserting that the true value of the alferazgo with its attached regimiento was 9,500 pesos and not the 3,000 pesos upon which Sotomayor had based his renunciation, the crown attorney asked for a declaration of nullity. Although Eraso and Sotomayor sided together against the fiscal in defense of the lower figure, the oidores declared the office vacant and for sale to the highest bidder.\footnote{Actas, XXV, July 24, 1618, pp. 276-281, gives the complete records; see pp. 277-278 on the renunciation.}

In the sale which followed, Eraso bought the alferazgo for 6,000 pesos, paying 4,000 in cash and promising to pay the remaining 2,000 within one year. Francisco was a minor at the time that he purchased the office, but age was not a major factor in the proprietorship of the alferazgo which was primarily a position of honor.\footnote{Ibid., pp. 278-280.} The crown itself confirmed the sale, and the escribano
recorded the royal confirmation on May 20, 1622.105

The young man who became the alférez in 1618 was the son of Domingo de Eraso, who had migrated from Spain and married the daughter of Lesmes de Agurto before serving as Governor Ribera's procurador at court in 1603.106 Francisco was destined to possess the alferazgo until his death in 1671. He and his son Domingo, who held the proprietorship from 1683 until the end of the century, dominated the alferazgo for seventy years. Between 1626 and 1634, Francisco was in Lima where he married Blanca Ubitarte y Villalobos.107

Taking advantage of Eraso's presence in the viceregal capital, the cabildo instructed him to entreat the viceroy for favors for the city and to represent Santiago in its various lawsuits. He was especially delegated in 1626 to inform the viceroy of the good effects of the offensive war which had replaced padre Luis de Valdivia's defensive strategy against the Araucanians.108 While Eraso attended to personal and municipal matters in Lima, the cabildo reverted to its former practice of appointing a standard bearer for the feast of Santiago. When Eraso returned in 1634,
The cabildo entrusted the banner to him.\textsuperscript{109}

The cabildo again had to select a substitute for Eraso in 1649. On July 23, 1649, the corregidor Juan Rodolfo Lisperguer informed the capitulares that Eraso had requested the capitulares to appoint an alférez for the feast of Santiago because his household was infected with plague (apestado), his wife had recently died, and he himself was ill.\textsuperscript{110}

A seventeenth century chronicler writing with a providential view of history might have made quite a case for the visitation of God's wrath had he noticed Eraso's troubles with disease in conjunction with the alférez's recent acquisition of an encomienda. Governor Martín de Mujica bestowed a vacant encomienda which had formerly belonged to doña Mariana de Córdoba de Aguilera on Eraso in 1649. The Indians were those subject to caciques living near the city of Mendoza in Cuyo and on an estancia within Santiago's jurisdiction. Mujica made the grant for Eraso's life and the life of one of his heirs, in consideration of Eraso's own services and those of his forefathers, provided that Eraso secured

\textsuperscript{109}Actas, XXVIII, October 2, 1626, when Eraso left he delivered the banner to the cabildo which entrusted it to Campo Lantadilla for safekeeping, see p. 388; those who served as alféreces were the regidores Juan Cajal in 1627, Juan Jofré de Locaísa in 1628, Jerónimo Chirinos de Locaísa in 1629, Diego de Ribadeneira, in 1630, Juan Flores Lisperguer in 1631, Diego de Cárcamo y Valdés in 1632, and Tomás Calderón in 1633. See XXVIII, June 25, 1627, p. 440; XXX, July 14, 1628, pp. 22-23; June 22, 1629, p. 102; May 24, 1630, p. 172; May 30, 1631, p. 264; May 29, 1632, p. 352; June 3, 1633, p. 415; July 20, 1633, p. 425; XXXI, January 21, 1634, p. 5.

\textsuperscript{110}Actas, XXXIII, July 23, 1649, pp. 413-414, Bernardo de Amasa accepted the standard on July 24, see that date, pp. 414-415.
royal confirmation of the grant within six years. The king duly confirmed the encomienda with the provision that Eraso's successor had to pay what was due for the right to inherit the encomienda.\footnote{The royal confirmation recorded in the Actas, gives the information on the grant from Mujica, see XXXIV, October 30, 1653, pp. 363-364.}

Eraso, who enjoyed social and economic advancement by becoming an encomendero, received political preferment from Governor Baides. The governor appointed him as the corregidor and militia commander in the partido of Quillota in 1641. At the time, the cabildo was embroiled in a complicated case involving a tallow contract, and some of the capitulares were reluctant to have Eraso exercise the additional office outside the city. A compromise was worked out whereby Eraso served in the subject partido but returned to Santiago for regular cabildo sessions.\footnote{Actas, XXXII, February 26, 1641, pp. 99-100, March 5, pp. 100-101, April 6, pp. 107-109, April 24, pp. 111-114; July 5, 1641, pp. 118-119, August 12, p. 126; his signature continues throughout the year.} In 1644 the cabildo received Eraso as Baides' appointee to head the corregimiento of Melipilla without any apparent dispute.\footnote{Actas, XXXII, March 17, 1644, pp. 328-332; his título also named him as the administrator of the royal obraje (textile factory) in the partido which produced cloth for the regular army; the corregidores of Melipilla usually administered the factory.} The cabildo's reactions to the appointments show that its attitude toward pluralism varied with circumstances.

In the twelve years separating the death of Francisco Eraso and the beginning of the proprietary tenure of his son Domingo,
three individuals exercised the alferazgo. Immediately following Francisco Eraso's death, Francisco de Barona served on an interim basis. A peninsular, Barona had entered one of the oldest families in Chile by marrying María de Ureta, the daughter of Juan de Ureta and Jerónima de Pastene.114

Pedro Prado de la Canal, whose father had been the royal treasurer in Tucumán where Pedro had been born, became the proprietor after Barona's term. After going to Chile, Pedro de Prado became an encomendero and served, in Santiago, not only as the alférez but also as the corregidor, an alcalde, a regidor, and the cabildo procurador.115 From the vantage point of his respective positions, Prado was influential in cabildo economic decisions.

The interim alférez who succeeded Prado obtained the office by making a donativo (free gift) of 400 pesos to the treasury to have the appointment. Governor Henríquez, in conferring the office on Juan Antonio de Mieses Alarcón in 1681, also mentioned that he had previously given 500 pesos for military expenditures.

114Actas, XXXVIII, August 10, 1671, pp. 169-171, August 21, p. 173. See Roa, p. 711 for the biographical information. The commission Pedro de Valdivia gave to the Genoese Juan Bautista de Pastene to explore the Chilean coast on September 3, 1544, is in, CDIC, 1st ser. XXV, pp. 71-82.

115No título was recorded for Prado; however, the title alférez real accompanied his name. See Actas, XL, May 29, 1676, p. 46, July 19, pp. 407-408; XLI, November 30, 1681, pp. 79-80. The cabildo recorded Prado's death and the transfer of the banner from his house to the cabildo on December 24, 1681, pp. 95-98. Medina, Diccionario, pp. 702-704, includes an "Información" of Prado's services drawn up shortly before his death in 1681; see also Roa, pp. 542-544; he and his son Pedro de Prado y Lorca are mentioned in the discussion of the corregidor.
Thus the office was regarded as a reward for monetary contributions to the crown. The donativo was not excessive in view of the honorific character of the alferazgo. It will be recalled that during the last decade of the century elected regidores had to pay 100 pesos in order to exercise their offices. Since Mieses' served for two years in the dual capacity of a regidor and the alférez, he was only doubling the sum later required for an annual regimiento.

In 1683 the alferazgo was transferred to Domingo de Eraso through renunciation by his father. No título was included upon his initial entry into the cabildo. However, the royal confirmation of the proprietorship stated that Francisco de Eraso had renounced the office in favor of Domingo, who had paid 2,666 pesos and 5 reales to the treasury as the one-third due the crown. Francisco Eraso had apparently made a renunciation in favor of Prado with the provision that the office had to be transferred later to his son.

The fractional payment to the treasury indicates that the office was assessed in 1683 at 8,000 pesos. Although the price did not rise to the figure paid initially by the alférez Isidoro de Sotomayor, the office, which promised its owner only the finan-

116 Actas, XLI, December 24, 1681, pp. 95-98. Mieses served in place of an absent alcalde in 1682, see March 10, 1682, pp. 123-124, March 16, p. 125.

117 Actas, XLI, December 24, 1683, p. 264.

118 Actas, XLIII, August 13, 1694, pp. 179-192; the confirmation stated that he paid 1,000 pesos in cash and that he had promised to pay the remainder within four years, which he did.
cial perquisites which an ordinary capitular could expect, had a high value for such a small city as Santiago. By investing in the alferazgo, the Santiagoans demonstrated that they not only esteemed the honor of guarding the city's standard but also the regimiento attached to the office.
CHAPTER IV

PROPRIETARY OFFICE:

THE RECEPTORÍA, ALCALDÍA PROVINCIAL, AND FIEL EJECUTORÍA

Between 1647 and 1664, the Santiago audiencia sold three new proprietary offices which were attached to regimientos. The receptor general de penas de cámara (receiver and collector of fines imposed by an audiencia) and the alcalde provincial de la Santa Hermandad (magistrate for the rural constabulary, the Holy Brotherhood) took their places as ex officio capitulares in the late 1640's. The last vendible office belonged to the fiel ejecutor de las pulperías compuestas (inspector of specially licensed shops), who purchased the position in 1664. Because the data concerning the creation and sale of these three positions reveals the actual working procedure of a colonial audiencia, the records are examined intensively.

The Receptor General de Penas de Cámara

The compilation of the laws of the Indies, the Recopilación, includes cédulas from all the Hapsburg monarchs dealing with the position of receptor general de penas de cámara. Their decrees describe the official as the collector of fines imposed by the colonial audiencias.¹ In Santiago, the royal officials received the fines due the royal treasury until the audiencia sold the

¹RLRI, book II, tit. XXV, is devoted to the office.
office of receptor in 1647.\textsuperscript{2} After the sale, the receptor was more closely associated with the audiencia than with the cabildo, for his only connection with the other capitulares was as a proprietary regidor.

The impetus for the sale of the receptoría came indirectly from decrees sent from Spain, but the audiencia translated the royal orders to fit the Chilean situation. The immediate reason for the sale was to raise revenue. An \textit{acuerdo de hacienda}, composed of the oidores Pedro González de Güemes, Bernardino de Figueroa y de la Cerda, Nicolás Polanco de Santilla, Antonio Fernández de Heredia, the fiscal Juan de Huerta Gutiérrez, the contador Antonio de Azoca, and the tesorero, Miguel de Lerga considered the need for revenue in August, 1646.\textsuperscript{3}

The senior oidor González proposed that the assembly should find the "mildest" means to improve the condition of the Chilean treasury. He stated that the expenses at Valdivia, because of the pirate threat, demanded an increase in Santiago's treasury collections. The oidor specifically called the acuerdo's attention to a cédula issued in 1644 which ordered Chile itself to pay increased salaries to battalion officers in the regular army.\textsuperscript{4}

Faced with the financial difficulties, the acuerdo heard

\textsuperscript{2}Ibid., law 2 allows for this. The complete records for the sale are in \textit{Actas}, XXXIII, October 22, 1647, pp. 220-233.

\textsuperscript{3}\textit{Actas}, XXXIII, October 22, 1647, pp. 222-224, is the acuerdo. An \textit{acuerdo de hacienda} was a special meeting of officials such as those who attended this one to discuss and resolve financial questions.

\textsuperscript{4}Ibid., pp. 222-223.
the fiscal Huerta suggest a solution based on a cédula providing for the sale of the office of receptor general throughout the Indies. Huerta claimed that it had been sold everywhere except in the Audiencia of Chile. The reason, he said, was "because the land has not been at peace until now or for other reasons that do not now prevail." The fiscal asserted that the audiencia needed an official with the specific duty of collecting fines to lighten the burden on the two oficiales reales, who had fifteen branches of revenue (ramos de hacienda) to handle.\(^5\) In arguing for the sale, Huerta outlined the benefits which would be derived from the new position. He predicted that fines would be collected more promptly if Chile were to follow "the general custom of the audiencias of all His Majesty's kingdoms where there is a receptor general." The official would have a personal interest and profit in attending to his duties and would keep records, which would make it impossible to forget or to conceal the fines due. Not only would the more efficient method of fine collection increase the funds available in Chile, but the creation of the office itself would enhance the king's revenue. There would be the purchase price, the fractions due the crown from subsequent renunciations, and the medianatas charged those who filled the office. The fiscal thought a good price could be secured for the office in Chile if the audiencia followed the practice of Mexico and other cities by attaching it to a perpetual regimiento. The

\(^5\)Ibid., p. 223, he cited the cédula of January 29, 1584, but did not have a copy inserted in the records.
republic and His Majesty's revenue would both benefit from introducing the office of receptor, the fiscal promised.6

The acuerdo found Huerta convincing and agreed that the office would be sold with the right to debate and vote in the cabildo. To make the office more attractive to prospective purchasers, the receptor was to be allowed to retain 10 percent of his collection in the territory under the audiencia's jurisdiction. The contador, however, dissented from the majority opinion maintaining that the treasury officials should continue to serve as fine collectors. His threat to appeal to the king did not dissuade the others, and the acuerdo entrusted Polanco and Huerta who were acquainted with the office as it was exercised in the Lima audiencia, with preparing a statement on the receptor's powers and privileges.7

The "memoria" composed by the oidor and the fiscal reiterated and elaborated on the acuerdo's description of the office of receptor. As collector of fines imposed in audiencia decisions, the receptor would be entitled, with minor exceptions, to retain 10 percent of the amounts collected. He could appoint an alguacil to help in collections and a teniente in each partido to collect and deliver fines to him. The receptor had to post bond for 4,000 pesos and keep records of his collections which would be subject to periodic inspection by an oidor. He had to release funds upon receiving properly endorsed libramientos (payment

6Ibid.
7Ibid., pp. 223-224.
orders) from the audiencia. Among the pre-eminences granted the receptor were the rights to the first seat among the abogados (attorneys) when the audiencia heard cases and the first place among the audiencia ministros (officials who worked with and for the audiencia) in public ceremonies. He would have the emoluments accorded to the other ministers in Santiago and prerogatives enjoyed by the Lima receptor. As a proprietary regidor, he would have a perpetual office in the cabildo. The combined offices of receptor and regidor would be sold through the normal process with the right of renunciation.

The audiencia issued a formal approval of the acuerdo de hacienda and the memoria in an auto announcing that the receptor was for sale on September 4, 1646. The announcement both provoked a mild protest from the cabildo and enticed a bidder to make an offer on the position. Promising to pay 5,000 pesos in three installments of cord for arquebuses and muskets at the exchange rate of 15 pesos for each quintal (hundred-weight), Francisco Peraza y Cerdán opened the posturas. Uncertain whether a bid in kind were acceptable, the fiscal referred the question.

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8 Ibid., pp. 224-227, is the entire "memoria" (committee report); if the receptor honored an improperly issued libramiento he would be subject to "pena de que lo pagará de su bolsa," see p. 226.

9 Ibid., pp. 225-227; Huerta and Polanco did not stipulate the prerogatives enjoyed by the Lima receptor.

10 Ibid., p. 222, gives the auto, p. 221, gives the bid; October 22, 1646, pp. 132-133, has the cabildo's instruction to the procurador to protest the sale before the audiencia.
to the Viceroy, the Marques de Mancera, who approved the offer.\footnote{Ibid., October 22, 1647, p. 221, Peraza promised to transport the cord to Valparaiso; pp. 227-228, is a portion of Mancera's letter.}

After the bid had been accepted, the audiencia acknowledged its receipt of a cédula from Philip IV which specifically instructed the oidores to sell the receptoría in Santiago. The decree of October 1, 1645, ordered the office created with voice and vote in the cabildo and sold with the right of renunciation. Directing that the position was to conform to those in other audiencias of the "Indias Occidentales," the king explained that financial necessities prompted the decision to have the office sold in Santiago. He stipulated that the proceeds from the sale were to be sent directly to the tesorero general (general treasurer) of the Council of the Indies, separate from other treasury remittances.\footnote{Ibid., p. 228; the decree may have arrived prior to the original acuerdo de hacienda with the audiencia only acknowledging reception after steps had been taken to sell the office. However, the records were written to look as if the impetus came primarily from the audiencia and fiscal in Santiago, see p. 221.}

With backing from both the viceroy and the crown, the audiencia held the remate in which Peraza purchased the office without contest on September 12, 1647. He gave fianzas for delivering the cordage installments and for the 4,000 pesos security on the fines he would collect.\footnote{Ibid., pp. 221-222.} Because the receptoría was primarily an audiencia office, Peraza was received by the oidores
before taking his place in the cabildo. After the audiencia acknowledged his possession of the office, the cabildo received him.\textsuperscript{14} The new official presented confirmation of his proprietorship in 1651.\textsuperscript{15} Apparently the king and his council did not object to the payments in cordage being used in the Chilean war instead of being shipped to Spain.

Although the 1647 earthquake had occurred between the time of Peraza's first bid and the final auction, no mention of the disaster appeared in the records for the sale. The financial resources of the purchaser, who was either a producer or a dealer in cordage derived from hemp, were undamaged by the earthquake, for, as will be seen, Peraza subsequently entered unsuccessful bids on two other offices, the alcaldía provincial and the fiel ejecutoría, and the latter involved payments in cordage. His interest in the proprietary positions in Santiago seems to mark the receptor, who was only one generation removed from Spain paternally, as a would-be speculator in public offices. Peraza's father Jerónimo de Peraza had gone to Chile at the turn of the century and married Elena Ramírez, the daughter of Tomás Núñez Ramírez and Juana Venegas. Their son was born in Santiago about 1605 and in 1633 married Isabel de Espinosa, whose parents were

\textsuperscript{14}Ibid., pp. 232-233, is his reception in the audiencia and the cabildo; his medianatà amounted to some 350 pesos for two years, see p. 230.

\textsuperscript{15}Actas,XXXIV, February 25, 1651, pp. 92-95; the king had signed the document on December 19, 1649.
The proprietorship of the first receptor general was marked by long periods of absence and the appointment of several interim receptores.17 Despite his reluctance or inability to perform his duties personally, Peraza retained possession of his office until his death in 1673. Peraza renounced the receptoría in favor of his son-in-law Rodrigo Tamayo de Mendoza, who defaulted on the payment of the renunciation charges and left Chile for Peru.18

During the delay before the resale of the vacant office, it was filled by interim appointees.19 The value of the office had declined to 3,000 pesos by the time Antonio de la Llana purchased it in 1680, promising to pay his total bid in three installments. Llana, a native of Santander, upon arriving in Santiago, married Magdalena Morillo y Cajal, a descendant of Alonso del Campo Lantadilla, the former alguacil.20

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16 Roa, pp. 499-500 and Medina, Diccionario, p. 664. A variant spelling of the receptor's name is Pedraza y Zerdán.

17References to the interim appointees and Peraza's absences are in Actas, XXXIV, August 19, 1651, p. 155, August 27, 1652, pp. 260-261, October 24, p. 267, October 30, pp. 268-271, November 17, pp. 276-277; XXXVI, December 15, 1662, pp. 137-140; XXXVII, December 30, 1666, pp. 364-365; XXXVIII, May 13, 1672, pp. 219-222.

18 Actas, XL, April 6, 1680, pp. 365-379, 383-384; the office had been evaluated at 4,000 pesos; Peraza's death was certified, see Actas, XL, April 6, 1680, pp. 365-367.

19 Actas, XL, March 7, 1680, pp. 350-352; the appointment mentioned that another interim receptor had held the office previously.

20 Actas, XL, April 6, 1680, pp. 355-393, are the complete records; the remate is pp. 385-388. Llana's medianata amounted to 100 pesos; see Roa, p. 669, for the biographical information.
Another recent arrival from Spain gained the office of receptor when Llana failed to renounce it before he died. Upon the request of the Chilean-born fiscal Juan de la Cerda y Contreras, the audiencia declared the office vacant and conducted the resale.21 Juan de Lecaros bought the office in 1684 for 3,500 pesos, a slight increase over the sum paid by Llana four years earlier.22 The new proprietor had already taken his place in Chilean society by his marriage to Juan de Ovalle y Amasa, who had Pastene, Lisperguer, and Irarrázabal, as well as Ovalle and Amasa relatives.23 Lecaros, like the first purchaser of the office, was an absentee proprietor until the office was transferred to Bernardino de Ressa y Cervantes in 1693.24 The escribano did not record the título for Ressa, the last receptor in the seventeenth century. It is therefore impossible to ascertain whether he was the pro-

21 Actas, XL, December 23, 1684, pp. 332-349; the testimony of Llana's death on July 31, 1684, is p. 334. Juan de la Cerda y Contreras, born in Santiago about 1632, was the son of a peninsular who entered Chile with Governor Pedro Osóres de Ulloa and married a Santiagoan. The licenciado served as the city attorney (abogado) in 1665, see Actas, XXXVII, April 24, 1665, p. 37. He was elected an alcalde in 1676 upon completing his term as fiscal which had begun in 1668. He founded one of the first mayorazgos in Chile, see Roa, pp. 630-631, Medina, Diccionario, p. 197, and J. Eyzaguirre, Genesis, pp. 139, 255.

22 Actas, XL, December 23, 1684, pp. 340-341, 348-349; his medianata was 116 pesos and 6 reales, see pp. 348-349.

23 Roa, pp. 547-549, 608, 781.

prietor or an interim appointee. The Actas do not contain any information on the effectiveness of the various receptores as fine collectors for the audiencia. Perhaps they did fulfill the glowing promises the fiscal Huerta made when the office was created. The sales of the office, at least, added to the revenue the crown derived from Chile. The departure of Tamayo de Mendoza for Peru might indicate that he had absconded with fines collected by his father-in-law, Peraza. This would demonstrate that the office was more advantageous for the proprietor than for the royal treasury. In the subsequent resales of the office, the low purchase prices suggest, on the other hand, that the receptoría was not a very lucrative source of income for the proprietor.

The tendency toward absenteeism, which characterized this office and other proprietorships in the latter part of the century, should not be overemphasized. In general, the cabildo took little notice of the faithful, continued attendance of its members, and usually noted the absence of a proprietor only when an interim appointee arrived as his substitute. The effect of absenteeism must also be weighed against the record of the cabildo's initiative and energy in its activities.

25 Actas, XLIII, May 29, 1693, pp. 88-90, June 12, p. 92, concerns the new receptor. Ressa's signature appears in the Actas as late as 1698. By 1699, an interim appointee, Valeriano de Arcas attended some of the cabildo sessions.
The Alcalde Provincial de la Santa Hermandad

In the outlying regions under Santiago's jurisdiction, the Santa Hermandad existed, as it did in other parts of the Indies, as a rural constabulary. Alcaldes of the Hermandad, chosen on an annual basis by the cabildo, were its agents for keeping order in the countryside. The cabildo issued special commissions to the individuals elected as constables to investigate crimes and to hear cases in the rural areas. In 1635, the crown decreed that the permanent office of alcalde provincial, vested with judiciary and executive authority in the Holy Brotherhood, should be attached to a proprietary regimiento and sold in the cities in the Peruvian viceroyalty. The royal fiat did not, however, affect the composition of the Santiago cabildo until 1648, when the proprietor of the alcaldía provincial assumed an ex officio seat among

26RLRI, book IV, tit. XV, law 10, and book V, tit. IV, gives laws pertaining to the Holy Brotherhood; see also, Parry, pp. 29-30.

27The Hermandad alcaldes were not members of the cabildo, but acted as its agents to keep order in the countryside. For elections, commissions issued, and medianata payments see Actas, XXIV, August 22, 1609, p. 140; XXV, January 4, 1614, p. 8, May 2, p. 30; XXVIII, January 10, 1626, p. 33, May 7, 1627, p. 432; XXX, April 19, 1633, p. 410, April 26, p. 411; XXXI, January 30, 1637, pp. 220-221, January 31, 1637, pp. 221-222, January 8, 1638, p. 275; XXXII, March 12, 1640, p. 16; XXXIII, February 10, 1645, p. 7, March 2, p. 14, May 27, p. 36, February 22, 1646, p. 90, June 22, p. 112.

28RLRI, book V, tit. IV, law 1, gives a summary of a decree providing for the sale of the position in 1631; Parry, pp. 29-30, says the order was applied to Peru in 1635; neither the Recopilación nor the Actas clarify the powers of the alcalde provincial or the Hermandad.
In interpreting the cédulas relating to the office, the Santiago audiencia tailored the king's orders to fit the local circumstances. The audiencia, in the course of the bidding on the office, found that it also had to accommodate the specific demands of Valeriano de Ahumada, one of the ponedores (bidders), if his lucrative bid were to be secured for the royal treasury. The Ahumadas had held positions of importance in Chile since Valeriano's father had entered the kingdom with Governor García Hurtado de Mendoza in 1557. Valeriano, like his father, had served as an alcalde ordinario in the Santiago cabildo. The proprietor of a simple regimiento he had acquired through the renunciation process, Valeriano knew the intricacies of obtaining office en perpetuo (in perpetuity). Married to María Guisado Maldonado y Suárez Hortuno whose family owned the office of secretary to the audiencia, he was prepared to drive a hard bargain when he entered the bidding to buy the office of alcalde provincial, for his son, Gaspar. Thus the alcaldía provincial, as finally sold, was the product of the interaction of the king, the audiencia with its energetic fiscal Huerta Gutiérrez who had promoted the sale of the receptoría, and the creole purchaser, Valeriano de Ahumada.

The audiencia had tried unsuccessfully to sell the alcaldía

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29 Actas, XXXIII, December 30, 1648, pp. 334-374, gives the records for the sale.

30 Ibid., Roa, pp. 360-361, 533, provides the biographical information.
Following the suggestion of the fiscal Antonio Fernández de Heredia, the oidores had accepted bids but had not concluded the sale. On January 19, 1647, the fiscal Juan de Huerta Gutiérrez urged the audiencia to reopen the sale. The reception of a cédula on April 2, 1647, specifically ordering the office sold in Santiago lent support to the fiscal’s plea.

In the decree he issued at Zaragoza in 1645, Philip IV reminded the Chilean oidores that in 1635 he had ordered the Viceroy, the Conde de Chinchón, to have the perpetually renunciable offices of provinciales of the Hermandad sold throughout the viceroyalty, with voice and vote in their respective cabildos and with the honors attached to the office in Seville.

The king pointed out, in the 1645 cédula directed to the Chilean authorities, that he understood that the office had not been sold in Santiago. He and the Council of the Indies had decided that Santiago’s extensive jurisdiction warranted two such offices, with one provincial having jurisdiction from the city of Santiago to Chuapa and the other from Santiago to the Maule. Consequently, Philip IV commanded the audiencia to sell the two offices, as ordered in his cédula of May 27, 1631. Philip IV, however, modified his previous pronouncement on the salary for a

31 Actas, XXXIII, December 30, 1648, pp. 334-335.
32 Ibid., pp. 335-336, the cédula is p. 336.
33 Ibid., p. 336; the decree issued to Chinchón is not recorded in the Actas.
34 Ibid.; RLRI, book V, tit. IV, law 1, is the 1631 decree.
provincial. He had formerly stipulated that the salary would be 100,000 maravedís (approximately 370 pesos) annually. In 1645, the king thought it advisable for the oidores to set a figure for each official corresponding to the amount he paid for the office.

Before the cédula could be implemented, Santiago suffered the earthquake of 1647. It was only on January 9, 1648, that the fiscal Huerta again introduced the topic of the sale of the two offices. The audiencia called an acuerdo de hacienda attended by the oidores González de Guemes, Figueroa, Polanco, and Fernández de Heredia, the fiscal Huerta, the comptroller Azoca and the treasurer Lerga. These officials, who had inaugurated the sale of the receptoría, met to discuss Huerta's proposal. On March 24, 1648, they decided to sell only one alcaldía provincial within Santiago's jurisdiction.

The decision was based on a reluctance to create two new offices so soon after the creation of the office of receptor general. The oidores and oficiales reales asserted that the new offices would burden the republic with additional ministros (officials) at a time when Santiago, because of the earthquake, needed alleviation. They also foresaw jurisdictional disputes if there were two provinciales. The acuerdo noted that such populous cities as Seville and Lima had only one provincial. From the financial point of view, the "interés real" (royal revenue)

35Actas, XXXIII, December 30, 1648, p. 336; RLRI, book V, tit. IV, law 2, has a similar regulation on salary.

36Actas, XXXIII, December 30, 1648, pp. 337-338, is the acuerdo de hacienda.
would not be increased by selling two offices, for each one would bring a lower price. The acuerdo de hacienda, therefore, agreed to observe the previous cédula sent to the Conde de Chinchón. Instead of selling two offices in Santiago, the major towns in Chile would each have one alcalde provincial. The jurisdiction for the Santiago provincial would stretch from the Maule River to Chuapa. The question of the salary was left open until after the sale.37

With the announcement of the reopening of the sale, Diego de Aguilar Maqueda entered a bid on April 28, 1648, for 6,000 pesos, paying 2,000 in cash and 4,000 within three years. The fiscal insisted that the audiencia had to notify the individuals who had bid on the office in 1644 of the new offer before the auction (remate) could be held.38

The notification was duly given, and new posturas were offered. Sebastián Sánchez Chaparro Chumacero offered 7,000 pesos, 2,000 in cash and 5,000 paid in three installments of flour for the royal army. He stipulated that the flour was to be evaluated at 20 reales per fanega (Spanish bushel) and guaranteed that he would transport it to Valparaíso for shipment to the southern frontier. Aguilar raised his bid to 7,000 pesos with 2,500 in

37Ibid.; the provincial for Concepción would have jurisdiction from that city to the Maule; the entire province of Cuyo would comprise the jurisdiction of the official there; Coquimbo's (La Serena's) provincial would embrace the area from Chuapa to the Guasco; each provincial would have voice and vote in his respective cabildo.

38Ibid., pp. 338-339.
cash and the remainder payable within three years. Since he was prepared to post bond for his offer, he asked the audiencia to require Sánchez Chaparro to provide fianzas for his bid. The audiencia forwarded a copy of Aguilar's bid to his competitor for the office and ordered both men to furnish security for the offered bids. Sánchez Chaparro was instructed that, if he chose to raise Aguilar's offer, he would have to provide fianzas for the higher sum.39

At the remate held on August 25, 1648, the senior oidor Figueroa y la Cerda and the fiscal were present along with the treasury officials. When the two ponedores, Aguilar and Sánchez Chaparro, began to bid against each other, the price rose to 10,000 pesos with 3,000 in cash offered by Aguilar. A new bidder, the receptor general Francisco Peraza y Cerdán, appeared at that point and offered 12,000 pesos in three equal installments of 4,000 pesos each. Those conducting the sale ordered him to post bond for his bid, as Aguilar and Sánchez Chaparro did, and granted him the time extension he requested to find bondsmen before concluding the remate.40 After the auction resumed, Peraza reported that he had not secured the fianzas. Figueroa y la Cerda ordered him to continue searching for individuals who would guarantee his offer, while the pregonero announced the bid.41

Diego de Leiva then appeared with an offer of 12,100 pesos.

40Ibid., the remate is pp. 344-347.
41Ibid., p. 346.
paid in three installments with Peraza as his fiador. The pregonero announced the bid, only to be interrupted by the fiscal calling for a postponement of the remate on the grounds that Peraza's own bid had greater "conveniencia" (value) for the royal treasury. Arguing that his 3,000 pesos in cash was more valuable than the higher bids payable entirely in installments, Aguilar joined Huerta in asking for a review of the bids. They won their point by obtaining a hearing in the audiencia on the relative values of the bids on September 10. Meanwhile, the remate proceeded, on August 27, with Sánchez Chaparro submitting a new bid of 12,200 pesos paid within three years, underwritten by Luis de las Cuevas.

Still another ponedor Valeriano de Ahumada, already a proprietary regidor, offered first 12,000 and then 12,200 pesos with 2,000 pesos to be paid immediately and the remainder payable within three years, guaranteed by the fiadores Joseph de Morales y Negrete and Diego de Aguilar. Ahumada made the bid for his son, Gaspar, demanding that the office should have the pre-eminences of the Lima and Seville alcaldes provinciales. Valeriano wanted to exercise the office personally or to appoint a deputy until Gaspar would reach his majority, unless the audiencia would let his son assume the position immediately. The conditions Ahumada imposed on his bid prompted a suspension of the remate until

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42 Ibid., pp. 347-348.
43 Ibid., p. 349.
The remate had been rescheduled for August 29, but the complications arising as the audiencia studied the various bids led to the longer postponement. Inaugurating a suit against the receptor Peraza, the fiscal maintained that his bid was higher than Ahumada's, and that he should be held responsible for it and forced to post bond for his offer. Huerta wanted to require Peraza to renounce one of the offices, either that of provincial after he obtained it or that of receptor, so that the royal treasury would receive its share from the renunciation. If Peraza refused to furnish the fianzas for his bid on the alcaldía provincial and thus defaulted on his offer, the fiscal meant to launch bankruptcy proceedings against him which would secure funds for the royal coffers.45

Peraza defended himself, with the help of an attorney, by pleading that the audiencia should release him from any obligation pertaining to the bid. He rejected the fiscal's assertion that the treasury would profit more from his bid because of a presumed renunciation, which was something the fiscal anticipated rather than a fact in the actual, immediate case. Peraza argued that he could conceivably hold both offices and thereby deprive the treasury of renunciation payments. The audiencia decided

44 Ibid., pp. 349-351.

45 Ibid., pp. 351-352; in regard to the bankruptcy proceedings the fiscal stated that Peraza would be "sujeto al interés de la quiebra y tercio de las leyes reales y á lo demás que por derecho estuviere dispuesto." The entire case between the fiscal and Peraza is pp. 348, 351-357.
against Peraza on September 10, stating that, despite his dis-
claimers, he had made the highest bid and ordered him to furnish
the fianzas or face bankruptcy charges. The court also informed
Peraza, Ahumada, Aguilar, and Sánchez Chaparro that the remate
would be held on September 11.  

After disposing of the case against Peraza for the time
being, the audiencia turned to a consideration of a petition from
Ahumada, which both clarified the conditions he imposed and
raised his original bids. On September 10 he offered the audiencia
two alternative bids to study. He submitted an offer of
13,200 pesos, 2,000 in cash and 11,200 payable in three years for
his son Gaspar de Ahumada to have immediate, personal possession
of the office. He affirmed that the youth had the qualifications
for the office because he was presently serving as an elected
regidor and had had his turn as the fiel ejecutor, a judiciary
position. Valeriano promised to pay an amount set by the audiencia
for an age dispensation for Gaspar.  

In return for his money, Ahumada wanted the office endowed
with all the honors, pre-eminences, and prerogatives that it had
in Seville and Los Reyes. These he wanted the oidores to grant,
with a provision that the Ahumadas would have to secure confirma-
tion of the sale from the king. Ahumada wanted the audiencia to
guarantee that any prerogatives, which were not actually observed

46 Ibid., pp. 356-357, is the audiencia's auto.

47 Ibid., the petition is pp. 357-360, the first bid is pp. 357-358; Gaspar had begun his turn as fiel ejecutor on July 15,
1648, see p. 293.
in Santiago but which might be approved by the crown, would go into effect when the confirmation arrived. He demanded that the cabildo cease electing Hermandad alcaldes after the office of provincial was sold so that the new official could appoint them and thus have exclusive jurisdiction and control over the Holy Brotherhood's juzgado (tribunal). In support of his power, Ahumada maintained that it would be unjust for him to give the king such a large sum while remaining limited in his jurisdiction and equal to those who had not given the crown any interés (revenue). Finally he wanted the office to have the full salary of 100,000 maravedís the king originally promised and the right to begin collecting it on the date of the remate.48

Ahumada tendered a second offer on the supposition that the audiencia might declare his son too young to exercise the office personally. He bid 13,200 pesos, 2,200 to be paid immediately in cash with the remainder in three installments, provided that Valeriano or his self-appointed deputy could exercise the office until Gaspar reached his majority. As a precedent for the request he cited the purchase of a simple regimiento in 1622 by Andrés Henríquez for his grandson Joseph de León. For the privilege of serving until the boy reached his majority, Henríquez had paid only 300 patacones. By way of contrast, Ahumada declared that his own bid exceeded those of his competitors by 1,200 pesos.49

48 Actas, XXXIII, December 30, 1648, pp. 357-359; although Valeriano made the bid in Gaspar's name, he slipped into first person when discussing jurisdiction.

49 Ibid., the second bid is pp. 358-360; XXVIII, December
Speculating about the future, Ahumada asked that he or his deputy, in the event of either one's death, should be allowed to continue to name individuals to fill the office until Gaspar could exercise it. Ahumada wanted the assurance that the interim appointees could take office without paying one-half or one-third of the value of the position to the royal treasury. In other words, he was saying that he did not want the office to pass through the ordinary renunciation process. Moreover, he wanted it clearly understood that the pre-eminences accorded the office as sold to Gaspar were to apply to the appointees who would exercise it before the youth took office. He did concede that the interim appointees would have to have the qualifications (calidades) for the office.50

Disposing of the eventualities regarding his death or that of his appointee, Valeriano approached the subject of the possibility of Gaspar's death before he began to exercise the office. Should his son precede him in death, Ahumada wanted the proprietorship of the office to be vested in himself in order that he might renounce it according to the usual renunciation procedure.51

Aware of the difficulties which beset Peraza for having bid on the office of alcalde provincial while holding another renunciable position, Ahumada drew up some rigid regulations regarding

17, 1622, pp. 104-107, is the documentation for the sale to Henríquez (Enríquez) Yáñez.

50Actas, XXXIII, December 30, 1648, p. 359.

51Ibid.
his own proprietary regimiento. While he might decide to retain his office in the cabildo, he could renounce it, if he wished, in favor of a person of his own choosing. He asked the audiencia to allow the king's third of the renunciation to be applied to the 2,200 peso cash portion of his bid for the alcaldía provincial. If one-third of the regimiento's value were less than 2,200 pesos, he would pay the difference to the treasury. If the renunciation brought more than 2,200 pesos he would keep the greater amount, asserting, "the two-thirds of the office of regidor that belong to me upon renouncing it, I reserve for myself." That is, the additional money was not to figure in the purchase price of the position of provincial.52

Viewing Ahunada's complicated offers, the audiencia called upon the fiscal for his opinion. Huerta thought that the audiencia should reject the conditions that Ahunada imposed on both of his bids. The office, he said, should be sold as it was advertised (pregonado). To clarify his statement, the fiscal said the office in Santiago should correspond to its counterparts in Lima and Seville.53 The idea of allowing Gaspar to exercise the office himself thoroughly displeased the fiscal, for Gaspar's age did not permit it. Ahunada's assertion that his son had already exercised the vara of the fiel ejecutor, the fiscal condemned, as an "ejemplar no para seguido sino para reformado" (an example not to

52Ibid., pp. 359-360.
53Ibid., pp. 360-361.
Huerta took a legalistic stand, as befitted the crown's attorney, in regard to any temporary appointee, by maintaining that the office would have to be filled under the laws governing renunciations until Gaspar reached his majority. Furthermore, any appointee would have to have the prior approval of the audiencia. Valeriano could not have the office transferred to himself if Gaspar should die before his father. Rather, Valeriano would have to take his chance with the risk of losing the office dependent upon Gaspar's life. Gaspar himself would have to renounce the office to any successor, for the possession of the office would cease with his death. If Valeriano de Ahumada himself should wish to serve as alcalde provincial he would have to renounce his proprietary regimiento, "without confounding" His Majesty's share of the renunciation in the 13,200 pesos because that sum was the price to be paid for the new office.

The fiscal finished his disapproving appraisal of Ahumada's bids by advising the oidores that they should recognize that the 1,000 pesos by which he had increased his original offers was a small price to pay for buying the office for a minor. Should the

54Ibid., p. 361; Hevia Bolaños, p. 11, states that a juez ordinario, that is, an alcalde, was supposed to be at least twenty-six years old; he also says that royal law allowed eighteen year olds to serve as regidores. Presumably the fiscal considered the judiciary authority vested in the alcalde provincial sufficient reason to protest Gaspar's personal exercise of the office; his statement on the cabildo fiel ejecutoría implies the judiciary aspects of that office.

55Actas, XXXIII, December 30, 1648, p. 361.
audiencia see fit to allow Ahumada's bid to stand as revised by the fiscal, Huerta still urged the oidores to do so with attention to the other offers made.56

After hearing from both Ahumada and Huerta, the oidores decreed their own conditions on Ahumada's bid on September 11, 1648. The audiencia ruled that the risk of losing the office would run in Gaspar's life under the renunciation laws, which meant that if Gaspar died in possession without renouncing the office in favor of some specific individual, it would revert to the crown.57 The audiencia refused to allow Gaspar himself to exercise the office while under-age. However, Valeriano or his appointee could serve, provided that Valeriano selected the individual before the remate so that the audiencia could review his qualifications. The interim appointees would not come under the renunciation laws. Neither would renunciation fees have to be paid to the treasury when a new appointee assumed office. If Valeriano himself wanted to serve and were to renounce his own regimiento, the one-third due the treasury for the renunciation would not count as part of the payment for the office of provincial. Notwithstanding, the audiencia left a loophole for Ahumada by stating that he could plead with His Majesty on the financial aspects after purchasing the office of provincial.58

56Ibid.
57Ibid., pp. 361-363, is the audiencia's complete statement; p. 361, is the statement on renunciation.
58Ibid., pp. 361-362.
The audiencia granted the Ahumadas a provisional right to appoint the Hermandad alcaldes, pending word on the practice in Lima. The Santiago provincial would be assured of the authority to select alcaldes if the right were vested in the Lima office and were not a special privilege granted to the individual who possessed the office. The audiencia concluded its decision on the concessions to be granted to the Ahumadas by declaring that the provincial could have any prerogatives that were "ordinary and comprehended and natural and annexed to the office of provincial" in Seville and in Lima. 59

The audiencia ordered the description of the office announced by the pregonero with the statement that Ahumada's bid of 13,200 pesos, including 2,200 pesos in cash for his son Gaspar, was the best offer received. If Ahumada rejected the audiencia's terms, the bid submitted by Sánchez Chaparro would be announced as the best one. The auto was signed by the oidores Figueroa, Polanco, and Fernández with the fiscal present. 60

Ahumada responded with an acceptance and submitted the name of Diego de Aguilar as the individual who would serve as the interim provincial. The audiencia ruled that Aguilar would be satisfactory. If Aguilar should reject the position, the audiencia informed Valeriano that he himself could serve as the provincial without having to renounce his office as regidor. The oidores reasoned that a proprietary office was not incompatible

59 Ibid., p. 362.
60 Ibid., p. 363.
with an interim one. They, however, limited Valeriano Ahumada to only one voice and vote in the cabildo if he personally filled both offices. The audiencia left the question of salary for the provincial open, pending the remate. 

With the way almost clear to resume the auction, the escribano for the audiencia, Domingo García Corvalán, recorded that Peraza had not appeared on September 12 to give the fianzas. The last obstacle to the sale had disappeared, and Valeriano Ahumada purchased the alcaldía provincial for his son Gaspar in the formal remate.

After the auction, the question of the salary for the provincial still remained unresolved. An acuerdo de hacienda composed of the oidores, the fiscal, and the treasury officials dealt with the matter on November 8, 1648. The senior oidor Figueroa y de la Cerda presided at the session and called for pareceres (opinions). Huerta tried to isolate the price Ahumada had actually paid for the position of provincial from the money given for special concessions and for the ex officio regimiento. From the total sum, he subtracted 4,000 pesos as the price of a regimiento and 3,000 pesos for the dispensation for buying the office for a minor with the right to appoint a substitute to exercise the office. This meant that for the office of alcalde provincial

61Ibid., pp. 363-365.

62Ibid., p. 365; presumably the fiscal proceeded with the bankruptcy charges; there was the possibility that if Peraza had given bond for his bid it would have been declared better than Ahumada's; the final remate is pp. 365-357.
Ahumada had only spent 6,200 pesos. Since the office was endowed with pre-eminences, the fiscal insisted that the salary should be 200 pesos annually rather than the 100,000 maravedís (377 pesos and 5 reales) Ahumada had requested. The smaller figure, Huerta declared, would conform to the moderation that the king had ordered used in his 1645 decree.63

The fiscal's calculations failed to impress the oidores and the treasury officials. In a joint opinion, they asserted that the privilege of allowing the father to serve for his minor son was only worth 1,000 pesos, which left the price paid for the office at 12,200, the largest purchase price for an office in Chile, although some of the other positions had greater prerogatives. The Ahumadas would have expenses when they were in the rural areas personally and when they kept ministers there. They would also have the burden of fulfilling the renunciation requirements. The acuerdo de hacienda, consequently, advised that the full salary of 100,000 maravedís should be conceded until a new proprietor would acquire the office. In an auto issued on December 12, 1648, the audiencia formally endorsed the majority opinion given in the acuerdo de hacienda, emphasizing that the salary applied only to this first sale.64

Ahumada meanwhile busied himself with making the payments

63Ibid., the acuerdo de hacienda, is pp. 367-369; p. 368, is Huerta's statement.

64Ibid., pp. 368-369, the oidores and treasury officials did not divide the dual offices, but treated them as one; the auto is pp. 369-370.
necessary prior to requesting a título for his son. On November 11, he made the down payment of 2,200 pesos and posted bond for the payment of the remainder. The treasurer also certified that Ahumada had paid 468 pesos as the first installment of the total medianata of 935 pesos and 7 reales levied on the office and had posted bond for paying the second installment in the first month of the second year of possession.65

On December 30, 1648, the cabildo received Gaspar de Ahumada, as the proprietor of the office, and Valeriano, as the acting provincial, when they presented Gaspar's título from the audiencia. The título named Gaspar as the provincial of the Hermandad with the right to debate and vote in the cabildo as a perpetual regidor. He received the right to renounce the dual office in accordance with the cédula on renunciations issued on December 14, 1606. Along with the special concessions granted in Santiago, he had the faculty of exercising the office in the same manner as the proprietors in Seville and Lima. His place in the cabildo and the matter of appointing Hermandad alcaldes were made to depend ultimately on the way those things were handled in Lima. The salary was to be 100,000 maravedís annually. Until Gaspar had attained his majority, Valeriano de Ahumada was to exercise it in his son's name. Confirmation from Spain had to be secured within six years.66

65Ibid., pp. 370-371, gives the treasury certifications; charging a medianata on both the first and second years of proprietorship had become customary by the 1640's.

66Ibid., pp. 373-374, is the formal reception; pp. 371-373.
The cabildo received Diego de Aguilar as the possessor of Valeriano de Ahumada's former regimiento on the same day as the Ahumadas. Deciding to serve as the provincial himself, Valeriano had renounced his own proprietary office in favor of Aguilar, who had paid the crown 1,333 pesos and 3 reales as the royal one-third of the 4,000 pesos at which the regimiento was evaluated.67 Ahumada must have received at least 2,666 pesos and 5 reales as his two-thirds of the office's value. This would have covered his own down payment on the office he purchased for Gaspar. His willingness to invest 11,200 pesos within the next three years for his son to enjoy a life-time proprietary office furnishes an insight into his financial resources. Moreover, it indicates a certain optimistic attitude concerning his son's future and the future of Santiago. Taken together, the sum of money expended and the purpose for which it was spent stand in sharp contrast to the cabildo's pessimistic complaints of the hardship and poverty in the city.

Another significant aspect of the sale of the alcaldía provincial concerns Ahumada's conditional bids. Ahumada himself sought to dictate the perquisites of the office that he wanted his son to own. His demands for concessions reveal a deep sense of private proprietorship of the public office and a personal arbo-

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67 Ibid., pp. 374-381, has the records for the transfer of the regimiento to Aguilar; witnesses were examined to determine the value of the office.
The audiencia's willingness to negotiate on the terms of the sale and the concessions granted show that the oidores could be amenable officials and steer a middle course between their duties toward their king and the demands of colonists.

The fiscal Huerta appears in the pages of the documents as the staunch defender of the regal cause. Whether he was above reproach in the actual exercise of his duties, the records tell of an attorney dedicated to pleading the king's case. Ahumada, in his conditional bids, tried to manipulate the odds in the game of chance in which the office of provincial was at stake. Huerta was there to see that the rules for play were the king's. Peraza was called to account for making a bid he could not substantiate. Huerta obviously meant to protect the crown's financial interests in holding the receptor general responsible for his offer. The fiscal may also have meant to use Peraza as an example to warn others not to make irresponsible or speculative bids.

After purchasing the office, Valeriano de Ahumada served as the interim provincial until his death in 1652. At that time, Gaspar de Ahumada appointed his cousin Tomás de Contreras y Ahumada to serve as the provincial and secured an auto from the audiencia commanding the cabildo to receive him, which the capitulares

68 Parry, p. 20, 29-30, 40, emphasizes that public offices became, in effect, pieces of private property.

69 Ibid., p. 67, Parry suggests the analogy of a game of chance.
The proprietor of the alcaldía provincial took office himself in 1653. Gaspar de Ahumada presented his original título and a document verifying that he had reached his majority. The confirmation of Gaspar's possession of the office arrived that year and was copied in the treasury records on October 17, 1653. The document issued in Madrid, September 10, 1652, approved the original terms of the sale and contained some additional information on the salary due the provincial. The King cautioned that Gaspar was not to receive any more than 100,000 maravedíes and mentioned that the salary was to come from fines levied by the Hermandad. The source of the salary had not been stipulated in the earlier records. Philip IV registered no dissatisfaction with the concessions granted to the Ahumadas. He was undoubtedly grateful for the high purchase price obtained in a land which constantly reported its poverty to him.

Gaspar de Ahumada held the alcaldía provincial until his death in 1696. Absenteeism prompted by gubernatorial appointments.

70 Actas, XXXIV, November 20, 1652, pp. 278-279; Contreras y Ahumada's medianata was 50 pesos; October 23, pp. 265-266, October 24, p. 266, contains references to a dispute over the appointment; Roa, pp. 360-361, lists Luisa de Ahumada as Valeriano's sister and as the wife of Pedro de Contreras y Aranda Valdivia, one of the Spaniards who went to Chile in a military expedition via Buenos Aires in 1601; Tomás Contreras y Ahumada was their son, see Roa, pp. 553-554.

71 Actas, XXXIV, October 22, 1653, pp. 358-359.

72 The confirmation appears as part of the document on the acquisition of the office by José Valeriano de Ahumada, see Actas, XLIV, January 25, 1697, pp. 29-33.
to other offices and by an attraction to Lima characterized his forty-three year proprietorship. In 1655 Gaspar de Ahumada began a term as corregidor and militia commander in La Serena, while a relative, Francisco Suárez Maldonado, served as alcalde provincial and regidor in his place.73 Gaspar spent most of the 1660's as the civil administrator (gobernador) of Valdivia, returning to Santiago in 1670 not to exercise his proprietary office but to take up the duties of corregidor in the city.74 The expiration of his term as corregidor in 1672 brought new orders from Governor Henríquez to return to the southern areas.75

A trip to Peru followed that second, shorter sojourn on the military frontier. Gaspar married a limeña, and their son José Valeriano de Ahumada, who succeeded to the alcaldía provincial, was born in Lima.76 The capitulares noted Gaspar's absence in Peru in 1676 when they received his brother-in-law, the madrileño Antonio de Mendoza Ladrón de Guevara Chavarri, as the substitute provincial.77 Mendoza served in Gaspar's place until he was promoted to

73Actas, XXXV, November 26, 1655, pp. 131-134; Roa, p. 533.

74The interim appointees were, Melchor de Caravajal y Saravia, Diego Ponce de León, Alonso de Escobar Guzmán, and Gaspar de Ahumada's brother, Juan; see Actas, XXXVI, December 15, 1662, November 9, 1663, pp. 203-204; XXXVII, July 3, 1665, pp. 46-48, June 16, 1668, p. 273. The receptions of Gaspar as corregidor and Maldonado as interim provincial are in XXXVIII, November 27, 1670, p. 92, December 24, pp. 95-97.

75Actas, XXXVIII, October 21, 1672, pp. 272-273.

76Actas, L, "Prólogo," by Ancieto Almeyda, pp. xxxviii-xxxix, gives biographical information on José Valeriano de Ahumada; his mother was Leonor Ramírez de Carvajal.

77Actas, XL, June 1, 1676, pp. 46-48; for Mendoza's
the post of corregidor of Maule in 1690. Gaspar could not resume
his proprietary office himself, because he was again the corre­
gidor in Santiago, and Sebastián de Peraza, the son of the receptor
general, gained the interim position. With the end of his second
term as corregidor in 1693, Gaspar de Ahumada appeared intermit­
tently in the cabildo until his death in 1696.78

Ahumada's absenteeism contributed to the loss of any pre­
tense to the alcalde provincial's right to appoint Hermandad al­
caldes which Valeriano Ahumada had tried to secure. Gaspar
Ahumada himself acquiesced in the cabildo's election of the rural
police officers in 1669 and 1670 during one of his brief exercises
of the office of provincial. Still claiming the right to appoint
the alcaldes himself, Ahumada approved the elected constables with
the reservation that appeals from cases they substantiated would
be heard by the provincial.79

The interim provincial Francisco Maldonado de Madrigal at­
temptsed to have the 1675 election of Hermandad alcaldes annulled
by the audiencia. Ordered to produce evidence of the Lima prac­
tice he had cited as grounds for contradicting the election by the
genealogy see Roa, p. 522; for his marriage to Catalina de Ahumada
pp. 360-361.

78See Actas, XLII, August 11, 1690, pp. 330-334; August
29, pp. 338-343; September 4, 1691, pp. 413-416; XLIII, December
14, 1693, p. 125; for Peraza see Roa, pp. 499-500.

79References to the Hermandad alcaldes are in Actas,
XXXVII, December 29, 1668, p. 298, January 1, 1669, p. 300, January
5, p. 303; XXXVIII, January 1, 1670, pp. 5-6, January 3, p. 7,
January 10, pp. 8-9; the corregidor Pedro de Prado had proposed
that the cabildo should return to its former custom of election.
cabildo, Maldonado lost his case when he failed to produce testi-
mony of the Lima provincial's right to appoint the rural con-
stables. The cabildo, thereafter, elected the Hermandad alcaldes
without protest from Ahumada or those who substituted for him as
the provincial.

Before dying in 1696, Gaspar de Ahumada took the precaution
of renouncing his office. Having treated his proprietary office
like a sinecure, he drew up a multiple renunciation to insure that
his heirs would benefit from the transaction. His renunciation is,
however, the only one recorded in the Actas which names the crown
as one of several renunciatarios. A renunciation "en cabeza de Su
Majestad" meant that the fiscal could claim the office for the
crown and would remit the renunciante's share of its value to him
or his heirs. The device, forbidden since 1631, was a means to
avoid having an office revert to the crown without the former pro-
prietor securing any remuneration.

Gaspar de Ahumada shrewdly calculated the risks involved

80 Actas, XXXVIII, January 11, 1675, pp. 424-425, January
12, p. 426, January 17, p. 428, January 18, p. 431; the judge in
the case was the senior oidor José de Meneses. There was no feud
between the men for the oidor helped Maldonado secure the temporary
exercise of the alcaldes ordinario's vara later in the year, see
April 1, 1675, p. 439, May 8, p. 443.

81 For examples of elections, see Actas, XL, January 9,
1680, p. 342, January 10, p. 345, April 5, p. 354; XLII, January
11, 1685, p. 7, January 23, pp. 11-12, March 14, 1690, p. 299,
March 17, p. 300; the cabildo custom was in accordance with royal
law; see RLRI, book V, tit. IV, law 3.

82 Actas, XLIV, January 25, 1697, p. 28, is the renuncia-
tion. Parry, p. 67, deals with renunciation in favor of the crown
and mentions the 1631 decree forbidding the practice.
in proprietary office-holding in making his renunciation as he named the crown, his son José Valeriano de Ahumada, and Pedro Maldonado as renunciatarrios. Any of the three could secure the office by being the first to present the renunciation in the audiencia, pay the crown's fraction, and divide the remainder of the office's value among Gaspar's heirs. The same document reserved the exercise of the office to Gaspar until his death and gave José Valeriano the power of attorney to make subsequent renunciations as he would see fit. The son used his power in drafting two renunciations, one adding his uncles Juan de Ahumada and Antonio de Mendoza, who were Gaspar's brother and brother-in-law respectively, and the other dropping Pedro Maldonado from the list.

Upon Gaspar's death in May, 1696, Antonio de Mendoza was the first in the race to the audiencia with the renunciation only to find that he did not have the funds necessary to pay the 2,500 pesos as the crown's half of the office's assessed value of 5,000 pesos. Mendoza's loss of the office by default led to a declaration of vacancy. Gaspar had lost in his attempt to transfer the office by renunciation, for it reverted to the crown.

When the pregonero announced that the audiencia was ready to receive bids in October, 1696, José Valeriano made an offer of

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83 Actas, XLIV, January 25, 1697, p. 28.
84 Ibid., pp. 28-29.
85 Ibid., pp. 33-41; the evaluation of the office included the testimony of witnesses.
3,000 pesos, payable in two installments. He stated that his grandfather and father had held the office, and he felt the "animo de servirle" (desire to serve it). Like his father before him, he was too young to exercise the office, but a complaint audiencia granted him an age dispensation for his nineteen years on the payment of an additional 200 pesos. At the remate on January 9, 1697, he purchased the office without competition.

The new proprietor's desire to exercise the office had evaporated by 1715. Although he held the alcaldía provincial until at least 1722, he remained away from cabildo sessions after some appearances during the early years of his possession. In contrast to his forebears, who had had high positions in civil administration and in the militia, José Valeriano turned to law and scholarship. He received the licenciado degree from Santiago's University of San Felipe and served as rector of that institution for two terms. He did not give up all the old ways of his family for both he and Gaspar, like the first Ahumada in Chile, were encomenderos. The Ahumada control over Indians in Chuapa ended only after the death of José Valeriano's son.

86Ibid., pp. 41-43, is the pregones and the bid; pp. 45-46, gives the petition for and approval of the age dispensation; the remate is pp. 46-48; treasury certifications of payments are pp. 48-50; his medianata was 105 pesos.

87Actas, L, "Prólogo," by Ancieto Almeyda, pp. xxxviii-xxxix; Roa, pp. 360-361; José Valeriano died at the age of ninety in 1767.
The sale of the office of fiel ejecutor de las pulperías compuestas provoked the most prolonged and eloquent cabildo protest over the creation of a new office, recorded in the seventeenth century Actas. By objecting to the creation of the position, the cabildo delayed the conclusion of the sale for five years. It is in the pleas and counter-pleas of the audiencia fiscal and the cabildo procuradores that the duties of the office and the social, economic, and political reasons for protest stand revealed. Thus the sale is significant not only for the further light it sheds on proprietary office but also because of the insight it furnishes into life in seventeenth century Santiago.

One of the objections to the sale of the office stemmed from the cabildo's aversion to the title applied to the new position. The cabildo had its own fiel ejecutoría and erroneously pleaded that the jurisdiction of its office would be infringed upon by the new one. The cabildo fiel ejecutor was in charge of enforcing price regulations in shops (pulperías, tiendas) licensed by the cabildo and of executing cabildo ordinances on street cleaning. The cabildo had secured control over the office by a cédula from Charles V, given at Valladolid on May 19, 1554. Responding to a request on the cabildo's behalf, the Emperor had granted the office of fiel ejecutor to the city "perpetuamente" (perpetually), on condition that the city draft ordinances to regulate food supplies and municipal cleanliness. The cédula had specified that one alcalde ordinario and two regidores, chosen by
the cabildo on a monthly basis, should exercise the office and enforce the ordinances. In accordance with Charles V's decree, the Santiago cabildo had submitted the ordinances to the Lima audiencia for confirmation and obtained approval of them.

The cabildo thereafter allowed the capitulares to take turns serving as the fiel ejecutor, variously interpreting the cédula's regulations on the term of the office and the capitulares who were to exercise it. In the seventeenth century, the cabildo customarily rotated the office among both the proprietary and elected regidores. Each capitular received the vara of the fiel ejecutor according to his seniority in the cabildo and served his turn of one month or six weeks.

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88 Charles V's cédula issued with his mother Doña Juana appears in the Actas, XXX, June 25, 1629, pp. 104-105, as a portion of a subsequent cédula relating to the office of fiel ejecutor. The Emperor said he made the grant because he was interested in the "bien y noblecimiento" of Santiago in the "nuevamente conquistada" land of Chile; Jerónimo de Alderete had made the plead for the merced.

89 The ordinances are in Gay, Documentos, I, pp. 187-210; they were read from time to time at the beginning of the year; presumably subsequent cabildo autos which received confirmation from the Chilean audiencia as ordinances were added to the original ones for the intermittent annual readings.

90 For the exercise of the office by proprietary regidores see Actas, XXIV, January 2, 1610, p. 156; XXV, July 4, 1614, p. 37, September 2, p. 54; XXVIII, February 9, 1624, p. 178, March 20, p. 182, May 4, p. 185, June 28, p. 190; August 9, p. 203, September 14, p. 212, November 2, p. 224, and the foregoing discussion of the alguacilazgo.

91 In the course of the sale of the new office, the cabildo escribano, Manuel de Toro Mazote, on the audiencia's request, presented an outline of the cabildo's practice in appointing fieles ejecutores. He certified that the "libros antiguos" of the cabildo showed that the cabildo had followed the 1554 cédula stipulations from September 16, 1569 until January 10, 1578; although on
The cabildo defended its office in 1626 against threatened audiencia intervention by pleading that the city held the vara of the fiel ejecutor by royal grant. Through the good offices of an agent resident in Spain, Jerónimo de Torres Altamirano, the cabildo received endorsement for its prerogative in 1629 with the arrival of Philip IV's cédula of March 16, 1628, confirming Charles V's decree. When the audiencia attempted in 1643 to extend the term of one of the regidores serving as the fiel, the capitulares resolved that the action violated the cabildo's "merced" (favor) from the crown and the cabildo's "antigua posesión y costumbre" (ancient possession and custom). The city procurador Sebastián Sánchez Chaparro pleaded the cabildo's case in the audiencia, and the normal rotation of the vara was resumed within a few months.

a few occasions, only one regidor had assisted an alcalde as fiel ejecutor with the capitulares noting that the failure to choose two regidores was temporary. After January 10, 1578, he found that the cabildo elected only one regidor until October 14, 1659, when on the request of the procurador, the cabildo reverted to the form indicated in the sixteenth century cédula. In 1660, the cabildo again chose two regidores, apparently without an alcalde, on a rotation basis. See Actas, XXVI, March 21, 1664, pp. 289-290; the escribano gave his report to the audiencia on February 6, 1660. The practice of bestowing the vara on only one regidor at a time had royal approval, see Actas, XVII, January 7, 1576, pp. 427-428.

92 Actas, XXVIII, August 21, 1626, p. 383, is the cabildo's decision to protest some vague threat to the fiel ejecutoría; perhaps the audiencia was investigating the possibility of selling the office as a proprietary one.

93 Actas, XXX, June 22, 1629, p. 102, June 25, p. 103, deals with the reception of cédulas from Philip IV; June 25, pp. 104-105, is the new cédula from Madrid containing the original one from Charles V.

94 Actas, XXXII, May 12, 1643, p. 260, August 14, p. 285, August 16, pp. 286-287. The proprietary regidor Francisco de
It was this office which the cabildo felt came under attack as the audiencia decided in 1659 to provide a new official, to be known as the fiel ejecutor de las pulperías compuestas, with a proprietary regimiento. The dual position to be sold, however, had jurisdiction different from that exercised by the ordinary cabildo fieles ejecutores. There were a number of places in Santiago and its environs where foodstuffs were sold to the public under special license obtained from the treasury officials exempting them from cabildo inspection. It was these pulperías or private homes that would fall under the jurisdiction of the new official. The fiel ejecutor de las pulperías compuestas would inspect not only stores licensed subject to audiencia rather than cabildo inspection but also homes of cosecheros that had had no sales regulation.

Toledo Arvido, the regidor Lorenzo Suárez de Cantillana, and the oidor Pedro de Lugo were involved in the disputed turn. See September 17, 1643, October 23, p. 298, for the resumption of the normal rotation of the vara.

95RLRI, book IV, tit. VIII, law 12, is a cédula issued May 27, 1631, providing for the licensing of these places in the Indies. Reference to the cédula on "composición" appears in Governor Laso de la Vega's auto forbidding any pulpero to sell wine to Indians, Negroes, or mulattoes of either sex; see Actas, XXXI, March 6, 1635, pp. 84-86. See also RLRI, book VIII, tit. XXX, law 11, which provides that the oficiales reales in Chile could retain the revenue derived from licenses and leasing of pulperías and any other income that pertained to the crown, in order to prevent the expense and risk of taking it to Lima each year; the treasury officials were to inform the Contadores de Cuentas and the treasury officials in Lima so that the royal revenue collected in Chile could be subtracted from the situado of 212,000 ducats sent from Peru; the revenue retained in Chile was to be used to pay the "gente de Guerra" serving in Chile; the law was derived from a cédula issued in 1633.

96The complete records for the initial sale and a more com
The impetus for the sale of the office came primarily from the audiencia. In a letter to the king dated May 26, 1652, the oidor Nicolás Polanco described the need for the new position in Chile. He reported to the king that cosecheros in Chile, like those in Spain, used their homes to sell the wine they produced. The Chilean cosecheros also sold tallow candles, wheat bread, soap, honey, and other mantenimientos (staple products) of their own making so that a cosechero's house became, in effect a tienda (shop). There were even some cosecheros, who unlike their counterparts in Peru and Charcas, sold articles produced by others. Chile, the oidor remarked, also had shops called the king's pulperías which fell under the audiencia's jurisdiction rather than the cabildo's. The oidores were supposed to visit those pulperías four times a year. Polanco commented on abuses committed in the pulperías under audiencia jurisdiction and by the cosecheros who were outside of either audiencia or cabildo control. Both, he thought, should be subjected to the jurisdiction of the new fiel ejecutor. The new official, with the right to debate and vote in the cabildo, should be empowered to enforce price regulations in those places exempt from cabildo jurisdiction. While abuses would be corrected, the real hacienda (royal treasury) would be benefited from the sale of the new office in accordance with a decree issued in 1642 ordering such sales. The oidor tempted the king by predicting that the office would bring 8,000 pesos.

The complete description of the powers of the office appear in Actas, XXXVI, March 21, 1664, pp. 265-328, which is examined below.
in Santiago, 3,000 in Concepción, and similar amounts in other small cities.97

The king had submitted Polanco's letter to the Council of the Indies with a copy of the 1642 cédula regarding the sale of fieles ejecutorías. The answer to the oidor's letter came in the form of a cédula issued from Madrid, June 14, 1654, directing the audiencia to gather information on the good and bad effects which might follow from the sale of the new office, and in 1656, the fiscal Alonso de Solórzano y Velasco presented the cédula to the audiencia. An acuerdo of justice, with Governor Pedro Porter Cástantate, the oidores Polanco, Pedro de Hazaña Solís y Palacio, Juan de Huerta Gutiérrez, and the fiscal Solórzano, held the ceremony of obedience and execution of the cédula on May 18, 1656. The audiencia took the matter of the sale under advisement, but the question did not come up again until 1659.98

A new fiscal Manuel Muñoz de Cuéllar requested the audiencia to sell the office on June 10, 1659. In his petition, he used a cédula issued June 1, 1654 and another given in Buen Retiro on November 2, 1655, the former providing for sales of additional regimientos and the latter ordering the new office of fiel sold in Santiago.99 There is a marked confusion in the records regarding

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97Ibid., pp. 271-272, gives the information from Polanco's letter as a portion of a cédula from the king.

98Ibid., no copy of the 1642 decree is given in the records, Solórzano's petition is mentioned, p. 266.

99Ibid., the petition from Muñoz is mentioned, p. 266; the text is pp. 272-273.
the cédulas on which the sale was based. The escribano may have deliberately edited the documents to make it appear that the audiencia decided to sell the office without full royal authorization.100

On June 20, 1659, the audiencia ordered pregones to begin for bids on the new office and the cabildo officially notified of the impending sale. One response to the audiencia's announcement of the sale came in the form of a bid from the Santiago vecino encomendero Joseph de Morales Negrete who offered 6,000 pesos, paying 2,000 in cash and 4,000 in annual installments.101

The capitulares' reaction was to instruct the procurador Antonio Calero Carranza to defend the cabildo's possession of its office of fiel ejecutor.102 The cabildo also saw fit to return to a more faithful observance of the cédula from Charles V regarding the fiel ejecutor. On October 10, the capitulares issued an auto agreeing that henceforth two regidores, one a vecino encomendero and the other a morador, would serve as fieles ejecutores simultaneously. The cabildo did not want to be called to account

100 In the course of the sale several cédulas were used including the one from Buen Retiro, dated June 1, 1654, authorizing the sale of additional regimientos, taking into account the population of a city; the cédula given at Madrid on June 14, 1654, in response to Polanco's letter; one sent from Buen Retiro on November 2, 1655, authorizing the fiscal Solórzano to sell the office of fiel ejecutor of the pulperías which were subject to the audiencia; and one from Madrid, March 2, 1657.

101 Actas, XXXVI, March 21, 1664, pp. 266-267, 276.

102 Ibid., pp. 266, 275; Actas, XXXV, June 25, 1659, pp. 468-469.
for its failure to follow the letter of the law.\textsuperscript{103}

The procurador Calero asked the audiencia to furnish him with a copy of the cédula authorizing the sale of the office so that he could formulate a protest on the cabildo's behalf. Apparently he received only the cédula requesting information on the advisability of the sale and not the decree ordering the position sold.\textsuperscript{104} Calero had his case ready on October 23, 1659, protesting the audiencia's acceptance of the bid from Morales Negrete and objecting that the creation of the new office was prejudicial to the cabildo's privileges from Charles V and Philip IV. The procurador argued that the royal favor should be interpreted in such a way that no other office with the appellation of fiel ejecutor could be created. He claimed that the cabildo was using its authority more effectively by appointing two regidores and one of the alcaldes to exercise the office of fiel ejecutor at the same time. Calero maintained that the June 14, 1654 cédula merely ordered information gathered preparatory to a decision on whether or not to sell the office. The procurador interjected an argument based on a precedent set in Lima by reminding the audiencia that objections

\textsuperscript{103}Actas, XXXV, October 10, 1659, pp. 488-490, the capitulares claimed that additional fieles were necessary to ready the city for an elaborate royal festival. For the fiesta preparations, see October 16, 1658, p. 410, November 12, p. 413, November 24, p. 416, December 20, pp. 418-419, January 13, 1659, pp. 430-431, January 24, p. 434, August 9, pp. 474-475, August 22, p. 478, August 24, p. 479, October 3, p. 485, October 10, pp. 487-488, November 14, p. 513. See also the foregoing discussion of the 1554 cédula and the cabildo's interpretation of it.

\textsuperscript{104}Actas, XXXVI, March 21, 1664, p. 266, 275; XXXV, June 25, 1659, pp. 468-469, Calero may merely have ignored the other cédulas relating to the creation of the new office.
from the Lima cabildo had led to a suspension of the efforts to sell the office there. Attempting to sway the oidores, the procurador listed Santiago's sufferings from earthquake, plague, Indian war, and fear of local native uprisings. He thought that the city's particular circumstances warranted a postponement of the sale until the king had been informed. Clearly the cabildo advocate looked upon the king as the source of favors.

The fiscal Múñoz answered Calero on November 7, 1659, stressing the difference between the office under cabildo control and the new one for sale. Attacking Calero's arguments, Múñoz noted that the procurador had failed to demonstrate cabildo jurisdiction over the pulperías compuestas which would be inspected by the new fiel ejecutor. Neither had Calero denied that none of the cabildo fieles ejecutores inspected the pulperías in question. Consequently, the appointment of three cabildo fieles at a time was meaningless. It merely gave the appearance of an increase in the number of ministers for only oidores could inspect pulperías compuestas. He, therefore, found the cabildo's multiplication of officials as repugnant as the procurador found the sale of the new office.

Undermining Calero's position, the fiscal proceeded to show not only that the office could be created but also that it

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105 *Actas*, XXXVI, March 21, 1664, p. 267, 276-279; a copy of the 1628 cédula including the one from 1554 is pp. 279-281.

106 *Ibid.*, pp. 281-284, is the fiscal's petition to the audiencia answering the procurador; he urged that the cédula of March 2, 1657, be implemented.
was needed. He affirmed that the audiencia had sole authority over pulperías compuestas. Múñoz took a strong regalistic position in declaring that this jurisdiction could be delegated to an individual by the "royal person" who was "lord of all offices and source of all jurisdiction." The new official could thus receive the audiencia's jurisdiction over the pulperías compuestas. The new fiel ejecutor would be an "effective judge" requiring weights and measures to be used. He would inspect the foodstuffs to determine if they were of "good quality." He would make sure that they sold at prices set by the cabildo for the articles sold in the pulperías subject to cabildo authority. This effective regulation, Múñoz pleaded, would be beneficial to the "común de toda la ciudad" (city's entire public). Especially the poor, who were the majority in the republic and who were the usual purchasers of goods in the pulperías, would not be defrauded. No longer would they have substitute products foisted on them. They would not receive new wine when they asked for old. The poor, including Indians and Negroes, deserved the protection from abuse which the new office would provide. With the sale of the position, frauds would cease.¹⁰⁷ The fiscal, like the capitulares who had appointed additional fieles ejecutores, had fallen into the error, not always restricted to Spaniards, of believing that problems could be solved by an ever larger bureaucracy.

After the fiscal's discourse on the need for the office and the legality of its creation, the audiencia ordered a chapter

¹⁰⁷Ibid.
of a cédula issued from Buen Retiro on June 1, 1654, copied into the records. The decree was a general order authorizing the sale of new regimientos as a means of easing the crown's financial difficulties. The oidores commanded the procurador to respond to this order to create new cabildo offices. On January 30, 1660, the newly elected procurador Gaspar Hidalgo, rightly objected that the cédula did not specifically treat the post of fiel ejecutor but rather discussed regimientos in general. He followed Galero's line of reasoning in insisting that the cabildo had exclusive control over the fiel ejecutoría. He did not admit the distinctions Múñoz had drawn between the cabildo fiel ejecutor and the new office.

Múñoz became more explicit in defining the new office as he entered the lists against Hidalgo. The fiscal explained that local commerce was divided into two separate jurisdictions for "public convenience and the increase of royal revenue." Under cabildo jurisdiction were all the pulperías necessary for the city's abasto (provisioning). These pulperías were subject to the fiel ejecutor selected by the cabildo. The "Real Fisco" (treasury) had no designs on that office. The position to be sold was one to which the cabildo had no title (título) nor any right (derecho). It was to be created for those pulperías under the audiencia's exclusive jurisdiction. The audiencia had used its jurisdiction by

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108 Capítulo 9 of the cédula from Buen Retiro, June 1, 1654, is Ibid., pp. 285-286; the copy was obtained from a previous case heard by Huerta in regard to an encomienda; Gaspar Hidalgo's response is pp. 286-289.
having the oidores take turns visiting the pulperías four times each year. The fiscal alluded to how ineffective and infrequent the visitations had become when he pointed out that the new official would free the oidores from the inspections they had grown too busy to make.\textsuperscript{109}

In proving the cabildo's lack of jurisdiction over the pulperías in question, Múñoz stated that the only judge for cases involving them was the oidor who made the investigation. An individual who wanted to operate such a store secured a license from the treasury officials which not only exempted him from cabildo jurisdiction but also dispensed him from one of the four annual audiencia visits. For this dual privilege, the shopkeeper paid 36 pesos. It was these pulperos who would come under the authority of the new fiel ejecutor. A cosechero could obtain a license to sell his products by paying the oficiales reales the fee of 18 pesos. Those cosecheros who purchased licenses would be subject to the jurisdiction of the new fiel ejecutor because they were outside of the cabildo's jurisdiction.\textsuperscript{110}

After furnishing a description of the sales, which would be inspected by the new fiel ejecutor, the fiscal turned to a justification for raising revenue in Chile. The fiscal's aim was to silence cabildo objections to the proposed sale by shaming the Chileans. As he warmed to his subject, Múñoz provided some inter-

\textsuperscript{109}Ibid., pp. 290-293, is the petition presented on February 24, 1660.

\textsuperscript{110}Ibid.
No cabildo, Múñoz announced, had more reason to approve a sale of office than the Santiago council, for the king had spent so much of his "patrimonio real" (royal patrimony) in Chile. The crown annually expended 600,000 ducats on the presidios in Concepción and Valdivia, audiencia salaries, the stipend for the diocese of Concepción and for the support of missionaries. The fiscal alleged that the figure did not include the 1,300,000 ducats His Majesty had spent on the settlement (población) of Valdivia and on the extraordinary succors he had given when calamities had struck the kingdom. Under the socorros from the crown, Múñoz grouped tax exemptions and royal troops furnished for the war and for the pacification and defense of the land. Such was the king's generosity toward Chile, "that of men and wealth no other kingdom has cost him what this one has." Since the cost of the Chilean war weighed on the king's entire monarchy, it seemed incomprehensible to the fiscal that the cabildo could object to the sale of the office.111

The procurador Calero had earlier cited Lima to protest against the sale of the office in Santiago. The fiscal found the viceregal capital useful for his defense of the sale by seeing a marked contrast between the cabildos of Lima and Santiago. While Santiago had five annually elected regidores, the Lima cabildo could elect two alcaldes ordinarios. Lima also had many more proprietary regimientos than did Santiago. Both the size of Santiago's

111 Ibid.
terrorial jurisdiction and its large population warranted the introduction of the new position of fiel ejecutor. The cabildo, Múñoz said, with its election privilege and its small number of regimientos had jurisdiction over the territory up to Chuapa embracing some 3,000 vecinos. Múñoz discounted any plea against the sale on the basis of hardship, for he thought the Santiago cabildo enjoyed better circumstances than any other in the viceroyalty of Peru. 112

Hidalgo had a reply ready on March 3, 1660, containing his version of the human resources under the cabildo's jurisdiction. Tacitly admitting the fiscal's statements on the large area administered from Santiago, Hidalgo used size to demonstrate sparse population in claiming that the entire territory had only 960 adult males capable of bearing arms. 113

Consciousness of social gradations led Hidalgo to present one of the most significant arguments raised against the new office. He revealed who the cosecheros were who would be subject to the inspection and regulation of the new fiel. Santiago, he said, had only four pulperías under the cabildo's jurisdiction. There were, however, sixty-four "personas compuestas" (specially licensed individuals). Of that number only six, two in the city and four in Valparaíso, operated genuine pulperías. All the other individuals with licenses from the treasury officials

112 Ibid.

113 Ibid., pp. 294-298, is Hidalgo's response given on March 3, 1660.
were cosecheros and the majority of them were the city's "most illustrious cosecheros vecinos feudatarios." These eminent personages sold "their harvests in their own houses and in apartments in them, exercising their right (su propio derecho) as it is exercised in the kingdoms of Spain." They sold only their own wine, tallow, wheat, oil, and other staples. They did not usually manufacture or process the articles sold. The cosecheros were, therefore, permitted by "derecho común" (common law or right) to sell these "simples" (unprocessed) products. Hidalgo exclaimed, "how unsuitably it is attempted to mix them with the other tiendas comunes (common or community stores) by having them become subject to the new ejecutor."114 In his bursts of rhetoric, Hidalgo was making a case for an aristocracy's right to the unrestricted use of its property. He was trying to guarantee a custom whereby landlords could remain free from the taint of participating in business while operating commercial establishments outside of the controls instituted to regulate enterprise. A vecino feudatario's social position, Hidalgo thought, should not be impinged by mingling with mere shopkeepers under the jurisdiction of a new official. The procurador was also determined to protect the cosecheros' financial advantage over ordinary store owners.

Before ending his impassioned cries against the new office, Hidalgo again insisted that it would seriously infringe on the jurisdiction of the cabildo fieles ejecutores. He also expressed

114Ibid.
the cabildo's loyal opposition to the sale of the new office. Hidalgo turned with an air of injured pride to Múñoz's slurs on the cabildo. As he dealt with the king's largess to Chile, Hidalgo argued that the new office should not be created. Addressing the oidores as the sovereign, Hidalgo said that the cabildo "recognized in all due esteem and submission the munificence with which your royal person has deigned to continue the pacification of this kingdom in peace and war with your situado and succors and other expenses." Nevertheless, "the expenditures that the vecinos and moradores of the entire kingdom are presently making with their own wealth in order to accomplish the same pacification are public knowledge." Thus Hidalgo sought to defend the cabildo from the new office with an assertion that the Chileans themselves made valuable contributions to the war as partners with His Majesty in the effort to pacify and colonize the kingdom.

A month after making his protest on the grounds of the city's small population, its contributions to the war effort, the rights of its vecinos, and the authority of the cabildo fiel ejecutor, Hidalgo found a new tact. On April 29, 1660, he petitioned the audiencia to have the case declared one of gobierno (administration, hence pertaining to the governor's jurisdiction). Hidalgo apparently thought that the governor might make a more favorable decision than the audiencia.

When the oidores declined to relinquish the case, the

115Ibid.
116Ibid., pp. 290-299.
cabildo itself sought a means of preventing the sale. On October 8, 1660, the capitulares ruled that the fieles ejecutores should ask the audiencia if they could inspect the pulperías compuestas and levy fines on their operators.\textsuperscript{117} The cabildo wanted jurisdiction over the pulperías if they were to become subject to inspection. The request for power over the pulperías outside of the cabildo's ordinary jurisdiction was an attempt to convince the audiencia of cabildo intent to accept responsibility in regulating the local economy. The capitulares had obviously decided that the vecinos they represented would suffer less under cabildo jurisdiction than under that of the new official.

As the sale moved slowly if inexorably to its conclusion, the fiscal presented sworn statements verifying that the office was necessary. Witnesses answered a series of questions, posed by Múñoz, substantiating that there were more than fifty-eight pulperías, which sold wine, salt, soap, candles, tobacco, cheese, honey, and other staples, under the audiencia's jurisdiction. The witnesses swore that they knew the audiencia visited the tiendas infrequently and that sales were made without weights or measures or fixed prices. They were aware that much sickness and death among Indians, Negroes, and other "people of service" could be traced to the selling of new wine lacking \textit{cocimiento} (decoction). They recognized that the practices in the tiendas were harmful to the republic, the common welfare, and the poor who usually made

\textsuperscript{117}\textit{Actas}, XXXVI, October 8, 1660, p. 59, is the cabildo's plea for extension of its jurisdiction over the pulperías compuestas.
purchases in them. They believed that a fiel ejecutor perpetuo would be beneficial in Santiago. Among the seven witnesses were three individuals connected with the audiencia, an adjutant, and three silversmiths. The fiscal did not call any vecinos to testify. The testimony is important not only for the information it gives on the sales which would be subject to the fiel ejecutor but also because it indicates some of the abuses practiced by the cosecheros. Even if one allows for exaggeration on the part of the examiner and the witnesses, the testimony is a sorry tale of the business ethics of a class which claimed to be above commerce.

While the case for and against the sale continued in the audiencia, bids for the office were accepted. The receptor general Francisco Peraza placed a bid for his son Sebastián Peraza y Espinosa. The receptor offered 7,500 pesos plus an additional 500 pesos for an age dispensation for his son if the age of twenty-one were too young to exercise the office. Should the audiencia be unable to grant the dispensation, Peraza said he would pay only 7,500 pesos and would appoint an individual to fill the office until his son reached his majority. Like his bid for his own office, the one for the fiel ejecutoría was payable in cord for arquebuses and muskets at the current price of 15 pesos per hundredweight (quintal) in three installments.

118 Actas, XXXVI, March 21, 1664, pp. 304-311, is the "Interrogatorio" the audiencia ministers were a receptor de corte and two procuradores de causas; RLRI, book II, tits. XXVII, XXVIII, deals with the offices of receptores and procuradores.

119 Actas, XXXVI, March 21, 1664, pp. 267-269, is Peraza's bid; pp. 300-301, is Muñoz's approval of it.
Morales Negrete who had entered the first bid and made his offer in silver raised Peraza's bid by 500 pesos. The bidding progressed with Peraza offering 9,000 pesos in cordage, and inserting a demand that one of the prerogatives of the office should be to have two servants with swords to enhance the office's authority and to protect his son's personal safety as he performed his duties.\(^{120}\) Peraza had learned, from bidding against an Ahumada, to demand privileges.

A bid made in silver appeared from another quarter. On December 19, 1663, Francisco de la Canales de la Cerda entered a bid for 9,000 pesos paid immediately in cash. Peraza countered with 10,000 pesos, payable either in cordage or silver with the first payment of 1,000 pesos within two months after the remate and the remainder in three installments.\(^{121}\) In the remate held on February 22, 1664, Canales purchased the office for 10,000 pesos, paying 8,000 in cash and 2,000 within two years.\(^{122}\) Canales holds the distinction of having made the highest down payment on an office in Santiago in the seventeenth century. Múñoz must have felt gratified that his long efforts to sell the office for the benefit of His Majesty's hacienda had been so successful.

The fiel ejecutor de las pulperías compuestas who took his place in the cabildo on March 21, 1664, was the son of a soldier

\(^{120}\)Ibid., p. 301, is Morales Negrete's offer; p. 319, is Peraza's offer and his demand.  
\(^{121}\)Ibid., pp. 320-321.  
\(^{122}\)Ibid., pp. 323-324; Canales de la Cerda's first medianata payment was 166 pesos and 6 reales.
from Seville who went to Chile in 1605 with Alonso García Ramón. Francisco Canales himself married Luisa de las Cuevas y Salinas who traced her lineage back to Gaspar Villarroel, who had fought in Peru against the rebel Francisco Hernández Girón before going to Chile, and to one of the oidores of the first audiencia in Chile.\textsuperscript{123}

The \textit{Actas} do not record how successful Canales was in regulating sales in the pulperías under his jurisdiction. Neither do they relate whether or not he made his inspection rounds accompanied by armed servants. The records do show that Canales found favor with Governor Hernández, for he received an appointment as corregidor of the partido of Maule in 1681. Hernández first appointed José Collart as the interim regidor and fiel ejecutor and then promoted him to the office of corregidor in La Serena. Blas de los Reyes took Collart's place as the substitute for Canales.\textsuperscript{124} José Collart was again serving as the interim fiel ejecutor in 1686 and by 1699 had risen to the position of fiel ejecutor perpetuo. There is no record of the transfer of the office from Canales to Collart in the published \textit{Actas}. He may have gained it

\textsuperscript{123}Ibid., p. 328, is his reception in the cabildo; for genealogical information on Canales and his wife, see Roa, pp. 251-252, 594-595.

\textsuperscript{124}Actas, XLI, July 4, 1681, pp. 51-53, July 5, p. 54-55, has information on the appointments; born in Valparaíso, Blas de los Reyes was the son of a Portuguese; the younger los Reyes served in Panamá in 1671 and returned to Santiago. He was the tesorero general of the Santa Cruzada and escribano mayor de hacienda real, minas, registros, bienes de difuntos, and corregidor of Colchagua; he had a fortune estimated at 150,000 pesos with both rural and urban holdings; in 1717 he was the Santiago corregidor; see Actas, L, "Prólogo," p. lviii and Roa, p. 668.
through renunciation or by purchase upon a declaration of vacancy.125

Despite its protests over the creation of the new office, the cabildo did not find its jurisdiction notably disturbed by the new fiel ejecutoria. The capitulares continued to take their turns inspecting the pulperías under cabildo jurisdiction and attempting to enforce regulations on street sanitation.126

Beyond the significance of the sale on the administrative and jurisdictional levels, the case involving the last proprietary ex officio regimiento has strong implications for an understanding of Santiago's mentality in the seventeenth century. Still clinging to the medieval notion that an aristocrat did not engage in commerce, the landed gentry in Chile had in fact become businessmen as well as producers of livestock and agrarian products. Perhaps the determination not to be considered shopkeepers was a psychological device the vecinos employed to establish or retain their identity in a land where life was acutely uncertain. One of their motivations in opposing the new office was obviously financial. Using the procuradores as their spokesmen, the vecinos entrenched in the cabildo fought the introduction of an office which

125Actas, XLII, January 26, 1686, p. 112; in XLII, 1699, he attended sessions as the proprietor. Vicente Carvallo Goyeneche, Descripción histórico-geográfica del Reino de Chile, Vols. VIII-X in CHCD, IX, p. 159, identifies Collart as an experienced soldier who served for a time as the corregidor and militia commander in La Serena; Carvallo himself was a soldier turned historian; he wrote in the eighteenth century; see Francisco Esteve Barba, Historiografía Indiana (Madrid: Editorial Gredos, 1964), pp. 561-562.

126Examples are in Actas, XXXVI, January 4, 1664, p. 234, XLIII, May 6, 1695, p. 255.
would deprive them of the ability to buy and sell outside of the
framework of the local economic regulations. The procurador
Hidalgo felt that the oidores would accept his plea to uphold the
invulnerable position of the vecinos cosecheros. The climate of
opinion shared by the Chileans and the oidores made an appeal to
the preservation of class distinctions logical. Those in high
social positions did not question the existence of a stratified
society. They might, as the fiscal Muñoz did, urge that legal
restrictions had to be imposed on those who had forgotten the
obligations of their status.
CHAPTER V

THE CABILDO AND INTERCOLONIAL COMMERCE:

SANTIAGO AND LIMA

This chapter takes as its theme the cabildo's role in the trade between Santiago and Lima. In discussions of commodities shipped through Santiago's port, Valparaíso, to Callao the official cabildo records demonstrate Chile's participation in a market economy centered at Lima. The Actas thus contain abundant data which illustrates that cabildo decisions were a factor in the commercial structure of the Spanish American Empire.

The cabildo concentrated its efforts on influencing, directly or indirectly, the flow of exports from Santiago to Lima. Although the capitulares' preoccupation with exports implies a desire to increase purchasing power, the acuerdos scarcely mention the merchandise imported via the Peruvian port. The description of the seventeenth century as "the tallow century" can be applied not only in reference to tallow production within Chile's total economy but also to cabildo economic decisions.¹ Hides shipped for limeño shoemakers were usually treated as second in importance.

¹Domingo Amunátegui Solar, in his La Sociedad de Santiago en el siglo XVII (Santiago: Dirección de Prisiones, 1937), p. 46, attributes the phrase "el siglo del sebo" to Benjamin Vicuña Mackenna without citing a reference. For contemporary accounts of tallow and hides production, see Ovalle, pp. 10-11 and Rosales, I, pp. 192-193.
to the tallow sold for soap and candles.\textsuperscript{2} When wheat developed an export potential at the end of the century, it neither changed the extractive nature of Chile's commercial relations with Peru nor weakened the capitulares' interest in exportation policies.\textsuperscript{3}

In a trade discussion in 1638, the cabildo stated its ultimate goal relating to the exportation of livestock commodities. The escribano reported that the long range objective was achieving "the greater good and growth and profit of this kingdom." The immediate means to secure "the end" of advancing the welfare "of this republic and kingdom as well as that of Peru" was the adoption of policies to enhance the "value" of the major exports, tallow and hides, produced by vecinos and moradores and handled by merchants within Santiago's territorial jurisdiction.\textsuperscript{4} This statement, typical of the many acuerdos which linked the common good, economic good, price trends, and regulatory measures, reveals that the cabildo saw itself as furthering the material welfare not only of Santiago but of the kingdom of Chile and the viceroyalty of Peru as well.

The cabildo believed that the chief obstacle to obtaining the goals it set for itself was a financial one. Low prices, the

\textsuperscript{2}Encina, IV, pp. 233-244, comments on the uses made of the Chilean exports and the predominance of commodities derived from livestock.

\textsuperscript{3}\textit{Ibid.}, pp. 221-222, discusses the opening of a market for wheat in Peru. Barros Arana, V, p. 298, says that wheat was the dominant agricultural product during the last century of Spanish rule. Frezier, p. 106, gives a description of the wheat exports at the beginning of the eighteenth century.

\textsuperscript{4}\textit{Actas}, XXXI, February 5, 1638, p. 279.
capitulares maintained, were at the root of economic problems. The justification for acting to secure a better price was always framed in terms of Chile's dependence on tallow and hides. The vecinos and moradores who produced them were often described as poor and deserving of a just return. Without perceiving any incongruity, the capitulares introduced the idea of a man's right to seek a legitimate profit to enhance his wealth. The Actas thus combine lines of reasoning which are reminiscent of the medieval theory of a just price with more modern economic notions.

In making decisions on livestock commodities, the comercio, so often ignored by the capitulares, came into its own. The belief that Chile's welfare was inexorably bound to the material prosperity of the vecinos and moradores was broadened to encompass the comerciantes. Class designations were usually preserved in the formal records, but the social distance between the landed and commercial interests was shortened because of their mutual reliance on the exportation of livestock commodities for their livelihood. Only a few leading commercial figures were readily

5Examples are in Actas, XXX, October 17, 1631, p. 288; March 3, 1637, p. 226; July 9, 1638, p. 302; XXXIV, May 12, 1651, pp. 118-120; XXXVIII, May 17, 1675, pp. 445-446; XL, September 28, 1679, pp. 308-309; XLII, September 18, 1690, p. 349.


7Alemparte, p. 99, characterizes the colonial capitulares as both feudal and bourgeois; his discussion of economic questions is pp. 137-232; pp. 161-171, relates to exports.

8Actas, XXXI, February 5, 1638, p. 279; XL, March 16, 1678, pp. 206-207.
identifiable in the published documents. Assessing the relative importance of peninsulares, Peruvians, and Chileans in the business community operating in Santiago and Valparaíso would require materials as yet unpublished. What is apparent from the information contained in the Actas, is that some producers themselves were exporters who handled their own products and also trafficked in commodities produced by others. Capitalistic ranching had a two-fold social effect. As the comercio rose in esteem, some vecinos and moradores deemed to participate directly in commercial transactions. Businessmen also enhanced their political power because of their economic strength. When exports were discussed, individual businessmen were often requested to attend cabildos abiertos with the vecinos and moradores. Chile's economic reliance on the exportation of raw materials helped to open the town meetings, which were usually the closed preserve of the landed aristocracy, to commercial interests.

The capitulares, in private sessions and in cabildos abiertos, wrestled with the price difficulties. Identifying their basic economic problem as one of insufficient financial returns, the capitulares looked to its solution by analyzing the cause of low prices. Cabildo assertions that prices were too low to properly compensate producers and exporters were almost invariably

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followed by declarations that the reason for the unsatisfactory price levels was overproduction. Without using the phrase supply and demand, the cabildo blamed an excessive supply of livestock commodities for the low returns. It was the "superfluous abundance" that drove the prices of tallow and cordobanes (tanned goat-skins) down. Too much livestock and too much slaughtering had created the bad financial conditions. Consequently, the cabildo, acting alone and in conjunction with other administrative institutions, attempted to limit production and to withhold goods from the market.\textsuperscript{11}

Attempts to improve the quality of the tallow shipped to Peru paralleled efforts to control production and exportation. As early as 1619, the capitulares prohibited the adulteration of tallow by mixing it with grease. The cabildo, to discover violators of the ruling, ordered that all tallow had to be bagged in containers made of hides which had to be marked with the brand the producer used to identify his livestock.\textsuperscript{12} With the growing importance of tallow as an export commodity, similar regulations figured in cabildo attempts to improve tallow in order to secure better prices.

The common factor, in most of the measures proposed and enacted to improve quality and limit production, was the belief in the efficacy of a regulated economy. Convinced that the right

\textsuperscript{11}Actas, XXXI, September 13, 1636, p. 189; XXXII, September 26, 1641, p. 133, October 21, p. 143.

\textsuperscript{12}Actas, XXV, February 26, 1619, p. 324. Grease apparently made poorer candles than pure tallow.
regulatory principle would resolve their financial plight, the capitulares and their fellow Santiagoans, with the governor and the audiencia, attacked the price problem. Beginning in the 1630's basic policies were initiated which endured, with modifications, during the rest of the century. A device used to control exportation was the imposition of a maximum on the amount of tallow which could be sent to Peru. Stipulating how many hundredweights (quintales) could be shipped annually, Governor Laso de la Vega assigned the cabildo the task of dividing the total proportionally among the producers, a duty which gave the capitulares an influence over their neighbors' fortunes. Although Laso was primarily interested in assuring that Santiago would be able to supply his army with meat instead of producing excessive amounts of tallow, the capitulares not only supported his plan, which would serve their marketing goals, but lent cooperation to its implementation.13

After arranging for counting the livestock available for slaughtering, the cabildo appointed the depositario general Ginés de Toro Mazote and the regidor Andrés de Serraín to assign a quota to each vecino and morador who owned an estancia and livestock. Approving the prorrata (quota, apportionment) on November 27, 1635, the cabildo ordered it observed so that the army could receive the necessary cattle.14 Estancieros were enjoined to

13 Actas, XXXI, November 27, 1635, pp. 150-151.

14 Actas, XXXI, August 31, 1635, p. 127, November 9, p. 149, November 27, pp. 150-151.
slaughter only the number of cattle and to make only the amount of tallow allotted to them; the cabildo imposed a penalty of the confiscation of the tallow and hides produced in excess of that set by the scale. The capitulares allowed for adjustments in the prorrata by providing that any person who had been overlooked in assigning the quotas could lodge an appeal before the cabildo. The entire acuerdo was presented in the audiencia for confirmation. When the oidores had authorized it, the cabildo had the measure promulgated by the town crier and had copies sent to the corregimientos under Santiago's jurisdiction.\(^\text{15}\)

While acting to enforce the governor's ruling on the maximum, the cabildo also tried to improve the quality of tallow exported. The capitulares again forbade the mixing of tallow with grease and defined what parts of cattle and sheep constituted grease. To enforce the regulations on the quantity and quality of tallow shipped, an inspection in Valparaíso was planned. Early in 1636 the cabildo ordered the procurador Juan Rodolfo Lisperguer to proceed to the port where he was to make records of the new tallow and determine if it were free from grease as required. He was instructed not only to determine who had deposited the tallow in the warehouses (bodegas) but also who had produced it. The information he gathered was to form the basis of a report to the governor on violations of the new tallow regulations.\(^\text{16}\)

Another policy to limit production and avoid glutting the

\(^{15}\)Actas, XXXI, November 27, 1635, pp. 150-151.

\(^{16}\)Actas, XXXI, February 12, 1636, p. 163.
Lima market received cabildo endorsement during Laso's administration. The *alternativa* was the term the cabildo applied to slaughtering different types of animals for tallow and hides in alternate years. By forbidding the slaughter of certain tallow-producing animals during a year, the total annual output would be decreased. To determine which tallow had been legally produced before the rulings went into effect, the cabildo usually ordered those who had tallow on hand to "manifest" it before a local official. The manifestation process sometimes involved actually showing the inspector the tallow left from a previous year; a sworn statement on the number of quintales and the type of animal from which the tallow was derived was used on other occasions.

The first wide-scale use of the alternativa began in 1636. Governor Laso, the audiencia, and the cabildo worked together to inaugurate an ordinance to establish the practice of slaughtering cattle and sheep one year and sheep and goats the next. The most significant aspect of the alternativa used during Laso's administration was the cabildo's successful campaign, first to influence and then to gain exclusive control of the enforcement process. In October, 1636, the cabildo, with audiencia approval, agreed to have the alternativa stipulations announced in Santiago and the corregimientos. The promulgation contained an order for those who had tallow left from the previous year to manifest it within ten days under threat of loss of the tallow. When tallow which had been duly manifested was taken to the port, it had to be
accompanied by the manifestation statement.17

The alternativa, however, did not and could not extend to all the cattle-raisers within Santiago's boundaries. The religious orders were customarily exempt from such restrictions. With a view to securing voluntary compliance with the ordinance against slaughtering cattle, the cabildo agreed to ask the local superiors of the orders which kept herds to observe the regulation.18

The governor also concerned himself with the effectiveness of the tallow ordinance. In November, Laso said that he recognized that excessive slaughtering had caused a diminution in the vecinos' wealth because of the low tallow prices. The most essential point for enforcing the alternativa, he declared, was appointing judges (jueces). Consequently, he empowered the depositario Ginés de Toro Mazote, Agustín de Arévalo Briseño, and Gabriel Díaz Hidalgo to hear cases in any part of the kingdom involving any person. Each of the special judges, who were regidores, could hear cases involving one or both of the others, and their jurisdiction specifically applied to charges brought against corregidores and other administrators. Laso, furthermore, forbade any other justices from hearing cases on matanzas (slaughterings). If any one of the three did not fulfill his duty, he was liable to a 500 peso fine and to two years of frontier military service at his own expense. Having placed responsibility on his appointees, Laso sought

17Actas, XXXI, October 24, 1636, pp. 204-205.

18Actas, XXXI, November 16, 1636, p. 208. Jesuit, Dominican, and Mercedarian superiors were requested to order the alternativa enforced on their haciendas.
to have them receive the respect due their offices by threatening individuals who failed to recognize their authority with a 500 peso fine. The cabildo received them to the exercise of their judicial posts but soon began to lay its own plans for better enforcement. 19

During 1637 the cabildo authorized investigations to lend effectiveness to the matanza regulations. The cabildo stated in April that many ganado vacuno (cattle) had been slaughtered illegally. Since the tallow had been taken to port for shipment, this matter, which affected the vecinos and moradores, the comercio, and the common welfare, merited inspection by the capitulares themselves. Each member, in the order of his seniority, was to go to Valparaíso to determine the quantity and quality (haga cala y cata) of the tallow loaded on ships or stored in warehouses to ascertain if it were of the permitted or prohibited variety. If he found tallow derived from cattle, it was to be confiscated. Those found in possession of it were subject to penalties. The cabildo informed the alcalde Andrés Fuenzalida Guzmán that he would be the first to leave on the mission. He was ordered to serve as an inspector without jeopardizing the commission of the jueces Laso had appointed; rather, they were to cooperate with each other. 20

The decision to inspect tallow ready for export showed a desire to enforce the matanza regulations. By taking turns in Valparaíso, the capitulares served as investigators to bring charges before Laso's judicial appointees. The capitulares, if

19Actas, XXXI, November 28, 1636, pp. 210-211.
20Actas, XXXI, April 24, 1637, pp. 240-241.
they were so inclined, had an opportunity to collect bribes from those who had violated the slaughtering ordinance. Each capitular would be as conscientious in fulfilling his task as he saw fit. If he were convinced of the necessity of keeping the tallow supply in Lima down in order to drive the price up, he would be an impartial inspector.

Realizing that violations could be discovered outside the port, the cabildo acted on that possibility in September, 1637. The capitulares gave the regidor Luis de Ulloa a special commission to inspect the places where dead cattle were reported and to embargo the hides and tallow he found. If it seemed advisable to him, he could arrest those guilty of illegal slaughtering. His authority extended both within Santiago and outside of it. The aim of Ulloa's inspections was thus to discover evidence of slaughtering violations on the estancias and in the tanneries.

On October 2, 1637, the cabildo escribano Antonio de Bocanegra related that Ulloa had embargoed some of the hides he had found. The cabildo remitted the cases to Arevalo Briseño, who, in addition to his position as judge for alternativa offenses, had been appointed as the Santiago corregidor by Governor Laso. Ulloa's investigation had also disclosed that Miguel Gómez de Silva and Juan Rodolfo Lisperguer, who had previously served as a port inspector and who subsequently became the corregidor, had more hides in their tannery than could have come from authorized slaughtering. The cabildo did not order the hides confiscated,

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21 Actas, XXXI, September 24, 1637, p. 263.
but merely instructed the owners, including Gómez de Silva and Lisperguer, to observe tanning regulations which the audiencia had issued. 22 In this instance, the cabildo mitigated the enforcement of the matanza according to the individuals involved. The authority invested in Ulloa and in the capitulares who inspected Valparaíso does, however, evidence cooperation between the cabildo and the higher authorities. Its appointment of inspectors in areas subject to Santiago, moreover, illustrates the administrative power of the capital city. Although tallow regulations may not have been enforced evenly, the cabildo, as an institution, enacted measures which affected both the city proper and the outlying regions under the municipality's legal jurisdiction.

Having confined itself to appointing investigators in 1637, the cabildo began a drive in 1638 to control the alternativa enforcement process by gaining the power to appoint judicial officers. The capitulares complained on February 5, 1638 that two of the judges Laso had appointed were unable to fulfill their duties because Arévalo Briseño, who was serving as the corregidor, was too busy, and Toro Mazote was ill. The cabildo, therefore, agreed to ask Laso to replace them with the regidores Francisco de Fuenzalida and Pedro Gómez Pardo Parraguez. 23 Meanwhile, the cabildo proceeded to act on its own authority by commissioning the regidores Gómez Pardo and Agustín Ramírez as non-judicial inspec-

22 Actas, XXXI, October 2, 1637, pp. 263-264; Arévalo's reception as the corregidor is April 2, pp. 234-238; the Actas do not contain the audiencia auto on tanning.

23 Actas, XXXI, February 5, 1638, p. 247.
tors. In assigning the two to investigate alternativa violations in the subject corregimientos, the capitulares emphasized the need to enforce the slaughter regulations. Since Díaz Hidalgo, the last of the three judges, had also become ill, the new inspectors were to report their findings to the cabildo.24

Before the end of the year, the cabildo managed to convince the governor that his judges were not able to give the proper attention to the tallow cases. On November 19, the cabildo agreed to ask Laso to give it the authority to name judiciary officers because of the "indispositions" of those he had named.25 The procurador Bernardo de Amasa Iturgoyen drafted a formal petition, which he presented for cabildo confirmation on December 2. Amasa pointed out that the governor had reserved to himself the power of appointing jueces for the matanza cases. The judges Laso had selected, Amasa noted, were not exercising their authority because of just impediments. This meant that the alternativa, which was so necessary for the welfare and growth of the kingdom, might go unheeded. The cabildo thus found itself embarrassed through not having the power to handle transgressions promptly. Amasa reached the core of the petition as he stated the request for the governor to bestow on the cabildo the "plena facultad" (complete faculty, or authority) to appoint judges at its discretion so that the alternativa would be observed.26

24Actas, XXXI, February 19, 1638, pp. 280-281.
25Actas, XXXI, November 19, 1638, p. 330.
26Actas, XXXI, December 2, 1638, p. 336.
Under the same date, the escribano recorded Laso's permission for the cabildo to exercise the authority it requested. The governor also empowered the cabildo to assign salaries to the judges at the expense of those they found guilty. Using its new power on December 29, the cabildo granted a commission to Antonio Fernández Caballero not only to investigate the matanza violations but also to proceed in the cases as a juez.

By securing the exclusive right to appoint the special judges, the cabildo had wrested from the governor one of his sources of patronage, thus weakening his prestige if not his power. The capitulares also tried to curtail Laso's practice of favoritism. He had begun to relax the alternativa ordinance by granting licenses allowing the slaughter of prohibited animals. Alluding to the preferential treatment accorded some individuals on November 6, the cabildo authorized Amasa to ask the governor to revoke a license. Going a step further on November 19, the capitulares agreed to approach Laso with a request to rescind the license and to refrain from issuing any permissions to slaughter. The duty of pleading with him was entrusted to the corregidor Valeriano de Ahumada, who had just replaced Arévalo Briseño.

The cabildo's preoccupation with appointing inspectors and judges suggests that tallow producers, while eager to secure a

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27 Ibid.
28 Actas, XXXI, December 29, 1638, p. 351.
29 Actas, XXXI, November 6, 1638, p. 318, November 19, p.
better price through restricting Lima's tallow supply, were not so willing to limit their own production. Moreover, the need to prevent and to punish violations of the alternativa helps to explain the continuing price problem. The role of the procurador Amasa in obtaining the right to appoint judges is significant because his family continued to influence decisions relating to livestock commodities. Although the cabildo could not force the governor to stop granting licenses, it did exhibit its disapproval of Laso's actions. The interest in the effectiveness of this alternativa witnesses the cabildo's ostensible faith in the principle of regulation and its determination to share in the regulatory power.

Toward the end of the century, the cabildo again promoted a plan for alternate slaughtering. The idea to return to the policy came from the alférez real Pedro de Prado de la Canal, who was a leading figure in tallow discussions in the 1670's. As he proposed the introduction of the alternativa in 1675, Prado blamed low prices on over-production. He stated that the Chileans had tolerated their hardship for many years, "awaiting the benefaction of time and natural accidents," which would reverse the production-price pattern. Rather than seeing their hopes realized, the vecinos had become poorer each year as prices dropped lower. It had become necessary, therefore, to adopt some "arbitrary measure" to give the products their "just evaluation and congruent price." The alférez urged the implementation of alternate slaughtering of goats (ganado cabrío) which would decrease both hides and tallow.

30Actas, XXXVIII, May 17, 1675, pp. 445-446.
The cabildo was hesitant to endorse Prado's plea until a cabildo abierto accepted the policy. Addressing an assembly of vecinos cosecheros and businessmen, Prado told them that both groups were equally involved in the prices given for tallow and cordobanes and claimed that his plan would reduce production by some 10,000 quintales of tallow during the years that goats were not slaughtered. He cautioned that the restrictions, to be effective, would have to include the cities of Concepción, La Serena, and Chillán. Those present thanked him for suggesting the alternativa, which, they remarked, showed his zeal for the "universal welfare of this kingdom." They then discussed the proposal and agreed unanimously that no goats should be slaughtered during the coming summer. Hoping to prevent too great an increase in the number of goats, the cabildo abierto agreed that during the following year all the tallow would be bagged in goat skins. Before adjourning, the group entrusted the capitulares with enacting the regulations and fixing the penalties for violations of the alternativa.

After the departure of those who had attended the cabildo abierto, the capitulares drafted an ordinance which included a manifestation process to accommodate those who would have goat skins left from the preceding slaughter. Only those hides properly manifested could be tanned until the next matanza produced new

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31Ibid., p. 446, the cabildo decided to call the cabildo abierto, which is, May 28, pp. 448-450.

32Actas, XXXVIII, May 28, 1675, pp. 448-450.
ones. The cabildo did not set a definite limit on how long the alternativa would remain in force, but said, confidently, that it would continue until tallow and cordobanes prices rose. To broaden the impact of the alternativa, the capitulares agreed to write to the other cities, urging them to follow Santiago's example. They, furthermore, thought it advisable to ask the superiors of the religious orders which owned haciendas to have the alternativa enforced on their lands because the measure was favorable to the public welfares.33

The alternate slaughtering must have had some effect on the Lima market for news of a momentary price increase reached Santiago in December, 1676. The capitulares had obtained Governor Henríquez's approval of the alternativa before it was published and requested him to revoke it when they wearied of it in 1678. While it lasted, the cabildo followed the procedure established earlier in the century of appointing inspectors and judges.34

Santiago renewed its efforts to improve the quality of the tallow shipped to Lima at the same time that the alternativa was in effect. In 1672 Pedro Prado, who was then serving as the city procurador, urged the cabildo to enact quality standards because he thought better tallow would bring a better price. He suggested that tallow should be melted and strained before bagging it

33Ibid., pp. 450-451.

34Actas, XL, May 4, 1676, p. 43, September 11, p. 56, September 17, pp. 57-58, November 6, pp. 69-70, December 23, pp. 81-83; August 7, 1677, p. 126; March 15, 1678, pp. 205-206, November 26, pp. 264-265.
in cowhide containers bearing the producer's brand. Although four cabildo members favored the entire plan, seven capitulares objected to the new preparation technique.35

Prado's suggestion, despite the divided opinion, formed the basis of a bando (proclamation) on tallow issued by Governor Henríquez on the advice of the audiencia in 1672 and for quality regulations enacted in 1679.36 The governor submitted Prado's proposal and the capitulares' opinions to the oidores in 1672 with a request that they prepare their voto consultivo (advisory opinion) on the matter. In studying the question, the audiencia considered the objections from the cabildo majority which claimed that the vecinos would find it impossible to melt their tallow. The oidores did not think it would be wise to endorse an unworkable policy, but believed that a way could be found to implement the goal of preventing fraud in both tallow production and commerce which was implicit in Prado's plan. Outlining the regulations that became Henríquez's bando, the audiencia included provisions affecting the producers and the Valparaíso warehouse operators (bodegueros). Tallow was henceforth to be bagged in hides derived from livestock other than sheep, and each bag was to be clearly marked with the cosechero's brand. Before marking their bags, the producers had to register their brands with the cabildo escribano who had to keep a separate notebook recording them and

35Actas, XXXVIII, July 5, 1672, pp. 245-246.
36Actas, XXXVIII, July 24, 1672, pp. 251-254, is the complete bando. See below for the 1679 measures.
send a copy to the bodegueros. The warehouses in Valparaíso were forbidden to accept any tallow which did not meet the new regulations after December 1, 1672. They had to weigh the tallow brought to the port and keep accurate records showing the date they received an allotment and the mark that it carried. Any promissory notes (vales) issued by a bodeguero also had to note the brand.37

Issuing the oidores' opinion as a command, Henríquez emphasized that he thought it would prevent the producers from mixing tallow with other substances to increase the weight because the brands would make them liable for satisfying damages. The buyer of an allotment could submit evidence of a fraudulent mixture and obtain redress from the guilty cosechero. He also pointed out that the audiencia had discovered a way of controlling the bodegueros who were threatened with heavy penalties if they tampered with tallow allotments.38

The steps taken in formulating the bando demonstrate the interaction of the various administrative institutions. The oidores had taken cognizance of opposition to the introduction of a new production technique. Both the audiencia and the governor had approved the part of Prado's plan relating to bagging and

37Actas, XXVIII, July 24, 1672, pp. 251-252; the audiencia's plan is pp. 251-253.

38Henríquez's promulgation of the bando is Actas, July 24, 1672, pp. 253-254. The oidores set the bodegueros' fine for the first offense at 200 pesos and the second at 500 pesos and two years deprivation of the administration of a warehouse, see pp. 251-253.
branding which the cabildo had favored. Henríquez and the oidores had gone beyond Prado's suggestion and included the bodegueros under the new regulations.

Although the Valparaíso warehouses will be treated later in more detail, the particular attention paid to them in 1672 merits some comment. The requirements imposed on them indicate that the bodegueros were middlemen holding tallow until a merchant arranged to ship the amounts he had purchased. The use of promissory notes as a medium of exchange shows the importance of credit in commercial transactions.

By 1674 the cabildo registered a complaint with Henríquez concerning the bagging practice established by his bando. Approving the continuation of branding, the capitulares asked that sheepskins as well as other hides be used as containers. The reason was that the tallow producers felt "burdened" by the ruling which the cabildo, in turn, felt should be adjusted to fit "experiences and time." Although the cabildo usually relied on arguments from custom and tradition to uphold a position, the capitulares could turn to a justification of change when it favored their interests.

Even the branding policy had stopped by 1679, and its abandonment had led to a resurgence of fraud. The corregidor Pedro de Amasa Iturgoyen reported on September 28 that the tallow in Valparaíso contained more sand than tallow. His warning that the

39 Actas, XXXVIII, April 6, 1674, pp. 316-317, April 21, pp. 320-321.
adulteration was gravely detrimental to the city's welfare, for shipping bad tallow discredited the Chilean product, led the cabildo to pass a resolution to have all tallow bags branded. 40 Believing that something more should be done, the capitulares decided to consult Henríquez about the best means to secure a higher price for tallow. The governor elected to appoint the former fiscal, licenciado Juan de la Cerda y Contreras, to represent him in discussions on the price question. The cabildo then appointed a six-man committee composed of capitulares and representatives of both vecinos and businessmen. The group, which included the alférez Pedro Prado, suggested that the method of melting and straining tallow and forming it in hard, white, unadulterated cakes, to be covered with branded hides, should be adopted. 41

The cabildo sent Henríquez a copy of the suggestions and asked him to confirm them not only for Santiago but also for Concepción, Chillán, and La Serena. In addition, the capitulares urged him to impose a temporary embargo on transporting tallow to Valparaíso which would give the producers time both to implement the new production method and ship any old tallow already in Valparaíso to Peru. 42

40 Actas, XL, September 28, 1679, pp. 308-309.

41 Actas, XL, November 24, 1679, pp. 330-331, gives the cabildo's decision to consider an additional policy. December 14, pp. 332-336, is a summary of Henríquez's appointment of Cerda and the cabildo selection of a committee which included the alcalde Pablo de Villela, Prado, Martín de Gamboa, Francisco Briseño, Juan Antonio Caldera, and Gaspar Hidalgo.

42 Actas, XL, December 14, 1679, pp. 335-336.
The procedure for working out the new dispensation indicates the governor's continuing cooperation with the cabildo and manifests its power. A list of the individuals who had tallow stored in the port would be helpful in assessing the significance of the request for a temporary embargo. The capitulares themselves may have had allotments warehoused in the port which they wanted to sell on the Peruvian market before the new tallow became available. What is clear from the measures passed in both 1672 and 1679, after Prado's initial proposal for improving quality, is that the Santiagoans recognized that their own perpetration of frauds contributed to the low returns on tallow. The appointment of a committee including businessmen demonstrates the respect accorded the commercial class in Chile.

Following the promulgation of the new regulations, the bishop of Santiago fray, Bernardo Carrasco de Saavedra, objected to their effects. Carrasco reported to Henríquez that suspending the transportation of tallow to Valparaíso had stopped Santiago's trade and prevented the vecinos from paying their debts. Henríquez responded by delegating the bishop to decide what should be done. The cabildo registered no surprise or protest that the bishop should serve as the governor's representative on an economic matter, for men who claimed to make their decisions on the basis of furthering the public welfare thought that a member of the hierarchy had a role to play in securing the common good. Although agreeing that shipments to Valparaíso should resume, the capitulares insisted that the branding regulations should remain
One of the routine activities the cabildo performed in the name of the common welfare was fixing prices on articles consumed domestically. Unsatisfactory export prices led to the transfer of the principle of a set price to commodities destined for shipment to Peru. After the earthquake of 1647, the cabildo moved against unscrupulous tallow dealers, who might try to take advantage of the producers' straitened circumstances, by setting a mandatory price on tallow. The capitulares explained that they wanted tallow to continue to bring five pesos per quintal as it had at the beginning of the year. The cabildo auto, which forbade any person to buy or sell tallow in Valparaíso for less than that sum, included the penalty of loss of the tallow and a fine of 500 pesos. Thus the cabildo endeavored to protect the price of tallow reserves untouched by the earthquake.

In 1648 the cabildo voiced its approval of an auto from Governor Mujica calling for price-fixing and began to oversee prices set by individuals representing the producers and the co-

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43Actas, XL, May 25, 1680, pp. 299-300; the chapter on the Church discusses the bishop.

44Actas, XXIV, November 6, 1609, p. 150; XXVIII, August 9, 1624, p. 203; XLI, July 3, 1682, p. 149, September 12, p. 175, September 18, p. 176.


46Actas, XXXIII, July 14, 1647, p. 193, evidences that the earthquake did not destroy Santiago's tallow export potential for the cabildo was taking steps to insure that the sheep ranchers in the corregimientos would not save their flocks for a tallow matanza but would use them for supplying Santiago with mutton.
mercio. The articles subject to price-fixing were tallow, cordobanes, and cord for ship rigging.\textsuperscript{47} Testifying to the cabildo's faith in locally controlled prices as a protection measure, the practice continued for several years.\textsuperscript{48}

The Actas, however, suggest that the policy was responsible for retaliatory action from Peru. In 1649, the corregidor Juan Rodolfo Lisperguer, complained that the low prices received for Chile's products stemmed from a tasa (price scale) set in Lima. After listening to Lisperguer's lament on the city's pitiful post-earthquake condition, the cabildo agreed to give the procurador, Pedro de Prado, a power of attorney to plead against the tasa. In the document, the cabildo instructed him to request the Lima audiencia to apply its precedents on Lima imports from other cities to Santiago's products.\textsuperscript{49}

Another procurador left for Lima in 1651 armed with 4,000 patacones to plead against price-fixing. After some dissension on who should have the mission and how to gather the money, a cabildo abierto of producers and businessmen selected Antonio Earambio and agreed to divide the impressive sum equally between the two groups. The capitulares then endorsed the decision made in the cabildo abierto and voted to inform the governor and the audiencia.

\begin{itemize}
\item \textsuperscript{47}Actas, XXXIII, January 14, 1648, p. 257, January 15, pp. 257-258, January 27, p. 268, March 24, p. 283, March 26, p. 284.
\item \textsuperscript{48}Actas, XXXIII, April 16, 1649, p. 402; XXXIV, January 2, 1650, p. 6, April 5, p. 18, May 6, 1651, p. 117.
\item \textsuperscript{49}Actas, XXXIII, May 21, 1649, pp. 407-408, June 18, pp. 410-411. There is no indication of which precedents the cabildo wanted applied to Santiago.
\end{itemize}
of the impending mission.  

Santiago received reinforcement for its subsequent protests on price-fixing in 1654. The cabildo received a letter from Gabriel de Zúñiga y Madrigal, the city's representative at court in Spain, with six royal cédulas one of which, the escribano noted, forbade tasas to be placed on Chile's products in Lima. The cabildo ordered the documents placed in its special book of cédulas for future reference which meant that the contents were not copied into the Actas. It is possible, however, that the cédula was of a general nature and that the cabildo only hoped to have it applied to its petitions.

Since appeals to Spain and reports to the king were part of the cabildo's normal correspondence, the capitulares decided to seek additional help from the crown as the Santiagoans fought a tasa in 1666. In an address which suggests the pace of life in seventeenth century Chile, the corregidor Melchor de Carvajal y Saravia complained that many buildings destroyed by an earthquake in 1657 had not yet been rebuilt. Carvajal attributed the delays in repairs to lack of funds. A crisis had been reached, because, he said, prices were "totally destroyed" by the tasa promulgated in Lima. The cabildo resolved to write to both Spain and to Lima on conditions and to request the governor and the audiencia to do

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50 *Actas*, XXXIV, June 27, 1651, p. 139, July 7, pp. 142-143, July 8, p. 149, July 21, p. 150.

51 *Actas*, XXXIV, December 25, 1654, pp. 482-483.
Before the year was out, a cabildo abierto decided that a procurador should go to Spain to plead Santiago's interests, including the enforcement of the cédula prohibiting price-fixing on Chilean products. The group attending the meeting voted to provide 1,000 pesos, with the vecinos, the comercio, and the city's propios each supplying one-third of the total. Padre Ramón de Morales, a Mercedarian friar, was chosen by the capitulares to represent the city either in conjunction with Tomás Pizarro or by himself.

There was probably a moment of joy in 1676 when the cabildo listened to the news brought by a ship from Callao that the price of Chilean tallow had risen in Lima. Any elation the capitulares might have felt at the realization of the goal of the alternativa, then in effect, surely vanished as they were informed that the Viceroy, the Conde de Castellar, had ordered a price of six and one-half pesos per quintal put on tallow. The cabildo complained that the viceroy had persisted in his decision despite the objections raised by the Lima Consulado and some interested individuals.

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52 Actas, XXXVII, January 22, 1666, pp. 100-101.

53 Actas, XXXVII, September 11, 1666, pp. 124-125, is the cabildo abierto; p. 126, is the decision to appoint Morales and Pizarro as procuradores; October 1, pp. 127-128, October 29, p. 136, treat the collection of the money and its delivery to Morales.

54 Actas, XL, December 23, 1676, pp. 81-83; on the Consulado, see the previously cited work by Rodríguez Vicente; Vargas Ugarte, pp. 165-169, discusses the merchant association's early years in Lima; pp. 362-373, 384, summarizes major events during
The viceroy had justified his action by stating that the limited amount of tallow available in Lima stemmed from a monopoly (estanco) and from Chilean concealment of tallow that should have been shipped. This, the cabildo declared, showed that he had been misinformed. The capitulares agreed to write to him to clarify the situation, for the truth of the matter, they maintained, was that the shortage could be traced to the fact that only 13,700 quintales had been produced that year when a normal matanza yielded 30,000. To support their position, the capitulares agreed to send the viceroy relevant documents on the tallow produced and shipped.55 The cabildo also decided to enlighten the viceroy on royal legislation relative to trade between Chile and Peru, because the Conde de Castellar failed to understand that the king had provided a cédula protecting Chilean products from Lima tasas. Moreover, there was a "more ancient right" and a "general cédula" covering all Peruvian provinces dating from the reign of the Emperor Charles V. This royal decree issued in Valladolid on July 24, 1536, prohibited tasas on products shipped from the kingdoms of Spain to any ports under Peruvian jurisdiction. The Lima audiencia on January 20, 1553, had interpreted the cédula broadly to grant an exemption from tasas to a merchant who shipped products from Lima to Chile. From this precedent, the cabildo deduced that the exemption should cover Chile's current shipments to Castellar's administration.

55Actas, XL, December 23, 1676, pp. 81-83. The cabildo thus did not view the alternativa slaughtering ordinance as either the exercise of a monopoly or a policy of concealment.
In addition to writing directly to the viceroy, the capitulares resolved to send a power of attorney to the native born Chilean, the abogado Diego Montero del Aguila, who was qualified to practice before the Lima audiencia, to plead their case there. Monetary contributions amounting to 70 pesos were collected from the vecinos and the merchants, and 30 pesos were taken from the city revenues to send to Montero.

While the plans were laid for asking the viceroy to permit tallow to be sold freely on the Lima market at a price higher than that set by the tasa, the cabildo itself considered imposing a price of eight pesos per quintal on tallow exports. The capitulares wanted to set prices themselves, but resented price controls imposed in Lima. While objecting to viceregal tasas with arguments that natural scarcity had legitimately driven the price up in Lima, they chose to ignore the artificial character of the shortage created by the alternativa.

Thus it was not the principle of price control that the cabildo questioned. The corregidor Pedro de Amasa upheld the idea of pricing exports prior to shipment in 1678. Before a cabildo abierto attended by vecinos and businessmen, Amasa argued that it would be beneficial to follow the precedent adopted in Mujica's...
time of setting prices on products sold for export to Peru. Prices adapted to the "circumstances and accidents of time," he declared, could avoid disadvantages to both the cosecheros and merchants. Accepting his idea, the cabildo abierto selected from its numbers a four-man committee, with two members chosen by the merchants and two by the producers. The alférez Pedro Prado and Martín Ruiz de Gamboa were the cosecheros' delegates. The capitulares reserved the right to review the prices after the committee set them.

Cabildo attitudes on price-fixing were not divorced from cabildo membership, for Pedro de Amasa continued to act on the conviction that price regulations should not come from Peru. When the local cosecheros and merchants complained in 1684 about a monopoly enjoyed in Lima by one Diego de Manterola and the low tallow prices he could stipulate, Amasa, who was again serving as the corregidor, sprang to the Chileans' defense. He informed the vecinos and comercio in a cabildo abierto that the tallow price of four and one-half pesos ignored the royal cédulas exempting Chilean products from Lima price scales. Moreover, the new prices, not only on tallow but also on cordobanes, violated "common law" (derecho común). The cabildo resolved to lay its plea against the arbitrary prices before the viceroy and the Lima Consulado and to ask

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60 Actas, XL, March 16, 1678, pp. 206-207.
62 Actas, XLI, June 15, 1684, pp. 286-287. The prices for cordobanes were twelve or fifteen pesos per dozen depending on the type of goat from which they were derived.
the governor to substantiate the Santiago petition.63

The only consistency in the cabildo's contradictory stands on price-fixing at home and in Lima was the desire to obtain good prices for exports. The Santiagoans tried by appeals to the crown, the viceroy, the Lima audiencia, and the governors to protect Chilean exports from price controls imposed from the outside. The pleas for a political decision to guarantee a privileged position in commercial relations coincided with cabildo steps to exert economic pressure to achieve that position. The Lima price controls help to explain why the cabildo was not more successful in bettering prices by its attempts to limit production and improve tallow quality. The attempts to set prices in Lima suggest that the Chileans and others who supplied Peru with livestock commodities may have manipulated the market to a considerable degree.

The anti-monopolistic connotations in the 1684 decisions have to be viewed in the context of the cabildo's reactions to monopolies based in Peru and those operating in Chile. The cabildo did not condemn the principle of monopoly, but it did resent contractual arrangements believed to be unfavorable to Chilean interests. The details of various proposals to grant an individual or a group the exclusive right to export Chilean tallow are not completely clear in the cabildo records; they do show, however, that the capitulares considered conceding contracts on several occasions, and that one contract actually went into effect. The asientos

63Ibid., XI.I, June 15, 1684, pp. 286-287. José de Garro was the governor.
(contracts) contemplated and completed were part of the cabildo's larger campaign to improve prices.

In 1631 the alcalde Diego Xaraquemada announced to a cabildo abierto of vecinos and moradores that they should stop selling their products individually. He thought that low prices could be raised if exports were entrusted to "one hand." Those in the assembly responded that the reason for each one exporting his own tallow was that there was no contract. They suggested that if the cabildo could arrange for an asiento, the contractors should have to furnish financial security (fianzas) for fulfilling the terms of the agreement. Although the capitulares began to explore the possibilities of a contract, the Actas do not record any immediate completion of an asiento.

By 1638 the cabildo heard of an asiento granted to one San Juan de Hermúa to supply the city of Lima with tallow candles. The contractor Hermúa was a Basque, who had held an appointive and a proprietary office in Santiago. In the 1620's he had conducted the situado, used to finance the war, from Peru to Chile. His Chilean born daughter married Juan de Dios de la Cerda, who inherited the mayorazgo established by his father, the former fiscal Juan de la Cerda y Contreras in 1703. The contract the peninsu-

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64 Actas, XXX, October 17, 1631, p. 288.
65 Ibid., and March 18, 1632, p. 332.
66 Actas, XXXI, May 7, 1638, p. 289; see Actas, XXX, September 16, 1630, pp. 211-215 for his título from Laso de la Vega appointing him as the protector and administrador general of the Indians in Santiago; Laso mentioned that Hermúa had brought four situados; September 23, pp. 217-219, is his appointment as juez.
lar Hermúa entered with the Lima cabildo provided that all tallow shipped to Lima had to be sold to him. He had promised to have the candles made in Lima. Since Hermúa had not made an offer on Chilean tallow before July 9, 1638, the Santiago cabildo feared that he would not purchase tallow in Chile. The capitulares, as they considered Chile's economic reliance on tallow, mentioned that not only vecinos and moradores but also merchants depended upon the product for their livelihood. Santiago's precarious position under the new tallow contract in Lima led the cabildo to order a temporary embargo on all tallow exports and to entrust the procurador with requesting the audiencia to confirm it.

Later in the year, the cabildo issued a power of attorney to three Lima vecinos, Pedro del Castillo Guzmán, Antonio Fajardo, and Diego de Requena, to plead before the Lima authorities in the name of Santiago and the other Chilean cities against the asiento concluded in the viceregal capital. Despite the opposition to

contador of the former protector's accounts. In 1627 Hermúa had used the renunciation process to acquire the office of escribano mayor de minas y registros y hacienda real y del juzgado de bienes de difuntos in Santiago. He promised to pay 2,676 pesos and 6 reales as one-third of the office's value, see XXVIII, June 14, 1627, pp. 435-440. He renounced the position in 1634, see XXXI, December 29, 1634, pp. 61-64. See also Roa, p. 628, 630-631, and Medina, Diccionario, p. 197.

67 The Viceroy Mancera mentioned the terms of the contract made during the administration of his predecessor the Conde de Chinchón; see Mancera's "Relación del estado del gobierno del Perú que hace el Marqués de Mancera al Señor Virrey Conde de Salavatierra," in Memorias, II, p. 168; the entire "Relación" is pp. 123-209.

68 Actas, XXXI, July 9, 1638, pp. 301-302.

69 Actas, XXXI, December 1, 1638, pp. 334-335.
the Lima contract, the capitulares began to accept bids on a contract to allow a group of asentistas (contractors) to export all of Santiago's tallow to Peru. The records are not precise, but the asentistas in Santiago were apparently Hermúa's agents. As the negotiations with the local asentistas proceeded, the cabildo on March 22, 1639, ordered them to furnish financial security for the fulfillment of the Chilean contract. Almost a month later the contractors presented their fianzas which the cabildo found insufficient. The escribano notified the capitulares on April 27 that the asentistas had found fiadores, who were themselves vecinos and were willing to pledge 80,000 patacones. The cabildo approved of that sum and declared the next step should be the drafting of ordinances necessary for the contract's "good government." The final terms of the agreement stipulated that the contract was to run for ten years with the asentistas purchasing tallow at the price of six and one-half pesos per quintal with partial payment in ropa (cloth). The contractors were to enforce the alternativa which was to continue as a means of limiting production.


71 Actas, XXXI, March 22, 1639, p. 374, April 19, pp. 380-381.

72 Actas, XXXI, April 27, 1639, p. 381.

73 The terms of the Chilean contract are most clearly stated in Actas, XXXII, June 24, 1640, p. 34, January 11, 1641, p. 95. The exact date for the beginning of the asiento is not given. It is not clear whether the asentistas or the cabildo or both drafted the ordinances. The alternativa was apparently a continuation of the slaughtering policy begun in 1636.
While the cabildo had been busy with the foregoing procedures, it also attempted to secure cooperation with the local asiento in other areas in Chile. In January the Santiago procurador received orders to inform Concepción and La Serena of what would be expected of them under the contract. The Actas do not contain replies from the two cities, but the records mention that La Serena agreed to participate in the asiento.74

With the asiento in operation by the end of 1639, the asentistas soon found themselves facing financial difficulties which involved the cabildo. By 1640 the question concerning the value of the payments in textiles, imported by the asentistas to be exchanged for tallow, prompted the audiencia to order a board of arbitrators, composed of asentistas and capitulares, to evaluate the payments in kind.75 As the financial problems mounted, the asentistas pleaded for a reduction in the purchase price. A cabildo abierto favored lowering the price to six pesos as the contractors requested, but the cabildo itself deferred a definite decision.76 Finding themselves unable to meet their obligations, the asentistas began to default on payments to the vecinos.77 The financial picture became more complicated when the city's vecinos contracted debts in a store operated by the asentistas, and on

74Actas, XXXI, January 28, 1639, p. 365, October 21, p. 399, November 11, p. 415.


76Actas, XXXII, June 22, 1640, p. 33, June 25, p. 34.

77Actas, XXXII, July 6, 1640, p. 36, July 27, p. 45.
July 13, the cabildo attempted to halt credit buying.\textsuperscript{78} A number of problems relating to the asiento and to the larger question of export prices beset the cabildo in 1641. During the year, the capitulares considered several ways to limit production, for they consistently blamed the low price received for tallow on overproduction. After the asentistas abnegated the right to appoint enforcement officers, the cabildo strove to enforce the alternativa in its price campaign. The capitulares chose the alcalde Tomás Calderón to inspect illegal matanzas within the immediate vicinity of the city and the regidor Troncoso Osórez to investigate those in the outlying regions.\textsuperscript{79} In May the procurador Gaspar de Lillo was reporting to the cabildo that the tallow price had dropped to a new low of three and one-half pesos.\textsuperscript{80}

A cabildo abierto in July heard the corregidor Bernardo de Amasa quote a price of twenty reales per quintal. When he announced that the price paid for cordobanés had also dropped, the problem appeared even more critical. Amasa suggested a two-fold solution involving a complete prohibition of slaughtering during the coming matanza and an agreement not to tan sheepskins. The vecinos and moradores left the former question open but favored the

\textsuperscript{78}\textit{Actas, XXXII,} July 13, 1640, p. 37.

\textsuperscript{79}\textit{Actas, XXXII,} January 11, 1641, p. 95, the asentistas renounced the right to appoint enforcement officials, and the cabildo appointed Calderón; March 20, p. 105, is Osórez's appointment; the cabildo called on Calderón for a report on July 1, p. 117, but no information was recorded:

\textsuperscript{80}\textit{Actas, XXXII,} May 10, 1641, pp. 114-115.
The cabildo then endorsed the recommendation to forbid tanning sheepskins with an explanation that they consumed the tanning solution needed for preparing the cordobanes preferred in Peru.\(^{82}\) The punishment for illegal tanning included burning the hides and a 100 peso fine. To protect the property of those who had tanned sheepskins left from the previous matanza, the ordinance included provisions for manifesting them. The cabildo reserved to itself the appointment of inspectors with judicial power.\(^{83}\) In an effort to widen the impact of the restriction, the cabildo petitioned the governor to have the ordinance obeyed in Concepción, Chillán, and La Serena.\(^{84}\)

Their concern for furthering the interest of the producers of cordobanes did not lead the capitulares to forget cattlemen. Disturbed by the drop in the tallow price, the cabildo had found two individuals who were willing to export between 25,000 and 30,000 head. The corregidor Bernardo de Amasa explained to the cabildo members and a group of vecinos that the cattle, to be taken across the cordillera to Cuyo, were to be purchased at the rate of one patacon each. The buyers could not give immediate payment, but offered to pay the owners within a year. Neither could

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\(^{81}\)Actas, XXXII, July 17, 1641, p. 119. Twenty reales would be equivalent to two and one-half pesos.

\(^{82}\)Actas, XXXII, July 23, 1641, pp. 122-123.

\(^{83}\)Actas, XXXII, August 9, 1641, pp. 123-124.

\(^{84}\)Actas, XXXII, October 5, 1641, p. 136, the inference is that the audiencia had already approved the ordinance in Santiago's immediate jurisdiction.
they promise cash for the livestock. Instead, they would give each rancher the amount due him in slaves and ropa. Those attending the meeting hastily accepted the terms of the contract, agreeing to drive their animals to designated places. The only condition imposed by the Santiagoans was that one-third of the cattle had to be steers and two-thirds cows.  

Since payment was to be made partially in slaves, the buyer must have had business connections in Buenos Aires. The cloth was probably imported from Spain. The plan to remove cattle on foot to prevent tallow production furnishes significant evidence of the economic tie between Pacific-Chile and its trans-Andean province of Cuyo and the regions beyond. The problems surrounding exportation across the Andes, however, obviated that avenue as an ordinary means of decreasing tallow production. Men, beasts, and merchandise continually crossed the mountains, but massive movements of herds were difficult, to say the least, and marketing the live animals was not always possible. The Santiagoans, therefore, continued to rely on Lima as the major purchaser of their livestock commodities which could be transported with less trouble in the form of tallow and hides by sea. The license granted to export live cattle in 1641 was a temporary expedient employed to ease the price situation.

While the decisions on cattle and sheepskins were taken, the

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85 Actas, XXXII, September 26, 1641, pp. 133-134.
86 Ovalle, pp. 10-11, mentions the trade with Tucumán, Buenos Aires, and Brazil; his experience in Chile dated from the period when the crown of Portugal had been acquired by the Hapsburgs.
cabildo continued to treat the unresolved question of the summer matanza. On July 23 Amasa addressed representatives of the asentistas called to the session. He discussed the possibility of prohibiting the slaughter of any animals as a means to raise the price and asked for opinions concerning the debts owed to the contractors. Thus he linked the problems of over-production, low prices, and indebtedness. The businessmen favored a prohibition on any slaughtering in return for their granting a time extension for collecting debts the tallow producers owed them. 87

By October the troublesome matter of the slaughtering policy was solved with the aid of Governor Baides. The cabildo had met with the governor and decided that he should prohibit slaughtering for the present and that a maximum should be imposed on tallow production for the following year. 88 Baides proceeded to prohibit any slaughtering until April, 1642. He set the total for future matanzas at 18,000 quintales for export and for local consumption. The governor had his auto read to a public gathering which included the cabildo. No one raised objections when Baides asked for comments. 89 The cabildo subsequently approved of tallow quotas for the future matanza which had been drafted by the alcalde Miguel de

87 Actas, XXXII, July 23, 1641, pp. 122-123. The business interests also demanded 7% interest for the extension. October 5, pp. 134-136, is a second discussion of a moratorium on debts owed by the vecinos in return for limiting subsequent annual production to 20,000 quintales. The businessmen were divided on whether or not a time extension could be given.

88 Actas, XXXII, October 9, 1641, p. 138.

89 Actas, XXXII, October 21, 1641, pp. 143-144.
Zamora and the depositario Ginés de Toro Mazote. The troubled year ended with the cabildo receiving Báides' appointee, Juan Ponce de León to hear cases arising out of the slaughtering regulations and the prohibition on tanning sheepskins.

The problem of indebtedness continued into 1642. The cabildo had brought a lawsuit against the asentistas for their failure to pay for tallow. This suit, together with the debts the vecinos owed on goods acquired from the contractors, was to be a major factor in the premature abolition of the asiento. In October, 1641, the audiencia intervened with an ultimatum to the capitulares to make an appeal if they wanted to continue their suit. A majority of the capitulares favored prosecuting. The alcalde Tomás Calderón, however, urged that they should postpone a decision until a cabildo abierto had considered the asentistas' bankruptcy. He warned that delivering any more tallow to them would be unwise for they had large debts in Peru and would use Santiago's wealth to pay their creditors. The alférez Francisco Eraso joined Calderón in suggesting that a cabildo abierto should help to decide about the suit.

Following the advice of Calderón and Eraso, the cabildo in-
vited vecinos and moradores to a cabildo abierto at the beginning of 1642. The alcalde Juan Rodolfo Lisperguer reminded the group that the asentistas were bankrupt. He pointed out that the vecinos who had furnished fianzas for the contractors were, consequently, in a delicate situation. Lisperguer also recommended that the assembly should consider autos from the Viceroy Mancera and Governor Baides ordering the asiento ended. The alcalde thought that the cabildo abierto needed to resolve two issues—should the cabildo continue to prosecute for debts and should the "estanco" remain in force. In responding to Lisperguer, the cabildo abierto voted to continue the lawsuit. The vecinos and moradores thought that the other question should be decided by their delegates and the capitulares.93

The Marqués de Mancera, who had broken the asiento that San Juan de Hermúa had made with Lima, claimed that Chilean protests had been influential in his decision.94 The Santiagoans found it easy enough to comply with his order prohibiting the asiento in Santiago. After the cabildo and the committee appointed by the cabildo abierto voted to break the local contact, the group declared, in a meeting with the asentistas, that the asiento was null and void and withdrew the lawsuit. A scale of payments for tallow the contractors had received was worked out. There were also

93 Actas, XXXII, January 24, 1642, pp. 159-160. The texts of the autos are not included.

stipulations that the vecinos had to pay interest on their debts. Thus interlocking debts and overextended credit had contributed to the collapse of the asiento by February 1, 1642.

Although the first asiento had only compounded the price problem, the cabildo later returned to the idea of a contract as a means to raise prices. The second asiento was extinguished before it ever began, but the process in making the contract offers further information on the cabildo's role in creating monopolies. The fact that both prospective asentistas were vecinos shows the weakening of the class lines separating the landed interests from the commercial ones. Pedro Prado, who was influential in several cabildo activities relating to tallow, and Francisco Bravo de Saravia Sotomayor, whom Charles II later named the first Marqués de la Pica, bid against each other in 1664 for the exclusive privilege of exporting Chilean tallow.

A cabildo abierto, including producers and businessmen, faced with a tallow price of three and one-half pesos per quintal voted to make a contract with an individual who would export 24,000 quintales of tallow annually at the rate of six pesos per quintal for a period of four years. When the capitulares ordered the town crier to announce the terms for thirty days to find an

\[95\text{Actas, XXXII, January 31, 1642, p. 160, is the meeting between the committee and the cabildo. February 1, pp. 162-164, is the dissolution of the contract and withdrawal of the suit. The prices ranged downward from six and one-half pesos depending on when tallow deliveries had been made.}\]

\[96\text{Bravo is identified in Chapter II.}\]

\[97\text{Actas, XXXVI, May 30, 1664, pp. 368-369.}\]
asentista, Bravo de Saravia responded with an offer to enter a contract for a period of seven years beginning in 1666. He wanted the total of 24,000 quintales divided among the producers of the entire kingdom. Promising to pay the price of six pesos per quintal, he stipulated that one-half would be in silver and the other in ropa. Bravo de Saravia did, however, offer to pay for one-half of the tallow in advance and the remainder upon the delivery of the tallow, which had to be packed in branded bags. Although the cabildo approved the form of payment, the capitulares demanded that he make the non-monetary payments in the type of cloth which an individual cosechero would request. If he could not deliver a specific kind of cloth, he would have to pay entirely in reales.98

Before the cabildo gave its final approval to the agreement with Bravo de Saravia, Pedro Prado entered a bid similar to the first one. Offering to pay six pesos in cash immediately upon the delivery of the tallow, Prado wanted the total set at only 20,000 quintales, which he said more nearly corresponded to Chile's production.99 When a cabildo abierto had approved his bid, the capitulares accepted it with the stipulation that the contract would last four years beginning January 1, 1666, and that Prado would

98Actas, XXXVI, July 19, 1664, pp. 384-386, is the cabildo's modification of Bravo's bid; October 15, 1664, pp. 406-408, is a copy of the bid.

99Actas, XXXVI, October 15, 1665, pp. 409-410, is Prado's bid.
have to furnish fianzas for 40,000 pesos. 100

Governor Meneses, who gave the new asiento his authorization and made it binding throughout the kingdom, changed his mind about the contract before it was to become effective. Writing to the cabildo in 1665 that a higher price than six pesos could be secured, he ordered the contract abolished. He also stated that the cosecheros were free to sell to tallow buyers of their own choosing. The cabildo approved the gubernatorial decision and agreed to notify Prado. 101

Given the corruption of the Meneses administration, it is possible that he had ulterior motives in stopping the contract. 102 The capitulares, however, did not object to his move. Individual members may have devised some export scheme with the governor. The cabildo's eagerness to enter a contract and willingness to break it suggests that the Chileans evaluated monopolies on the grounds of expediency. When the capitulares thought that more profit could be derived outside of the contractual limits, they abandoned the asiento. The principle of monopoly was not abhorrent to the Santiagoans, for in 1690, they made overtures to Lima for a tallow asiento between the two cities. 103

100 Ibid., pp. 405-406, 410.

101 Actas, XXXVI, November 14, 1664, pp. 410-411, is Meneses approval of the contract with Prado; XXXVII, May 29, 1665, pp. 40-41, June 6, pp. 42-43, is the cabildo's acceptance of the abolition of the contract.

102 Meneses was accused of speculating in wheat and tallow; see J. Eyzaguirre, Genesis, p. 152.

103 Actas, XLII, September 18, 1690, p. 349.
The cabildo which sought to raise prices by drafting monopolistic contracts was loath to see profits lost to dishonest handlers of exports. It not only sent inspectors and judges to Valparaíso to discover violations of the regulatory ordinances but also issued specific orders relative to the bodegueros in Valparaíso and assisted the audiencia in matters concerning the storage facilities in Santiago's commercial depot. A device to insure honest transactions in Valparaíso was the requirement that bodegueros post bond. When wheat joined tallow as a major export commodity in the 1690's, the cabildo became particularly insistent on having the bodegueros provide financial security for the goods in their care. The repeated injunctions for the warehousers to furnish fianzas testify to the difficulties in securing compliance with the bonding practice.104

Another persistent source of cabildo complaint against the bodegueros was the promissory notes (vales) they issued for goods received.105 In 1687 an investigation of a discrepancy between the promissory notes in Santiago and the amounts of tallow reported in Valparaíso proved too much for the cabildo alone, and at the end of the year the audiencia lent its authority to the problem. The cabildo, nevertheless, continued to choose inspectors to verify

104Actas, XXXIV, May 27, 1650, p. 29, July 29, p. 36; XLII, July 20, 1685, p. 52, September 1, p. 66; XLIV, February 1, 1697, p. 56, September 19, 1698, p. 187, October 2, p. 189, October 17, p. 192, October 27, pp. 196-197, October 31, p. 197.

105Actas, XXXVII, September 24, 1666, p. 127; XXXVIII, January 23, 1671, p. 121, January 27, p. 123; XLI, August 29, 1681, p. 65, September 5, p. 66.
amounts of tallow stored in the warehouses. The cabildo was thus a type of enforcement arm for executing court orders.

The cabildo also served as an advisory body to the audiencia on questions involving the warehouses. When the bodegueros flaunted an audiencia exportation ruling in 1690, the oidores closed the warehouses. The capitulares called a cabildo abierto to consider whether the warehouses should be allowed to reopen. After the assembly voted ten to five in favor of having bonded bodegueros handle the goods in Valparaiso, the cabildo polled its own membership to furnish the audiencia with opinions on the matter. Three capitulares favored having warehouses if precautions were taken to prevent fraudulent practices by their operators and ships' captains. The inference is that illegal trade had elicited the audiencia's closing of the warehouses.

The cabildo survey of members' opinions contained strong opposition to the role of the warehouser as a middleman in the commerce between Chile and Peru. The alguacil mayor Agustín de Vargas was the spokesman for himself, the alférez Domingo Eraso, and the regidor Antonio Fernández Romo. Vargas opposed having the


107 Actas, XLII, the audiencia auto was published sometime before September 1, 1690, see that day, p. 343; the warehouses had reopened by June, 1691, see XLII, June 22, 1691, pp. 398-399.

108 Actas, XLII, February 23, 1691, p. 374, is the decision to call vecinos and merchants to the cabildo abierto, which is March 1, pp. 384-385. March 6, p. 388, is the cabildo meeting.
promissory notes pass through the hands of the bodegueros. Rather, he wanted the tallow to be handled in free ("libre") pacts between vecinos and comerciantes. He thought that the producers should be able to put their products, especially tallow, where they thought it would be most secure without having to deposit it in a designated place. Arguing that a vecino should decide how to dispose of his tallow because it was his private property ("cosa suya propia"), Vargas asserted that promissory notes and fianzas had a history of bankruptcies. These, he complained, led to investigations which bred further burdens. The remark about a man's property being his own to dispose of as he like, which the escribano attributed to Vargas, has a Lockean tone suggesting the emergence of an individualistic, absolute approach to property. The reference to free agreements also seems to herald a break with the concept of a regulated economy. However, it would be unwise to attach too much significance to the terminology, for the argument in which it was employed probably flowed as much from exasperation with bodegueros as from economic theory. Vargas' statements are part of the seventeenth century pattern of seeking solutions to problems posed by a market economy; his desire to protect producers from dishonest middlemen was as old as it was new.

Although the Actas give little information on the actual operation of the port of Valparaíso, the efforts to curtail dishonest warehousing do reveal that the cabildo could exercise some jurisdiction over the embarkation point. Since the Pacific was the

109 Actas, XLII, March 6, 1691, p. 388.
major commercial highway to Peru, the cabildo also tried to exert its influence over the vessels which sailed from Valparaíso. In 1637 the cabildo discussed the possibility of designating sailing dates as a means of strengthening the impact of the first alternativa. When the slaughtering policy had failed to raise prices quickly enough, city residents had begun to suggest that better prices might be obtained by setting definite times for ships' departures for Callao. The cabildo, responding to the suggestion, hoped that restricting sailings to three month intervals would avoid flooding the Lima market. The capitulares accordingly decided that ships could leave Valparaíso only in March, May, August, and December.110

An appeal to the audiencia to give the ruling the force of law ("para que tenga fuerza de ley") did not win immediate confirmation, but the cabildo clung to the idea. The capitulares, early in 1638, again petitioned the oidores for confirmation, reiterating that controlled shipping would enhance the proceeds of the vecinos and moradores and of the merchants and, thereby, further the welfare of the republics and kingdoms of Chile and Peru. If ships carried tallow every three months, it would not be too plentiful nor would the limeños suffer from a shortage.111 Whether or not the ruling became effective the cabildo rationalization reveals significant attitudes. The desire to avoid both plenty and scar-


111Actas, XXXI, December 29, 1637, p. 274, the cabildo was still requesting confirmation of the March acuerdo. February 5, 1638, p. 279, is the renewed appeal for confirmation.
city reflects balance as an ideal; too much tallow in Lima at any one time would lower the price to the Chileans' detriment. Too little would work a hardship on the Peruvians. The merchants were spoken of as a separate class, but they merited consideration and inclusion in the body politic. Moreover, the cabildo order on shipping, as submitted to the audiencia, specified that no "vecinos and moradores," or "merchants and tradesmen," or any other persons of any "quality" could export tallow outside of the appointed times. It is obvious from the separate listing of the groups that some producers exported their own tallow instead of relying on merchants to handle their commercial transactions. Social and economic class distinctions were preserved, perhaps for the sale of formality, but individuals crossed from one class to another in actual fact.

In 1698 the cabildo was giving its attention to excessive freight charges which affected not only tallow but also wheat. The capitulares passed a resolution placing the charges for shipment by chartered vessels under cabildo supervision. By the same ordinance, the person chartering a ship was prohibited from sailing before at least one-third of the potential cargo was aboard. The aim was to keep freight costs down and to prevent individuals from racing ahead of others to the Lima market. The cabildo, unsuccessful in its earlier attempts to set sailing dates, con-

112 *Actas*, XXXI, February 5, 1638, p. 279.
113 *Actas*, XLIV, November 10, 1698, pp. 199-201.
tinued in its new role as port authority in 1699.114

Discussions of shipping regulations formed a major theme in meetings dealing with Peruvian demands for Chilean wheat. Although Chile had produced large amounts of grain for domestic consumption throughout the century, an export market for Chilean wheat developed only after the Lima earthquake of 1687 and a series of poor harvests in Peru.115 When a plant disease struck Chilean wheat in the 1690's, the Santiagoans who had tried to create artificial tallow shortages found that export restrictions were necessary to prevent a wheat scarcity locally.116 The capitulares avowed their concern for the public welfare rather than for prices in their sessions devoted to grain shortages.117 To meet the

114Actas, XLIV, November 6, 1699, p. 298; the cabildo was apparently more successful in 1698-1699 than it had been in 1666 when it had protested high freight charges, see XXXVII, January 22, 1666, p. 103.


116Encina, IV, pp. 221-222, discusses the shortages in Chile and exports to Peru; see also Barros Arana, V, pp. 295-297.

117Statistics on wheat prices are not precise, but the Chileans could afford to ignore the price question as wheat rose in value in Lima. See Barros Arana, V, p. 296, who says that the local price of wheat rose from two to six pesos; p. 298, he says that the price in Lima rose to 25 and 30 pesos. Encina, IV, pp. 221-222, says wheat was worth six pesos in Chile when the demand began and rose to 25-30 pesos in Lima between 1693-1695. Both writers were citing prices per fanega, which Encina says equalled 72 or 73 kilograms or approximately 60 pounds.
problem of scarcity, the cabildo cooperated, at least outwardly, with the audiencia and the governor in issuing and enforcing regulations.

The method employed for filling domestic needs was the imposition of a full or partial embargo on wheat shipments. When an embargo went into effect in 1693, the audiencia gave the cabildo the authority to issue licenses for limited wheat exportation. The cabildo, commenting on its new power, remarked that export restrictions were necessary to control profit hungry individuals who would, if unchecked, expose Santiago to the same shortage that Lima suffered. The capitulares believed that the measure could be made more effective by supervising the transportation of wheat and wheat products to Valparaíso. Consequently, they prohibited any persons from taking wheat, flour, or hard tack to the port without giving prior notice to the cabildo. Violators of the auto were threatened with a one hundred peso fine and confiscation of the products and the mules which carried them. Muleteers, who transported goods for individuals who did not have their own pack animals, had to inform the cabildo of an impending shipment under pain of loss of their pack trains and two years exile on the military frontier.

By 1694 the senior oidor, the licenciado Lucas Francisco de Bilbao la Vieja, was exercising the licensing power. In February

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118 Actas, XLIII, April 3, 1693, p. 76. It is not clear which administrative agency issued the embargo order.

119 Actas, XLIII, April 17, 1693, pp. 78-79.
Bilbao inquired of the cabildo if limited exports would be advisable. A majority of the capitulares cautioned that no licenses should be issued until the harvest was completed in March. They thought that an investigation then in progress to determine how much wheat would be produced should proceed before a definite decision on licensing was taken.\textsuperscript{120}

Licenses Bilbao granted in April sparked a protest from the cabildo. Urging him to suspend the licenses, the capitulares warned that a bread shortage threatened. Since the capitulares said that between 10,000 and 12,000 \textit{fanegas} (Spanish bushels) were available for export, it was not only the public welfare but also the individuals who had received the licenses that concerned the cabildo. The council members maintained that Bilbao, after revoking the licenses he had already given, should prefer cosecheros in considering petitions for permission to export because the merchants tended to ship larger amounts than those stipulated in the licenses. To prevent illegal shipping, the cabildo wanted Bilbao to restrict the number of vessels allowed to carry wheat. He should, moreover, prohibit merchants from buying wheat at wholesale in order to resell it at retail.\textsuperscript{121}

The antagonism between producers and wheat speculators which marked the cabildo report to Bilbao was to be a recurrent theme in cabildo wheat discussions. During the remainder of 1694, however, the cabildo and the audiencia had to concentrate on

\textsuperscript{120}\textit{Actas}, XLIII, February 26, 1694, pp. 141-142.

\textsuperscript{121}\textit{Actas}, XLIII, April 20, 1694, pp. 151-152.
supplying Santiago with wheat. As the city's grain supply shrank, the audiencia sent two capitulares to Valparaíso to requisition twelve percent of the wheat stored there.\footnote{122} The owners were apparently paid for the wheat returned to Santiago.\footnote{123}

The hand of Governor Tomás Marín de Poveda was visible in questions relating to wheat in 1695. The plant disease which continued to affect the Chilean crop led him to invest the cabildo with the power to restrict shipments and to appoint port inspectors to enforce nonexportation regulations.\footnote{124} The cabildo acted on its authority in March by sending the alcalde Juan Antonio Caldera and the depositario general Martín González de la Cruz to Valparaíso to cooperate with Poveda's military commander (gobernador de las armas) in executing an embargo.\footnote{125} As a means of discovering potential violators, the capitulares assigned themselves the task of visiting the partidos to question producers about the amount of wheat they had harvested. The producers also had to tell the inspectors who had bought their wheat and what price had been paid. Another purpose of the rural investigations was to

\footnote{122}{Actas, XLIII, April 30, 1694, p. 155, August 13, p. 177. One of the regidores Rodrigo Ealdovinos, who was also serving as the procurador, encountered some trouble in 1695 when the cabildo investigated his accounts of the wheat he collected. See Actas, XLIII, October 7, 1695, p. 298, October 18, pp. 301-302, October 29, p. 307, November 5, p. 309, December 9, pp. 322-323.}

\footnote{123}{Actas, XLIII, June 20, 1695, pp. 271-272.}

\footnote{124}{Actas, XLIII, January 21, 1695, pp. 231-233, February 11, pp. 238-239.}

\footnote{125}{Actas, XLIII, March 7, 1695, pp. 242-243.}
measure wheat production against the city's needs. 126

In May the inspectors in Valparaíso pleaded for information from the cabildo on steps that might have been taken in regard to the embargo so that they could perform their duties better. Since they expected an "armada" of ships from Lima, they needed a report on cabildo decisions. Caldera and González used their letter to urge the cabildo to take all necessary steps against both producers and buyers to assure the city a plentiful supply of wheat. The cabildo, they asserted, had the power to prevent scarcity, for without such authority a republic could perish through greed, or a "motín" (riot) could occur. To prevent riots or the destruction of "the fatherland" by individual "tiranía," their fellow capitulares should find a way to bring the republic relief as soon as possible. 127

The pair expressed their sympathy for the cabildo because they knew that it was difficult to be faced with want when the city had enjoyed plenty for so long. They themselves were under great pressure from those who hoped shipping licenses would be issued. The most effective thing the cabildo could do to control the "codicia" (covetousness), which had become bold in Chile, was to erase any hope of lifting the embargo. The alcalde and depositario disapproved of time consuming investigations of the wheat

126 Actas, XLIII, April 15, 1696, pp. 246-247.

127 Actas, XLIII, May 6, 1695, pp. 255-257. The escribano Francisco Vélez certified that the copy "a la letra" in the Actas agreed with the original, see pp. 254-258. "Tiranía" should be translated as exorbitant prices for goods.
harvest because, they were sure, everyone knew that inspections were preliminary to issuing licenses for exports, and the investigations were, furthermore, riddled with swindles and deceits.\textsuperscript{128}

The cabildo did not share its port inspectors' abhorrence for harvest investigations. Rather, the capitulares enlarged the authority of the regidores working in the partidos. The cabildo empowered them to have wheat purchasers present sworn statements on the amount of wheat they had purchased, why they had bought it, and where they had stored it. The capitulares could investigate persons who failed to manifest purchased wheat and execute the penalties incurred. The alcalde Joseph de Ureta received an appointment to exercise the same power in the city and its immediate environs.\textsuperscript{129} On June 20 the cabildo used the information obtained by the harvest inspections to set a price on wheat sold to Santiago bakers.\textsuperscript{130}

Although the cabildo exercised wide powers over exports and local prices, its authority had limits. In September the audiencia and Poveda called the capitulares to account. The governor and the oidores commanded the cabildo to submit reports on what had been done to supply the city with bread and to prevent wheat ex-

\textsuperscript{128}\textit{Actas, XLIII, May 6, 1695, pp. 255-257.}

\textsuperscript{129}\textit{Actas, XLIII, May 14, 1695, pp. 259-260.}

\textsuperscript{130}\textit{Actas, XLIII, June 20, 1695, pp. 271-272. The price of wheat sold to bakers was to be four and one-half pesos per fanega; the bakers had to sell thirty-six onzas (ounces) of baked bread for one real.}
ports. The governor's concern was related to his desire to grant licenses for shipping wheat to Peru. In July, when Caldera had informed the cabildo that Poveda had granted a license to a ship's captain to export two hundred fanegas of flour, the cabildo had protested to the governor that licensing should be avoided.

Poveda, however, wanted to be able to give individuals permission to export if he could do so without dangerously lowering the amount of flour available for Santiago. He called upon the cabildo in November for information on the advisability of allowing shipments to leave Chile. The majority resolved that the city needed all the wheat in its jurisdiction for the remainder of the year before the new crop was harvested.

Part of the reason for Poveda's immediate interest in exports was pressure from the commercial interests and the cosecheros who were chafing under the embargo. When a group petitioned him to revoke the wheat embargo, he was reluctant to act without the capitulares' approval and in December asked again for their opinion. The cabildo used a delaying tactic by telling him that an inspection of wheat fields would have to be held to determine the amount of wheat which would be gathered. Early in 1696 the

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131 Actas, XLIII, September 12, 1695, pp. 291-292.
132 Actas, XLIII, July 19, 1695, p. 278. Barros Arana, V, p. 297, says that Poveda sold licenses and that the bribery connected with licensing was a major factor in raising the price of wheat in Lima.
133 Actas, XLIII, November 11, 1695, pp. 310-312.
134 Actas, XLIII, December 19, 1695, p. 334.
cabildo was able to report that two regidores had found that the disease was not so bad as it had been in the past year and that the city would have enough flour.\textsuperscript{135} The wheat from the previous year, which had spoiled and which, if it remained in Chile, would cause more harm than good, the cabildo thought could be exported. The capitulares, however, did not think the governor should allow the new wheat to be shipped until the cabildo had made absolutely sure that the city would have sufficient grain.\textsuperscript{136}

While Chile awaited the completion of the harvest, the capitulares convoked a cabildo abierto to discuss bread prices and wheat exports. The meeting featured a discourse from the cabildo's asesor (legal advisor), the licenciado Alonso Romero de Saavedra. The speech was a justification for a city council to set local bread prices and a defense of the principle of free grain trade after precautions had been taken to provide a municipality with bread. The asesor began by distinguishing between two kinds of laws. One, he said, sought to preserve individual welfare (bien particular) and the other public welfare (bien público). Examples of the latter were prices placed on bread and wheat. These, Romero argued, demanded not only exterior compliance but also carried interior obligations which required the transgressor against them to make restitution. Breaking a law made for the public welfare was equivalent to being a traitor in the republic. After categorizing laws relating to wheat and bread

\textsuperscript{135}Actas, XLIII, January 10, 1696, p. 341.

\textsuperscript{136}Actas, XLIII, January 13, 1696, p. 341.
as public welfare regulations, the asesor took up the topic of the role of city councils relative to such measures. Romero noted that the principal obligation of municipal agencies was to keep their republics well provisioned with foodstuffs of good quality and remove those which were spoiled. Bread was so necessary to man, the asesor pointed out, that even pagan magistrates took care to provide their cities with it by establishing public granaries. Since the Indies had abundant harvests and a small population, public granaries were unnecessary and city councils confined themselves to setting prices. Romero admonished that the amount of grain had to be considered in setting prices, because a price suitable to an abundant harvest was not fitting during a time of scarcity. He thought that bread prices should include only a moderate gain for the bakers to reimburse them for their work.\textsuperscript{137}

The attorney claimed that royal laws forbade restricting grain trade when a city had all the wheat necessary for its use. No council or superior tribunal could then interfere with the right of the producers to trade freely. The only legal way for an agency to impede wheat trade was with an express license from the king. He warned that the penalty for capitulares who violated royal legislation was the loss of office and perpetual barring from cabildo positions.\textsuperscript{138}

Having disposed of general considerations on the questions

\textsuperscript{137}Actas, XLIII, January 25, 1696, pp. 348-349.

\textsuperscript{138}Ibid., Romero did not cite the royal legislation on which he based his admonition.
before the cabildo abierto, Romero moved to Santiago's particular situation. He said that the past scarcity which was so unusual warranted a prohibition on exporting wheat from the summer's harvest until 12,000 fanegas were assured for the city's consumption. After a producer had supplied his share for the city, the cosechero could sell the rest of this crop for export as he desired. When the cabildo saw fit, wheat purchasers could begin to export. In regard to the wheat from the past harvest, the asesor believed that all of it should be exported since it was almost spoiled. This could be justified in the name of public welfare for bad provisions, instead of nourishing life, tended to harm it.139

Thus the cabildo abierto heard a legal opinion which upheld the capitulares' previous answer to Poveda on export licenses. The asesor's lecture on the priority of the cosecheros might account for the presence of businessmen in the cabildo abierto. The capitulares may have invited the comercio to impress upon them the rights of producers. After the assembly had listened to statements from the producers and the comercio, the capitulares agreed to have the wheat from the past harvest shipped and told the procurador to request Poveda to allow the old grain to be exported.140

The cabildo followed its own inclinations, which coincided with Romero's advice, in seeking to prevent the shipment of new wheat. The capitulares complained in March that the harvest was

139Ibid., pp. 349-350.

140Ibid., p. 350, the remarks from the producers and merchants were not recorded.
none too good and the comercio was forcing a shortage on the city by buying wheat with a view to exporting it. Their suggestion that the governor should remedy the situation led to Poveda's embargoing wheat. He also told the cabildo to send a commission to the gobernador de las armas in Valparaíso to investigate the warehouses where wheat was stored. This the cabildo agreed to do.

The capitulares were soon informed that comerciantes and other individuals were concealing wheat on estancias near the port. To deal with those violating the wheat regulations, the cabildo gave the alcalde Pedro Covarrubias Lisperguer a commission to investigate all the wheat found illegally hidden and confiscate it. He was to substantiate the case and bring the guilty to the cabildo for sentencing. Covarrubias had some effect in his task as the juez de comisión, for he reported on July 6, that he was sending confiscated wheat to the cabildo.

A new partial embargo with provisions for licensed shipping went into effect in 1697. The cabildo decided to impose a temporary non-exportation order in January. Until wheat producers had furnished the city with 10,000 to 12,000 fanegas, no wheat, flour, or hard-tack was to be exported. Any of the products taken to

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141 Actas, XLIII, March 2, 1696, pp. 366-367.
142 Actas, XLIII, March 27, 1696, p. 275.
143 Actas, XLIII, April 3, 1696, pp. 376-377. See Roa, pp. 316-318, 528-530, for the intermarriage of Lisperguer, Covarrubias, Pastene, and Illanes de Quiroga families.
144 Actas, XLIII, July 6, 1696, p. 398.
Valparaíso for shipping or any destined for export found on the roads to the port would be confiscated. Drovers were not to transport them to Valparaíso under threat of loss of their mules and of four years of exile to the frontier without salary. Ships' captains were not to accept the products as cargo under penalty of a 2,000 peso fine. Thus the cabildo patterned its ordinance on the one passed in 1693.

By February wheat fields seemed to merit the inauguration of a licensing procedure. The capitulares agreed that individuals who owned wheat could appear before the cabildo with a sworn statement on the amount of wheat they had for exportation. The cabildo would subtract one-fourth of the total for the city's use and would issue the owner a document stating that, with a license from the governor and the audiencia, the remainder could be exported. The cabildo thus intended to have at least a preliminary check on the licensing procedure.

The disease which had damaged the Chilean harvests had complicated the effects of the new market demands emanating from Lima. The 1690's were a time of tension as the cabildo tried to cope with a situation which was the reverse of Santiago's usual export problem. Abundance plagued cabildo efforts to secure good prices for livestock commodities. Wheat scarcity in Peru offered enticing opportunities for profit not only to wheat producers and specula-

146 *Actas*, XLIV, January 26, 1697, pp. 52-53.

147 *Actas*, XLIV, February 15, 1697, pp. 59-60.
tors but also to the governor, the oidores, and the capitulares. The various measures adopted with the ostensible end of protecting the public welfare by providing wheat for Santiago's consumption could well have covered dishonest administrative practices. The local wheat needs may have been exaggerated to keep shipments in Chile until acute shortages in Peru forced the limenos to pay higher prices. Petty jealousies between ranchers and those who were able to begin larger scale grain farming probably colored the votes of individual capitulares on wheat regulations.\textsuperscript{148}

The weakening of class lines arising from economic developments, at least as far as some individuals were concerned, is supported by the cabildo acuerdos on wheat. In 1693 the cabildo had named prominent Santiagoans who were buying up grain. Pedro de Prado Lorca and the Marquès de Pica were among those accused of purchasing grain in such large quantities that the city might face a local price increase.\textsuperscript{149} This evidence with allusions to other purchasers, who were not members of the commercial class, engaging in the grain trade indicates that it was not beneath the dignity of a Chilean hidalgo to participate in commercial activities.\textsuperscript{150} The cabildo records concerning wheat exports, however, disclosed

\textsuperscript{148}Actas, XLIII, February 26, 1694, pp. 141-142, May 6, 1695, pp. 255-258, June 20, pp. 271-272, November 11, pp. 310-312; XLIV, January 26, 1697, pp. 52-53, February 15, pp. 59-60, have undercurrents of antagonism between the capitulares.

\textsuperscript{149}Actas, XLIII, April 3, 1693, p. 76.

\textsuperscript{150}Actas, XLIII, January 10, 1696, pp. 339-340; XLIV, January 26, pp. 52-53, contains references to the cosecheros' exporting crops.
sharper criticism of those who engaged in trade than the tallow
discussions showed. The animosity toward speculators whether they
were aristocratic cosecheros or members of the comercio may have
been generated by the frustrations involved in adapting to the ex-
panded market for an agrarian commodity. Tallow production had a
relatively static quality. Early and late in the century, the
capitulares spoke in terms of an annual total of 20,000 or 30,000
quintales.

The opening of a new outlet for wheat injected a dynamic
factor into the Chilean economy which had repercussions on the
laboring classes as well as the upper levels of society. A recent
study of the inquilinos asserts that the increase in wheat produc-
tion at the end of the seventeenth century occasioned a correspond-
ing rise in the number of these Chilean tenant farmers. 151 Since
the cabildo lacked the perspective to perceive the socio-economic
phenomenon, the Actas do not contain references to it. The capi-
tulares, however, did comment on a labor shortage. Without
directly mentioning the increased demands wheat farming made on the
labor force, the cabildo in 1695 informed the crown that the king-
dom needed Negroes to supplement the small numbers of Indians. 152

One of the most striking features of the cabildo records
devoted to export commodities is their extreme concentration on
local policies which exerted a strong, if sometimes indirect, in-

151 Mario Gongora, Origen de los "inquilinos" de Chile cen-

152 Actas, XLIII, September 9, 1695, pp. 288-289, October
29, pp. 307-308.
fluence on the trade between Santiago and Lima. The Actas reflect very little recognition of the competition in the Lima market which Chile had from other areas in the Peruvian viceroyalty. Only in the discussions of the first asiento were there clear inferences that the Santiagoans knew that they had to accept the local contract to be assured of having Chilean tallow included under the monopolistic contract granted in Lima. Neither do the Actas reveal any marked antagonism toward Peruvians. Although the cabildo resented viceregal tasas, only a few viceroys imposed price controls, and they did not interfere when wheat scarcity gave the Santiagoans a financial advantage over the limeños.

Local and viceregal regulations received much more cabildo attention than did royal commercial legislation. The royal treasury officials must have played a negligible role because the Actas ignore their functions. The crown's de facto policy of non-interference and the commercial tie binding Chile to the capital of the viceroyalty economically were factors in maintaining the political structure of the Spanish American Empire. When the Santiagoans felt aggrieved by Lima price controls, they could appeal to Spain for redress. The cabildo expected the king to intervene to advance the material prosperity of his Chilean vassals.

Within Chile, the cabildo's ability to limit production and restrict exportation gave the capitulares a direct influence over the fortunes of their fellow Chileans. The real economic and

153Encina, IV, pp. 199-200, makes the point that the seventeenth century economy was much freer from control than any other period in Chilean history.
financial power which the cabildo exerted locally helps to explain why the Santiagoans prized cabildo membership and were willing to purchase proprietary positions.

The climate of opinion regarding economic regulation remained unchanged whether livestock or agrarian exports were under consideration. The asesor Romero spoke of free grain trade in 1696, but he emphasized that, in times of scarcity, controls had to be used. Out of the acceptance of the principle of regulation came the cabildo's cooperation with the governor and audiencia on economic matters. Friction between the administrative agencies resulted from disagreements on the application of the regulatory principle.

In its economic thought and practice, the cabildo blended the medieval with the modern. The capitulares, who sought to enhance the material prosperity of the colony and who responded to the profit motive, were simultaneously interested in the spiritual welfare of the kingdom. Their religious attitudes and activities are the subject of the next chapter.
CHAPTER VI

THE CABILDO, THE CHURCH, AND EDUCATION

The Santiagoans who spoke in the Actas, as the voice of the lay community, were acutely conscious of their dependence on God, the Lord who held dominion over heaven and earth and demanded that His people demonstrate their loyalty in acts of worship. Disease, flood, earthquake, and drought were interpreted by the prescientific mentality as the Creator's manipulation of His creature, nature, to remind His human creatures of His sovereignty over them. This terrible sovereign who so closely resembled the Lord of the Old Testament by inflicting suffering as punishment for sin could be propitiated by appealing to Him. He also bore a resemblance to the temporal monarch; God and King were the Two Majesties. Each could be approached for favors directly or indirectly, the king through his officials, God through his saints. The cabildo, finding it as natural to represent the city before the court of heaven as before the audiencia, consequently, spent a great deal of time planning religious services in conjunction with the local clergy.¹

Among the annual religious observances claiming cabildo attention were those held during Holy Week and those marking the feasts of favorite saints. The feast of Santiago, characterized by both religious solemnity and by secular entertainments, with

¹Representative of the religious sentiments expressed by the cabildo is Actas, XXXV, August 31, 1655, pp. 83-84, when the wrath of God was believed to have released the Indian uprising.
the alférez real playing a prominent role, was of particular moment.  

When a calamity struck or threatened to strike the city, the capitulares reacted by arranging for special religious services. The advent of a disease epidemic, because it was considered a warning of God's displeasure with Santiago, called for an appeal for mercy. As it planned processions to beg relief from disease, the cabildo followed a rather consistent pattern throughout the seventeenth century. A saint was chosen as an advocate to stay the hand of God from the city with the more frequent choices being the Virgen del Socorro, Nuestra Señora de las Mercedes, and San Sebastián. An appointed delegate conferred with the ecclesiastical authorities, either the bishop or the cathedral canons, to set the date and time for the service, and the audiencia and religious orders were notified that they could participate if they wished. Since candles were considered indispensable, capitulares frequently appeared on the streets begging alms to pay for them. Deficits, which on some occasions represented the entire cost of the candles, were defrayed by city revenues.

upon His unfaithful subjects in Santiago.

2 Actas, XXV, April 10, 1620, p. 378, gives the assignment of capitulares to special churches for Holy Week services. Ovalle, pp. 165-167, describes the elaborate Holy Week ceremonies in which the cabildo participated; Actas, XXXIV, December 19, 1654, p. 512, lists the major saints' days observed in Santiago; see XXX, July 24, 1631, pp. 268-269, August 1, p. 269; XXXV, July 24, 1656, pp. 195-196 for discussions of Santiago's day.

3 On the processions see, Actas, XXV, October 31, 1616, p. 161; XXXI, July 17, 1637, p. 257, August 7, p. 258-259; XXXII, March 7, 1645, p. 14; November 16, 1646, p. 152; October 15, 1649,
In addition to placating God's anger when the city suffered from sickness, the cabildo begged His protection for crops. An attacking army of mice in 1630 merited a strategy conference to stop the destruction of vineyards and grain fields. The cabildo members agreed to ask bishop Francisco de Salcedo to pronounce a malediction on the rodents. The capitulares expressed a plaintive regret that the spiritual counterattack was the only one they knew how to implement and began to plan a procession to make the inadequate measure more effective. 4 A plague of locusts thirty-five years later found them no better prepared to cope with pestilence, for they again decided that prayers should be offered for deliverance from the offending creatures. Significantly, the cabildo did not demean the spiritual measure. 5

Fear of poor harvests because of drought found the cabildo ready with affirmations of faith that God would send rain. An insistent Mercedarian friar Diego Pedraza, convinced that the intercession of Nuestra Señora de las Mercedes, the patroness of his monastery, had responded to Santiago's prayers for rain during the

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4Actas, XXX, December 17, 1630, pp. 240-241, is the agreement to ask the bishop to pronounce the curse; January 10, 1631, p. 248, is the decision to have all the city residents attend the procession. Carlos Silva Cotapos, Historia Eclesiástica de Chile (Santiago: Imprenta de San José, 1925), pp. 74, 78, 80-82, discusses Salcedo's episcopacy. The work by Silva, who at the time of its publication was the bishop of La Serena, is useful as a manual because of its concise treatment of Church history.

5Actas, XXXVII, December 11, 1665, p. 78.
drought of 1636, had the "miracle" certified by the cabildo escribano on August 19. Pedraza, approaching the cabildo a second time a few days later, pleaded that San Ramón, who had surely played a part in sending the miraculous shower, deserved to be honored on his feast day. The cabildo agreed to adopt the saint as one of the city's intercessors to be invoked during droughts. To insure San Ramón's continuing interest in Santiago's needs, the cabildo would henceforth attend Mass on his feast and see that the stores remained closed until noon to lend solemnity to the occasion. A worldly view intruded on the religious decision in the cabildo's stipulation that the ordinary work of the "trabajadores" (laborers) would continue as usual throughout the feast day.

The hint of secularism did not deter Pedraza who laid still another request before the cabildo in 1639. He had wrung an order from bishop fray Gaspar de Villarroel, which the bishop remarked he gave because of the friar's persistence, to have the feast of San Pedro Nolasco observed in the city by abstinence from all servile work. The bishop had excluded those who performed manual labor in the rural areas from the command, and under that condition, the cabildo agreed to the institution of the new feast.

The landed interests did not mind having another fiesta to plead

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6 Actas, XXXI, August 19, 1636, pp. 178-179; discussions of the drought are July 18, p. 176 and August 10, p. 177.

7 Actas, XXXI, August 26, 1636, p. 180.

8 Actas, XXXI, February 11, 1639, pp. 367-368; Silva, pp. 87-92, treats Villarroel; Encina, III, pp. 400-401, praises him for his "tact and prudence," and "human goodness and the true spirit of Christianity."
for heavenly favors if their fields did not lie neglected and their herds go untended because of it.

The secular attitude reflected in the aversion to work stoppage should not be overemphasized; however, from time to time, it did exert a mild effect on attendance at and sponsorship of religious functions. The cabildo in 1642 admitted that the full body of capitulares had been lax in attending the confraternity of Veracruz activities and took the precaution of imposing a fine of 10 patacones on regidores who might be absent in the future.9

The cabildo escribano, Manuel Toro Mazote, who chronicled the calamitous earthquake of 1647 described it as an act of "divine justice," and reported that many lives were spared "miraculously" through "God's showing His infinite mercy, when because of our sins he could justly punish all of us."10 After the disaster, the cabildo inaugurated an annual procession to prevent a repetition of the city's destruction.11 The passing years dimmed the memory of the city's castigation, however, for the anniversary of the earthquake came and went in 1664 with the capitulares failing to hold the customary procession. News of an earthquake in the Peruvian town of Pisco graphically reminded the cabildo of its omission. Seeing the phenomenon as a sign that God's wrath was

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9 Actas, XXXII, April 15, 1642, pp. 174-175; the confraternity is mentioned frequently in the Actas but its activities are not explained.

10 Actas, XXXIII, June 1, 1647, pp. 188-190.

aroused by Santiago's negligence, the cabildo hastened to appease "His divine Majesty" with an elaborate procession reaffirming their subjection to His dominion.\textsuperscript{12}

The incipient secularism noted has to be analyzed within the context of the tone conveyed by the \textit{Actas} as well as by specific admissions of spiritual attitudes. The indications of preoccupation with things temporal are balanced by evidence both expressed and implied of belief in an immediate, personal God. The Santiagoans sought through demonstrations of faith to persuade their Lord to drive fever from the body and to still the tremors of the earth. To reinforce their appeals, saints were petitioned to intercede on their behalf. Public religious services provided spiritual solace to men beset by threats to their physical and material well-being. On the political level, the Hapsburg indulgence of the penchant for "conspicuous display," moreover, has been suggested as a major factor in furthering colonial loyalty to the crown.\textsuperscript{13} The religious celebrations were also, depending on individual disposition, emotional outlets. The intermingling of the supernatural and the natural were characteristic of Santiago's mentality and its interpretation of Catholicism.

Operating in a milieu in which the spiritual blended with the temporal, the cabildo conducted itself as the arm of local

\textsuperscript{12}\textit{Actas}, XXXVI, October 24, 1664, p. 441.

\textsuperscript{13}The apt phrase is Frederick B. Pike's; see his "The Cabildo and Colonial Loyalty to Hapsburg Rulers," \textit{Journal of Inter-American Studies}, II (October, 1960), p. 411; the entire article, pp. 405-420, presents his thesis.
secular authority in its relationships with ecclesiastical institutions and the clerics who represented the institutions. The consciousness of cabildo members of the importance of their faith led them to respect, at least outwardly, the hierarchy's spiritual authority. Pronouncements of excommunication meant more to a seventeenth century Chilean than the exclusion from active participation in the spiritual life of the Church. When the bishop, fray Juan Pérez de Espinosa, in 1611 and the cathedral chapter in 1657 used the spiritual weapon against capitulares, the cabildo refused to allow the individuals to exercise their offices. In December, 1611, the cabildo declared that the alcalde Alvaro de Quiroga y Losada, while he was under Espinosa's ban, could not attend sessions nor hear cases in his capacity as a judge. The capitulares also ruled that Quiroga would not be allowed to vote in the forthcoming election. Remarking that a vote cast by an individual who was excommunicated would, in any case, be void, the cabildo congratulated itself for preventing "scandal" by forbidding Quiroga to function as a cabildo member and determined that he could participate only when he presented written evidence that the excommunication had been lifted.

The essentials of the pattern were repeated in the case involving the cathedral chapter. The escribano twice noted carefully in the records for January 13, 1657, that the alguacil mayor

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14Silva, pp. 49-74, discusses Pérez de Espinosa; he lists the offices in the cathedral chapter at the end of the seventeenth century, p. 102.

15Actas, XXIV, December 30, 1611, pp. 295-296.
Antonio de Barambio had been denied a vote in the session because he had incurred excommunication. The cabildo had ruled in regard to Quiroga and Barambio that excommunication extinguished a man's right to exercise a political office. The hierarchical pronouncements had had civil repercussions.

Although the hierarchy could curtail a capitular's political existence, clerics could enter the sphere of ecclesiastical jurisdiction through a civil procedure in the cabildo. The capitulares acknowledged the special juridical status of the clergy by admitting secular clerics to the enjoyment of the fuero which exempted a man who had taken orders from ordinary civil jurisdiction and made him subject to Church courts. When the cabildo recognized that an individual had taken minor orders, it thereby publicly and officially abnegated the rights of civil authority over him insofar as the patronato real (royal patronage) allowed.

A man who had received the tonsure (corona) and taken minor orders (grados) presented documents verifying his preparation for

16 Actas, XXXV, January 13, 1657, pp. 252-253.

17 J. Lloyd Mecham, Church and State in Latin America: A History of Ecclesiastical-Political Relations (2nd rev. ed., Chapel Hill: University of North Carolina Press, 1966), pp. 29-30, discusses special ecclesiastical courts but emphasizes that "in general, all cases which in any way touched the real patronato, were attended by civil authorities and heard in civil tribunals, even though it often appeared that the subjects involved were purely spiritual in nature." RLHI, book I, tit. VI, gives legislation on the patronato. Basic works on the institution are Pedro de Leturia, S.J., Relaciones entre la Santa Sede e Hispanoamérica, 1492-1835 (3 vols., Rome: Apud aedes universitatis Gregoriano, 1959-1960), Vol. I, Epoca del Real Patronato, 1492-1800, and W. Eugene Shiels, S.J., King and Church: The Rise and Fall of the Patronato Real (Chicago: Loyola University Press, 1951).
the clerical state. Some, upon presenting their documents had served in the cathedral or a parish church for periods of less than one year, while others had prepared for as many as four to six years. The initial training for many ecclesiastics was thus in Santiago a type of apprenticeship. The issuing authority for the clergyman's título was the bishop or, if the see were vacant, the provisor of the diocese, one of the canons selected by the cathedral chapter to administer the diocese until a new ordinary would arrive. The usual plea accompanying the título requested the cabildo to declare that the individual should be recognized as an ecclesiastic. In a few of the petitions, the applicant asked specifically to be allowed to enjoy the privileges of clerics.18

A multiple reception in 1656 is illustrative of the cabildo's registry of clerical credentials. Four sons of Manuel de Toro Mazote, the cabildo escribano, presented proof that bishop Villarroel had conferred the tonsure and minor orders on them before his departure from Santiago.19 The cathedral archdeacon

18 Clerical receptions are found in Actas, XXV, July 13, 1618, p. 258; December 29, p. 314; June 21, 1619, p. 338; January 13, 1620, p. 366; March 2, 1621, p. 462; XXVIII, May 30, 1622, p. 42; February 17, 1623, p. 120; July 7, p. 145; October 27, p. 169; August 7, 1627, p. 446; XXX, May 26, 1628, p. 17, August 11, p. 38; June 27, 1629, p. 110; July 8, 1631, p. 267; XXXI, June 2, 1634, p. 26, November 10, p. 54; May 12, 1635, p. 100; July 4, 1636, pp. 174-175, August 10, p. 177; August 29, p. 185; September 12, p. 189; XXXIII, March 11, 1648, pp. 281-282; XXXIV, March 28, 1651, p. 104; XLI, March 9, 1683, p. 228; March 30, pp. 230-231. Alonso Carrasco de Ortega's título de grados y corona accompanies a petition to be received as a "cleric, subject only to ecclesiastical jurisdiction and not to any other," see XXX, September 15, 1632, p. 359.

19 Actas, XXXV, March 14, 1656, pp. 172-174. When Villarroel left Santiago for the diocese of Arequipa in 1653, the see was
Francisco Machado de Chávez, serving as provisor and vicar general of the diocese while the see was vacant, certified that the youths were assigned to the Mercedarian house as students and attended all the academic functions there. Toro Mazote's sons were, Machado declared, qualified to enjoy the privileges of the ecclesiastical fuero. The cabildo honored the certification and granted the brothers' plea for recognition as clerics. In what was apparently an attempt to avoid any accusation of falsifying the cabildo record, the escribano copying the materials was Pedro Vélez rather than Toro Mazote. It seems significant that the petition for clerical immunity came when it did, because Santiago was still involved in extensive militia action stemming from the major Indian uprising the previous year. Since the ecclesiastical fuero exempted an individual from militia service, the Toro Mazotes would be safe from a call to the frontier.

Like applicants for the ecclesiastical fuero, laymen who received appointments as officials attached to the branch of the Holy Office of the Inquisition in Santiago followed the procedure of submitting their títulos to the cabildo. The Actas indicate vacant for some nine years, see Silva, pp. 92-93.

20 Actas, XXXV, March 14, 1656, pp. 172-174.

21 RLRI, book I, tit. XIX, is "De los tribunales de Santo Oficio." On that most controversial of institutions the following are important discussions pro and con. Marcelino Menéndez y Pelayo, Historia de los heterodoxos españoles (3 vols., Madrid: Librería Católica de San José, 1880-1881), is a defender of the Inquisition in Spain. Henry Charles Lea, The Inquisition in the Spanish Dependencies (New York: The Macmillan Company, 1908), condemns the institution while supplying much valuable information. A sample from the classic nineteenth century condemnation by a
that the cabildo's closest contact with the politico-religious court was through the registry of credentials. Almost all of the recorded títulos came from the Lima inquisitors, with several of them combining the position of familiar (lay agent) with some other Inquisition office.22 Two individuals who were appointed only as familiares presented their documents during the seventeenth century. The first of these, Bernardo González de la Mora, was the brother of the oidor Pedro, a fact suggesting collusion between the inquisitors in Lima and the oidor in Santiago.23 The other, Pedro de Acuña Suárez y Velasco moved up from the office of Inquisition notary in La Serena to the post of familiar in Santiago, indicating that an individual could make a career of working for the Holy Office.24

former member of the Inquisition, Juan Antonio Llorente, is available in English translation in, The History of the Inquisition of Spain from the Time of its Establishment to the Reign of Ferdinand VII (2nd ed., London: Printed for G. B. Whitaker, 1827). Henry Arthur Francis Kamen, The Spanish Inquisition (London: Weidenfeld and Nicolson, 1965), places the Inquisition in its historical context and contends that it is a sociological problem as well as a religious one. For an account of the operation of the Holy Office in Chile, see José Toribio Medina, Historia del Tribunal del Santo Oficio de la Inquisición en Chile (2nd ed., Santiago: Fondo Histórico y Bibliográfico J. T. Medina, 1952), which, considering the usual high quality of his work, is at best disappointing, it is cited hereafter as Medina, Inquisición en Chile.

22 See Medina, Historia del Tribunal de la Inquisición de Lima, 1569-1820 (2nd ed., 2 vols., Santiago: Fondo Histórico y Bibliográfico J. T. Medina, 1956), for procedures and cases in Peru. Kamen, pp. 145-146, 329, contends that the familiares did not constitute a kind of secret police but were servants "ready at all times to perform duties in the service of the tribunal."

23 Actas, XXXII, December 31, 1640, p. 87.

24 Actas, XLIII, May 9, 1692, pp. 22-24, is his appointment by the Dominicán Dionisio Negron de Luna who was the comisario for
The licenciado Joseph González Manríque, elected as the alcalde of moradores in 1681, served simultaneously in two Inquisition offices while retaining his civil post. In his título dated June 23, 1680, which is typical of those issued from Lima, the inquisitors appointed him as a familiar and as the legal adviser for the comisarios (ecclesiastical officers of the Inquisition) in Santiago.\(^{25}\) Before presenting proof of his appointment as familiar and asesor to the cabildo, González Manríque showed his papers to the cathedral canons who were the comisarios. He appeared first before Francisco Ramírez de León, dean of the cathedral and comisario ordinario of the Holy Office, who had the título certified by Antonio Andrea, the notary for the Holy Office. The comisario for the collection of fines due the Inquisition, the archdeacon Cristóbal Sánchez de Abarca, then viewed the papers with Andrea as a witness. Having secured acceptance of the legality of his appointment from the ecclesiastics representing the Holy Office in Santiago, González Manríque submitted his título to his fellow capitulares. It stated that as the asesor he was to give his legal opinion on the decrees issued and sentences imposed by the comisarios in both the public and the secret hearings of civil and criminal cases under their jurisdiction. The título conferred on him the right to bear arms. No civil official could relieve him

the smaller Chilean city. January 28, 1696, pp. 234-236, is his appointment from Lima as familiar in Santiago.

\(^{25}\) Medina, Inquisición en Chile, vague about the precise authority of the comisarios as exercised in the seventeenth century, confined himself to quoting from documents relative to sixteenth century appointments of comisarios, see pp. 157-162.
of the weapons under penalty of excommunication and a fine of 1,000 silver pesos for the Holy Office's extraordinary expenses. Under the terms of the appointment, criminal cases personally involving González Manrique fell outside of the competence of civil courts and were instead allocated to ecclesiastical tribunals.26

Since the appointment from Lima predated González Manrique's election as an alcalde, the inquisitors had not deliberately joined the Inquisition positions to the cabildo office. They had not selected him as a spy to infiltrate cabildo sessions. The cabildo's reception of the alcalde as the familiar-asesor and the escribano's matter-of-fact copying of the título reveal no hint of resentment toward the privileges granted González Manrique or the pluralism his election to the alcaldía had created.27

Two other appointees to dual Inquisition offices followed the same procedure that González Manrique did in presenting documents from Lima. The Santiago vecino Lorenzo Vázquez de Poyancos in 1682 became a familiar and the collector of monies and properties due the Inquisition under the title of teniente de recetor (deputy receiver) during the absences and illnesses of his father, Sebastián Vázquez de Poyancos, the usual recetor.28 A decade later the combined positions of familiar and notary for the Holy Office


27 Ibid., pp. 17-20.

28 Actas, XLI, October 9, 1682, pp. 193-196. These collections may have resulted from confiscations made by the court, see Kamen, pp. 151-153 for a discussion of confiscations in Spain.
went to Joseph Serrano, a local resident. Serrano, as the clerk for the court, had the exclusive right to record proceedings before the Santiago comisarios. 29

A título from the Santiago comisario Francisco de León showed that the Inquisition had its own police officers to implement its court orders. In 1683 when Francisco Barahona held the office of alguacil mayor for the Holy Office in Santiago, he requested León to appoint a teniente to assist him. The comisario selected Lazaro de Figueroa, who registered his título with the cabildo. 30

The appointment of so many Inquisition officials in the 1680's may indicate either that the Holy Office bureaucracy was growing or that appointees took their duty of submitting credentials to the cabildo more seriously. In either case, the Actas reveal no fear of the Inquisition as a sinister institution. The Holy Office annoyed rather than terrified the cabildo. On two occasions the capitulares complained about the Inquisition on the grounds of attendance at the public autos de fe. 31 The specific vexation in both 1645 and 1648 was the place assigned the cabildo in the procession before the proclamation of the autos. 32

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29 Actas, XLIII, May 23, 1692, pp. 27-30.
30 Actas, XLI, August 21, 1683, pp. 246-248. Barahona's título is not recorded.
31 Kamen, p. 183, carefully notes that an auto de fe "was a public expression of penance for sin and hatred for heresy, and all those who were present in the act were granted an indulgence of forty days."
32 Actas, XXXIII, March 28, 1645, p. 24, is a discussion of
latter led to a heated dispute with the comisario, Francisco Machado de Chávez, who settled the matter to his own satisfaction on the day of the publication. The cabildo, not content to surrender in a question of precedence, appealed to the Lima inquisitors who defined the permanent place of the alcaldes and regidores in the procession. It is doubtful whether the cabildo would have carried the case to Lima if the capitulares had stood in awful dread of the tribunal. The course of action infers that the capitulares thought of the Inquisition as just another court in the complex jurisdictional system in which they lived.

The attention given the order in a procession involving Holy Office proclamations was characteristic of the cabildo's concern for precedence. The capitulares considered it important for their personal and the city's municipal honor to be accorded an appropriate role in public religious activities. Early in the century, the cabildo spent some six years in a successful negotiation to have benches placed in the cathedral for the capitulares to occupy as a body when attending special services there. More than comfort was intended in arranging for seating. The cabildo wanted

the procession planned by the comisario Tomás Pérez de Santiago, the nephew of the former bishop Juan Pérez de Espinosa. Silva, p. 74, mentions that the cathedral chapter refused to accept the nephew as the administrator of the diocese (gobernador) when the bishop left for Spain in 1618.

33Actas, XXXIII, February 29, 1648, pp. 274-279 and March 3, p. 280, trace the dispute with Machado. October 7, pp. 304-306, contain copies of letters from the inquisitors settling the quarrel.

34Actas, XXV, February 5, 1618, p. 240; XXVIII, September 20, 1624, p. 213, December 6, pp. 233-234; November 9, 1626, p. 394.
God, king, clergymen, and Santiagoans to be aware of its embodiment of the city. In a municipality on the fringe of civilization where life was as harsh and as uncertain as it has ever been, the bickering about precedence was psychologically motivated not only by desire for respect but also, as it has been asserted earlier, by a desire to establish or retain identity. His Majesty's loyal Catholic vassals had to remind themselves who they were by occupying a prominent place in public functions. Persistent conflicts with clergymen on outwardly petty matters were treated with all seriousness. So determined was the cabildo to exhibit its prestige that a case bearing on the relative positions of the cathedral chapter and the secular cabildo went all the way to Spain where the king made the decision.35

The cabildo, which championed its honor against clerical encroachments, conducted a lengthy debate with the local branch of the Mercedarian order in the name of public welfare. The source of the dispute was the mill the friars owned. The canal supplying water to the mill drew water away from those serving some neighborhoods and flooded others. Ineffectual efforts spanning forty years to solve what was basically an engineering problem brought the cabildo and the friars together to discuss the possibility of moving the mill to a new location. No agreement followed the

35Actas, XXXI, August 25, 1635, pp. 120-121; June 12, 1639, p. 387; XXXVII, July 17, 1665, pp. 49-51, are examples of conflict in matters ceremonial; see XLIII, May 25, 1696, p. 382, for mention of a cédula stipulating seating arrangements for the two cabildos.
cabildo's offer to donate a site in 1674. A threat in 1693 to have the audiencia close the mill because of the damage it caused did not frighten the Mercedarians. By 1697, the cabildo had given them a piece of land for the mill, but the friars continued to operate the old one. The Mercedarians matched the capitulares in their pertinacity. Having acquired additional land, they were in no hurry to undertake the expensive operation of building a new mill. The cabildo, for its part, had proved a rather poor defender of the city's welfare.

Undaunted by its experience with the Mercedarians, the cabildo challenged clergymen by consistently opposing their attempts to increase the normal financial requisitions assigned to the Church. The tithe levied on agricultural and livestock production was a principal source of ecclesiastical revenue in all of Spanish America. In Chile, it was collected by farming the tax to the highest bidder. The bishop and the cathedral canons then received one-half of the amount collected. The other half was divided nine ways, with the crown, under the terms of the patronato, receiving two-ninths, and the remaining seven-ninths being

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36 Actas, XXX, November 15, 1630, p. 237, the cabildo temporarily closed the mill; May 7, 1632, p. 346, the cabildo planned to visit the mill in a body; XXXVIII, June 1, 1674, p. 326, October 5, 1674, pp. 341-342, are the initial negotiations on a new site.


38 Silva, p. 106; see Shiels, pp. 121-133, 319-324, on the tithe aspects of the patronato; RILIT, book I, tit. XVI, collects some of the legislation on the diezmos.
distributed between the parishes, the cathedral for building expenses, and the hospital. It has been estimated that by the end of the seventeenth century, the tithe in the diocese of Santiago amounted to between 25,000 and 30,000 pesos annually. 39

The cabildo showed no overt opposition to the normal tithe payments, but registered resentment over the violation of "custom" in 1609 and 1692 when new items formerly exempt from it were included. 40 Bishop Diego de Humanzoros's permission to the rural parish priests to collect primicias (first-fruits) on all agricultural and livestock commodities met cabildo protests which were again based on established custom. 41 In a law suit heard in the audiencia in 1664 and 1665, the cabildo argued that only portions of wheat and barley were traditionally allocated as first-fruits; consequently, the bishop's inclusion of all crops and all kinds of cattle was unlawful. The rural clerics in Colchagua who took their new right literally were, furthermore, making themselves obnoxious by personally taking the animals they wanted from private herds and had to be stopped. During the dispute, the cabildo agreed to report to the king on the bishop's unwarranted increase in the

39Silva, p. 106, describes the distribution of the tithe and estimates the total revenue. He does not stipulate what products fell under the tithe.

40Actas, XXIV, February 9, 1609, p. 22; the additional items included roof tiles, bricks, coconuts, and fish; XLIII, March 11, 1692, p. 117, the diezmero (tithe collector) for the partido of Quillota intended to collect the tax on grease and wool; RLRI, book I, tit. XVI, law 23, discusses tithe distribution.

41Silva, pp. 93-95, discusses Bishop Humanzoros's episcopate. Silva treats the primicias as distinct from the tithe but does not explain the difference between the two impositions.
Another financial dispute with wider jurisdictional aspects concerned the stole fees which a parish priest could collect for officiating at baptisms, marriages, and funerals. A movement instigated by the local hierarchy to increase the fees, which were set by a combination of civil and ecclesiastical law, gained authorization from the king. A cédula entrusted the viceroy and the archbishop of Lima, who had ecclesiastical jurisdiction over the diocese of Santiago, to work out the details of the new arancel (rate scale). When the new arancel was forwarded to Santiago in 1632, it evoked an immediate denunciation from the cabildo. Arranging for testimony on Santiago's poverty to be submitted in a request to the Lima authorities to stay the enforcement of the new fees, the cabildo declared that the king, when he had a clearer understanding of the case, would revoke his previous cédula. The cabildo, in the meantime, urged that the cédula on which the arancel was based should be obeyed but not enforced. The capitulares begged for funds among the city's residents and sent 100 pesos to the alférez Francisco de Eraso, who was in Lima, to hire a lawyer to plead their case before the viceroy and the archbishop. Resistance to the increased fees appeared again in 1638.


43 *Actas*, XXX, January 26, 1632, pp. 318-319, February 16, p. 323, March 11, p. 330, April 1, p. 336. See also Silva, p. 77.

José Ignacio Víctor Eyzaguirre, *Historia Eclesiástica, Política y Literaria de Chile* (3 vols., Valparaíso, Imprenta del comercio, 1850), I, p. 294, deals with an arancel worked out by the Conde de Chinchón and the Bishop elect of Popoyan, who was delegated by the
The appeal had either delayed the imposition of the new fees or the capitulares had gathered their strength to initiate a new one.\textsuperscript{44}

The constant in the capitulares' stands on ecclesiastical support was opposition to increasing clerical revenue. The aversion to ecclesiastics' acquiring more money was motivated by the layman's desire to protect and advance his own financial condition. To do this he relied on the weight of tradition. Delaying enforcement by lodging a plea meant at least a temporary reprieve from new requisitions for the Santiagoans. The ease with which the cabildo appealed to the higher political and ecclesiastical authorities demonstrates familiarity with the jurisdictional channels created by the patronato.

The controversies between clergymen and capitulares represent a significant aspect of the relationship between the ecclesiastical and lay orders in Santiagoan society. Other facets of that relationship can be viewed in cabildo activities touching upon ecclesiastical policies and appointments to benefices which will be discussed in turn. In the former category, the cabildo was involved in the diocesan synod held in 1688. Bishop Bernardo Carrasco y Saavedra, the Dominican friar who had taken possession of his see in 1679, invited the capitulares to draft a list of issues relating to the welfare of the republic for the synod's con-

\textsuperscript{44}Actas, XXXI, May 14, 1638, p. 290.
consideration. The cabildo devoted discussions in three sessions to their response to the invitation with the meeting on January 23, 1688, featuring a record of the formal proposals they submitted.45 Beginning the communiqué tactfully, the cabildo expressed its "unanimous" approval of Carrasco's ordering of the affairs pertaining to the "ecclesiastical estate." The precepts regulating the lives of the clergy and laity, the capitulares noted, were generally observed. However, there were some individuals whose conduct called for the type of legislation the cabildo saw fit to propose.46

Among the specific suggestions the cabildo offered, two concerned marriage. The capitulares thought that parish priests should be required to make careful investigations of marriages contracted by persons from other cities because some men, especially Indians, "live publically with their concubines under the title and form of matrimony, in offense of God, Our Lord, with the pretext of the holy sacrament of matrimony." The cabildo urged, in the second recommendation, that divorced women who were separated from their husbands by a judicial decision should have to live in seclusion without freedom of movement. This, the capitulares believed, would prevent a woman from endangering her modesty. Moreover, if the cause of the separation had been some action contrary to the state of matrimony, her restricted condition would hopefully pre-


46Actas, XLII, January 23, 1688, pp. 265-266.
pare the way for a reconciliation between the estranged couple. Both proposals regarding matrimony were made with a view to furthering morality. The second was probably motivated by property considerations on the part of irate husbands. The return of dowries must have been one of the demands made by women or by their families during separation proceedings.

The other topics drafted for the synod's deliberation dealt with pastors of Indian parishes and emphasized financial matters relating to them. The cabildo wanted a rule forbidding curas de indios to influence Indians from leaving their property to them under the guise of offering Masses for their souls. Providing for prayers and Masses for the departed, the cabildo thought, should be handled by the heirs, the executors of the Indian's will, a royal justice, or the individual to whom dominion or administration of the property pertained. In an earlier discussion on the approaching synod, the cabildo had complained that priests inherited Indian property and thereby prejudiced the "natural right" of the heirs who were too "poor and miserable" to defend their right.

What might appear as a laudable desire to protect the Indian from grasping clerics was a maneuver to bar ecclesiastics from competing with laymen for Indian property. If the Indians to whom the property belonged were as defenseless as the capitulares

47Ibid., p. 266.
48Ibid.
49Actas, XLII, January 16, 1688, p. 262.
claimed, sharp-witted vecinos could easily deprive them of their property. The recommendation testifies that some Chilean Indians acquired property, and although subject to pressure from clergy and laity, enjoyed a degree of freedom of choice in disposing of it.

The capitulares who hoped to prevent clerics from whispering into the ears of dying Indians, did not want ecclesiastics to obtain stole fees from Indians. The cabildo, which had previously opposed an increase in the arancel regulating stole fees for Spaniards, proposed that the synod should relieve the Indians of fees for marriages, baptisms, and funerals. The cabildo thought that the cura should receive only his annual stipend, and that the priest who wanted to collect his stipend should have to visit the estancias and farms under his care at least seven times a year. During his inspections he would have to investigate the morality of his charges and see that they were instructed in the faith twice a week. Here the cabildo, in seeking to promote the Christianization of the Indians, adopted the spirit of the royal legislation on Indian conversion. Laws pertaining to Chile in the Recopilación required that a priest visit his Indian parishioners to administer the sacraments and to supervise their continuing religious instruction.50 The controls the cabildo desired on the actual collection of the stipend and the opposition to stole fees are understandable.

50Actas, XLII, January 23, 1688, p. 267; the stipend mentioned for the curas de indios in the cabildo session was 18 reales annually from each Indian; this was an increase over the amount of 1½ pesos set in the RLRI, see book VI, tit. XVI, laws 12-13, for the tribute payments owed by the Chilean Indians and the tribute distribution.
because of the encomenderos' practice of collecting tribute in the form of personal service, which meant that clerical stipends and stole fees would have to come from the encomendero himself.51 Neither did employers of Indians who were outside of the encomienda system want to listen to pleas for wage increases to pay the priests.

Resolutions adopted by the synod bore some similarity to the cabildo recommendations. Parish priests were required to attend to their parishioners' spiritual needs and to keep careful records of baptisms, marriages, confirmations, and funerals. The marriage records, along with the synod's command that banns of matrimony had to be published prior to a wedding, reflected the cabildo's desire to discourage illicit or bigamous unions.52 Decisions concerning the Indians admonished priests assigned to Indian curacies to hold services and encomenderos to see that natives received religious instruction. Encomenderos who forced Indians to work without remuneration on feast days were reprimanded and warned to stop that practice. The penalty of excommunication was threatened against anyone who deprived Indians, Negroes, or slaves of their right to contract matrimony freely.53 Unfortunately, the synod would not, or could not, work any major improvement in the

51See Chapter I on Indian servitude.

52Eyzaguirre, Historia Eclesiástica, I, pp. 295-300, gives a summary of the synod's resolutions, see p. 296 for the ruling on the banns; the banns of matrimony are public announcements of the intention of two parties to marry.

53Eyzaguirre, Historia Eclesiástica, I, pp. 297-298, 300; on Indian slavery, see Chapter I.
status of encomienda Indians or those held in slavery. The synod's few attempts to protect Indian rights shifted the blame for the abuse of the natives to the laymen. The cabildo's picture of the Indian in an ecclesiastical vise acquired another dimension when the ecclesiastics sketched in the abuses perpetrated by laymen.

Although the cabildo's selfish recommendations did not become embodied in ecclesiastical legislation, its involvement in the preparation of a program for the synod is evidence of the implications of what may be termed the patronato local (a term coined to expedite the discussion of the cabildo's ecclesiastical activities). It is to be hoped that bishop Carrasco, who had found it natural to invite the cabildo to participate in an ecclesiastical matter concerning the common welfare, had expected more truly Christian proposals than he received from the representatives of lay society. The bishop's invitation sent to a group of laymen and the cabildo's response written in a moral tone, nevertheless, show how interwoven things spiritual and temporal were on the local level.

The cabildo, which had so readily assumed the role of advisor to a diocesan synod, was accustomed to exerting a direct influence on ecclesiastical affairs through the patronato local. As the patrón of the chapel endowed by the Santiagoan Juan de las Cuevas, the cabildo reflected in miniature the crown's patronage of the Church. The terms of the Cuevas will empowered the cabildo to nominate and present candidates for the benefice attached to the chapel to the bishop, who made the canonical institution. The
cabildo also had charge of administering the property left for the support of the chaplain who in turn had to say Masses for Cuevas' soul. In the several nominations for the chaplaincy made during the century, the cabildo did not mention hierarchical opposition to its choices. The benefice apparently passed smoothly from one holder to the next without the shadow of an investiture controversy.

The cabildo itself founded a chapel dedicated to San Antonio, an advocate the cabildo had adopted to invoke for flood prevention. Rather than appoint a specific chaplain, the cabildo selected the Mercedarian order to perform annual religious services. The friars promised to have one of their priests say eight Masses each year for the intention the cabildo set in 1626. A special Mass was to be offered on each New Year's Day to obtain the guidance of the Holy Spirit for the cabildo election. After arranging for the Mercedarians to say the Masses, the cabildo, as the chapel's patron, confined itself to directing preparations for the annual procession held on the saint's feast and pleading alms for the expenses of the procession and the chapel's upkeep.

54Mecham, p. 4, treats presentation and nomination almost synonymously as the right of the patron to propose a candidate to the appropriate ecclesiastical authority for a vacant benefice and says that the "right of nomination is the very essence of patronage." See Medina, Instrucción, cccl-cccliii, for Cuevas and his descendants who are treated above in the discussion of the corregidor. The best description of the cabildo's authority as patron is in Actas, XXX, April 26, 1632, pp. 343-344; see also XXVIII, December 31, 1627, p. 489; XXXIII, October 16, 1648, pp. 308-309; XXXVIII, June 3, 1672, p. 272; XLIII, August 1, 1692, p. 38, June 4, 1694, p. 166.

55Actas, XXVIII, January 16, 1626, pp. 333-334, the cabildo
The cabildo's dealings with the convents of nuns in Santiago were marked by the patronato local and by a paternalism both real and figurative. The capitulares claimed, because of the terms of a patronage unspecified in the Actas, the authority to appoint the sindico-mayordomo, who was the lay administrator of the property held by the Augustinian convent, and to hold him accountable for his stewardship. A paternal attitude characterized the cabildo's discussions of the Augustinians and of the Santa Clara nuns whose establishment was endowed by the alguacil mayor Alonso del Campo Lantadilla. Although on one occasion the cabildo became embroiled in a dispute between the bishop and the Franciscan superior concerning the jurisdiction of the Santa Claras, most cabildo action centered on the religious foundations' temporal welfare.

The cabildo records are a poor source for ascertaining the extent of either religious or lay land holdings in colonial Santiago, but there is one especially well-documented case of a grant made to the Santa Clara house which illustrates the steps taken in

began to collect alms for the chapel; April 7, pp. 367-368, is the agreement with the Mercedarians. For the routine activities, see XXXI, June 12, 1639, p. 387; XXXIII, February 14, 1647, p. 175, June 28, p. 199; April 7, 1648, pp. 284-285; XXXIV, December 19, 1654, p. 512.

56Actas, XXXIII, March 7, 1647, p. 178, March 20, p. 179; XXXVII, October 23, 1665, p. 66.

acquiring land. In November, 1663, the mayordomo of the convent presented a petition in the cabildo on behalf of the abbess and nuns asking to be allowed to close a street next to their grounds in order to expand their buildings. The capitulares told the procurador Andrés Jiménez de Lorca to study the petition. When Jiménez reported that the convent really needed the land, the cabildo commissioned the alcalde of vecinos Juan Alfonso Velásquez de Covarrubias to collect testimony from townsmen on the advisability of making the grant. The witnesses backed the nuns' plea, and the cabildo drafted a consulta (report) urging the audiencia to approve the grant because closing a street, which was normally impassable, would not harm the city. The oidores reviewed the case and authorized the cabildo to confer the land on the nuns. With a commission from the cabildo, the alcalde Velásquez and the regidor Juan de Castro y Pro bestowed possession on the convent's mayordomo who represented the nuns.58

The procedure involving both the cabildo and the audiencia reveals not only the overlapping jurisdiction affecting land acquisition but also a willingness on the part of the administrative bodies to expand religious holdings. While the cabildo lacked exclusive jurisdiction over land grants, it could forestall acquisitions by denying the initial petition. The cabildo ruled against a plea from the Santa Clara nuns in 1696 by declaring that the pub-

lic thoroughfare they requested needed to remain open. The capitulares' paternal attitude toward nuns could be either indulgent or strict, depending upon the particular land under consideration.

In a matter which concerned the financial resources of the convents in 1649, the capitulares sided against the nuns. Bishop Villarroel's decision to raise the doweries presented by novices upon entering the religious life brought a loud cabildo protest. The increase from 2,340 to 2,800 pesos, however, proved to be only a temporary expedient to help the convents through the difficult period following the earthquake of 1647. The cabildo contentedly noted the reversion to the lower figure in 1652. This indicates that fathers who viewed the convents as havens for unmarried daughters were pleased with the bishop's requiring less money.

The cabildo which figured so prominently in religious and ecclesiastical affairs in Santiago did little to influence education which was left, as it was in the rest of the Hapsburg American Empire, almost exclusively in the hands of the Church. In Spanish America, religious orders not only imparted the basic literacy skills, but also staffed the colegios which provided secondary education designed to prepare young men for the university, where

\[59\textit{Actas},\ \text{XLIII},\ \text{March}\ 13,\ 1696,\ \text{pp.}\ 372-374,\ \text{the cabildo denied a petition from the Santa Clara mayordomo.}\]

\[60\textit{Actas},\ \text{XXXIII},\ \text{February}\ 5,\ 1649,\ \text{p.}\ 388;\ \text{XXXIV},\ \text{February}\ 20,\ 1652,\ \text{pp.}\ 222-223.\]
clerics held many of the faculty positions. The crown, through the patronato real and because of its respect for learning, encouraged education with its impact most clearly discerned in the universities founded in the leading cities. Colonists who supported educational endeavors by endowing institutions and paying tuition for their sons' instruction accepted the role of the religious as educational leaders. Because of the involvement of the Church and the monarchy, the subject of education has been debated by apologists and critics of Spain and Catholicism.

The controversy, in regard to the educational services performed by the religious orders in Santiago, has created a blurred page in the social history of the Chilean capital. Diego Barros Arana's *Historia General de Chile* describing, as it does in some detail, the political and military events in Chile, largely ignores the social and intellectual developments in the frontier colony. Psychologically out of touch with the epoch he studied,


62 *RLRI*, book I, tit. XXII, has legislation on the universities. See Diego de Encinas, *Provisiones, cédulas, capítulos de ordenanzas, instrucciones, y cartas...tocante al buen gobierno de las Indias y administración de justicia en ellas* (5 vols., Madrid: Ediciones Cultura Hispánica, 1945-1946), I, p. 204, for a copy of the real cédula founding the Universidad de San Marcos in Lima. This facsimile of the first edition published in 1596, is cited hereafter as Encinas, *Cedulario*. For a proponent of San Marcos in the debate over which New World university is the oldest see Daniel Valcarcel, *San Marcos, la más antigua Universidad de América* (Lima: Edt. Médica, 1929); Valcarcel's *Reformas Virreinales en San Marcos* (Lima: Impt. de la Universidad Nacional Mayor de San Marcos,
Barros Arana depicted in brief summaries, injected at periodic intervals, an obscurant clergy indoctrinating colonial Chileans in religious bigotry and superstition. With the usual vehemence of a classical liberal, he condemned the education given during the colonial period because it did not "form citizens prepared for the struggle of life, useful to their family and to their fatherland, but pious men destined to augment the population of the cloisters and convents." Thus for an historian worshipping at the shrine of utilitarianism the light of knowledge was dim indeed in the colonial period.

The judgment of one who applied the criterion of the nineteenth century concept of material progress as the instrument for evaluating the standards of a previous era is questionable. If the war against the Araucanians were the dominant feature of Chilean life, as it would appear from the preponderant role it plays in Barros Arana's reconstruction of that life, it might reasonably be expected that intellectual achievements would be proportionately meager. Any concern with educational affairs would seem significant. The most unfortunate consequence of Barros Arana's conviction that colonial Chileans did not reach the level of education and enlightenment that might have been realized in some latter day utopia was his failure to incorporate factual materials which would have been useful in subsequent studies. With his talent for clear

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1960), includes a discussion of the Viceroy Toledo's efforts in regard to the University.

63 Barros Arana, IV, p. 283, is the quote; see also, IV, pp. 278-283 and V, pp. 317-319, 322-323, 328, 374-386.
writing, he could have performed a greater service by shedding less light on the prejudices of his own day and more on the history of education.

A work supplementing the content and counter-balancing the tone of Barros Arana's multi-volume history is the Historia de la Compañía de Jesús en Chile by the Jesuit Francisco Enrich. Exuding filio-piety, his outline concerning the order most active in education in Chile supplies data on the assignments of individual members of the Society of Jesus.64 The quantity and quality of education is more accurately described in a relatively objective fashion by the dean of Chilean bibliographers José Toribio Medina in his Instrucción pública en Chile desde sus orígenes hasta la fundación de la Universidad de San Felipe. Medina drew from his wide acquaintance with primary sources in preparing his chronicle of educational beginnings and development in the two Hapsburg centuries and made available numerous pertinent documents.65 Despite Medina's valuable introduction, curricula and student bodies need further investigation before a comprehensive account of education can be written.

The cabildo Actas furnish few answers to the questions of who was educated and what was taught in Santiago. In the cabildo itself, the escribano did employ academic titles to identify members who had earned degrees; the records, however, do not provide

64 (2 vols., Barcelona: Imprenta de Francisco Rosa, 1891).
65 The first volume of this work by Medina, which is previously cited, is a topical discussion of educational endeavors; the second is pertinent documents.
information on the literacy rate for either the capitulares or the townspeople at large. Nor do they contain more than the rarest mention of education as a topic discussed in the cabildo sessions. The cabildo's usual silence on the subject of education indicates that the capitulares and the individuals they represented did not question the educational system, the subject matter, or the teaching techniques in their city. Within the context of constant complaints emanating from the capitulares on so many topics, the silence in educational matters can be interpreted either as approval of existing conditions or indifference to them. A few vocal cabildo declarations bearing on education emerged from Santiago's general acceptance of the status quo and from a latent interest in education.

There is a whisper of the rivalry between peninsular and creole ecclesiastics in the acuerdo of December 15, 1634, when the cabildo sent a three-man delegation to remonstrate with the Franciscan superior, who had barred creole religious from studying in his monastery. Instructing the committee to request a change in policy, the cabildo claimed that talent was being lost in the field of learning. The messengers were also told to threaten the superior with a cabildo report to the general of the Franciscan order unless he allowed creoles to resume their studies. Assessing the importance of this case would be facilitated if the cabildo had included names of the individuals involved. It is possible that they were relatives of capitulares who had taken minor orders.

and found it useful to claim to be attached to the Franciscan monastery. The cabildo's statement, however, shows a desire to preserve educational opportunities for creoles.

The cabildo's esteem for education is more clearly evident in a resolution adopted in 1687. The capitulares were proud of the Chilean doctor, Diego Montero del Aguila, who had climbed the academic ladder to acquire the chair of Prima de Leyes in the University of San Marcos in Lima. Upon receiving a letter telling of his appointment to the pre-eminent position in the Lima law faculty, the cabildo agreed to write to the University to express Santiago's gratitude for the honor bestowed upon him.67

The only religious order the cabildo complimented for educational contributions to the city was the Society of Jesus. The procurador Valeriano de Ahumada, who subsequently purchased the office of alcalde provincial, praised the Jesuits in 1630. He asserted that their colegio in Santiago benefited the kingdom of Chile through the education given the "natives and the sons of vecinos and moradores." Ahumada did not choose to elaborate on the statement which shows that the Jesuits did not at that time limit enrollment to white youths. He pointed out that the order had educated many religious, who had entered the various orders in Santiago, and many clerics, who had positions in the cathedral. The Jesuits had also provided Santiago with "learned and excellent judges."68

67 Actas, XLII, November 14, 1687, pp. 244-245.
68 Actas, XXX, August 30, 1630, pp. 193-194; see Medina,
corregidores, who claimed the Jesuit colegio as alma mater, followed to identify the justices. Rather, Ahumada turned to the financial aspects of education by pleading that the crown could reward fathers by educating their sons. The vecinos and moradores Ahumada declared, had expended "their persons and wealth, blood and life," in His Majesty's service. For their endeavors, they had remained uncompensated. He consequently urged the cabildo to petition the king to donate the two-ninths of the tithe reserved to the crown to the Jesuit colegio to subsidize the institution. This, Ahumada believed, would serve as partial payment of the debt the king owed his subjects in Chile. The financial aid would insure "that their descendants and meritorious persons" would be able to study. Specifically, the procurador wanted the king to earmark the funds from the tithe for scholarships and for student living expenses. Since he estimated that one-ninth of the tithe was approximately 1,000 pesos, he thought that the royal portion would finance the education of eight colegiales reales (royally supported collegians) selected on the basis of academic achievement. Ahumada informed the capitulares that there was nothing unusual in his proposal. The king, an outstanding "Catholic prince" had used his revenue to found several colegios in his domains where students "were educated in virtue and letters." The procurador cited precedents set in Lima and in Santiago del Estero for the use of royal revenue for scholarships and the use of the tithe for endowments. The capitulares endorsed Ahumada's suggestion, agreeing to

Instrucción, I, clxxxiii-ccxxci, on Jesuit educational endeavor.
beg the king for the favor and to ask the governor, Laso de la Vega, to add his voice to theirs in the plea.69

The respect for learning permeating Ahumada's message continued to characterize his own family. Some Santiagoans, at least, placed a premium on education. It was Ahumada's grandson, José Valeriano, who served as rector of the University of San Felipe, established in Santiago in the eighteenth century. The earlier Ahumada, regarding Jesuit education as a civic asset, sought to transfer part of the burden of supporting it to the crown. Unable to comprehend their sovereign's financial plight, the Santiagoans looked to the king for money to educate a select group of their offspring and to reward the Jesuits for their educational efforts. The order would not receive any additional funds, but would enjoy the prestige of having colegiales reales in their institution.

The decision to approach the governor as an advocate in the petition to be sent to Spain is worthy of reflection. When the determined captain-general demanded cooperation with the war effort, the cabildo seldom lost an opportunity to plead past services to avoid manpower levies. Here, while Laso was trying to recruit a force in Santiago for the frontier, was a chance to stress the vecinos' confidence in the king's appreciation of his vassals' contributions in contrast to their harrassment of his governor. That Laso failed to evaluate the vecinos' generosity properly might be attributable to the fact that the horse presented to him upon his

69 Actas, XXX, August 30, 1630, pp. 193-194.
becoming governor went lame, a bit of information recorded on the same day as Ahumada's eloquent remarks on Santiago's prodigious expenditures of life and wealth. 70 Perhaps Laso saw the pitiful animal as a more fitting description of the city's liberality. Aside from the ulterior aims the cabildo could accomplish in placing their tithe proposal before him, the governor's recommendation would carry weight when the petition reached the king.

An echo of the 1630 measure sounded in 1641 as the cabildo decided to request the audiencia to petition the king to allow 1,000 pesos from the tithe to be used to defray the expenses of sons of "beneméritos" in the Jesuit colegio. 71 The two requests illustrating a desire to acquire educational subsidies from the crown reflect approval of the work of the Jesuits as educators in Santiago.

After the Jesuit colegio was damaged during the 1647 earthquake, classes were temporarily suspended and the padres contemplated moving their school to Concepción. The cabildo, considering the harm that could accrue to the vecinos' sons in Santiago through not being able to study, sent the regidor Diego de Ribadeneira to offer cabildo assistance to the Jesuit superiors in reopening the school in Santiago. 72 Again expressing admiration for Jesuit education, the cabildo this time had volunteered its aid.

70 Ibib., p. 194; for Laso's efforts to raise men for a campaign see, August 9, 1630, pp. 189-190, September 14, pp. 205-210, September 18, p. 215, October 8, pp. 225-228.

71 Actas, XXXII, January 24, 1641, p. 96.

72 Actas, XXXIII, July 5, 1647, pp. 200-201.
Another example of satisfaction with Jesuit teaching appeared in the Actas for 1679, when the cabildo abrogated any claims by the city to a piece of land bestowed earlier on the Jesuits by the vecina Ana Flores. Fearing that the city could not win a suit to incorporate the land in its propios, the capitulares reasoned that the site had little value because of its frequent flooding from the Mapocho River. They made this bequest of dubious value to the Jesuits for their new Colegio de San Pablo, which augmented the previously established Colegio Máximo de San Miguel, in return for the good work the order did and in recognition of the benefit the public welfare would derive from the establishment. 73 The colegio, the capitulares declared, would allow the vecinos of the neighborhood to receive the sacraments and instruction in their part of the city which was distant from the parishes. The transfer of the property was made to depend on royal confirmation, which was already in the mails from Spain. 74 The cabildo in this instance had gracefully retreated after initial opposition to an expansion of Jesuit properties.

Some six years later, the cabildo, without denying the services performed for the city by the Jesuits, saw fit to demand the payment of the balanza tax from padre Isidor Martínez, a procurador of one of the Society's colegios, on the exportation of seven hundred quintales of tallow. Martínez had claimed ecclesiastical im-

73Actas, XL, November 17, 1679, pp. 329-330.

74Ibid. See Medina, Instrucción, I, ccxii-ccxv, for a copy of the cédula dated July 6, 1679, approving the endowment by Ana Flores.
munity from taxation which the cabildo refused to recognize. The capitulares justified charging the tariff because it furthered the common welfare "of ecclesiastics as well as laymen" and thus did not admit of clerical exemptions. The cabildo was not discriminating against the Jesuits, for, at the same time, it denied a secular priest a similar request to export hides and tallow duty free. The motive was aimed at collecting as much revenue as possible from the tax the crown allowed the city to spend on public works. The decision makes for an interesting comparison with the cabildo's earlier attempts to convince the king to release his portions of the tithe for student support. Although the city fathers wanted the crown to donate its resources for their sons' education, they themselves wanted to extract money from religious for municipal projects. The cabildo, having won the concession from the crown to use a royal tariff on the local level, meant to see that it would obviate personal, direct taxes. The tithe proposals had sought to lessen individual educational expense.

The Jesuits, who merited mention in the Actas because of their contributions in the field of secondary education and their involvement in the colony's economy and the city's finances, received an indirect testimonial to their efficiency as primary teachers in 1616. The cabildo had issued a license the previous year to Juan de Oropesa, who was apparently a layman, to open a school after he had made a petition in conjunction with some of the city residents. He had presented evidence of his qualifica-

75Actas, XLIII, August 3, 1685, p. 62.
tions, taken an oath to observe the rates set on tuition, and had sworn to teach "good and virtuous customs" to the boys who would enroll to learn to read and write. Neither the credentials he produced nor the arancel for tuition were copied into the _Actas_. What the record does show is that the cabildo set the prices a schoolmaster could charge for his services. It also intimates a concern for widening the opportunities for primary instruction and insuring that such instruction would foster morality. However, before Oropesa had finished a year of teaching, the cabildo tried to close his school by petitioning the audiencia to have his students attend the classes conducted by the Jesuits.

The numbers of students instructed in establishments operated by religious orders or individual laymen is still a matter of conjecture. Enrollment figures are not yet available for either the primary or secondary level of education. The Jesuit historian, Alonso de Ovalle, stated that his order taught some four hundred boys in Santiago reading, writing, counting, and religion, inferring that this was the annual enrollment in the Society's primary school. Since Ovalle was trying to acquaint Spaniards with Chile and to recruit additional Jesuits to work there, his figure might be exaggerated.

The cabildo records of 1618 suggested the number of potential students a lay schoolmaster could expect. Licenses issued to

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76 _Actas_, XXV, November 27, 1615, pp. 117-118.  
77 _Actas_, XXV, August 20, 1616, p. 152.  
78 Ovalle, p. 350.
Oropesa to reopen his school and to Melchor de Torres Padilla to begin teaching limited each one to a maximum of one hundred students. Both were warned not to charge more than the permitted rates under penalty of a 10 peso fine, and Oropesa was enjoined to accept payment in kind from any father who would offer produce rather than cash. The numbers mentioned by Ovalle and by the licenses imply that Santiago had quite a large if indeterminate body of school age boys who enrolled for lessons in reading and writing. How long either Oropesa or Torres Padilla kept their classrooms open is uncertain, for by 1621 the cabildo complained of the harm that the city received from not having a schoolmaster. Several efforts to locate a teacher left the issue unresolved.

The same pattern discernible in the early licenses to teach appeared in those granted later in the century. In 1650 and 1684 individuals were allowed to offer instruction to paying pupils after giving documentary evidence of competence in teaching. The cabildo found Josefa Lopez Castilla, who presented his credentials in 1650, to have the upright character necessary for a teacher. The license issued in 1684 to Gregorio de Heredia permitted him to charge 4 reales per month for each boy he taught to read and 6 for

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79 Actas, XXV, April 2, 1618, p. 247, April 7, p. 248; the fine money was to be allocated to the hospital; Oropesa was to pay in silver and Torres in gold.

80 Actas, XXV, July 23, 1621, p. 495, September 13, p. 503, September 24, p. 506, October 22, p. 516, November 26, p. 526, December 17, p. 532. The final decision was for the corregidor Pedro Lisperguer to provide a solution to Melchor Torres' petition that the city furnish him a house in return for his instructing boys. Apparently, Torres was available to teach but was on strike until he could be guaranteed more financial compensation.
each one he instructed in reading, writing, and counting. These few scattered references to education contained in the Actas show that the cabildo was only on the periphery of educational activity in Santiago. The operation of schools was left for the most part to religious orders, particularly the Jesuits, with financially able families deciding for themselves whether their sons would be enrolled in an institution. Many parents possessing a rudimentary education undoubtedly assumed the direct responsibility for teaching their children to read and write at home.

During the first third of the century, the cabildo made efforts to provide for the training, if not the education, of some of the children who were unable to receive formal instruction. The capitulares periodically appointed a padre de menores (public guardian), who was given charge of the orphans in the city.

The clearest statement concerning the office was recorded in the appointment of the vecino morador Diego Serrano in 1613. The children entrusted to his supervision were orphan Indian, Negro, Spanish, free mulatto, and mestizo boys and girls. Serrano was made responsible for the children's religious instruction. The cabildo empowered him to make contracts with individuals who wanted to have the minors work for them. Although this appears callous to the twentieth century mentality, it assured homeless children the necessities of food, shelter, and clothing. The procedure for

31 Actas, XXXIV, August 11, 1650, p. 40; XLI, December 23, 1634, p. 350.
procuring child labor was at least open and above board. The person contracting for the labor, after paying Serrano 8 reales, had to make the agreement with him before the corregidor or one of the alcaldes and have it recorded by the cabildo escribano in a special book. If there were not enough requests for children, the padre de menores, with the consent of a justice, could arbitrarily place a child with an individual. For performing his duties, Serrano was allowed to carry a "staff of office, thicker than the ordinary ones" which was surely meant to have a practical as well as symbolic function.

The type of training and treatment accorded the children of necessity varied with the home to which a child was assigned. A fortunate youngster may have learned a trade which provided him with a future livelihood. Others unquestionably led a Cinderella existence without the happy ending. It is possible that documents, if they could be located, would show a relationship between the evolution of the inquilino class and the contracts made with the padres de menores.

A variation on the system of placing orphans under the care of a padre de menores, who in turn placed them in homes as servants or laborers, occurred in 1626. The alcalde Diego Xaraquemada informed the cabildo that the vecinos Rafael de Sierra and Isabel Benítez "zealous for the service of God," had offered "their house..."

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82Actas, XXIV, March 12, 1613, p. 395, December 20, p. 452, treat of Serrano's appointment and powers. Other appointments without specified powers are, XXIV, February 6, 1609, pp. 121-122; XXV, January 31, 1620. An appointment of a "defensor de menores" which does not include a list of duties is XXVIII, January 15,
wealth, and persons" to rear all homeless orphan children, on the condition the cabildo would serve as the patron of the work with two capitulares pleading alms for their support each month. The cabildo approved the step to open a type of private orphanage and accepted the obligation to ask for donations. Ordinances mentioned but not recorded in the Actas for the operation of the establishment would clarify the number and ages of the children affected and the care provided them. 83

The gradual omission of the padres de menores from the officials appointed by the cabildo and the single reference to an orphanage suggest that the cabildo usually relied upon religious institutions to shelter the homeless. The early steps the cabildo took in the area of childcare, which were at best partial solutions to a social problem, were nevertheless, animated by what the cabildo considered Christian principles. Serrano was charged with seeing to the religious instruction of the children under his care. The orphanage may have been established with a view to providing a potential group of laborers for its founders, but their petition was couched in religious terms, and the cabildo endorsed those terms. Although religious conviction may have been superficial in seventeenth century Santiago, the capitulares claimed to act in accordance with Christian precepts whether the cabildo worked alone as lay members of the Church or in cooperation with an ecclesi-

1627, pp. 405-406.

83 Actas, XXVIII, November 9, 1626, p. 393.
as tical institution on social questions relating to the care and education of youth.

The emphasis on externals, in regard to religious ceremonies, seems somewhat foreign to the twentieth century North American, but the cabildo had to act within the limitations imposed by its own Weltanschauung and must, therefore, be viewed from the perspective of its own value system. Elaborate religious services were designed to appease an omnipotent God who opened the earth beneath His subjects' feet to bring them to their knees. The anthropomorphization of the Deity into an absolute Master who laid about Him with a harsh hand may be one of the variables requiring consideration in accounting for men openly admitting that their sins brought direct, physical punishment from heaven and simultaneously lacking a sensitive conscience on matters of social justice. Attributing natural phenomenon to either divine or malevolent spiritual forces, nevertheless, was as old as man himself and persisted until a new faith in science replaced the former explanations of the unexplainable. Buffeted by nature, the Santiagoans may have felt that God was nearer to them than the king, who if he had tyrannical tendencies, had to exercise them from a distance, and who, in responding to his vassal's pleas may have appeared more benign than God.

The cabildo, aware that the city owed service to God and king, portrayed itself in its records as the legitimate local agency bearing the responsibility of securing the public welfare. The goal in staging processions, disputing finances with ecclesiastics,
and encouraging education, was attaining the common good (bien común), subject to the cabildo's definition of that term. Since the cabildo had such a lofty opinion of its role in society and government, its dignity had to be preserved so that its decisions would receive the necessary respect to be carried into action. Within this frame of reference, the conflicts with ecclesiastics and ecclesiastical institutions on questions of precedence are more understandable. What the cabildo meant by the common welfare and how it sought to further the temporal good of the city in the area of public health are illustrated in the following chapter.
CHAPTER VII

THE CABILDO AND PUBLIC HEALTH

In the Spanish American Empire, public health was not the clear-cut domain of any one institution or official. Viceroyals, audiencias, governors, cabildos, and religious orders all bore responsibilities relating to the health of the colonists and the natives. Individuals and institutions with overlapping jurisdictions dealt with the problems of sickness and disease. Within the framework sanctioned by royal law and by custom, the cabildo performed various functions regarding public health. As the municipal administrative agency struggled against disease with weapons furnished by the science of the period and the traditions matured on the peninsula, private and group interests and petty antagonisms sometimes intruded in the field of public health.

The cabildo considered chronic Indian alcoholism one of Santiago's major public health problems. In discussing the problem, the capitulares defined it in moral terms as a sinful cause of both disease and crime. The capitulares consistently linked native drinking, immorality, lawlessness, disease, and death. Intemperance was not only disastrous for the Indian himself but, in the cabildo's opinion, was harmful to public welfare because of the casualties it produced in the ranks of the laboring classes.¹

¹Actas, XXIV, July 9, 1610, p. 181; September 13, 1611, p. 277; September 15, pp. 278-279; September 23, p. 283; September 30, p. 285; XXX, February 28, 1628, p. 8, April 28, p. 13, August 26.
To eliminate alcoholic addiction, the cabildo attempted to prevent the sale of intoxicating beverages to Indians, Negros, and mixed blood groups. Both Philip II and Philip IV issued cédulas which were combined in the Recopilación as a general prohibition against the sale of wine to Indians who lived in villages apart from Spaniards. The two monarchs and Charles II forbade the selling and drinking of wine at Indian festivals. Thus the Chileans were following royal precedents in their attempts to impose temperance on the colored peoples of the laboring classes.

An often repeated injunction from the cabildo was for Spanish pulperos (shopkeepers) to run their own establishments or to hire other Spaniards as barkeeps. The purpose was apparently to keep laborers away from temptation because any individual the capitulares denoted a "servile person" (persona vil) was threatened with as many as two hundred lashes for selling wine to other non-whites. The autos which prohibited selling wine to Indians, Negros, and the castes stipulated fines for white violators and corporal punishment for non-whites. The enforcement technique within the city was somewhat vague in the Actas. The regidor serving as the cabildo fiel ejecutor undoubtedly had to report violations which would be tried by the alcaldes or the cabildo sitting as a judicial body. On occasion the cabildo allowed the private

p. 46, December 12, pp. 74-75; April 19, 1633, p. 410, April 26, p. 411; XXXIV, May 6, 1653, pp. 335-336.

2RLRI, book VI, tit. I, laws 36, 38; tit. XVI, law 63.

3See the references in n. 1 above.
citizen who denounced the forbidden practices to have a share of the monetary fines imposed. The cabildo made some attempts to have the alcaldes of the Hermandad enforce sobriety among the non-whites in the rural areas. Evidence that the cosecheros who were represented in the cabildo sold dangerous new wine to the Indians and other poor persons appeared when the new office of fiel ejecutor de las pulperías compuestas was sold in 1664.4

In 1635 the cabildo's lack of jurisdiction over the pulperías compuestas and a general laxity on its part in keeping a distance between non-whites and alcohol evoked an auto from Governor Laso de la Vega aimed at intemperance. Broader in scope than the cabildo ordinances because of the governor's wider jurisdiction, the auto followed the tenor of those enacted by the cabildo. It encompassed all traffic in wine in any places by any pulperos licensed by the cabildo or by the crown. Laso declared that widespread drunkenness led to grave "crimes and sins in the disservice of His Majesty" and to Indian deaths with a resultant decrease in the native population. Consequently, he forbade any Indians, Negroes, or mulattoes of either sex to purchase or barter for wine. Pulperos who violated the order were threatened with a penalty of 30 pesos. Indians were commanded, under threat of two hundred lashes, to sell their goods in the plaza instead of to the

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pulperos who customarily traded wine to the Indians for their goods. The cabildo obeyed Laso's order to enforce the auto in Santiago by having it announced in the plaza by the pregonero and by having all the pulperos and pulperas in the city notified of the new ruling. A note of racism appeared in the escribano's report that he had duly notified those who operated wine shops. All of the pulperos were identified by their full names except an Indian and a Negro woman who were mentioned only by their first names. Their race served as sufficient identification for the escribano's purposes. The cabildo gave the regidor Valentín de Córdoba an executive and judicial commission to investigate and try the cases arising from the order. Binding him in conscience to fulfill his duties, the capitulares lent him the practical assistance of the alguaciles. Thus the cabildo, as the enforcement agency chosen by the governor, delegated its authority to one of its members.

Toward the end of the century another product inducing intoxication not only among Indians but also among whites claimed the cabildo's attention. The capitulares complained about the ill effects of the beverage made from the coco palm trees. Efforts to prevent the making of the intoxicant appeared in the summer months. Frequently the inroads into royal taxes paid upon the exportation of coconuts to Peru were given as the reason for orders

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5Actas, XXXI, March 6, 1635, pp. 84-85, is a copy of Laso's order; the notifications to the pulperos and pulperas are March 8, pp. 86-87; Córdoba's commission is June 8, p. 109.
against cutting the trees to make the drink. The value of the trees for the fruit, fiber, and timber they produced was an unspoken reason.

The cabildo was honest in its struggle against alcoholism, or as it viewed the problem, drunkenness. The landed class represented in the cabildo wanted its workers to be numerous, sober, healthy, law abiding, and moral and said so in the pages of the Actas. The landed gentry recognized the advantage of furthering sobriety among the laboring classes. That the cabildo was not more successful and more persistent in its efforts to control, if not eradicate, alcoholism is part of the broader tragedy of the Indian throughout Spanish America. The cabildo's condemnation of drinking hit only on the surface of the problem of alcoholism. The aim was to stop alcoholism because it was believed to cause disease. The capitulares did not seek the underlying causes of native drinking itself. Lacking sympathy, and understandably, without scientific knowledge of the problem, the Spaniard himself was a major factor in producing alcoholism among his manual laborers. Harshness and cruelty contributed to the Indians' seeking refuge in intoxication. That the white men in the cabildo tried at all, even for selfish reasons, to protect the life and health of the non-whites is to their credit. Had the white residents' psychology been different, if the creole had not looked upon the Indian as a human being, worthy of concern because of the

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6Actas, XL, February 5, 1678, p. 195; XLI, January 9, 1684, p. 214; XLIII, February 10, 1693, p. 59; March 9, 1694, p. 148. Bilbar, II, pp. 132-133, mentions that the trees were near the
labor he performed, no amount of royal legislation or administra-
tive machinery could have prevented extinction. The Indians who
survived in Chile did so in spite of and because of the Spaniards.

The cabildo, which sought to prevent alcoholism among the
non-whites, also strove to safeguard Santiago from contagious
diseases. To lend dignity to the religious processions held to
invoke divine assistance in preventing or mitigating epidemics,
the cabildo usually issued a special order for street cleaning
which, by improving the always poor sanitary conditions, may have
had some slight remedial value. Although the epidemics which
occasioned religious services were usually called pestes (plagues)
without specifying the type of disease, the Santiagoans, who
planned the processions, had some knowledge of disease properties,
for two epidemics were identified as chavalongo (typhoid).

In a few instances when the cabildo tried to prevent conta-
gion from entering Santiago, the escribano mentioned the name of
the disease. Devices used by the cabildo to ward off or curtail
contagion included forbidding entry into the city by those infected
and prohibiting travel to areas known to have an epidemic. In
1621, the capitulares heard that some of the Negroes coming to
Chile via Buenos Aires and Tucumán had a disease. Before making a
decision on how to keep the slaves from spreading it in Santiago,
the cabildo agreed to write the corregidor in Cuyo beyond the
Maule River and in Quillota.

7Actas, XXXVII, August 9, 1660, p. 336, September 6, p.
375; XXXVIII, September 16, 1670, pp. 73-74.
cordillera to gather further information on conditions there. An individual who had brought Indians infected with the measles (sarampión) from Cuyo in 1622 was ordered to remain in his house upon arrival to spare the city from a possible epidemic. News of a "very severe pestilence" in Cuyo when Negroes and others were coming from there later in 1622 frightened the cabildo. After deciding that any person who entered the city would have to have a statement certifying that he was free from disease, the capitulares agreed to petition the audiencia to confirm the auto. To implement the decision, the cabildo delegated a regidor to go to Aconcagua, on the route from Cuyo, to detain the diseased persons.

Suspecting that a malady suffered in Lima might be transmitted aboard a ship which came from Callao, the cabildo, in 1626, sent a commissioner to investigate in an attempt to prevent possible contagion. The arrival of a vessel carrying passengers from Lima with measles in 1693 led the cabildo to consult with the physician, doctor Joseph de Avalos. On his advice, the cabildo agreed to ask the audiencia to use its authority in taking steps to forestall infection. The cabildo, despite its ostensible actions to protect Santiago's health, may have used its influence and power to restrict travel and commerce for some advantage to the capitulares themselves. Sharing the genuine fear of contagion, common to their contemporaries both in Chile and other parts

8Actas, XXV, October 29, 1621, p. 517; XXVIII, January 28, 1622, p. 8, October 27, p. 84.

9Actas, XXVIII, June 19, 1626, p. 377; XLIII, December 14, 1693, p. 125.
of the Empire, what more logical means could the capitulares employ to restrain the entry and exit of persons and products than reasons of health? Indians and Negroes might have been taken to estancias owned by cabildo members under the guise of being diseased. Individuals on commercial errands could have been detained until a capitular closed his own business agreement. Imports and exports may have been held until the market was favorable. Whatever real personal, group, or public spirited motives lay behind the declarations made in the name of public health, the cabildo voiced concern over contagion.

A decision taken in 1687 to have the capitulares collect bedding which had been used by the victims of an epidemic indicates a knowledge of the manner in which diseases were spread. Households stricken by the disease merely threw the contaminated mattresses and coverings into the streets. The capitulares' willingness to patrol the streets personally demonstrates a refreshing selflessness on the part of the cabildo members.

The cabildo's efforts to free Santiago from disease were paralleled by attempts to protect the sick from unscrupulous practitioners. Serving as a review board to prevent imposters or unlicensed individuals from opening practices in Santiago, one of its routine activities was the examination of credentials of persons in the professions related to medicine and surgery. Under

10 Compare the embargos on shipping wheat to Lima with the 1693 health decision.

11 *Actas*, XLII, August 8, 1687, p. 213.
royal law, the issuance of licenses to practice pertained to that medical officer known as the protomédico. In 1579, Philip II had required any individual desirous of practicing medicine to appear in person before a protomédico to be examined prior to receiving his license. Philip IV's repetition of a similar order in 1621 and 1648 indicates the Hapsburgs' continuing efforts to restrict the practice of medicine to qualified members of the profession.12

One título presented in the Santiago cabildo empowered its holder to serve as the protomédico in Chile itself. The document from Governor Alonso Ribera appointed Juan Guerra de Salazar, who was serving as a medical doctor in Santiago, as the protomédico in 1615. In naming him as Chile's "protomédico, alcalde y examinador mayor," the governor stated that Guerra had the "knowledge and experience in the faculties of medicine and surgery" sufficient to hold the office. The appointee received the exclusive right to license physicians and surgeons in the kingdom.13 The legality of Guerra's appointment is open to question because the governor may have lacked the jurisdiction to take such a step. How Guerra per-

12RLRT, book V, tít. VI, laws 1, 4. Charles V's extension of Castilian regulations on the practice of medicine to the Indies by stipulating that anyone prohibited from being a physician, surgeon, or apothecary under Castilian law was likewise barred from those professions in the Indies, is law 5. For copies of sixteenth-century cédulas regulating the practice of medicine and pharmacy and outlining some of the duties of the protomédicos, see Encinas, Cedulario, pp. 224-227. John Tate Lanning, Academic Culture in the Spanish Colonies (London: Oxford University Press, 1940), pp. 93-139, gives a general outline of medical practice in the Indies.

13Actas, XXV, November 13, 1615, pp. 115-116; see XXIV, June 8, 1612, p. 329, for mention of Guerra's position as the médico in Santiago; J. Eyzaguirre, Genesis, p. 133, says he was the first creole to practice medicine in Santiago.
formed his duties, if he exercised his office at all, is also a matter of conjecture.

The imprecise relationship between the protomédico in Lima and the kingdom of Chile received clarification in a cédula Philip IV issued in 1646. The king stipulated that Chile was under the jurisdiction of the Peruvian protomedicato (tribunal of the protomédico). In the same decree, Philip IV joined the position of protomédico in Lima to the cátedra de prima de medicina (first chair in medicine) in the University of San Marcos.14 Thus the holder of the more prestigious of the two professorships in medicine in the Lima University became ex officio the protomédico general for the entire viceroyalty.

The holder of the dual positions in 1691 appointed a deputy protomédico for Chile. Joseph Miguel de Osera y Estrela, the protomédico general, subdelegated his power to Joseph de Avalos y Peralta, who already held an appointment as a physician for Chile.

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14RLVI, book V, tit. VI, law 3, Philip IV decreed that the protomedicato of Peru would comprise Panamá and Portobelo as well as all the other areas encompassed in the provinces of Perú. Before beginning to exercise his office as protomédico, the professor of medicine had to secure a special título from the viceroy which listed his qualifications and academic degrees. The official had to present his título from the viceroy for confirmation of his position from the crown; the two requirements were evidently meant not only to insure a qualified individual's holding the position but also to allow for collection of fees upon his application for the documents.

Philip IV in 1638 had ordered that the University of San Marcos should have two chairs of medicine, one de prima (the first, originally the professor who lectured at that canonical hour) with a salary of 600 pesos ensayados at 12½ reales each. The other de visperas (the lecture in medieval universities given at the hour of vespers, that is, in the evening) was to have a salary of 400 pesos. The treasury officials were to release the funds for the salaries upon order from the viceroy, see Ibid.
from the Viceroy, the Conde de la Monclova. A previously licensed
médico (physician), Avalos received wide powers from the proto-
médico. He could investigate medical practices and visit apothe-
cary shops (boticas). He could punish any infractions against
laws issued by the crown or against ordinances made by the proto-
médico. Osera also conferred on Avalos the faculty to examine
persons seeking licenses in medicine, surgery, and pharmacy. Re-
serving the actual issuance of the license to himself, Osera or-
dered Avalos to forward proof that a candidate had passed the exa-
mination to Lima. The protomédico would then issue the license to
the candidate who had to pay the medianata due on his position to
the treasury officials in the viceregal capital. The appoint-
ment of the protomédico subdelegado was, therefore, meant to make
it somewhat easier for an individual in Chile to secure the
necessary títulos to practice professions related to the treat-
ment and cure of the sick. The royal law which required appli-
cants to appear in person before the protomédico for an examina-
tion and license had obviously proved difficult to implement. The
executive and judiciary powers were delegated to impede abuses by
those actually practicing with or without licenses. The viceroy's
willingness to appoint a physician to practice in Chile shows
Monclova's interest in his responsibilities toward public health.


15Actas, XLII, December 21, 1691, p. 427.

16Vargas Ugarte, pp. 421-427, treats Monclova's administra-
tion from 1689-1700; the Santiago cabildo had petitioned him to
appoint a physician for the city, see below.
The títulos from protomédicos which were presented in the Santiago cabildo followed a general pattern. The name and titles of the protomédico general alcalde examinador preceded the document. In the título the applicant's academic preparation was stipulated. A physical description of the licensee noting age, skin and hair color, stature, and distinguishing features was included. The listing of identifying features was intended as a precaution against impersonation should the título fall into an impostor's possession. A man's experience or internship were given. The core of the título was the protomédico's certification that the applicant had passed examinations in both the theory and practice of his chosen field of endeavor. The documents described the former as a series of questions asked by the protomédico and another physician. The latter was administered in a hospital where the applicant performed before at least one physician. The final portions of the título conferred the right to practice in any part of the Indies and stated that the individual had to pay the medianata. The document was then signed by the protomédico and dated at the place of issuance.17

During the seventeenth century, the cabildo usually observed the distinctions separating medicine, surgery, and pharmacy as they reviewed the licenses issued by protomédicos and accepted individuals as qualified members of their respective professions.

17For examples of the títulos in the Actas, see XLIII, February 17, 1696, pp. 360-363, June 20, pp. 391-393.
in Santiago. In 1634 the cabildo admitted Antonio de Tejada to the practice of surgery. A peninsular surgeon arrived in Santiago late in the century. Martín Galindo had made his way from Buenos Aires to Santiago after serving as a ship's surgeon on one of the vessels allowed to enter Buenos Aires during the 1690's. Although his título in Latin did not become part of the Actas, the escribano copied documents stating that he was a Spaniard whose emigration had been certified in Cádiz. His arrival in Buenos Aires was recorded there by the treasury officials, who indicated that he was en route to Peru. The Santiago cabildo granted him permission to practice in the city when he appeared with his papers in 1696. A doctor who was both a surgeon and a boticario (apothecary) received permission from the cabildo in 1691 to practice both his professions and to operate a tienda de botica (apothecary shop). Although the capitulares, in the total absence of a physician in 1619, permitted two individuals licensed only as surgeons to practice medicine, this was the exception rather than the rule.

Although the cabildo did not try to bring surgeons into Santiago, it endeavored to secure physicians for the city. The capitulares frequently attempted to make a contract with a médico

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18 Actas, XXXI, November 17, 1634, p. 55.

19 Actas, XLIII, March 2, 1696, pp. 366-369; see Haring, pp. 96-97, 329-331, for a discussion of legal and illegal trade through the port of Buenos Aires; cédulas of 1602 granting limited importation and exportation are in Col. doc. indé., first series, XVIII, pp. 325-328.

20 Actas, XXV, April 12, 1619, p. 332.
who as a permanent, resident physician would be bound, in return for a stipulated salary, to treat free of charge those who had contributed to his salary. The hospital existed for the care of the sick from the poorer classes. The idea behind the contractual arrangements seems to have been that a gentleman, his family, and servants, would remain at home to receive medical services from a family physician. The vecinos and moradores wanted their households to avoid the social and physical contagion of the paupers' hospital. In all fairness to the capitulares, it should be pointed out that some of the physicians who signed contracts with the city swore, as part of the agreement, to treat the poor without charging them. This probably meant those who were poor in fact as well as the contributors who considered themselves poor.

Various cities in Peru used similar procedures in contracting with physicians to practice in the municipality. Finally the contracts studied below should be viewed in the context of the cabildo's larger attempt to retain a physician in the city.

The procedure of hiring a physician involved a discussion in the cabildo of the city's need for a physician. While trying to secure financial pledges from both householders and religious orders to pay a guaranteed annual salary which was usually 2,000 pesos, the cabildo made the necessary contacts with prospective physicians. The contracts stipulated that the physician had to give those who contributed to his salary the first claim to his services; his presence in Santiago was deemed sufficient to merit

21Moore, pp. 184-188, mentions the custom.
calling him the "city's" physician.

The cabildo had reached some kind of agreement with Juan Guerra, the protomédico, for in 1612 the capitulares complained that his absence from the city harmed the vecinos who had salaried him as well as all the "gente" (common people) in the city because he was Santiago's only physician. He was warned to remain in the city under penalty of a fine of 200 gold pesos. Fear that Guerra might depart for Concepción in 1616 brought an order from the cabildo for him to stay in Santiago or face a 500 gold peso fine.\textsuperscript{22}

After two abortive attempts to make a contract in the 1620's, the cabildo's agent in Lima, the alférez mayor Francisco de Eraso, concluded a contract with Diego Felipe de las Heras in 1628. Unfortunately, when the cabildo examined his título it showed that he was a surgeon (cirujano) rather than the physician the cabildo had authorized Eraso to hire. The capitulares decided to bargain with Heras to remain as a surgeon with half the salary that Eraso had offered him on the city's behalf. Should Heras agree to the new terms he could treat patients who would pay fees, in addition to the vecinos who were to receive his services without charge. The alternative the cabildo suggested was release from the contract with travel expenses for his trip to Santiago. Some compromise was effected, because the cabildo received him as a surgeon and

\textsuperscript{22}Actas, XXIV, June 8, 1612, p. 329; XXV, January 15, 1616, pp. 124-125.
for an unexplained reason as a physician in October. 23

The escribano did not clarify the final terms of the agreement with Heras, but he must have found conditions in Santiago amenable, for he was still practicing in 1645 when the procurador Gaspar de la Barrera Chacón mentioned that the number of cases was greater than Heras could handle alone. The city, Barrera said, needed another trained physician to attend to the health of the vecinos and the conservation of human life. Barrera claimed to speak for many vecinos when he urged the cabildo to contact the religious communities for salary pledges for a new physician. The cabildo agreed to approach the bishop, the cathedral canons, and the religious communities and to call a cabildo abierto to discuss salary contributions. 24 Nothing followed to indicate that a physician was hired. The case, however, demonstrates the cabildo eagerness to have the clergy and religious share in the expense of securing a doctor.

By 1648 Santiago had begun to suffer from pestilence in the aftermath of the earthquake the preceding year. According to the procurador Antonio Chacón y Quiroga, disease took as many as eighteen lives a day in January. 25 The only physician in Santiago

23 Actas, XXVIII, July 28, 1628, pp. 23-24, October 13, p. 64.

24 Actas, XXXIII, March 2, 1645, p. 13.

25 Actas, XXXIII, January 10, 1648, p. 248; the procuradores in 1645 and 1648 were apparently unrelated; both, however, traced their families' residence in Chile back to Governor Hurtado Mendoza; Antonio Chacón y Quiroga belonged to the Cajal y Campo Lantadilla family which controlled the alguacilazgo; see Roa, pp. 337-338, 341.
at that time, was capitán Pedro Fernández, who was attached to the army. The capitulares, aware that he was selective in his practice, ordered him to treat all classes of people. When Fernández tried unsuccessfully to get a license from the governor to leave, the cabildo added a threat of a 500 peso fine if he left without permission. Dissatisfaction with Fernández and fear that the city would be totally deprived of medical services led to discussion on the need to hire a new physician. Before the meeting held on October 23, the capitulares had secured permission from the audiencia to assign contributions to the vecinos and the religious in order to be able to offer a prospective physician an annual salary of 2,000 pesos. The capitulares themselves agreed to underwrite the salary. They hoped, in vain as it happened, to conclude a contract for a six year period. 26 Thus, in the crucial post-earthquake period the cabildo showed itself to be public spirited. Cooperation with the governor and the audiencia also mark the events of 1648.

Using the same basic technique followed in 1648, the cabildo began a new search for funds and a physician in 1652. By 1653 a physician had accepted the terms offered him on the cabildo's behalf. In January, 1654, the capitulares received a letter from doctor Diego Rodrigo Enríquez Sotelo written in Buenos Aires on August 30, 1653. Informing the cabildo that he had accepted the contract offered by individuals authorized to act in Santiago's

name, he asked the capitulares to send 400 pesos to Mendoza to help pay travel expenses. The cabildo decided to collect the sum from the vecinos and moradores who had pledged funds for the salary. When Enríquez reached Santiago in June, portions of the contract were copied into the cabildo records. The salary agreed upon of 3,000 pesos annually for six years was divided among 100 households of vecinos and moradores and among the religious communities. All contributors had to furnish a guarantee of payment. The religious groups had to delegate a layman to give security for their payments. Further insuring Enríquez prompt payment, the procurador was to pledge payment from the city's revenues. The contract stipulated that the síndico-mayordomo of the city would collect the contributions from the householders. However, Enríquez had to approach the religious for their shares himself.27

The conclusion of the contract was only the beginning of the difficulties between Enríquez and the cabildo. He immediately asked the cabildo not to deduct the 400 pesos traveling expense money from his salary. The cabildo agreed to divide the sum among all the people in the city, including the merchants who were not parties to the contract. The capitulares had obviously been remiss in collecting the pesos from their own class as originally agreed. Within three months after its signing, the contract terminated by mutual consent between the physician and the cabildo. The capitulares released Enríquez to practice free-lance as he requested on

August 14, but demanded that he continue to attend those who had paid for 1654 during the remainder of the year. Enríquez encountered major financial problems when he attempted to collect money owed him for services while the contract was in effect. His decision to depart for Lima made the cabildo even more dilatory toward its financial obligations. Even intervention by the audiencia and the governor did not bring prompt payment. If Enríquez arrived in Lima, he was not a favorable advocate in Santiago's subsequent attempts to find physicians. Enríquez himself may have planned from the outset to use a brief practice in Santiago to finance his trip to Peru.

The unfortunate involvement with Enríquez did not disillusion the cabildo about the advantages of having a physician under contract. The cabildo found another candidate for the position of resident practitioner for the Santiago vecinos in 1670. Antonio de Carneaceda y Castro had accompanied the Marqués de Navarroquende when he came to Chile as governor. Carneaceda was a limeño who had earned his degree in medicine in the University of San Marcos before practicing two years with a physician who was in the University's medical faculty. Upon being granted his título by the protomédico general, Carneaceda secured an appointment from the Viceroy, the Conde de Lemos, to accompany the new governor and the troops he took to Chile in the capacity as physician and surgeon.

for the kingdom. He was licensed to practice medicine, surgery, and the apothecary's art; by 1670, he had completed his tour of duty and planned to return to Lima.29

When Santiago failed to conclude a contract by sending powers of attorney to Lima, the alcalde of vecinos, Juan Rodolfo Lisperguer, suggested that the cabildo should hire Carneaceda by dividing his salary among the vecinos according to the size of their families. Six of the capitulares voted to collect 2,000 pesos from the vecinos and religious to offer Carneaceda. They also favored placing a clause in his contract which would prevent him from interfering with other physicians who practiced in the city and prohibit his making or selling medicines in his residence. They wanted him to have the special obligation of "treating the people of service and the entire family and domestics of the household" that salaried him. Three others, including the alguacil mayor Antonio Martínez de Vergara and the alférez Francisco Eraso, suggested that the amounts to be given by the families should be determined in a cabildo abierto. The alguacil further added his opposition to the use of force to collect funds from the vecinos.30

No cabildo abierto was forthcoming, but the capitulares proceeded to obtain voluntary pledges from vecinos and religious houses. Carneaceda, with contract or without, continued to prac-

29*Actas, XXXVII, April 27, 1668, pp. 252-255; XXXVIII, October 10, 1670, pp. 75-77. The Lima physician with whom Carneaceda had practiced was Antonio de el Viso, catedrático de vísperas in San Marcos.

30*Actas, XXXVIII, October 10, 1670, pp. 75-77.
tice in Santiago until 1678. His decision to retire brought a protest from the cabildo which convinced him to resume practice until at least 1680 when references to him cease in the Actas.31

The cabildo started maneuvers for a new physician in 1690 by petitioning the viceroy to appoint a physician for Santiago. The negotiations proceeded smoothly in Peru with the Conde de Monclova appointing Joseph de Avalos y Peralta to the post of municipal physician, who then received his commission as protomédico subdelegado. The prestige of serving as deputy protomédico did little to further Santiago's compliance with its promise of a salary of 2,000 pesos per year from the city's vecinos and religious. Although the cabildo accepted him as the subdelegate in December, 1691, the first serious attempt to arrange for his salary came in April, 1693. In December the corregidor Fernando de Mendoza Mate de Luna reminded the cabildo of its laxity in meeting the financial obligation to Avalos. Meanwhile, Avalos himself had determined to return to Lima because he believed that if the contract were fulfilled he would be obliged to see so many patients that he could not attend to all of them.32 Recognizing the poverty of the Santiagoans, the lack of city revenue, and Avalos' reluctance to remain under contract, the corregidor proposed a solution to the multiple dilemma. Mendoza suggested that to keep the

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31See Actas, XXXVIII, October 10, 1670, pp. 75-77, November 4, p. 83; XL, January 21, 1678, p. 187; January 28, pp. 187-188; November 22, 1680, p. 428.

physician in the city he should be released from the contract and allowed to choose his patients. As a premium for staying in the city, Avalos should receive 600 pesos for a two year period. City revenues reserved for public works, the corregidor reasoned, could be used because keeping the physician was a "public" matter benefiting the "common welfare." The duty on goods shipped through Valparaiso, the balanza tax, was the source he suggested for the payment. Since the release of those funds had to come from the audiencia, the cabildo, in approving the plan, agreed that the procurador of the city should petition the court to make the appropriation. The audiencia granted the request with the right to reverse the decision if the king should disapprove of it. Avalos accepted the new arrangement and received his 600 pesos in May, 1694.33

The concept of a municipal physician was broadened somewhat by the new arrangement. The médico was no longer legally tied to the vecinos. His decisions to administer to the sick would be his own while the city would provide a basic income to insure his remaining in Santiago. This new contractual form replaced the older one in the cabildo's last employment of a municipal physician in the century. When Avalos secured a license to return to Peru, he obtained the cabildo's acquiescence to his leaving Chile after the audiencia applied a little pressure. The oidores and the capitulares then worked together to have Avalos serve as Santiago's

agent in Lima to hire a replacement. 34

Lending authority to his efforts, the cabildo agreed to write the viceroy requesting the appointment of a physician for Chile. The cabildo also furnished Avalos with a document from the audiencia emphasizing Santiago’s need for a physician. Avalos performed his mission, concluding an agreement with Faustino de los Ríos Bermejo y Santillán. Before the new physician arrived, Pedro Agustín de Ochandiano y Valenzuela, another physician, appeared to complicate the contract momentarily. Admitting him to the practice of medicine in February, 1696, the cabildo considered suspending the contract negotiated with Bermejo. However, Bermejo’s own arrival saw the conclusion of the pact with him whereby the cabildo promised him a basic salary of 600 pesos per year from the city’s propios or the balanza funds. Bermejo pledged to practice in the city, collecting fees from religious and laymen on an individual basis, and swore to attend the poor and orphans free of charge. 35

The last two contracts in the century indicate a lessening of the communal or cooperative spirit which had permeated the earlier ones. Although the term community must be used with caution in any discussion of a stratified society, those who worked to negotiate contracts and made contributions to a salary were

34 Actas, XLIII, April 22, 1695, p. 248, May 6, pp. 254-255, June 17, p. 268, July 30, p. 280.

35 Actas, XLIII, February 17, 1696, pp. 360-361, February 17, pp. 360-363, is Ochandiano’s título and reception by the cabildo. May 11, p. 380, is the proposal to have him take Bermejo’s place; June 1, p. 383, June 30, pp. 386-393, June 25, pp. 393-394, are Bermejo’s título and contract.
operating not only from personal motives but also for the better-
ment of the community, narrow though it was, to which they be-
longed. The decision to release the physician from an agreement
to serve contributors first or exclusively was a step, whether de-
liberate or unplanned, to impose the responsibility of the ethical
selection of patients on the physician. His free choice of
patients would place the burden of that choice on his conscience.
The individual Santiagoan would have to make his separate arrange-
ments with the physician to obtain services, hoping that the
physician would keep his oath to perform gratis services for the
unfortunate. In the mutation of the contractual concept there is
a sign of an embryonic laissez faire.

To conclude the last two contracts, the cabildo, with the
audiencia's permission, used the balanza funds the crown claimed
as its own revenue. The audiencia which controlled the monies to
be used for public works projects deemed the procurement of a
resident physician a matter public enough to warrant the release
of the funds. Thus the crown through its ministers in Chile as-
sumed the financial obligation for maintaining a resident physician
in Santiago.

The problems inherent in the earlier contracts had contri-
buted to the change in form. Healthy vecinos must have resented
supporting a physician so that sick ones could have medical ser-
vices. Large households would argue for an equal division of the
salary; smaller ones would favor basing a contribution on the num-
ber of individuals in the household. Thus the vecinos, loathe
themselves to pay a physician's salary came to rely on the crown's largess to underwrite his residence. The cabildo, as the city's contracting agent for physicians during the century, signifies the great trust the Santiagoans rightly or wrongly placed in the powers of the medical science of the period. Society demanded the residence of a qualified medical doctor. The prestige of the city as well as the health of its residents were believed to be enhanced by the presence of a physician.

Further evidence of the respect given physicians and their science appeared in the cabildo's attempts to detain physicians who happened into Santiago. The various efforts to hire physicians on a contractual basis were punctuated with pleas to delay departures of physicians who had come to Chile. In 1656 the cabildo remonstrated against the decision of the vice-provincial of the Jesuits in Concepción to transfer brother Juan Ramírez from Santiago. The capitulares agreed to send a written request to him to allow the brother to continue his good work in curing the sick because it would be an "act of charity" in view of the deaths the city suffered because of its lack of a lay physician. Until a reply should come, the alcaldes were to plead with the head of the Jesuit colegio to suspend Ramírez's departure until permission for him to stay would come from Concepción.36 The cabildo evidently thought that it was not unsuitable to plead with religious superiors on the basis of charity toward their fellow men.

A similar situation prompted a similar response at the end

36Actas, XXXV, September 2, 1656, pp. 208-209.
of the century. With the approach of summer in 1691, the presence of the contagious disease tabardillo (burning fever) and the absence of any physician with experience in treating it other than the padre fray, Pedro Omepezoa y Rivera, led the cabildo to petition the audiencia to prevent his going to Lima.37 The cabildo in both 1656 and 1691 had officially recognized the benefit derived from members of the clergy.

In 1659 the cabildo attempted to secure the residence of a physician who was on his way to Peru. The governor of Buenos Aires had routed three Frenchmen to Lima via Santiago. Since Spain was at war with France until the Peace of the Pyrenees, the men were probably political prisoners.38 Their status as foreign subjects of an enemy monarch did not deter the cabildo's desire to have one of them, who was a physician, remain in Santiago. Moreover, the procurador Antonio Calero, as he proposed that the cabildo should exert its influence to have the médico stay, claimed to speak for many of the city's vecinos and religious. Rumor had it, Calero reported, that the physician, who had successfully treated some Santiagoans, was graduated from the University of Paris. Petitions subsequently presented from the cathedral canons and from the religious orders asked the cabildo to urge the audiencia to allow the physician to remain. The cabildo instructed the procurador to ask that the physician be allow to stay until the capit-

37Actas, XLII, October 12, 1691, pp. 418-419.

38Actas, XXXV, January 18, 1659, pp. 432-433; on the Peace of the Pyrenees see Elliott, pp. 351-352.
tulares could petition the viceroy. When the audiencia refused the request, the cabildo wrote the viceroy requesting the physician's return. 39 The Actas, however, do not indicate that the foreign layman reappeared to practice in Santiago. The cabildo, nevertheless, had tried to secure his services for the city.

Despite the cabildo's reverence for the medical profession, it did not reach the point of gullibility. Suspicion of unlicensed practicing or malpractice led to a general review of licenses, in which the títulos of physicians as well as those of surgeons and boticarios were subject to re-examination by the capitulares. Given the scarcity of professionals available to rule on credentials and standards of practice the cabildo performed a public service by even threatening to bar an unqualified individual from practice.

When a general review of credentials in 1619 revealed that there was no graduate physician in Santiago, the cabildo allowed two surgeons who had been successful in practicing medicine to continue despite their lack of academic preparation. The cabildo limited another licensed surgeon to surgery. All other self-styled physicians were ordered to stop practicing medicine under penalty of a 100 gold peso fine for the royal cámara and cabildo judicial expenses. 40 In 1654 the alférez Eraso and the proprietary regidor Martín Ruiz de Gamboa were delegated to examine the papers of all

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40 Actas, XXV, April 12, 1619, p. 332.
Those who claimed to be physicians, surgeons, barbers, or apothecaries. Women as well as men were to submit documentary proof of their legal right to practice, and Eraso and Ruiz were empowered to levy fines against unauthorized practitioners. The inclusion of women suggests that the target of this investigation was the practice of folk medicine.

The capitulares in 1680 limited the practice of medicine to the two licensed physicians the cabildo had admitted to practice. Naming the other practitioners known to perform services in the field of medicine, the cabildo ordered them to stop with a threat of a 50 peso fine divided between the royal treasury and municipal public works. One of the duly licensed and received médicos, Simón Morato de la Rea, came in for criticism from the proprietary regidor Diego de Aguilar Maqueda the following year. Informing his fellow capitulares that he knew the cabildo had allowed Rea to begin practicing in Santiago after he had presented his título issued by the protomédico Juan de Páramo in Panamá, Aguilar urged the cabildo to re-examine the título and to evaluate Rea's ability. Experience had shown, Aguilar complained, that Rea was unsuccessful in his practice. The regidor was probably one of those who had suffered at the hands of Rea, for before the year was out, Aguilar had died, furnishing a rather dramatic, personal climax to his appeal. A decade later the cabildo made one final attempt to curb

\[41\] \textit{Actas}, XXXIV, June 1, 1654, p. 464.
\[42\] \textit{Actas}, XL, November 22, 1680, p. 428, December 6, p. 428.
\[43\] \textit{Actas}, XL, October 19, 1680, pp. 422-423, is the cabildo's
unlicensed or malpractice by calling for a presentation of credentials by all who practiced in the city. If the cabildo were ineffective in improving standards of practice, it is not to its discredit. In the present day, neither governmental agencies nor professional associations have succeeded in banishing the quack who poses as a physician.

The cabildo showed itself intermittently active in its relationship with the hospital of Nuestra Señora de Socorro which existed for the poor and the Indians. By endowing it with property, the sixteenth century founders of Chile had followed the spirit of the law issued by Charles V in 1541, ordering that hospitals be founded in the Indies for the treatment of the sick. They were also continuing a practice sanctioned throughout Europe for the support of charitable institutions. The Santiago hospital in the seventeenth century had both urban and rural holdings including a mill and cattle herds. Like other religious and semi-

reception of Rea with a título given in Panamá, January 12, 1680; XLI, February 15, 1681, pp. 22-23, is Aguilar's petition for a re-examination of the credentials; November 30, pp. 80-92, gives a statement on Aguilar's death and his renunciation of his regiments.

44 Actas, XLII, September 7, 1691, p. 410, October 12, pp. 418-419; the fine was again 50 pesos.

45 Valdivia established the hospital shortly after founding Santiago, see J. Eyzaguirre, Genesis, p. 111; see RERT, book I, tit. IV, law 1, for Charles V's decree. Cédulas authorizing expenditures from the royal revenue on the Indian hospital in Mexico City are in Vasco de Puga, Provisiones, cédulas, instrucciones para el gobierno de la Nueva España (Madrid: Ediciones Cultura Hispanica, 1945), folios 140, 190-191; this edition is a facsimile of Puga's compilation published in 1563; Encinas, Cedulario, I, pp. 219-222, also has decrees regarding hospitals including grants of royal revenue for their support.
religious institutions in Spain and the Indies, the hospital invested its capital derived from endowments in income bearing properties. A special chaplaincy provided one of the clerics in the city with a benefice. Thus the cabildo's role as patron of the hospital involved not only a general concern for the care given the sick but also some supervision of hospital property. The *Actas* are vague about the exact nature of the patronage the cabildo exercised. One reason for the lack of a precise definition of the legal status of the hospital concerning the cabildo was the overlapping jurisdictions involved in its administration. In the seventeenth century, the governor was the key figure who appointed personnel for the institution and administrators for its property until a religious order assumed most of the governor's former functions. The endowments, from which the hospital derived its funds to minister to the poor and the Indians, cause further ambiguities. At least one benefactor had appointed the cabildo as the patron for the property he bestowed on the hospital. The undefined nature of the cabildo's authority over the hospital gave the capitulares the latitude they used on occasion to lobby for an extension of that authority.

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46 *Actas*, XLII, September 12, 1687, p. 224, has a reference to Bartolomé Flores' stipulation that the mill he left to the hospital was to be used to support a chaplain with the cabildo serving as the patron. Flores, an ancestor of the Lisperguer family, was a German immigrant, a carpenter by trade, who after participating in the Peruvian civil wars in the 1530's followed Valdivia to become a vecino encomendero in Chile; one of his daughters by an Indian cacica married Pedro Lisperguer, another German Hapsburg subject, who had entered Chile with García Hurtado de Mendoza; see Rca, pp. 12-13, 316-318.
When Governor Alonso de Ribera appointed Bartolomé Martínez Palomeque in 1612 as the mayordomo of the hospital, he mentioned that the cabildo had been influential in convincing him to assign the appointee a salary. Ribera allotted Martínez money and goods drawn from the hospital's wealth in the amounts of 200 gold pesos, 20 fanegas of wheat, 50 sheep, 12 jugs of wine, and 12 cartloads of firewood annually. In addition, the mayordomo could occupy a house belonging to the hospital free of charge.

For his salary, Martínez had to perform certain specified duties. Ribera placed the care of the sick under the general supervision of the mayordomo and the cabildo. Each week Martínez and one of the regidores were to check on the treatment given patients. Martínez himself was to follow orders issued by the hospital's doctor on the care of the sick and cooperate with the religious who worked among the patients. He had to keep records of the patients' entry into and departure from the hospital, noting the illness of each one and having the record signed by the

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47 Actas, XXI, October 9, 1609, p. 145, records the appointment of a cleric as the hospital's unsalaried mayordomo with the duty of having his accounts audited by laymen. In the sixteenth century a mayordomo was selected by the governor and the bishop of Santiago acting together. The bishop nominated a candidate, the governor presented him, and then the bishop canonically installed him. The individual who went through the process reflecting the complexities of the patronato real presented his título before the cabildo. He received an annual salary of 150 gold pesos in cash plus payments in kind from the hospital's properties, see XX, April 20, 1587, pp. 93-96; XXIV, May 18, 1612, pp. 319-322, is Martínez's título.

48 Actas, XXIV, May 18, 1612, pp. 319-323.
physician. 49

Furnishing the hospital with supplies was the mayordomo's exclusive charge. He was instructed to be thrifty in his purchases, supplying the hospital's needs with moderation. From the hospital's income, he had to procure beds, medicines, food, and the preserves and sugar believed to have curative value. 50

The governor enjoined Martínez to safeguard the morality of the patients by seeing that the "natives, Spaniards, and other persons lived with rectitude": while confined to the hospital. Male and female patients were to be separated from each other behind high walls and locked doors. All persons whether patients or hospital employees were to attend Mass on every Sunday and holiday. Indians were to pray twice each day to inculcate Christian habits of living. Playing games, cursing, and blaspheming were prohibited within the institution. 51 Thus Ribera sought to give the mayordomo wide powers over the physical and spiritual welfare of the sick with the cabildo receiving a minor supervisory role.

The administration of hospital property fell under the direct charge of the mayordomo. He had to supervise the estancia which belonged to the institution and to oversee the slaughter of herds at the appropriate times. He was to make investments in sound properties so that the funds would earn profits. Ribera ordered Martínez to keep records of his financial activities. His

49Ibid.
50Ibid.
51Ibid.
account books were to be audited every four months by two regidores who had to sign the sections they examined and report to the governor on their findings.\textsuperscript{52} The capitulares were, in effect, the governor's appointees to prevent irregularities in Martínez's administration.

Before having the property entrusted to him, the governor required Martínez to furnish financial security for fulfilling all his obligations and to swear before the cabildo that he would perform his duties. The cabildo approved both Martínez and his fiadores and agreed to have the depositario general Ginés de Toro Mazote assist when the mayordomo received the property.\textsuperscript{53} The cabildo, therefore, had a control over the beginning of the term of the new administrator, who served until 1614, when he was replaced by Manuel de Fonseca, a cleric, who had the same powers and salary as his predecessor.\textsuperscript{54}

The cabildo took its duties to visit the hospital and to check the mayordomo's accounts rather seriously. One of the hospital inspections in 1613 provoked the cabildo to order the mayordomo to supply mattresses, blankets, and sheets for the hospital under penalty of having them purchased and the cost deducted from

\textsuperscript{52}Ibid.; in 1583 Governor Alonso de Sotomayor had given the cabildo a commission to appoint two individuals, one a capitular and the other a "caballero vecino" from outside the cabildo to visit the hospital each month and to audit the accounts of the mayordomo, see \textit{Actas}, XX, October 26, 1583, pp. 143-144.

\textsuperscript{53}\textit{Actas}, XXIV, May 18, 1612, pp. 319-323.

\textsuperscript{54}\textit{Actas}, XXV, August 21, 1614, pp. 48-49, is Fonseca's appointment; he was a Portuguese who had left the Jesuit order but retained his clerical status, see J. Eyzaguirre, \textit{Genesis}, p. 205.
his salary if he failed to comply. In 1614, the cabildo ordered a general audit of the accounts of the mayordomos who had held the office before Fonseca and issued a special commission to Francisco Lares to act as the juez in the accounting.\textsuperscript{55}

The cabildo's relationship with the hospital changed slightly by the permanent transfer of the hospital's administration to the order of San Juan de Dios in 1617.\textsuperscript{56} The initiative for the move to place the order, well known for its hospital work in the Indies, in charge of the hospital came from Governor Ribera who requested the viceroy and the superior of the order in Lima to provide the religious necessary. The Príncipe de Esquilache and the superior, fray Francisco López, sent four brothers to run the hospital and handle its property.\textsuperscript{57}

Upon arrival of the brothers in Chile, Ribera designated brother Gabriel de Molina as its mayordomo. Because of a hospital's semi-religious nature, it fell under the royal patronage. This, Ribera noted as he empowered Molina to become the mayordomo, would remain unchanged. The governor would continue as he had in

\textsuperscript{55}See Actas, XXIV, June 8, 1612, p. 329, June 14, pp. 331-332, June 22, p. 332, March 12, 1613, p. 396; XXV, April 12, 1614, p. 25, July 10, 1615, p. 105, February 12, 1616, p. 128, February 23, p. 128, March 8, p. 130, May 10, p. 144, June 1, p. 145, September 22, p. 158, for visitations. For discussions of the audit see, XXV, February 14, 1614, p. 17, February 17, pp. 18-19, April 12, p. 25, January 24, 1615, p. 84; unfortunately no records of the findings are given.

\textsuperscript{56}See RLRI, book I, tit. IV, law 5, regarding the order.

\textsuperscript{57}Actas, XXV, April 17, 1617, p. 196, April 18, pp. 197-204 contains the background information on the transfer and the transfer itself.
the past to appoint not only the physician, surgeon, apothecary, and barber but also the chaplain for the hospital. However, if a priest of the order were to be sent to Chile, the chaplaincy would be conferred on him. The superior had obviously made sure that the income from the benefice could accrue to his order in the future.

Ribera placed Molina in direct control of the hospital's property and income. The governor demanded that the friar post bond to guarantee that he would allow his accounts to be audited by special gubernatorial appointees. The cabildo thereby lost any power to check hospital finances. However, Ribera's death shortly after issuing the título of appointment gave the cabildo an excuse to hesitate in allowing the transfer to proceed. When Molina presented his título, the capitulares voted to postpone his reception.

After the city procurador Juan de Astorga registered a complaint in the audiencia against the cabildo for failing to receive Molina, an order from the oidores to accept the friar, as Ribera had commanded, ended the delay. For the transfer of the property to Molina, the capitulares delegated the alcalde Santiago de Uriona and the depositario general Ginés de Toro Mazote to give the mayordomo the papers relating to the urban and rural holdings.

58 Ibid.
59 Ibid.
60 Ibid.
The cabildo, despite the permanent transfer of the mayordomía of the hospital, wanted to retain its own position as patron of the hospital. In 1618 the capitulares agreed, in response to the order's request, to petition the king to confirm the brothers of San Juan de Dios as administrators of the hospital, with the condition that the cabildo would still exercise patronage over the institution. Both before and after the brothers secured royal confirmation, the cabildo continued to perform its customary functions of reviewing documents presented by some of those who practiced in the hospital and of visiting the institution. According to the evidence in the Actas, all the cabildo had lost by the transfer was a tenuous authority to audit accounts.

The transfer of the mayordomía to the brothers of San Juan de Dios portrays the interaction of the crown, viceroys, governors, audiencias, religious orders, and cabildos in the realm of public health. The governor, probably because of inefficient or corrupt administration of the hospital's property and undoubtedly responding to complaints from Chileans about that administration, took the initiative in obtaining a religious order which would undertake permanent trusteeship. The viceroy approved the step and, working with the religious superior through the complexities of

61 Ibid.

62 See Actas, XXV, June 1, 1618, p. 257, December 20, 1619, pp. 359-362; the document conferring royal confirmation is not recorded in the Actas, but the cabildo studied it in 1654, see XXXIV, April 27, 1654, p. 445, May 2, pp. 445-446.
the patronato real, sent the brothers to Chile. There the governor appointed an individual friar to represent the order in administering the property. Reluctant to accept the new dispensation which excluded them from their customary role in auditing accounts, a function not lacking opportunities for bribery, the capitulares tried a delaying tactic. A protest from the procurador brought audiencia intervention. The order secured the cabildo as an advocate for royal confirmation, with the capitulares inserting their plea that the city council should continue to be the hospital's patron.

After the friars began to operate the hospital and administer its property, cabildo interest in the institution fluctuated. The cabildo enhanced the value of the hospital's property and increased its holdings by having a canal opened to the hospital's mill and giving the prior of the order a plot of land adjacent to the mill. In making the grant, the cabildo remarked that as the hospital's patrón, it deemed the land beneficial to the hospital. Issuing a license to make adobes for the mill, the cabildo exempted the friars from the customary donation of one-third of the bricks for public works.63 The capitulares appreciated the good work of the hospital and meant to see it continue with the help they could furnish.

The cabildo also showed gratitude to individual friars for the services they rendered. When padre Jorge de Ochoa received

63 Actas, XXV, February 12, 1621, p. 459; XXX, March 15, 1633, p. 409; XXXI, February 26, 1636, p. 165.
orders from his superior to return to Lima, the governor denied him a license to leave. The friar took his appeal to the oidor Juan de la Peña Salazar who also had authority to handle applications for licenses. Peña asked the cabildo for its opinion before deciding. The capitulares thought Ochoa should remain in the city until the superior could be convinced to change his mind, for they believed that the sick should not be denied the "charity" Ochoa showed them.64 In this instance the governor, audiencia, and cabildo had worked together in a matter concerning the welfare of Santiago residents.

Hospital inspection visits continued with more or less regularity until lassitude ended them. Following a visitation in 1627 when the alcalde Gaspar Calderón reported that the Indians' infirmary needed mattresses, the cabildo told the brothers to supply them. More frequently, the Actas recorded only the appointment of pairs of capitulares to inspect the hospital until mid-century showed negligence in this, and the cabildo resolved to revive the visits.65 By 1687 when Santiago suffered from an epidemic, the cabildo's former practice had been all but forgotten. The capitulares had either come to ignore the hospital or to trust the brothers who ran it. Complaints from Santiagoans about the poor treatment given patients ended the complacency toward the institution. The interim fiel ejecutor Joseph Collart discovered in the

64Actas, XL, April 10, 1676, pp. 39-40.
65Actas, XXVIII, November 26, 1627, p. 487, December 2, p. 488; XXXIV, January 19, 1652, p. 206, is the agreement to revive the inspections.
old records that, in the past, the cabildo, acting as the hospital's patron, had appointed two regidores to inspect it. His fellow capitulares instructed him to search further in the cabildo books for precedents in order for them to formulate a plan of action. That the cabildo envisioned not only a revival of its supervisory role over the care of the sick but also some control over hospital property became apparent as Collart reported that the cabildo was the patrón of the hospital's mill by virtue of the terms of the endowment. The cabildo delegated him and the procurador Luis de Cárdenas y Ovalle to find out from the prior of San Juan what property the city had entrusted to the friars when they took over the hospital. The long forgotten duties toward the hospital were thus recalled in a thinly veiled and apparently fruitless attempt to regain some control over the properties the brothers administered.

The resentment toward the order evidenced by the 1687 proceedings was a reflection of an earlier case involving the brothers. When the cabildo was trying to repair the bridge over the Maipo River, it pleaded with the governor to allow a toll to be collected on the cattle crossing the bridge. The plan was to

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66 *Actas, XLII*, May 2, 1687, pp. 203-204, September 12, p. 224; the cabildo may have had a case in law under the provisions issued by Philip IV in 1652 in regard to hospitals administered by the order of San Juan de Dios. The king decreed that the brothers were trustees of the property of hospitals, not owners of the property itself, see RLRI, book I, tit. IV, law 5, clauses 11-12. If the capitulares were able to prove that the brothers had usurped ownership, the law would have been in their favor; the same decree stated that the members of the order in Santiago were subject to the order's Vicar General in Lima for matters of ecclesiastical jurisdiction.
allow the cabildo to take 3 percent of all cattle, including those owned by religious orders and by the hospital to cover repair expenses. This illustrates the envy aroused by the comparative prosperity of the religious establishments in Santiago. If the capitulares could require religious orders and charitable institutions to contribute to public works projects, the vecinos' financial responsibility for public improvements would be lessened.

Cooperation and antagonism appeared between the Society of Jesus and the capitulares when the city's boticas claimed the cabildo's attention. The capitulares tried to impose quality and price regulations on the operators of the apothecary shops. In the sporadic inspections of the boticas, an alcalde and a regidor were usually accompanied by a physician. On one occasion, the cabildo agreed to visit the Jesuit drug dispensary in a body. On another, an apothecary had his wares inspected by the corregidor.

The Actas contain indications of a vague displeasure with Jesuit claims that ecclesiastical immunity protected the order's botica from visitation by secular inspectors. In 1644 the cabildo backed the lay boticario Andrés Ruiz Correa in his attempt to have the apothecary shop in the Jesuit colegio closed because of the competition it gave him. Complaints against high prices the Jesuits were charging in 1646 reached the procurador Francisco de Urbina y Quiroga, who urged the cabildo to investigate their

67 Actas, XXXIV, October 27, 1651, p. 190.
68 Actas, XXVIII, March 20, 1624, p. 182, August 29, 1625, p. 299; XXX, January 11, 1630, p. 149; XXXIII, January 27, 1645, p. 6; XXXV, January 29, 1655, p. 10.
prices. The capitulares sent an alcalde, a regidor, a physician, and the boticario Andrés Ruiz on the mission. The city's need for a public apothecary shop operated by a layman who would be subject to visitation and punishment merited discussion in 1654. A secular proprietor was found who entrusted the actual apothecary work to a Dominican friar. When the cabildo petitioned the Dominican prior in 1660 to allow the lay brother Antonio Duarte to remain in Santiago to dispense drugs from the shop Francisco de Pasos owned until another boticario could be found, the audiencia worked in conjunction with the cabildo in attempting to keep Duarte in the city and in contacting a new apothecary in Lima. 69

The clearest explanation for the earlier decisions appeared in the session of February 10, 1696, as the alcalde Pedro Covarrubias Lisperguer reviewed the merits and defects of the Jesuit establishment. He pointed out that the botica in the colegio was the best supplied and equipped of those in the city. Covarrubias, nonetheless, thought that its location within the colegio's cloister had disadvantages. In the first place, it had to close at noon and at night. Secondly, it could not be visited. The cabildo followed his suggestion to try to get the rector of the colegio to open a window on the street to obviate both problems. Before approaching the rector, the capitulares instructed the procurador to consult the cabildo's attorney to see how to proceed. The caution was well advised, for the Compañía de Jesús had

experience in defending itself in the audiencia. 70 Despite steps taken against the Jesuit apothecary shop, the continued operation of the botica testifies to the general satisfaction with the products sold there. Exaggeration of infrequent complaints voiced over a fifty year period would be an error.

The Actas do not furnish the exhaustive materials necessary for determining actual health conditions in Santiago. Although the records show the persistence of disease, its intensity and extent are obscure. Evaluating cabildo effectiveness in furthering public health in any absolute sense will depend on future studies based on wide references. Within the limitations of the present analysis of the cabildo, a number of themes are visible. Activity is the keynote in all the topics examined. Cabildo action in any area related to public health was, it is true, sporadic. There were no long range comprehensive policies systematically executed. The cabildo acted not so much on its own initiative as in response to exterior circumstances. The capitulares took steps to safeguard public health when it seemed endangered. That the cabildo relied upon and cooperated with viceroys, governors, audiencias, and religious orders is significant. The general pattern between

70 Actas, XLIII, February 10, 1696, p. 359; one of the audiencia cases in Santiago involved the enforcement of a cédula on an "aperatura" in the Jesuit Colegio de San Pablo. This may have been a window for dispensing drugs; see Catálogo del archivo de la Real Audiencia de Santiago, comp. Biblioteca Nacional (4 vols., Santiago de Chile: Dirección de Talleres Fiscales de Prisiones, 1942), IV, p. 50, #1578, for the listing of the case heard in 1681 and others involving the Jesuits.
the cabildo, as the official voice of the city and as the municipal administrative agency, and the other institutions with responsibilities toward public health, was cooperation. The exception was conflict. Energy and sloth, indifference and interest, success and failure must all be viewed within the context of Santiago's location and the time period under consideration. On the frontier of the Spanish Empire, the seventeenth century capitulares waged a campaign for public health not unworthy of praise and not entirely absolved of blame.

71 In a brief summary of typical cabildo functions regarding public health, Pike, in "Public Work and Social Welfare in Spanish American Towns," The Americas, XIII (April, 1957), pp. 362-365, emphasizes the cooperation between the Church and the various cabildos he studied. In the broad view Pike takes, the Spanish American capitulares emerge as more public spirited and less selfishly motivated than the Santiago capitulares do in this study.
The efficacy of the seventeenth century cabildo as an institution is the central question arising in any evaluation. By the very nature of a municipal council, the powers of the Santiago cabildo were limited almost entirely to local issues. In addition, geographic isolation and the difficulties of travel and communication restricted the breadth of cabildo influence. Content with the scope of their authority within the framework of the Empire, the capitulares concentrated, for the most part, on problems pertaining directly to the city and its territorial jurisdiction. The major exception, which can be indicated on the basis of this study, relates to the various attempts to manipulate the Lima market for Chilean exports. Most of the plans to secure higher prices, however, were designed primarily as local controls operative on the Chileans themselves.

Extreme localism was, therefore, the chief characteristic of cabildo thought and action. If the cabildo had attempted to expand its authority into the spheres of influence assigned to the higher administrative authorities, it would be open to the charge of an illegal and, because of the narrow base for cabildo membership, an undesirable usurpation of power. Since the cabildo accepted its role in the imperial administrative hierarchy, it must be appraised according to its impact on the local scene.
Assessing the cabildo's power on the municipal level depends upon the degree of authority the other governmental institutions exerted within Santiago. An exact measurement is impossible here because of the limited sources examined. It is apparent, however, that the crown's concessions to the cabildo and the class it represented provided the model for the relationship between royal appointees and Chilean councilmen. In crucial social, military, and financial questions, the Hapsburgs adopted policies or condoned customs which favored the Santiago vecinos, who were allowed to profit from servile Indian labor but were not required to fight in the Araucanian war. The Santiagoans who received tax exemptions were relieved of heavy defense responsibilities by the viceroys. Directing the larger viceregal policies, the viceroys did not intrude in the administration of the Chilean capital.

Although the various political institutions generally respected each other's authority in the system of overlapping jurisdictions, abnormal circumstances or policy changes created the tensions which required resolution. It has been stressed that the cabildo's success or failure in influencing local decisions hinged upon the issue involved, the forcefulness of governors and oidores, and the inclinations of the capitulares. This is especially illustrated in the analysis of council membership. Complaints against the office of corregidor were too infrequent and weak to secure the abolition of the office or a limitation on tenure. An appointee of the governor, the corregidor was usually a Chilean from the upper class who advocated policies coinciding with the
views of the capitulares. Although the cabildo could not prevent the creation of the proprietary alferazgo and the fiel ejecutoría, it delayed the sale of the latter, which was designed to curb abuses perpetrated by the landed class. The cabildo, on the other hand, passively accepted the new offices of receptor general and alcalde provincial. By paying renunciation fees, the cabildo retained the privilege of electing regidores and effected a compromise with the crown and the audiencia. The compromise and cooperation which characterized the relationship between the Chilean authorities and the cabildo indicate that, if the cabildo won few clear cut victories, it suffered few total defeats in maintaining its rights. It might be re-emphasized, that the capitulares did not normally have to give battle to protect their legitimate prerogatives.

The discussion concerning membership further demonstrates that Santiagoans, who were eligible for cabildo offices because of their social status or who acquired proprietary office, prized their positions in the council. This points not only to the prestige associated with membership but the very significance of the cabildo as an institution. Candidates for alcaldías and elective regimientos witnessed their belief in the cabildo's importance in the life of the city by requesting the audiencia to decide disputed elections in their favor. Families invested in proprietary regimientos by purchasing ex officio positions and retaining them through the renunciation process.

The cabildo's role in economic decision making furnishes
an explanation for the premium Santiagoans placed on office-holding. Adhering to the principle of a regulated economy, the capitulares sought and obtained a voice in the various policies affecting production and exportation. Since royal and viceregal regulation was minimal, policies adopted locally were relatively free of artificial, exterior control. Consequently, the landed oligarchy, which, to some extent, participated directly in commercial activities, influenced both the fortunes of their fellow Santiagoans and the prices paid on the Lima market. Describing their decisions as beneficial to the republic, the capitulares asserted that they acted in the best interests of the viceroyalty as well as the kingdom.

Believing in a spiritual reality, the capitulares, who justified their economic plans on the basis of enhancing material prosperity, claimed that they had a legitimate role in the city's religious life. A pattern of mutual respect, similar to that noted on the political level, permeated the relationships between ecclesiastical institutions and the cabildo. One of the more important examples of the close cooperation between churchmen and the body of laymen relates to the ease with which the cabildo exercised patronage over benefices; another concerns its part in preparing the synodal program in 1688. The strain of anti-clericalism noticeable in the resentment toward increases in the tithe and other ecclesiastical fees should not be overemphasized, for it was balanced by expressions of appreciation for the public services performed by religious institutions, particularly in the
field of education.

Although the seventeenth century mentality distinguished between the ecclesiastical and the secular, the two orders in society met and even merged by sharing socio-religious responsibilities. This was especially true in problems relating to public health, for law and custom assigned functions to both political and ecclesiastical institutions. When the cabildo discussed health matters, self and group interests, which were apparent in decisions concerning the economy and the Church, were not entirely absent. The cabildo, nevertheless, strove both to fend off major epidemics and to lessen their inroads when contagion struck the city. In its various activities, from registering medical credentials to supplying water for the hospital-mill, the cabildo indicated its willingness to further the health of the municipality.

These deductions based on the evidence selected for intensive investigation in this study should not obscure a significant characteristic of the Actas, whose very essence is their variety. Personalities and circumstances combined to introduce the unusual into the discernible patterns of attitudes and proceedings.

With this reservation, it is possible to draw a general conclusion. Bound to the viceroyalty by a commercial tie, the Santiagoans, although extremely localistic, recorded no hint of the separatism which would emerge later. Identifying themselves as His Majesty's Catholic vassals, as their forebears had in 1609, the capitulares at the end of the century remained proud of their city and their Spanish heritage but still jealously guarded their
own privileges. The legacy the Hapsburgs bequeathed to the Bourbons included an oligarchical municipal council in the kingdom of Chile which was accustomed not only to accepting responsibility but to wielding power.
APPENDIX A

MAP

The following map is reproduced from Nicolas Sanson's L'Amerique en plusieurs cartes, & en divers traittés de géographie e d'histoire (Paris: Chez l'auteur, 1657), f.p. 13. Sanson, an eminent seventeenth century cartographer, would have been more accurate if he had used the name Cuyo rather than Chicuito for the trans-Andean province. The Spaniards of the period preferred the former name. Since there were no boundary surveys during the seventeenth century, the divisions between corregimientos were probably less definite than they appear on the map. With its minor errors Sanson's "Le Chili" is one of the better maps from the century. The volume from which the copy is taken is in the Ayer Collection of the Newberry Library.
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APPROVAL SHEET

The dissertation submitted by Della M. Flusche has been read and approved by members of the Department of History.

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

8/16/68

Date

Signature of Adviser