



1956

The Encomienda System in the Philippine Islands : 1571-1597

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THE ENCOMIENDA SYSTEM

IN THE

PHILIPPINE ISLANDS

1571-1597

by

Jane Calkins Forster

A Thesis Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
Master of Arts

June

1956

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CHAPTER I

INTRODUCTION

At the beginning of the sixteenth century, Spain through her explorers and conquistadores discovered a vast colonial empire. During the four succeeding centuries this empire took on many Spanish characteristics as the crown experimented in the rule of its new dominions.¹ Spanish missionaries brought the Christian religion to the new lands, and the Church remained Spanish through the system of the patronato real. The Spanish language, legal system, social and economic institutions and customs were all transferred to the New World as possible solutions to the enormous administrative problems facing the crown, for which it had no precedent to follow. These Spanish institutions often mingled with the indigenous cultures and resulted in a "Spanish-American" culture. However, there was no continuous effort made to wipe out the native culture; in fact many efforts were made to preserve it, especially by the missionaries, and it can be seen even to the present day.

¹ Lewis Hanke, The Spanish Struggle for Justice in the Conquest of America, Philadelphia, 1949, 2.

One of the institutions with which Spain experimented in the administration of the natives was the encomienda system.² In 1500, Spain was beginning to recover from her struggle with the Moors in the wars of the reconquest. The crowns of Aragon and Castile had been joined and the monarchy was rising strong against the old feudal system of lords and vassals. The encomienda was an outgrowth of the feudal idea.³ The system

2 There has been a good deal of confusion among writers about the meanings of the two words encomienda and repartimiento. Their etymology makes the distinction between them clear enough: repartimiento deriving from repartir, "to allot or distribute"; encomienda from encomendar, "to give in trust." Repartimiento was often used in official documents for encomienda, but the former term had several other applications, as brought out by Kirkpatrick. "1. The distribution (in fact, forcible sale) of goods to the Indians by corregidores. This use, where repartimiento means repartición, cannot be confused with the other two. 2. The allotment of groups of gangs of Indian labourers to works such as tillage, building, mining, transportation; or the labour gang itself thus allotted. 3. The allotment of encomiendas (repartimiento de encomiendas) or the encomienda itself." (F.A. Kirkpatrick, Hispanic American Historical Review, XIX, August, 1939, 373-374.) "R. S. Chamberlain, in an attempt to get around the difficulty, adopted the term 'repartimiento-encomienda,' which is justifiable but awkward." (Lesley B. Simpson, The Encomienda in New Spain, 2nd edition, Berkeley, California, 1950, 183.) The second definition by Kirkpatrick "the allotment of groups" to work on public works, or buildings seems to be the most correct use of the term repartimiento. In many documents the word is used interchangeably with royal encomiendas, those kept by the crown to cover the costs of administration and public works.

3 Robert S. Chamberlain, "Castilian Backgrounds of the Repartimiento-Encomienda," Carnegie Institution Publications, no. 509, Washington, 1939, 15-66.

was based on the principle that the Indians in the newly discovered empire were all vassals of the king,⁴ and as such owed allegiance and tribute to him. For the purpose of collecting the tribute, the Indians were divided into groups and granted in encomienda, or entrusted, to an encomendero. At first the encomienda was the delegation of the royal power to collect the tribute and to use the personal services of the Indians, the king's vassals. In a cédula of 1571, Philip II defines the grant of encomienda.

The encomienda is a right granted by Royal Grace to the deserving of the Indies to receive and collect for themselves the tributes of the Indians that shall be given them in trust for their life and the life of one heir... with the charge of looking after the spiritual and temporal welfare of the Indians and of dwelling in and defending the provinces where they are given them in trust and of doing homage and making personal oath to fulfill all this.⁵

The crown established the encomienda in the New World to grant reward to the conquistadores and other worthy persons for services rendered to the crown; to insure permanent colonization of the new lands; to provide for the internal and external military defense of the colonies; to afford protection to the natives, indoctrinate

[1629] ⁴ Juan de Solórzano y Pereyra, Política Indiana, Madrid, 1930, II, 11.

⁵ Ibid., 22.

them in Christianity, and impart to them the rudiments of European civilization.⁶

As the definition of Philip II quoted above points out, the grant of encomienda carried with it very definite duties as well as the rights of tribute and, in the beginning, service. The following example is quoted from a title to an encomienda granted in New Spain in 1544.

... I give in encomienda and repartimiento to you...the town of Taxica...with all its lords and caciques and nobles...so that you may use and profit by them in your estates and commerce, provided that you indoctrinate them and teach them in the things of our Holy Catholic Faith, and treat them according to the Royal Ordinances which have been issued, or which may be issued, for the good and increase of the said Indians...⁷

The encomienda was not granted as a hereditary right but was for a definite period of time which varied during the development of the institution.⁸ In the middle of the sixteenth century, Viceroy Luis de Velasco of New Spain granted Indians with the following time limit:

I entrust and commend to you [name] the villages of [names] together with their subjects, in order that during his Majesty's pleasure you may hold them in encomienda...⁹

6 Chamberlain, "Repartimiento-Encomienda," 24.

7 Simpson, Encomienda, 203.

8 Ibid., ix.

9 Silvio Zavala, New Viewpoints on the Spanish Colonization of America, Philadelphia, 1943, 81.

At times there existed some confusion among historians as to whether or not the grant of encomienda included the lands of the Indians. In many standard histories we find this error.¹⁰

Cunningham makes this statement:

...the encomenderos, whose holdings, including lands and Indians, may be said to have constituted the unit of the Spanish colonial land system...¹¹

Merriman speaks of the encomiendas as "allotments of land and compulsory services."¹² Bourne also refers to them as including land.¹³ Roscher calls the encomenderos "landlords,"¹⁴ while Callcott designates them "grantees of land."¹⁵

10 William Robertson, History of America, 2nd ed., London, 1778, II, 364; Hubert Howe Bancroft, History of Central America, I, 262-266; Arthur Helps, Spanish Conquest in America, London, 1855, I, 138; Emma H. Blair and James A. Robertson, eds., The Philippine Islands, 1493-1898, Cleveland, 1903, II, 54 n. 18. (Cited hereafter as BR); David Barrows, History of the Philippines, N.Y., 1926, 133; Rafael Palma, Our History, Manila, 1929, 6. See also Edward J. McCarthy, Spanish Beginnings in the Philippines, 1564-1572, doctoral dissertation, Catholic University of America, 1943, 119. "Land allotments" = encomiendas.

11 Charles H. Cunningham, The Audiencia in the Spanish Colonies, as illustrated by the audiencia of Manila (1583-1800), Berkeley, Calif., 1919, 33, 106.

12 Roger B. Merriman, Rise of the Spanish Empire in the Old World and in the New, N.Y., 1918, II, 232.

13 Edward Gaylord Bourne, Spain in America, 1450-1580, N.Y., 1904, 206.

14 Wilhelm Roscher, The Spanish Colonial System, trans. by E. G. Bourne, Cambridge, Mass., reprint, 1944, 5.

15 Wilfrid H. Callcott, Church and State in Mexico, 1822-1857, Durham, N.C., 1926, 11.

On the other hand, Haring states clearly:

The encomienda,¹⁶ contrary to common belief, was not a landed estate.

Chamberlain agrees that "land ownership was never made a feature of the encomienda of the Indies."¹⁷ Simpson, Zavala, Hanke, and Kirkpatrick all hold this same point of view.¹⁸

That the encomienda was not a grant of land is easily seen in the documents and legal works of the time. Both in the Recopilación and in Solórzano's Política Indiana frequent references are made to the encomendero as "la persona que tuviese indios," "tenedor de indios," "poseedor de indios."¹⁹ To grant an encomienda is "dar posesión de indios."²⁰ To take away an encomienda is "quitar indios."²¹ In the frequent mention of the encomienda and encomendero in both these primary sources, land

16 C. H. Haring, Spanish Empire in America, N.Y., 1947, 62.

17 Chamberlain, "Repartimiento-Encomienda" 27, 48.

18 Simpson, Encomienda, xiii; Zavala, New Viewpoints, 80-83; Hanke, Justice, 19; F. A. Kirkpatrick, "The Landless Encomienda," Hispanic American Historical Review, XXII, November, 1942, 765-774.

19 Solórzano, II, 190, 208, 209; Recopilación de Leyes de los Reynos de las Indias, 3 vols., Madrid, [1791] 1943, lib. 6, tit. 8, ley 32.

20 Solórzano, II, 362.

21 Ibid., 366; Recop., lib. 6, tit. 8, ley 12, 45.

is never noted to be a part of the encomienda, except by way of negation as in a law made in 1633. This law forbids an encomendero to own an estancia either in his own name, or through an intermediary, within the limits of the Pueblo of his encomienda and orders that any such land should be taken from the encomendero and sold.²² Another law also makes it clear that the encomenderos did not own the land on which their Indians lived. This law, passed in 1546, states that encomenderos do not inherit, or succeed to the lands of the Indians on the death of the Indians.²³

For the first fifty years of the encomienda in the New World the system was looked upon by its beneficiaries as a subterfuge for slavery.²⁴ The grant included tributes and personal services, and it was the latter that became almost an excuse to use the Indians as slaves. They were forced to work in the mines, on the plantations, and as pack animals.

With the passage of the New Laws in 1542, there was an attempt to do away with the encomienda system. Article 35 stated that encomiendas were no longer to be granted.²⁵ This severe

22 Recop., lib. 6, tít. 9, ley 17.

23 Ibid., lib. 6, tít. 1, ley 30.

24 Simpson, Encomienda, xiii.

25 New Laws of the Indies for the Good Treatment and preservation of the Indians, promulgated by the Emperor Charles V, 1542-1543, trans. by Henry Stevens and Fred W. Lucas, London, 1893, 16; Hanke, Justice, 83, 91-95; Simpson, Encomienda, 123-144.

provision was revoked on October 20, 1545,²⁶ but there began a systematic effort to correct some of the abuses of the system and to enforce the laws previously enacted. On February 22, 1549, the crown issued an important cédula addressed to the president and judges of the audiencia of New Spain. In it he ordered a revision of the tributes due from the Indians both to the crown and the encomenderos, and also directed the cancellation of all personal services as payment of tribute. The enforcement of this law marked the end of the encomienda as a labor institution. From this time all tributes had to be paid in money, produce, or native wares.²⁷ Of course this did not immediately stop all use of Indian labor, but at least legally labor was no longer a part of the encomienda system. By the time it was introduced into the Philippine Islands, the encomienda grant no longer gave the encomendero a legal right to use the Indians entrusted to him as his servants, nor to use them in the mines or on the plantations. The question of Indian slavery is related to the encomienda question but will not be treated in this study.

26 Hanke, Justice, 101.

27 Zavala, New Viewpoints, 85; Solórzano, I, 25; Recop. lib.6, tít. 12, ley 1.

It will be the burden of this work to investigate the encomienda system as it existed in the Philippine Islands from the founding of Manila, in 1571, to the establishment of the second audiencia in 1597. The period of investigation has been limited to these years because by 1600, the encomienda had reached its full development as a Spanish colonial institution. According to Simpson, after 1600 it was no longer a vital part of colonial life,²⁸ though it was not legally abolished until the eighteenth century. It would seem then, that this period, 1571-1597, would be useful in determining the nature of the encomienda in the Philippines.

In this study we shall not be concerned primarily with the legal nature or economic aspects of the encomienda. The encomendero had the right of collecting the tribute of the Indians entrusted to him, and the duty to see to their welfare, especially to their instruction in the Catholic faith.²⁹ This work will investigate first the nature of the tribute, what it was and how it was collected, and secondly, how the obligation on the part of the encomendero to care for his Indians was fulfilled.

28 Simpson, Encomienda, ix.

29 Solórzano, II, 300.

The period of time with which we are concerned can roughly be divided in three sections: 1571-1582, from the founding of Manila through the first unsettled decade of colonization; 1583-1588, the period of the first audiencia of Manila to its suppression; 1589-1597, a decade of rule by the Royal governor.

Secondary sources have not, for the most part, been used in this study. Those dealing with the encomienda have often proved inaccurate, and the reliable ones have not dealt with the encomienda in the Philippines. General histories of the Philippine Islands seem to fall generally into two categories: either they begin at the turn of the century with Admiral Dewey, devoting only a chapter to the four centuries of Spanish government, or, they treat the Spanish period but regard it as kind of a "dark ages" of the Philippine people. For these reasons, we have attempted to concentrate on information found in primary sources. Most of the material has been gleaned from the vast correspondence carried on between the crown and its subjects: the governors, bishops, friars, and citizens of the Philippine Islands. This material was found for the most part in the Ayer Collection of Newberry Library.

CHAPTER II

1571-1582

In May, 1571, an expedition of Spaniards disembarked in the Bay of Manila. Under the command of Miguel López de Legazpi they had arrived in the Philippines six years earlier and founded the first permanent Spanish settlement on the island of Cebú. Legazpi then proceeded to establish Spain's claim to the Philippines by sending men to the other islands and by making treaties with the Indians whenever possible.¹

Legazpi described the state of the natives on his arrival in the islands in a letter to the king, Philip II.² According to this letter, the Indians did whatever they pleased, and took care only of themselves and their slaves. The one who owned the most slaves, or the strongest ones, could obtain whatever he wished. They recognized neither lord nor rule and even

1 For the general history of this period consult: Francisco Colín, Labor Evangélica de los Obreros de la Compañía de Jesús en las Islas Filipinas, nueva edición ilustrada con copia de notas y documentos para la crítica de la Historia General de la Soberanía de España en Filipinas por el Padre Pablo Pastells, Barcelona, 1900, I, 155; Juan de la Concepción, Historia General de Philipinas, Manila, 1788, I, 411; J. Mallat, Les Philippines, Paris, 1846, I, 26. Id., 1888, I, 411; J. Mallat,

2 Legazpi to Philip II, Cebú, 1569. BR III, 54-61.

the slaves were not completely subject to their masters. An unknown author who recounts the story of the conquest of Luzón also describes the native system of slavery.³ He too said that the chiefs were not absolute rulers, nor did they have great authority or power. It often happened that in one village, large or small, there might be five, six, or ten chiefs, each of whom had twenty or thirty slaves. These he had the power to sell or treat as he pleased. Over the free men, however, the chiefs had little power, except in time of war when they were bound to follow him.

Accounts of native slavery are to be found in almost every description of the islands. The native chiefs, or caciques, had the only semblance of authority with which the Spaniards could deal and so were often made the go-between in the administrative matters. According to Indian custom, there were many different means of obtaining slaves. Some natives were slaves from birth, as were their parents; others became slaves by being captured in war; some as punishment for crimes; some sold themselves into slavery to pay debts, or as was also common, sold their children into slavery.⁴ It was not only that they held human life very

3 Conquest of Luzón, April 20, 1572. W. E. Retana, ed., Archivo del Bibliofilo Filipino. Recopilación de Documentos, Madrid, 1895-1905, IV, 1-37 (cited hereafter as Retana, Archivo); trans. in BR II, 154.

4 Lavezaris to Philip II. 1574. BR III, 286-288.

cheaply, which they did, but also it was because slavery among the natives was not a very hard way of life. The slave became almost a member of the family who owned him, and as will be shown, none of the Indians, slave or free, worked very hard.

The Spaniards found that the natives had some gold which they got from the rivers and in some cases from mines which they worked. However, they did not work the mines steadily; because of their sloth and the small amount of work done by their slaves, they did not even try to become wealthy. Any native who possessed a basketful of rice would not seek more, or do any other work, until the rice was gone.⁵ They did not sow or cultivate the land. The islands were very fertile, however, and produced many varieties of food, such as rice, millet, borona (a grain, also called mijo, resembling Indian corn), Castilian fowls, buffaloes, swine, and goats. They had wines of many kinds and fragrant fruits, an abundance of fish and numerous kinds of wild game.⁶

It was Legazpi's opinion that the natives would easily be subdued by good treatment and kindness. They had no leaders and were so divided among themselves that they never joined forces to gain strength nor did any group give obedience to any other.

5 Legazpi to Philip II, Cebú, 1569. BR III, 56-57.

6 Mirandaola, to Philip II. June 8, 1574. BR III, 56.

He urged the king to order only peaceful dealings with the Indians and was sure that in so doing they would gain their friendship. Legazpi said that most of the natives were heathens, excepting those of Borneo and Luzón who were chiefly Moros. In his opinion none would resist conversion to Catholicism if the Christians treated them fairly. It was Legazpi's hope that all the islands could be acquired in the same peaceful manner which he had used in Cebú.⁷

A petition was sent to the King from some Spanish officials in Cebú in 1566.⁸ They asked for certain things which they hoped would help stabilize the new colony. They requested that the Indians be granted in encomiendas to the conquistadores. They also asked that the Spaniards be allowed to use slaves as the native caciques did. They added that the king would be better served if the Indians were divided into encomiendas as

7 Legazpi to Philip II. Cebú, 1569. BR III 58-61. Legazpi had sent an interpreter to Tupas, the leading chief of Cebú immediately upon landing there to offer the friendship of the Spaniards. The Indians distrusted the offer but due to the patience of Legazpi they were finally convinced and made a treaty acknowledging Philip II as their "lord." The niece of Tupas was one of the first Christian converts among the natives. Joaquin Martínez de Zuñiga, Historia de las Islas Philipinas, Manila, 1803, 61-70; BR II, 132-140, "Resumé of Documents," 1559-1568, trans. and arranged by James A. Robertson.

8 Memorial to Philip II. Cebú, 1566 (?). Colección de Documentos inéditos relativos al descubrimiento, conquista, y organización de las antiguas posesiones Españolas de Ultramar, vols. II, III, De las Islas Philipinas, Madrid, 1887, III, 319-324.

they were pacified.⁹

The king wrote to Legazpi in November, 1568. In reports he had received thus far from the islands he had been told of the peaceful means that Legazpi had used to pacify Cebú. He was pleased and ordered Legazpi to continue pacifying the Indians without doing them any harm. At this time he also gave Legazpi the right to grant encomiendas. With regard to the question of Indian slavery, he said he would need more information before settling it.¹⁰

9 The term "pacification" will be used throughout this study in the legal sense of the word as illustrated in the Laws of the Indies. Altamira y Crevea says that in this usage the word meant the peaceful conquest of the Indies, not the violent conquest of war. (Rafael Altamira y Crevea, Diccionario Castellano de Palabras Jurídicas y Técnicas tomadas de la Legislación Indiana, Mexico, 1951, 228-230). Peaceful conquest was to be accomplished by means of Christianization by the friars and the establishment of civil justice by the Spanish officials. Philip II ordered that in the capitulations and asientos for discovering and taking possession of new lands "por justas causas, y consideraciones... se excuse esta palabra conquista, y en su lugar se use de las de pacificación y población, pues habiendose de hacer con toda paz y caridad, es nuestra voluntad que aun este nombre interpretado contra nuestra intencion, no ocasione, ni dé color á lo capitulado para que se pueda hacer fuerza ni agravio a los Indios." Recop. lib. 4, tit.1, ley 6.

10 Philip II to Legazpi. Madrid. Novl 16, 1568. Manuscriptos Filipinos, Archivo general de Indias, transcriptions in Ayer collection, Newberry Library, I, estante 105, cajon 2, Legajo 11. (Hereafter cited as MF, A. de I.) Trans. in BR XXXIV, 235-238; see also Colín, Labor Evangélica, I, 155. In August, 1569, Philip II commissioned Legazpi Governor and Captain-general of the West Islands, the Philippines, for life. Philip II to Legazpi, Madrid, August 14, 1569. MF. A. de I. 105-2-11; trans. in BR XXXIV, 238-246.

Landing at Manila in 1571, Legazpi published an edict, as he had been commanded by Philip II. He promised lands and encomiendas to those who desired to settle in the city or district of Manila, which he was founding in the name of the king.¹¹ As the districts of Luzón and other islands were pacified, the governor apportioned encomiendas to officers as rewards for their services.¹² He also reserved some tributes for the king.¹³ He ordered the Indians to pay a moderate

11 Conquest of the Island of Luzón. April 20, 1572. MF II, A. de I. 1-1-2/24; Retana, Archivo, IV, 2; trans. in BR III, 155. On June 21, 1574, Philip II made Luzón "New Kingdom of Castilla" and named Manila, "Distinguished and ever loyal city." BR III, 250.

12 Concepción, Philipinas, I, 408. Indians were not granted in encomiendas as individuals but as part of a natural grouping such as a village or district. Thus a man would be granted the tribute of Indians in the village of ___; or the tribute of a certain tribe; or those located near the mouth of a certain river. See Colín, Labor Evangélica, I, 157-158, for list of encomiendas assigned by Legazpi. In this list are many examples of groupings used in granting encomiendas.

13 It should be noted here that there were two classes of encomiendas in the Philippines. Private encomiendas were those which had been granted to private persons (conquerors,) discoverers, soldiers). Royal encomiendas, those set aside for the crown, were situated near cities or ports and the income from them was reserved for the expenses of the royal estate and the payment of the salaries of government officials. Although in most of the documents consulted, encomiendas belonging to the crown were referred to as royal encomiendas these could also be, and sometimes, were, called repartimientos. The reader is referred once again to the distinction between these terms as pointed out on page 2 of this thesis. Private encomiendas became royal on the death of the encomendero if he had no heirs. The tribute from royal encomiendas was collected by officials of the royal treasury.

tribute of eight reales in money value; the encomenderos were not to take anything above the stipulated amount.¹⁴ This tribute could be paid either in gold or produce. Some of the acceptable produce were rice, cotton cloth, and fowls. The chronicler, Gaspar de San Agustín, says that in provinces where cloth was woven, one piece of cloth would equal four reales, two fanegas or arrobas¹⁵ of rice would equal two reales, and one fowl would equal about two and one-half reales.¹⁶ This would pay the full amount of one tribute, eight reales. In a letter dated July, 1573, the cloth used as tribute was described. It was to be ten varas¹⁷ long and two varas wide. It was a thin material used by the natives for their clothing. According to this same source there was an abundance of all the goods that could be used as tribute, so the tribute could be paid with very little difficulty. The number of natives seemed so great that the letter stated there should be some very profitable encomiendas.¹⁸ The tribute could

14 Zuniga, Historia, 108; Mallat, Les Philippines, I, 401

15 1 arroba = 25 lbs.

16 Gaspar de San Agustín, Conquistas de las islas Philipinas, por las armas del Senor Don Phelipe segundo el prudente y la Espiritual por los Religiosos del orden de San Agustín, Madrid, 1698, 245.

17 1 vara = 2.78 feet.

18 News from the Western Islands by Hernando Riquel and others. January 11, 1574. MF, Archivo General de Simancas, transcriptions in Ayer collection, Newberry Library, XVII, sec. de estado; legajo 155; BR II, 241-243, in Spanish and English trans.

also be paid in gold equivalent to eight reales. It seemed to the writer of this letter that there were many gold mines in the islands. Some mines had been seen by Spaniards who thought the natives could work them as they did the silver mines in New Spain. It was true that the Spaniards found gold mines which the Indians worked, as we mentioned previously, but they were not worked efficiently nor full time and so did not yield a very large profit at this time. The Spaniards intended to gain from these mines the riches their compatriots had had in New Spain.¹⁹

Legazpi died on August 20, 1572, and Guido de Lavezaris, an official of the Royal Treasury, became governor ad interim.²⁰ In June, 1573, he wrote an account of his activities to the king. He was continuing to grant encomiendas in the islands as they were pacified.²¹ The life in the Philippines was so hard and difficult that the death rate among the Spaniards was very high.²² Lavezaris

19 Ibid.

20 Zuñiga, Historia, 116; Concepción, Philipinas, I, 422. It was the custom in Spanish colonial administration to appoint someone to act as governor if the de jure governor died. As soon as the home government learned of the death, they would appoint another, but in the meantime the governor ad interim ruled.

21 Lavezaris to Philip II. Manila, June 29, 1573. MF II, A. de I. 67-6-6; trans. In BR III, 180; Concepción, Philipinas, I, 424.

22 The hardships Lavezaris here refers to were those which would be expected in any such undertaking as the Spaniards were attempting; strange diseases of the islands, the ambushes by hostile natives, encounters with Chinese pirates..

was, therefore, reapportioning the Indians among other deserving citizens when an encomendero died.²³ If it met with the approval of the king, Lavezaris would continue the granting of encomiendas as fast as possible as the soldiers were in great want now that they had been forbidden to make raids on the Indians to get supplies.²⁴

When the Spaniards first arrived in the islands they would often go in small groups in search of provisions. These expeditions took on the aspects of raids when the Indians refused to give what was needed. It was hoped that the orderly collection of tribute would provide sufficient supplies, and raiding had been strictly forbidden.

According to Lavezaris there was no need for the poverty of the Spaniards as they had come to a rich land. There were many gold mines which the natives worked and then traded the gold. The country was rich in rice, wine, fish, hogs, fowls, and wild buffalo. In the opinion of the governor, many Spaniards could be supported by the Indians with very little effort on the part of the natives.²⁵

²³ Lavezaris to Philip II. 1573. MF II, A. de I. 67-6-6; BR III, 185.

²⁴ Ibid.; BR III, 188.

²⁵ Ibid.; BR III, 180. Same account of conditions found in Governor Sande's Relation. 1577. MF III, A. de I. 1-1-2/24; trans. in BR IV, 98-99.

encomiendas as a means of support for the encomendero. As we mentioned earlier, however, the grant not only gave rights to the encomendero but also entailed certain duties. The prime duty, in the mind of the crown, was that of providing for the Christianizing of the natives.²⁶ Legazpi had with him on his arrival in the islands five Augustinian friars, one of whom was the famed Friar Andrés de Urdaneta.²⁷ They were to see to the conversion of the natives, in addition to caring for the religious needs of the Spaniards. From the first, as in Mexico and indeed all the new Spanish lands, there developed a conflict between the secular government and the encomenderos on one side, and the friars and religious authorities on the other. It was often to be the complaint of the religious that the conversion of the natives could be accomplished faster if they could keep their fellow Spaniards from contact with the Indians. The encomenderos on the other hand looked on the Indians as a means for immediate support and service and only secondarily as souls to be converted.

In the Philippines, the matter of the tribute and its collection became an incident in this conflict almost immediately. The friars spoke in the pulpits against the tribute; they said it was unjust. They refused absolution to encomenderos who in their

26 Solórzano, II, 300.

27 San Agustín, Philipinas, 135.

opinion, exacted excessive tributes, or who mistreated their Indians in other ways. As we shall see the friars at this time considered anything above two reales "excessive"; the current rate of tribute was then eight reales. The friars lived among the Indians and tried to protect them from their encomenderos. At this time there were no organized plans to segregate the Indians in the Philippines as in the reductions of the La Plata region of South America. The friars did try, however, to keep contact between the natives and Spanish at a minimum. The religious felt that the Spaniards gave only bad example to the prospective converts; they were determined that encomenderos should not live among the natives.

The Spaniards, on the other hand, felt that the religious were interfering in matters which did not concern them. They looked on their grants of encomiendas as rewards for the difficulties they had encountered in the establishment of the Spanish domain in the Philippines. They resented being denied absolution for collecting tributes they considered justly theirs.

Governor Lavezaris asked Friar Martín de Rada, provincial of the Augustinians in the Philippines, to put in writing the principal complaints of the friars with regard to the tributes. He also asked that the friars suggest a remedy so that he could settle the dispute. Friar Rada wrote his famed "Opinion" in

answer to this request of the governor.²⁸ This document sets forth the protests of the friars against the collection of the tribute and the treatment of the Indians by the Spaniards.

The first charge made was that the Spaniards were making war on the Indians to pacify them, which had been expressly forbidden by the king.²⁹ Then, after subjugating the Indians by force, the Spaniards collected tribute from them, as if they had been legally pacified. Now, tribute was granted to the encomendero in return for services given to the natives, such as instruction in the Christian religion and the establishment of civil justice. Tribute collected when these conditions were not fulfilled was unjust. The friar said that all connected with the collection of this tribute, the encomendero, the soldiers helping him, those who were able to prevent the collection and did not, those who were able to make restitution and did not, all these were guilty of injustice to the Indians.³⁰

Fray Rada said that the granting of encomiendas was

28 Martín de Rada to Lavezaris. Manila, June 21, 1574. MF II, A. de I. 1-1-2/24; trans. in BR III, 253-259.

29 Philip II to Legazpi. Nov. 16, 1568. MF I, A. de I. 105-2-11; trans. in BR XXXIV, 235; Recop. lib. 4, tit. 1, ley 6; Recop. lib. 6, tit. 1, ley 15.

30 Rada to Lavezaris. Manila, June 21, 1574. MF II, A. de I. 1-1-2/24; BR II, 255-256.

justified if it helped to establish peace and order and stopped the injustice of the robberies and injuries which were committed on raids when there were not encomiendas. The tribute collected from these encomiendas must, however, be in keeping with the ability of the natives to pay. In Rada's opinion, the tribute being collected at that time was excessive, for the tools of the Indians were very crude and some of the natives were so poor that they could hardly clothe themselves and find enough to eat; they lived on roots for part of the year. In some places the Indians were so frightened by the soldiers as they came to collect the tribute that they destroyed their houses and fled. The soldiers had to use force to collect the tributes everywhere. In some cases the chiefs were taken prisoner and tortured until they paid the amount demanded as tribute from their subjects. According to the "Opinion" until the Indians had better tools, and the land was more fertile, any tribute taken above the value of one maes³¹ in either food or clothing was very cruel and oppressive.

Fray Rada suggested that the governor write the king, telling him clearly and truly how the islands were being

31 "A maes of gold is commonly worth two reals and when gold is worth more, the maes is worth two reals and a half." BR III, 267. (The Spanish words maez and reales have been Anglicized in this quotation.)

"pacified," their present condition, and the methods then being employed in collecting the tributes. Until the king ordered what was to be done, the encomenderos should take as little as possible as tribute. He closed the "Opinion" by asking the governor to protect the Indians from the abuses to which they were then being subjected.³²

The following month, Governor Lavezaris wrote Philip II concerning Rada's "Opinion." He complained that since the establishment of Manila, the religious had been most scrupulous with regard to the collection of the tribute. They said that the tribute was unjust and too high for the poverty of the natives. Lavezaris said that he asked Rada to put the opinion of the friars in writing which he did. Although prompted by holy zeal, the opinion of the religious was too severe and in the governor's opinion, if followed, the islands could not be maintained for the king.³³ Therefore Governor Lavezaris and nine other Spaniards wrote a "reply" to the "Opinion" so that the king could be informed of their side of the question.³⁴

³² Rada to Lavezaris. 1574. MF. II, A. de I. 1-1-2/24; BR III, 259.

³³ Lavezaris to Philip II. July, 1574. MF II, A. de I. 67-6-6; trans. in BR III, 279.

³⁴ Reply to Fray Rada's "Opinion" Guido de Lavezaris and others. Manila, June, 1574. MF II, A. de I. 1-1-2/24; BR III, 260-271.

With regard to the charge that the tribute was too high they said that the friars were generalizing from individual cases. The late Legazpi set up the rate of tribute having seen with his own eyes the conditions of the natives and the fertility of the lands; his tribute rate was just.³⁵ Some of the natives in the Pintados islands were poor but not because the lands were not fertile; rather the natives were lazy and refused to work. They would not even go four leagues out of their villages to father rice. Some of the chiefs of Luzón seemed very rich to the Spaniards. They wore ten or twelve ducats worth of gold or jewels as ornaments and had lands, slaves, and mines of their own. A chief like this was not a rare case, neither were the chiefs the only ones who had gold and jewels, but many of the free men did also. In the poorer districts they were being taxed less than on Luzón, and nowhere was the tribute too heavy that there would have been difficulty in paying it if the Indians would work.

According to this document, the one maes Friar Rada suggested would not be sufficient for the tribute because some encomenderos were then living in great poverty on the three maes. A pair of shoes was valued at one-half tael of gold, which was the tribute of eight Indians. All other goods the Spaniards needed were worth double their price in New Spain. The authors of

³⁵ The eight reales tribute Legazpi had levied was the same as that being levied in New Spain at that time. Martín Enríquez to Philip II, 1575. Cartas de Indias, Madrid, 1877, 305-314.

the "Reply" insisted that the natives, especially of Luzón, were very well off and carried on trade with the Chinese to realize a good profit. Wax and gold were being produced in all the islands, as were cotton and palm wines. They produced much rice and flax and other provisions on their irrigated lands.³⁶

No direct action was taken by the king or Council on either the "Opinion" or the "Reply" except that later reforms were certainly based on the information given in such correspondence.

Governor Lavezaris, the temporary governor, was replaced by Don Francisco de Sande on August 24th, 1575.³⁷ On May 26, 1576 the new governor issued a decree forbidding royal officials to hold encomiendas. He took away those assigned by both Legazpi and Lavezaris and assigned them as royal encomiendas. The officials were to receive a salary from the crown and were to consider what they had thus far collected as counted toward their salaries. In doing this, Sande was not making a new law, but merely carrying out the orders of the king which had been sent to Lavezaris in a letter in 1574.³⁸ Sande believed that the royal officials

³⁶ Reply to "Opinion." MF II, A. de I. 1-1-2/24; BR III, 270-271.

³⁷ For the main events of Sande's term consult the following: Zuñiga, Historia, 136; Concepción, Philipinas, I, 1; Juan Delgado, Historia general sacro-profana, política y natural de las islas del Poniente llamadas Filipinas, Manila, 1892, I, 190.

³⁸ Act of Governor Sande. Manila. May 26, 1576, MF II, A. de I. 67-6-29; trans. in BR III, 307; Solórzano II, 12; Recop. lib. 6, tít. 8, ley 12.

neglected their duties when they held encomiendas because then they were not dependent upon their salaries.³⁹

In accordance with the governor's decree, notaries went to the government officials and got sworn statements from them as to what they had collected as tribute. Their records give an interesting picture of what the tributes were for one year. One official of the royal treasury declared 900 pieces of white cotton cloth (each Indian gave him three or four pieces), 150 pesos worth of broken silver and testoons, six taels of gold, and 70 fowls. Another treasury official declared 160 pieces of white cloth from 200 Indians.⁴¹

In a letter written in June, 1576, Sande sent the king his impressions of the state of the islands since his arrival.⁴² Encomiendas were treated in some detail. According to Sande, Legazpi and Lavezaris granted large encomiendas in places not yet pacified when Sande arrived. This caused trouble because the encomenderos to whom the unpacified encomiendas had been granted

³⁹ Sande to Philip II. Manila, June 7, 1576. MF. II, A. de I. 67-6-6; trans. in BR IV, 85.

⁴⁰ tael = 6 pesetas y 28 céntimos. Testoon (testón) = 50 céntimos in Portugal. This coin was silver, used in various countries at different values.

⁴¹ BR III, 308-309.

⁴² Sande to Philip II. Manila. 1576. MF II, A. de I. 67-6-6; W. E. Retana, Archivo, II, 1-75; trans. in BR IV, 71-93.

were unsupported. They continually asked Sande for soldiers to help pacify them so that they might collect their tribute, but the governor did not have enough soldiers to give to all who needed them for this task.

Another cause for trouble was the number of Indians in each encomienda. Eight thousand tributarios⁴³ were to be granted to the master of camp; four thousand to the captins; three thousand to men of rank and so on according to their position. This caused trouble because each one felt he deserved more than he was allotted.

Sande said that he would not grant any more encomiendas until the districts to be assigned were pacified and secure, as the king had ordered. He added that he was sure people would come to understand this law as order was restored.⁴⁴

Sande asked the king to order that encomiendas vacated on the death of the encomendero be granted to some other deserving person. In Mexico vacant encomiendas reverted to the crown but in the new colony of the Philippines men died so fast that if this policy were followed there soon would be none but royal encomiendas. In the margin, opposite this request a notary stated

⁴³ Salazar defines the term "tributarios" as being two single men who make one whole tribute. Salazar to Philip II, June, 1588. MF V, A. de I. 68-1-32; Cartas de Indias, 642.

⁴⁴ Sande to Philip II. 1576. MF II, A. de I. 67-6-6; Retana, Archivo II. 1-75; BR IV 21-97.

that for ~~the~~ time being the king would allow the governor to do as he asked.⁴⁵

In addition to granting encomiendas to private individuals Sande had also apportioned some villages to be royal encomiendas. He had assigned villages close to Spanish settlements and near to the sea ports for this purpose. He had also ordered a hospital built and had granted the tribute of one thousand Indians to it for its support.⁴⁶ These acts were in keeping with the policy of assigning royal encomiendas for the support of public works. Another example of this policy is the royal decree ordering the foundation of monasteries in the Philippines.⁴⁷ In this case the king ordered not only the tribute of the Indians to be assigned to this work, but also their labor. Indians were often assigned to work on Church institutions like monasteries, churches, and hospitals. This fulfilled the king's obligation under the patronato real of caring for the material needs of the missionary Church. Individual clerics or friars, however, were forbidden to hold encomiendas.⁴⁸

45 BR IV, 96.

46 Sande to Philip II. 1576. Retana, Archivo, II, 60-63.

47 Philip II to Sande. BR IV, 141-142.

48 Solórzano, II, 37.

In a report dated a year later Sande again spoke of the encomiendas.⁴⁹ He said that the people who had not been granted encomiendas were very poor, as the only means of income was the tribute of the Indians. Sande is somewhat exaggerating the situation as there were other means of obtaining a living than the tribute. Lands, not belonging to the Indians, had been granted to the Spaniards, but of course they had to be cultivated. Few soldiers desired to produce food from their own soil, by their own labor. They much preferred to receive the tribute of the Indians. Some of the Spanish did carry on trade with the natives and Chinese and thus earned a good living.⁵⁰ Of course, the soldiers were supposedly receiving some salary as members of the army, but these were not large, nor were they regularly paid.

It was Sande's opinion that if the natives would only work there would be enough for all. There follows an interesting description of the goods of the islands. All the Indians knew how to raise cotton and silk and how to spin and weave for clothing. Fish was plentiful and wine was made from palms which were very numerous. From palm trees the natives also got oil and vinegar.

⁴⁹ Sande to Philip II. Manila, June 8, 1577. MF III, A. de I. 1-1-2/24; trans. in BR IV, 98-118.

⁵⁰ Morga, Sucesos, 214, describes some of the means by which the Spanish earned a living in the Philippines.

In the mountains there were wild boars, deer, and buffalo in great numbers. Rice, which was the bread of the people, grew abundantly. Gold was found in the islands also.⁵¹

Governor Sande was relieved of duty in 1580, by Don Gonzalo Ronquillo de Peñalosa. Ronquillo was appointed governor for life with broad central powers and advantages. For example, as proprietary governor he had been allowed an encomienda in each principal town for himself, although there was a law stating that governors could not hold encomiendas.⁵² The crown made this appointment with the hope of stabilizing the government by giving the governor enough power to rule effectively. He was given both executive and judicial powers so that he could better govern the extensive province that the Philippines had become. As we shall see in the next chapter, however, these increased powers also brought increased abuses. Ronquillo was said to have used his office to monopolize trade and commerce for his own advantage. As an encomendero, he was never a disinterested party in cases concerning encomiendas or Indians.⁵³ The abuses committed by

51 Sande to Philip II. 1577. MF III, A. de I. 1-1-2/24; BR IV, 98.

52 March 1, 1551, Recop. lib. 6, tit. 8, ley 12.

53 For events of Peñalosa's term consult: Morga, Sucesos, 17; Concepción, Philipinas, II. 29; Cunningham, Audiencia, 95.

the encomendéros during Ronquillo's term were said to have led to the outbreak of numerous Indian revolts in 1583.⁵⁴

The only person who exercised any check on the governor was the bishop with whom he was ordered to consult frequently. In 1581, Domingo de Salazar, a Dominican, the first bishop of Manila, arrived in the Philippines. Morga says he was a person of much learning and holiness.⁵⁵ It was to be his work for the decade that he remained in the Islands, to act as the Protector of the Indians. He used his ecclesiastical authority wherever possible both to bring about the enactment of new laws for the protection of the Indians and to urge the secular authorities to carry out the laws already made. For this work he is noted as the Las Casas of the Philippines. He is an important figure in our study of the encomienda because of his struggles with the secular authorities over the collection of the tribute and the treatment of the Indians.

In 1582, there is a record of an encomendero, Blas de la Serna, who treated his Indians very harshly. The friar, sent by the Augustinians to care for the natives, finally excommunicated him, and in return the encomendero had the friar publicly beaten.

54 BR VII, 159.

55 Morga, Sucesos, 20; Concepción, Philipinas, 44-45.

Bishop Salazar took up the matter and enforced the excommunication at once.⁵⁶ Zuñiga continues that this incident alarmed the other encomenderos so much that they persuaded the governor to withdraw from the clergy the Indians who had been granted them for their service in their institutions, and for the service of the Church. The Spanish favored the encomenderos and commenced a cruel persecution of the Augustinian and Franciscan friars.⁵⁷

As we shall see there were many other occasions where conflict arose between the encomendero and the friars. Because of the bad example of many of the encomenderos, the friars wanted to keep their Indians from any contact with the Spaniards. Needless to say, the Spaniards were not in favor of this segregation when it interfered with their use of the Indians.

The period we have been considering, 1571-1582, covers the encomienda under the first type of government in the Philippines, that of the governorship. In 1582, a document written by a soldier, Miguel de Loarca covers the advances made in this period.⁵⁸ He describes each island then known to the Spaniards,

56 Zuñiga, Historia, 147-148.

57 Ibid., 148-149; 142-143.

58 Relation of the Philippine Islands by Miguel de Loarca, Arévalo, June, 1582. MF III, A. de I. 1-1-1/23; BR V, 34, 187, printed in Spanish and English translation.

noting its size, shape, and population. He enumerates the encomiendas that have been assigned, the officials in the Spanish settlements, and the products of each island. He also states many interesting details of the social and economic conditions of the natives. At the time of this report there were three principal centers of administration in the islands: Manila, Cebú, and Arévalo. About thirty encomiendas were located close to Manila containing about 37,000 Indians; ten encomiendas were near Cebú with about 3500 Indians; about fifteen near Arévalo with about 20,000 Indians.⁵⁹

These figures give some indication of the rapid growth of the encomienda system in our first period of study. The allotment of Indians in encomienda grants soon outgrew the administrative machinery set up under the governor. The nearest court or audiencia for handling cases dealing with the encomienda was in far off Mexico; delay, red-tape and inefficiency became the accepted order. The crown attempted to better things by appointing a royal governor with greater powers than previous governors; the results were not encouraging. In the next chapter we shall deal with the growth of the encomienda system under the second attempt by the crown to better its rule in the Philippines, the first Audiencia of Manila, 1583-1588.

59 Ibid.

CHAPTER III

1583-1588

One of the most important indirect reasons for the establishment of the audiencia in Manila in 1583, may be found in the abuses of the administration of the encomienda system. According to Cunningham, these abuses may be attributed both "to the powerlessness and inefficiency of the governors, and to their cupidity and deliberate favoritism to the encomenderos."¹ The rapid spread of the encomiendas and their location in distant and widely separated parts of the islands enabled the encomenderos to have increased powers and responsibilities. They were often far removed from the central authority at Manila and were infrequently inspected by the alcaldes mayores in whose districts they were located. The Philippine government, with an autocratic military governor at its head, had been originally designed for one settlement or province, not for the extensive military possession it had become. The jurisdiction of the government now

1 Cunningham, Audiencia, 34-35.

extended over a widely separated area, with insufficient means of communication and transportation. "Indeed, the encomiendas had spread so rapidly in the Philippines that the governmental machinery provided by Spain was unable to provide for them."²

The appointment of Ronquillo de Peñalosa as governor in 1580, had been an attempt on the part of the crown to increase the efficiency of the Philippine government by granting it greater centralized authority. This experiment in absolutism and military power failed.³ Bishop Salazar sent many complaints against the governor to Spain. He also influenced municipal and ecclesiastical chapters at Manila to protest against the "governor's misrule."⁴ In 1581, Gabriel de Rivera was sent to Spain with a petition signed by some of the most influential men in the Philippines asking for various reforms. As will be seen the men asking for these reforms were not merely friars and clergy, but representatives from all the citizens of Manila. The establishment of an audiencia at Manila was expressly requested.⁵

2 Ibid., 35. Cunningham bases this statement on the growth of the encomienda shown in the document by Loarca; see pp. 33-34 of this thesis.

3 Ibid., 41.

4 Ibid.

5 Morga, Sucesos, 21; Zuñiga, Historia, 156; Colín, Labor Evangelica, 164 n. 3, 171.

Most authorities credit Bishop Salazar with being the one person most responsible for the institution of the audiencia.⁶ Governor Gonzalo Ronquillo died in 1583,⁷ and upon this occasion Salazar wrote to the king, telling him once again of the abuses of the administration of the governor and asking for an audiencia to replace the governorship.⁸ This document presents a picture of the conditions which existed in 1583; the conditions that a hoped for audiencia would better.

At the time he wrote there was a scarcity of food and supplies in the islands, and prices had greatly increased.⁹ He blamed this near famine both on the late governor's and the Spaniards' treatment of the Indians. On his arrival (1580) the governor had sent many Indians from the rich¹⁰ district of

6 Cunningham, Audiencia, 43; J. Martínez de Zuñiga, Estadismo de las Islas Filipinas, Madrid, 1893, I, 243; Jose Montero y Vidal, Historia General de Filipinas, 1887, I, 88.

7 Colín, Labor Evangélica, I, 170; Morga, Sucesos, 20.

8 Affairs in the Philippine Islands. Salazar to Philip II. Manila, 1583. Retana, Archivo, II, 3-45; BR V, 210-255.

9 Formerly, 400 gantas ($\frac{1}{4}$ celemin) of rice was one tostón (4 reales), 40-50 gantas of rice were then one tostón; fowls had advanced to 2 reales apiece where they had been from 12-16 for one tostón. BR V, 211.

10 The Pampanga district supplied much of the rice, wine, grain, and fowls of the islands. BR IV, 80-81; V, 212.

Pampanga to work the mines of Ilocos and therefore they were not able to plant grain that year. As a result there was a scarcity of grain and many Indians died. On one encomienda over one thousand Indians had been lost. Secondly, the Indians everywhere were being used in so many occupations that they were not able to produce the food needed. For example, they were sent to row in the galleys and fragatas and were gone sometimes for four or six months; many Indians died as they were not used to that kind of work. Many ran away from their homes and hid in the mountains to escape serving in the galleys. Other Indians were used to cut wood and haul it to the cities and thus were kept from harvesting their crops. The bishop mentions one case where he arrived at a village to confirm some native converts, only to find that they were all cutting wood in the forests; an order had been issued to stop the religious instructions. The third reason the bishop cited for the scarcity of food and high prices was the increase of government officials in the islands. There used to be three or four alcaldes mayores but there were then sixteen. Most of these had come with the governor and were his friends. They had been supplementing their small salaries by speculating in the needed provisions. Formerly the Indians had sold the food for very little but these Spaniards took the food and kept it until there was a scarcity, then charged high prices for it.

Although the above reasons were important, Salazar also blamed the scarcity on the harsh treatment of the natives by the Spaniards. He said the bad weather which hurt the crops was payment for the misdeeds of the Spaniards. They had taken natives and placed them on the ships to row as if they were galley slaves. Married men as well as single were taken and no thought was given to the support of their families. On these ships they were treated like slaves although they were promised a small wage (four reales a month). This was seldom paid and when it was, the officials of the villages (often their own caciques) from which they had been taken often divided the money among themselves. In all Pampanga five or six thousand pesos had been taken and divided in this manner.

The tribute, when it was produce, was collected at harvest time, then later when it was more valuable the natives had to buy it back at increased rates. Sometimes natives bought back with five or six tostons what they had sold for one.

The Bishop said that the Indians had no idea that the Spaniards came to the islands for any other reason than to collect tribute. The Indians had been assigned to an encomendero as soon as they were pacified. The process of pacification according to the Bishop was simply a matter of overcoming the Indians with force and demanding tribute from them. Although the decree relating to

encomiendas said that the natives must be instructed in Christianity this fact was seldom alluded to; only the payment of the tribute seemed important. Even that was not being collected according to law. Eight reales in gold or produce was the common rate but those collecting were taking as much and the kind of tribute they desired. Not only was an unjust amount being taken, but the methods employed were also most harmful. Torture was often used in exacting the amount desired from the chief. One example given was that of a native chief who had been crucified. The Spaniard responsible for it had been arrested by the justice and fined fifty pesos as punishment--then set free. The bishop cited other examples of cruelty in the collection of tribute.¹¹

Salazar added that the Indians on the royal encomiendas were worse off than those on the private encomiendas. No Indians were harder worked or less free than those apportioned to the royal crown. One reason for this was ~~that the~~ tributes were collected by servants of the governor who took the tribute for the king and whatever they wanted for themselves. It was not only what they took, but the manner of collecting by these servants was harsh, while once in a while a private encomendero took pity on the poor Indians and treated them a little kindly.¹²

11 Salazar to Philip II. 1583. Retana, Archivo, II, 14; BR V, 224.

12 BR V, 233-234.

After an encomendero collected his tributes, he usually left the Indians without giving a thought to their need for religious instruction. Except in the Manila district, where many had been converted by the friars, the tribute was being exacted from infidels who neither knew nor understood the faith any more than they had one hundred years previous. On account of the treatment they had received from the Spaniards they had even grown to hate Christianity, or what they thought was Christianity. Many had been converted to Mohammedanism because they said they were better treated by the preachers of Moháma than they were by the Christians. The bishop asked the king to remedy the frightful conditions to prove that the king's purpose in sending the Spaniards was truly to make God known to the infidels.

The bishop said that more was needed to right matters than good laws, for he did not know of one decree issued for the benefit of the Indians which was being observed. One thing that would help matters in the bishop's opinion would be a Protector of the Indians, appointed by the bishop or the bishop and governor together to see that the Indians' rights were defended.

Before his death, the governor had mentioned to the bishop that he intended to raise the tribute of the Indians by two reales. This additional money would be used to pay the soldiers who had not received their wages. The bishop said he

did not think the natives could give the increased tribute but left the decision up to the king.¹³

From the above letter, here summarized, the evils existing in the islands in 1583, are seen. It was hoped that government by an audiencia would help restore peace and order. Prior to this, the governor of the Philippines had been under the audiencia of Mexico. As we mentioned previously, Gabriel de Rivera had gone to Spain in 1581, to request the establishment of an audiencia. His memorial to the king¹⁴ treated, among other things, the abuses which had occurred in the administration of the encomiendas.¹⁵ In it he petitioned the king to establish a royal audiencia in Manila. He asked that this audiencia be entrusted with the supervision of the assignment of encomiendas, to see that the laws regarding distribution were observed. It should also see that the alcaldes mayores remedy the abuses then existent in the encomiendas and see that justice was done to the Indians. He

13 Salazar to Philip II. 1583. Retana, Archivo, II, 44.

14 Cited in Cunningham, 45-46, with date Feb. 16, 1582, Rivera to Philip II. A. de I. 1-1-2/24; given in Spanish in Colín, Labor Evangélica, II, 669, with date "10 de Abril de 1583."

15 We find Rivera's name among those granted encomiendas by Legazpi, Oct. 31, 1571. "...4000 indios de Sogut (boca del rio Araut) y Malpa..." Colín, Labor Evangélica, I, 157.

also asked that the audiencia be allowed to hear cases appealed from the alcaldes mayores and corregidores instead of allowing these suits to be heard by the governor or delayed by being sent to Mexico. Rivera, as had the bishop, recommended that a Protector of the Indians be appointed.

A legal defender of the Indians was wanted in this case to serve them in the courts. The bishop, at this time, was protector of the Indians and in that capacity had protested against the abuses of the encomenderos. The bishop, of course, could not enter the courts and defend the Indians in litigation.

Cunningham summarized the need for an audiencia in Manila entrusted with the powers outlined above by Rivera. The prime need rose out of the excesses of the governors and the necessity of protecting all classes of society from his absolutism; these abuses called for a court nearer than New Spain. The merchant in his legitimate business needed the protection of summary law and order; relations between church and state needed stabilizing. Above all, the existing abuses in the administration of the provincial governments needed correcting.

The latter meant the assignment of encomiendas in accordance with the law to deserving individuals instead of to friends and relatives of the governors, or to other prominent officials of the colony. It also meant that the natives on these encomiendas should be protected from the rapacity of the encomenderos. It was realized that an effort should be made to insure the imparting of religious instruction to the natives in partial return

for tribute paid by them. Finally, it meant the establishment of a tribunal which would have power to enforce the law.... A tribunal...with authority to intervene actively in affairs of government, checking the abuses of the governors and protecting the community from his absolutism.¹⁷

These were the hopes placed in the audiencia commissioned by the king in a cedula dated May 5th, 1583.¹⁸ In the instructions given to the audiencia considerable space is devoted to the regulations concerning the Indians and their encomenderos. The president and oidores were ordered to take great care in informing themselves of the crimes and abuses which had been or would be committed against the Indians, both on the royal and private encomiendas. The officials of the audiencia were made responsible for seeing that the laws concerning the Indians were justly carried out so that they would be treated better. The Indians were to be instructed in the Catholic faith and to be regarded as the King's free vassals. The king and Council made it clear that the laws concerning the Indians were to be the chief concern of the audiencia.

...it is that for which we have chiefly to hold them accountable, and that in which they are chiefly called on to serve us.¹⁹

17 Ibid., 47.

18 Foundation of the Audiencia of Manila. Felipe II. May 5, 1583. MF IV, A. de I, 1-1-3-25; trans. in BR V, 274-318; VI, 35-43; Recop. lib. 2, tit. 15, ley, 11.

19 MF IV, A. de I. 1-1-3/25. Item. 71.

In addition to the above, the following provisions were made: suits in which Indians were plaintiffs or defendants should not be drawn out but promptly decided; in every village there was to be a person appointed to give instruction in Christian doctrine to the Indians; alcaldes mayores were ordered not to dispossess the native caciques of their rule or authority. The audiencia was urged especially to "preserve the usages and customs of the Indians when they are not plainly unjust," and to take care that the same were preserved by the inferior judges.²⁰ A provision was also made to protect the encomendero in the possession of his Indians.²¹

With these instructions to guide them the president, governor and captain-general Santiago de Vera, and the oidores of the royal audiencia arrived in Manila in May, 1584.²² It was formally established with much solemnity the following month.²³

Though the audiencia was instituted with much pomp and ceremony, and though all held high hopes for its success, it

20 Ibid., Item. 72.

21 Ibid., Item. 76.

22 Morga, Sucesos, 22; Colín, Labor Evangelica, I, 171.

23 Description of the formal installation is printed in Colín, Labor Evangelica, II, 672.

wasn't long before the petitions were being sent to Spain asking for its abolition. Vera wrote the Archbishop of Mexico on June 20, 1585, one year after he had taken office, asking him to use his influence with the king to get Vera transferred from the Philippines.²⁴ The functions of the audiencia as a court had been clearly defined and were distinctly understood. Although appeals were made from the audiencia to the Council of the Indies, there was little dissatisfaction with the body in the exercise of its purely legal functions. Its value in protecting the natives on the encomiendas was one of its advantages which was readily recognized. The chief objection to the audiencia developed as a result of its interference in matters of government, administration, and ecclesiastical matters. Disputes arose between the governor and oidores, between the bishop and the oidores, and among the oidores themselves. Lack of experience in the affairs of the Philippines by the governor and magistrates was one reason for the unsatisfactory conditions; another reason was the confusion resulting from the articles of establishment of the audiencia as to its extension of power in governmental and ecclesiastical affairs.²⁵

²⁴ Vera to Archbishop of Mexico. Manila, June 20, 1585. BR VI, 65-75.

²⁵ See Cunningham, Audiencia, 56-65, for various complaints against the audiencia.

Therefore, almost all elements in Philippine society united to ask for the recall of the audiencia in a junta held in Manila starting April 20, 1586. A statement of grievances was drawn up, signed by the municipal cabildo, the bishop, the governor, several oidores and some military officials.²⁶

Many of the requests of this memorial dealt directly with the Indians, their tribute and the encomienda system. One of the requests asked for an increase in the rate of tribute from eight reales to ten, provided that Indians were not compelled to pay in any particular article. This increase was to help cover the cost of religious instruction.²⁷ The king was asked to provide that offices and encomiendas be assigned to old citizens and soldiers not to friends and relatives of the governor.²⁸ Although the audiencia had been instructed to see to this matter, their supervision had not proved effective.

The fourth chapter of this memorial deals with matters

26 Memorandum of the various points presented by the General Junta Of Manila to the Council so that in regard to each the most advisable reform may be instituted. Manila, July 26, 1586. Colín, Labor Evangélica, I, 415-445; BR VI, 157-230. Pastells has printed a series of Memorials on pages 445-457, all of which have the same general tone as the one we summarize. For a list of those present at this junta see Colín, Labor Evangélica, I, 332-340.

27 Colín, Labor Evangélica, I, 417, n.2.

28 Ibid., 419, n.1.

on which depended the stability and growth of the islands. One petition asked that encomiendas be granted with the condition that a portion of land be cultivated by the encomendero and his Indians in either produce or animals. It also seemed essential to the writers that encomiendas contain at least eight hundred, or one thousand Indians in order to cover the many expenses an encomendero had, such as taxes, tithes, defense, and religious instruction.²⁹ It was felt that small encomiendas could not provide enough tribute to cover those expenses and still give the encomendero some support.

The fifth chapter dealt particularly with the Indians on encomiendas. In law suits justice for the Indian should be summary and not drawn out. They did not think the Indians should have to pay fines when convicted of some wrong, but rather penalties in use among Indians should be given, such as, lashes or services in the hospitals.³⁰

Another matter, in the words of the junta, needed serious attention and correction. The collection of tributes by force from the disaffected or never pacified encomiendas was causing much harm in the country. The memorial urged that severe penalties be imposed on those who only collected tribute by force and then left their encomiendas without giving any service. The Indians

29 Ibid., 426, n.1, n.5.

30 Ibid., 427, n.1.

regarded such treatment "por robo" and the Spaniards "por robadores."³¹ This made pacification in those areas impossible.

Only part of the tribute should be collected when no religious instruction was provided. Without this instruction, the natives were not truly pacified.³² It was difficult to provide instruction because the Philippines were islands; nevertheless, until it was provided, in the opinion of the junta, only a small amount of tribute should be collected.³³ The memorial stated that there existed a great lack of system and great confusion in the present collection of tributes. Many wrongs were being committed against the Indians because some encomenderos collected what they pleased, both in amount and kind.³⁴

Again petition was made that a legal Protector of the Indians be appointed with a salary. His duties would be to defend the Indians in legal cases.³⁵

This memorial was signed on July 26, 1586, and entrusted

31 Ibid., 427, n.2.

32 Ibid., 434, n.1.

33 Ibid., 427, n.3.

34 Ibid., 434, n.2.

35 Ibid., 427, n.4.

to Father Alonso Sánchez, S. J., whom the junta had unanimously appointed to be its envoy to the king.³⁶ He arrived at court in December, 1587, and had an audience with the king the following month. At that time he presented the documents we have mentioned, along with his own memorial,³⁷ to the king and the Council.

In June, 1588, Bishop Salazar sent another letter to Spain. He included with his own letter, a document prepared by the cabildo of Manila in 1586.³⁸ These two documents give information not only on religious matters but also on the social and economic conditions of both Spaniards and natives in the islands.³⁹

Manila in 1586, had eighty citizens. Outside the city, within five leagues, there were 7,500 Indians; 4,000 in royal encomiendas and 3,500 belonging to four encomenderos. There were ten friars and give more were needed to furnish sufficient

36 Colín, Labor Evangélica, I, 345 n.1.

37 Memorial of Father Sánchez, Jan. 19, 1588. Colín, Labor Evangélica, I, 368-373. It contains a wide variety of information on the Philippines in 1588.

38 See BR VII, 29, for discussion on date of this document.

39 Salazar to Philip II. Manila, June 25, 1588; including the cabildo of Manila's letter to Philip II, Dec. 31, 1586. Cartas de Indias, 637-652. The date printed in this collection is 1585, but internal evidence seems to make 1586, the proper date. This document enumerates the population (native and Spanish) for each island or province; the number of Spanish troops; the number of encomiendas and tributarios; the number of covents and of religious and ecclesiastics, resident and needed; the officials employed by the government. The figures vary little from those of Loarca's letter but show a slight increase.

religious instruction to the Indians. Outside of the city there were seven well populated provinces on the island of Luzon, three were Spanish: Ilocos, Cagayan, and Camarines.⁴⁰ On the whole, there were 146,700 pacified tributarios in the islands; 28,700 pacified for royal encomiendas, 118,000 on private encomiendas. There were 102 religious and 190 more were needed for the instruction of the Indians; this allowed for two religious for each thousand tributarios (a little less than 4,000 people). According to this document, adequate religious instruction would help pacify many more natives, and the number of tributarios would be increased from 146,700 to 200,000.⁴¹

In his letter of June 27, 1588, the bishop complained that the churches in the islands were very unkept and poorly supplied with the necessary chalices and vestments.⁴² He cited two principal reasons for this disgrace. The encomenderos were not allowing the proper amount from their tribute for the church; secondly, the majority of the encomiendas were too small to support the encomenderos. As a result, the natives had some to regard the things of God as of little value, seeing that the Christians did so little to provide for their churches.

40 Cartas de Indias, 641.

41 Ibid., 647-648.

42 Salazar to Philip II. Manila. June, 1588. MF V, A. de I. 68-1-32; BR VII, 64-76.

The bishop also complained that the encomenderos were still keeping their Indians from religious instruction by keeping them too busy in many occupations. He advised the king not to make more decrees and orders charging the good treatment of the Indians, but rather to send a number of the best religious. These could deal with the natives, help pacify them, defend them from the labors imposed by the Spaniards and from the outrages committed against them by their encomenderos.⁴³

The complaints of the Bishop, together with the memorials from the junta of Manila mentioned above led the king and his Council to abolish the audiencia⁴⁴ and experiment again with the royal governor.

It is noteworthy that during this period of the first audiencia we have no spokesman for the encomendero group in the Philippines. If there are any documents from this period which supports their side of the argument over tributes, we have not been able to locate any. This does not mean, however, that they were silent or inactive. We shall see their reactions to the reforms Salazar and the junta asked for in our next chapter.

43 Ibid.

44 PPhilip to Dasmariñas. San Lorenzo, August 9, 1598. Colín, Labor Evangélica, II, 174 n.3- 175; Cunningham, Audiencia, 71, citing cedula of Aug. 9, 1589.

CHAPTER IV

1589-1597

The royal audiencia of Manila, consisting of three magistrates and a fiscal, or prosecutor for the crown, was replaced by a governor, who was both captain-general and sole judge. The new governor, Gómez Pérez Dasmariñas, arrived at Manila, in May, 1590.¹ In the king's instructions to him are found many of the reforms asked for in the Memorial of the Junta of Manila in 1586.²

The governor was ordered to see that a fitting cathedral was built.

You shall apportion for this purpose the sum of 12,000 ducados, in three parts; one from my royal exchequer, another from the encomenderos, and another from the Indians, as is done in New Spain...³

1 For events of Dasmariñas' term see the following: Morga, Sucesos, 25; Zuñiga, Historia, 167; Colín, Labor Evangélica

2 Instructions to Gómez Pérez Dasmariñas, Philip II, August 9, 1589. MF V, A. de I. 105-2-11; printed in Colín, Labor Evangélica III, 741 n.1-750; trans. in BR VII, 141-172.

3 Colín, Labor Evangélica, III, 742 n.3.

Another provision ordered an increase in the rate of tribute.

As each Indian's tribute has hitherto generally been collected in pesos of eight reales apiece, it should reasonably be raised to the value of ten Castilian reales to each of the said pesos--provided that the Indian may not be forced to pay it in any designated article, but only in money, if he have it, or shall choose to give it, or in some other article produced by him, or in goods acquired in trade, according to their valuation at the time of payment.⁴

This increased tribute was allotted for a special purpose: 2 reales were to go to the royal treasury, one-half real to be used to pay the obligations of the tithes, the other one and one-half for the pay of soldiers stationed in the islands. The encomenderos were obliged to pay for the necessary religious instruction and the building of the cathedral from the remaining eight reales.⁵

⁴ Ibid., n.6; Recop. lib. 6, tít. 6, ley 65; Mallat, Philippines, I, 41. Cunningham (Audiencia, 60) has given a short history of the change in amount of tribute demanded; he is not quite accurate nor complete in this matter. By the above order tribute was raised from 8 to 10 reales. On June 20, 1591, Dasmariñas speaks of the tribute as again set a 8 reales (MF VI A. de I. 67-6-6; BR VIII, 159); we can find no document authorizing this amount. In 1593, the king again mentioned the tribute as being raised to 10 reales (MF VII, A. de I. 105-2-11; BR VIII, 305). However, in instructions to Gov. Tello in 1596, the king again speaks of 8 reales as the rate of tribute (MF VII, A. de I. 105-2-11). On February 16, 1602, the rate was again restored in the Philippines to 10 reales by Philip III. (Recop. lib.6, tít.5, ley 65).

⁵ Colín, Labor Evangélica, III, 742 n.6.-743.

The governor was forbidden to grant encomiendas to his relatives, friends, or servants. Those holding encomiendas were not to be granted any additional Indians until the long list of deserving men be granted them. The instructions even included a list of those to whom encomiendas should be given; these were mostly soldiers, no government officials or clergy.⁶

In these instructions to the governor an order was given to provide the encomendero with land to cultivate.

It was also petitioned in behalf of the said islands that now and henceforth, the encomiendas be given under the obligation and condition that the encomendero shall work some land, and assist the farmers and Indians so that they also may work and cultivate the soil. You shall strive to begin this, and shall give lands and homesteads, farms and horses, for breeding and farming, to the settlers and farmers, without any prejudice to the Indians.⁷

There is nothing in the above order to indicate that the nature of the encomienda had been altered. Encomenderos were not given land as part of their grant of encomienda, nor were they being given the land of the Indians. This was simply an effort on the part of the crown, to induce the Spaniards themselves, to use the land instead of depending completely on the produce

6 Ibid., 743 n.12; List of those to whom encomiendas should be given: Ibid., 744, n.13.

7 Ibid., 745, n.25.

of the Indians for support. Since the beginning of Spanish colonization in the New World, there had been this trouble. Namely, once the Spaniard arrived in the new lands, he immediately wanted to leave his occupation, no matter what it had been in Spain, and become a gentleman in the New World. Artisans and farmers became caballeros who felt it beneath them to do manual labor and thus became part of the unproductive population.⁸

With regard to the request that the size of encomiendas be increased the orders were less definite. It had been requested that those who had small encomiendas be allowed to sell them as they could not provide for all the expenses of the grant. This the king would not allow. He did order, however, that in the future, encomiendas be granted with enough tributes to cover the cost of the tithes, religious instruction for the natives, and maintenance for the encomenderos. The governor was ordered to take the utmost care that Indians were established in settlements which had adequate instruction.⁹ This was nothing more than a restatement of the governor's obligation to see to the religious instruction of the Indians.

⁸ In a letter to the king in 1590, Bishop Salazar states this same idea: "When a man comes to this country, even if he were a beggar in Spain, here he seeks to be a gentleman, and is not willing to work but desires to have all serve him; and so no one will do any labor..." MF, A. de I. 68-1-32; trans. in BR VII, 255. See also Simpson, Encomienda, 8; Hanke, Justice, 66-71.

⁹ Colín, Labor Evangélica, III, 746 n. 28.

The king ordered that the governor find a solution to the harm being done in the collection of the tributes. He had been told of the poor system followed in the collections; of the disobedience to his laws; of the harms done to Indians in areas not even pacified, and where they were being given no religious instruction. After consulting with the bishop the governor was ordered to carry out his "resolution into prompt and vigorous execution, in order that so great and injurious annoyances may cease."¹⁰

With regard to the custom of demanding scarce goods in payment of the tribute so that the tribute had really amounted to more than eight reales, the king ordered that the governor "check this lawlessness and excess." The tribute was to be paid in either coin, gold or produce equivalent to ten reales and no more.¹¹

The matter of religious instruction was also provided for.

Since, besides the obligation to procure the welfare of those souls, their conversion, instruction, and teaching which should be the chief motivating force; and since even for temporal considerations, the peace and tran-

10 Ibid., n. 30.

11 Ibid., 749, n. 49.

quility of the islands, so that those pacified should not revolt and those in revolt should be subdued, the best method is that of instruction...for which the common treatment, mildness, upright life and counsels of the religious and ministers of the gospel incline and regulate their minds; therefore, I charge you that after consulting with the bishop you shall, in my name, provide what is adviseable in this, so that the necessary instruction may be furnished, that my own conscience, the bishop's and your own may be relieved.¹²

We have given this lengthy quotation because it states so well the attitude of the crown toward religious instruction. This duty was very real to the king; upon it depended his very title to the new lands by the Pope, and to keep his claim legal as new lands came to him, he had to see to their Christianization. It was not enough to conquer by force. As we noted previously, the Spanish crown had a policy of "pacification" and not forceful subjugation. Lands conquered by force of arms could not be legally claimed and it was important to the crown to have legal title to the new lands. This desire for legality is a most interesting characteristic of the sixteenth century Spaniard.¹³

When Bishop Salazar heard of the instructions given to Dasmariñas he wrote to the king, commenting on some of them.¹⁴ He said that if the king were present and could see the poverty

12 Ibid., n.48.

13 Hanke, Justice, 6.

14 Salazar to Philip II. June 24, 1590. MF V, A. de I. 68-1-32; trans. in BR VII, 239-250, 251-261.

of the Indians, "no orders would be given to increase the tributes of these miserable people, but rather they would pay less."¹⁵

He wrote in this letter his hopes that the governor would remedy the great disorder in which the tributes were then being collected

The bishop again pleaded with the king to send at least three hundred religious to care for the instruction of the natives. Although he said that this number would not be completely enough, still great results could be expected if such a group were sent. First, the king would be fulfilling his obligation to provide religious instruction. Of the ten divisions of the bishopric, eight had no instruction. Some of these provinces had been paying tribute for more than twenty years without having received any other advantage "than to be tormented by the tribute and afterwards going to hell."¹⁶ Secondly, the natives would more easily be pacified by the religious and then greater tribute could justly be collected.

In a letter Salazar had just received from the king he had been charged with the protection of the Indians of his bishopric. He thanked the king for this duty.

I was burdened with the same responsibility, and with this commission I shall have, as your Majesty says,

15 Ibid., BR VII, 240.

16 Ibid., BR VII, 258.

more authority in order to render aid.¹⁷

He said that without this order from the king, he had not been able to do much for the Indians. This does not mean the king had, as yet, appointed a legal Protector of the Indians. The bishop said he was concerned about how he would pay for the expenses connected with the office, for he would have need of a notary, interpreter, and lawyer to plead the suits in court. This the bishop could not do.¹⁸

By the royal instructions given to Dasmariñas, the governor and bishop were ordered to consult together in providing for new solutions to two important matters; the collection of the tribute and religious instruction to the Indians. These two questions were intimately connected, for on the one depended the other. Both leaders, ecclesiastical and secular, were concerned because the solutions must touch the souls of the natives and the economic and social well being of the islands. The solutions must be just to satisfy their consciences, and practical so that it would be possible to enforce their decisions. We find in the correspondence between these two leaders their discussions, and disagreements. They were never to agree.

17 Ibid.

18 Ibid.; BR VII, 259-260.

Writing in January, 1592,¹⁹ the bishop designated the following divisions of encomiendas:

1. Those who had had and still had religious instruction.
2. Those who had never had nor did they then have instruction.
 - a. Those who had received no benefits at all from the Spaniards but who had been compelled to pay tribute.
 - b. Those who had not had instruction, but had received²⁰ from their encomenderos, or by means of them, some temporal advantages, which tended toward spiritual benefits, which prepared them, so that they might be instructed, and one might live among them in security.

In his opinion the class (2-a) which had not done any good for the Indians, should not be able to collect any tribute. Those (2-b) who had given some service; who had by their contact through trading and the like, pacified the natives to the extent that it was safe to go among them; to these, he would grant some tribute. In this same class belonged those encomiendas in which some civil justice had been established. He suggested that from such encomiendas one-half of the tribute could be collected if the encomiendas were small, and one-third, if the encomiendas were larger. Salazar made this distinction in size because he felt the smaller encomiendas would not support their encomendero on one-third of the tribute.

¹⁹ Salazar, January 1, 1591. MF.V.,.A. de I. 68-1-32; printed in Colín, Labor Evangélica, I, 603, n.l-605; trans. in BR VII, 268-276.

²⁰ Ibid.; Colín, Labor Evangélica, I, 603.

To collect the tribute the following conditions had to be observed:

1. Encomenderos had to do all in their power to establish sufficient religious instruction in their encomiendas.

2. In case religious could not be found at once, there should be definite laws governing how the encomenderos were to reside in their encomiendas.

3. In the encomiendas of the king, and in those of encomenderos who should not be allowed to reside in their encomiendas because of the abuses, there should be someone appointed, approved by the bishop to fulfil the obligations of the encomendero by the law of God and his Majesty.²¹

We note that Salazar makes reference to encomenderos living on the encomiendas. Some of the encomenderos, hoping to reduce their expenses had gone to live in the encomiendas. There they employed

the Indians in the service of themselves, their families, and their houses, taking away their possessions at the lowest prices....They care nothing for instructing the natives or setting them good examples, or preparing them to receive baptism; on the contrary they exasperate the Indians with their harsh treatment and cause them to abhor the law of God.²²

This must not be misinterpreted to mean that the Spaniard "lived on" his encomienda as if it were land. Rather, it was the custom

21 Ibid.; Colín, Labor Evangélica, I, 604.

22 "...con sus malos tratamientos hazen que aboriezcan la ley de Dios." Ibid.: ibid.

to grant in encomienda a whole village of Indians and the encomenderos here mentioned were those who went to live in the village granted them. Actually, it was the tribute of the Indians in the village that had been granted them.

In this same written opinion, Salazar urged that small encomiendas be made into large ones, as it was most difficult to establish religious instruction on the small ones.²³

On January 18, 1591, the bishop and theologians of the Philippines published a document presenting twenty-five conclusions they had reached on the collection of tributes.²⁴ Some of the conclusions duplicate those of the bishop which we have already noted. In addition the following principles were advanced. We give them here in summary.

1. Restitution must be made for all tribute taken before any service had been rendered; anything above one-half taken before religious instruction was provided was to be returned.
2. Full tribute should not be collected from infidels who, after hearing the religious instruction, rejected it.
3. ~~Sufficient ministers should be provided so that they~~ might give more individual attention to the converts.

23 Ibid.; Colín, Labor Evangélica, I, 605.

24 Summary of the decision reached by the Bishop of these Philippine Islands, and the other theologians of this bishopric, concerning the collection of the tributes therein. Manila, January 18, 1591. MF V, A. de I. 68-1-32; Printed in Colín, Labor Evangélica, I, 605-608; trans. in BR VII, 276-288.

4. Encomenderos should not seize chiefs and hold them prisoners until they paid the tribute of all their subjects.

5. Encomenderos should not try to save on expenses by providing too few instructors.

6. "Encomenderos should not consider themselves the lords of the Indians, but rather their attorneys, tutors, and protectors. Encomiendas are instituted for the good of the Indians, not the encomendero."25

Dasmariñas wrote to Salazar in answer to the above.²⁶

The point of difference between the two authorities seemed to be the pacified encomiendas which had only been provided with "justice." He thought that in those encomiendas where only part of the tribute could be collected, three-fourths should be collected for expenses and one-fourth for religious instruction. This one-fourth would be returned to the Indians when there were no religious available to provide religious instruction. All encomiendas should give the same percentage of tribute when only part was to be collected. The Indians on small encomiendas should not be penalized by having to pay more. The governor agreed that tribute should be collected without harm to the Indians, without soldiers or guns. Encomenderos should be allowed to live among their Indians and should give them good example and justice.²⁷

25 Ibid.; Colín, Labor Evangélica, I, 606.

26 Dasmariñas to Salazar. 1591. MF, A. de I. 68-1-32; trans. in BR VII, 294-300.

27 This is the same problem as is found throughout the Spanish colonies. The bishop and friars wanted to segregate

The governor added that to execute the perfect theories of the bishop would be almost impossible, as the encomenderos had to be supported by tribute or they would leave the islands. The governor pointed out to the bishop that the encomenderos had to be treated with kindness and understanding as well as the Indians. He concluded that for the time being things would remain as they were until he had contacted the king again.²⁸

On February 8th, Salazar again wrote the governor concerning the amount of tribute to be collected from encomiendas without religious instruction.²⁹ It was his opinion that encomenderos could easily live on one-third of the tributes and that there was no danger of them abandoning their holdings. He again urged the governor to reform the abuses practiced by the encomenderos because the chief obstacle to the conversion of the natives was the injustice of the encomenderos. If the encomenderos

the Indians to keep them away from the bad example of the Spaniards. The Spaniards, on the other hand, wanted to use the Indians. Here the governor sides with the encomenderos. Actually, there was a law forbidding encomenderos to live on their encomiendas. (Recop. lib. 6, tit. 9, ley 11, 13; Solórzano, II, 317-318). There was also a law saying that the Indians had no obligation to work in the homes of the encomenderos. (Recop. lib. 6, tit. 9, ley 12; Solórzano II, 297.

28 Dasmariñas to Salazar. 1591. MF. V, A. de I. 68-1-32; trans. In BR VII, 294-300.

29 Salazar to Dasmariñas. Feb. 8, 1591. MF V, A. de I. 68-1-32; BR VII, 304-312.

were allowed to collect three-fourths of their tribute they would never provide for religious instruction. The bishop added that others supported themselves without any encomiendas so certainly those who had them should have been well off. He complained that the orders of the king and governor had been systematically violated or ignored; no one was punished for breaking the laws but the natives, who were often justified in doing so.

The city officials and encomenderos presented a petition to the governor on February 15th, complaining of the pressure exerted upon them by the clergy and friars to prevent the collection of the tributes.³⁰ They had gained their encomiendas, poor as they were, by service to Spain and the king, with much hardships. Now they were asking the governor to secure an order from the king so that they could collect the tributes without ecclesiastical interference, or else to permit them to return to Spain.

This is a most interesting document because, to our knowledge, it is the only one available in which the encomenderos present their side of this controversy during this period. We usually have only the writings of the bishops and Spanish officials to base our history on.

³⁰ Petition...to the Governor by the city and the encomenderos. Feb. 15, 1591. MF, A. de I. 68-1-32; printed in Colín, Labor Evangélica, I, 608; trans. in BR VII, 301-304.

Finally, on February 28th, the governor issued a decree for the collection of tributes which was to settle the matter until the king issued permanent orders.³¹ The decree may be summarized as follows:

1. Entire tribute may be collected in encomiendas which have both justice and religious instructions for both believers and non-believers. Encomenderos were bound to support the ministers of religion who belonged in their encomiendas. They must provide promptly the funds for religious instruction, building and upkeep of the churches, or lose their grants.

2. Where there was justice, but no religious instruction through lack of ministers, three-fourths of the tribute could be collected; the fourth part should be given back to the Indians.

3. No tribute could be collected in encomiendas which on account of the remoteness had neither justice nor religious instruction, until matters were changed.

4. In encomiendas which were disaffected or which had never been pacified no tribute might be collected. Unless they were pacified and then rose in unjust revolt; then part tribute might be taken "in recognition."³²

Efforts would be made to provide justice in the non-pacified encomiendas so that the tribes would not rise in revolt. When these had been pacified, three-fourths of the tribute might be collected.

If the encomenderos exceeded the proscribed tribute in their collections, they would be fined five hundred pesos and

³¹ Order issued by the Governor for collection of the tributes. Feb. 28, 1591. MF V, A. de I. 68-1-32; printed in Colín, Labor Evangélica, I, 612-613; trans. in BR VIII, 27-32.

³² Ibid.

half the expenses of any wars of rebellion caused by their abuses of the natives. Collections should be made with gentleness. The Indians were to be allowed to pay their tribute in goods or money of their own choosing.

The governor was sending a copy of his decree to the king for his approval.

The bishop did not give his approval to the governor's orders. He wrote March 4th, that permission should not have been granted to collect three-fourths of the tribute without providing religious instruction. This placed greater importance on civil justice than on the conversion of the Indians; one-fourth was not enough to grant for religious purposes.³³

Dasmarinas wrote to the bishop on March 6th, trying to explain his views on the bishop's objections. He assured the bishop that he placed religious instruction as the chief aim of the colonization, but that it was not the only purpose. The tribute in the Philippines was very moderate compared to that of the natives in New Spain; in the Philippines it was one peso while in New Spain it was from three to four

³³ Salazar to Dasmarinas. March 4, 1591. MF V, A. de I. 68-1-32; trans. in BR VIII, 32-34.

pesos.³⁴ The establishment of justice was very important in keeping down revolts and in civilizing the natives. But civil servants had to be paid and they required more than the friars. The governor cited as an example his own salary (12,000 pesos) as compared to that of the bishop (2,000). While his was the greater salary, the dignity of the bishop's office was, in Dasmariñas' words, the more worthy of esteem.

Further correspondence was carried on between these two but it seems merely restatements of their positions which neither would change.³⁵

³⁴ Dasmariñas to Salazar, March 6, 1591. MF V. A. de I. 68-1-32; trans. in BR VIII, 34-38. Dasmariñas' claim that the tribute in the Philippines was lower than that of New Spain seems correct at this time. Fray Juan Zapáta, Bishop of Guatemala from about 1570 to 1630, reported the tribute in New Spain as eight tostones or thirty-two reales of silver. (Solórzano, I, 321). The peso of tribute in the Philippines was eight reales; the three or four pesos Dasmariñas mentioned as tribute in New Spain would equal about the thirty-two reales or eight tostones Friar Zapáta reported. (tostón = 4 reales; one peso = 8 reales).

³⁵ This correspondence is translated in BR VIII, 38-69; Colín reprints a list of the correspondence concerned in this dispute, Labor Evangélica, I, 620.

Dasmariñas wrote the king, June 20th, 1591,³⁶ and described his conflict with Salazar; he summarized their correspondence, and sent copies of it so that the king could see the arguments presented on both sides. He pointed out that not all the religious agreed with the bishop in his theories on tribute. He asked some Augustinians, Franciscans, and Jesuits to give their opinions and they differed from those of Salazar. They said that in encomiendas where religious instruction was provided tribute might be collected entirely from both Christians and infidels. Where there was justice but not religious instruction these fathers agreed that three-fourths could be collected.³⁷ The governor followed this opinion when he made the decrees of which he was sending a copy to the king. It was the governor's opinion that the tribute, if collected justly, could not be too great a strain on the Indians as they were paying eight reales whereas in New Spain they paid from twenty-four to thirty-two.³⁸

36 Dasmariñas to Philip II, Manila, June 20, 1591. MF VI, A. de I. 67-6-6; printed in part in Colín, Labor Evangélica I, 613-615; trans. in BR VIII, 142-168.

37 BR VIII, 156; Document referred to trans. in BR VII, 312-318. Opinions of the Religious. MF V, A. de I. 68-1-32. The Opinion of the Jesuits, given in two documents, is printed in Colín, Labor Evangélica, I, 608-612.

38 Dasmariñas to Philip II. Manila, June 20, 1591. MF VI, A. de I. 67-6-6; trans. in BR VIII, 159.

With the above mentioned documents, the governor was also sending to the king a detailed account of the encomiendas in the Philippines. He was doing this so the king might be aware of the present state of things and could, therefore, provide the necessary laws, and also send the needed ministers of religious instruction. In this document is listed the number of royal and private encomiendas, those pacified and hostile, those with instruction and without instruction. The names of encomenderos were included as well as the number of tributarios, religious ministers and magistrates in each encomienda.³⁹ It is an important document in our study as it indicated the growth of the encomienda system in the twenty years we have thus far covered.

The encomiendas of Manila, its coast and the opposite shore had 9,410 whole tributes which represented about 36,640 Indians. According to this document there were thirteen ministers of instruction which, the governor's opinion stated, seemed ample.

Counting the island of Luzón and the other islands that were pacified there were 166,903 whole tributarios; each tributario included husband, wife and children. Therefore, there

39 Account of the Encomiendas in the Philippine Islands. May 31, 1591, printed in Retana, Archivo, IV, 41-111; trans. in BR VIII, 97-141.

were about 676,612 souls in the provinces pacified which were entrusted to encomenderos. The following are figures quoted from this document:⁴⁰

Whole <u>tributarios</u>	166,903
Souls	667,612
Number of religious	140
Number of religious needed	161
King's <u>encomiendas</u>	31
Private <u>encomiendas</u>	236
<u>Alcaldes mayores</u>	12
Deputies	12

These figures show an increase in tributarios since 1586, from 146,700, to 166,903; there were then 102 religious and 190 were needed as compared to 140 religious and a stated need for 161 more in 1591.⁴¹

The documents were all sent to the king in 1591, but the governor received no answer from Philip II until 1593. In the meantime, his difficulties with the bishop continued. Salazar finally left the Philippines in 1592, to take his complaints directly to the king.⁴²

⁴⁰ Retana, Archivo, IV, 111.

⁴¹ Cartas de Indias, 647-648. Salazar had indicated in 1588 that at least two **religious** were needed for each thousand tributarios, a little less than 4,000 people.

⁴² Bishop Salazar died in Madrid, Dec. 4, 1594. For biographical data see Concepción, Philipinas, II, 192-194; Colín, Labor Evangélica, I, 164 n. 4; Cartas de Indias, 837-838.

The king wrote to Dasmariñas in 1593,⁴³ assuring him among other things that he would send as many religious as possible. He clarified the raise in tribute; he intended two reales to be added to the current tribute whatever it happened to be. In this letter he also ordered the governor to appoint a protector of the Indians.

The protection and defense of the Indians was entrusted by us to the Bishops of the Philippines; but having recognized that the latter cannot conform to the demands autos and judicial summons which require their personal presence, we order that our president-governor shall name a protector and defender of the Indians, assigning to him a sufficient salary from the taxes [tasas] levied pro-rata upon the Indians....And we declare that this does not signify that it is our intention to deprive the bishops of the superintendence and protection of the Indians in general.⁴⁴

In June 1593, Dasmariñas again wrote the king on affairs in the Philippines.⁴⁵ Among other things, he mentioned that instead of collecting the tribute in either money or produce, only produce was then being accepted.

...for since the Indian sees that he can pay his tribute with ten reales which he makes in one day's work, all the rest of the year he makes merry and spends his time in idleness and leisure....Therefore, they do not sow their fields, raise animals, weave their cloth or cultivate the fruits of the earth.⁴⁶

⁴³ Philip II to Dasmariñas, Madrid, Jan., 17, 1593. MF VII, A. de I. 105-2-11: trans. in BR VIII, 301-311.

⁴⁴ Ibid.; Recop. lib.6, tit. 6, ley 6.

⁴⁵ Dasmariñas to Philip II. Manila, June 20, 1593. MF VII, A. de I. 1-1-3/25; extracts from this letter printed in Colín, Labor Evangelica, I, 622-623; trans. in BR IX, 58-68.

Trade was being ruined, there was not enough food, and prices were too high. Therefore, they were going to take only produce as tribute to force the natives to work again. They would do this until the king ordered otherwise.

In this same letter Dasmariñas suggested a plan for doing away with the abuses connected with the collection of tribute.

I have thought that it might be a good plan to have the tributes of all the encomiendas collected in your Majesty's name, and placed in the royal treasury; then they could be paid out from it to the encomenderos. By this method innumerable acts of tyranny and insolence would be avoided which can not be remedied, especially in encomiendas distant from here, 100, 150, or 200 leagues....Thus all the encomiendas would have but one master and true proprietor---namely, your Majesty.⁴⁷

The outcome of this suggested system would have amounted to nothing more than a **pension** system, in the French sense of pension.

Before Dasmariñas received a reply from the king, he was killed in October, 1593.⁴⁸ His son, Luis Pérez became governor ad interim. Upon hearing of Dasmariñas' death, the king appointed

46 Ibid.; BR IX, 64. Although Dasmariñas does not mention where the natives earned ten reales in one day, he probably refers to their trading with the Chinese as this was their most lucrative occupation; he might also be referring to their habit of panning silver or gold from some of their rivers.

47 Ibid.

48 Dasmariñas was leading an expedition to conquer the fort of Terrenate in Maluco. He was killed on board ship when the Chinese rowers mutinied. Zuñiga, Historia, 172; Morga, Sucesos, 30-32.

Don Franciscó Tello de Guzmán governor of the Philippines.

The king's instructions to Tello, dated May, 1596,⁴⁹ contained some orders concerning the encomiendas. This is the last document we shall examine in detail. The provisions given in this document are similar to those instructions given to Governor Dasmariñas. The form of the encomienda had become a rather stable thing, and it seemed not to change much from this time to its final abolition in the eighteenth century.

In these orders, the governor was instructed to work in harmony with the newly re-established audiencia⁵⁰ and the bishop for the good of the islands. The king mentioned that he had sent 154 religious to the islands in 1594, and then he was sending 110 more. He charged the new governor to see to the conversion and instruction of the natives as his most important duty. In connection with this he was to consult with the bishop and religious superiors.

⁴⁹ Philip II to Tello. Toledo, May 25, 1596. MF VII, A. de I. 105-2-11; trans. in BR IX, 218-258.

⁵⁰ Philip II to Tello. Nov. 26, 1595. MF VII, A. de I. 105-2-11: "I established an audiencia in that city and province in order that everything might be governed by means of it, and that justice might be administered with the same universal equality, mildness and satisfaction; after its establishment I ordered it suppressed as experience proved it unnecessary in a land so new and unsettled; in its place I sent a governor and though his administration was excellent, yet, inasmuch as that community had grown, and I hope will continue to grow, I have again thought it advisable to found and establish the said audiencia again."

There had been some question as to whether or not tributes could be collected from the infidels before they had become Christians. The king ordered that tribute be collected from all the natives on pacified encomiendas. The Christians were not to be taxed for their conversion. He furthered ordered that:

...among those Indians who should not have any instruction, the portion be applied to that purpose should upon collection be kept in separate account for some hospitals as a means of benefit for the said Indians.⁵¹

The governor was forbidden to grant encomiendas to friends, relatives or government officials.

You shall grant the encomiendas to soldiers who shall have lived in the islands in actual military service and duty, always giving the preference to those who merit it with most cause...it is not right that those who go last should profit by the sweat of another's labor.⁵²

He again ordered Tello, as he had ^uDasmariñas, to encourage the encomenderos, farmers, and Indians to cultivate some land. He was to grant lands, homesteads, and animals for breeding and farming to those who would work the land.

He again refused to allow small encomiendas to be sold but did allow that upon the death of an encomendero of a small encomienda, his grant might be united to another small one. New

51 Philip II to Tello. May 25, 1596. MF VII, A.de I. 105-2-11; trans. in BR IX, 227.

52 Ibid.

encomiendas should be large enough to cover expenses and also support the encomendero. The Indians had to be provided with adequate instruction.

In as much as this is the most important matter there, and one to which you must attend with special care and attention, as it concerns the welfare of souls and the Christianity of the Indians....Wherever the produce and revenues of any encomienda do not suffice for the encomendero and for the instruction, you shall give preference to the instruction, even though the encomendero be left without resource.⁵³

Dasmariñas had written the king that only produce was being accepted for the tribute but the king ordered in these instructions that the Indian be allowed to choose what he would pay in --either money or produce.

Equipped with these, and other detailed instructions, Don Francisco Tello arrived in Manila, June 1, 1596, to take over his government.⁵⁴

53 Ibid.

54 For events of Tello's term see Morga, Sucesos, 54; Zuñiga, Historia, 180.

CHAPTER V

CONCLUSION

As we have seen, the Spanish crown provided minute legislation covering the operation of the encomienda system in the New World. In doing this the crown had two purposes: First, it desired to further the material and spiritual welfare of the Indians and prevent their mistreatment, by enforcing adherence to a strict code on the part of the encomenderos. Secondly, the crown was determined to prevent the development in the New World of a hereditary, feudal, or semi-feudal, landed aristocracy which could oppose the royal absolutism of the Hapsburgs.¹ The origin of the encomienda system may be traced back to the feudal system from which it grew, but having won superiority over the feudal lords in Spain, the crown had no desire to renew the struggle in the distant lands it was acquiring. The system proved useful in rewarding the Spaniards for their services to the crown, and in holding the new lands for Spain, as well as helping to civilize and Christianize the natives. Whenever the crown felt that the encomenderos were gaining too much power, it stepped in to curb them with more laws.

1 Chamberlain, "Repartimiento-Encomienda," 31.

In the Recopilación, libro 6, especially títulos 8,9, and 11, and in Solórzano's Política Indiana, libro 3, are found most of the laws made concerning the encomienda system.² Many of these placed limitations on the encomendero. Some we have mentioned, for example, the encomendero was forbidden to live on his encomienda; to own the lands of his Indians; after 1542, to use the personal services of his Indians. The encomendero had the **duties** of defending his Indians, seeing to their Christianization, helping to pay for the erection of Churches, and of defending the new lands against foreign aggression. The crown also imposed taxes on the encomendero. These included half-annates, payments for the support of the fleet and soldiers, assessments to pay the salaries of the Council of the Indies, and also a payment of the royal treasury. These expenses greatly diminished the actual money value of the tribute granted the encomendero.³ To insure that the grant of encomienda did not take on the hereditary aspects of feudalism, the grant was made for a definite period of time governed by the terms of the grant and not by the existing laws on inheritance. During the period of our study, an encomienda in the Philippines was granted for two lives.

2 Recopilación, II; Solórzano, II.

3 Zavala, New Viewpoints, 91.

That is, on the death of the encomendero, his son, or surviving heir, would inherit the grant, but on the latter's death the encomienda would revert to the crown or be reapportioned to another deserving person.⁴ Though the encomendero did leave his grant to one heir on his death, during his lifetime he could not dispose of his tribute rights to another person.⁵ All these laws had, as we said, the double purpose of protecting the Indians, and limiting the powers of the encomenderos.

We saw in the first period of colonization in the Philippines a fast growth of the encomienda system. Legazpi used the grant freely to reward his soldiers; Lavezaris followed his example. When Sande arrived in 1575, he complained that encomiendas had been granted so fast that many were not even then pacified, and he began an effort to re-establish order; for this he was most unpopular in the islands. As the crown saw the fast growth of the colony, and realized that the military government was not sufficient for the island domain, it appointed a royal audiencia. The abuses of the encomienda system were cited as one reason for the establishment of the audiencia. Both encomenderos and Indians needed a court of law closer to the Philippines than that of New Spain. Most authorities agree that as a court of

4 BR XIX, 273.

5 Recop. lib. 6, tit. 8, leyes 16-17.

law the first audiencia was a success. Where the audiencia failed was in its unfamiliarity with the Philippines and in the administrative fields where it conflicted with the governor and bishop. In the instructions to the audiencia, the crown had given specific orders for the administration of the encomiendas. The king continued to regulate the system in his orders to Governor Dasmariñas who replaced Vera and the audiencia. In Philip's instructions to Tello in 1595, he again established the audiencia and gave further regulations dealing with the encomienda system.

We saw that the Church in the Philippines gave strong support to the crown's policy of controlling the encomenderos. Bishop Salazar was outstanding in his defense of the rights of the Indians, as were the many friars who lived among the natives. This, of course, led to the controversy, which we have examined, over the tributes, their collection, and the religious instruction of the Indians. These questions were not settled by the end of our period of study, nor indeed were they resolved completely during all the years of Spanish rule.

In the years following our period of study to its final abolition of the encomienda in the eighteenth century the crown kept close control over the system. More and more tributes were appointed to the crown in an effort to retain both the profit and control of the colonies. Under Philip V, the first Bourbon ruler of Spain, the encomienda was abolished. The cédulas

suppressing the encomienda by incorporating all the Indians to the crown were published in 1720-1721.⁶ Of course these did not immediately put an end to the system; in some parts of the colonies it survived most of the eighteenth century, but we find no mention of it anywhere in the nineteenth century.

6 Guillermo Feliu-Cruz, Las Encomiendas según tasas y ordenanzas, Buenos Aires, 1941, 237; Silvio Zavala, La Encomienda Indiana, Madrid, 1935, 341-344.

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