



INTO THE HEART OF THE EMPIRE:  
INDIAN JOURNEYS TO THE HABSBURG ROYAL COURT

By

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To Lynda

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Figure 1. Il Perù ove si trovano le Udienze di Quito, Lima, e Plata (A. Zatta, 1785). Archivo Histórico de Límites del Perú. Mapoteca Virtual

## INTRODUCTION

RESPONDE el dicho hombre, dijo: "Hijo, uete a Castilla. El rrey te hará merced de tanto seruicio y natural propetario que soys."  
Responde el autor y dijo: "Señor, soy biejo de ochenta años. No puedo rremediallo. Dios lo rremedie y su Magestad que puede, es suya."

Felipe Guaman Poma de Ayala, *Nueva corónica y buen gobierno*

This study explores the role of indigenous peoples of the Andes in the formation of the early modern Atlantic world. The research focuses on the multiple journeys of Andean natives from the kingdom of Peru to the court of the Spanish Habsburgs during the first two centuries of colonial rule. In the early 1560s, the royal palace in Madrid became the permanent residence of the king and the seat of his government. The court incorporated both the members of the royal household and of the central government, totaling more than two thousand individuals. The secretarial offices and the chambers of the royal councils, including those of the Supreme Council of the Indies, occupied the ground floor of the palace. Countless visitors, litigants, and favor-seekers, some of them Indians from Peru, circled around the courtyards and walked in and out of the hallways of the palace every year. For these subjects of the king, too, the Habsburg court could be "the focus of aspiration [and] the graveyard of hope."<sup>1</sup>

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<sup>1</sup> Jonathan Brown and John H. Elliott, *A Palace for a King: The Buen Retiro and the Court of Philip IV* (New Haven: Yale University Press, 2003), 36-38, John H. Elliott, "The Court of the Spanish Habsburgs: A Peculiar Institution?" in *Spain and Its World, 1500-1700: Selected Essays* (New Haven: Yale University Press, 1989), 144-45. With some minor variations over time, the district of the Royal *Audiencia* of Lima—the other main scenario of this story—included some fifty *corregimientos* in the sixteenth and seventeenth centuries, which fell under the jurisdiction of several Spanish cities like Lima, Trujillo, Arequipa, Huamanga, and Cuzco. The *Audiencia* of Lima shared borders in the north with the Royal *Audiencia* of Quito, in the south with the Royal *Audiencia* of La Plata or Charcas, in the west with the Pacific Ocean, and in the east with the unexplored provinces of the Peruvian jungle. *Recopilación de Leyes de los Reinos de las Indias*, (Madrid: Julián de Paredes, 1680), Bk. 2, Tit. 15, Law 5.

To reach the Spanish court, native travelers generally followed an established route, which took them from the port of Callao (or other minor Peruvian ports) to the Isthmus of Panama, with possible stops along the Peruvian coast, and then overland to Nombre de Dios or Portobello (see Figure 1 above). From these harbors in Tierra Firme, most vessels would go first to Cartagena, where they would spend the winter, and then to Havana, where they would unite with the Mexican fleet for the journey to the Azores, the Bay of Cádiz, and finally Seville, arriving there in late October or early November. Another thirty days, or about 340 miles, awaited the traveler on foot from Seville to Madrid. The approval of a return license by the Council of the Indies and the House of Trade took an extra two or three months. Consequently, the trip to Spain and back to the Andean region required about six months (almost twice that time in extremely bad circumstances) and spanned some six thousand miles. If the traveler had not started his quest in Lima, the main city of the viceroyalty, but from farther afield, then the journey could extend for several additional months.<sup>2</sup>

Some travelers stayed in Spain for many years; some never returned to America. In line with prevailing notions of law and justice, they all

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<sup>2</sup>Garcilaso Inca de la Vega, a scion of a Spanish conquistador and an Inca princess, left his native Cuzco in early January of 1560. He arrived to Seville via the Azores and Lisbon in the late summer or early fall of 1560. After visiting his relatives in Andalusia and Extremadura (some 170 miles away from Seville), he arrived in Madrid by the end of 1561. Almost two years had passed since his departure from Cuzco. It took President Pedro de la Gasca two months on the sea alone to travel from Panama to Tumbes. Viceroy Francisco de Toledo left Peru the last of April and arrived in Spain the last days of September 1581. Fray Calixto de San José Tupac Inca left Cuzco on September 25, 1749 and arrived to Madrid on August 22, 1750, via Madrid. Francisco A. Loayza, *Fray Calixto Túpac Inca, Documentos Originales Y, En Su Mayoría, Totalmente Desconocidos, Auténticos, De Este Apóstol Indio, Valiente Defensor De Su Raza, Desde El Año De 1746 a 1760* (Lima: D. Miranda, 1948), 3, Aurelio Miró Quesada Sosa, *El Inca Garcilaso* (Madrid: Instituto de Cultura Hispánica, 1948), chapter 4, John Grier Varner, *El Inca; the Life and Times of Garcilaso De La Vega* (Austin: University of Texas Press, 1968), 196-99, Arthur Franklin Zimmerman, *Francisco De Toledo; Fifth Viceroy of Peru, 1569-1581* (Caldwell, Id.: The Caxton Printers, 1938), 22-23. See also Clarence Henry Haring, *Trade and Navigation between Spain and the Indies in the Time of the Hapsburgs* (Cambridge: Harvard University Press, 1918), 201-11, Auke Pieter Jacobs, "Legal and Illegal Emigration from Seville, 1550-1650," in *"To Make America": European Emigration in the Early Modern Period*, ed. Ida Altman and James P. P. Horn (Berkeley: University of California Press, 1991), 61-69, Carla Rahn Phillips, *Six Galleons for the King of Spain: Imperial Defense in the Early Seventeenth Century* (Baltimore: Johns Hopkins University Press, 1986), 11-13, Ernst Schäfer, *El Consejo Real Y Supremo De Las Indias: Su Historia, Organización Y Labor Administrativa Hasta La Terminación De La Casa De Austria*, 2 vols., vol. 2, *La labor del Consejo de Indias en la administración colonial* (Seville: Escuela de Estudios Hispanoamericanos, 1947), 372-73.

petitioned for what they thought they deserved. Royal justice was to give everyone according to their merit and quality. Their motives and aspirations, partially shared by other Atlantic travelers, were as complex as colonial society itself. While in Spain, some requested *encomiendas*, coats of arms, titles of nobility, or official recognition of a non-tax paying status.<sup>3</sup> Others demanded that the high representatives of the Crown—the viceroy and the *Audiencia* or high court of appeals—administer justice in America. Some petitioned on behalf of their communities and denounced colonial excesses of all sorts, intertwining personal concerns with collective aspirations. Still others, dragged to Spain against their will, begged for a few coins to survive at court. Ranging from total coercion to relatively free will, from the Indian commoner forced to deliver birds of prey for courtly entertainment to the Inca prince spending the rest of his days amidst titles, pensions, and privileges, each journey was neither exceptional nor paradigmatic, but fell somewhere in between individual and collective experiences. These and other stories, carefully pieced together from several Spanish and Peruvian archives, constitute the bulk of the pages that follow.

### *Paradigms*

A discussion of the two paradigms that inform current understandings of these trips will serve as our first journey into the journey itself. One can loosely label them the “national” and the “utopian” paradigms. Regarding the first interpretation, the late John Rowe contended in the 1950s that Indian voyagers to the Spanish court took an active role in the first “Inca nationalist cycle” of the mid-seventeenth century. These cycles of opposition to colonial rule followed the pattern of dissatisfaction, political activity, peaceful negotiation, sound failure, desperate revolt, and brutal repression.

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<sup>3</sup> In this context, *encomiendas* refer to grants of a stipend resulting from the labor of a specific number of Indians. These *encomienda* grants could be for a set period or for life.

Rowe's argument was in part a response to early works that had presented these "Inca nationalists"—as Rowe labeled them—as picturesque and exceptional characters or as "traitors" allied with the Spanish invaders.<sup>4</sup> Rowe argued, instead, that nationalists fought the oppressive system, but since their protests and negotiations brought no real improvement, they finally took the path of open rebellion and tried to establish an independent Inca state in the Andes. Their rebel activities, fueled by the renaissance of Inca aesthetics, symbols, and traditions, set the precedent for the famous "Inca National Movement" of the eighteenth century, when messianic leaders such as Juan Santos Atahualpa and José Gabriel Tupa Amaro attempted to restore an Inca dynasty in Peru. Indian transatlantic endeavors were, then, the truncated expression of this Inca National Movement.<sup>5</sup>

Building upon Rowe's contributions, ethnohistorians of the 1980s and 1990s expanded the "national" thesis in several respects, as the scholarship shifted its emphasis from "Indian" to "Andean" and from colonial Incas to traditional ethnic lords (*caciques* or *curacas*). Influenced by Andean

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<sup>4</sup> Ella Dunbar Temple, reproducing a classic dichotomy in Andean studies, condemned Don Melchor Carlos Inca's siding with the Spanish, his Hispanicized manners and lifestyle, and his visit to court. She praised, in contrast, the heroic struggle of Don Melchor's uncles and cousins, which rose in arms, founded a neo-Inca kingdom in the jungles of Cuzco, and resisted the Spaniards for more than three decades. Rómulo Cúneo-Vidal, *Historia de las Guerras de los Últimos Incas Peruanos contra el Poder Español (1535-1572)* (Barcelona: Maucci, 1925), Guillermo Lohmann Villena, *El Conde de Lemos, Virrey del Perú*, 1 ed. (Madrid: Escuela de Estudios Hispanoamericanos, 1946), 240, Ella Dunbar Temple, "La Descendencia de Huayna Cápac: Introducción," *Revista Histórica* 11 (1937): 98, —, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," *Documenta* 1, no. 1 (1948): 138-54, —, "Los Caciques Apoalaya," *Revista del Museo Nacional* 2, no. 2 (1942), —, "La Descendencia de Huayna Capac: Don Carlos Inca," *Revista Histórica* 17 (1948): 134-35, —, "Los Testamentos Inéditos de Paulu Inca, Don Carlos y Don Melchor Carlos Inca. Nuevos Datos sobre esta Estirpe Incaica y Apuntes para la Biografía del Sobrino del Inca Garcilaso de la Vega," *Documenta* 2, no. 1 (1949-1950): 615, 35, Rubén Vargas Ugarte, *Manuscritos Peruanos del Archivo de Indias*, Biblioteca Peruana; 2 (Lima: Impr. La Prensa, 1938), 212-16, 342-45, —, *Manuscritos Peruanos en las Librerías y Archivos de Europa y América. Complemento*, Biblioteca Peruana; 5 (Buenos Aires: San Pablo, 1947), 72, —, *Impresos Peruanos Publicados en el Extranjero*, Biblioteca Peruana; 6 (Lima: Compañía de Impresiones y Publicidad, 1949), 199, —, *Historia del Perú. Virreinato (siglo XVII)* (Buenos Aires: Imp. López, 1954), 450-51, —, *D. Pedro Antonio Fernández de Castro, Conde de Lemos y Virrey del Perú* (Lima: Editorial Universitaria, 1965).

<sup>5</sup> John H. Rowe, "The Incas under Spanish Colonial Institutions," *Hispanic American Historical Review* 37 (1957), —, "Colonial Portraits of Inca Nobles," in *The Civilizations of Ancient America. Selected Papers of the XXIXth International Congress of Americanists*, ed. Sol Tax (New York: Cooper Square Publishers, 1967), —, "El Movimiento Nacional Inca del siglo XVIII," in *Los Incas del Cuzco: siglos XVI, XVII, XVIII* (Cuzco: Instituto Nacional de Cultura, 2003 [1955]), —, "Genealogía y Rebelión en el siglo XVIII: Algunos Antecedentes de la Sublevación de José Gabriel Thupa Amaro," in *Los Incas del Cuzco: siglos XVI, XVII, XVIII* (Cuzco: Instituto Nacional de Cultura, 2003 [1982]).

Utopianism and Messianism, proponents of the utopian paradigm posited that the transatlantic journeys and affairs of these *caciques* (native lords) in favor of their subjects as well as the millenarian overtones of their discourse at the royal court, fed the image of a messianic indigenous leader.<sup>6</sup> Through their memoranda (*memoriales*) and journeys to court, *caciques* expressed their "elite consciousness," reinforcing their ethnic prestige and legitimacy before their subjects. Some travelers became millenarian or Messianic figures. By the mid-seventeenth century, the political symbol that they embodied—the returning Inca—had become the banner of a collective Andean "identity" or "consciousness" which, supported by utopian dreams of restoring Tawantinsuyu under the leadership of these ethnic lords, gradually overrode previous prehispanic identifications.<sup>7</sup> Thus, Inca nationalism was a later

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<sup>6</sup> Scholars conceptualize Andean Messianism as a series of political projects and collective beliefs allegedly extending from the late sixteenth century through to the present. These projects envisioned the imminent return of a messianic leader (the famous *search of an Inca*). He would command a separatist movement, lead the expulsion of the Spaniards, and restore an ideal social order thought to have existed before the Conquest. Andean Messianism would have expressed itself in Andean symbolism, as well as in discourse and imagery with potential Messianic readings. These expressions include the several variants of the *Inkarrí* mythical cycle (the beheaded Inca), the various colonial plays which recreated the capture and death of Inca Atahualpa, the Inca festivities of Corpus Christi, and the nativist movements of religious resistance and revival. As the famous *Taki Onqoy*, they would have aimed at restoring the prehispanic gods and returning to an idealized time of the Inca or even before. A great deal of literature has focused on Andean Messianism and Millenarianism. Here I am only concerned with those works that either inspired or served as a basis for "Messianic" interpretations of indigenous travels to the Iberian Peninsula. See Sara Castro-Klaren, ed. *El Retorno de las Huacas: Estudios y Documentos sobre el Taki Onqoy, siglo XVI* (Lima: Instituto de Estudios Peruanos; Sociedad Peruana de Psicoanálisis, 1990), Manuel Burga and Alberto Flores Galindo, "La Utopía Andina," *Allpanchis* 17 (1982), Manuel Burga, *Nacimiento de una Utopía: Muerte y Resurrección de los Incas*, 2 ed. (Lima: Universidad Nacional Mayor de San Marcos y Universidad de Guadalajara, 2005 [1988]), 16-17, 37, 427-29, Alberto Flores Galindo, *Buscando un Inca: Identidad y Utopía en los Andes*, 4 ed. (Lima: Instituto de Apoyo Agrario, 1987), 19, 23-25, 49, 65-69, 75-79, 87, 363, Luis Millones, *Las Informaciones de Cristóbal de Albornoz: Documentos para el Estudio del Taki Onqoy* (Cuernavaca: Centro Intercultural de Documentación, 1971), Juan M. Ossio, *Ideología Mesiánica del Mundo Andino* (Lima: I. Prado Pastor, 1973), Franklin Pease G.Y., "Las Versiones del Mito de Inkarrí," *Revista de la Universidad Católica. Nueva Serie* 2 (1977), Nathan Wachtel, *Sociedad E Ideología: Ensayos de Historia y Antropología Andinas*, 1. ed. (Lima: Instituto de Estudios Peruanos, 1973), —, *The Vision of the Vanquished: The Spanish Conquest of Peru through Indian Eyes, 1530-1570* (New York: Barnes and Noble, 1977). For an overview of the eclectic theoretical influences of this highly influential generation of scholars, see Paulo Drinot, "After the Nueva Historia: Recent Trends in Peruvian Historiography," *European Review of Latin American and Caribbean Studies* 68 (2000), —, "Historiography, Historiographic Identity, and Historical Consciousness in Peru," *Estudios Interdisciplinarios de América Latina y el Caribe* 15, no. 1 (2004).

<sup>7</sup> Franklin Pease writes, "Interesa entonces destacar que a mediados del siglo XVII estaba funcionando en diversos lugares de los Andes una noción de identidad basada en el retorno del 'Inka', que se aceptaba en la región norteña de Quito y en la sureña del Tucumán, incorporando, ciertamente, la región central andina peruana." Franklin Pease G.Y., "Antecedentes Mesiánicos al Alzamiento de los Thupa Amaro," in *Historia General del Ejército Peruano* (Lima: Comisión Permanente de Historia del Ejército del Perú, 1984), 133. (1984 Antecedentes p. 133). In another

expression of an earlier Pan-Andean Messianism. The "Inca National Movement" was, in fact, a wider "Andean movement," led and organized by *caciques*, while Atlantic voyages, in particular, were landmarks in the formation of an utopian horizon and the redefinition of a neo-Indian identity in colonial Peru.<sup>8</sup>

Moving towards a critique of these paradigms, this project revisits national and utopian views of indigenous travelers and their journeys to court. The "Inca National Movement" thesis has come under attack in recent years, although critics of Rowe have not really questioned the implications of his thesis for the two first colonial centuries—the "antecedents" and "precursors" of the Inca National Movement. Nevertheless, scholars have refined Rowe's initial "Inca" identification by showing that to be "Indian"

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work, Pease contends, "en el siglo XVII ya estaba funcionando una identidad andina basada en el retorno del Inka [...] ya estaba clara una conciencia común basada en el Inka y su regreso." —, "Conciencia E Identidad Andinas. Las Rebeliones Indígenas del siglo XVIII," *Cahiers des Amériques Latines*, no. 29-30 (1984): 46. In another classic article, Franklin Pease refers to "diversos movimientos andinos, donde se manifiesta la identidad de la población y la formación de un mesianismo que todavía sobrevive en los Andes; el último es una forma de la primera." —, "En Busca de una Imagen Andina Propia durante la Colonia," *América Indígena* 45, no. 2 (1985): 316. In a similar vein, Kathleen Klumpp states, "El Corregidor, los curacas y las masas indígenas tenían aspiraciones diferentes y ocupaban también diferentes posiciones en la organización social español-indígena, pero tenían un común denominador, una conciencia de su identidad indígena. Esta conciencia es la que sirve para catalizar este incipiente movimiento mesiánico." Kathleen M. Klumpp, "El Retorno del Inga, una Expresión Ecuatoriana de la Ideología Mesiánica Andina," *Cuadernos de Historia y Arqueología* 24, no. 41 (1974): 129. Manuel Burga writes, "De esta manera, de identidades fragmentarias, que se nutrían de sus historias míticas preincas, se pasa lentamente hacia una identidad general, panandina, de indios descendientes del Tahuantinsuyo." Burga, *Nacimiento de una Utopía: Muerte y Resurrección de los Incas*, 423. Similarly, Ana María Lorandi writes, "The repeated themes in these documents and petitions show that an ethnic consciousness was being developed based on the return of the Inca, 'conceived now as a messianic hero.' By the mid-seventeenth century, this concept was interwoven with individual and collective claims in which a utopian matrix appeared each time with greater strength." Ana María Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques* (Pittsburgh, PA: University of Pittsburgh Press, 2005), 56.

<sup>8</sup> Among such Messianic figures were Jerónimo Lorenzo Limaylla, who traveled to the court in the 1660s and petitioned for the creation of a knighthood order for Indian nobles of Mexico and Peru; Antonio de Arenas Florencia Inga, an Inca scion appointed *corregidor* and later removed due to "excessive" political support from the natives; Gabriel Manco Capac, the "Inca" leader of the 1666 Lima conspiracy; and Pedro Bohorques, an Andalusian adventurer who claimed he had gained acceptance as Inca emperor in the Calchaquí region (today part of northwest Argentina), later executed by orders of the Audiencia of Lima. Burga, *Nacimiento de una Utopía: Muerte y Resurrección de los Incas*, 297, 423, 27-28, Klumpp, "El Retorno del Inga, una Expresión Ecuatoriana de la Ideología Mesiánica Andina," 129, Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, Ch. 2, Franklin Pease G.Y., "Unidades Étnicas y Noción de Identidad en el Perú Colonial," *Cielo Abierto* 17 (1980), —, "Mesianismo Andino E Identidad Étnica: Continuidades y Problemas," *Cultura* 5, no. 13 (1982): 58-66, Pease G.Y., "Antecedentes Mesiánicos al Alzamiento de los Thupa Amaro," 130-36, —, "Conciencia E Identidad Andinas. Las Rebeliones Indígenas del siglo XVIII," 41-46, —, "En Busca de una Imagen Andina Propia durante la Colonia," 316-22, Franklin Pease G.Y., "Curacas Coloniales: Riqueza y Actitudes," *Revista de Indias* 48, no. 182-183 (1988), —, "Un Memorial de un Curaca del siglo XVII," *Boletín del Instituto Riva-Agüero* 17 (1990).

in colonial Peru, even if of *cacique* stock, by no means implied to be "Inca."<sup>9</sup> The high-ranking Inca nobles shared a corporate identity, constantly performed and patrolled through a set of institutions and public ceremonies in which they performed their *Incanness*. Their paramount status depended on proof of direct descent from the prehispanic Inca rulers and royal "houses," usually in the form of patents of nobility. Throughout the colonial period, they grew distinct from the culturally different Indian elites (*caciques* and others) who ruled over the native populations of the rest of the viceroyalty.<sup>10</sup>

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<sup>9</sup> David Cahill has suggested, for example, that Inca Nationalism stems from a circular argument. Historians attribute the Great Rebellion of 1780 to this nationalism, while the main evidence adduced to support the existence of that nationalism is the rebellion itself. David Cahill, "The Inca and Corpus Christi: The Feast of Santiago in Colonial Cuzco," in *The Festival of Corpus Christi and Alternative Political Representations (CLAH symposium)* (Washington: Cuadernos del CEDLA, 1999), 2. See, also, Thomas Cummins, "We Are the Other: Peruvian Portraits of Colonial Kurakakuna," in *Transatlantic Encounters: Europeans and Andeans in the Sixteenth Century*, ed. Rolena Adorno and Kenneth J. Andrien (Berkeley: University of California Press, 1991), 224, Scarlett O'Phelan, "Repensando el Movimiento Nacional Inca del siglo XVIII," in *El Perú en el siglo XVIII: la Era Borbónica*, ed. Scarlett O'Phelan (Lima: Pontificia Universidad Católica del Perú & Instituto Riva-Agüero, 1999), Charles Walker, *Smoldering Ashes: Cuzco and the Creation of Republican Peru, 1780-1840* (Durham: Duke University Press, 1999). Historians still debate the applicability of Rowe's Inca Nationalist thesis to the Inca nobility of late colonial Cuzco and the insurgent activities of some of its members. A still useful overview of studies of the Age of Andean Insurrection is Steve J. Stern, "The Age of Andean Insurrection, 1742-1782: A Reappraisal," in *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18th to 20th Centuries*, ed. Steve J. Stern (Madison: University of Wisconsin Press, 1987). More recent discussions are Roger Neil Rasnake, *Domination and Cultural Resistance: Authority and Power among an Andean People* (Durham: Duke University Press, 1988), Sergio Serulnikov, *Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes* (Durham: Duke University Press, 2003), Sinclair Thomson, *We Alone Will Rule: Native Andean Politics in the Age of Insurgency* (Madison: University of Wisconsin Press, 2002).

<sup>10</sup> The literature on the Inca nobility of Cuzco is extensive. See Donato Amado Gonzales, "El Alférez Real de los Incas: Resistencia, Cambios y Continuidad de la Identidad Indígena," in *Incas E Indios Cristianos: Elites Indígenas E Identidades Cristianas en los Andes Coloniales*, ed. Jean-Jacques Decoster (Cuzco; Lima: Centro de Estudios Regionales Andinos Bartolomé de las Casas; Asociacion Kuraka; Instituto Francés de Estudios Andinos, 2002), David Cahill, "Popular Religion and Appropriation: The Example of Corpus Christi in Eighteenth-Century Cuzco," *Latin American Research Review* 31, no. 2 (1996), Cahill, "The Inca and Corpus Christi: The Feast of Santiago in Colonial Cuzco," 15, 24, footnote 50, David Cahill, "Sponsoring Popular Culture: The Jesuits, the Incas and the Making of the Pax Colonial," *Journal of Iberian and Latin American Studies* 6, no. 2 (2000), —, "The Inca and Inca Symbolism in Popular Festive Culture: The Religious Processions of Seventeenth-Century Cuzco," in *Habsburg Peru: Images, Imagination and Memory*, ed. Peter T. Bradley and David Cahill (Liverpool: Liverpool University Press, 2000), —, "The Virgin and the Inca. An Incaic Procession in the City of Cuzco in 1692," *Ethnohistory* 49, no. 3 (2002), —, "First among Incas: The Marquesado de Oropesa Litigation (1741-1780) En Route to the Great Rebellion," *Jahrbuch für Geschichte Lateinamerikas* 41 (2004), Cummins, "We Are the Other: Peruvian Portraits of Colonial Kurakakuna.", Carolyn Dean, *Inka Bodies and the Body of Christ: Corpus Christi in Colonial Cuzco, Peru* (Durham: Duke University Press, 1999), David T. Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825* (Cambridge; New York: Cambridge University Press, 2005), 40-43, Scarlett O'Phelan, *Kurakas Sin Sucesiones: del Cacique al Alcalde de Indios (Perú y Bolivia 1750-1830)* (Cuzco: Centro Bartolomé de las Casas, 1997).



Therefore, Inca nationalists and Indian elites, the leaders of the nationalist movement, were two distinct, sometimes opposed segments of Indian society. In fact, the noble Incas of Cuzco, at least as a closed corporate group, had very little participation in sponsoring voyages to the royal court after the 1540s. Nevertheless, they are not marginal to this story. Other native leaders would contest their symbolic preeminence within the Indian Republic. This emerging leadership would appropriate some of the Incas' mechanisms of self-preservation as well as some of their performative strategies, in order to elevate themselves as legitimate representatives of the "Indian Nation" of Peru.

The themes and concepts underlying the Andean Utopia and colonial Andean Messianism have come under attack as well. Since the 1990s, scholars such as Gabriela Ramos, David Cahill, Juan Carlos Estenssoro, Jeremy Mumford, and Cecilia Méndez have been revisiting old findings and prevailing concepts in the light of new evidence.<sup>11</sup> One of the methodological caveats of Andean Utopianism is the following assumption: if events, ideas, and discourses thought to be connected through a preconceived notion ("Indian Identity" or "Inca Messianism," for example) occur simultaneously or close in time, then they constitute proof of the very notion defined a priori to interpret them. Yet, such notions and connections should have been demonstrated and not assumed. At one point, these theoretical constructs—the reified idea of a

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<sup>11</sup> A good example are the revisionist works about Taki Onqoy, usually based on a more critical analysis of the sources and a shift from religious resistance to adaptation and conversion. See Thomas A. Abercrombie, "La Perpetuidad Traducida: del "Debate" al Taki Onqoy y una Rebelión Comenera Peruana," in *Incas E Indios Cristianos: Elites Indígenas E Identidades Cristianas en los Andes Coloniales*, ed. Jean-Jacques Decoster (Cuzco; Lima: Centro de Estudios Regionales Andinos Bartolomé de las Casas; Asociacion Kuraka; Instituto Francés de Estudios Andinos, 2002), Jeremy Mumford, "The Taki Onqoy and the Andean Nation: Sources and Interpretations," *Latin American Research Review* 33, no. 1 (1998), Gabriela Ramos, "Política Eclesiástica y Extirpación de Idolatrías: Discursos y Silencios en torno al Taqui Onqoy," in *Catolicismo y Extirpación de Idolatrías. Siglos XVI-XVIII: Charcas, Chile, México, Perú*, ed. Gabriela Ramos and Henrique Urbano (Cuzco: Centro Bartolomé de las Casas, 1993), Jaymie Heilman, "A Movement Misconstrued? A Response to Gabriela Ramos's Interpretation of Taki Onqoy," *Colonial Latin American Review* 11, no. 1 (2002), Gabriela Ramos, "Política Eclesiástica, Historia y Cultura: Cristóbal de Albornoz y el Taqui Onqoy, Otra Vez," *Colonial Latin American Review* 11, no. 1 (2002), Juan Carlos Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750* (Lima: Instituto Francés de Estudios Andinos & Pontificia Universidad Católica del Perú, 2003).

Pan-Andean Indian identity as well as the vague notion of *lo andino* ("Andeaness") that sustained it—threatened to absorb anything and everything. Indian Messianism, the search for an Inca, emerged as a phenomenon involving the entire native population of Peru and extending from the sixteenth century through the present.<sup>12</sup>

Historians of Andean Messianism assume, for instance, that the Indian masses shared the alleged messianic sentiments and aspirations of their leaders, all within the framework of an Andean cyclical mentality that refused to die after the Conquest. In these histories, the common classes, mobilized by messianic leaders, upstarts, and even Spaniards "passing off" as colonial Incas, clearly play a passive role.<sup>13</sup> The teleological nature of the idea of an "Andean/Indian" identity is one of the most enduring legacies of

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<sup>12</sup> In his discussion of the scholarly search for Andean moiety division, the successive cosmological "worlds" or "ages," vertical ecology, calendrical cycles, and mythic events, Frank Salomon had already warned scholars about the problems of reifying abstract or isolated "structures" as the persistence of "lo andino." Frank Salomon, "Andean Ethnology of the 1970s: A Retrospective," *Latin American Research Review* 17, no. 2 (1982): 94, 101-02, —, "The Historical Development of Andean Ethnology," *Mountain Research and Development* 5, no. 1 (1985): 92-93. In her analysis of creole nationalism and ideology published in 1996, Cecilia Méndez reached similar conclusions about the Andean utopia as applied to the modern period. According to Méndez, "utopians, finding the present equally discredited, search the past for the source of a compensation for today's malaise, and more creatively, if not always with equal success, lay out in this idealized vein the elements for constructing a national identity which is supposedly wanting today." Cecilia Méndez Gastelumendi, "Incas Sí, Indios No: Notes on Peruvian Creole Nationalism and Its Contemporary Crisis," *Journal of Latin American Studies* 28 (1996): 203. In a previous article, Méndez had already criticized some of the assumptions behind the "Andean Utopia" in the following terms: "quienes asumen el discurso de la 'utopía andina' [...] suponen una historia cuyo hilo conductor es un estado de permanente 'resistencia' (militar y cultural) de indios contra españoles." —, "Entre el Mito y el Objeto Perdido: ¿Dónde Está *lo Andino*?", *Razón Diferente* 5 (1992). Other important discussions of "Indianness" and "Andeaness" are included in Gonzalo Lamana, *Domination without Dominance: Inca-Spanish Encounters in Early Colonial Peru* (Durham: Duke University Press, 2008), Frank Salomon, "Unethnic Ethnohistory: On Peruvian Peasant Historiography and Ideas of Autochthony," *Ethnohistory* 49, no. 3 (2002), Mark Thurner, "Después de la Etnohistoria," in *Actas del IV Congreso Internacional de Etnohistoria (Lima, 23-27 de Junio de 1996)* (Lima: Pontificia Universidad Católica del Perú, 1998).

<sup>13</sup> A good case in point is Klumpp, "El Retorno del Inga, una Expresión Ecuatoriana de la Ideología Mesiánica Andina." The author contends that, even if the appointed *corregidor* Don Antonio de Arenas y Florencia Inga did not see himself as a messianic figure and Inca leader, the Indian masses of his *corregimiento* regarded him as such. Descriptions about the alleged messianic attitudes of his "followers," however, come from Spanish and elite Indian witnesses. Klumpp never discusses their interests in seeing Don Antonio deposed. Though one can agree in that Don Antonio was probably trying to manipulate his Inca ancestry among local elites on his behalf, it is harder to characterize the messianic and utopian sentiments of Indian commoners from the evidence presented in Don Antonio's trial. For an early critique of the methodological flaw of assuming that "the grievances and the aims of the rebel leaders" tell us "why the masses of the Indian population joined them, see Karen Spalding, "The Colonial Indian: Past and Future Research Perspectives," *Latin American Research Review* 7, no. 1 (1972): 64.

the ethnohistorical tradition and its local subproducts, Andean Utopianism and Messianism.<sup>14</sup>

Moreover, a rather categorical and essentialist stance on "Andeanness" moved Utopian and Messianic interpretations away from previous efforts to understand social stratification, rivalry, and conflict within indigenous societies, thus postponing the analysis of class and ethnic internal dynamics and how they affected the formation of these societies. "The utopia is also cut across by conflicts," wrote Alberto Flores Galindo, but these conflicts were not necessarily part of his analysis of mid-colonial Andean Utopianism and Messianism. Especially for Peruvian scholars writing during decades of marked political and social turmoil, Andean Utopianism became one of the keys to solve the "problem of a national identity" as well as the tensions and anxieties faced by a highly fragmented postcolonial nation.<sup>15</sup>

In their treatment of indigenous travelers to court, ethnohistorical views still conceptualize discrete ethnic identities as essences and not as processes.<sup>16</sup> Rowe's original thesis of the Inca National Movement criticized earlier views for imposing pro-Peruvian/anti-Peruvian loyalties upon colonial indigenous subjects (casting travelers as either national heroes or alienated villains). Even so, Rowe's thesis replaced the old dichotomy for a new

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<sup>14</sup> As a result, the series of structural connections among indigenous transatlantic journeys and native rebellions appear through the lens of a somehow simplistic action-reaction model (dissatisfaction, litigation, failure, revolt, repression), turning Rowe's largely hypothetical "cycle" of Utopian activity into an Andean movement of ample scope. In this view, rebellions and affairs at court become successive landmarks in a progression leading inevitably to the general uprisings of the eighteenth century.

<sup>15</sup> Flores Galindo, *Buscando un Inca: Identidad y Utopía en los Andes*, 69. Similarly, Manuel Burga referred to the "fundamental contradiction" stemming from the caciques' opposing roles as traditional leaders and colonial administrators, arguing that this contradiction laid the ground for the "birth" of the Andean Utopia. The problem is that he does not fully explain why this is so. See Burga, *Nacimiento de una Utopía: Muerte y Resurrección de los Incas*, 135.

<sup>16</sup> Peter Wade, *Race and Ethnicity in Latin America* (Chicago: Pluto Press, 1997), 81-82. Post-modern approaches to identity formation emphasize that ethnic identities are constructed "through complex processes of relationality and representation". More importantly, identities are "a process, not a thing," and they are constantly under renegotiation. Regarding indigenous groups in particular, these new perspectives challenge the reification and essentialization of identity by denying that a given group might have a "basic identity" that one can characterize in terms of a core, defining essence. As summarized by Peter Wade, "groups and indeed individuals are 'decentered,' they have no single identity."

Inca/anti-Inca opposition. Thus, the basic either/or paradigm built to characterize indigenous travelers in the 1920s and 1930s has not disappeared; rather, it has been inherited by further scholarly developments.

In its current form, the basic opposition emerges as follows (though it is not so openly stated in most works): self-interest and individualistic concerns and aspirations guided *bad* caciques in their requests at the royal court, while collective complaints and communal aspirations motivated *good* ethnic leaders to undertake the transatlantic journey.<sup>17</sup> This implicit opposition has split native leaders into those who merit ethnohistorical study and those who do not. Previous works about indigenous travelers have focused exclusively on the pleas and struggles of (those perceived as) *good* ethnic leaders, acting in favor of their native communities and resisting colonialism, while disregarding other travelers who did not fit the classic mold. Since scholars envisioned traditional lords and noble Indians as the sole legitimate leaders and valid intermediaries with the Crown, they

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<sup>17</sup> This opposition emerges, for instance, in the way historians have conceived the sixteenth- and seventeenth-century local uprisings and rebellions allegedly related to the transatlantic endeavors of native litigants at the royal court. Rebellious *caciques* are trapped within a web of "traditional" beliefs, prehispanic gods, returning Incas, dualities, and cyclic schemes. Rival *caciques* and Indian leaders also emerge as reacting to prehispanic rivalries and alliances or, even worse, as driven by mere episodic events, "internal dissensions," and irrational motives such as jealousy, individual pride, and selfishness. Pease G.Y., "Conciencia E Identidad Andinas. Las Rebeliones Indígenas del siglo XVIII," 54, Hugo Pereyra Plascencia, "Mita Obrajera, Idolatría y Rebelión en San Juan de Churín (1663)," *Boletín del Instituto Riva-Agüero*, no. 13 (1984-1985): 210, 27, Rowe, "The Incas under Spanish Colonial Institutions," 158, —, "El Movimiento Nacional Inca del siglo XVIII," 364.

As a result of this cacique-centric approach, the study of sixteenth- and seventeenth-century indigenous communities—the formation of communal archives and the fiesta-cargo system, the role of civic-religious authorities of non-elite origin, the legal strategies and specialists concerned with the defense of communal resources—has made more progress in Mexico than in Peru. See, for instance, Serge Gruzinski, *The Conquest of Mexico: The Incorporation of Indian Societies into the Western World, 16th-18th Centuries* (Cambridge, Oxford: Polity Press, 1993), Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca*, 1st ed. (Albuquerque: University of New Mexico Press, 1991), —, *Visions of Paradise: Primordial Titles and Mesoamerican History in Cuernavaca* (Norman: University of Oklahoma Press, 2005), James Lockhart, "Views of Corporate Self and History in Some Valley of Mexico Towns: Late Seventeenth and Eighteenth Centuries," in *The Inca and Aztec States, 1400-1800: Anthropology and History*, ed. George Collier, Renato Rosaldo, and John Wirth (New York: Academic Press, 1983), —, "Some Nahua Concepts in Postconquest Guise," *History of European Ideas* 6, no. 4 (1985), James Lockhart, Frances Berdan, and Arthur J. O. Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)* (Salt Lake City: University of Utah Press, 1986).

concluded, in another circular argument, that they must have been the only ones to reach the court.<sup>18</sup>

These dichotomist views tend to reify some of the contending legal identities and discourses exchanged at court, while dismissing emerging styles and novel forms of leadership and political legitimacy displayed in, and obtained by, negotiating with the king. The result is a rather static image of colonial indigenous societies, as if *caciques* who ruled and commoners who followed formed them, with no one in between, operating under a common 'Indian' identity." I take a different approach by suggesting that identifications such as "elite," *cacique*, "commoner," and "leader," rather than assumed, ought to be understood in their shifting contexts.

Even though such identifications appear as fixed or unproblematic in previous treatments of the topic, one must keep in mind that Indians have recreated ethnic and legal identities through concrete historical experiences of confrontation with colonial and postcolonial states, and not in spite of, or apart from, them.<sup>19</sup> Moreover, such identifications, which have come to us fixed in the historical documentation, could be based on Spanish legal discourses and juridical frameworks (the corporate nature of legal

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<sup>18</sup> Carlos J. Díaz Rementería, *El Cacique en el Virreinato del Perú: Estudio Histórico-Jurídico* (Seville: Universidad de Sevilla, 1977), Lohmann Villena, *El Conde de Lemos, Virrey del Perú*, 240, Vargas Ugarte, *Manuscritos Peruanos del Archivo de Indias*, 212-16, 342-45, —, *Manuscritos Peruanos en las Librerías y Archivos de Europa y América. Complemento*, 72, —, *Impresos Peruanos Publicados en el Extranjero*, 199. [Don Antonio Collatopa], —, *Historia del Perú. Virreinato (siglo XVII)*, 450-51, —, *D. Pedro Antonio Fernández de Castro, Conde de Lemos y Virrey del Perú*. Rowe writes, "Las únicas personas que podían servir de dirigentes de un movimiento de simpatías indígenas fueron los caciques." Rowe, "El Movimiento Nacional Inca del siglo XVIII," 347.

<sup>19</sup> Thomas A. Abercrombie, *Pathways of Memory and Power: Ethnography and History among an Andean People* (Madison: University of Wisconsin Press, 1998), Sara A. Radcliffe, "Marking the Boundaries between the Community, the State and History in the Andes," *Journal of Latin American Studies* 22 (1990), Joanne Rappaport, *The Politics of Memory: Native Historical Interpretation in the Colombian Andes* (Cambridge; New York: Cambridge University Press, 1990), —, *Cumbe Reborn: An Andean Ethnography of History* (Chicago: University of Chicago Press, 1994), Peter Wogan, *Magical Writing in Salasaca: Literacy and Power in Highland Ecuador* (Boulder, Colo.: Westview Press, 2004). For colonial and postcolonial tribute, and how it became an intrinsic component of what being "Indian" came to be, see Jorge Armando Guevara Gil and Frank Salomon, *La Visita Personal de Indios: Ritual Político y Creación del 'Indio' en los Andes Coloniales* (Lima: Instituto Riva-Agüero, 1996), Víctor Peralta Ruiz, *En Pos del Tributo: Burocracia Estatal, Elite Regional y Comunidades Indígenas en el Cusco Rural, 1826-1854* (Cuzco: Centro de Estudios Regionales Andinos "Bartolomé de las Casas", 1991).

representation, the idea of an Indian commonwealth, or the notion of legal minority, for example), available to petitioners and legal professionals moving across the Spanish Atlantic. They were the outcome of a series of negotiations linking the small Indian village and the local Spanish city with the king's palace in Madrid. As such, they could be hidden, displayed, or contested according to the circumstances.

In the broader Atlantic scenario, legal and ethnic labels did not act as fixed categories, but shifted across time and space with great facility. Travelers could simply be many things to many people. The analysis of the transatlantic web of lawyers, attorneys, defenders, scribes, interpreters, friars, and bureaucrats who, besides indigenous petitioners, participated in the reproduction of Indian-state interactions will destabilize some of these fixed identifications and give them an Atlantic scope. As James Sweet has argued in his analysis of the different layers of Olaudah Equiano's shifting identity, "there are moments in every life when it is easier to adapt to social expectations of identity than it is to adhere to 'realities.'"<sup>20</sup>

#### *Scope and Significance*

This project continues recent developments in colonial Andean historiography in three main areas. First, it aligns with current works revisiting the problem of Indian acculturation or *Hispanization*. New approaches show the crucial importance of acculturated Indians (*ladinos*) and literate Andeans in particular, as key agents in the process of "resistant adaptation" to colonialism. In particular, scholars are starting to explore the natives' direct engagement with the specialists of the lettered city, a perspective that "refutes the idea of a colonial culture in which Europeans

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<sup>20</sup> James H. Sweet, "Mistaken Identities? Olaudah Equiano, Domingo Álvares, and the Methodological Challenges of Studying the African Diaspora," *American Historical Review* 114 (2009): 302.

and Andeans were divided into separate and intractably hostile camps."<sup>21</sup> My prime interest is, from this perspective, to study Indian participation in colonial legal culture.

Second, this work shifts the emphasis from rural native communities to the urban milieus in which most of these *ladinos* lived.<sup>22</sup> Travelers seem to have been overwhelmingly urban dwellers. New studies of colonial cities offer a rich and complex picture of what Indianness could mean in the colonial world. New power structures and institutions as well as novel forms of reproducing urban identities and of articulating legal and political discourses, emerged in the cities, the Atlantic travelers' environment par excellence.<sup>23</sup> I have privileged the city of Lima because, thanks to the establishment of the viceroy and the *Audiencia* (high court of appeals) there, the interaction between metropolitan and local courts of justice emerges clearly in that case, although I have incorporated many other examples from Cuzco and, to a lesser degree, other cities of the viceroyalty.

Finally, this project considers law and litigation as one of the most effective tools available to the natives for pursuing justice and preserving their economic wealth and political autonomy.<sup>24</sup> As noted by Lauren Benton in her work on law and colonial cultures, "To recognize the prevalence of accommodation is not to suggest that conquest did not do fundamental

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<sup>21</sup> John Charles, "'More *Ladino* Than Necessary': Indigenous Litigants and the Language Policy Debate in Mid-Colonial Peru," *Colonial Latin American Review* 16, no. 1 (2007): 25.

<sup>22</sup> Generally, contemporaries used the term "ladino" to refer to "Hispanicized" natives, that is, cross-cultural individuals who were very fluent in Castilian. For a more thorough discussion, see Chapter 2.

<sup>23</sup> Paul Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824* (Lanham, MD: University Press of America, 2001), Lyn B. Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)" (University of California, 1991), Jacques Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII* (Quito: Abya-Yala, 2006).

<sup>24</sup> The work of Sergio Serulnikov, which shows the deeply legalistic nature of some of the most famous eighteenth-century rebellions in the Andes, is part of a trend that moves away from open rebellion towards other forms of less violent but probably more effective forms of resistance. See Serulnikov, *Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes*.

violence, or that resistance was negligible."<sup>25</sup> Andeanists have demonstrated that Indians quickly turned legal action into a viable form of anti-colonial struggle. As is usually understood, however, Indian litigation "weakened the capacity of native societies to unite for a more ambitious, radical assault upon the exploitative structure as a whole." By leaving the image of the king intact, Indian engagement with viceregal and royal courts, no matter how successful (or probably because of that success), reinforced, rather than subverted, the hegemony of the Habsburg state.<sup>26</sup>

A central part of this argument is that "Access to a legal system which presumed to resolve local disputes may actually have intensified them."<sup>27</sup> However, as Renzo Honores has argued, the image of the *indio pleitista* or stubborn Indian litigant had little to do with an actual increase in Indian litigating activity (that increase is, in any case, almost impossible to prove due to the absence of equivalent data for the prehispanic period). More generally, this view stemmed from the natives' effective reliance on a network of legal assistance partially beyond royal and viceregal control. Critiques of Indian "litigiousness" on both sides of the ocean revealed failed attempts at channeling native activities and resources through local and metropolitan courts.<sup>28</sup>

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<sup>25</sup> Lauren A. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, Studies in Comparative World History (Cambridge, UK; New York, NY: Cambridge University Press, 2002), 27. Benton's is a successful effort to "pluck" colonial institutional history "from its dusty corner." In the words of Benton, "Colonial legal actors fought passionately about jurisdictional boundaries because they understood, perhaps better than we have, their fundamental importance in shaping the structure and meaning of imperial and colonial rule." Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 126.

<sup>26</sup> Karen Spalding, *Huarochirí, an Andean Society under Inca and Spanish Rule* (Stanford: Stanford University, 1984), 135, 57-58, 67, 223-29, Steve J. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 2 ed. (Madison: University of Wisconsin Press, 1993), 115-25, 35-37, 58-70. The direct quote appears on p. 132.

<sup>27</sup> Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 132.

<sup>28</sup> Renzo Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598" (Pontificia Universidad Católica del Perú, 1993), —, "La Asistencia Jurídica Privada a los Señores Indígenas ante la Real Audiencia de Lima, 1552-1570," in *Latin American Studies Association* (Dallas, 2003), —, "Caciques as Legal Benefactors: Cacical Legal Offensive in the Andes, 1550-1572," in *123rd annual Meeting of the American Historical Association / CLAH* (New York 2009).



Furthermore, one must remember that no social group, Indian or non-Indian, brought the Spanish colonial government down until the 1820s. As Benton contends, this was a gradual movement towards greater state control, for appellate procedures directed litigation towards colonial and metropolitan courts. Nonetheless, "the construction of a colonial state empowered in law proceeded haltingly, and in response to myriad conflicts over the definitions of difference, property, and moral authority." The *inevitability* of this process "was hardly apparent to most participants."<sup>29</sup> In my view, litigation in Habsburg Peru reinforced royal authority and its main political tools (patronage and the administration of justice) not because it was *Indian* or *Spanish* per se, but because it was part of a broader and open-ended process of state consolidation. Through this process, access to the court in Madrid would become the ultimate basis of privilege and wealth for all the king's subjects. The claimants' legal "success," however, would always be partial and fragmentary, as it pertained to specific individuals, families, communities, institutions, and corporations seeking to strengthen their position within colonial society. By dismissing the interaction of indigenous peoples with the royal system of justice as merely another tool of colonialism, we might be simply setting the bar too high.

Recent works suggest that active Indian participation in judicial forums played an important role in the outcomes of Habsburg state building. For instance, studies on internal indigenous migration show that, although widespread Indian absenteeism (*forasterismo*) reinforced the power of the colonial state, the subtle strategies of resistance and adaptation displayed by these migrants affected royal policies toward migration in many respects.<sup>30</sup>

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<sup>29</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 128-29.

<sup>30</sup> Leo Garofalo, "Bebidas Incas en Copas Coloniales: los Curacas del Mercado de Chicha del Cuzco, 1640-1700," in *Elites Indígenas en los Andes: Nobles, Caciques y Cabildantes bajo el Yugo Colonial*, ed. David Patrick Cahill and Blanca Tovías (Quito: Abya-Yala, 2003), Karen Vieira Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito* (Albuquerque:

Moreover, by managing to incorporate certain customary rights into the juridical system, native litigants were active participants in the making of a colonial legal culture.<sup>31</sup> In her study of colonial Oaxaca, Yanna Yannakakis argues that colonial states and legal institutions "emerged over time in dialectic with native litigation and politico-legal culture." Yannakakis presents colonial rule as a two-way process, with power flowing from the center outward, and vice versa.<sup>32</sup> Jovita Baber's study of the Tlaxcalans of New Spain, whose leaders traveled to the Iberian Peninsula to present their cases directly to the king, reaches a similar conclusion. Baber argues that Tlaxcalan active litigation in local and metropolitan courts shaped the evolving imperial legal system by imaginatively applying Spanish law to new circumstances, by prompting the proclamation of new laws, by forcing the reformation of legal procedures, and by directly challenging legal institutions established for the natives' own sake.<sup>33</sup>

Generally, Indian travelers were successful in achieving their main goal for journeying to the royal court: that royal authorities obey *and* execute the justice of the king in America. Numerous royal decrees and *sobrecartas* restating previous dispositions would order viceroys, *Audiencia* judges, bishops, and defenders, sometimes in very strong terms, to hear the

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University of New Mexico Press, 1995), 94, 105, 53, 74, Ann M. Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720* (Durham: Duke University Press, 1990), 6.

<sup>31</sup> For the emergence of a colonial legal culture in Peru and its transatlantic connections with the "legalistic" revolution in Spain that resulted in increasing litigation at all levels, see Kathryn Burns, "Making Indigenous Archives: The Quilcay Camayoc of Colonial Cuzco," (2006), Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598", Renzo Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670" (Florida International University, 2007), Honores, "Caciques as Legal Benefactors: Cacical Legal Offensive in the Andes, 1550-1572." For the Pueblo Indians of New Spain, see Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), 38-39.

<sup>32</sup> Yanna Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham: Duke University Press, 2008), 129-30. See, also, Brian Philip Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2008).

<sup>33</sup> Jovita Baber, "Native Litigiousness, Cultural Change and the Spanish Legal System in Tlaxcala, New Spain (1580-1640)," *Political and Legal Anthropology Review* 24, no. 2 (2001): 98.

different sides, investigate the local circumstances, and then render their verdict. Doing otherwise, that is, simply complying with the traveler's wish or demand, would have been against the nature of royal justice. In a few exceptional cases, the Council of the Indies even commissioned judges and inspectors to conduct a legal inquiry and then send the proceedings directly to Spain for determination.

Moreover, on a larger scale, royal decrees and orders obtained by particular travelers and their legal aids in Spain enjoyed a special status within the Spanish legal system. Even if they pertained to individual matters, policymakers intended them to have a general application within the Indian Commonwealth or *República de Indios*. Therefore, even partial victories could have a great impact on long-term Indian-state relations, for particular efforts before the Council of the Indies and the king could result in specific decrees and general laws that affected indigenous populations across the Ocean. In that sense, not even the powerful Habsburg imperial bureaucracy could control or foresee the ironic outcomes, unintended consequences, and long-range transformations embedded in these indigenous journeys. Travelers and their sojourns at court could shape state policies at the highest level. Transatlantic journeys, as any other form of reliance on royal justice and patrimonial power, Indian or Spanish, partially reinforced the hegemony of the Crown. In the process of so doing, however, this sophisticated form of political negotiation helped create and recreate the very nature of the Habsburg Atlantic Empire. Travelers were state makers of a very special kind.

Yet, I also argue that, instead of landmarks in the emergence of a Pan-Andean and supra-ethnic Indian identity, these journeys to court mirror the opposite process. They illustrate the constant reorganizations and redefinitions of indigenous societies, structurally fragmented along ethnic and class lines. Important reorientations in the distribution of power in the Andes became evident at the royal court. This should come as no surprise

given that, at the outset of the early modern period, two of the main functions of the patrimonial state were still to sanction and legitimate contending statuses and to adjudicate disputes. In essence, Indians sent their representatives to the royal court or journeyed there themselves to acquire and legitimize new individual and collective statuses or to challenge those of others through the mechanisms of royal justice. The natives were not in search of an Inca-king; there was one already on the opposite shores of the Atlantic. Litigation at a distant Habsburg court was the logical extension of previous stays at mayor cities and local courts in the Andes.

Within this long-term process, traditional *caciques* had a series of legal and practical limitations when compared to other potential travelers. Sure enough, *caciques* had many reasons to journey to important colonial centers like Lima. Some of them owned real estate in the city or traveled there to oversee the activities of their temporary workers (*mitayos*). Others spent many years studying at the schools for Indian nobles. The *caciques'* efforts to collect tribute owed by Indian absentees usually took them to these urban centers as well. Access to communal funds managed by royal officials in the cities also demanded their presence in urban settings. Moreover, *caciques* conducted their litigating activities concerning *cacicazgos* (chiefdoms), tributary reassessments, and land disputes between Indian polities in front of the *Audiencias*. As Jaques Poloni-Simard notes for the city of Cuenca, "El hecho de que la ciudad atrajese a los indígenas nobles no debe sorprender. Las funciones mismas que les incumbían ante las autoridades coloniales los llevaban a la ciudad."<sup>34</sup>

Because of that visibility, however, laws banning Indian transatlantic journeys targeted *caciques* in particular, forcing them to obtain viceregal licenses that authorities only seldom granted. I would suggest that, laws

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<sup>34</sup> Jacques Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII* (Quito: Abya-Yala, 2006), 108.

banning "indios nobles y principales" from traveling to Spain generally served as a good deterrent for their embarking to Spain (although, as Chapter 4 shows in detail, legislation did not stop countless other Indians from traveling across the ocean). Indian voices requesting the Crown lift this prohibition started in the mid-seventeenth century but continued thereafter.<sup>35</sup> Moreover, the status and privileges of titled *caciques* were inextricably linked to the almost daily fulfillment of a series of burdensome obligations, such as rendering tribute to royal officials and *encomenderos* at least twice a year and organizing labor in cities, mines, textile mills, and agricultural enterprises, which made them ineligible for the long absence demanded by the transoceanic voyage. *Caciques* could send their close relatives to Spain or enter into contact with urban *indios principales* (wealthy, elite Indians) with excellent local and metropolitan connections, but they could hardly journey themselves.

Furthermore, their usual requests at court, which revolved around temporary or permanent exoneration from labor and tributary quotas, implied that an eventual relief would come at the expense of other *caciques* and communities, making collective action of the intra-*cacique* and intra-communal sort almost impossible by definition.<sup>36</sup> Finally, even though *caciques* were exceptionally well equipped to interact with the legal apparatus, their literacy and legal knowledge as well as their privileged access to the written channels of communication with the king, were not always enough to

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<sup>35</sup> The "Representación verdadera" prepared by the Franciscans and presented to Ferdinand VII by Father Calixto de San José Tupac Inca in 1750 requests "que los indios nobles y principales puedan libremente daros parte, Señor, y a vuestro Real Consejo, de si se ha cumplido este vuestro mandato, o sino se ha puesto en ejecución; para lo cual, puedan libremente pasar a vuestra Corte y presencia real, como los españoles lo hacen, cuando necesitan pasar a España; derogando las leyes que vedan nuestro libre tránsito a los Reinos de España; pues de ellas se sigue el universal daño que padecemos y el no remediarse nada, no sabiendo nuestros reyes, clara y verbalmente los males nuestros, sino por informes apasionados de los españoles, que son manifiestos contrarios [...]." Loayza, *Fray Calixto Túpac Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 26.

<sup>36</sup> As mentioned above, Inca nobles sometimes asked for *encomienda* pensions at the royal court, to be extracted from Indian communities petitioning for a reduction of their tributary burdens in America.

reach the palace in Madrid. Other individuals equally lettered but better connected and more cosmopolitan and mobile would gradually emerge as the main interlocutors with the king.

Therefore, if there is an overarching theme underlying these transatlantic affairs, it is the series of discursive strategies and struggles involving Indians and their non-Indian allies for the control of an emerging official "voice" claiming to speak for the "Indian Nation" (*la nación india*) before the king. For, as we move along the colonial period, travelers increasingly claim to speak on behalf of larger collectivities such as the "Indian Nation," the "Commonwealth of Indians," or "the caciques and Indians of Peru." Such a discourse started to crystallize in the mid-seventeenth century, becoming evident in the eighteenth-century journeys of well-known general attorneys (*procuradores generales*) such as Don Vicente Mora Chimo and Don Calixto de San José Tupac Inca, who claimed to represent "the Indian Nation" in Spain.<sup>37</sup>

However, this process was already in the making in the previous two centuries, as traditional native lords and Inca nobles failed to articulate a general discourse as heads of the native populations of Peru. As noted by Lyn Lowry in her study of the indigenous inhabitants of Lima, this story takes us from the predominantly indigenous countryside to the multiethnic colonial city, where Indian and *mestizo* intellectuals and urban leaders imagined their own community and invented their own traditions in response to Spanish legal and political theories of corporate self. These discourses usually formed in and disseminated from major colonial centers, for as Lowry convincingly

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<sup>37</sup> Gonzalo Carrillo Ureta, "'La Única Voz por donde los Yndios Pueden Hablar': Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)," *Histórica* 31, no. 1 (2006), Loayza, *Fray Calixto Túpac Inca, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, Sophie Mathis, "Vicente Mora Chimo, de "Indio Principal" A "Procurador General de los Indios del Perú": Cambio de Legitimidad del Poder Autóctono a Principios del siglo XVIII," *Bulletin de l'Institut Français d'Etudes Andines* 37, no. 1 (2008), —, "Une Figure de la Première Globalisation de L'amérique Espagnole: Vicente Mora Chimo Ou L'itinéraire Original D' Un Cacique Hispanisé de la Côte Nord Du Pérou À la Cour D'Espagne Au Début Du Xviii Siècle" (Université de Poitiers, 2008).

argues, urban Indians had more direct access to a Christian education as well as to the theories and politics of the lettered city and the high crown officials who sustained it at the viceregal court. From their privileged position, they used the "Indian Nation" as an ideological springboard from which to seize legal control of Indian urban institutions.<sup>38</sup>

Lowry is careful enough as to avoid falling into some of the traps of Rowe's theory of the "Inca National Movement." She points out that the "Indian Nation" was an "intrinsically colonial" phenomenon, an invented community based on the Spanish theory of commonwealths (*repúblicas*), which natives appropriated for their own ends. For Lowry, the "Indian Nation" was

The Andean response to institutional, legal, and social barriers which kept the Indian commonwealth separate from the Spanish commonwealth. The barriers laid the initial foundation for the Indian nation, and they gave that nation the legal basis on which to assert its own sovereignty.<sup>39</sup>

Nonetheless, Lowry contends with Rowe that Inca symbols and ideas such as the Inca king and the reinvented Inca Empire were at the core of this "new and collective identity." She argues that the Indian Nation constituted a "community of interest" seeking the establishment of an independent Indian—not necessarily Inca—monarchy in Peru. Its leaders would have acted together to carry forward the general aspirations of self-determination and self-rule of the Indian commonwealth. Lowry also posits that this "Indian identity" overrode previous identifications, apparently uniting elites and commoners alike. By doing so, Lowry takes fiscal and occupational categories, legal templates, and situational identifications as historical clues of a rather fixed collective and supra-ethnic identity shared by the "urban Indians" and

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<sup>38</sup> Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 6-7, 51, 288-89. On p. 288, Lowry contends, "Lima was especially important to the process of formulating Indian nationhood." Lowry's own intellectual debt to Benedict Anderson's "imagined communities," Eric Hobsbawm's "invented traditions," and John Rowe's "Inca nationalism" are evident throughout her work.

<sup>39</sup> *Ibid.*, 5-6, 51, 271, 83. The direct quote appears on p. 283.

the "Indian elite of Peru." Even though Lowry is mainly interested in explaining "how conquered people from diverse polities came to consider themselves a single people," we might never know if they indeed regarded themselves as such in the first place.<sup>40</sup>

Lowry has a difficult time providing evidence to support this last part of her thesis (the commonality of interest of the "Indian Nation"). The use and manipulation of legal categories such as *indio* or *nación* for a group's self-representation does not necessarily entail that its members shared a collective identity.<sup>41</sup> Furthermore, as recent works about the Andes are beginning to show, behind the image of unity of the "Nation" clustered in Lima, inner disputes and disagreements over who should be the legitimate spokespersons of this corporate group partially undermined such a collective effort.<sup>42</sup> The Indian Commonwealth did not (and could not) carry along mechanisms of corporate representation capable of encompassing all of its potential members, which was a limitation that other colonial corporations experienced as well. Despite pretenses at universalism and common interest, this "national" discourse was fragmented and localized, clustered around power centers such as Lima and the viceregal court.

However, this corporate self did provide a series of strategies and mechanisms that facilitated the accumulation of legal capital and the development of transoceanic alliances between some *caciques* of the kingdom,

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<sup>40</sup> Ibid., 1-2, 5-7, 275-79.

<sup>41</sup> This is Jovita Baber's argument, for instance, in her analysis of the Tlaxcalans of New Spain. Baber argues that, even though the category "indios" granted the Tlaxcalans access to additional protections and rights, they "did not have a *collective identity* as *indios*—or, as Benedict Anderson might describe it, they did not imagine themselves as part of a larger community composed of other natives from the Indies. The natives of the city and province of Tlaxcala therefore persistently identified with their local community—not with other indigenous groups. For them, *indios* was strictly a legal category that they could access in order to lay claim to particular rights." Baber concludes, "*Indios* never became a nation—a collective identity or an imagined community for native Americans—but it was a *nación*—a legal category ascribed by the Crown." Jovita Baber, "Categories, Self-Representation and the Construction of the *Indios*," *Journal of Spanish Cultural Studies* 10, no. 1 (2008): 27-28, 39.

<sup>42</sup> Carrillo Ureta, "La Única Voz por donde los Yndios Pueden Hablar": Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)."



the *indios principales* of Lima, the mendicant orders, and some officials of the Crown. This process, in turn, allowed for the formation of a new class of Indian specialists who partially replaced their Spanish counterparts in different spheres of colonial life, all in an ultimately fruitless effort to eliminate colonial difference. The "Representación verdadera," presented to Ferdinand VII on behalf of "toda la nación indiana" in 1750, emphasizes the need to legitimize this emerging expert class of judges and facilitators as the nexus between the king and the Indians. The "Representación" suggests,

Mandad, Señor, que estudien y se habiliten los indios, ordenando que precisamente vayan indios a España, Procuradores de su Nación, todos los años, del Perú, de Quito, de Santa Fe, de la Nueva España, a daros razón y cuenta, y a Vuestro Real Concejo [sic] de si obedecen a vuestros mandatos, y si vuestra voluntad se cumple.<sup>43</sup>

Between 1697 and 1734, the privilege to appoint indigenous general attorneys and defenders (*procuradores* and *protectores generales*) as well as the right for Indians and *mestizos* to become priests (religious specialists), among others, were won by transatlantic travelers at the royal court.<sup>44</sup> Mainly articulated through the *cacique* legal identity—the one better suited for addressing the king in writing—the national discourse stemmed from a renewed, culturally hybrid Indian leadership revolving around colonial institutions such as the *cabildo de naturales*, the religious brotherhoods, the *protectoría*

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<sup>43</sup> Loayza, *Fray Calixto Túpac Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 28.

<sup>44</sup> Carrillo Ureta, "'La Única Voz por donde los Yndios Pueden Hablar': Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770).", Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, Pablo Macera, *El Inca Colonial*, 2. ed. (Lima: Universidad Nacional Mayor de San Marcos, 2006). The so-called *cédula de los honores*, issued in 1697 thanks to the actions of the *mestizo* Juan Núñez Vela de Ribera, has been published in Richard Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 3 vols. (Madrid: Consejo Superior de Investigaciones Científicas, 1953-1958), 3:pt.1, 64-69. It reiterated previous decrees allowing *mestizos* to be ordained. As to the Indians, the royal decree differentiated between nobles (descendants of *caciques*) and commoners: "a los primeros y sus descendientes se les deben todas las preeminencias y honores, así en lo eclesiástico como en lo secular, que se acostumbran conferir a los nobles hijosdalgo de Castilla, y pueden participar de cualesquier comunidades que por estatuto pidan nobleza [...] los indios menos principales y descendientes de ellos y en quienes concurre la pureza de sangre [...] se les debe contribuir con todas las prerrogativas, dignidades y honras que gozan en España los limpios de sangre." The Indians won the privilege to be appointed general defenders through a *cédula* dated 11.9.1734.

*de indios*, the urban trades and crafts, and the Indian urban militia. Sometimes of *cacique* stock, sometimes of tributary, migrant or *forastero* background, the credentials of this leadership did not necessarily originate in "traditional" forms of authority. Rather, they stemmed from their privileged access to the sources of colonial power.

#### *Methodology and Sources*

This work is an effort to articulate local societies with imperial scenarios. I use the legal system as the main interface connecting the Crown with its native subjects. Even though the Habsburg royal court and its mirror image, the viceregal court of Lima, irradiated disproportionate political power, the story that is about to unfold is not necessarily fixed in any particular location of Spain or the Andean region. In fact, Spain and the Indies functioned as a unit in various important respects. In her landmark study of *extremeño* emigration to Peru, Ida Altman advocated a social history that brought the histories of Spanish America and early modern Spain into direct connection. Spanish and Spanish American societies of the sixteenth century were variants within an expanding Hispanic world, Altman argued. Careful consideration of the ties and continuities between individuals in these two societies would show that they were distinct but closely intertwined and interdependent. In her view, Spain and America also met in Europe: "Trujillo was as closely tied to Peru as it was to Seville or the court."<sup>45</sup>

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<sup>45</sup> Ida Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century* (Berkeley: University of California Press, 1989), 260-61, 75-84. See also Juan Javier Pescador, *The New World inside a Basque Village: The Oiartzun Valley and Its Atlantic Emigrants, 1550-1800* (Reno: University of Nevada Press, 2003). This work analyzes "America in Spain," or how colonial peripheries shaped imperial centers, through the lenses of a Basque village and its emigrants to the New World. On a more general level, Alison Games has argued that Atlantic history is concerned with "explaining transformations, experiences, and events in one place in terms of conditions deriving from that place's location in a large, multifaceted, interconnected world." Alison Games, "Atlantic History: Definitions, Challenges, and Opportunities," *American Historical Review* 111, no. 3 (2006). See also Bernard Bailyn, *Atlantic History: Concept and Contours* (Cambridge, Mass.: Harvard University Press, 2005), 59-62, Nicholas Canny, "Writing Atlantic History; or, Reconfiguring the History of Colonial British America," *The Journal of American History* 86, no. 3 (1999): 1108.

Altman's history is still largely a promise in scholarly works about indigenous societies in colonial Peru. The Atlantic perspective, with its emphasis on circuits, connections, and larger inter-hemispheric contexts, offers a way of looking at things that seems well-suited for such an endeavor.<sup>46</sup> First, as suggested by Jack P. Greene and Philip D. Morgan, one of the advantages of thinking in Atlantic terms is that "it encourages broad perspectives, transnational orientations, and expanded horizons at the same time that it offers a chance for overcoming national and other parochialisms."<sup>47</sup> Second, a broader perspective is especially relevant to understand the circulation of goods, people, and ideas. People and their

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<sup>46</sup> Although I do not claim to be writing Atlantic History, I find John H. Elliott's definition of the paradigm very stimulating. In the words of Elliott, "The new Atlantic history might be defined as the history, in the broadest sense, of the creation, destruction and re-creation of communities as a result of the movement, across and around the Atlantic basin, of people commodities, cultural practices, and ideas. It is not the history of the advent-or non-advent-of modernity, a concept which has bedevilled the history of the Americas, but rather of change and continuity in the face of new experiences, new circumstances, new contacts, and new environments. Both the change and the continuity only become understandable if set into the context of an Atlantic that is seen as at once a unifying element, connecting peoples and events across the great expanses of the ocean, and a divisive element, fragmenting and distancing communities through space and time, and promoting, in a multiplicity of different environments, a whole spectrum of responses." John H. Elliott, "Atlantic History: A Circumnavigation," in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick (Houndmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan, 2009), 259-60. I do believe, however, that Indian participation in, and appropriation of Castilian legalistic culture is an important clue as to the advent of modernity in the Andes.

Similarly, I have found David Armitage's typology very useful. Armitage defines Circum-Atlantic history as "the history of the Atlantic as a particular zone of exchange and interchange, circulation and transmission. It is therefore the story of the ocean as an arena distinct from any of the particular, narrower, oceanic zones that comprise it. It certainly encompasses the shores of the Atlantic but does so only insofar as those shores form part of a larger oceanic history rather than a set of specific national or regional histories abutting onto the Atlantic. It is the history of the people who crossed the Atlantic, who lived on its shores and who participated in the communities it made possible, of their commerce and their ideas, as well as the diseases they carried, the flora they transplanted and the fauna they transported." David Armitage, "Three Concepts of Atlantic History," in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick (Houndmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan, 2009), 18.

<sup>47</sup> Philip D. Morgan and Jack P. Greene, "Introduction: The Present State of Atlantic History," in *Atlantic History: A Critical Appraisal*, ed. Jack P. Greene and Philip D. Morgan (Oxford; New York: Oxford University Press, 2009), 8. In an essay included in this compilation, Greene further elaborates: "by calling attention to social, economic, political, and cultural commonalities and interactions among areas that either were not connected by national allegiances or did not remain within the same national state system, it would help to break the hold of the national frameworks within which history traditionally has been written, frameworks that have operated not just to parochialize specific histories but also to obscure the larger patterns and processes within which the several societies around the Atlantic functioned and of which they were integral parts." Jack P. Greene, "Hemispheric History and Atlantic History," in *Atlantic History: A Critical Appraisal*, ed. Jack P. Greene and Philip D. Morgan (Oxford; New York: Oxford University Press, 2009), 300.

accumulated knowledge, in particular, were one of the key agents of change.<sup>48</sup> Finally, I take Atlantic connections as “vectors for the transmission of ideas” and “means by which identities were constructed and reconstructed.”<sup>49</sup> This is perhaps a reflection of my own personal and intellectual journeys, which have taught me to look at the Andes *from the opposite shore*.

Discussions about the nature of empires and of their legal systems have also benefited from examinations from a broader perspective.<sup>50</sup> My aim is to show how events, experiences, and transformations in Spain shaped these Andean societies, but also how transatlantic travelers affected metropolitan processes of state building at different levels. As Greene and Morgan observe, “It remains an interesting and important question [to study] how far [European] interactions with these other old worlds affected Europe itself.”<sup>51</sup> My work is a contribution in this respect.

The lives of about one hundred indigenous voyagers journeying to the court from different regions under the jurisdiction of the *Audiencia* of Lima between 1529 and 1700 form the bulk of this investigation (see the list included in Appendix 1). In an effort to be as comprehensible as possible, the list includes Indian travelers from the *Audiencias* of Mexico, Quito, Santa Fe, and Panama on that list (and sometimes as concrete examples), yet I have not examined their particular circumstances in detail. Therefore, I do not claim that my conclusions necessarily apply to those societies as well.

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<sup>48</sup> Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion, 1560-1660* (Oxford; New York: Oxford University Press, 2008), —, “English Globetrotters and Transoceanic Connections,” *William and Mary Quarterly* 63, no. 4 (2006).

<sup>49</sup> David Armitage and Michael J. Braddick, “Introduction,” in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick (Houndmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan, 2009), 5.

<sup>50</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, Elizabeth Mancke, “Empire and State,” in *The British Atlantic World, 1500-1800*, ed. David Armitage and Michael J. Braddick (Houndmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan, 2009).

<sup>51</sup> Morgan and Greene, “Introduction: The Present State of Atlantic History,” 9-10.

At this stage, I emphasize connections rather than comparisons simply because the story of these indigenous travelers remains largely unwritten.<sup>52</sup>

An attempt to determine the total number of Indians involved in the crossing of the Atlantic is beyond the current state of our knowledge. Like some of their Spanish counterparts, many indigenous travelers mastered the intricacies of imperial legislation, following or ignoring it depending on the circumstances. Thus, some of their tactics and strategies render them invisible in the official documentation. Similarly, some travelers lived anonymous lives in the Peninsula, leaving little documentary trace behind. Local and imperial archives host but a handful of licenses to go to Spain. It is possible that a few of those who formally requested permission from local and metropolitan authorities never left Peru. Those who did journey appear in the historical record while at the initial stages of their voyages, or while conducting their legal affairs at court, or, more frequently, only after receiving a license to return to the New World. Sometimes, the license, which bears little more than a name and the "Indio" label, is the only remaining proof of these travelers' historical existence.

This project relies almost entirely on archival research. Even though travelers ultimately converged at the royal court, the main challenge was to piece together their actions before and after the trip, as they journeyed to Spain from many parts of the Andes. One example will suffice to illustrate this point. The deeds at the royal court of Lorenzo Ayun, an Indian commoner from the north coast of Peru, first took me to the General Archive of the Indies in Seville. There, among the papers of the *Escribanía de Cámara* section, I read the lengthy court case that kept Lorenzo in Spain between 1665 and 1678. With many additional clues, I returned to where Lorenzo had embarked more than three centuries ago. In cities and towns located in the

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<sup>52</sup> On connections and comparisons within the Atlantic paradigm, see Elliott, "Atlantic History: A Circumnavigation."

north coast and the central highlands of Peru—the two main scenarios of the court case—I unearthed letters, powers of attorney, and other legal battles surrounding Lorenzo's transoceanic actions.

My next visit to Seville revealed Lorenzo's royal license to go to Mexico as part of the entourage of a prominent Franciscan friar, included in the *Pasajeros* and *Contratación* sections. These licenses usually contain the initial petition, the royal decree issued in Madrid permitting the trip, the testimonies of two or three witnesses, and the final authorization of the House of Trade of Seville.<sup>53</sup> Letters and memoranda concerning Lorenzo's court case and life at the royal court I found scattered in other sections of the General Archive of the Indies, mainly *Audiencia de Lima* and *Indiferente General*. The Royal Palace of Madrid stored a few other memoranda, which Lorenzo wanted to see in print.<sup>54</sup>

Indian visitors who, like Lorenzo Ayun, wished to attain justice, receive a reward, win a *merced*, or obtain financial aid for the return journey requested it through a *memorial*, a brief petition formally addressed to the king and sometimes accompanied by supporting documentation, such as past decrees, proofs of merit, appointments, and titles secured in America and Spain. Travelers also addressed some of these *memoriales* directly to the president of the council, although this was a rare event. Some they penned themselves; others were from the hand of the pauper attorney or another legal facilitator. These documents can be found in the *Audiencia de Lima* and *Patronato Real* sections.

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<sup>53</sup> Royal decrees included in these licenses almost invariably assume the following form: "El Rey. Mis presidente y jueces oficiales de la Cassa de la Contratacion de Seuilla yo os mando dexeis bolber a el nuevo RReyno de Granada a Pedro de Cabrera Bohorquez que bino de aquella tierra sin le pedir ynformacion alguna constandoos ser el mismo y que no es cassado en estos rreynos y dejareisle hazer su biaje en los galeones de mi armada rreal de la guarda de las Yndias ffecha en Valladolid a veinte y tres de abril y de mill y seiscientos y un años. Yo el Rrey."

<sup>54</sup> The results of this first investigation are included in my Master of Arts thesis. See José Carlos de la Fuente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World" (Texas Christian University, 2006).

After receiving these *memoriales*, the secretaries of the king would send them to the council, along with a decree ordering its examination. This was the *consulta*, which acted as the main interface of communication between the monarch and his council. The councilors of the Indies and the prosecutor of the Council in particular would offer their opinion or *parecer* about the request, sign it and have the president deliver it to the king. The king would usually approve the *consulta*, returning it to the council with one of the usual formulas expressing his royal consent (“assi”, “esta bien”, or “como parece”) written on the back. Based on the opinion of the prosecutor or other councilors (sometimes verbatim), the council would then issue a *real cédula*, *libranza*, *carta de pago*, or *carta acordada* (depending on what was being requested), allowing the Indian traveler to leave for the Indies or to collect his *ayuda de costa* from the minor officials of the council in Madrid. Copies of these documents are scattered through the *Indiferente General*, *Contaduría*, and *Audiencia de Lima* sections.

The travelers’ negotiations with the king and the Council of the Indies also appear in documents written in distant scenarios and exchanged several times across the ocean. The *Archivo Histórico Nacional* (Madrid) holds literally hundreds of powers of attorney endorsed by indigenous travelers, communities, and other claimants to their legal representatives before the Council of the Indies. The *Archivo Histórico de Protocolos* of Madrid includes information about travelers of prominent Inca lineages (and surely many others whom I was unable to find). The even larger notarial archives of Seville will reveal multiple aspects of the travelers’ lives in Spain, which I have not been able to include in this work.

The potential number of local archives to be explored in Peru posed a bigger challenge. The notarial and judicial records of cities like Cuzco, Lima, Huancayo, and Trujillo hold myriad similar documents pertaining to transatlantic travelers. In Lima, I worked mainly with court cases, documents

pertaining to land titles and disputes, *juicios de residencia*, and the papers of the *Caja General de Censos*, all of which revealed interesting aspects of Indian litigating activities and communal infrastructures of justice.<sup>55</sup> The Regional Archive of Cuzco provided a series of notarial documents related to the different mechanisms available to claimants and petitioners in order to reach the royal court from a distant Andean city.<sup>56</sup> I could only visit Trujillo's regional archive a couple of times, but Susan E. Ramirez was kind enough as to share some of her notes about travelers and *caciques* of the North Coast area with me. Finally, the Regional Archive of Junín provided important contextual information as well as some transatlantic powers of attorney, related to travelers from the central Andean region. The reconstruction of these links between different peoples and places offers a window into the most intimate workings of the Habsburg imperial machinery as the travelers experienced it.

#### *Chronological and Thematic Framework*

This study covers the period of Habsburg rule of the Andes, roughly from the first expeditions of conquest of the 1530s to the year 1700, although the last chapter incorporates some materials from the late eighteenth century. There is no particular methodological reason for choosing the year 1700 as the ending date aside from the need to limit the amount of research involved in this project to a somehow manageable lapse of two

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<sup>55</sup> The *Caja de Censos* was a fund mainly supported by mortgages on Indian communal property. A Spanish administrator appointed in Lima applied it to the fulfillment of tribute, the construction of public works, the payment of salaries of Spanish and Indian officials, and the assistance of Indian communities in times of famine. See Vilma Caballos López, "La Caja de Censos de Indios y su Aporte a la Economía Colonial (1565-1613). Primeras Investigaciones para el Estudio de esta Institución," *Revista del Archivo Histórico Nacional del Perú* 26, no. 2 (1962), Carmen Martín Rubio, "La Caja de Censos de Indios en Cuzco," *Revista de Indias* 39, no. 155-158 (1979). In 1687, for instance, the *cacique* of the town of San Ildefonso de la Barranca (immediately to the North of Lima) empowered Don Cristóbal Bagre Gualaran, "yndio cobrador mayor del dicho pueblo," to collect the tribute of those Indians living in Lima. AGI, Caja de Censos, l. 24, doc. 5.

<sup>56</sup> I focused on notarial records covering the last thirty years of the sixteenth century. For this task, I was fortunate enough to count on the assistance of Mrs. Carmen Rosa Guzmán Sánchez, a graduate in History and Education from the Universidad Nacional San Antonio Abad of Cuzco.



centuries. In fact, there might not be any important differences between the Habsburg and the Bourbon periods in terms of how different styles of rule affected Indian journeys to Spain, but that is a matter for further research. Perhaps a more logical ending date would have been the 1720s or the 1730s, when the most famous indigenous general attorneys became active at the royal court. However, such a possibility was not evident to me from the start. Besides, the reader will find that travelers with very similar characteristics preceded those early eighteenth-century travelers. The actions of the latter could have not been possible had they not built upon the accumulated experiences and symbolic capital of the former.

I have divided this work into five chapters. The organization is thematic rather than chronological. Chapter 1 attempts a reconstruction of the Atlantic community of Indian litigants, petitioners, and favor-seekers reaching the court. I describe the imperial system of legal aid designed for assisting the natives as well as some of the ways Indian communities and individuals found to rely on it or surpass it depending on the circumstances. My aim is to explore the networks through which claimants, documents, and ideas of justice and law circulated as well as the social relationships, institutions, and practices that sustained such networks. The legal system acts as the framework of interaction between the Indians and the king, but there is no such thing as an "Indian" sphere when it comes to transoceanic litigation. It is the central hypothesis of this chapter that the main outcome of these trips was the appropriation, accumulation, and transfer of legal capital. The stories told in this chapter will "flesh out" the Spanish legal Atlantic.

Chapter 2 places these travelers within colonial society. Because previous studies consider only a handful of individual cases, they render a basic portrait of the travelers' social persona: Indian visitors at court were officially recognized, though sometimes dispossessed, *caciques*. I

question this long-held assertion by looking for the elite of the traveling group within the "indios principales" of important colonial cities such as Lima. Moreover, even though Indian travelers came from multiple regions of the Andes and from all walks of life, they largely shared an urban background, a great familiarity with things Spanish, and solid patronage links with members of the civil and religious hierarchies. Taking the viceregal capital of Lima as the main setting for this inquiry, I place special emphasis on those travelers who, like the Indian interpreters and attorneys clustered around the viceregal palace, reached the Habsburg court largely because of their links with bureaucrats and ecclesiastics as well as their membership into the colonial lettered city.

Chapter 3 explores the politics of identity in Atlantic settings by focusing on how travelers and officials constructed Indianness and *cacique* status at the royal court. I start by discussing how the nature of the imperial system of justice imposed a series of templates and identifications upon claimants and petitioners addressing the king and the Council of the Indies in their *memoriales*. A reflection on the impact that such templates and the patterns of collaboration described in the two previous chapters had on the different "voices" of the travelers' memoranda then follows. I discuss the subtleties involved in the construction of *cacique* status across the Atlantic in the remainder of this chapter. I argue that the transoceanic journey was an empowering experience that could turn many travelers into *caciques*, especially after securing royal decrees (*reales cédulas*) and other privileges at court. Yet, in the eyes of their contemporaries, the legitimacy or illegitimacy of these individuals, rather than fixed and unproblematic, was the outcome of struggles and negotiations on both shores of the ocean.

Chapter 4 explores how native travelers displayed a series of strategies to make their journey and stay at court possible, thus exploiting the imperial paradox embedded in their perceived inferior nature vis-à-vis

their status as free subjects of the king. In particular, I discuss the travelers' reliance on the *rhetoric of wretchedness*, the idea that Indians were poor and miserable subjects in need of royal protection, in order to obtain legal and financial support for the different stages of the trip. The status of "Indian" could secure a series of privileges, yet this was one among other statuses available to the travelers.

Chapter 5 brings the argument full circle by illustrating how ideas of law, justice, and empire circulated through the network of Indian petitioners and claimants. I focus on the peculiar scene of the *interview with the king*, imagined in its most sophisticated form by the indigenous author Felipe Guaman Poma de Ayala at the beginning of the seventeenth century, but present in other Andean contexts throughout the eighteenth century. I take the scene as a social commentary on royal justice and the nature of the empire. I study the practical and symbolic aspects of such an image, suggesting that its roots were deeply ingrained in Indian political and legal culture. The highly symbolic charge of peoples and objects emanating from the royal court takes us to the most enduring legacies of these Indian journeys into the heart of the Habsburg realm.

## CHAPTER 1

### THE EXPANDING WEB: LITIGANTS AND PETITIONERS IN THE SPANISH ATLANTIC

[Son los indios] los mayores pleitistas del mundo, por lo cual la Sierra  
desciende a Los Reyes

Reginaldo de Lizárraga, *Descripción breve de toda la tierra del Perú*

#### *Don Melchor is Dead*

In May of 1610, the city of Cuzco rejoiced for the canonization of Ignatius of Loyola. An account of the celebration lists one Don Alonso Topa Atauchí among the numerous Inca attendants who paraded in honor of the saint. The chronicler of the festivity explains that this Inca noble is "the uncle of Melchor Inca, who is now at the royal court." Five years later, in an unrelated incident, Felipe Guaman Poma came across three Indian women from the small village of Jauja, in the central highlands of Peru. All of them were on their way to the viceregal capital. The women, who had escaped from an overzealous and abusive extirpator of idolatry, complained to the indigenous author that, in these troubled times, the Indians of the kingdom had no one to defend them, not even the Spanish monarch, because "Don Melchor is dead." Indeed, in October of 1610, Don Melchor Carlos Inca, the famous Inca knight of Santiago, had died in a monastery near Madrid, some 5800 miles away from the Andean crossroads where Guaman Poma and the native women met in 1615. Melchor had left Cuzco in 1602, never to return.<sup>57</sup>

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<sup>57</sup> Felipe Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 3rd ed. (México, D.F.: Siglo Veintiuno, 1992), 183, 1122, Carlos Romero, "Festividades del Tiempo Heroico del Cuzco," *Inca. Revista Trimestral de Estudios Antropológicos* 1, no. 2 (1923). In his work, the chronicler

How these people found out about Don Melchor's death in Spain raises a series of important questions. These two stories reveal that Andean Indians, and native travelers to Spain in particular, belonged to a world in motion, where peoples, news, documents, and ideas circulated through intricate webs of communication. Litigation, correspondence, word of mouth, and hearsay, along with eyewitness accounts of journeys to the Habsburg court such as that of Don Melchor, must have played a key part in spreading stories about Indian pilgrims to Spain, their affairs at the royal court, and ultimately, their encounter with the king. The natives' reliance on these transoceanic circuits remains virtually unknown. In the few works devoted specifically to individual Indian travelers, the voyagers appear as lonely (but sometimes purposeful) wanderers. Their Atlantic deeds seem isolated responses to colonial excesses, endeavors propelled by powerful outside forces or, at best, outcomes of mere chance.<sup>58</sup> Moreover, although historians of the modern Hispanic world have studied social networks pertaining to Spanish immigrants to America, they have paid no attention to indigenous travelers undertaking the opposite journey.<sup>59</sup> Scholars of colonial indigenous societies, for their

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included a section of the "captains salaried by His Majesty," a brief list of Inca lineages and individuals living in Peru and Spain who had been honored with pensions and other privileges by the king and his Council of the Indies since the mid-sixteenth century. The extirpator was no other than Francisco de Ávila. About his activities in the Jauja valley, place of origin of the three women of the story, see "Información de méritos y servicios," ms. 1615. AGI, Lima, 326, f. 1r-3r (modern pagination), and Ella Dunbar Temple, "Dos Documentos Inéditos Peruanos," *Revista Histórica* 11 (1937 [1616]): 329, 31.

<sup>58</sup> Guillermo Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," *Anuario de Historia del Derecho Español* 19 (1948-1949): 431-44, Miró Quesada Sosa, *El Inca Garcilaso*, Chap. 4, Rowe, "El Movimiento Nacional Inca del siglo XVIII," 358, Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 138-43. In this last work, Temple wrote about Don Melchor Carlos Inca's sojourn at court, "Según le corrió la suerte, su existencia en la Corte era tan desarreglada y azarosa como la que había llevado en el Cuzco y los propios documentos de sus descendientes arrojan pellas sobre su nombre porque de ellos se deduce que hubo de ver varias veces con la justicia. [...] permaneció en España, desprestigiando su nombre, vegetando con sus ilusorios blasones, su pensión que resultaba nimia para sus gastos de mestizo regalado y alguna que otra aislada y concesional atención cortesana."

<sup>59</sup> Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, Ida Altman, *Transatlantic Ties in the Spanish Empire: Brihuega, Spain & Puebla, Mexico, 1560-1620* (Stanford, Calif.: Stanford University Press, 2000), Mark A. Burkholder and D. S. Chandler, *From Impotence to Authority: The Spanish Crown and the American Audiencias, 1687-1808* (Columbia: University of Missouri Press, 1977), James Lockhart, *Spanish Peru, 1532-1560: A Colonial Society* (Madison: University of Wisconsin Press, 1968), —, *The Men of Cajamarca; a Social and Biographical Study of the First Conquerors of Peru* (Austin: University of Texas Press, 1972), —, "Letters and People to Spain," in *Of Things of the Indies: Essays Old and New in Early Latin American History*

part, have outlined some of the vertical and horizontal ties—corporate allegiance, common interest, patronage, servitude, and kinship—integrating Indians in rural and urban settings. However, in part because of the inherited ethnohistorical perspective under which these authors approach their subjects, such forms of solidarity are still conceived of as predominantly “indigenous,” that is, to individuals identified as “Indian.”<sup>60</sup>

In an Atlantic setting, these networks had little inherently “Indian,” at least in this traditional sense. Indian, Spanish, and *mestizo* voyagers generally relied on similar patronage systems, forming alliances based on mutual support and shared interest before, during, and after the journey. Like the Iberian emigrants and returnees from Extremadura studied by Ida Altman, native travelers moved through channels of communication and advancement that, to a significant extent, “were known and predictable to authorities and individuals” circulating in the early Spanish Atlantic world.<sup>61</sup> Understanding how native voyagers managed to reach the royal court asks for a fundamental shift in perspective. One must depart from the ethnohistorical paradigm, which studies caciques, noble lineages, and “ethnic groups” as anchored in particular regions of the Andes, isolated and even inward looking, having little interaction with one another. Instead, one must aim at a history that, by weaving the journeys of indigenous travelers and their Spanish and *mestizo* counterparts, unfolds simultaneously in geographically distant settings of the early modern Spanish world. As in other Atlantic histories, the focus is not so much on fixed ethnic identities

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(Stanford: Stanford University Press, 1999), Rafael Varón Gabai, *Francisco Pizarro and His Brothers: The Illusion of Power in Sixteenth-Century Peru* (Norman and London: University of Oklahoma Press, 1997).

<sup>60</sup> See Paul Charney, “The Implications of Godparental Ties between Indians and Spaniards in Colonial Lima,” *The Americas* 47, no. 3 (1991), Lowry, “Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)”, 22, Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*.

<sup>61</sup> Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 70, 261-62.

and legal identifications, or on discontinuous places and regions, as it is on fluid identities, exchanges, interconnections, and the interplay between global and local contexts.

This chapter traces one specific Atlantic community, composed of Indian litigants, petitioners, and favor-seekers at the Habsburg royal court. My aim is to illuminate the larger matrix, the set of networks and relations, which bound this *legal community* together. I will show how its peoples, goods, and ideas circulated through the early modern Spanish empire. I understand "Atlantic community" in the sense Benedict Anderson understands the group of Creole "fellow-pilgrims" that moved back and forth across the ocean in the late eighteenth century. Other such communities include Ida Altman's sixteenth-century *extremeño* emigrants and returnees to and from the New World, Jorge Cañizares-Esguerra's scientific and intellectual communities, and Daviken Studnicki-Gizbert's "Portuguese Nation," one among many other maritime trading communities.<sup>62</sup> A shared sense of Creole grievance, similar intellectual concerns, and overlapping links of kinship, provenance, and commercial association patterned such large communities. The more modest community of transatlantic litigants I plan to reconstruct was primarily patterned by the imperial system of justice and sustained by one of its most flexible features, the power for long-distance legal representation. Even though strong interpersonal links—ties of kinship, of authority, and of deference, for example—were as important as in any other community, these individuals were bound together by the shared experience of the transatlantic voyage and, more especially, by the legal savvy displayed in journeying into the heart of the empire. Their travels rested on common legal knowledge,

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<sup>62</sup> Ibid, Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London; New York: Verso, 1991), esp. 55-56, Jorge Cañizares-Esguerra, *How to Write the History of the New World: Histories, Epistemologies, and Identities in the Eighteenth-Century Atlantic World* (Stanford, Calif.: Stanford University Press, 2001), Daviken Studnicki-Gizbert, *A Nation Upon the Ocean Sea: Portugal's Atlantic Diaspora and the Crisis of the Spanish Empire, 1492-1640* (Oxford; New York: Oxford University Press, 2007), 4-11, 94-121.

gradually built and transmitted through countless interactions with the justice of the king.

Despite the relative homogeneous core of this "Indian" community, however, its permeability, the porosity of its borders, will become evident. Its members moved in and out of an intricate web of litigant villages, high courts of appeal, royal magistrates, licensed and unlicensed legal specialists, and influential patrons at all levels of the civil and ecclesiastic hierarchies, with whom they usually journeyed to the Peninsula. As Eliga Gould has argued in a similar context, people moving in the cosmopolitan Atlantic world "belonged not to one community but to several, and [...] those communities together constituted [...] an interconnected yet porous and open-ended whole."<sup>63</sup> In a typical hub-and-spokes structure, royal tribunals and salaried officials connected Indian towns to provincial cities to viceregal capitals and, ultimately, to the king's palace. Litigants and favor-seekers, their documents and the ideas of royal justice and legitimacy that they contained, all circulated through these networks. The resulting image is unfortunately incomplete, for these indigenous travelers were one tiny part of a broader exchange. A comprehensive reconstruction of this process would include the hundreds of other travelers, blacks, Spaniards, and *mestizos*, who saw in the Habsburg court their final destination.

I begin this chapter by sketching the three-tiered system of legal protection mounted to assist native communities and individuals in their interactions with royal justice. Along its routes passed Indian litigants and their associates; without it, travelers would have left virtually no documentary trace. This is why I consider it important to outline the "ideal" system underlying most of the movements described in subsequent chapters. I then explore the infrastructure of justice that indigenous communities

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<sup>63</sup> Eliga H. Gould, "Entangled Histories, Entangled Worlds: The English-Speaking Atlantic as a Spanish Periphery," *American Historical Review* 112, no. 3 (2007): 785-86.



implemented to insert themselves into the legal Atlantic. My aim is to place the human and material costs of transatlantic endeavors in historical perspective. The following section discusses the potential of the flexible power of attorney for connecting and articulating this legal community. The next section reconstructs some of the channels of circulation of powers of attorney, with private and public letters, instructions, and other legal documents. The goal is to address the most significant outcome of this movement, namely, the transmission and accumulation of juridical capital, which I discuss in the last part of this chapter.

### *The Legal Atlantic*

In the 1530s, the Spanish conquest of Peru was far from being a fait accompli. Yet, Francisco Pizarro and his brothers had already managed to build a vast network of relatives, dependants, and legal professionals—up to 400 individuals, according to Rafael Varón’s estimate—operating in various parts of Europe and the Americas. Paramount among them was the entourage of attorneys and solicitors working for the Pizarros at the still itinerant royal court, the Council of the Indies (1528), the *Audiencias* of Lima (1541) and La Plata (1559), the House of Trade of Seville (1503), and the older Chancelleries of Valladolid and Granada.<sup>64</sup> Although familial, political, and economic bonds linked the members of the *Pizarrista* network at different levels, it was the power and versatility of legal representation, as prescribed by the imperial system of justice, which ultimately allowed them to function as a community of interest in this Atlantic setting.<sup>65</sup> By the

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<sup>64</sup> Lockhart, *The Men of Cajamarca; a Social and Biographical Study of the First Conquerors of Peru*, 264, Varón Gabai, *Francisco Pizarro and His Brothers: The Illusion of Power in Sixteenth-Century Peru*, 136-38. Key documents of this period, especially powers of attorney to agents in Spain, are included in Library of Congress, *The Harkness Collection in the Library of Congress. Documents from Early Peru, the Pizarros and the Almagros, 1531-1578* (Washington: U.S. Govt. Print. Off., 1936).

<sup>65</sup> I understand “representation” as Roger Chartier does when he argues, “la representación es la exhibición de una presencia, la presentación pública de una cosa o una persona.” Roger Chartier, *El Mundo como Representación. Historia Cultural: entre Práctica y Representación* (Barcelona: Gedisa, 2002), 57.

sixteenth century, with the expansion of the bureaucratic-patrimonial Habsburg state, legal mediation had become concomitant to the Iberian tradition of petitioning the king for favor, reward, and protection. (This tradition, in turn, lies at the very foundation of Spanish rule and state building in the Andes.) This legal mediation materialized through a sea of royal decrees, provisions, orders, and letters crossing the ocean via a web of tribunals, judges, lawyers, petitioners, and legal specialists of all sorts.

Nevertheless, the king's desire that natives seeking justice and reward remain in their lands lay at the center of the colonial project. The notion that royal justice ought to reach Indians in their homeland and not the other way around was part of the official consensus. By the mid-1560s, viceregal authorities had started to legislate in order to prevent native litigants from traveling to Lima, seat of a high court of appeal, or to the Iberian Peninsula. Governor Lope García de Castro (1564-1569), for instance, envisioned the establishment of provincial magistrates (*corregidores de indios*) to administer justice to the Indians in their own settlements.<sup>66</sup> An even more ambitious Francisco de Toledo, viceroy between 1569 and 1581, told the Council of the Indies in a letter penned in 1570, "the greatest good that could be done [to the Indians] is to dispose that they do not leave their houses searching for justice but that she finds them in their own provinces and places."<sup>67</sup>

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<sup>66</sup> "Carta. El licenciado Lope García de Castro a S.M." Lima, 9.23.1565. In Roberto Levillier, *Gobernantes del Perú, Cartas y Papeles, siglo XVI*, 14 vols. (Madrid: Sucesores de Rivadeneyra, 1921-1926), 3:94-110. In this letter, Castro wrote, "biendo que entre los yndios no auia justicia alguna me auia parecido diuidir este rreyno por prouincias y poner en cada una su corregidor y en los pueblos grandes de yndios de ellas sus alcaldes y alguaziles que averiguasen todo los devates y pleytos que entre los yndios aconteciesen conforme a una ynstrucion que hize de quea vuestra magestad ynbio un treslado a hecho tanto provecho esta orden que de nuevo se a dado que con estar esta audiencia llena de yndios que venian a pleytos en cuyo seguimiento gastauan sus haciendas y aun las vidas por venir de diversos temples de tierra ay agora tan pocos que vegan a pleytos que es de alabar a nuestro señor."

<sup>67</sup> "Carta. Francisco de Toledo al Consejo de Indias," ms. Lima, 2.8.1570. AGI, Lima, 28A, n. 45, l. 1, p. 11. "El mayor bien que se les puede hazer [a los indios] es darles orden como ellos no salgan de sus casas a buscar la justicia sino que ella los busque a ellos en sus prouincias y

A year later, the council answered with a royal decree authorizing Toledo to act as he saw fit.<sup>68</sup> In response, between 1572 and 1575, the viceroy legislated about the ways Indians should conduct their lawsuits (*pleitos*), both among themselves and with the Spaniards. One must keep in mind, however, that Toledo's famous "Ordinances about the Lawsuits of the Indians," though foundational in the Andean case, were only echoing previous metropolitan laws forbidding Indians from voyaging overseas.<sup>69</sup> As with other potentially mobile communities, Spanish intellectuals and policy makers emphasized fixity, permanence, and integration, rather than fluidity and movement, as the means for preserving the Indians' political allegiance to the Crown.<sup>70</sup> The viceroy's reforms of the 1570s were framed into an imperial system of public legal assistance to which the Indians were entitled as "poor and wretched" vassals and members of the Indian Commonwealth (*República de Indios*). On a deeper

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lugares pues los daños de lo contrario son tantos que no se podian significar y oy dia no caben en este lugar los yndios que vienen a pleitos de muchas leguas de aqui muriendose por los caminos y haziendoles sus caciques deramas y molestias para esto de grandes fraudes y engaños yendo ellos cobrando tanta naturaleza de papeles que por qualquiera que les den dan la plata que tienen."

<sup>68</sup> "Al virrey. Que provea lo que le pareciere convenir en los pleitos que los indios tratan y sobre los derechos que dellos se les llevan," ms. Madrid, 2.6.1571. AGI, Lima, 569, l. 13, f. 244r.

<sup>69</sup> Toledo justified his reforms to the Council in the following terms: "Y porque se a entendido que los naturales an gastado mucha suma de dineros y haciendas y haziendo asi de la comunidad como suya propia en los pleitos que an movido y que an muerto mucho numero de yndios en yr y venir a la real audiencia de los Reyes en seguimiento dellos de lo qual se ynfiere el mucho daño que los dichos naturales an reçibido y reciben en permitirles que traigan los dichos pleitos y en no administrarles justicia por la forma y tan sumariamente y por la orden que Su Magestad tiene ordenada y en salir de sus tierras en seguimiento dellos alçandose de sus officios tratos y grangerias y haziendose pleitistas e conforme a la flaqueza e ynveçilidad de los mismos naturales y poca ymportancia y calidad de sus pleitos aora que por mi propia persona y por los ministros con quien voy haziendo esta visita general e entendido que sin comparacion es el daño mayor quel que de antes se entendia y en total destruicion de sus haciendas y de las comunidades y en muchas muertes de yndios que mueren en prosecucion de los dichos pleitos e lo que peor es en mucha corrupcion de sus costumbres porque de tratarlo se an mostrado a buscar testigos falsos y a usurpar los mas cautelosos las haciendas de los que no lo son y a hazer otros enbustes e ynvençiones muy dañosos a sus republicas." "Memorias de los testimonios que Diego Lopez de Herrera, secretario del virrey del Piru, don Francisco de Toledo envia al Real Consejo de las Indias de Su Magestad," ms. 1573. AGI, Lima, 29, f. 147r-51r.

<sup>70</sup> Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (Yale University Press, 2003), Studnicki-Gizbert, *A Nation Upon the Ocean Sea: Portugal's Atlantic Diaspora and the Crisis of the Spanish Empire, 1492-1640*, 45-46.

level, however, what this system chiefly sought was to keep Indians in place.<sup>71</sup>

In schematic form, the imperial infrastructure of justice followed a three-tiered radial model composed of "hubs" and "spokes" (see Figure 1). First, the Crown expected that, at the local level, the mayors (*alcaldes*) of the Indian *cabildos* and the Spanish provincial magistrates (*corregidores*) administer summary justice in the numerous Indian towns spread through the Andean landscape. The staff (*vara*) that they carried represented the authority to deliver justice in the name of the king. If, however, the substance of the court case or the privileged status of the litigants merited it so, or if Indians felt that these local officials had wronged them, they could appeal to the judges of the viceregal high courts (*Audiencias*), placed at a second level of the judicial system. Under very few circumstances, and not without authorization from the *Audiencia* of Lima, were Indian communities and their leaders to appeal to the third tier, that of the Council of the Indies, the supreme tribunal for American affairs in the Spanish Empire.<sup>72</sup>

Native lords of vassals (*caciques*), visible heads of the Indian Commonwealth, had certain privileges within the imperial judicial system. Ideally, local and provincial magistrates could not remove *caciques*, imprison

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<sup>71</sup> "Ordenanzas de Toledo sobre pleitos de los indios." Cuzco, 2.5.1572, included in "Memorias de los testimonios que Diego Lopez de Herrera, secretario del virrey del Piru, don Francisco de Toledo envia al Real Consejo de las Indias de Su Magestad," ms. 1573. AGI, Lima, 29, f. 132r-52v. Toledo cast his well-known policies of native resettlement under the same light. Authorities should register Indians in the tribute rolls of their towns of origin, defining their status as *originarios* (or native-born). Fulfillment of *originario* tribute and labor quotas granted access to traditional lands and other resources. In opposition, *forasteros* or outsiders, Indians born in another place, had no legal right to communal resources in the host town. Political rituals and official documents "created" the legal/fiscal category of the Indian tributary under the assumption that Indians would remain in their homelands. From this perspective, being "Indian" meant being part of a "commons," ruled by a *cacique* and living in its designated towns. Jorge Armando Guevara Gil and Frank Salomon, "A 'Personal Visit': Colonial Political Ritual and the Making of Indians in the Andes," *Colonial Latin American Review* 3, no. 1-2 (1994), Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*.

<sup>72</sup> The best modern analysis of the colonial system of justice implemented to deal with the native populations, as well as of the different types of lawsuits that pertained to the royal courts at different levels, can be found in Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598". An older, but still useful analysis is Díaz Rementería, *El Cacique en el Virreinato del Perú: Estudio Histórico-Jurídico*.

them for minor faults, or settle lawsuits over their chiefdoms (*cacicazgos*), for these prerogatives concerned *Audiencias* and viceroys exclusively.<sup>73</sup> Yet, neither *caciques* nor commoners (called *indios del común* or *indios particulares*) were to leave their lands for litigation. In Viceroy Toledo's ideal scheme, *caciques* seeking royal reward should prepare their proofs of merit before viceroys, governors, and *Audiencias* in the Indies. The judges would then give their secret opinion (*parecer*) and dispatch the documents sealed to the council for its final assessment.<sup>74</sup> Moreover, native lords were supposed to request an official license to litigate in Lima, even if they were to represent their subjects (I doubt this happened in practice very often). If granted such a license, they ought to remain in their locales and send two able Indians to represent the community before the high court. Those who broke this ordinance would lose their case and receive one hundred lashes for the first offense. The second offense would merit permanent exile from their provinces and the third, perpetual exile from the kingdom of Peru.<sup>75</sup>

The Crown chose a web of public prosecutors, defenders, lawyers, and solicitors, some of them highly mobile, who, in turn, linked these local, regional, and imperial spheres of justice. At the royal court, the post of general defender (*protector general*) of the natives of Peru fell to one of the prosecutors (*fiscales*) of the Council of the Indies. The prosecutor was

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<sup>73</sup> "Real cédula para que no se priven los caciques de sus cacicazgos." Monzón, 8.26.1547; "Real cédula sobre los cacicazgos de los indios." Valladolid, 2.26.1557; "Real cédula que los caciques no sean despojados de sus cacicazgos." Valladolid, 12.19.1558; "Real cédula para que los caciques no sean privados de sus cacicazgos." Córdoba, 3.29.1570. Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 1:243-44, 360, 65-66, 451-52, *Recopilación de Leyes de los Reinos de las Indias*, Bk. 6, Tit. 7, Laws 1-4, 7.

<sup>74</sup> In that sense, regulations intended for individual and corporate members of the the *República de Españoles* or Spanish Commonwealth, such as *encomenderos*, merchants, cities, and monasteries, should also apply to individual *caciques* and their noble descendants. *Recopilación de Leyes de los Reinos de las Indias*, Bk. II, Tit. 2, Law 58, Bk. II, Tits. 25 & 33, Bk.V, Tits. 12-13. These procedures are outlined in "Las diligencias que preceden para pretension en el Consejo," in "Avisos sumarios, politicos, y gubernativos. Con una descripcion del Reino del Peru, Tierra Firme, y otras Provincias, que Don Melchor Castro Macedo, Contador de Resultas en la mayor de Cuentas, dio a Don Juan de Acuña, Presidente del Consexo de Yndias. Año de 1... Para su instruccion, y Gobierno," ms. n.d. (c. 1609-10). BPR, Ms., 2846, f. 246v-47r. I thank Susan Ramirez for sharing this document with me.

<sup>75</sup> "Ordenanzas de Toledo sobre pleitos de los indios..."

in charge of defending the jurisdiction and the patrimony of the king himself. Thus, he was also to represent the Indians before the council and inform the king if the laws protecting them had been broken at any time. The prosecutor could even "demand" (*exigir*) from the council and the monarch that the appropriate sanctions be delivered to the transgressors. The king's prosecutor worked in tandem with the advocates and attorneys of the poor (*abogado de pobres* and *procurador de pobres*, respectively), posts that, in general form, had existed in Iberia since at least the fifteenth century. The *Siete Partidas* of the thirteenth century had already established the Crown's right to intervene directly in cases involving orphans, widows, the sick, aged, crippled, poor, and wretched, as part of its obligation to provide summary judgment for these subjects and release them from the costs of litigation. As noted by Lauren Benton, the Crown's obligation to provide legal representation to the miserable and disadvantaged "would provide a model for the legal status and treatment of American Indians."<sup>76</sup> Thus, as their counterparts did in local courts and royal tribunals throughout the Peninsula, the salaried advocates and attorneys of the poor working for the council drew up legal petitions on behalf of Indian litigants and favor-seekers, and then represented their cases before this judicial body.<sup>77</sup>

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<sup>76</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 44, Richard L. Kagan, *Lawsuits and Litigants in Castile, 1500-1700* (Chapel Hill: University of North Carolina Press, 1981).

<sup>77</sup> See *Recopilación de Leyes de los Reinos de las Indias*, Bk. 2, Tit. 5, Law 1. "El fiscal de nuestro consejo de Indias, demas de la obligacion y cargo que por razon de su oficio tiene de defender ó pedir lo tocante á nuestra jurisdiccion, patrimonio y hacienda real, tenga particular cuenta y cuidado de inquirir y saber cómo se cumple y guarda lo que por Nos está proveido y ordenado para la buena gobernacion de las Indias, y pedir que se guarde y ejecute, dándonos aviso en nuestro consejo cuando no se hiciere, especialmente lo que fuere en favor de los indios, de cuya proteccion y amparo, como de personas pobres y miserables, se tenga por muy encargado, y con grande vigilancia y cuidado pida y solicite siempre lo que para el bien de ellos convenga." About these public defenders, see Constantino Bayle, "El Protector de Indios," *Anuario de Estudios Americanos* 2 (1945): 87, 118, Carmen Ruigómez Gómez, *Una Política Indigenista de los Habsburgo: El Protector de Indios del Perú* (Madrid: Ediciones de Cultura Hispánica, 1988), 149-50, Ernst Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 2 vols., vol. 1, *Historia y organización del Consejo y de la Casa de la Contratación de la Indias* (Madrid: Imp. M. Carmona, Sevilla, 1935), 68, 119-20.

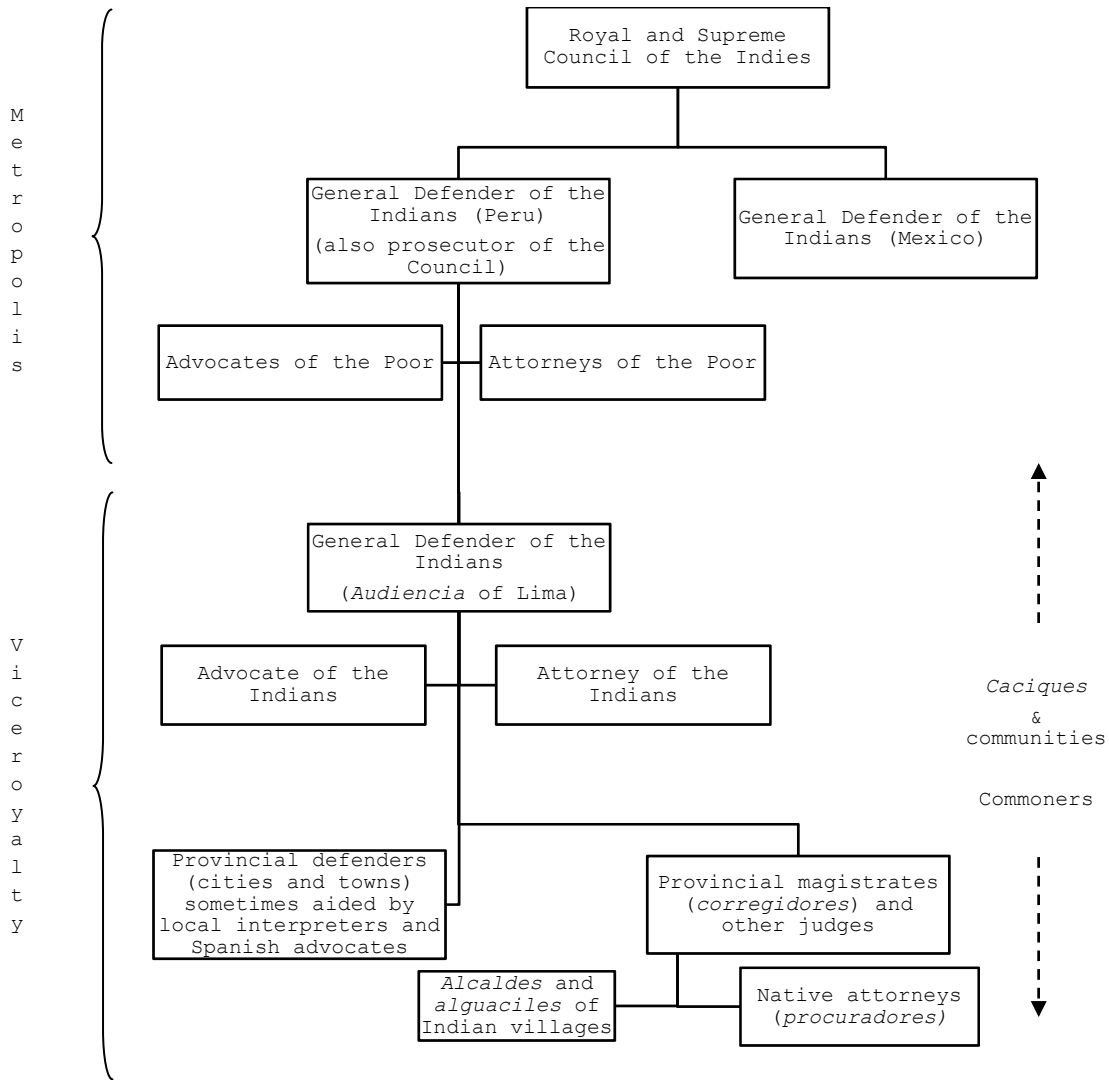


Figure 2. Imperial System of Legal Assistance for the Indians<sup>78</sup>

Moreover, the king's prosecutor in Spain was the official link between the Council of the Indies and the web of defenders (*protectores de indios* or *protectores de naturales*) and their aids, the attorneys (*procuradores*) and advocates (*abogados*) of the Indians serving in the New World. Viceroy Francisco Toledo put the system officially into practice in 1575 with another set of ordinances, inspiring similar policies throughout the American realms.

<sup>78</sup> This tentative organizational scheme stems from the laws of the kingdom as well as my reading of numerous petitions and lawsuits and a multiplicity of practical scenarios.

These officials received their appointment from the viceroy and the confirmation from the council. In contrast with private practitioners, they were to receive an annual salary from the Indian communities' coffers but no direct payment from their protected clients. The *protectores* were to prepare the Indians' petitions as well as "aid and defend" them by protecting communal lands and denouncing excessive working conditions, among other common abuses. Like the king's prosecutor, they were to see that legislation favoring the Indians was enforced.<sup>79</sup>

This picture would not be complete without a brief mention of the provincial *protectores*. These defenders operated in important cities and towns throughout the Andes. They were to replace informal solicitors and attorneys as well (although these informal specialists never disappeared from the scene). With the aid of Spanish advocates, they were to handle Indian lawsuits in their jurisdiction. To judge by the case of Cuzco, some members of the first generation of provincial *protectores generales* were *mestizos*. Others were individuals married to indigenous women.<sup>80</sup> Their cross-cultural

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<sup>79</sup> Between 1582 and 1589, the post was suspended and the prosecutors of the *Audiencia* acted as defenders. For a royal reminder to the viceroy about the need to appoint good *protectores de indios*, see "Real cédula al virrey del Perú que procure que las personas que pusiere en officios de protectores de Indios sean quales conbenga," ms. Ventosilla, 10.17.1614. AGI, Lima, 571, L. 17, f. 184v-85r. The best study of the *protectoría de indios* in Peru is still Bayle, "El Protector de Indios." Toledo's ordinances are included in María Justina Sarabia Viejo, ed. *Francisco de Toledo: Disposiciones Gubernativas para el Virreinato del Perú. Volumen 2: 1575-1580* (Sevilla: Escuela de Estudios Hispano-Americanos; Consejo Superior de Investigaciones Científicas; Monte de Piedad y Caja de Ahorros de Sevilla, 1989). Relevant works about the system of public legal assistance implemented in the New World are Ruigómez Gómez, *Una Política Indigenista de los Habsburgo: El Protector de Indios del Perú*, Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598", —, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", —, "Caciques as Legal Benefactors: Cacical Legal Offensive in the Andes, 1550-1572." For the *Juzgado General de Indios* or General Indian Court in Mexico, see the now classic study of Woodrow Wilson Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley: University of California Press, 1983). For the *protector de indios* in New Mexico, see Charles R. Cutter, *The Protector de Indios in Colonial New Mexico, 1659-1821* (Albuquerque: University of New Mexico Press, 1986). For the *protector de naturales* in Quito, see Diana Bonnett, *Los Protectores de Naturales en la Audiencia de Quito, siglos XVII y XVIII* (Quito: FLACSO; Abya-Yala, 1992), 22-29. The historical development of the post in Quito seems to have followed a somehow different path than that in the *Audiencia* of Lima.

<sup>80</sup> See, for instance, "Venta. Martín de Bustinza, vecino del Cuzco y protector de los naturales, a Baltasar de Toledo de un pedazo de tierra en el valle de Pilcopata que heredó de su madre Doña Beatriz Coya," ms. 7.11.1581. ARC, Protocolos, n. 24A (Antonio Sánchez), f. 669r-v. The Crown prohibited the appointment of *mestizos* as defenders in 1578. See "Real cédula sobre que las protectorías de indios no se den a mestizos," Madrid, 11.20.1578. Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 1:512-13.



skills and family connections made them suitable for representing the Indians before provincial magistrates, inspectors, judges of the Indians, and ecclesiastic judges, among other royal officials. They also pressed charges against Spanish citizens (*vecinos*) and residents, requested individual and general privileges (*mercedes*) for their clients, and made sure that Indian workers received their wages and salaries on time. As important, defenders were usually present for notarial transactions in which natives had to endorse powers of attorney, sell lands and houses, collect debts, form economic companies, and declare the "discovery" of mines and old burial sites.<sup>81</sup>

The imperial system also implied a somewhat clear chain of communication, which *caciques*, Indian attorneys and natives in general would use repeatedly to reach the king and the Council of the Indies. If an appeal to the *Audiencia* of Lima was in order, provincial defenders were to report to the general defender residing in the viceregal seat. He, with the aid of the public advocates and attorneys of the Indians, defended the interests of the natives before that high court. This general defender had the duty of corresponding directly with the Council of the Indies and of sending to the councilors, in the first available royal fleet, "the affairs of the Indians that should be seen at the Council" as well as his own legal opinion on the matter. At the Indians' request, the general defender should write to the council as many times as deemed necessary.<sup>82</sup> In some cases, provincial defenders took matters in their own hands and bypassed the viceregal defender

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<sup>81</sup> For the career of the general defender of the Indians of Cuzco, see "Prouança de Pedro Suarez Caruajal sobre su oficio y uso y fidelidad del," ms. 1578. AGI, Patronato, 122, n. 1, r. 11. Suárez de Carvajal was the son of the conquistador Illán Suárez de Carvajal and Doña Magdalena Sisa Ocllo Palla, a noble Inca woman. He was married to Doña Juana Coya, an alleged granddaughter of emperor Huayna Capac.

<sup>82</sup> In 1592, for example, Baltasar de la Cruz, *procurador* and *defensor* of the Indians in Lima, wrote a letter to Dr. Pedro Gutiérrez Flores, of the Council of the Indies, asking him to favor the cause of the Collaguas Indians, whose papers, letters, and petitions were being dispatched to Spain. The Collaguas *caciques* had previously journeyed to Lima to meet with the defender. "Carta. Baltasar de la Cruz al Doctor Pedro Gutiérrez Flores," ms. Lima, 11.25.1592. AGI, Lima, 131.

by writing directly to the Council of the Indies and sending the documents of their clients to Spain.<sup>83</sup>

That is, in sum, the theoretical three-tiered framework of legal advice and representation that Indians had to navigate in their Atlantic quest to reach the king. It met with variable degrees of success, depending on whether interested parties regarded Indian litigiousness as beneficial or harmful. At any rate, the system would endure for the rest of the colonial era. As in other realms of the colonial experience, however, exceptions could be made, royal dispositions could be ignored, instances could be dismissed, and jurisdictions could be bypassed. Nonetheless, that an overwhelming number of letters, petitions, proofs of merit, and memoranda (*memoriales*) prepared on behalf of indigenous groups and individuals arrived in Spain through these official channels, in and of itself, attests to the natives' quick mastery of this structure at its different levels. Yet, hidden below this system of public representation, there existed a broader network of informal agents, most likely petitioners and litigants themselves, priests and laymen, lawyers and non-professional practitioners, who multiplied the links of indigenous communities and leaders with the king exponentially. Soon, perhaps too soon from the perspective of metropolitan officials, Indians would learn to navigate this legal Atlantic.

#### *The Price of Justice*

The imperial system of justice influenced indigenous communities on two interrelated levels. First, leaders reoriented significant communal resources in order to insert their communities into the imperial system of justice

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<sup>83</sup> See, for instance, the dossier of the Yanque and Lari Collaguas opposing the foundation of a textile mill on their lands. It includes a petition to the Council signed by the *caciques* and the general defender of the city of Arequipa, a letter from the said defender, and a power of attorney to the king's prosecutor in Spain. "Petición de los yndios de la prouincia de los Collaguas de la Corona real y encomenderos," ms. 1614. AGI, Lima, 144.

successfully. Second, communities developed their own legal specialists to deal with *oidores*, *protectores*, and *procuradores*.

As regards the first issue, sending a delegation to Lima or the royal court was no improvised matter; trips were the outcome of long planning of up to two or three years. As noted by Charles Gibson regarding the case of the Tlaxcalan Indians, "Only with a well-organized native government, backed by an alert community and versed in the special processes of Spanish law, could the series of Tlaxcalan campaigns for privilege have been successfully undertaken."<sup>84</sup> *Caciques* had traditionally managed communal resources for myriad purposes, and litigation was no exception. Andean communities conceptualized litigation as "sapci," or what is common/what belongs to all; or, what is for the sake of/for the common good of all.<sup>85</sup> Therefore, as with other communal obligations of tribute and labor, members of the group prorated the human and material costs of litigation among themselves.

To finance communal lawsuits, *caciques* organized collections, or what contemporaries called "derramas" or "repartimientos." With this money, they paid scribes, interpreters, advocates, attorneys, and solicitors. The different moieties (*parcialidades*) and lineages (*ayllus*) that comprised the group divided the allotment of servants (*servidores*) that *caciques* received for their journeys among themselves as well.<sup>86</sup> In 1562, the Luringuancas of the Jauja Valley (a narrow strip of fertile land some 120 miles to the east of Lima) organized one such *derrama*, consisting of money and cattle, to gather 7,070 *pesos* for the legal pilgrimage of one of their leaders to the

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<sup>84</sup> Charles Gibson, *Tlaxcala in the Sixteenth Century* (Stanford: Stanford University Press, 1967), 161.

<sup>85</sup> For a discussion of Andean notions of *sapci* in connection with community coffers and communal resources in sixteenth-century Peru, see José Carlos de la Puente Luna, "Felipe Guaman Poma de Ayala, Administrador de Bienes de Comunidad," *Revista Andina* 47, no. 9-51 (2008).

<sup>86</sup> For a negative view of these *derramas*, see Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 779.

Spanish court.<sup>87</sup> The peculiar nature of the amount seems to indicate the distribution of an equal amount of *pesos* amount each of the *parcialidades* of Luringuanca.<sup>88</sup> In their knotted strings (*quipus*), cord keepers (*quipucamayocs*) carefully registered the contribution that each *ayllu* had to make according to its population.<sup>89</sup>

Indigenous consensual forms of authority also influenced the process of decision-making in legal affairs, as the Indian *cabildos* practiced them in their frequent meetings. In 1583, the Tlaxcalans from Mexico chose their legal representatives at court "in the manner customary for the election of native officers." Similarly, in 1562 Andrés de Cervera, a self-appointed solicitor in Madrid, asked for 40 ducats from his Tlaxcalan clients to buy a mule "to tend to their affairs at the royal palace" ("pa[ra] yr a negoçiar sus cosas a palacio"). The delegates of the four Indian *cabeceras* sojourning at the royal court each cast his vote in favor or against the purchase ("entraron en votos sobre la compra"). Although two of them voted against it, Cervera convinced them by saying that they would all share the mule during

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<sup>87</sup> Unless otherwise specified, amounts are given in *pesos* of eight *reales* each. Whenever a source registers an amount in assayed *pesos* (12.5 *reales*), golden *pesos*, or ducats (11 *reales*), I have converted it to ordinary *pesos*.

<sup>88</sup> During the 1560s and 1570s, the Indians of Luringuanca would be reorganized into seven "towns." Perhaps, each *parcialidad* paid 1010 *pesos* for the *cacique's* journey to Spain. For a *cacique* who refers to "los siete pueblos" of Luringuanca, see "Testamento. Don Nicolás de Córdoba," ms. San Jerónimo de Tunan, 5.12.1664. ARJ, Protocolos, n. 2 (Antonio Venegas de las Casas), ff. 431v-39v.

<sup>89</sup> *Quipus* were knotted strings used for recordkeeping. "Letter. Fray Domingo de Santo Tomás to Don Alonso Manuel de Anaya," Huamanga, 3.23.1562. In José María Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios* (Quito: n.p., 1937), 55-56. "Información hecha por mandado de Su Excelencia sobre los daños que se han reçeçido a los yndios del balle de Xauxa en los pleytos que han tinido, asy en los bienes de la comunidad como en los de particulares y lo por Su Excelencia proveydo para escusar los dichos pleytos y daños y de cómo se les mandaron quemar las provisiones y procesos." Ms., 1570. AGI, Lima, 28A, 63Q, f. 3v-5r; "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima, del tiempo que fue corregidor de la ciudad de Cuzco y visitador de las provincias del Perú, por el licenciado Pedro Sánchez de Paredes, oidor de la misma Audiencia," ms. 1575. AGI, Justicia, 463, f. 239v-240r. The human costs of these legal endeavors were also very high. According to Don Carlos Apoalaya, about six hundred Indians of Ananguanca, including his father, fourteen of his high-ranking brothers, and some private servants of the *caciques* (called *yanaconas*), lost their lives during all these years of litigation. Death and disease had met them at different points of the ten-day journey across the Andes to Lima. The number of deaths included in testimonies of other lords of the valley, though more modest, confirm this high mortality among Indian litigants, as well as the medical expenses incurred by sick *caciques* in Lima.

the winter.<sup>90</sup> Even though scholars have not found analogous *cabildo* minutes for the Peruvian case, this is likely what occurred in the Andes as well.

The cost of attaining justice is extremely difficult to estimate because, especially after the implementation of the system of public legal assistance described in the previous section, many expenses simply remain hidden from the historical record. It is clear, though, that few could afford the expense of long-distance litigation. An eloquent passage of a manifesto published in Madrid in 1731, signed by Don Vicente Mora Chimo, the famous eighteenth-century general attorney (*apoderado general*) of the Indians of Peru, summarized the difficulties of litigating in Lima:

Se hace imposible el que los Indios sean atendidos; quienes por los gastos, y dilacion de el camino que ay al Superior Gobierno de la Ciudad de Lima, toleran en la forma que pueden las extorsiones que les hacen padecer; y si algunos, à costa de su vida, y caudales, vãn à pedir justicia, suelen unos morir litigando, y otros no buelven à sus casas, olvidando Patria, y Familias.<sup>91</sup>

As to the journey to Spain, the costs would generally depend on the social standing of the traveler. A few estimates about the costs of reaching Spain from Cuzco might give us an approximate idea. In 1570, two residents of this Andean city paid one Juan Martínez de Gallegos, treasurer of the Cathedral, for bringing some of their relatives from Seville to Lima and then to Cuzco. For each passenger, Gallegos was to receive some 585 pesos, an amount which did not include the cost of the last segment of the trip (Lima-

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<sup>90</sup> ". "El licenciado Andrés de Cervera, presbítero, con los indios principales de Tlaxcala sobre pago de salarios por haber sido solicitador de sus negocios," ms. 1563. AGI, Justicia, 1016, r.5, f. 644r-v; Gibson, *Tlaxcala in the Sixteenth Century*, 168. About the decision-making process in the *cabildo* of Tlaxcala, see Lockhart, Berdan, and Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)*. For another example, see "Poder de los caciques e indios principales de Tlaxcala a Tomás de Covarrubias," ms. Madrid, 4.15.1585. AHPM, Protocolos, n. 182, f. 182 ff.

<sup>91</sup> "Manifiesto de los agravios, bexaciones, y molestias, que padecen los indios del Reyno del Peru. Dedicado a los Señores del El Real; y Supremo Consejo, y Camara de Indias. Por el Procurador y Diputado General de Dichos Indios," 1731. BNCh. Fondo General, 14 (240-2; p.7). See, also, Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 1133.

Cuzco). Gallegos was to pay "fletes, matalonage, rresfrescos de puertos" as well as the "licencias de SM y lo demas."<sup>92</sup>

More prominent travelers spent some more. In the early 1580s, the veteran conquistador Alonso de Mesa, a citizen of Cuzco, sent 3,000 ducats (4,125 pesos) to Spain so his *mestizo* son could journey from Toledo to Cuzco. In 1571, Juan Arias Maldonado, a *mestizo* resident of Cuzco, borrowed 2,340 pesos "para yr a los rreynos despaña." In 1585, Don Alonso Atahualpa, a grandson of Inca Atahualpa residing in Quito, took with him 1280 pesos "pa. my sustento y abiamy.to" on his way to the kingdoms of Castile. Florencio Fernández de Mesa, a citizen of Cuzco and the son of Alonso de Mesa, left 1560 pesos in his 1589 will for the journey of his two illegitimate sons to Spain.<sup>93</sup>

Litigation added several hundreds of pesos to the overall cost. In the sixteenth century, Doña Ana Azarpay Coya, a granddaughter of Atahualpa, claimed to have spent more than 3,000 pesos in journeying between Cuzco and Lima to secure a *merced* of 36 *fanegadas* of land from the viceroy.<sup>94</sup> Mansio Sierra de Leguizamo, another veteran conquistador living in late-sixteenth-century Cuzco, sent his son Francisco to Spain to petition the king twice, at

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<sup>92</sup> Jorge Cornejo Bouroncle, "De la Vida Colonial (120 Escrituras y Datos Diversos)," *Revista del Archivo Histórico del Cuzco* 3 (1952): 259-63. According to Steve Stern, the average annual salary promised to Indians for unspecialized labors in the city of Huamanga was, besides subsistence, about 15 pesos in the period 1596-1602. Tributaries paid about four pesos *ensayados* every year. Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 146.

<sup>93</sup> "Expediente de concesión de licencia para pasar a Perú a favor de Jorge Fernández de Mesa y Alonso de Mesa, hermanos, vecinos de Toledo, hijos de Alonso de Mesa, con dos criados, para vivir con su padre," ms. 1585. AGI, Indiferente, 2094, n. 164; "Obligación. Juan Arias Maldonado a Cristóbal Jiménez," ms. Cuzco, 3.24.1571. ARC, Protocolos, n. 19 (A. Sánchez), f. 441r-v; "Testamento. Florencio Fernández de Mesa," ms. Cuzco, 10.26.1589. ARC, Protocolos, s/n (A. Sánchez), f. 1229r; Cristóbal Gangotena y Jijón, "Documentos Históricos: la Descendencia de Atahualpa," *Boletín de la Academia Nacional de Historia* 39, no. 93 (1959): 86. In 1559, Captain Garcilaso bequeathed his illegitimate son Gómez Suárez de Figueroa, El Inca, 4,000 golden pesos (6400 pesos of eight) "para con que se fuese a los Reynos de España a estudiar y en España se le enpleasen en Renta." "Testamento. Sebastián Garcilaso de la Vega," ms. Cuzco, 1559. ARC. Protocolos, n. 1 (Gregorio de Vitorero), f. 99r-100v.

<sup>94</sup> Atahualpa, the son of Emperor Huayna Capac, met the Spaniards for the first time in November of 1532. He was later tried and executed. A *fanegada* equaled 288 by 144 *varas*. A *vara* was equal to 33 inches. Susan E. Ramirez, *The World Upside Down: Cross-Cultural Contact and Conflict in Sixteenth-Century Peru* (Stanford: Stanford University, 1996), 54.

an alleged cost of some 10,000 golden *pesos* (16,000 *pesos* of eight).<sup>95</sup> At the close of the seventeenth century, Doña Ana María Fernández Coronel Coya, a *vecina* from Lima and a descendant of the former Inca rulers, authorized her agents to contract debts of up to 2,000 *pesos* for representing her at the royal court. (It is not clear, however, if such an amount also included travel expenses.)<sup>96</sup> Finally, as similar testimonies attest, evident difficulties of time and distance were involved in litigating at the royal court. Claimants of the jurisdiction of the *Audiencia* of Quito knew very well, for example, that seeking viceregal confirmation in Lima, some 300 leagues away from Quito, could imply that, by the time they appeared before the magistrates, viceroys would have already dipped into the funds available to cover pensions, grants, and other privileges obtained at the royal court.<sup>97</sup> In an extreme example, it took Don Juan Bustamante Carlos Inca, an

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<sup>95</sup> Stuart Stirling, *The Last Conquistador: Mansio Serra de Leguizamón and the Conquest of the Incas* (Stroud, Gloucestershire: Sutton Publishing, 1999), 182-83. The golden *peso* or *castellano* was worth about 1.6 times a silver *peso* of eight. One *peso* of eight equaled 272 *maravedies*, while the golden *peso* equaled some 435 *maravedies*. I use this exchange rate throughout the text.

<sup>96</sup> "Poder. Doña Ana María Fernández Coronel Coya a Don Juan de Elizondo, caballero de Santiago," ms. Lima, 9.18.1696. AGN, Protocolos, n. 1883 (Alonso de la Torre), f. 27v-28r; Udo Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI* (Guayaquil: Casa de la Cultura Ecuatoriana, 1976), 228. For a pathetic testimony of how expensive such endeavours could be, consider the last will and testament of Don Diego Felipe Betancourt Tupac Amaru, who litigated for some thirty years to prove his rights to the Marquisate of Oropesa. In his 1765, Don Diego Felipe declares, "se está siguiente pleito en los Reynos de España a falta de desendientes, y siendo yo el único de los inmediatos [descendants of the marquises] é despachado los Instrumentos y demás papeles pertenecientes a dicho Mayorazgo a fin de que se declare a mi favor de los quales no é tenido resulta alguna á catorze años por distintos apoderados y solamente é tenido resivo de Don Joseph Antonio Tellería de aver apersivido dichos papeles y el dinero que remití para este efecto y dicho resivo está en mi poder, y en estas pretenciones é gastado los pocos pesos que Dios me á dado, como les consta a la dicha mi muger y a mis hijas." "Cuatro Testamentos," *Revista del Archivo Histórico del Cuzco*, no. 5 (1951): 116.

<sup>97</sup> In 1563, Don Francisco Atahualpa obtained 1000 *pesos* of annual rent from the king. Still in 1576, he had been only able to collect this grant partially and irregularly. As argued by his attorney, "de la dicha ciudad de Quito donde es vezino el dicho mi parte a la de la ciudad de los rreyes donde reside don Francisco de Toledo Visorrey ay mas de trescientas leguas y quando algun repartimiento baca y el dicho mi parte acude a que le situe los dichos mill pesos en el responde y dize que ya esta encomendado puesto en vuestra Real Corona." In their response to an inquiry of the Council of the Indies, the judges of the high court of Quito excused themselves in the following terms: "y aunque después acá se le hizo la merced han vacado 3 ó 4 repartimientos, no se han situado en ellos [the 1000 pesos owed to Don Francisco Atahualpa], aunque hemos avisado a vuestro visorrey; porque quando llegan nuestras cartas, ya los tienen encomendados." See "Respuesta de los oficiales reales al Rey," ms., 12.30.1576. AGI, Quito, 19, n. 9; Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 193-220, Pilar Ponce Leiva, *Relaciones Histórico-Geográficas de la Audiencia de Quito, S. XVI-XIX. Tomo 1, S. XVI*. (Madrid: Consejo Superior de Investigaciones Científicas, 1991), 243.

eighteenth-century traveler, eight years to reach the royal court from Cuzco via Cartagena, Caracas, and Cádiz.<sup>98</sup>

Indians spent a significant portion of their communal funds in "sacar provisiones," as they called the complex process of securing *Audiencia* mandates from the *Audiencia* and the Council of the Indies. Obtaining copies of such edicts also had a significant cost.<sup>99</sup> In the sixteenth century, the sale of communally owned cattle, clothes, foodstuffs, and *coca*, among other goods, still financed this activity. Twenty years of active litigation before the high court had cost the communal coffers of the Indian polities of the Jauja Valley more than 30,000 *pesos*. The communities of Luringuanca alone spent more than 17,800 *pesos* in a series of court cases aired before the *Audiencia* and the Council of the Indies in a lapse of ten years. Private resources required by litigant lords were as impressive. The powerful Apoalaya lineage claimed to have spent more than 21,000 *pesos* of the family patrimony—gold, silver, fine cloths, horses, heads of cattle, and slaves—in fourteen years of legal pursuits. Such an amount was equivalent to twenty-three times the annual salary of all the *caciques* of Ananguanca.<sup>100</sup>

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<sup>98</sup> "Memorial de Don Juan Bustamante Carlos Inca a S.M.," ms. Madrid, 11.21.1759. CVU, Vol. 35, Doc. 16, p. 209-215.

<sup>99</sup> Alluding to a 1725 royal decree, Don Vicente Mora Chimo told the king in his *memorial* of 1731, "mando V. Mag. que para que llegasse à noticia de todos, se publicasse: esto, Señor no se ha executado, sin embargo de que varias veces se ha pretendido; y lo mas que se ha alcanzado, es, mandar el Virrey, que los Indios saquen testimonios, que es lo mismo que mandar, que cada Cacique, è Indio contribuya con 6 ò 7. pesos por cada testimonio." "Manifiesto de los agravios..." p. 4v.

<sup>100</sup> "Información hecha por mandado de Su Excelencia..." f. 3r-7v, 11r-15r; "Residencia tomada al doctor Gabriel de Loarte..." f. 237v, 250r; "Causa con Don Francisco Guacrapaucar y Francisco Ticsi Cangagualla sobre el cacicazgo de segunda persona del repartimiento de Luringuanca," ms. 1600-1602. LIL, Latin American Manuscripts—Peru, f. 10v. Similarly, Andrés de Tapia (the ruler of Tenochtitlan under Spanish rule?) sent his son Hernando de Tapia 20 *tejuelos* of gold by his father for his expenses at the royal court. "Carta acordada del Consejo de Indias a la Casa de la Contratación para que hagan comparecer a Martín Durantes, vecino de Triana, y bajo juramento le hagan declarar si trajo veinte *tejuelos* de oro que le entregó Andrés de Tapia para su hijo Hernando de Tapia, indio, y de ser cierto le obliguen a su paga," ms. 11.11.1533. AGI. Indiferente, 1961, l. 3, f. 84v; "Mandamiento del Consejo de Indias a la Casa de la Contratación para que se informe a través de la mujer de Martín Dorantes, si éste recibió del indio Francisco, veinte *tejuelos* de oro que le había encomendado Andrés de Tapia, para entregar a su hijo, el indio Hernando de Tapia, residente en la corte.," ms. 2.5.1536. AGI, Indiferente, 422, l. 16, f.277r-v.



For the most part, the money went to pay for the legal and extralegal fees and salaries of advocates, solicitors, scribes, interpreters, witnesses, and attorneys, all needed for preparing petitions, proofs of merit, and memoranda. Although American *Audiencias* had a fixed number of attorneys and advocates authorized to practice before the high judges, Indians were supposed to rely only on their public defenders, advocates, and attorneys at no extra cost.<sup>101</sup> Testimonies about transactions with specialists of the law and the written record, though scarce almost by definition, indicate otherwise. Especially in cities far from Lima like Cuzco, native individuals and communities empowered legal agents (*agentes de negocios*), solicitors, and attorneys (*procuradores*) to air their affairs before the *Audiencia*.<sup>102</sup> Some of these agents were licensed advocates and attorneys of the high court; others were not.<sup>103</sup> I have not found any indication of the fees or salaries charged by these specialists in the letters of attorney, which indicates that the

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<sup>101</sup> Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598", —, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", esp., 178-87.

<sup>102</sup> In 1595, Don Diego Quispi Condor, *cacique principal* of San Nicolás de Zurite, in Cuzco, employed one Diego Arias Monroy to appear before Viceroy Marquis of Cañete and win confirmation of the *cacique's* lands in Zurite and in the Jaquijahuana Valley, as well as his post of captain of a company of one hundred Indians in Vilcabamba. Arias Monroy was amply empowered to "hazer qualesquier pedimientos protestaçones prouanças que conuengan y las sacar de poder qualesquier secretarios escribanos y otras personas las que a mi derecho fueren tocantes y las presentar y hazer qualesquier juramentos y pedir que en virtud de los rrecaudos que tengo se me hagan las dichas merçedes por los seruiçios que e fecho a su magestad y abilidad y suficiencia que para usar el dicho oficio de capitan tengo y meritos de mi persona sobre lo qual haga todos los autos y diligencias que judicial y extrajudicialmente conuengan y sean necesarios de se hazer." "Poder. Don Diego Quispi Condor a Diego Arias Monroy," ms. Cuzco, 5.28.1595. ARC, Protocolos, n. 29 (Antonio Sánchez), f. 374v-75v.

<sup>103</sup> See "Poder general para pleitos. Don Juan Callamirar Sandoval, segunda persona del pueblo de Cullurqui, Don Juan Quiua Vicocona, cacique principal del pueblo de San Juan de Totorá, y Don Juan Quispe, principal del pueblo de Cotabamba, al licenciado Alvar Núñez de Solís, abogado de la real Audiencia de los Reyes," ms. Cuzco, 9.11.1592. ARC, Protocolos, n. 31 (Antonio Sánchez, f. 415v-16r; "Poder para pleito del cacicazgo del pueblo de San Martín de Huarcocondo. Don Jerónimo Atao Rimachi al Doctor Jerónimo Méndez de Sotomayor, abogado de la Audiencia, y a Benito de Salvatierra, procurador de causas de la Audiencia," ms. Cuzco, 8.13.1596. ARC, Protocolos, n. 15 (Antonio Salas), f. 82r-v. The advocate and the attorney were to "[pedir] confirmacion del y saquen las prouisiones titulos de confirmacion y merced del dicho caçicazgo y executorias rreales y pidan su cumplimiento y me las embien originalmente para que use dellas."

parties reached such agreements in oral form or through private correspondence.<sup>104</sup>

Other testimonies reveal that *caciques* litigating before the *Audiencia* of Lima in the mid-1580s could pay sixty *pesos* or more (roughly twelve times the average annual quota of an Indian tribute payer) to private attorneys for representation in a single court case. Independent solicitors received about half that amount for their services. Indians appearing before this high court also employed *mestizo* and Indian interpreters ("que ai muchos que biven desto") to write petitions, interact with their advocates, and try to influence the judges in Lima.<sup>105</sup> Royal scribes could also demand extra legal fees, for instance, to look up past lawsuits and other papers in their records.<sup>106</sup> Having a petition drafted in Lima cost some eight to ten *pesos* around 1585. Provided the money was available, claimants could do this with relative ease. In 1620, for example, in an inn near Lima, the Indian authorities of Lampas paid 60 *pesos* to an unidentified Spaniard for the preparation of a memorandum and for guaranteeing that it reached the king in Spain.<sup>107</sup>

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<sup>104</sup> Wills and testaments mention some of these payments. In his will of 1579, for example, Don Felipe Quispe Tito, son of Titu Cusi Yupanqui compensated his attorney with a silver bar "por que entienda en sus negocios." Kerstin Nowack and Catherine Julien, "La Campaña de Toledo contra los Señores Naturales Andinos: el Destierro de los Incas de Vilcabamba y Cuzco," *Historia y Cultura*, no. 23 (1999): 81. For a similar case, this time involving the 1758 testament of a *cacique* of Jauja, see Carlos H. Hurtado Ames and Víctor Solier Ochoa, *Fuentes para la Historia Colonial de la Sierra Central del Perú: Testamentos Inéditos de los Curacas del Valle del Mantaro, siglo XVII - XVIII* (Huancayo: Universidad Nacional del Centro del Perú, 2004), 123. In his will the *cacique* declared, "que a mas tiempo de mas de quatro años que el dicho lisenziado don Francisco Vadillo de Lora con quien en ellos e mantenido cartas correspondiensiã, como tal abogado me a asistido en los pleitos y espedientes y algunas cartas grabes que se an ofresido con amor y fidelidad que asi lo tengo entendido y aunque lo socorrido en algunas ocasiones, dudo que con los tales solo este satisfecho [...] siendo mi deseo el que sea satisfecho dello y del trabajo que a enprendido en mis defensas mando se le pague lo que en su consiensiã dijere que yo puedo deberle y esto se aga con puntualidad por que asi es justo y voluntad mia."

<sup>105</sup> The Indians of Jauja asked the *mestizo* Bartolomé Díaz to write their petitions in a lawsuit brought against the *corregidor* of the province in the 1570s. "Residencia tomada al doctor Gabriel de Loarte..." f. 225v-27r. A document in this regard is included in Appendix 3, Document 1.

<sup>106</sup> "Manifiesto de los agravios, p.7v. For similar fees among the *protectores* of the *Audiencia* of Quito, see Bonnett, *Los Protectores de Naturales en la Audiencia de Quito, siglos XVII y XVIII*.

<sup>107</sup> "Probanza de Baltasar de la Cruz y Aspeitia, defensor general de los indios," ms., 1585. AGI, Lima, 127, f. 16v-17v. According to the Lampas *caciques*, "el dicho memorial [that they presented before the Council of the Indies] se lo escriuio y ordeno un español a quien se lo pagaron cuio nombre no sauen y que el dicho memorial se quedo en poder del dicho español el qual se encargo de

Moreover, like other members of colonial society, Indians drew on "gifts" of different sorts to influence judicial decisions. Some of these bribes must have come from the communities' coffers as well. Such gifts had viceroys, judges of the high court, and defenders of the Indians as beneficiaries. Licentiate Serrano, priest of Ilave (in the region of Collao), complained in 1606 that *caciques* made

muchos presentes a personajes que mandan y pueden como virreyes, presidentes y oidores y en esto son muy largos y francos y no estiman para este negocio la plata sino que la gastan muy largamente para salir con lo que pretenden.<sup>108</sup>

In 1682, three *caciques* of Cuzco were accused of trying to bribe the local defender of the Indians with 300 pesos and "many other gifts."<sup>109</sup> Some influential individuals could even put this strategy to work at the royal court.<sup>110</sup>

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inbiarle a españa y hacer de suerte que llegase a manos de Su Majestad por lo qual llebo a estos que declaran sesenta patacones." "Memorial de los indios de la collana de Lampas a S.M.," ms. 1620. AGI, Lima, 157. The resulting document, which in its contents and structure is akin to countless other memoranda stored in Seville, raises the question of how widespread this practice really was.

<sup>108</sup> AGI, Lima, 140, f. 13, quoted in Martín Monsalve, "Curacas Pleitistas y Curas Abusivos: Conflicto, Prestigio y Poder en los Andes Coloniales, siglo XVII," in *Elites Indígenas en los Andes: Nobles, Caciques y Cabildantes bajo el Yugo Colonial*, ed. David Patrick Cahill and Blanca Tovías (Quito: Abya-Yala, 2003), 161. Father Juan de Zugasti, a priest in the Jauja Valley, told of a more dramatic case. In a printed *memorial* addressed to the Council of the Indies, Zugasti denounced one of the *caciques* of the Valley in the following terms: "Don Carlos de Apoalaya, indio astuto, y de capacidad no vulgar, que con quantiosos dones de oro, y plata, que hazia á los Virreyes, se hizo célebre en aquel Reyno, y de quien se cuenta, que aviendo embiado vn regalo quantioso á vn Virrey, y celebradole los Cavalleros de Lima al Virrey dicho la capacidad del Cacique, quiso probarla el Virrey, y respondiendole á la carta, mandó no cercenáran el papel; que visto por el dicho Cacique, le bolvió á embiar otro regalo, y con él vnas tixeras grandes de oro, diciendo: Remita aquellas tixeras, para que Su Excelencia mandára cercenar el papel, quando escriviera, siendo el Erario de donde sacaba todo este oro, y plata, lo que vsvpaba de los tributos, que ocultaba, y exceso con que cobraba el tributo." "Memorial impreso del dominico fray Juan de Guesuraga y Zugasti, dos veces cura de Atujauja y una de Chupaca, a raíz del descubrimiento de 695 indios ocultados por el curaca Don Pedro Lorenzo Astocuri." AGI, Lima, 538, f. 1v. About bribes offered to scribes by *caciques* and Indian commoners in general, see Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 526.

<sup>109</sup> Monique Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial* (Lima: Instituto Francés de Estudios Andinos, 2007), 237.

<sup>110</sup> In 1610, Doña Ana María de Loyola Coya, future Marchioness of Oropesa, donated an *aguinaldo* of 2000 silver ducats to her steward in Spain, apparently an influential man, for expediting her cause before the Council of the Indies. In March 1611, when the councilors finally reached a verdict favorable to Doña Ana María, she distributed 1300 reales in gifts among lesser officials of this corporate body to celebrate her legal success. Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," 411-13.

At least since the 1550s, Indian polities bought and maintained houses in urban centers like Lima, Cuzco, Trujillo, and Huamanga, all-important scenarios of their legal ventures.<sup>111</sup> Lima represents an interesting case because of the presence in the city of the high court of appeal and its corresponding general defender of the Indians. Some of the early native lots were located in El Cercado, the Indian ward in the eastern side of the city.<sup>112</sup> It seems they had been initially meant as temporary lodging for rotational workers (*mitayos*) fulfilling their annual duties in Lima.<sup>113</sup> Nevertheless, these communal houses soon multiplied and extended their original functions to lodge native authorities and legal specialists (usually called *procuradores del común*) who were collecting debts, petitioning, or litigating in the city. For one thing, communities of the regions surrounding Lima also owned *casas y tiendas* on the western side of the main square, specifically below the portals occupied by the scribal offices, only a few steps from the viceroy's palace that housed the *Audiencia*. Purchased and maintained by communal funds, communities could rent out these houses to notaries and other individuals, turning these properties into secure sources of income for years, and even centuries to come.<sup>114</sup> The specific location of

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<sup>111</sup> For Cuzco, Trujillo, Huamanga and Lima, see Garofalo, "Bebidas Incas en Copas Coloniales: los Curacas del Mercado de Chicha del Cuzco, 1640-1700," 202, Caroline Noack, "Caciques, Escribanos y las Construcciones de Historias: Cajamarca, Perú, siglo XVI," in *Elites Indígenas en los Andes: Nobles, Caciques y Cabildantes bajo el Yugo Colonial*, ed. David Patrick Cahill and Blanca Tovías (Quito: Abya-Yala, 2003), 214, Inge Schjellerup, *Incas y Españoles en la Conquista de los Chachapoya*, *Travaux de L'institut Français D'etudes Andines*; 200 (Lima: Pontificia Universidad Católica del Perú & Instituto Francés de Estudios Andinos, 2005), 133, Spalding, *Huarocharí, an Andean Society under Inca and Spanish Rule*, 189.

<sup>112</sup> For the "casas y solar" of the Indians of Chinchá, Huarocharí, and Luringuanca in El Cercado, see "Censo que debe pagar el hospital de Santa Ana a Diego Perez de Herrera por un pedazo de solar que linda con casas de los indios Chinchas y Guarocheri," ms., 1570? MAAH, A182; "Sobre el solar de Guanca en el pueblo del Cercado, con los yndios de la comunidad de Luringuanca y el procurador de los indios Francisco de Montalbo y Lucas Ximénez", ms., 1612. MNAAH, B29; "Poder. Los caciques del repartimiento de Luringuanca a Don Martín de los Ángeles Aylas y Don Juan Milachami," ms., 1649. ARJ, Protocolos, n. 7 (Pedro de Carranza), f. 41v-44r.

<sup>113</sup> Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 63, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 133-34.

<sup>114</sup> The Indians of Yauyos owned a house on the plaza, "la segunda como se entra de la calle de los mercaderes," which they bought from Hernando Pizarro and then rented to the notaries Francisco de Taboada and Tomás Ortiz. AGN, Caja de Censos, l. 16, doc. 9 (1650), f. 2r-8r; l. 22, doc 3 (1684). The Indians of Atunjauja also owned some "casas y tiendas" located "devajo de los

these houses, along with the professional identity of some of their occupants, hints at the importance that such assets had for community businesses, including litigation by *caciques* visiting Lima. It is possible that indigenous scribes, attorneys, interpreters, and other wielders of pen and paper received their informal training at these communal houses.<sup>115</sup>

Furthermore, *caciques* rarely traveled alone. In the late sixteenth century, Indian lords journeying to Lima took an average of eight to ten Indian servants as part of their private entourage (leaders journeying to Spain also brought *criados* and servants with them).<sup>116</sup> Litigation could extend for months and even years, and living in colonial cities was very expensive. Finding shelter and food proved especially difficult for the newly arrived, making such communal houses all the more important.<sup>117</sup> Besides serving the

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portales de los escribanos" at least between 1586 and 1668. A notary described them as "unas cassas altas con tres puertas a la calle que las dos dellas son tiendas que son debaxo de los portales de la plaça desta ciudad." Escripura orijinal de las cassas que se dieron de por Vidas [sic] a Juan Sanchez Rondon y Un Reconosimiento de sus herederos," ms., 1585. AGN, Caja de Censos, l. 8, doc. 18, f. 19; AGN, Caja de Censos, l. 21, doc. 20; "Obligación. Jerónimo de Silva a Diego de Porras Sagredo," ms., 12.8.1568. AGN, Protocolos, n. 70 (Juan Gutiérrez), f. 1016r-v.

<sup>115</sup> Paul Charney cites the case of a ten year-old student, the brother of an Indian *principal*, who was learning the profession of public notary from a Spanish mentor at the turn of the seventeenth century. Paul Charney, "Negotiating Roots: Indian Migrants in the Lima Valley During the Colonial Period," *Colonial Latin American Historical Review* 5, no. 1 (1996): 11. In 1640, Don Cristóbal Ticsi Runato, paramount lord of Chinchaycocha, empowered one of the interpreters of the *Audiencia* so that he could rent a house for the use of the *cacique* in Lima. Don Cristóbal, who already owned some houses "en la calle que va del hospital de San Pedro al convento de Santa Clara," also gave this power of attorney so that the interpreter could represent him as *procurador* before the royal court. "Visita y composición: tierras de Ayaypampa, Chalayaco, Turacyaco, Huañusco y otras, en Cochangara, de Don Carlos Apoalaya," ms., 1712. AGN, Titulos de Propiedad, l. 31, c. 602, f. 74r-83r.

<sup>116</sup> In an extreme example, the inhabitants of the city witnessed the arrival of Don Diego Sayri Tupac Inga Yupanqui, heir to the Inca throne, and his sister-wife Doña María Cusi Guarca y Coya, in January 1558. Escorted by three hundred Inca warriors and nobles, the royal couple had journeyed from their refuge in the mountains of Vilcabamba to negotiate the terms of their surrender with Viceroy Andrés Hurtado de Mendoza, spending more than 10,000 pesos in the journey. "Carta El licenciado Lope García de Castro al Consejo de Indias." Lima, 4.30.1565. In Levillier, *Gobernantes del Perú, Cartas y Papeles, siglo XVI*, III: 81-84. See also Bernabé Cobo, *History of the Inca Empire: An Account of the Indians' Customs and Their Origin, Together with a Treatise on Inca Legends, History, and Social Institutions* (Austin: University of Texas Press, 1979), 180, Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 441-43, John Hemming, *The Conquest of the Incas* (New York: Harcourt Brace Jovanovich, 1970), 303, Roberto Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 2 vols. (Madrid: Espasa-Calpe, 1935-1940), 1:308.

<sup>117</sup> About his journey to Lima in 1615, Guaman Poma writes, "Y ancí se fueron el dicho autor y el dicho pobre hombre y entraron a la dicha ciudad de los Reys de Lima uien tarde. Y no hallaron posada ni quién le socorriera. Por ser tan pobre durmieron en un saguán cin senar bocado y sus bestias cin yerua porque trayya tanta pobreza. Y dallí se llegó más allá del callejón del sercado y se metió en otra casa adelante del monasterio de las señoras descalsas. Pegado allí, les echó fuera a la calle porque le uieron tan pobre y rroto. Aunque le suplicó que por amor de Dios y de

*caciques*, these messengers traveled back and forth carrying foodstuffs, news, royal decrees, powers of attorney, and other documents secured or collected at the *Audiencia*. In other cases, *caciques* dispatched their papers through the regular mail service or *chasqui*, or carried them back home themselves.<sup>118</sup> A witness of Don Felipe Guacrapaucar's return from the royal court in 1564 testified, "bio que tenia otras muy muchas mas [royal decrees] para en fauor deste dicho rrepartimiento e yndios e comunidad del [Luringuanca], tantas que en un cofre aun apenas cauian."<sup>119</sup>

Colonial Indian communities gradually developed a specialized vocabulary to capture their frequent interactions with the justice of the king. Though generally absent from the official documentation, remnants of this jargon are still present today. In the towns surrounding Cuzco in the seventeenth century, Indian officials in charge of communal lockboxes, which, among other objects, contained treasured titles, privileges, censuses, and decrees, received the name of "llauechos" (a hybrid title derived from the Spanish term for "key": *llave*).<sup>120</sup> Members of a modern community in the Peruvian highlands refer to powerful people with documents as "dokumentuyuq"

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su madre Santa María, no ubo piedad del dicho pobre autor. Uendió el dicho autor con la miseria que trayya por alcanzar alguna plata para poderse sustentar la pobreza. [...] en la dicha ciudad alquiló una casa y le pagó por cada mes ueynte rreales como pobre y para otros pobres que trayya concigo por amor de Dios." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 1135-36. One of the ideas behind the foundation of the Indian hospital of Santa Ana was to offer shelter to Indian workers and litigants in Lima. Its founder, Archbishop Jerónimo de Loaysa, told His Majesty in a letter, "Aqui en esta ciudad de los Reyes se ha empezado una sombra de hospital para los naturales de la tierra, por que como esta en los llanos y lo uno para el servicio de los encomenderos lo otro como esta el Audiencia Real en ella concurre mucha gente de los naturales y por ser de contrario temple de la sierra donde ellos son naturales, adolescen muchos y mueren, lo uno sin bautismo y lo otro sin tener quien los provea de cosa alguna de lo necesario, no digo para su cura pero ni aun para comer." "Carta de Domingo de Santo Tomás al Rey," ms., Lima, 7.1.1550. CVU, Vol.36, Doc. 1, pp. 1-15. Cfr. Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios*, 31-32.

<sup>118</sup> According to one testimony of the mid-seventeenth century, the son of the *cacique* of Quiquijana (Quispicanchi, Cuzco), "fue a pleitos a Lima y a remitido antes de agora cartas y proviciones que despachó con el chasque y agora lleva en una talega de un palmo de alto de papeles." "Autos del gobernador de la villa de Huancavelica, licenciado Juan Bautista Moreto, sobre conspiración de indios," ms. 1667. AHMPH, Expedientes Coloniales, leg. 1, exp. 1, f. 13v-14r. I thank Javier Flores-Espinoza for sharing a transcription of this document with me.

<sup>119</sup> "Residencia tomada al doctor Gabriel de Loarte..." f. 257v-58r.

<sup>120</sup> "Poder. Jerónimo Costilla Gallinato a Antonio Devia," ms., 4.15. 1636. AGN, Caja de Censos, L.12, Doc.16, f. 1r-v.

(roughly, "possessors of documents") while some community members in present-day Bolivia call those who can read well "allin liyiq." "Yuraq chhalla" (a white sheet of maize) or "embajada" (Spanish for "embassy" or "delegation") is the name given in a theatrical play performed in modern Bolivia to a "dispatch" ("comunicado") allegedly sent by the king of Spain to the first Incas who welcomed the conquistadors.<sup>121</sup> Bundles of community documents are called "Crown of Spain" ("Corona de España") in Characoto (Bolivia). Similar bundles are called "jarashipus" in the Mantaro Valley (central Andes of Peru) because of the leather cover in which they have been wrapped. Indian leaders who carry bundles of documents back and forth for litigation purposes are called "cargatítulos" (literally, "title porters").<sup>122</sup>

Indeed, besides the reorientation of communal resources for legal purposes, the Atlantic system of justice altered the balance of power of these Andean communities, as Indians developed their own body of legal specialists. Felipe Guaman Poma, one of the most poignant critics of the colonial order, despised Spanish *procuradores* as *proculadrones* (thiefs), but included Indian attorneys (also called *procuradores*) in his plan of reform

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<sup>121</sup> In her ethnography of the people of Sonqo, Catherine Allen reports that her informants, in explaining the defeat of their Inca ancestors by the Spaniards, told her that "Taytanchis (Our Fathers) arrived one day *dokumentuyuyq* ("with documents") and dispossessed the Incas of their land. Confronted by the official papers, there was nothing for the Incas to do but leave." Catherine J. Allen, *The Hold Life Has: Coca and Cultural Identity in an Andean Community*, 2nd ed. (Washington, D.C.: Smithsonian Institution Press, 2002), 88. Margot Beyersdorff describes the play entitled "Atawallpap Wañuyin" as it is celebrated in Challacollo. According to the script, Diego de Almagro hands a "yuraq chhalla" (a white sheet made of maize) or "embajada," a letter from the king to the four Incas of the royal council. None of the Incas is able to read it, and thus they ask Almagro for help. Margot Beyersdorff, *Historia y Drama Ritual en los Andes Bolivianos, siglos XVI-XX* (La Paz: Plural Editores & Universidad Mayor de San Andrés, 1997), 265-69. For similar examples of the hegemony of the Spanish language in ceremonial contexts, see Bruce Mannheim, *The Language of the Inka since the European Invasion* (Austin: University of Texas Press, 1991), 81-87. Roger Rasnake's account of the modern interaction between colonial documents and communal boundary disputes in Yura mentions the *allin liyiq*, or someone who can read well, whose presence is demanded by the Indian leaders. Rasnake, *Domination and Cultural Resistance: Authority and Power among an Andean People*, 88.

<sup>122</sup> Beyersdorff, *Historia y Drama Ritual en los Andes Bolivianos, siglos XVI-XX*, 106-16, Carlos H. Hurtado Ames, *Curacas, Industria y Revuelta en el Valle del Mantaro, siglo XVIII* (Lima: CONCYTEC, 2006), 38-39. About the analogous *guardapapeles*, individuals entrusted with the conservation of community documents in colonial New Spain, see Gruzinski, *The Conquest of Mexico: The Incorporation of Indian Societies into the Western World, 16th-18th Centuries*, 100-01.

and good government.<sup>123</sup> These attorneys were very active in early and mid-colonial Peru; they deserve further study. The post went back at least to the Toledan reforms of the early 1570s. Eighteenth-century *procuradores* such as Don Vicente Mora Chimo would stem from this body of specialists.<sup>124</sup> The community financed the legal pilgrimages of these attorneys to Lima and other cities as well as their salaries. In that sense, *procuradores* seem to have been part of the ladder of civil-ecclesiastic offices, for they were to be replaced every year, along with the majors and aldermen of the town council. (The specialized knowledge that their activities demanded, however, must have meant that, in practice, *procuradores* would fulfill their duties for many years.) Interestingly enough, some early official *procuradores* received confirmation of their office from the viceroy as well as an annual salary, which made them somehow akin to the Spanish attorneys working in viceregal and provincial centers.<sup>125</sup>

My own survey of Indian *procuradores* in the Jauja Valley during the sixteenth and seventeenth centuries supports Yanna Yannakakis's contention, based on the case of Oaxaca (Mexico), that communal attorneys were usually *caciques*—at least on paper—or their close relatives, individuals with wide

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<sup>123</sup> Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 918, 41.

<sup>124</sup> In a printed *memorial*, Don Vicente Mora Chimo identified himself as *procurador* of the four towns of Santiago, Chócope, Cao, and San Esteban (in the Chicama Valley). See Mathis, "Une Figure de la Première Globalisation de L'amérique Espagnole: Vicente Mora Chimo Ou L'itinéraire Original D' Un Cacique Hispanisé de la Côte Nord Du Pérou À la Cour D'Espagne Au Début Du Xviiiè Siècle", 378. For an analysis of *caciques* who acted as *procuradores* in Latacunga (South of Quito) in the eighteenth century, see Bernard Lavallè, *Al Filo de la Navaja: Luchas y Derivas Caciquiles en Latacunga, 1730-1790* (Quito: Corporación Editora Nacional, 2002). For a study of the career of a communal *procurador* in eighteenth-century Lambayeque, see Susan E. Ramirez, "Don Clemente Anto, Procurador del Común del Pueblo de Lambayeque," in *El Hombre y los Andes. Homenaje a Franklin Pease G.Y.*, ed. Javier Flores E. and Rafael Varón G. (Lima: Pontificia Universidad Católica del Perú, 2002).

<sup>125</sup> In 1622, Don Juan Chaupis Condor, declared he was *procurador general* of Lampas (Cajatambo) "con título del gobierno." "Carta de los curacas y caciques de la collana de Lampas al Rey," ms. 1620-22. AGI, Lima, 150. In the memorandum mentioned above, Vicente Mora Chimo claimed to have been appointed by the viceroy as well. About the creation of this office, see Sarabia Viejo, ed. *Francisco de Toledo: Disposiciones Gubernativas para el Virreinato del Perú. Volumen 2: 1575-1580*, 236. Among his duties, the town attorney should "tenga cargo de ver y entender en la república todas las cosas de que hubiere necesidad y conviniere se provean, para proponerlas en el cabildo o ante la justicia cuando conviniere, y pedir y hacer sobre ello y sobre las preeminencias y defensa del dicho cabildo, y de su pueblo y términos, aguas montes, y pastos, lo que fuere necesario, hasta que se remedie como convenga, porque ésto ha de ser su oficio."



social networks and a notorious fluency in the workings of colonial courtrooms.<sup>126</sup> Yet, it remains to be clarified if, in fact, this was a post commonly reserved for (or appropriated by) *caciques* of the traditional lineages, or if the role of legal intermediary could take a *procurador* of commoner stock to occupy a position of authority (i.e. "cacique") within the community. This is what happened with other posts and honors of the civil-ecclesiastic hierarchy. Most likely, the body of active *procuradores* of a community at any time included individuals of both noble and plebeian origins, as the right of merit gradually overshadowed the right of blood.

As *caciques* and messengers did, these Indian attorneys traveled frequently between their towns and the provincial and viceregal centers to litigate, collect tribute from the absentees, and gather revenues from the *Caja General de Censos de Indios* and other sources of income. In fact, it is reasonable to think that, unlike appointed *caciques* and governors, who were subject to the burdensome labor and tributary obligations of their posts, being a *procurador* gave an individual a lot more freedom of movement.<sup>127</sup> To

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<sup>126</sup> Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*, 121. As to the case of Jauja, the cacique Don Pedro Poma Lima was *procurador* of the *repartimiento* of Ananguanca in 1579. Don Pedro Limaylla, *cacique principal*, *gobernador*, and *alcalde mayor* of Luringuanca in the 1640s and 1650s, was also its *procurador general* in 1656. Four years prior, Don Diego Llanco, *cacique* of Atunjauja, had collected his salary as *procurador*. Don Miguel Melchor Sacayco performed as *procurador* de los naturales of the *repartimiento* of Atunjauja between 1686 and 1690. Finally, Don Cristóbal Agustín Canchaya acted as *procurador* of the town of Atunxauja in 1690. "Causa de la visita contra el bachiller García de Verástegui, sobre su vida y costumbres hecha por el visitador Pedro de Espina Fernández Velasco, capellán de Su Majestad," ms., 1649. AAL, Visitas Eclesiásticas, leg. 17, exp. 15, f. 4r-v; "Arrendamiento de las tierras de Vilapa a Juan López de Sanabria," ms., 12.23.1652. ARJ, Protocolos, t. 7 (Pedro de Carranza), f. 345r, 363r-64v; "Títulos del deslinde y amojonamiento que divide las jurisdicciones de los dos repartimientos de Jauja y Luringuanca aprobado por el excelentísimo señor don Francisco de Toledo virrey que fue de estos reinos y provincias del Perú, 1570-1594." ARJ, Protocolos Notariales, Juan de Mesa Valera, t. 19, f. 554r-588r; "Zera para la Semana Santa del Repartimiento de Atunxauja de este año de 1686," ms., 1686. AGN, Caja de censos, l. 23, doc.25; "Visita y composición: tierras de Ayaypampa, Chalayaco, Iuracyaco, Huañusco y otras, en Cochangara, de Don Carlos Apoalaya," ms., 1702. AGN, Títulos de Propiedad, l.31, c.602, f.221r-223v.

<sup>127</sup> In the legal terminology of the time, *cacique* usually referred to the title, while *gobernador* had to do more with the duties of the office. They did not always go together. Upon the death of the previous holder of the title, *caciques principales* received written title from provincial magistrates, later confirmed by the viceroy and the *Audiencia* of Lima. If still of a minor age, an interim governor was appointed until the *cacique* reached the age of 25. The recognition and appointment of *caciques* of lesser rank, usually called *principales*, *mandones*, *pachaca curacas*, and *caciques de tasa*, seems to have followed a less bureaucratic and more autonomous procedure, yet the topic deserves more study.

judge by the case of Oaxaca studied by Yannakakis, these *apoderados* (or "empowered ones," as Oaxacans called them) could pen petitions and handle legal documents, but I have yet to find such documents for the Andean case.<sup>128</sup> Their most significant task, however, was to personify the corporate identity of their community, to give it its legal form. Along with the traditional *caciques*, they were to act as the embodiment of the recognition of their Indian Republic (*república/comunidad*) as a distinct corporation with rights and duties.

Thus, in the sphere of litigation, *procuradores* served as a constant liaison between these Indian corporate bodies and the royal officials and legal specialists working at viceregal and royal courts.<sup>129</sup> At the local level, they could interact with provincial magistrates for purposes pertaining to communal affairs.<sup>130</sup> These judges, in turn, would notify them, as if they were notifying every single member of the community, about judicial initiatives and decisions of various sorts. *Caciques* had shared some of these prerogatives almost since the Conquest, but new and old Indian authorities did not always agree. The rising importance of the *procuradores* within the community must have caused a significant redistribution of power.<sup>131</sup>

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<sup>128</sup> Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*, 37.

<sup>129</sup> See, for instance, "Autos seguidos por doña Inés de Ribera, heredera de Don Antonio de Ribera contra Don Hernando Viça Alaya, Gobernador del repartimiento de Ananguanca en la provincia de Jauja, sobre la recuperación de los bienes del extinto," ms. 1578-1579. AGN, Derecho Indígena, L. 19, C. 93-A. This document includes a power of attorney by Don Pedro Pomalima, "procurador general" of the repartimiento of Ananguanca, and other Indian leaders to Baltasar de la Cruz, *defensor de los naturales*, and Alonso de Lucio, *procurador de causas* of the *Audiencia*.

<sup>130</sup> In 1686, Don Melchor Sacayco, *procurador de los naturales* of Atunjauja requested written authorization from the *corregidor* to send an Indian to Lima to collect the funds needed for the celebrations of Easter Week of that year. This procedure was carried on every year. "Zera para la Semana Santa del Repartimiento de Atunxauxa de este año de 1686," ms. 1686. AGN, Caja de Censos, l. 23, doc. 25. Don Melchor was *procurador* still in 1690.

<sup>131</sup> In 1687, for example, the *cacique principal* and the *gobernador* of the province of Cajamarca denounced the establishment of a mill on the lands of the town of Contumazá before the *corregidor*. The local magistrate ordered a copy of the petition be sent to the *procurador de los naturales* of Contumaza. The *procurador* and the *principales* of the town contradicted the *caciques'* statement that the mill was detrimental to the welfare of the Indians. "Don Melchor Carguarayco, *cacique principal* de la provincia de Cajamarca. Junto con Don Juan Bautista Astoquipan,

As a natural outcome of their role, *procuradores* were to ensure that Spanish defenders and attorneys represented the interests of their communities rightfully. When everything else failed, they were responsible for reaching the ultimate source of justice. In 1620, the lead attorney (*procurador general*) of the towns of Lampas (North-Central Andes) journeyed to Lima with an entourage of *caciques* in order to oppose the creation of a textile mill on their lands. In the city, the *caciques* put Don Juan Chaupis Condor, an embroiderer in his native society who in Lima became their *procurador*, in charge of dealing with the Spanish advocate and attorney of the Indians. The advocate constructed the legal argument and the attorney penned the formal petition to the judges of the *Audiencia*. Then, he gave the document to Chaupis Condor ("se le entrego en su mano"), who took it to the general defender of the Indians for his signature. After the Indian embassy spent a few days in jail, the *procurador general* Chaupis Condor was officially notified of a viceregal decree ordering the entourage to leave the city immediately. It was Chaupis Condor's idea to appeal to the Council of the Indies via an informal solicitor.<sup>132</sup>

Thus, even where official advocates, defenders, and attorneys were readily available, as in Lima or Madrid, natives sometimes preferred to link themselves to the judicial system via this network of informal notaries, solicitors, and agents outside the purview of the Crown. Relying on these agents might reflect previous disappointments with official attorneys and defenders.<sup>133</sup> From this perspective, transatlantic journeys represented a

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governador de la provincia, denunció que Francisco Rodríguez de la Cruz había construido un molino en tierras del común del pueblo de San Mateo de Contumaza," ms. 1687. AGN. Derecho Indígena, l. 10, c. 154, f. 4r-5v.

<sup>132</sup> "Carta de los curacas y caciques de la collana de Lampas al Rey," ms., 4.1.1620, f. 11r-v, 47v.

<sup>133</sup> Before sending their own indigenous attorneys, the *caciques* of Jauja tried to win exoneration from working at the mercury mines through a Spanish legal agent. See "Memorial del licenciado Gaspar de Escalona y Agüero, procurador general de la ciudad del Cuzco, por los indios de Xauxa," ms., 1647. AGI, Lima, 25. In the case of the *caciques* of Lampas, it is clear that they hired a

highly elaborate route to sidestep official intermediaries who stood between the ruler and his subjects. To this network of representation we now turn.

### *The Power to Represent*

At the center of the Atlantic web of legal assistance was the letter or power of attorney (*carta de poder*). Widespread in the Iberian world since at least the fourteenth century, this notarized document gave someone the *power to re-present*, that is, to appear *in place of* somebody else, creating an invisible bond of obligation between two or more parties. As it should be clear by now, Indian litigants and petitioners were using letters of attorney for myriad purposes at least since the early 1550s. Given the enormous difficulties of time and distance involved in reaching the justice of the king, they began to empower licensed and unlicensed attorneys and solicitors to represent their cases before the high courts of Lima and Spain.<sup>134</sup> Henceforth, hiring lawyers and agents at different levels as well as signing letters of attorney would become one of the bedrocks of an indigenous legal culture. Some communities even institutionalized the practice of empowering Spanish and Indian solicitors in anticipation for that year's legal activity. By the early 1560s, Indians were so familiar with this legal instrument that, in 1562, more than 230 *caciques* of the South and Central Andes endorsed, almost simultaneously, two powers of attorney for representation at the royal court.<sup>135</sup>

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mysterious Spaniard to draft their petition because they did not trust the general defender of the *Audiencia* of Lima.

<sup>134</sup> The best study of the *procuradores* and *abogados* that were active in Lima and Potosí in the sixteenth and seventeenth centuries is Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", esp. 206-07, 24-25. Honores's survey of notarized documents among the *escribanos* of Lima and Potosí shows that letters of attorney to *procuradores* and other legal specialists were already widespread in the 1550s. My own research in the archives of Cuzco confirms Honores's contention. For an early example corresponding to 1558, see "Poder. Don Martín Condotarqui y Don Francisco Urquni, caciques e señores preñcipales que somos de los yndios yuminas, encomienda de Francisco de Chaves, vecino de Arequipa, a Martín Álvarez," ms. Arequipa, 4.29.1558. AMAAH, A236[1558].

<sup>135</sup> According to Steve Stern, the *caciques* of the Acos (settled in Huanta) declared in 1597, "Each new year we are accustomed to naming solicitors to use our power in all our [legal] causes." The *caciques* empowered two *caciques* and one Spanish solicitor in Huamanga. Stern, *Peru's Indian*

The authority of the written word legitimized this flexible document allowing individuals to journey in juridical form. By the late sixteenth century, it was common for native communities without direct access to the viceregal court to empower other Indians journeying to Lima for litigating purposes. In the context of the First General Land Inspection of 1594-96, for instance, numerous *caciques* gave their powers of attorney to other *caciques*, *principales*, and Indian commoners to receive confirmation of their titles to common lands and forests from Viceroy Luis de Velasco and the judges of the *Audiencia*. These proxies, usually *caciques* of lower rank and *principales*, were to take the original titles given or recognized by the land inspectors to Lima and secure the necessary provisions and decrees. In some instances, and as to not waste the opportunity opened by the long journey, they were also to seek reward for the services of their communities to God and the king. Having been empowered by the communities, they would in turn, transfer that power to *procuradores* and other legal specialists practicing in cities like Cuzco and Lima.<sup>136</sup>

Evidently, the extension of this legal praxis could connect the New World and the Old. Early on, Indians started to appear before the king through the voice of public and private attorneys, solicitors, or legal agents working at the royal court. Official attorneys had the prerogative of

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*Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 121. Similarly, the Indians of Tlaxcala in New Spain appointed annual *procuradores* in the 1540s to reside in Mexico City and represent them before the *Audiencia*. Eustaquio Celestino and Armando Valencia R., *Actas de Cabildo de Tlaxcala, 1547-1567*, Códices y Manuscritos de Tlaxcala; 3 (México, D.F.: Archivo General de la Nación; Instituto Tlaxcalteca de la Cultura; Centro de Investigaciones y Estudios Superiores de Antropología Social, 1985), ii-v.

<sup>136</sup> These letters of attorney, all dated 1596, can be found in ARC, Protocolos, n. 15 (Antonio Salas). See, for instance, "Poder general para pleitos. Don Martín Gualpa Sauni y Don Francisco Chocña Gualpa, principales del pueblo de Lauraua, a Juan Sánchez de Aguirre y a Juan de Arrendolaça, procuradores de corte en la Real Audiencia de los Reyes," ms. Cuzco, 3.6.1573. ARC, Protocolos, n. 22 (Antonio Sánchez), f. 228r-v. Don Martín and Don Francisco were subject (*sujetos*) to the *cacique principal* of Lauraua. Sánchez de Aguirre and Arrendolaza were known *procuradores* in Indian cases. Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", 179. During the First General Land Inspection, royal inspectors toured the viceroyalty in order to regularize private and communal titles to land. *De facto* landholders were given the chance to pay the king for the lands they were using in exchange for a title.

representing their clients, handling their lawsuits, and speaking for them before the judges. Attorneys, in particular, were in charge of the everyday vicissitudes of litigation. They prepared documents, rounded up witnesses, sought the advice and signature of professional lawyers when drafting petitions, and developed the proper strategy to follow. The tribunals of Seville had forty of these attorneys. Similarly, there were thirty one *procuradores de número* (licensed attorneys) attached to the Royal Council in Madrid in 1574, although this number grew to forty in 1584 and forty eight in 1619. By the 1530s, the increasingly busy Council of the Indies had also summoned a great number of legal facilitators, as they had become almost indispensable for litigation before this high court of appeal.<sup>137</sup>

The Crown licensed some of these practitioners, but others were outside its direct control. Thus, as in the case of American justice, the boundary between private and public was blurred by the fact that some of these delegates combined their private practice as *agentes de negocios* in Madrid with parallel influential posts inside the Council of the Indies, including those of royal prosecutor and attorney of the poor. In 1585, for example, the *caciques* of Yanqui Collaguas and Lari Collaguas, whose towns were located some 5800 miles in a straight line from the Spanish court, endorsed a power of attorney for the *fiscal* of the Council of the Indies. The *caciques* had the need to "enviar a corte de Su Majestad a pedirle mercedes y otras cosas tocantes al bien de los yndios E comunidad [desta dicha prouinçia." That the prosecutor's solicitor and one Juan Durán de Figueroa, former *corregidor* of Collaguas and *vecino* of Arequipa, were empowered in the same document

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<sup>137</sup> Kagan, *Lawsuits and Litigants in Castile, 1500-1700*, 56-59, *Recopilación de Leyes de los Reinos de las Indias*, Bk. II, Tit. 28, Laws 1-19, Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 59, 68-69.

indicates that the prosecutor was acting as a private advocate and not as a public defender.<sup>138</sup>

In any event, the strategy of empowering these specialists was available to all who had such good connections and could afford the fees charged by the scribes penning these documents and by the legal specialists looking after their cases.<sup>139</sup> Virtually anyone journeying to Spain could be empowered, from *encomenderos* to clergymen to fellow native and non-native travelers. Indian petitioners and litigants learned very quickly, however, that extending general and particular powers of attorney to two or three individuals already in, or about to embark to, Spain simultaneously increased the chances of these documents reaching their final destination. In exchange for a fee that notaries seldom indicate in the letters of attorney, these intermediaries could write petitions and letters, take the litigants' documents to Spain, speak on their behalf at court, or hire professional attorneys in their name. More generally, however, the proxies arriving from the Andes generally "substituted" (*sustituir*) or transferred their power of representation to legal specialists working at the royal court.

In 1573, for example, the Indian dependants (*yanaconas*) of Juan Arias Maldonado empowered Francisco de Jerez, a legal attorney in Cuzco, and Domingo Ros (a solicitor?), to attend their "lawsuits, affairs, and other pretensions" before the king and the *Audiencia*. Two years later, Ros transferred the power to Juan Arias Maldonado, now on his way to Spain, and to Sebastián de Santander, court attorney (*procurador de corte*) in Madrid. Santander would later request an exemption of tribute for the *yanaconas*

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<sup>138</sup> "Los recaudos de los yndios de la provincia de los Collaguas Para el fiscal de Su Majestad y Jhoan Duran de Figueroa vecino de la çciudad de Arequipa estante en [esta] corte," ms. 12.8.1585. AGI, Lima, 131, f. 17r-v.

<sup>139</sup> For the sake of comparison, the *procurador* of the Jesuits in Peru, New Spain, New Granada, Paraguay, the Philippines, and Chile cost the order every year some 3150 pesos for his services in Seville, Madrid, and Rome. "Gastos forçosos que se auran de hazer cada año en este officio de Indias de Sevilla comunes á todas las Prouinçias huiendo de administrarse por un Procurador solo como asta aqui en el Ynterin que no se dividiere en mas," ms. 1662? AVU, Manuscritos, Vol. 22 (5), fol. 13.

before the Council of the Indies.<sup>140</sup> In 1594, Don Fernando Tuçi Trapac, *cacique* of Tarma, in the central highlands of Peru, gave his power for representation in a lawsuit for the *cacicazgo* to the Dominican Pedro de la Serna. In Madrid, Fray Pedro transferred the power to Diego Saiz de San Martín, a renowned official attorney (*procurador de número*) at the royal court, to handle the *cacique's* business before the Council of the Indies. Many other *caciques* and Inca nobles, when facing adverse rulings or official neglect in America, had recourse to a similar legal strategy.<sup>141</sup>

Taking a step further, some Indian visitors at the royal court hired the services of solicitors and attorneys in Spain directly, all in preparation for interacting with the Council of the Indies. These agents would attend to "la administración de sus personas y solicitud de sus negocios." To judge by the case of a Tlaxcalan delegation visiting the court in 1563, the duties of self-appointed solicitors could go beyond the tasks immediately associated with legal representation. At the advice of Father Bartolomé de las Casas, the Tlaxcalans employed one *licenciado* Andrés de

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<sup>140</sup> "Carta de los indios yanaconas de Juan Arias Maldonado y otros del Cuzco al señor don Diego de Zúñiga," ms. 1575. AGI, Lima, 123. For a similar letter of attorney, see "Poder. Don Alonso Auca y otros, yanaconas de Doña Leonor de Soto Coya, a Don García Carrillo, su marido," ms. 4.7.1573. ARC, Protocolos, n. 22 (Antonio Sánchez), f. 328r-v. About the *yanaconas* of Cuzco, see Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*, 17-23.

<sup>141</sup> "Poder. Don Fernando Tuçi Trapac a fray Pedro de la Serna," ms. 3.12.1594. AHN, Consejos, leg. 21484. After preparing a *probanza* in January of 1562, Don Sancho Hacho de Velasco, *cacique* of Latacunga (*Audiencia* of Quito), empowered Don Esteban Pretel, who was at the royal court with his brother in law Don Francisco Atahualpa, to present this document and others before the Council of the Indies. Don Sancho even included a description of the coat of arms he wanted to obtain from the king. In September of 1563, Pretel substituted the power in Juan de Peña, one of the licensed attorneys of the Council. Don Esteban and Don Francisco Atahualpa also received a letter of attorney from Don Mateo Inga Yupanqui, *alguacil mayor* of the Indians of Quito, for similar purposes. Waldemar Espinoza Soriano, "La Vida Pública de un Príncipe Inca Residente en Quito. Siglos XV y XVI," in *Etnohistoria Ecuatoriana. Estudios y Documentos* (Quito: Abya-Yala, 1988), 256-57; Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 176; Udo Oberem, *Don Sancho Hacho: un Cacique Mayor del siglo XVI* (Quito: CEDECO; Abya-Yala, 1993), 27. In a similar case, Don Cristóbal Taparaco, an Indian of Huamantanga in the highlands of Lima, extended his power of attorney to Gregorio de la Vega, a resident in Madrid, in 1639. Vega then transferred the power to Lucas Sánchez de Ávila and Alejo de Monrreal, both *procuradores de número* at the royal court, in order to attend to Don Cristóbal's lawsuit for the *cacicazgo segunda persona* of Huamantanga. "Poder. Don Cristóbal Taparaco a Gregorio de la Vega," ms. Lima, 6.21.1639. AHN, Consejos, leg. 21507. For an additional case, this time involving the *caciques* of Canta in the 1550s, see María Rostworowski, *Conflicts over Coca Fields in XVth-Century Peru* (Lima; Ann Arbor: Instituto de Estudios Peruanos; University of Michigan Press, 1988), 88-89. This time, the *caciques* gave their letter of attorney to Father Diego de Valencia who, in turn, transferred the power to Gaspar de Zárate, an attorney working at the Council of the Indies.



Cervera (a cleric) as their "interpreter and solicitor." In exchange for a salary, Cervera hired the services of medical doctors, lawyers and scribes for the Tlaxcalans, supervised the preparation of proofs of merit and other documents, ordered that royal decrees and coats of arms won at court were "illuminated," accompanied the litigants to Spanish cities such as Toledo, and provided his clients with clothes, food, and entertainment. Being proficient in the native tongue, Cervera even translated before the king and his council.<sup>142</sup>

Under the same logic of legal representation, Indian travelers to the court could act as agents and solicitors themselves. In Cuzco in 1572, Diego Trujillo, the Spanish chronicler, signed a power of attorney to Don Sebastián Hilaquita, an "ynga principal" residing in Lima, to win confirmation at the royal court of a series of privileges granted to two grandchildren of Atahualpa, Sebastián's relatives, both under the curatorship of Trujillo.<sup>143</sup> Similarly, the Tlaxcalan leaders employed the cleric Cervera by virtue of a letter of attorney that had empowered them as legal agents in the first place. The document had been previously signed by the governor, the majors, the aldermen, and the *principales* of the Indian city.<sup>144</sup>

Similar letters of attorney still await historians in provincial and metropolitan archives. Their historical relevance rests in that they allow us

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<sup>142</sup> Cervera charged 100 ducats of salary for his services during a ten-month period. We know about the dealings between the cleric and the *caciques* of Tlaxcala because the former demanded his unpaid salary from the Council of the Indies. With regards his duties as interpreter, *Licenciado* Cervera declared, "siempre me he ocupado en ynterpretalles en lengua en nuestra lengua castellana [sic] asy delante de Su Magestad como ante los señores del Consejo de Yndias ante quien se an tratado sus negoçios e pleitos porque los susodichos no sabian hablar Castellano E por esta causa no podian ser entendidos." "El licenciado Andrés de Cervera..." [1563], f. 623v. For the context of this Tlaxcalan embassy, see Gibson, *Tlaxcala in the Sixteenth Century*, 166-67. The *caciques* of the 1585 delegation also relied on Diego Muñoz Camargo as their "administrador e interpetre."

<sup>143</sup> Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 56-67.

<sup>144</sup> The community empowered Don Pablos de Galicia, Indian governor, and Alonso Gómez, Antonio del Pedroso, and Lucas Garza, *principales*. In Madrid, these *caciques* substituted the power of attorney in Juan Gómez de Argomedo, "procurador del Real Consejo de las Yndias." "Poder del gouernador y prinçipales de la prouinçia de Tlaxcala," ms. Tlaxcala, 3.11.1562. AGI, Justicia, 1016, r.5, f. 655r-60v.

to trace ample patterns of legal collaboration among individuals and communities from distant regions of the Andes. Letters of attorney created chainlike connections and acts of legal ventriloquism. Transoceanic powers of attorney reveal that, by the seventeenth century, these networks of representation had broadened significantly. They had gone well beyond the more circumscribed sphere of influence of the official Indian *procuradores*. In 1651, for example, the *caciques* and Indian tax collectors of the Jauja province, in the central highlands of Peru, signed a letter of attorney to three agents. One was Don Francisco Hati, *cacique* of Latacunga, in the province of Quito; the second was Don Rodrigo Flores Caxamalqui, *cacique* of Canta; the third was Don Luis Macas, *cacique* of Yauyos. Don Rodrigo and Don Luis ruled over peoples living immediately to the east of Lima. The three *caciques* were on their way to Spain. Whoever lay at the end of this chain of representation should plead, on behalf of the Indians of Jauja, for a twenty-year exoneration from working at the Huancavelica mercury mines. For almost a century, the Indians of Jauja had made the exoneration one of their central concerns, yet they had previously relied on their *caciques* or on Spanish attorneys.<sup>145</sup>

A final example will illustrate the complexity of these Atlantic links. On March 20 of 1603, fourteen Inca nobles, all of them "grandsons and descendants" of the former kings of the land, signed a letter of attorney in Cuzco. After sending their own proxies and attorneys to the viceregal court

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<sup>145</sup> "Poder de los caciques y cobradores de Atunjauja;" ms., "Poder de los caciques y cobradores de Luringuanca;" ms., "Poder de los caciques y cobradores de Ananguanca," ms., 10.21.1651, ARJ, Protocolos, n. 7 (Pedro de Carranza), f. 208r-12r. Although the power of attorney makes Don Rodrigo *cacique* of Canta, he was the governor of the town of Santo Domingo of Ocros, in Cajatambo. I have not found evidence that any of the three *caciques* included in the letter of attorney finally made it to Spain. Their involvement in later negotiations with the king and the Council clearly shows, however, that they were well-connected men that could reach the court through letters and representatives. About Don Rodrigo Flores Caxamalqui, who received his education in the Colegio del Principe of Lima, see Alaperrine-Bouyer, *La Educación de las Elites Indígenas en El Perú Colonial*, 209-12, Juan Carlos García Cabrera, *Ofensas a Dios, Pleitos E Injurias: Causas de Idolatrías y Hechicerías (Cajatambo, siglos XVII-XIX)*, Cuadernos para la Historia de la Evangelización en América Latina; 10 (Cuzco: Centro Bartolomé de las Casas, 1994), 293-94.

in the previous decades, this time they were petitioning the king for ratification of their being exempt from tribute and personal services as well as for an income that would allow them to live according to their high status.

The Incas granted power of attorney to four individuals, all of them already in Spain.<sup>146</sup> The first two were first-generation *mestizo* offspring of Spanish conquistadors and Indian women: Captain Garcilaso de la Vega Inga, "vecino" of Badajoz (Extremadura) and Don Alonso Fernández de Mesa, "vecino" of Toledo (Castile). Both had been living in Spain for many years. Garcilaso, the author of the *Royal Commentaries of the Incas*, left his native Cuzco in early January of 1560 and settled between the paternal ancestral home and Andalusia, never to return to the Andes. Likewise, Fernández de Mesa was born at sea, when his parents were in route to Spain around 1565. Don Alonso lived among his relatives in Toledo and Cuzco during the last decades of the sixteenth century.<sup>147</sup> The third proxy of the 1603 power of attorney was Don Alonso Márquez Inga de Figueroa. Márquez, a second-generation *mestizo* who happened also to be the nephew of Captain Garcilaso had journeyed to Spain in 1602 as dependent (*criado*) of the fourth proxy of the Incas' letter of attorney, Melchor Carlos Inga, yet another *mestizo* of royal blood whose story in Spain I will tell below. The links between Márquez and Fernández de Mesa are patent in the fact that, in Madrid in 1607, the former summoned the latter to act as his witness in a writ of his merit.<sup>148</sup>

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<sup>146</sup> "Poder de los yngas para los rreinos de España. del Cuzco," ms. 3.20.1603. AGI, Lima, 474, f. 113r-17v. The document has been published in Julián Santisteban Ochoa, "Dos Documentos Importantes sobre el Inca Garcilaso," *Revista Universitaria* 94 (1948).

<sup>147</sup> About Garcilaso, see Miró Quesada Sosa, *El Inca Garcilaso*. Alonso Fernández de Mesa was in Cuzco in 1590, where he dictated a testament. He and his older brother, Jorge Fernández de Mesa, requested a license to join their father in Cuzco in 1584. "Expediente de concesión de licencia para pasar a Perú a favor de Jorge Fernández de Mesa y Alonso de Mesa, hermanos, vecinos de Toledo, hijos de Alonso de Mesa, con dos criados, para vivir con su padre," ms. 1584. AGI, Indiferente, 2094, n. 164. I have not been able to locate Alonso's 1590 testament, but it was kept at Cuzco's Regional Archive, where Jorge Bouroncle saw it in the early 1950s.

<sup>148</sup> "Méritos y servicios: Pedro Márquez Galeote y otro..." It is not clear who took the power of attorney to Spain. Varner suggested Márquez as the carrier, yet it seems that he was in Spain

In the ensuing years, Don Alonso Márquez would also serve as legal agent of his uncle Garcilaso in Madrid as well as a witness and *criado* of Don Melchor Carlos Inca and the tutor and curator of Don Melchor's son in Spain. That Don Alonso petitioned His Majesty for a post "de gobierno, corregimiento u oficio de pluma" seems to indicate that he could read and write with proficiency and that he was familiar with legal and notarial procedures.<sup>149</sup>

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with Melchor Carlos Inca already. That would leave Alonso Fernández de Mesa as the only possible candidate. Varner, *El Inca; the Life and Times of Garcilaso de la Vega*, 328. According to Garcilaso, he received the letter and the attached *probanza* of the Incas while in Badajoz. He then forwarded the documents to Don Melchor and Don Alonso, both residing at court in Valladolid. The former, Garcilaso tells us, was unwilling to reveal "how many persons there were of the royal blood" so as to not cast a shadow on his own position, even though "his own claims were of the same nature and based on the same legal and natural arguments as those of the Incas." Consequently, Melchor refused "to raise his voice on his kinsmen's behalf" and the papers of the Incas were not presented to the king. Garcilaso Inca de la Vega, *Royal Commentaries of the Incas, and General History of Peru*. (Austin: University of Texas Press, 1966), Pt. II, Bk. VIII, Chap. 21.

I am inclined to think that Garcilaso twisted the history a little bit, adding some drama in order to emphasize royal negligence towards the Incas of royal blood and elevate his own position as their legitimate spokesman in Spain. The power of attorney was indeed presented to the Council of the Indies. Moreover, in his *Royal Commentaries*, Garcilaso claims the Incas accompanied these documents with a letter addressed to him and "a genealogical tree showing the royal line from Manco Gapac to Huaina Capac painted on a vara and a half of white China silk." In this tree, the Incas had been depicted "in their ancient dress, wearing the scarlet fringe on their heads and their ear ornaments in their ears..." Vega, *Royal Commentaries of the Incas, and General History of Peru*. , Pt. I, Bk. IX, Chap. 40. It is more likely that what the Incas sent to Spain was a 1579 proof of merit and a 1602 *Audiencia* provision confirming their noble privileges and exceptions. Copies of these documents were obtained in Peru in March of 1603, the same month in which the power of attorney to Garcilaso and others was endorsed. These three documents were put together in a dossier under the title, "Traslado de la probanza de los servicios de los incas de Cuzco (1579-1581) y de la provisión del virrey Luis de Velasco a favor de los incas atuncuzcos para que no sirvan en servicios personales," now stored in AGI, Lima, 472, f. 94r-117r. The 1579 *probanza* has been published in Waldemar Espinoza Soriano, "Los Orejones del Cuzco," *Proceso* 6 (1977).

<sup>149</sup> "Méritos y servicios: Pedro Márquez Galeote y otro..." This traveler might very well be the Alonso Márquez Inca, "alcalde de aguas" active in Trujillo of Peru in the 1620s. "Expediente seguido por Alonso Marqués Inca, alcalde y juez de aguas de Trujillo, sobre el cierre de la toma que va a la chacra de Aranjuez," ms. 8.22.1623. ARLL, Corregimiento, Causas Ordinarias, leg. 172, exp. 693.

For another case of transatlantic connections involving the descendants of the Incas consider the links outlined in the following vignette. In April of 1616, Doña Melchora Clara, daughter of Don Melchor Carlos Inca, and the other nuns of the monastery of Saint Catherine of Cuzco signed a power of attorney to Don Pedro Fernández de Castro, count of Lemos, to intervene on their behalf before the Council of the Indies, which the count presided. The nuns were interested in securing Doña Melchora Clara's portion of the paternal inheritance in Spain. In April of 1617, the count transferred the power to a couple of court attorneys and one legal agent. Four years later, in March of 1621, the nuns drafted another letter of attorney, this time to a citizen of the town of Don Benito in Extremadura, and to his two sons, one of them a lawyer. The next year, in the Extremaduran town of Zalamea de la Serena, the lawyer transferred the power to another brother, who was a knight of Santiago and a chaplain of the king, and to three official attorneys practicing at the royal court. "Poder. Doña Isabel de Padilla, priora perpetua, y demás monjas del Monasterio de Nuestra Señora de los Remedios a Don Pedro Fernández de Castro, Conde de Lemos," ms. Cuzco, 4.12.1616. APM, Protocolos, n. 3173 (Hernando de Recas), f. 1602r-7v; "Poder. Doña Isabel de Padilla, priora perpetua, y demás monjas del Monasterio de Nuestra Señora de los Remedios, a Juan Calderón de Robles y otros," ms. Cuzco, 3.18.1621. APM, Protocolos (Pedro de Alvarado), n. 5300, f. 219r-24v.

Such documentary links clearly indicate wide and complex networks of representation, patronage, and communication within the Spanish Atlantic world, reinforcing the idea that, within this legal Atlantic, there was no such thing as an "Indian sphere."

*A World in Motion*

Travelers, documents, and ideas circulated through such legal networks. A careful reading of the sources reveals that transatlantic litigants and favor-seekers could be very aware of one another's whereabouts in Peru and Spain as well as familiar with the outcomes of each other's negotiations before the king. As Ida Altman contended, Spaniards in Extremadura came to know about people and events in Peru or Mexico through not only "vague reports or printed and published descriptions," but "as a result of continued contacts maintained through letters, visits, and information and messages brought back and forth with some frequency."<sup>150</sup> The opposite was evidently true. The image of Spain and the royal court that took shape among the indigenous populations of Peru must have been conveyed in letters sent from Spain and tales told by litigants and petitioners returning to America.

In spite of the distance separating Peru from the Spanish court and the sluggishness of the imperial bureaucracy, litigants and petitioners communicated with their patrons and proxies in Spain regularly. To begin, proxies and attorneys could receive written instructions (called *memorias* or *instrucciones*), usually attached to these letters for legal representation. In these documents, the donors explained at great lengths what their aspirations at the royal court were, appending the supporting evidence (previous decrees, official appointments, proofs of merit, and other personal documents). Very few of these instructions seem to have survived, as

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<sup>150</sup> Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 204.

claimants intended the agent or attorney taking the case to read them. That some of these instructions were notarized seems to indicate that they were part of a more formal agreement between the patrons and their attorney.<sup>151</sup>

More informal letters and *memorias* could fulfill a similar purpose, as when the Indian interpreter Juan de Alvarado extended one such instructions for transoceanic representation to Father Domingo de Santo Tomás and another Dominican priest in 1555.<sup>152</sup> But perhaps the best example of the first form of instruction is the famous "Instruction to the *licenciado* Lope García de Castro," which Inca Titu Cusi Yupanqui prepared in his refuge of Vilcabamba in 1570. Usually overlooked by historians in the context of colonial legal culture, the "Instruction," along with a power of attorney and a historical account of the Conquest, was intended for the use of the Inca's patron at court, Governor García de Castro. Titu Cusi's purpose was that, "His Lordship, taking my Power of Attorney with him for this purpose, will do me the favor of representing all of them [my services] favorably to His Majesty." In her introduction to Titu Cusi's account, Catherine Julien rejects the title "Instrucción" as the proper one for this set of documents. According to Julien, "the overall thrust of the narrative is to tell the story of Inca dealings with the Spaniards." Hence, she dismisses the "Instrucción" and the power of attorney as "certain features related to [the narrative's] authentication and formal transmission."<sup>153</sup> Perhaps this is so

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<sup>151</sup> See "Memoria de la merced que en corte de Su Magestad ha de hazer el señor Joan de Billela su secretario a don Martín Hurtado de Arbieta, vezino de la çiudad del Cuzco del Piru," ms., Cuzco, 3.16.1601. ARC, Protocolos (Cristóbal Lucero), n. 159, ff. 88r-89v. In this case, Don Martín sent his *probanza* and other documents to Secretary Villela, already in Spain, through an intermediary named Juan Canelas Albarrán. The secretary was to seek advice from "los mejores letrados de la corte" to secure the governorship of Vilcabamba and other *mercedes* for Don Martín Hurtado. The father of Don Martín had previously requested the knighthood of Santiago through Esteban Arce de Santander, *solicitador* at the royal court. Villela was to receive 1000 pesos for his services and to pay for the salaries of lawyers, attorneys, and solicitors, as well as fees of secretaries, and scribes. Villela was to receive additional sums, between 500 and 1000 pesos in each case, depending on which *mercedes* he secured for Don Martín.

<sup>152</sup> For a full transcription of Juan de Alvarado's 1555 *memoria*, see Appendix 3, Document 2.

<sup>153</sup> Diego de Castro Titu Cusi Yupanqui, *History of How the Spaniards Arrived in Peru*, trans. Catherine Julien, Dual-language ed. (Indianapolis: Hackett Pub. Comp., 2006), xv, 5. The Inca's power of attorney declares, "for me and in my name and as if he were my person: he can appear

from the perspective of modern scholars, more interested in Inca history than in following the legal steps required to secure the king's favor at court. Titu Cusi Yupanqui and other Indian petitioners, by then very familiar with colonial legal culture, would have hardly seen it that way. It was the "Instrucción," validated by the mandatory power of attorney, which gave meaning and purpose to the narrative (somehow modeled after the template of the proof of merit). García de Castro, or whoever would finally take the case, was supposed to use the narrative as an aid to prepare a legal argument in favor of the Inca. The original document belonged to García de Castro and, it seems, the Inca did not intend Castro to present it directly to the king or the council.<sup>154</sup>

As noted by Enrique Otte and James Lockhart, letter writing was a mature genre in the sixteenth-century Spanish world, and hence "letters must have originated in all areas and gone in all directions." Different official hierarchies were "constantly writing to a higher authority, and especially to the Spanish crown, petitioning, proposing, polemicizing." So did individual subjects, corporations, and various interest groups, especially when they felt aggrieved or desirous of royal favor. Laws issued in the 1540s and 1550s had stated, "the correspondence from the Indies must be free and without impediment." Throughout the colonial period, many native subjects, ranging from paramount Inca nobles to petty leaders of small and remote villages,

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before His Majesty and present before his royal name any petition or petitions; he may say and declare everything he may be asked with reference to my affairs in the same manner that I would say and declare it." Titu Cusi Yupanqui, *History of How the Spaniards Arrived in Peru*, 165. (p. 165)

<sup>154</sup> Through the voice of his interpreter and scribe, Titu Cusi further adds, "Therefore, because Your Lordship understands and will make His Majesty understand, I have tried to tell above and in summary form [...] If it should be necessary to explain anything in greater detail than it has been explained here, you [García de Castro] can let me know and I will do what you tell me." The manuscript includes the following marginal note: "It belongs to the lord Licenciado Castro and should be returned to His Lordship." In a final note, a scribe explains what happened in the end: "This copy of the Incas was made from another that the lord Licenciado Castro gave to me in Madrid, in the year 74." Titu Cusi Yupanqui, *History of How the Spaniards Arrived in Peru*, xxviii, 159.

would make use of this prerogative either through the auspices of their public defenders or by addressing their letters directly to the king.<sup>155</sup>

Yet, these public lines of communication were but one part of a much larger picture. Like Spaniards living in the Old World and the New, Indian and *mestizo* descendants of Inca kings wrote to their relatives concerning their family affairs in Spain. Less prominent travelers, though harder to document, also corresponded with their kin and townsfolk, sometimes via a literate intermediary.<sup>156</sup> It seems to have been customary to write letters to absent relatives and friends. Travelers would write these letters to communicate their will concerning their patrimony in Spain and America, to inform about the outcome of their negotiations, to gather information about other travelers and the validity of their pretensions, or simply to awe their audience with tales of their journeys throughout the Spanish empire and beyond. In 1586, Don Alonso Atahualpa, a grandson of Inca Atahualpa residing in Madrid, signed a writ of donation in favor of his sons and daughters living in Quito. He communicated his decision through a letter to his uncle in that city, who also acted as guardian (*curador*) of Don Alonso's children.<sup>157</sup> When Alonso Fernández de Mesa rendered his testimony in the proof

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<sup>155</sup> Lockhart, "Letters and People to Spain.", James Lockhart and Enrique Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, Cambridge Latin American Studies; 22 (Cambridge; New York: Cambridge University Press, 1976), ix-x. "Que la correspondencia con las Indias sea libre, y sin impedimento". *Recopilación de Leyes de los Reinos de las Indias*, Bk. III, Tit. 16, Laws 3 & 6. This "right of correspondence" allowed imperial subjects to write to the king and bring *memoriales* and other documents to his attention. Royal councilors should put opening and reading these letters from the Indies before attending to any other affairs, "aunque mas graves, é importantes sean." Even though subjects were required to inform local authorities—usually, the viceroy and the *Audiencia*—and seek redress from them first, they were to be exonerated from this procedure if they suspected these same authorities to be the source of any grievances or wrongdoings.

<sup>156</sup> For an analysis of five private letters written in Quechua by a *cacique* to his subjects, see César Itier, "Las Cartas en Quechua de Cotahuasi: el Pensamiento Político de un Cacique de Inicios del siglo XVII," in *Máscaras, Tretas y Rodeos del Discurso Colonial en los Andes*, ed. Bernard Lavallé (Lima: Instituto Francés de Estudios Andinos; Pontificia Universidad Católica del Perú; Instituto Riva-Agüero, 2005). In the mid-seventeenth century, Juan Lorenzo Ayun, a native from the coastal town of Reque, in northern Peru, addressed at least three letters to his kin describing his journeys in Spain and Mexico. The letters are included in Appendix 3, Documents 3-5.

<sup>157</sup> Tamara Estupiñán-Freile, "Testamento de Don Francisco Atahualpa," *Revista Miscelánea Histórica Ecuatoriana* 1 (1998): 48.



of merit of a fellow *mestizo* from Cuzco, Don Alonso Márquez Inga, he declared that he was certain of the identity of Don Alonso's forebears thanks to letters his half-brothers had regularly sent to him from the imperial city.<sup>158</sup> Francisca Balsa, granddaughter of Emperor Huayna Capac (the last undisputed Inca king) and a resident of Cuzco, frequently corresponded with her daughter Juana, who lived between Valladolid and Simancas while her husband sought reward at these royal tribunals. Several Spanish witnesses, among them a cleric and a merchant, declared in Trujillo of Extremadura in favor of Don Melchor Carlos Inca for his admission in the exclusive order of Santiago. The witnesses claimed they had received news about the wedding of Melchor's parents, which had occurred some 35 years before in a distant Cuzco, via letters penned by their relatives.<sup>159</sup>

Private correspondence was equally important for litigation and solicitation. Letters of attorney usually specified that legal agents send any royal decrees and provisions secured at court back to the Andes at the litigants' expense, which indicates that channels of communication between the parties remained open after the initial act of empowerment. Claimants could use correspondence, both in Spanish and Quechua, to inform about incoming lawsuits, to try to dissuade potential rivals, or to request additional funds, witnesses and documents for litigation.<sup>160</sup> Moreover, private

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<sup>158</sup> Alonso de Mesa wrote to his *mestizo* offspring from Cuzco at least once a year. "Méritos y servicios: Pedro Márquez Galeote y otro...;" "Expediente de concesión de licencia para pasar a Cuzco, a favor de Vasco de Mesa, natural de Perú, hijo de Alonso de Mesa y Francisca de Bancoyllo," ms. 1569. AGI, Indiferente, 2084, n. 15, s.f.

<sup>159</sup> "Este testigo saue que el dicho Diego Rodríguez Çorrilla e Francisca Balsa padres de la dicha doña Joana Balsa an enuiado muchas cartas a la dicha doña Joana a la dicha villa de Balladolidad y Simancas donde los susodichos Residian y el que [...] escrito dellas deçia mama amada hija doña Joana Balsa muger de Joan Bautista gonzalez y este testigo leyo el dicho sobre escrito de las dichas cartas y las a uisto y oy dicho dia las a uisto de la madre de la dicha doña Joana." After empowering her son in law to represent her before the king, Juana Balsa offered to give him one half of "alguna cossa de rrenta o situaçion" que el trajera" in payment for his "trauajo y diligencia." "Méritos y servicios: Juan Balsa: Cuzco," ms. 1581. AGI. Patronato, 125, r. 7. Melchor's mother was originally from Trujillo in Spain. "Pruebas para la concesión del Título de Caballero de la Orden de Santiago de Melchor Carlos Inga, natural de Cuzco," Trujillo and Madrid, 1606. AHN, Órdenes Militares, Caballeros, Santiago, exp. 4081, f. 26v-29r.

<sup>160</sup> See, for instance, the letters translated in Itier, "Las Cartas en Quechua de Cotahuasi: el Pensamiento Político de un Cacique de Inicios del siglo XVII." For *caciques* litigating in Lima

letters allowed attorneys and solicitors to keep their Andean clients informed about the progress of their cases as well as of the results and expenses that they should realistically expect from these affairs. Plaintiffs and attorneys sometimes notarized these expenses and later sent them to the New World.<sup>161</sup> A few examples of this kind of correspondence have survived. In a series of letters written in 1655, for example, a self-styled Indian attorney by the name of Jerónimo Limaylla kept Don Bartolomé de Mendoza, a *cacique* from Huancavelica, informed about the current state of his legal affairs before the high court of Lima. Limaylla and Mendoza corresponded regularly; the former offered his intermediation with important members of the viceroy's entourage, recommended that money be sent to the attorney of the *Audiencia*, and gathered advice as to how to win the case.<sup>162</sup>

Litigants and petitioners, for their part, could inquire about the state of their cases, refer to previous correspondence, and acknowledge the

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who request decrees and legal bundles from their *principales*, see "Carta. Don Juan Apoyalaya a Don Jerónimo Socoyalaya, alcalde ordinario del pueblo de Chupaca que Dios guarde," ms. Lima, 12.1.1641; "Carta. Don Juan de Alaya a don Jerónimo Socoyalaya, mi hermano que Dios guarde," ms. Lima, 1.2.1642; both included in "Autos seguidos por Alonso de Castro, procurador general de los naturales del reino del Perú, en nombre de don Juan Apolaya, cacique y gobernador del repartimiento de Ananguancas, corregimiento de Jauja, a quien el bachiller García de Verástegui Salazar, cura de Chupaca, le acusa criminalmente de estar amancebado y de haber cometido incesto". AAL, Amancebados, leg. 4, exp. 21.

<sup>161</sup> For examples of lists of the expenses incurred at court by these attorneys, see "El licenciado Andrés de Cervera..." [1563], f. 622r; "Relazion de lo que yo Alonso Diaz de Guitian E Gastado en el negocio de las monjas del Cuzco sobre la erenzia de D. Carlos Ynga Desde 17 de diziembre de 1617 años que Por Sustitucion del Conde de Lemos acudi al dicho negocio que passo en el Real Consejo de las Yndias," ms. 1621. APM, Protocolos (Pedro de Alvarado), n. 5300, f. 219r-224v.

<sup>162</sup> "Su carta de V. md. rreyeu su fha. de 20 del pesado por m.a. de mi S.or. ss.o. de g.no. D. Ju.o. de Cazerres" [...] "En quanto al pleito que V. md. me dize tiene sobre las tierras, el S.or. Dr. D. Alonso Coronado no esta en esta Ciu.d. por agora porque esta combaliciendo en el pueblo de la Madalena. Luego que benga que me diçen esta mejor le ire a ver y a saber y auisare a V. md. de todo con todas las circunstaçias [sic] de la materia [...]" "Carta. Jerónimo Lorenzo Limaylla a Don Bartolomé de Mendoza, alcalde de la parroquia de Santa Ana de Huancavelica," ms. Lima, 3.3.1656. "[S.or. mio ya able a Pedro [...] Pablo açerca de lo que V. md. me manda en la suya y me dijo que como V. md. se abian descuydado tanto y dexado el pleito auia salido la sentençia en favor del portugues. Lo mismo me dijo Alonso de Castro el procurador que quedaron de embiarle dineros y que nunca se lo embiaron esto me dixo. Pedro Pablo dixo me daría los papeles y que los autos los tenia el S.or. Dr. Coronado dixolo en duda, y el portugues estaba alli echo sobrestante de una obra que sen.çia en palaçio y que agora que muy bien pueden pedir, porque el portugues aunque diçe que dio bas.te ynformaçion o probanças, no opstante lo pueden dar V. md. ase mexor probanças esto me dixo y no me a dado los papeles que quedo de darmelo. Yo se lo pedire y lo tendre asta que V. md. disponga de ello lo que fuere seruido." "Carta. Jerónimo Lorenzo Limaylla a Don Bartolomé de Mendoza, alcalde de la parroquia de Santa Ana de Huancavelica," ms. Lima, 3.23.1656. "] "Autos del gobernador de la villa de Huancavelica..." f. 40r-41v (transcription by Nicanor Domínguez Faura).

eventual reception of royal decrees and other documents obtained at the royal court. In 1664, Don Juan Condorpussa, *cacique* of the town of La Chimba in Arequipa, wrote one of these letters to Doña María Fernández de Córdoba. Condorpussa indicated that he had gathered the chiefs and commoners to prepare the letter of attorney that Doña María had requested, but that they had not yet been able to find a secure way to send it to her. Don Juan lamented that neither a royal provision excluding his Indians from serving at the urban *mita de plaza* sent by Doña María nor a letter sent by Condorpussa to her had reached their final destination. The *cacique* told her, however, that he had seen a decree of the same content in the *Política Indiana* of the jurist Juan de Solórzano, asking her to send a copy of that specific provision, for which she did not need the power of attorney. After giving Doña María an update of her affairs in the region, some of which Condorpussa himself attended as a steward, the *cacique* recommended a way to have Doña María's titles to a series of nearby lands secured from the king. The *cacique* and the *encomendera* would elevate their joint pleas to the Council of the Indies in 1666.<sup>163</sup>

Thus, like letters of attorney, correspondence had the power to connect native litigants and petitioners of the Atlantic arena, complementing the news brought by returning travelers and keeping the image of the interview with the king alive in America. Through these letters, residents in the Andes and Spain found out about the legal activities of litigants and petitioners. Garcilaso was informed of the awards given to Melchor Carlos Inca in 1604 through a letter sent to him from Valladolid. Conversely, in their 1603 letter of attorney, the Incas were careful to identify Garcilaso as a "captain," a military title that "El Inca" had earned in the 1560s while

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<sup>163</sup> For a full transcription of Condorpussa's letter to Doña María, see Appendix 3, Document 6.

fighting the Moors in the sierras of Granada.<sup>164</sup> Tiny pieces of information of this sort, as irrelevant as they might seem to us now, flowed freely in both directions across the Atlantic. News about the death of Don Melchor in Spain must have followed these channels.

These links are but remaining clues of less tangible instances of contact. For native litigants and petitioners, cosmopolitan cities like Lima, Seville, or Madrid played an important role in the foundation and maintenance of transatlantic networks. In the port city, they had to deal with the officials of the House of Trade as well as get ready for the return voyage or for journeying across La Mancha to the king's court. All of these arrangements could prove confusing, dangerous, and expensive without the aid and support of fellow travelers, patrons, kinsmen, and compatriots (*paisanos*) living in the Peninsula. As in the case of Spanish and Portuguese emigrants, "these people from home probably served as important contacts [for the travelers], assisting them in making their arrangements, attending to their business as well as that of people at home."<sup>165</sup>

Martín Fernández, an Indian from Moquegua (southern Peru), journeyed to Spain in 1604 "searching for one of his kinsmen." While waiting for the royal fleet to arrive in Seville in 1670, the Indian Don Pedro Chafo Çavana requested the officials of the House of Trade to authorize him and his family to move temporarily to Cádiz, where, Chafo argued, "tengo personas conosidas de la patria que me socorreran [...] hasta que llegue el tiempo de

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<sup>164</sup> Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt. I, Bk. IX, Chap. 40. Don Juan de Austria, half-brother of Phillip II, had conferred the title of "Captain" to Garcilaso de la Vega in the late 1560s, during the *morisco* revolt of the Alpujarras. "Poder. Los Incas del Cuzco a Garcilaso Inca de la Vega y otros," ms. Cuzco, 3.20.1603. AGI. Lima, 473, n. 4, ff. 110-111; Miró Quesada Sosa, *El Inca Garcilaso*, 92-93, Varner, *El Inca; the Life and Times of Garcilaso de la Vega*, 242-50, Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt. I, Bk. IX, Chap. 40, Pt. II, Bk. VIII, Chaps. 17-20.

<sup>165</sup> Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 205-06. For the Portuguese community in Seville, see Studnicki-Gizbert, *A Nation Upon the Ocean Sea: Portugal's Atlantic Diaspora and the Crisis of the Spanish Empire, 1492-1640*.

embarcarme."<sup>166</sup> The Tlaxcalan delegation visiting the court in 1585 empowered one Tomás de Covarrubias to collect debts, merchandise, and thousands of pesos among their agents in Seville as well as to rent a ship for the *caciques's* return journey. Through the interpretation of Diego Muñoz Camargo, the *caciques* authorized Covarrubias,

para que podais afletar y afleteis qualquier nao o nabio y cámaras de ellos; y espezialmente podais afletar, si ser pudiere, la nao del dicho Rodrigo Ortiz llamada "Nuestra Señora del Juncal", v otra nao si esta no fuere para la Nueva España, o estuviere por otra persona afletada, haga otro qualquier afletamiento para nos ir a las dichas Yndias en la nao que le pareciere y bien visto le fuere, y por el presçio de maravedis y otras cosas que se concertare, y a los plazos y términos que bien visto le fuere.<sup>167</sup>

The proximity of these travelers becomes all the more evident in that some of them shared the same living space. While at the royal court in 1607, Don Pedro Carrillo de Soto Inga, grandson of the *adelantado* Hernando de Soto and great-grandson of Emperor Huayna Capac, resided "en la posada de don melchor carlos ynga" in Madrid.<sup>168</sup> Garcilaso Inca de la Vega hosted the *mestizo* Don Juan Arias Maldonado in his house in Andalusia twice. The Crown had condemned Don Juan, the son of conquistador Diego Maldonado and Doña Luisa Palla, an alleged daughter of Emperor Huayna Capac, to exile in Spain around 1571. After the king granted him a permit to return to Cuzco for three years and collect his property, he visited Garcilaso before departure. During these visits, Maldonado told him "a great deal of the foregoing."<sup>169</sup>

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<sup>166</sup> "El qual dixo a este testigo que benia en busca de un dehudo suyo y que por no auerle allado en esta çiudad el susodicho se queria boluer." "Expediente de información y licencia de pasajero a Indias de Martín Fernández, indio, natural del Valle de Moquegua, a Perú," ms., 2.17.1605. AGI, Contratación, 5286, n.77; "Expediente de información y licencia de pasajero a Indias de Pedro Chafó Savana, natural de Perú y vecino de Sevilla, con su mujer Isabel de Andrés, y sus hijas Ana de Andrés y Ravana [sic] Chafó, a Perú," ms. 1671. AGI, Contratación, 5437, n. 2, r. 20, f. 6r.

<sup>167</sup> Antonio Matilla Tascón, *Americanos en la Documentación Notarial de Madrid* (Madrid: Fundación Matritense del Notariado, 1990), 33-34.

<sup>168</sup> *Adelantados* were representatives of the king who headed expeditions of Conquest and held judicial and administrative powers over the jurisdiction being "discovered." The word translates literally as "he go goes before."

<sup>169</sup> Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt. 2, Bk. 8, Ch. 17. "Méritos y servicios: Pedro Márquez Galeote y otro..." Just before his departure from Cuzco in 1594, Don Pedro received letters of attorney from Baltasar Fernández de Mesa, *mestizo* of Inca

Furthermore, it was common for travelers to appoint other travelers as stewards of their patrimony or as legal guardians of their children.<sup>170</sup> Nor was it rare for these visitors at the royal court to declare as witnesses in each other's *probanzas*. Don Francisco de Heriza Carguamango, an Indian captain from Lima, summoned Don Pedro Chafo Çavana, an *indio principal* from Lambayeque, to testify in his 1669 proof of merit before the council in Madrid. Don Pedro said he had met Don Francisco and his parents while living in Lima during the previous decade. Five years later, Don Francisco de Heriza himself served as witness in another proof of merit, this time on behalf of Don Lorenzo Zamudio Lucayn. Don Francisco testified he had known Don Lorenzo "de vista, ttrato y comunicazion" for some twenty-eight years in Lorenzo's native town as well as in Lima and Madrid. Another witness in the same *probanza*, Jerónimo Lorenzo Limaylla, had known his fellow Indian traveler Don Lorenzo Zamudio for some eight years in Peru and Spain.<sup>171</sup> Social bonds created or strengthened in Iberia could extend across the sea. In the mid-1650s, Don Bartolomé Aylas, an Indian *principal* of the Jauja Valley, decided to support the same Jerónimo Limaylla during a court case before the *Audiencia* of Lima with a favorable testimony. According to Don Bartolomé,

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blood like him, and from Miguel de León Almonte, for petitioning before the king and collecting some debts in Spain. Almonte offered to give 3,000 pesos to Don Pedro. "Poder. Don Baltasar Fernández de Mesa a Don Pedro Carrillo de Soto," ms. 3.7.1594; "Poder y obligación. Miguel de León Almonte a Don Pedro Carrillo de Soto y otros," ms. 7.3.1594. ARC. Protocolos, n. 28 (Antonio Sánchez), f. 218v-20v. Don Pedro Carrillo de Soto Inga returned to Perú in 1608. In 1616, he acted as a witness in the letter of attorney signed by Don Juan Guachuri and his wife, Juana Esquivel Yupanqui, in favor of the Jesuit fathers of Madrid for representation at the royal court. The fathers substituted the power in two attorneys and one legal agent. "Poder. Don Juan Guachuri y Doña Juan Esquivel Yupanqui a Juan de Padilla, padre Rector del Colegio de la Compañía de Jesús de Madrid y al procurador de los jesuitas en dicha villa," Curahuasi, 3.16.1616. APM, p. 5300 (Pedro de Alvarado), f. 219r-224v.

<sup>170</sup> In 1587, Don Alonso Atahualpa named Don Diego de la Torre, *cacique* of Turmeque and long-time resident in Spain, as his *albacea*. Marcos Jiménez de la Espada, *Relaciones Geográficas de Indias*, 4 vols. (Madrid 1881-1897), 3:cxlvii. As mentioned, Don Melchor Carlos Inga named Don Alonso Márquez Inga as the tutor and curator of Melchor's son in 1610.

<sup>171</sup> In 1666, Don Pedro Chafo lived in the *plazuela* of Matute, in the house of Don Sebastián de Urea. In 1674, Jerónimo Limaylla resided in the house of Don Francisco Testa, in the La Sartén Street. Don Francisco Carguamango lived in the house of one Dr. Mijancas, in the street of Siete Jardines. "Informaciones de oficio y parte: Francisco de Heriza Paz Carhuamango...", ms. 1669. AGI, Lima, 259, n. 10, f. 12v.

what prompted him to declare on behalf of Limaylla was that "we saw each other in Madrid, we are friends, and hence I will help him."<sup>172</sup>

### *The Accumulation of Legal Capital*

The most tangible outcome of these Atlantic interactions was that Indian litigants and petitioners gradually appropriated and accumulated part of the juridical capital—an objectified and codified form of symbolic capital—that granted the king and his ministers the ultimate power to name, certify, legislate, and punish.<sup>173</sup> Travelers would come and go, but future litigants and favor-seekers could retrace their successful steps. Through general and provincial defenders as well as communal attorneys who remained in their posts for a considerable time, clamaints could maintain, expand, and transmit personal connections and practical expertise. Finally, royal *cédulas* and other documents could be borrowed, copied, and recycled. In fact, *cédulas* won at court were, at least theoretically, of a general application. They went beyond the specific concerns of the initial petitioner, and general defenders could invoke them as precedent in cases pertaining to other native communities and individuals. I am not suggesting that we see Indian travelers to the royal court as a single community of interest. Yet, it is clear that, from the perspective gained by considering two centuries of Habsburg rule, what emerges is the gradual mastery of the imperial system of justice. This long process takes us from the early proofs of merit and memoranda sent to the king by members of the Inca nobility in the 1530s to the establishment of

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<sup>172</sup> "vimonos en Madrid, y somos amigos y lo e de ayudar." "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja..." f. 559r-v.

<sup>173</sup> For the relationship between the accumulation of symbolic capital and the emergence of the modern state, see Pierre Bourdieu, *Razones Prácticas. Sobre la Teoría de la Acción*, 7. ed. (Barcelona: Anagrama, 2007), chapter 4.

general attorneys of the Indians (natives themselves) at the royal court in the late-seventeenth and eighteenth centuries.<sup>174</sup>

Although *caciques* like Don Juan Condorpussa could be familiar with the canonical texts of the *Derecho Indiano* (i.e. Sólorzano or the Compilation of Laws of the Indies) or the different ordinances that ruled the kingdom, the knowledge transmitted through these Atlantic channels seems to have been more practical than theoretical. It pertained more to the details and nuances of successful transoceanic litigation than to the works of jurists and theologians. Evidently, common motifs and images are always easier to pinpoint than the ways they circulated throughout the empire. Besides, it is virtually impossible to discern if quoting a legal authority or citing a particular law were the work of the petitioner or of his/her attorney. Yet, the cumulative potential of this type of knowledge becomes apparent in at least two instances; first, the election of common Spanish solicitors and attorneys, and second, the formation of a pool of common legal arguments and strategies presented at the royal court.

Regarding the first issue, Renzo Honores's work on the attorneys and advocates of the *Audiencia* of Lima in the sixteenth century reveals that native litigants tended to rely on the same group of legal specialists—men like *licenciado* Francisco Falcón, for example.<sup>175</sup> But the fame of other specialists—Gaspar de la Esquina or Sebastián de Santander, for instance—reached the Andes from the royal court. That they were empowered by individuals and communities living in distant parts of the New World

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<sup>174</sup> Only five years after Cajamarca, in 1537, Don Cristóbal Paullu Topa, son of the last undisputed Inca emperor who sought the alliance of the Spanish in his own struggles for power, supervised the elaboration of his *probanza* or proof of merit in Cuzco. Probably the earliest document of its kind prepared on behalf of an Indian of Peru, it not only secured Paullu an *encomienda*. After reaching the royal court in Spain along with the news of his contribution to the success of the Spanish conquest, it granted him a coat of arms and other privileges that he passed on to his descendants. Others would soon follow.

<sup>175</sup> Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", 176-80, 316-20.



indicates that litigants found out about their deeds through the testimony of other litigants.<sup>176</sup>

Regarding the second instance, in their letters and petitions before the Council of the Indies, many travelers deployed similar strategies to achieve success. Evidently, the Spanish judicial framework largely determined the procedures and strategies available for "successful" litigation, in other words, what constituted a valid or an invalid argument. Furthermore, claimants and attorneys usually left the more complex aspects of legal argumentation to university-trained advocates. However, in this world, custom and precedent were as important as the law. Therefore, favor seekers and their attorneys quickly learned to build their cases upon the similar experiences of past travelers and litigants.

Surely, public and private attorneys, solicitors, and defenders working at royal and viceregal courts played a key role in the transmission of this knowledge. Their daily activities allowed them to draw connections among analogous cases and to cite such precedents to pressure the Council of the Indies to rule favorably. Nevertheless, Andean clients had to provide these specialists with the "raw materials" to build their cases, telling them about their circumstances and those of analogous favor-seekers in the Andes and Spain. Moreover, they sent letters, past decrees, titles, and privileges, family trees, coats of arms, and instructions regularly. Finally, the task of summoning different witnesses and arranging the preparation of proofs of merit, instructions, and petitions in America, was usually left to them and their local attorneys. A survey of *probanzas* prepared by members of the Inca

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<sup>176</sup> In the sixteenth and seventeenth centuries, Gaspar de la Esquina legally represented Inca nobles, native communities of Chiapas and granddaughters of former Mexica emperors. He was also curator ad-litem of Doña Ana María de Loyola Coya, first Marquise of Oropesa, in the 1610s. Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," 411, footnote 140. About Gaspar de la Esquina's professional career, see "Poder. El cabildo del pueblo de Istapa, provincia de Chiapa, a Gaspar de la Esquina y otros," ms. 10.29.1607. AHN. Consejos, leg. 21486; "Doña Melchora Coya de Sotomayor sobre que se le haga merced de cedula Para que el Virrey le encomiende quatro mil pesos de Renta en Indios vacos del Piru," ms. 1616. AGI, Lima, 146; Jacqueline Holler, "Escogidas Plantas: Nuns and Beatas in Mexico City, 1531-1601," (Gootenberg, 2005), vol., Ch 2, note 175.

elite of Cuzco shows that, among many other witnesses, there was a core of individuals summoned for this purpose again and again.<sup>177</sup>

Through these channels and others, litigants could have access to legal documents, sometimes without the direct intervention of royal judges and advocates. As a result, litigants, rightfully or not, appropriated documents presented in previous petitions and court cases for their own purposes. The legitimacy of these papers, which could be copied again and again for centuries, stemmed from the fact that they had been officially sanctioned and legitimized by the king and the council as "authentic" at some point in time. Once judges had validated these documents in a lawsuit or viceroys and other officials had recognized them as legitimate, others could use them for their own purposes. One could very well show, for instance, that the series of royal decrees granting nobility, pensions, coats of arms, and other privileges to prominent members of the Inca elite of Cuzco in the 1540s were used countless times by their descendants—real and fictitious—throughout the rest of the colonial era. Although it should come as no surprise that lineages would utilize family documents to renew past privileges and grants, these documentary traits, as those analyzed in the previous sections, reveal broader connections among transatlantic litigants.

In 1681, Don Juan Fernández de Ampuero Barba Inga, a direct descendant of Emperor Huayna Capac living in Arequipa, addressed a private letter to the viceroy in Lima. In his letter, Ampuero reminded him of his ancestry, offering, as proof of his noble origin, "the royal family trees authenticated by our lord King Don Philip IV the great [and that] Don Alonso de Arenas y Florencia brought back from the court."<sup>178</sup> Ampuero was alluding to a

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<sup>177</sup> I base this last observation in the lists of witnesses extracted from some twenty *probanzas* pertaining directly to this social group.

<sup>178</sup> "Carta. Juan Fernández de Ampuero Barba Inga al virrey del Perú," ms. Arequipa, 5.15.1681. AGI, Lima, 173. The complete passage reads, "Consta Señor por los Arboles rr.s autenticados del orden del Señor Rey D. Felipe quarto el grande de gloriosa memoria que andar pu.cos y trajo de la corte Don Alonso de harenas, y Florencia que soy desendiente en grado sercano del capp.an Martin

genealogical tree that had been prepared by Don Alonso but that his brother Don José de Arenas had authenticated while visiting Philip's court around 1657. Ampuero probably saw the family tree in Lima, where Don Alonso de Arenas received his appointment as *corregidor* of Otavalo (*Audiencia* of Quito) in the mid-1660s. Or, perhaps he saw it in Arequipa, for Don Alonso later served as *corregidor* of Paria and Misque (in the Potosí area) in the early 1670s. In his home in Ibarra, Otavalo, Don Alonso de Arenas y Florencia Inga enjoyed showing off the genealogical tree which, like the Atlantic system of justice, linked him and Don Juan de Ampuero to Emperor Huayna Capac and, ultimately, to the Habsburg court. Don Juan would cite the trees in possession of the Florencia Ingas—and include a copy of his own letter to the viceroy—in his 1681 petition to the Council of the Indies.<sup>179</sup>

In a more direct manifestation of these interactions among litigants, letters and petitions presented before the council in Spain during the latter half of the seventeenth century sometimes cite past individuals and cases to gain support for the current incumbents of royal favor. Through their attorneys, Indian visitors from different regions but with similar statuses and aims could appeal to the Council simultaneously.<sup>180</sup> Subsequent travelers and their attorneys could then mention such precedents to support their cases.

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de ampuero noble y antiguo conquistador deste Reyno, y de Da. Ynes Guailas ñusta Hija y no[¿uno?] de los herederos de Guaina Capac Supremo emperador desta monarquía, que pisamos verdad, que esta comprobada por los arboles y por los conbentarios [sic] Reales de Garsilaso Ynga que autorisa el Señor Juan de Solorsano en su politica del Capitulo Veinti y Siete de Su Libro tersero."

<sup>179</sup> For information about the journey of Don José de Arenas to the royal court, see Appendix 1. About Don Alonso de Arenas, see Carlos E. Espinosa Fernández de Córdoba, "The Fabrication of Andean Particularity," *Bulletin de l'Institut Français d'Etudes Andines* 18, no. 2 (1989), Klumpp, "El Retorno del Inga, una Expresión Ecuatoriana de la Ideología Mesiánica Andina.", Lohmann Villena, *El Conde de Lemos, Virrey del Perú*, 458-59.

<sup>180</sup> In 1664, Don Antonio Collatopa, *cacique* of Cajamarca, and Don Cristóbal Chudin, *cacique* of Quito, joined forces to request their passenger fees to return to the New World from the treasurer of the council. "Libramientos, 1664," ms. 1664. AGI, Contaduría, 113<sup>a</sup>.

In a petition drafted in 1670, Don Pedro Chafo Çavana asked for the allotment of travel expenses for himself and his family, "como se le dio a Don Andres de Ortega y Don Carlos Chimo, y Nicolas Flores y otros principales como constara en los libros de la Secretaria deste Consejo." Sure enough, these three individuals, Indians from the region of Lambayeque like Don Pedro Chafo, had visited the court in the 1640s and 1650s.<sup>181</sup> Similarly, through the voice of their attorneys and solicitors, the sons and daughters of Atahualpa living in Cuzco and Lima asked the king for a perpetual stipend "como se dio a Don Pedro monteçuma hijo natural de monteçuma señor que fue de mexico de tres mill pesos de minas cituados en un rrepartimiento." A distant relative of theirs living in Quito, Don Francisco Atahualpa, based his claims at the royal court in that his uncle Paullu Inca and some Inca noble women of Cuzco, though not as "legitimos señores y señoras" as himself, had received large *encomiendas* from Pizarro, "y las poseen ellos y sus herederos oy dia."<sup>182</sup> Don Carlos and Doña Bárbara Atahualpa, descendants of Atahualpa residing in Quito, petitioned to be rewarded in Spain by reminding the king that he "hizo esta merced a don melchior ynga que no tiene mas parentesco que nosotros con el ynga señor destos rreynos."<sup>183</sup>

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<sup>181</sup> "Pedro Chafo Zabana. Indio natural de lamballeque provincia de Saña en el Piru," ms., 1670. AGI, Lima 26.

<sup>182</sup> Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 27-28, 124.

<sup>183</sup> "Carta. Doña Bárbara Atahualpa a S.M.," ms. 1610. AGI, Quito, 28, n. 15; "Carta. Doña Bárbara Atahualpa a S.M.," ms. 3.20.1611. AGI, Quito, 28, n. 34 [two letters]; "Carta. Doña Bárbara Atahualpa a S.M.," ms. 3.22.1612. AGI, Quito, 28, n. 42.

In a 1575 proof of merit on behalf of a granddaughter of emperor Huayna Capac, the prosecutor of the *Audiencia* of Santa Fe made his case by arguing, "'si saben, etc., que en los dichos reinos del Pirú todos los gobernadores y visorreyes que han sido en él, siempre han tenido gran cuenta en dar de comer a todos los hijos y nietos y subcesores del dicho Huainacapa Rey y Señor del Pirú, así los indios de encomienda y otros aprovechamientos, como en honrar sus personas con cargos y oficios conforme al talento de sus entendimientos, con que se sirviese a su Majestad y ellos fuesen aprovechados y honrados, especialmente a una hija del dicho Huainacapa que fue casada con el Capitán Diego [sic: Francisco] de Ampuero, le dieron más de seis ml pesos de renta en indios, en la ciudad de los Reyes, y a otra hija del dicho Huainacapa que casó con Villacastro [sic: Villacastín] vecino del Cuzco, la cual señora se llama Marcachimbo, le dieron más de otros seis mil pesos de renta; y a otra hija del dicho Huainacapa que primero fue casada con un soldado, que se llama Gustinza [sic: Bustinza] y agora es mujer de Gonzalo [sic: Diego] Hernández vecino del Cuzco, le dieron un repartimiento que rentaba más de cinco mil pesos, y a otra hija del dicho Huainacapa [Leonor Tocto Chimbo Coya], la cual se casó con Bautista el Galán vecino del

Clearly, legal specialists in Spain and Peru had privileged access to this kind of information in the form of royal decrees, petitions, and other internal documents circulating inside the royal tribunals. However, hardly could they have been familiar with up-to-date events, court cases, and other details about pensioners and litigants living in disparate parts of the empire had they not received, through letters, instructions, and powers of attorney, such news from those across the sea. In this sense, reaching the heart of the empire, even for the indigenous travelers themselves, was only nominally an individual enterprise.

In this chapter, I have sketched what I characterize as an Atlantic community of a peculiar sort. In particular, I outlined some of the networks of contact and communication that allowed native litigants and petitioners to reach the royal court. The imperial judicial system largely shaped these circuits. The system followed a hub-and-spokes structure radiating from the king's palace and the Council of the Indies into viceregal, regional, and even local tribunals and administrators of justice. Even though Indians made a remarkable use of the system of legal assistance and the web of public defenders, advocates, and attorneys associated with it, a great deal of the legal Atlantic lay outside the purview of the Crown. Indian litigants moved in a broader social space only partially affected by the formal, the official, and the legal.

Moreover, native communities quickly developed their own mechanisms to function appropriately within this complex framework. They diverted significant human and material resources towards successful solicitation and

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Cuzco, le dieron más de siete mil pesos de renta en indios de encomienda, y a un hijo del dicho Hu[ajinacapa que se llama Palbo Inga y en nombre de español se llama don Cristóbal, le dieron un repartimiento que renta diecisiete mil pesos, en los cuales sucedió su hijo don Carlos; y a doña Francisca nieta del dicho Huainacapa, entenada del dicho Diego [Francisco] de Ampuero, mujer que es agora de Hernando Pizarro [sic], tiene en indios más de veinte y cinco mil pesos de renta; y a otro nieto de Huainacapa, hijo de Atabaliba, que se dice don Francisco [El Auqui], tiene en Quito dos mil pesos de renta, en la capa [sic: caja] de Su Majestad." Carlota Bustos Losada, "Las Hijas de Huainacapac: Expediente de Méritos y Servicios de Vicente de Tamayo, Diego de Sandoval y Gil Rengifo," *Museo Histórico. Museo de Historia de la Ciudad de Quito* 3, no. 9 (pp. 19-36); 10-11 (pp. 37-53) (1951): 21-22.

litigation as well as acquired their own set of internal and external legal specialists. Communal houses maintained in important urban centers as well as the formation of a class of Indian *procuradores* are examples of this infrastructure of justice. Indians also made extensive use of the power of attorney, a key instrument that created an invisible bond allowing someone to appear in place of others. In these letters, they empowered proxies, advocates, and solicitors in an effort to reach the king, thus forming chainlike connections and communities of interest, even if temporary, between both shores of the Atlantic ocean. Juridical knowledge and legal information circulated through these networks in the form of letters, instructions, and other documents, increasing the legal capital available to subsequent travelers.

Seen in historical perspective, transatlantic experiences of this sort, even if not directly related in time and space, built upon each other. Because of this accumulation of juridical capital, a specialized group of Indian solicitors and attorneys, some self-appointed and "informal," started to appear. Their power to represent and mediate went well beyond those of the original community *procuradores* of the 1570s. Whereas communal attorneys still spoke on behalf of Indian *repartimientos* and *pueblos*, travelers with more cosmopolitan orientations would strive to replace the Spanish defenders and solicitors at the apex of the system of public legal assistance. Starting in the late sixteenth century, the activities of these specialists would foresee the vicissitudes of better-known *procuradores* of the "Indian nation" at the Bourbon royal court, such as Calixto de San José Túpac Inca and Don Vicente Mora Chimo.

Operating in urban scenarios of Spain and the Andes, and therefore detached from the rights and obligations of their communities of origin, the *procuradores* of the Habsburg period would gradually stretch the fictions of legal representation. They would expand the Atlantic web in order to

encompass alternative native corporate identities (urban parishes, religious brotherhoods, and battalions) and broader imagined communities such as "the *caciques* of Peru" or "the Indians of Cuzco," which were not part of the original legalistic formulation of an Indian Republic composed of nobles, commoners, and rural communities. Tracing this process is a daunting task, for it involves charting the lives of many of these cosmopolitan travelers and attorneys in more detail. I will undertake that task in the following two chapters.

## CHAPTER 2

### WHO SPEAKS FOR THE INDIANS? THE BIRTH OF A NEW ELITE

Mucho importaria que v.m. sacasse una Real çedula para que los gouernadores y casiques prinçipales puedan yr a España a sus pretençiones sin que les Ynpida  
justicia alguna

"Letter from Don Rodrigo de Guzmán Rupaychagua to Don Carlos Chimo." Lima,  
November 29 of 1646

#### *A Case of Mistaken Identity*

Recent contributions about native societies under Spanish rule fall under the "class-based" and "ethnicity-based" perspectives that have dominated the last thirty years of Andean scholarship. Class-based interpretations explored the increasing differentiation, stratification, and conflict affecting indigenous societies after the Conquest. One of their main findings was that privileged access to the market economy and to the new structures of power gradually separated a wealthy Indian minority from a pauperized majority. *Caciques* and other "Hispanicized" individuals generally prospered. This success, based as it was on integration into the state bureaucracy and a beneficial alliance with the hegemonic group, however, proved to be a "double-edged" sword. Caught between Spanish demands for resources and Indian requirements for good leadership, the alienated ruling



class of *caciques* joined Spanish elites in the exploitation of an impoverished peasantry by the eighteenth century.<sup>184</sup>

Historians more clearly influenced by Ethnohistory and Andean Messianism, on the other hand, privileged "ethnic" survival and cultural reproduction. These works focus on different "success" stories involving *caciques* and their ability to adapt and accommodate to the colonial order (the "benefits" instead of the "costs" of Hispanization, one might say).<sup>185</sup> Participation in the colonizers' world did not necessarily turn *caciques* into exploiters of their own people; in fact, it could become a prerequisite for the preservation of their ethnic legitimacy. Moreover, Indian journeys to Spain were an outstanding example of the activities of these colonial "managing lords" or *curacas gestores*, as Franklin Pease called them, who based their authority and status on their ability to protect, administer, and expand their native communities' wealth.<sup>186</sup>

Individuals identified as "caciques" doubtless stand out among the group of travelers (hence, their popularity among ethnohistorians). Throughout the sixteenth and seventeenth centuries, they appear as some of the most indefatigable litigants and petitioners. Some travelers claimed to be close relatives of the *caciques* of their hometowns. The familial, social,

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<sup>184</sup> Karen Spalding, "Social Climbers: Changing Patterns of Mobility among the Indians of Colonial Peru," *The Hispanic American Historical Review* 50, no. 4 (1970): 645, 55-59, —, *De Indio a Campesino: Cambios en la Estructura Social del Perú Colonial* (Lima: Instituto de Estudios Peruanos, 1974), Spalding, *Huarochirí, an Andean Society under Inca and Spanish Rule*, 210, 23-29, 91-92, Steve J. Stern, "The Social Significance of Judicial Institutions in a Exploitative Society: Huamanga, Peru, 1570-1640," in *The Inca and Aztec States, 1400-1800: Anthropology and History*, ed. George Collier, Renato Rosaldo, and John Wirth (New York: Academic Press, 1983), Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 159, 76.

<sup>185</sup> Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, Franklin Pease G.Y., *Curacas, Reciprocidad y Riqueza*, 2 ed. (Lima: Pontificia Universidad Católica del Perú, 1999), Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, Silvia Rivera Cusicanqui, "El Mallku y la Sociedad Colonial en el siglo XVII: el Caso de Jesús de Machaca," *Avances* 1 (1978), Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*, Thierry Saignes, "De la Borrachera al Retrato: los Caciques Andinos entre Dos Legitimidades (Charcas)," *Revista Andina* 9 (1987).

<sup>186</sup> Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, Pease G.Y., "Curacas Coloniales: Riqueza y Actitudes.", —, "Un Memorial de un Curaca del siglo XVII.", —, *Curacas, Reciprocidad y Riqueza*.

and legal ties between *cacique* lineages and individual travelers could be indeed very close and even overlap.<sup>187</sup> However, once we move beyond a few well-known cases, one of the limitations of the "ethnicity" model is that it fails to explain that natives who embarked for Spain came from all walks of life. Travelers were elite and commoner, wealthy and poor, native (*originario*) and immigrant or outsider (*forastero*), urban and rural, Inca and non-Inca, as the evidence compiled in the Appendix 1 demonstrates.<sup>188</sup> There was no direct correlation, for example, between the world of indigenous travelers to Spain and that of the graduates of the Jesuit boarding schools (*colegios*) of *El Príncipe* (1618) and *San Borja* (1621), restricted in theory to the eldest sons of the *caciques* of the Lima and Cuzco archdioceses, respectively.<sup>189</sup> The absence of travelers in the list of admitted students to

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<sup>187</sup> This might very well have been the case of Agustín Guascatanta and Don Martín Çapuy, both visitors to the king's court, who identified themselves as sons or grandsons of the *caciques* of Contumazá and Chachapoyas, respectively. Don Martín also claimed to be married to the granddaughter of the Indian governor of Surco. The 1613 census identifies Don Martín as grandson of the *cacique* of Contumazá. However, a set of *probanzas* elaborated in 1617 identifies Martín as the son of Don Pedro Capuy, "natural y cacique principal" of Contumazá (Pedro might very well have succeeded his father). Martín's marriage record of 1607 makes him simply the son of Cristóbal Çapuy. The interpreter Don Juan de Alvarado, who journeyed to Spain in the mid-sixteenth century, also claimed to be the son of a *cacique* of Chachapoyas. "Informaciones de oficio y parte: Juan de Alvarado, indio, natural de Cochabamba," ms., 1555. AGI, Lima, 204, n. 23; "Real cédula al virrey del Perú que fauorezca y ayude en lo que oviere lugar a Agustín Guascatanta, yndio," ms. Santarén, 6.5.1581. AGI, Lima, 579, l. 6, ff. 60v-61r; "Memorial de Martín Çapuy," ms., 1620. AGI, Lima, 150. Don Martín Pizarro claimed to be noble and a nephew of the *cacique* of Chíncha. Don Pedro Mayz, a native of Lima and interpreter of the Audiencia is presented as *cacique* in a last will and testament prepared in the outskirts of Lima in 1577. Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 136-37.

<sup>188</sup> Even within the group of "*caciques*," the travelers frequently appealed to the Council of the Indies to uphold their noble status and secure hereditary exemption from tribute and other duties. This fact indicates an increasing difficulty to see these privileges recognized within local society (even in spite of the previous approval by the *Audiencia*). In 1595, Don Cristóbal Julcapoma, a *principal* from Cajamarca, requested at court "que sus hijos y descendientes no paguen tributos ni tasas y sean libres de mita y otro qualesquier seruiçios." A few years prior, Julcapoma had failed to prove his right to be recognized as *cacique principal* of Cajamarca. That same year, Don Juan Chuquibalqui, a *cacique* from Chachapoyas, introduced himself and his sons in a memorandum to the Council of the Indies as "personas nobles," asking "que les sea guardada su antigua libertad y que ninguna persona se la perturbe y les Sean guardadas Las honrras preminençias Esençiones y libertades de que gozan y deben goçar los Tales naturales que son libres y esentos de todo tributo". Some years prior, their lineage had been involved in a nine-year court case before the *Audiencia* to see their privileges recognized. "Don Christobal Julcapoma cacique principal de Caxamarca sobre que se le de aquel corregimiento," ms. 1595. AGI, Lima, 132; "Don Juan Chuquibalqui, natural de la çibdad de chachapoyas en los rreinos del piru," ms. 1595. AGI, Lima, 132.

<sup>189</sup> In theory, the schools should only admit *caciques principales*, legitimate heirs to *cacicazgos*, and their *segundas personas*. In practice, however, some students seem not to have been sons of *caciques* but their brothers and close relatives, Indian nobles, poor native children, and, after the second half of the seventeenth century, even Spaniards. Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 126-28, 58, Domingo Angulo, "Libro de la Fundación del

the Lima school is a good indicator that most of them were not officially recognized *caciques* in Peru. This prompts us to look outside the schools for Indian nobles for their universe of social relations.<sup>190</sup>

When conceived in terms of the ethnohistorical paradigm, the oft-cited label of "cacique" or "curaca" (its standard Quechua equivalent) becomes insufficient to characterize the elite travelers to the Habsburg court. This paradigm gradually deemphasized the importance of internal differentiation while overstating the role of traditional ethnic lords as the sole agents of social change.<sup>191</sup> To cite but one example, the traveler Don Felipe Carguamango de la Paz, whom previous authors simply labeled a "curaca," identified himself as a native of Cuzco, a *vecino* of Lima, and an infantry captain of a one-hundred-men Indian squadron. Because of his military service and alleged "Incanness," Don Felipe fulfilled "nobles ofizios onrrosos asi en lo politico como militar" during the 1650s, such as trustee (*síndico*) of the Holy Places of Jerusalem and *alcalde mayor* of the Indians of Lima. Don Felipe was the son of Don Alonso Carguamango, "vecino" of Cuzco, and Doña Inés Carguachumbi, "india principal" of the Indian village of Santo Domingo of Yauyos, in the

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Colegio de los Hijos de Caciques..." *Inca. Revista Trimestral de Estudios Antropológicos* 1, no. 4 (1923), Geoffrey Baker, *Imposing Harmony: Music and Society in Colonial Cuzco* (Durham: Duke University Press, 2008), 143, José de la Puente Brunke, "Los Vasallos Se Desentrañan por su Rey": Notas sobre Quejas de Curacas en el Perú del siglo XVII," *Anuario de Estudios Americanos* 55, no. 2 (1998): 464, footnote 22.

<sup>190</sup> One of the few exceptions that I have been able to document is that of Don Francisco Cangaguala Limaylla, who entered the School of El Principe in August of 1674. His father, a *cacique segunda persona* of Luringuanca, declared in his testament, "a este muchacho abra tiempo de quatro años pocos mas o menos que lo lleve y entregue por mandado del real gobierno en el colegio de los naturales del Sercado para que lo enseñaran a leer y escribir y en este dicho tiempo se fue a los reynos de España con el padre retor con que hasta oy no es sabido con sertibumbre del si es bibo o muerto." "Testamento de Don Baltasar Ticsi Cangaguala," ms. Concepción, 5.14.1680. ARJ, Protocolos, n. 13 (Juan Francisco de Pineda), f. 605r-611v; Doña María Limaylla, sister of Don Francisco, lived in the convent of Santa Clara in Lima.

<sup>191</sup> Recent works have problematized the term "cacique" as a catchall title referring to a wide array of offices and individuals with very different status. In his work about the Inca nobility of Cuzco, David Garrett has contended, "while the social space of the Indian elite remained largely unchanged for almost two centuries, the determination of who occupied that space, and possessed its privileges, was constantly challenged and changed. But these changes and challenges occurred within the parameters of the colonial order outlined in this chapter. Membership in, and the privileges and powers of, the Indian elite were repeatedly contested." Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825*, 36, 43-44. In a recent article, Sophie Mathis has problematized the *cacique* status of the famous *procurador general* Don Vicente Mora Chimo as well. Mathis, "Vicente Mora Chimo, de "Indio Principal" A "Procurador General de los Indios del Perú": Cambio de Legitimidad del Poder Autóctono a Principios del siglo XVIII."

highlands of Lima. He declared in a letter to the king, in somewhat contradictory terms, "soy ombre noble en mi genero decendiente de caçiques Prinçipales del Pueblo de Sacsamarca en la Prouinçia de Vilcasguaman."<sup>192</sup>

It is easier to make sense of Don Felipe's social position from the alternative "class" paradigm. Before the full advent of Ethnohistory, class-based studies had started to explore how the Spanish Conquest opened new avenues of wealth and power, and thus, through more or less predictable paths of success, allowed individuals who had held no positions of leadership before to rise and become part of a revamped Indian elite. In urban spaces, this privileged sector included native merchants, servants, trade officials, and confraternity officers who received relatively high wages and profited from the commercial economy. Among the rural communities, new positions of power were created with the establishment of religious and civil government. Church and municipal officials obtained exemptions from *mita* and tribute payment while on duty; urban artisans, servants, and merchants usually secured similar de facto privileges in the cities where they lived. Overwhelmingly, native voyagers from the Andes to the royal court belonged to this fluid social class.

Native acculturation and social mobility still lie at the heart of this debate. The structural position of this group, as noted by Steve Stern, "was laden with a deep contradiction which inhibited their social acceptance among Spaniards and Indians alike, and generated ambivalent loyalties and identities." The "ambivalent position" of Hispanicized *caciques* and other acculturated Indians (*ladinos*), their being "suspended between two social worlds," stemmed from the racial origins of class relations in colonial

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<sup>192</sup> "Carta de Don Felipe Carguamango a S.M," ms. 7.6.1657. AGI, Lima, 169. For previous identifications of Don Felipe as "cacique," see Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 311-12, Puente Brunke, "'Los Vasallos Se Desentrañan por su Rey': Notas sobre Quejas de Curacas en el Perú del siglo XVII."

society, as Stern contends.<sup>193</sup> The "tragedy" of this story, however, was that Indian success entailed "Hispanism" (broadly defined as "one's capacity to imitate Hispanic strategies of accumulation, or to develop close ties with Hispanic-mestizo society"), and that, therefore, acculturation buttressed colonial hegemony and class oppression.<sup>194</sup> In her classic study of 1984, Karen Spalding wrote,

The Indian who broke entirely with his own culture and tried to become a European was an isolated and ultimately pitiable figure, an orphan who in the effort to trade in his own values and assumptions for those of a foreign culture often got lost in the space between the two.<sup>195</sup>

Similarly, Steve Stern argued, "the most impressive success stories tended to create a strata [sic] of 'Europeans' with Indian skin and faces." In Stern's view, "Indians succeeded not 'because' they were Indian, but because they could, to a certain extent, recast themselves as Europeans 'despite' their racial inheritance." Here, the unstated premise seems to be that acculturation deprived colonial natives of their "Indianness."<sup>196</sup>

Recent works revisit the problem of ladinization/Hispanization by highlighting rather than downplaying the role of these individuals "suspended between two social worlds," to use Stern's metaphor. Carolyn Dean's work on colonial Corpus Christi illustrates this new attitude towards acculturation and cultural hybridity:

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<sup>193</sup> Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 180-82. In this work, Steven Stern further writes, "As an emerging class, the successful Indians held interests and aspirations joining them to the colonial Hispanic world whose social, economic, and cultural patterns they emulated. But the stain of their racial origins linked them to the Indian peasantry, and generated social barriers which normally prevented their complete merger into Hispanic society and culture." (180) For further developments of the ambivalent position of *indios ladinos*, see Rolena Adorno, "Images of *Indios Ladinos* in Early Colonial Peru," in *Transatlantic Encounters: Europeans and Andeans in the Sixteenth Century*, ed. Rolena Adorno and Kenneth J. Andrien (Berkeley: University of California Press, 1991).

<sup>194</sup> Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 158-70.

<sup>195</sup> Spalding, *Huarochiri, an Andean Society under Inca and Spanish Rule*, 210, —, "Social Climbers: Changing Patterns of Mobility among the Indians of Colonial Peru," 645, 55-62.

<sup>196</sup> Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 171, 88. Cfr. Amy Turner Bushnell, "Indigenous America and the Limits of the Atlantic World, 1493-1825," in *Atlantic History: A Critical Appraisal*, ed. Jack P. Greene and Philip D. Morgan (Oxford; New York: Oxford University Press, 2009).

Because colonization deliberately produces cultural hybrids, hybridity ought to be understood as the cultivated fruit of colonization, rather than deprecated as a polluted by-product (or, for that matter, applauded as a felicitous happenstance). [...] The fetichization of 'the authentic' dismisses a priori subaltern activity which must necessarily be hybrid.<sup>197</sup>

For some time now, scholars of the colonial world have been exploring *ladino* relationships with political ritual, the written word, the ecclesiastical hierarchy, and the Spanish legal system, showing how they quickly understood, used, and manipulated these technologies and institutions, turning them into anticolonialist stances.<sup>198</sup> Thus, as Karen Spalding had recommended more than thirty years ago, current works are now paying attention to this crucial segment of colonial society, showing different ways of being "Indian" in Habsburg Peru.<sup>199</sup> Urban leaders, migrants, *cabildo* and trade officials, interpreters and legal experts, assistants to local priests and colonial bureaucrats are now coming to the fore as key agents, and not mere oppressors, in the reproduction of Andean societies under Spanish rule.<sup>200</sup>

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<sup>197</sup> Dean, *Inka Bodies and the Body of Christ: Corpus Christi in Colonial Cuzco, Peru*. See, also, Carolyn Dean and Dana Leibshon, "Hybridity and Its Discontents: Considering Visual Culture in Colonial Spanish America," *Colonial Latin American Review* 12, no. 1 (2003), Karen B. Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640," *Hispanic American Historical Review* 89, no. 3 (2009).

<sup>198</sup> Adorno, "Images of *Indios Ladinos* in Early Colonial Peru," 233, 38-39, 58, Rolena Adorno, "La Visión del Visitador y el Indio Ladino," in *Cultures Et Sociétés, Andes Et Méso-Amérique. Mélanges en Hommage À Pierre Duviols*, ed. Raquel Thiercelin (Aix-en-Provence: Université de Provence, 1991), —, *Guaman Poma: Writing and Resistance in Colonial Peru*, 2nd ed. (Austin: University of Texas Press, 2000). For a recent analysis of indigenous parish assistants and their views on native-language indoctrination and intercultural communication, see John Charles, "Indios Ladinos: Colonial Andean Testimony and Ecclesiastical Institutions (1583-1650)" (Yale University, 2003), —, "'Hacen Muy Diverso Sentido': Polémicas en torno a los Catequistas Andinos en el Virreinato Peruano (siglos XVI-XVII)," *Histórica* 28, no. 2 (2004), Charles, "'More Ladino Than Necessary': Indigenous Litigants and the Language Policy Debate in Mid-Colonial Peru.", Alan Durston, "Native-Language Literacy in Colonial Peru: The Question of Mundane Quechua Writing Revisited," *Hispanic American Historical Review* 88, no. 1 (2008), Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*. See, also Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 678-79, Alan Durston, *Pastoral Quechua: The History of Christian Translation in Colonial Peru, 1550-1650* (Notre Dame: University of Notre Dame Press, 2007), 282-83.

<sup>199</sup> Spalding, "The Colonial Indian: Past and Future Research Perspectives," 64.

<sup>200</sup> Charney, "The Implications of Godparental Ties between Indians and Spaniards in Colonial Lima.", —, "Negotiating Roots: Indian Migrants in the Lima Valley During the Colonial Period.", Paul Charney, "A Sense of Belonging: Colonial Indian Cofradías and Ethnicity in the Valley of Lima, Peru," *The Americas* 54, no. 3 (1998), Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, Garofalo, "Bebidas Incas en Copas Coloniales: los Curacas del Mercado de Chicha del Cuzco, 1640-1700.", Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", Jane E. Mangan, *Trading Roles: Gender, Ethnicity, and the Urban Economy in Colonial Potosi* (Durham: Duke University Press, 2005), Scarlett O'Phelan and Carmen

This chapter builds on these contributions by contending that travelers were the hitherto neglected "dynamic, powerful, or fortunate" members of Indian society "recruited" by Hispanization, those individuals "whose primary qualifications rested in their association with the Spaniards" and knew how to exploit their "privileged ties to the colonial power structure."<sup>201</sup> I suggest that we look at them as power brokers within an Atlantic setting. The concept of "power broker" as it has been applied to colonial North America refers to individuals who could connect local communities to wider world systems. If skillful enough, power brokers could advance the interests of different interacting parties—the metropolis, local officials and Spanish elites, native communities and their leaders—as well as their own personal aspirations by deliberately changing the emphasis or content of the information they transported across cultural milieus. As other brokers, they could promote the aims of one or more groups while protecting the interests of another. Hence, they could become nearly indispensable to all sides.<sup>202</sup>

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Salazar-Soler, eds., *Passeurs, Mediadores Culturales y Agentes de la Primera Globalización en el Mundo Ibérico, siglos XVI-XIX* (Lima: Pontificia Universidad Católica del Perú; Instituto Riva-Agüero; Instituto Francés de Estudios Andinos, 2005), Sara Elizabeth Penry, "Transformations in Indigenous Authority and Identity in Resettlement Towns of Colonial Charcas (Alto Peru)" (University of Miami, 1996), Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*.

<sup>201</sup> Spalding, *Huarochiri, an Andean Society under Inca and Spanish Rule*, Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 159.

<sup>202</sup> My understanding of Indian cultural brokers is based on the following works: Jerry A. Davis, "The 'Cultural Broker' In History and Ethnohistory," in *Contested Territories: Historical Essays on American Culture and the Environment*, ed. David Key and Dedra McDonald (Albuquerque: University of New Mexico Press, 1996), Jack P. Greene, *Understanding the American Revolution: Issues and Actors* (Charlottesville: University Press of Virginia, 1995), 310, Nancy L. Hagedorn, "'a Friend to Go between Them': The Interpreter as Cultural Broker During Anglo-Iroquois Councils, 1740-1770," *Ethnohistory* 35, no. 1 (1988), —, "Brokers of Understanding: Interpreters as Agents of Cultural Exchange in Colonial New York," *New York History* 75 (1995), Brian C. Hosmer, "Reflections on Indian Cultural 'Brokers': Reginald Oshkosh, Mitchell Oshkenaniew, and the Politics of Menominee Lumbering," *Ethnohistory* 44, no. 3 (1997), Daniel K. Richter, "Cultural Brokers and Intercultural Politics: New York-Iroquois Relations, 1664-1701," *The Journal of American History* 75, no. 1 (1988): 41, 66-67, Julie Anne Sweet, *Negotiating for Georgia: British-Creek Relations in the Trustee Era, 1733-1752* (Athens: University of Georgia Press, 2005), Margaret Szasz, *Between Indian and White Worlds: The Cultural Broker* (Norman: University of Oklahoma Press, 1994), Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge; New York: Cambridge University Press, 1991), ix-x. Recently, Yanna Yannakakis has applied the notion of "cultural broker" to the Indian *apoderados* of colonial Oaxaca with excellent results. Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*.

As such, they were in an exceptional position to articulate and express (sometimes even appropriate) a series of emerging discourses claiming to represent the "Indian Nation," the "Commonwealth of Indians," or "the caciques and Indians of Peru" before the king and his ministers. Their Atlantic journeys serve as an allegory for a deeper historical process: the formation of a new indigenous leadership in colonial Peru, an incipient Indian lettered city clustered around the viceroy's palace, composed of individuals in a privileged position to broker between the king and the Indians.

Thus, what follows is a composite picture of the universe of social relations supporting indigenous voyagers and voyages to the Habsburg court. I have tried to offer a first response to the question of travelers' social identity by illuminating some patterns for the acquisition of political power and social prestige. I would argue that, although to a different degree, the majority of travelers fit into these patterns. It is necessarily an incomplete and tentative view, for one cannot reduce transatlantic experiences to a single model. At the risk of leaving some travelers aside, I have set the initial scenario in the city of Lima, where royal officialdom and the ecclesiastic hierarchy, two privileged loci of *ladino* activity, converged.

In the first section, I discuss the twin processes of ethnic identity formation and creolization embedded in the appearance of an Indian leadership in Lima. I look at the new power structure established to organize and control the native urban populations, showing some points of contact and conflict with the more traditional authorities who ruled over native communities. In the following section, I shed light on some of the secular and religious mechanisms and institutions involved in the transmission of the specialized cross-cultural knowledge underlying the formation of an Indian lettered elite. I discuss some examples in which it becomes clear that some



Indians were not only *literate* but also *lettered*. The next section illustrates the possibilities of mediation opened by the *indios ladinos*'s Atlantic alliances with bureaucrats and priests, taking the debate over the perpetuity of the *encomienda* of the 1550s and 1560s as a prominent example. In the concluding section, I go back to the idea of "power broker" in order to assess the question of *who* spoke for the Indians in seventeenth-century Peru.

*All roads lead to Lima*

Travel arrangements present an interesting array of possibilities. At the more general level, travelers were described—probably like most provincial *caciques* would have been—as "indios ladinos," that is, "hispanized" Indians culturally proficient in the "Spanish" ways and fluent in Castilian.<sup>203</sup> Additionally, in their licenses to cross the ocean, most of these travelers identified themselves, no doubt sometimes out of convenience, as "criados" of a Spaniard, preferably a recently appointed official or a priest. (In a few cases, the Council of the Indies entrusted native visitors to royal officials going to the Indies, exempting them from fees and other payments.) Along with these powerful patrons, they visited places as distant from each other as Mexico, Madrid, Rome, Buenos Aires, and the Philippines.<sup>204</sup> Furthermore, most native voyagers came from or returned to important American cities such as Quito, Trujillo, Lima, and Cuzco. As suggested by Alison

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<sup>203</sup> I base this contention on the fact that traveler's licenses do not include interpreters and that the officials of the House of Trade usually employed the label of "ladino" to describe the passengers. Moreover, witnesses summoned to declare in these licenses were also urban residents. See Appendix 1 for a list of sources.

<sup>204</sup> The term "criado," in this context, implied more a relationship of client to patron, or one of employee to employer, than it did a fixed low status. Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 70, 261-62. To cite but two examples, Don Juan Pedro Chuquival, *cacique* of Chachapoyas and interpreter of the *Audiencia*, voyaged with Don Pedro de Acuña, governor of Cartagena. Jacinto Ramos Chuquillanqui, and Indian from the Jauja Valley, traveled with Alonso Ruiz de Bustillo, *corregidor* of Castrovirreina, who kept the Indian traveler, whom he claimed to have known for many years, in his house in Spain. "Expediente de información y licencia de pasajero a Indias de Juan Pedro Chuquival, Cacique de la ciudad de los Chachapoyas, natural de Perú, a Perú," ms., 12.31.1593. AGI, Contratación, 5241, n. 2, r. 42; "Expediente de información y licencia de pasajero a Indias de Jacinto Ramos Chuquillanqui, indio natural del Valle de Jauja, a Perú," ms., 3.11.1624. AGI, Contratación, 5388, n. 54.

Games, the Atlantic perspective "deemphasizes any single place" while keeping in mind that "some regions within and around the Atlantic enjoyed disproportionate political power at different points in time."<sup>205</sup> From the viewpoint of indigenous voyagers to the Habsburg court, urban settings, and especially the viceregal seat of Lima, where the royal officialdom and the ecclesiastic hierarchy ultimately converged, occupied such a central position.

Atlantic travelers were part of a larger population flow moving from the rural to the urban areas. Throughout the colonial period, the City of Kings remained a place of temporary and permanent Indian migration, especially from the northern and central regions of the kingdom of Peru. Lyn Lowry has estimated that, by the 1560s, an average of three thousand temporary workers (*mitayos*), levied from some twelve provinces of Lima's administrative district, gathered to work in the city every winter. *Mitayos* built bridges and roads, maintained the aqueducts, cleaned the city, erected and maintained private houses, and planted vineyards and sowed fields for Spanish residents. An increasing number of them, however, managed to stay beyond their required time, swelling the ranks of a floating population of immigrants upon whom traditional authorities and communities had much less control.

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<sup>205</sup> Games, "Atlantic History: Definitions, Challenges, and Opportunities." See also Bailyn, *Atlantic History: Concept and Contours*, 59-62, Canny, "Writing Atlantic History; or, Reconfiguring the History of Colonial British America," 1108. For the asymmetries of power that characterized such interconnected Atlantic systems, see Gould, "Entangled Histories, Entangled Worlds: The English-Speaking Atlantic as a Spanish Periphery." For the centrality of Lima as the symbolic center of royal power, see Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 288, Alejandra B. Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis* (New York: Palgrave Macmillan, 2008).



As in other regions of the viceroyalty, migrants settled in Indian suburbs, Spanish households, ranches, *haciendas*, the Hospital of Santa Ana, and the Indian ward of Santiago del Cercado (founded in 1575). In seventeenth-century Lima, they constituted almost 50 percent of the Indian population. In Cuzco, they represented about 40 percent at the same time. Of those who provided a date for their arrival to Lima, 19 percent claimed to have been in the city for less than a year, while 42 percent said they had spent between one and five years there. Over a quarter of all migrants to Lima declared that they moved directly from important provincial cities, a significant clue to their familiarity with urban society and culture. In Lima and other cities, Indian emigrants became, for the most part, retainers, unskilled and skilled wage laborers, artisans, tenant farmers, and domestic and church servants.<sup>206</sup>

Moving to a Spanish city required that migrants rebuild their social networks and acquire novel positions within the urban milieu. As has been recently observed by Karen Graubart, colonial urban societies gave rise to "new situations—new hierarchies, social spaces, occupations, classes, and categories of people."<sup>207</sup> Especially concerning the latter, parallel processes of creolization and ethnogenesis, which in turn implied complementary positional identities, must have been at work here. On the one hand, urban Indians became part of a growing "creole" population, whom observers

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<sup>206</sup> By the 1620s, the number of *mitayos* had decreased to some 1200 workers every year. Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 11-14, Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, 379, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 68, 177, Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*, 107. For the *indios urbanos* of colonial Quito and Cuzco, see, respectively, Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, 46, Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*, 112-24. For Cajamarca and Trujillo, see, respectively, Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640.", Aude Argouse, "¿Son Todos Caciques? Curacas, Principales E Indios Urbanos en Cajamarca (siglo XVII)," *Bulletin de l'Institut Français d'Etudes Andines* 37, no. 1 (2008). Tentative populations numbers for the Indian ward of El Cercado, which take racial classifications literally, are provided in Mario Cárdenas Ayaipoma, "Demografía del Pueblo de Santiago del Cercado," *Revista del Archivo General de la Nación* 8 (1985).

<sup>207</sup> Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640," 473.

sometimes criticized for having abandoned their previous *naturalezas*. The inhabitants of Lima perceived Creoles as sharing some basic socio-cultural features due to their similar class and status. However, "creole" could also be a term for self-definition with a more positive connotation. Perhaps they perceived themselves as a separate community as well, for they shared "ordinary" and "extraordinary" experiences as "urban Indians."<sup>208</sup>

This permanent migration involved, on the other hand, a complementary process of ethnogenesis, whereby dynamic Indian cultures were "reconstituted and redistilled as new, but not entirely unfamiliar, cultural formations."<sup>209</sup> Full membership and participation in key institutions must have allowed for the recreation and reassertion of urban Indian identities. These institutions included the native battalions of the city (probably formed in the late sixteenth century) or, on a lower level, the Indian religious brotherhoods, organized around the cult of a saint or the different manifestations of the virgin, and the craft confraternities of masons, stonecutters, carpenters, joiners, tanners, tailors, shoemakers, and so on.<sup>210</sup> Yet, it would be interesting to explore how these new loyalties intersected with the older ethnic identifications brought from the provinces to the city. Historians

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<sup>208</sup> For a discussion of ethnogenesis processes in the Andes, especially as they related to internal migration, see Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, 183. Powers defines ethnogenesis as "the process by which distinct ethnic cultures are continually recreated over time, especially cultures that have experienced colonization." I also borrow these ideas about creolization and ethnogenesis from David Brown's analysis of Afro-Cuban religions. In his work, partly based on Stephan Palmié's ideas on ethnogenesis, Brown contrasts "extraordinary experiences"—highly marked or framed performance events—to ordinary, day-to-day, more or less marked experiences. David H. Brown, *Santería Enthroned: Art, Ritual, and Innovation in an Afro-Cuban Religion* (Chicago: University of Chicago Press, 2003), 27–28, 50. Other important works for the Andes are Abercrombie, *Pathways of Memory and Power: Ethnography and History among an Andean People*, Luis Miguel Glave, *Vida, Símbolos y Batallas: Creación y Recreación de la Comunidad Indígena. Cuzco, siglos XVI-XX* (Lima: Fondo de Cultura Económica, 1993), Penry, "Transformations in Indigenous Authority and Identity in Resettlement Towns of Colonial Charcas (Alto Peru)".

<sup>209</sup> Brown, *Santería Enthroned: Art, Ritual, and Innovation in an Afro-Cuban Religion*, 27–28.

<sup>210</sup> Paul Charney has called this process, in somewhat imprecise terms, "a new sense of belonging." Charney, "A Sense of Belonging: Colonial Indian Cofradías and Ethnicity in the Valley of Lima, Peru." See, also, David Eltis, "Atlantic History in Global Perspective," *Itinerario* 23, no. 2 (1999). For the importance of institutions as a "framework" for understanding complex processes of acculturation and cultural transmission (and thus, of the need to distinguish between "society" and "culture") see Sidney Mintz and Richard Price, *The Birth of African-American Culture: An Anthropological Perspective* (Boston: Beacon Press, 1992), esp. chapter 1.

have established that Indian émigrés found many ways to keep the connections with their home communities alive. Migrants, especially those from the highland areas adjacent to Lima, maintained economic ties with those staying back home, retaining landholding rights, paying tribute, and periodically journeying back and forth to visit their relatives.<sup>211</sup>

The use of the term "creole" in notarial records from colonial Trujillo indicates that, for some of these creole Indians, the label set apart "those among them born in cities, with ties to multiethnic urban institutions, rather than those born in rural communities, where they would have been integrated into ayllus or other kin-based networks."<sup>212</sup> From an outsider's perspective—that of a *mestizo* interpreter of the *Audiencia*—when Indian migrants of Lima called themselves "creoles," they did so "with the excuse of living among the Spaniards and thus of having been naturalized among them." It was not necessarily an excuse, however. They had become *naturalizados* (acquired a new urban *naturaleza*) after working and residing in the city for several years, buying land in the urban hinterland, accumulating wealth, and forming new social relations there.<sup>213</sup> The exterior signs of acculturation

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<sup>211</sup> Scholars have reached similar conclusions for Lima, Cuenca, Quito, Cuzco, and Huamanga. For example, many northern *caciques* of the Quito region knew the whereabouts and occupations of Indian absentees living in that city. Artisans and domestic servants, along with shepherds, *mitayos* and laborers in nearby rural estates and textile mills, worked under the supervision of an official from their community. See Charney, "Negotiating Roots: Indian Migrants in the Lima Valley During the Colonial Period," 6-8, 14-16, —, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 12, Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 154-55, Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, 73, Wightman, *Indigenous Migration and Social Change: The Forasteros of Cuzco, 1570-1720*, 123.

<sup>212</sup> Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640," 493. Graubart further contends that, in Lima and Trujillo, "there was a community [...] where it was applied self-consciously and without a pejorative connotation. It was instead an assertion of a positive group identification being constructed by indigenous immigrants and their children, now constructing their own social networks and hierarchies."

<sup>213</sup> Contemporaries held similar ideas about Africans and their descendants. In 1653, Francisco Bioho a free *moreno* from Guinea, identified himself at the royal court as "moreno libre, nacido en Guinea, y naturalizado desde edad de diez años en la Ciudad de los Reyes del Pirù, donde tiene su casa, y familia. "Sobre pretensiones de Francisco Biobo, moreno libre," ms. 1653. AGI, Lima, 16. For the "indios naturalizados" of Cuenca, see Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 208.

were the most visible marks of this transformation, though not necessarily the most profound.<sup>214</sup> Creoles had changed their "traxe y lenguaxe," dressing "en abito de españoles" and wearing "roan, *olandas*, cloths, and silks" instead of the more traditional wool and cotton that had become associated with Indians in rural areas.<sup>215</sup> Creoles ate bread and meat; they preferred wine over corn beer (*chicha*). The men cut their hair short and carried weapons, mainly daggers and swords, without viceregal license. Both sexes spoke Spanish and changed their names and surnames "a la usança de los españoles." Claiming to be "creoles, ladinos, and men of the trades," they and their children refused to fulfill their tribute and labor obligations. According to the same *mestizo* observer, "all or most of them are rich people; many own two or three slaves." In Lima, as Guaman Poma put it, "store keepers, shoemakers, tailors, and potters call themselves "dones" and "doñas," "licentiates" and "doctors."<sup>216</sup>

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<sup>214</sup> About the notion of "deceit of visibility," which privileges "[what] we can see, tease apart, and describe" as the most important signs of cultural mixture, see Dean and Leibshon, "Hybridity and Its Discontents: Considering Visual Culture in Colonial Spanish America." For an excellent discussion of the creolized ideas of Lima's urban residents about magic and *el más allá*, see Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*. Other relevant works include Luis Millones, *Las Confesiones de Don Juan Vázquez*, 1. ed., *Travaux de L'institut Français D'études Andines* 158 (Lima: Instituto Francés de Estudios Andinos; Pontificia Universidad Católica del Perú, 2002), Ana Sánchez, *Amancebados, Hechiceros y Rebeldes: Chancay, siglo XVII*, *Archivos de Historia Andina* 11 (Cuzco: Centro de Estudios Regionales Andinos Bartolomé de las Casas, 1991).

<sup>215</sup> Lyn Lowry notes that, in sixteenth-century Lima, the "standard" dress for an Indian implied a piece of *abasca* clothing, that is, a mantle and tunic of *abasca*. In the seventeenth century, however, "few urban contracts still stipulate this simple dress, which remained the rural costume". Most urban Indians used "breeches [calzones de cordellate], felt hats [sombbrero de fieltro] and shoes [zapatos de cordobán] in addition to this basic costume." Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 222. For the "indios en hábito de español" of Cuenca, see Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*.

<sup>216</sup> "Memorial con diez capítulos y advertencias que presenta Juan Vélez al Virrey Marqués de Montesclaros," ms. 1612. AGI, Lima, 143. According to Vélez, "muchos que salieron de sus pueblos siendo niños como an mudado traxe y lenguaxe no pueden ser conocidos, i algunos de los que hallan se defienden con dezir que ellos estan ya naturalizados entre españoles, y para esto como dicho es se mudan los traxes y nombres a la usança de españoles." Guaman Poma de Ayala also discusses *indios criollos* extensively. See Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 450, 834-922, esp. 871. Upon arriving to the City of Kings, he observes, "el dicho autor, auiendo entrado a la dicha ciudad de los Reys de Lima, uido atestado de yndios ausentes y cimarrones hechos yanacunas, oficiales ciendo mitayos, yndios uajos y tributarios, se ponian cuello y ci bestia como español y se ponía espada y otros se tresquilaua por no pagar tributo ni seruir en las minas. Ues aquí el mundo al rreués." —, *El Primer Nueva Corónica y Buen Gobierno*, 1138. As noted by Steve Stern, "Indians could achieve economic success only if their socioeconomic 'strategy' shielded them, in part at least, from colonial expropriations and from redistributive



Figure 4. Criollos y criollas indios

Throughout the colonial period, this fluid and dynamic sector of *indios principales* no doubt incorporated some *caciques* and *cacicas* of Indian towns surrounding Lima and their close relatives, who could become wives of prominent *indios criollos*, or militia or trade confraternity officers, *alcaldes mayores*, and interpreters of the city. (Conversely, wealthy commoners could and did gain entry into the *cacique* class of older and well-established neighboring communities through marriage and other means.) It is

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obligations to poorer Indians." Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 162. For previous treatments of this specific topic, see Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)".



my impression, however, that traditional *caciques* represented a minority within this group, at least in Lima.<sup>217</sup> The boundaries could be blurry and the urban dynamics of caste and class could be extremely complex, but that is precisely the point. One must bear in mind that military and bureaucratic service, especially as we move further into the colonial era, could grant elite status and de facto nobility, making elite urban Indians indistinguishable in practice from a *cacique*, an Indian governor, or a lesser *indio principal*, even more so when visiting the Habsburg court. Members of the elite sector of Lima marked their status through privileges and honors initially restricted to *caciques*, but later opened to Indian captains, *alcaldes mayores*, and interpreters of the *Audiencia*. The right to dress as a Spaniard or carry swords and daggers, as the Crown had authorized *caciques* to do since the early 1550s, is a clear example. Some of these *indios principales* even secured the admittance of their sons in the Jesuit schools for Indian nobles.<sup>218</sup>

In this sense, creolization implied a crucial redistribution of authority. A new urban power structure, largely independent from the Indian communities' internal mechanisms of legitimizing authority, emerged to rule

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<sup>217</sup> I have looked for Atlantic travelers within the universe of traditional *cacique* lineages of Lima and its surroundings without success. For reconstructions of these lineages, see Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 103, 75-80, Miguel Arturo Seminario Ojeda, "Caciques de Lima, Carabayllo, Huacho, Lunahuaná y Huachipa," *Revista del Archivo General de la Nación*, no. 19.

<sup>218</sup> About the privilege of carrying weapons on public occasions, see Viceroy Count of Santisteban's 1663 edict proclaiming that "no Indian, mulatto or Negro [sic] carry a word, dagger, knife, or machete." "Only those—the edict added—who were presently military officers such as captains, ensigns, aides, and sergeants of said companies of Indians, mulattoes and Negroes [sic] could carry them." Josephe de Mugaburu and Francisco de Mugaburu, *Chronicle of Colonial Lima; the Diary of Josephe and Francisco Mugaburu, 1640-1697* (Norman: University of Oklahoma Press, 1975), 82-83. For an Indian of Quito who, at the royal court, received the privilege of carrying a sword and a dagger in exchange for his services and those of his father, see "Real Cédula al Presidente y oidores de la Audiencia de Quito para que den licencia, si no hay inconveniente, a Hernando Coro Chaves, indio de Quito, para llevar ciertas armas," ms. San Lorenzo, 4.4.1587. AGI, Quito, 211, l.2, f. 197r-v. After writing to the king in 1657, and in spite of his unproven nobility, Don Felipe Carguamango de la Paz, the captain of an Indian squadron, secured from the viceroy a place for his son in the School for Indian nobles run by the Jesuits in Lima. Don Francisco de Heriza Paz Carguamango, a captain like his father and a traveler to the king's court, received his education at the "esuela de el Cercado donde enseñan a leer a los hijos de las personas nobles y prinzipales y para ser admitidos se da memorial para la grazia y conseguir el puesto al Birey." "Carta de Don Felipe Carguamango a S.M.," ms. 7.6.1657. AGI, Lima, 169; "Informaciones: Francisco de Heriza," ms. 1669. AGI, Lima, 259, n. 10.

over the indigenous population of Lima. At the lowest level, the majors (*alcaldes*) of the municipal council of El Cercado, who administered justice in the first instance and fulfilled other policing duties associated with these officials in other urban and rural areas, shared an important quota of power.<sup>219</sup> Apparently, artisan guilds and Indian parishes had their *alcaldes* as well.<sup>220</sup> Masters of craft confraternities and stewards of parishes and religious brotherhoods enjoyed their own quotas of power, as they were in charge of managing the finances and sponsoring the religious festivals of their organizations. Moreover, in Spanish centers such as Quito, Cuzco, Trujillo, and Lima, the post of *alcalde mayor* (a high honor granted by the viceroy, not to be confused with its counterpart in New Spain) presided over native municipal councils. Therefore, the Indian *alcalde mayor* was above the regular *alcaldes*, elected every one or two years by the Indian notables of the city, but immediately below the Spanish *corregidor de los naturales*.<sup>221</sup>

In the city, the accumulation of political power seems to have been the consequence, rather than the cause, of economic stratification (although the

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<sup>219</sup> The town council of El Cercado had two mayors and four aldermen, as well as a bailiff and notary or *quipucamayoc*. The School for Indian nobles, a music school, a parish church, a prison house, and Indian court, four religious sodalities, and the sanctuary of Nuestra Señora de Copacabana (where Indians sometimes held the annual elections for the council) were also located in the Indian ward. As Lyn Lowry concludes, "Indian civic life could be said to be centered in the Santiago del Cercado." See also Emilio Harth-Terré, "El Esclavo Negro en la Sociedad Indoperuana," *Journal of Inter-American Studies* 3, no. 3 (1961): 304, 18, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 131-36, 58. For the duties of the Indian *alcaldes*, see Viceroy Toledo's "Ordenanzas generales para la vida común en los pueblos de indios," Arequipa, 11.6.1575, included in Sarabia Viejo, ed. *Francisco de Toledo: Disposiciones Gubernativas para el Virreinato del Perú. Volumen 2: 1575-1580*, 217-66. Apparently, the town council of El Cercado was dominated by artisans in the early 1600s, see Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 91, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 252-54.

<sup>220</sup> In Cuenca, artisan guilds elected their own *alcaldes*. According to Poloni-Simard, these mayors were usually of a plebeian background. Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 328.

<sup>221</sup> In Cuzco, for instance, the Crown reorganized the natives into parishes circa 1559-60. Each of these Indian parishes received its own *alcalde*. To rule over the Indians organized in parishes, Don Alonso Tito Atauchí (himself *alcalde* of the parish of San Cristóbal) was appointed *alcalde mayor* by Viceroy Marquis of Cañete. The *alcalde mayor* had the privilege of wearing the Inca royal fringe for the feast of Santiago. *Alcaldes mayores* in Potosí had duties related to the organization of *mita* labor at the silver mines. See Waldemar Espinoza Soriano, "El Alcalde Mayor Indígena en el Virreinato del Perú," *Anuario de Estudios Americanos* 17 (1960): 207, Catherine Julien, "La Organización Parroquial del Cuzco y la Ciudad Incaica," *Tawantinsuyu* 5 (1998): 86, Rowe, "Colonial Portraits of Inca Nobles," 264.

latter evidently reinforced the former). In part, that a significant number of these permanent migrants, eventually, had become *caciqueless* facilitated this process. As Lowry observes, the Crown did not resettle immigrants under any *caciques* in Lima officially.<sup>222</sup> Instead, most creoles had managed to place themselves beyond the purview of their traditional lords and the redistributive obligations of their communities. The 1613 census of the Indians of Lima lists myriad individuals who highlight their independent status as part of their creole identity. They recognized no *cacique* because they were either too young when they left their town or too smart to remember the name of their lord (in order to avoid tributary obligations). As one of them put it, "no tienen cacique los criollos y son de la corona real" (that is, they had no *encomendero* either).<sup>223</sup> The weakening of older loyalties among these immigrants helps to explain the gradual emergence of a legal discourse based on an all-encompassing Indian Nation, decentered from any particular lineage, community or province.

Along with political power came social prestige within the city. An important clue about this process of elite consolidation, which indigenous journeys to Spain partially mirror, comes from a 1734 power of attorney signed by the native urban leadership in order to appoint a *procurador* that would represent the Indians of the city. For this writing event, the Indian head of the city fashioned itself as three separate guilds or *gremios*. Arranged in order of preeminence, these *gremios* were 1. The "military men" (or "militia officers") of the city; 2. The "caciques and governors" of

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<sup>222</sup> Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 129.

<sup>223</sup> Miguel de Contreras, *Padrón de los Índios de Lima en 1613* (Lima: Universidad Nacional Mayor de San Marcos, 1968), 149, 64, 220, 27, 300, 09, 37, 426, passim. Several Indians gave similar statements: "ser criollo de esta ciudad y como tal no tiene cacique ni encomendero ni lo tienen los criollos;" "no tiene cacique porque es criollo," and so on. In his study on Cuenca, Poloni-Simard also notes the existence of Indian traders and artisans who "se sustraían en parte a los marcos de la parcialidad." Within the city, some wards had no "base étnica." There, Indian *forasteros* shared some of the characteristics of the *criollos* of Lima. Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 122, 99.

surrounding towns and provinces (outside the city); 3. The "master craftsmen" of the guilds of Indian shoemakers, tailors, and hatters (perhaps the oldest and most prestigious artisan guilds).<sup>224</sup> The distinction between "militia officers" and "caciques and governors" is revealing. Despite common aspirations of wealth and social prestige, these groups could be traced back to two different social segments with differing sources of authority and mechanisms of self-preservation and identification.<sup>225</sup>

First, as Karen Spalding had suggested, wealthy and influential Indians were drawn to the prestigious urban militia of Lima because military service to the king was "a credit that could be presented by a person ambitious for other offices."<sup>226</sup> To this, I would add that military service in Lima attracted individuals who, although prominent, well connected, and wealthy, did not have easy access to the aristocratic title of *cacique*. Lowry's contention that militia posts in Lima "were held by descendants of

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<sup>224</sup> "Poder general. Los militares y caciques principales de este reino y maestros de oficios [...] a Don Valentín Mino Llulli," ms. El Cercado, 10.14.1734. AGN, Protocolos, n. 925 (Francisco Roldán), f. 2r-3v. For an analysis of this document as part of the campaign of the Indians of Lima to appoint their own attorneys and defenders, see Carrillo Ureta, "La Única Voz por donde los Yndios Pueden Hablar": Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)." Don Valentín, the *procurador*, was not a local *cacique* but a native from Lambayeque, a standard-bearer, and a steward of two Indian *cofradías*. However, the Mino Llullis had some ties with the local Indian aristocracy. One José Antonio Mino Llulli Xefcumphumpi married into the family of *caciques* of Amancaes in the eighteenth century. María Rostworowski, *Señoríos Indígenas de Lima y Canta* (Lima: Instituto de Estudios Peruanos, 1978), 98. Moreover, as early as in the 1590s, one Don Marcelo Minollulli had litigated for the *cacicazgo* of Lambayeque. Jorge Zevallos Quiñones, *Los Cacicazgos de Lambayeque* (Trujillo: Gráfica Cuatro, 1989), 69.

In an analogous case, the *cabildo de naturales* of Cajamarca organized the festivities of Corpus Christi in 1684. The natives performed the corporate Indian identity of the town through the combination of the old *guarangas* and *pachacas* and the more recent artisan guilds. The council was composed of two mayors, four aldermen, some bailiffs, one notary, and other minor posts. As Jorge Zevallos notes, the post of *cacique principal y gobernador* of the seven *guarangas* of Cajamarca as such was absent during the festivities. —, "Consideraciones sobre la Fiesta del Corpus en Cajamarca el Año 1684," in *Historia: Problema y Promesa. Homenaje a Jorge Basadre*, ed. Francisco Miró Quesada, Franklin Pease G.Y., and David Sobrevilla (Lima: Pontificia Universidad Católica del Perú, 1978).

<sup>225</sup> The military career of the Inca nobility of Cuzco during the colonial period included officers such as the "sargento mayor de naturales," the "comisario general de caballería y gobernador de las armas del gremio de nobles," and the "sargento mayor de la Compañía de los Incas Patricios." See Cahill, "The Inca and Inca Symbolism in Popular Festive Culture: The Religious Processions of Seventeenth-Century Cuzco," 124, —, "The Virgin and the Inca. An Incaic Procession in the City of Cuzco in 1692.", O'Phelan, *Kurakas Sin Sucesiones: del Cacique al Alcalde de Indios (Perú y Bolivia 1750-1830)*, 34, —, "Repensando el Movimiento Nacional Inca del siglo XVIII."

<sup>226</sup> Spalding, *Huarochiri, an Andean Society under Inca and Spanish Rule*, 230.

prehispanic elites" does not seem completely well-founded.<sup>227</sup> Paul Charney seems closer to the reality of seventeenth-century Lima when he states, "Both nobles and non-nobles [...] made up the new Indian leadership."<sup>228</sup> Around 1615, Felipe Guaman Poma, an early witness of the emergence of these military companies, was already criticizing the appointment of captains and sergeants who were "poor," "low-status," and "tribute-paying" Indians, some of them natives of Lima. In his view, the situation constituted a dishonor to the "caualleros y principales y señores, capitanes de buena sangre" as well as a disservice to God and king, to the Indian Republic, to the city, and to the entire kingdom.<sup>229</sup>

Yet, to Guaman Poma's dismay, this is what was happening at the turn of the century. The 1613 census of Lima registers two commanders of infantry companies. Don Francisco de Sanzoles, "captain of the *naturales*," was a sixty-year-old tailor from the neighboring valley of Jauja. The other captain, Pedro Blas, was a fifty-eight-year-old laborer (*chacarero*) and a native of the city of Trujillo, another important pole of migration to Lima.<sup>230</sup> Guaman Poma's statement about the "poverty" of these individuals

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<sup>227</sup> Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 125. In a similar argument, Waldemar Espinoza Soriano has contended that *alcaldes mayores* belonged to "the highest native aristocracy, be they curacas or Inca nobles." When contrasting the identity of the *alcaldes mayores* of sixteenth-century Lima to those of the next century, however, there emerges the same pattern of upward mobility that characterized the career path of the Indian sergeants and captains discussed above. *Alcaldes mayores*, who apparently fulfilled their duties for life, increasingly rose through the ranks of wealthy Indian artisans, interpreters, and petty officials. Waldemar Espinoza Soriano, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI," in *Etnohistoria Ecuatoriana. Estudios y Documentos* (Quito: Abya-Yala, 1988).

<sup>228</sup> Charney, *Indian Society in the Valley of Lima, Peru, 1532-1824*, 90-91.

<sup>229</sup> "Ciendo yndio bajo pobre, no se le puede señalar por ca[pit]án ni sargento ni otros oficios de cargo honroso a yndio bajo ni a otra generación porque está agraviado los dichos caualleros y principales y señores, capitanes de buena sangre. Y en mandallo a l[os tri]butarios, picheros es des en seruicio [sic: deservicio] de Dios y de su Magestad y mal de la rrepú[blica] y daño de la ciudad y del rreyno y de la ley." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 909-10.

<sup>230</sup> Contreras, *Padrón de los Índios de Lima en 1613*, 282-83, 385. Pedro Blas grew up in the home of his *encomendero* and had been living in Lima for four decades. My efforts to locate Don Francisco de Sanzoles among the members of the *cacique* lineages of the Jauja Valley have been unsuccessful. His Spanish surname might denote an early migration to the city, as well as the early influence of a Spanish patron. Don Francisco had two sons; one was a "maestro de danza" and the other, a tailor, like his father. One Don Juan Curibilca, master tailor and a native of Huamanga, is listed in the 1613 as "sergeant mayor" of the Indians of the city. He declared his

reflects more his ideal equation of caste and class than the realities of urban life. Fulfilling such posts in a squadron demanded that the individual be financially well off. In 1613, Don Francisco de Sanzoles owned three houses in Lima. Pedro Blas, also a captain of the Indians, owned one house and one black slave.<sup>231</sup> In 1726, Don Lorenzo de Avendaño, *comisario general* of the Indian cavalry batallion of the city, told the king about

los muchos servicios que he hecho a su Magestad en diferentes ocasiones que se han ofrecido, y puestos que he obtenido desde que fui cabo de escuadra, pase a sargento y los demas hasta el que al presente tengo de comisario general de la caballeria de los Yndios, el qual estoi y ejerciendo dies ya seis años, haviendo que sirvo a su Majestad desde la edad de dies y ocho años hasta la edad de cuarenta y un años que al presente tengo ; y todo esto sin renta ni salario ni otra remuneración alguna mas de sola la de merecer emplearme en el servicio de su Magestad.<sup>232</sup>

Thus, sergeants and captains received no pay and the latter had to feed, outfit, and mobilize the men under their command from their own pocket.

Interestingly enough, however, Don Lorenzo de Avendaño had won access to the post of governor and *segunda persona* of the town of Miraflores (Lima). As in the case of these military ranks, moreover, individuals other than the *caciques* of the nearby provinces would increasingly monopolize the post of *alcalde mayor* in Lima, especially in the seventeenth century.<sup>233</sup>

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*cacique* was also his brother. Curibilca and his wife, the daughter of another *cacique*, declared no "hacienda." —, *Padrón de los Índios de Lima en 1613*, 101. Don Carlos Chimo, another traveler to court, was a master embroiderer in Trujillo, as well as the sergeant mayor of the Indians of Saña. "Compulsoria en forma por apelacion de don Carlos Chimo principal de el pueblo de Lanbayeque Jurisdiccion de la ciudad de Saña en los autos contra el fechos de ofiçio por el corregidor de la ciudad de Truxillo," ms. 1641. ARLL, Corregimiento, Causas Criminales, leg. 245, exp. 2518. For the case of Don Vicente Mora Chimo, of a similar social background, see Mathis, "Vicente Mora Chimo, de "Indio Principal" A "Procurador General de los Indios del Perú": Cambio de Legitimidad del Poder Autóctono a Principios del siglo XVIII."

<sup>231</sup> For a comparison with other "indios ricos" living in El Cercado, see Harth-Terré, "El Esclavo Negro en la Sociedad Indoperuana," 305.

<sup>232</sup> Mathis, "Une Figure de la Première Globalisation de L'amérique Espagnole: Vicente Mora Chimo Ou L'itinéraire Original D' Un Cacique Hispanisé de la Côte Nord Du Pérou À la Cour D'Espagne Au Début Du Xviii Siècle", 479-81.

<sup>233</sup> Evidently, the post of *alcalde mayor* was available to influential *caciques* and lesser *indios principales* (sons, nephews, and brothers of *caciques*, for example), both in their own provinces and in a few other urban centers such as Quito, Trujillo or Potosí. The opposite, however, was not necessarily true. For examples of *caciques* appointed as *alcaldes mayores* and *capitanes* of Quito, Cuenca, and Potosí since the late 1570s, see Espinoza Soriano, "El Alcalde Mayor Indígena en el Virreinato del Perú," 259-81, Poloni-Simard, *El Mosaico Indígena: Movilidad*,

Second, the titles of *alcalde mayor* that have survived show that the source of power of these incumbents as well as the mechanisms through which they were elected and ratified were essentially different from those of the traditional native elite.<sup>234</sup> Like other posts and honors sought by *indios principales* of the city—such as those of official interpreter or captain of an Indian battalion—these appointments were the exclusive prerogative of viceroys and *Audiencia* judges (their decision being later ratified by the Council of the Indies). Even though captains enjoyed the privilege of selecting their standard-bearers and sergeants, they too had to receive confirmation from the viceroy. In the sixteenth century, many self-identified *caciques* requested these titles at the royal court. To judge by other requests made before the Council of the Indies, Indians from Lima and elsewhere sought these military posts, especially during the seventeenth century.<sup>235</sup>

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*Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 100. In the early 1580s, Agustín Guascata, son of the *cacique* of Huamachuco, requested at court the staff of "Alguacil Mayor" of Huamachuco, "y que para exercer el dicho officio pudiese andar vestido como español y con espada y daga." In 1595, Don Cristóbal Julcapoma, an *indio principal* of Cajamarca, requested the staff of "Alcalde de la Santa Hermandad de los Naturales" of the provinces of Cajamarca, Huambos, and Huamachuco, "con todos los fueros y derechos que un español del tal oficio tiene para mi y mis descendientes." Also in 1595, Don Juan de la Cruz Chuquibalqui, a *principal* from Chachapoyas, requested the staff of "alcalde mayor de los naturales" of that Spanish city. "Real cédula al Virrey del Peru que fauorezca y ayude en lo que ouiere lugar a Agustín Guascata, Yndio", ms. Santarén, 7.5.1580. AGI, Lima, 579, lib. 6, f. 60 v-61r; "Don Christobal Julcapoma cacique principal de Caxamarca sobre que se le de aquel corregimiento," ms. 1595. AGI, Lima, 132; "Real cédula al Virrey del Peru remitiendole lo que pide Don Cristóbal Xulcapoma yndio principal de Caxamarca...", ms. Madrid, 4.19.1595. AGI, Lima, 581, l. 11, f. 111v-12r; "Don Juan Chuquibalqui, natural de la çibdad de chachapoyas en los rreinos del piru," ms. 1595. AGI, Lima, 132.

<sup>234</sup> For the "election" and ratification of *caciques* in rural communities, see José Luis Martínez Cereceda, *Autoridades en los Andes: los Atributos del Señor* (Lima: Pontificia Universidad Católica del Perú, 1995).

<sup>235</sup> In the early 1580s, Agustín Guascata, son of the *cacique* of Huamachuco, requested at court the staff of "Alguacil Mayor" of Huamachuco, "y que para exercer el dicho officio pudiese andar vestido como español y con espada y daga." In 1595, Don Cristóbal Julcapoma, an *indio principal* of Cajamarca, requested the staff of "Alcalde de la Santa Hermandad de los Naturales" of the provinces of Cajamarca, Huambos, and Huamachuco, "con todos los fueros y derechos que un español del tal oficio tiene para mi y mis descendientes." Also in 1595, Don Juan de la Cruz Chuquibalqui, a *principal* from Chachapoyas, requested the staff of "alcalde mayor de los naturales" of that Spanish city. "Real cédula al Virrey del Peru que fauorezca y ayude en lo que ouiere lugar a Agustín Guascata, Yndio", ms. Santarén, 7.5.1580. AGI, Lima, 579, lib. 6, f. 60 v-61r; "Don Christobal Julcapoma cacique principal de Caxamarca sobre que se le de aquel corregimiento," ms. 1595. AGI, Lima, 132; "Real cédula al Virrey del Peru remitiendole lo que pide Don Cristóbal Xulcapoma yndio principal de Caxamarca...", ms. Madrid, 4.19.1595. AGI, Lima, 581, l. 11, f. 111v-12r; "Don Juan Chuquibalqui, natural de la çibdad de chachapoyas en los rreinos del piru," ms. 1595. AGI, Lima, 132. In 1664, Don Juan Crisóstomo Atahualpa, who claimed

There seems to have been little participation of the Indian population of the city in this process. Royal authorities chose captains, *alcaldes mayores*, and interpreters among the well-connected Indians whom they deemed good Christians, literate in Castilian, and, especially, very familiarized with the laws of the kingdom. They must have enjoyed direct access to the privileges and obligations circulating through the viceregal economy of favor. The ability and social connections of these individuals translated, in turn, into multiple appointments and honors. From the late sixteenth century onwards, viceroys chose interpreters of the *Audiencia* as judges, assistants in tribute reassessments and land-title confirmation hearings. Although exceptionally, some interpreters even became administrators of communal funds and defenders of the natives.<sup>236</sup> In fact, I would suggest that, in a typical example of the "checks and balances" style of government, viceroys and *Audiencias* preferred to appoint these individuals to undertake tasks that rural *caciques* could not or were not willing to fulfill in the city, rewarding these clients with alternative honors and appointments.<sup>237</sup>

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to be the son of an "indio principal, casique y gobernador en la demarcacion de Guamanga en el Piru," requested the "sargentia mayor de las compañías de yndios de la ciudad de Guamanga,". Although the Council replied that "La sargentia mayor que pide este indio no ay aca ninguna noticia della ni de que aya Compañias de Indios en Guamanga," it addressed a letter of recommendation for the viceroy on behalf of Don Juan Crisóstomo. "Memorial de Don Juan Crisóstomo Atahualpa a S.M.," ms. 1662. AGI, Lima, 17. In her work about the Indian population of Lima, Lyn Lowry had already noted that the titles of "captain" and "sergeant" enjoyed great prestige, and that these military officers often held other offices in the city. Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 155.

<sup>236</sup> Guaman Poma de Ayala, interpreter of the *Audiencia*, illustrates this career path. For the most recent discussion of Guaman Poma's life and times, see Juan Ossio, *En Busca del Orden Perdido. La Idea de la Historia en Felipe Guaman Poma de Ayala* (Lima: Pontificia Universidad Católica del Perú, 2008). I have discussed the role of Guaman Poma de Ayala as *administrador* and *protector* in detail in Puente Luna, "Felipe Guaman Poma de Ayala, Administrador de Bienes de Comunidad." For his appointment as assistant of the judge in charge of the *composición de tierras* in Jauja and Huamanga, see José Carlos de la Puente Luna and Víctor Solier Ochoa, "La Huella del Intérprete: Felipe Guaman Poma de Ayala y la Primera Composición General de Tierras en el Virreinato del Perú," *Histórica* 30, no. 2 (2006): 14-17. Additional information about Guaman Poma's links to the *Audiencia* can be found in Elías Prado Tello and Alfredo Prado, *Phelipe Guaman Poma de Ayala: Y No Ay Remedio* (Lima: Centro de Investigaciones y Promoción Amazónica, 1991), 338.

<sup>237</sup> Viceroy Count of Lemos, for instance, promoted the expansion of the Congregación del Niño Jesús, an Indian religious corporation led by the Jesuits, by "honrando a los indios principales que son más asiduos y dándoles títulos de Capitanes, Sargentos, mayores y Maeses de Campos, de que se precian mucho, con lo cual la Congregación ha crecido mucho y han quedado tan agradecidos que se han obligado por escritura a celebrar todos los años, el 23 de Diciembre, una misa cantada, por los aciertos de mi gobierno. A esto se agrega el que a los indios Capitanes les ha



Finally, a partial overlapping of functions between old and new Indian authorities seems to have characterized the urban dynamics of native power, in what must have amounted to a tense coexistence. *Alcaldes mayores*, for example, had three main attributions. First, they were responsible for compelling Indians to fulfill their Christian duties and abandon their old rituals and ceremonies—a common accusation against creole Indians—summoning them to build churches and hear mass. Military officials performed similar policing activities among the Indian urban populations (thus, the post of *alcalde mayor* and the title of captain often went together). Sergeants, for instance, patrolled the urban space carrying the staff of royal justice. Led by their captains, they directed the construction of defensive walls and other public projects.<sup>238</sup> Second, *alcaldes mayores* ruled over civil and criminal court cases involving Indians (hence, the staff that they carried, symbol of royal justice). As such, they administered justice in summary form, aided litigants in the preparation of petitions and memoranda, and even heard appeals over rulings made by the Indian *alcaldes*. Finally, they were responsible for collecting the tribute and organizing the labor owed to the king by the natives living in urban centers. (Their real effectiveness in this last duty seems dubious, however.)<sup>239</sup>

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encargado hagan listas de los indios y las entreguen a los Curas, a fin de que éstos sepan si acuden o no a la doctrina." Vargas Ugarte, *Historia del Perú. Virreinato (siglo XVII)*, 345.

<sup>238</sup> For the city of Trujillo, see "Expediente seguido por Pablo Olmedo, indio criollo, sargento mayor de esta ciudad, contra Alonso Lucana, alcalde de los naturales de esta ciudad, indio; por desacato a la autoridad," ms. 1625. ARL, Corregimiento, Causas Criminales, Leg. 242, exp. 2368; "Expediente seguido por Gonzalo de la Madre de Dios, capitán de infantería de la compañía de los criollos naturales de Trujillo, sobre se les entreguen los arcabuses para armar su compañía, que están en la sala de armas que usaban antes los capitanes españoles y que están retirados," ms. 1686. ARL, Corregimiento, Causas Ordinarias, leg. 206, exp. 1494.

<sup>239</sup> For examples of *alcaldes mayores* in late-sixteenth century Quito, see Espinoza Soriano, "El Alcalde Mayor Indígena en el Virreinato del Perú," 216-21, —, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI.", —, "La Vida Pública de un Príncipe Inca Residente en Quito. Siglos XV y XVI." For descriptions of the *alcaldes*'s tasks, see the 1579 "Título de alcalde sin salario" issued by the Audiencia of Quito to Don Diego Figueroa Cajamarca, *alcalde mayor*, included in "Información sobre la ascendencia, linaxe y servicios al Rey de Don Diego de Figueroa Caxamarca, cacique de los mitimas Guayacondos en Quito y alcalde mayor de los naturales de la misma ciudad," ms. 1576-77. AGI, Patronato, 132, n. 2, r. 3, s.f. A partial transcription of this document, which omits several testimonies, has been published in —, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI." According to the 1576 proof of merit of Don Diego Figueroa Cajamarca, *alcalde mayor* of Quito, he "sin paga

Now, one must remember that an important portion of the Indian migrant population refused to pay tribute or render its labor back home, forcing *caciques* and their communities to assume the burden for these absentees or to sue them in colonial courts. De facto exemption from labor and tribute must have been a matter of constant negotiation and conflict.<sup>240</sup> Yet, since *alcaldes mayores* were concerned with the collection of tribute and the organization of labor among this floating population, they appropriated some of the traditional attributes of the Andean *caciques*, depriving them of part of their individual and collective wealth in the process.<sup>241</sup> Similarly, the judicial and policing duties of the urban *alcaldes mayores* as well as the ample jurisdiction granted to them by viceroys and *Audiencias* placed these

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alguna ayuda y defiende a los indios en sus necesidades, haciéndoles sus peticiones sobre sus tierras e indios y cosas que les tocan." A witness further testified, "el susodicho [Don Diego Figueroa] a ayudado a los yndios naturales en sus nescessidades haziendoles peticiones y hablando por ellos en cosas que se les ofrezcan." "Información sobre la ascendencia, linaxe y servicios al Rey de Don Diego de Figueroa Caxamarca..." In 1657, Don Felipe Carguamango requested the staff of "Alcalde Mayor" of Lima and its hinterland, "con juri[s]dicion Pribatiuo que sera esta m.d Para que con ella acuda a el amparo de los Yndios y de muchos que estan fuera desta çiudad que No se atreben entrar en ella a pedir su agrauio." AGI, Lima, 26; "Carta de Don Felipe Carguamango a S.M.," ms. Lima, 7.26.1657. AGI, Lima, 169. Appearing before the Council of the Indies in the 1660s, Don Pedro Chafo, interpreter of the *Audiencia*, requested the staff of "Alcalde Mayor" of the Indians of Lambayeque, his hometown, "con voz y boto de su cauildo pues con esta preheminiencia se facilitara la enseñanza y doctrina cristiana y la cobranza de los tributos de la Real hazienda." "Pedro Chafo Cabana Yndio principal del Pueblo de Lambayeque correjimiento de Saña en los Reynos del Peru," ms. 1670. AGI, Lima, 26. About Don Diego de Figueroa Cajamarca, *alcalde mayor* of the Indians of Quito, one royal official wrote, "Acuérdome que en Quito está don Diego de Figueroa, indio muy ladino, de mucha razón, que es alcalde mayor de los naturales y buen escribano, el cual, por ser tal justicia y gobernador de ellos, los tiene todos tan conocidos de muchos años a esta parte, que dentro de 6 días dará memorial de estos indios vagantes y peinados." Don Diego de Figueroa cacique de la Prouincia de Guamachuco que es de la corona Real en caxamalca de los Reynos del Peru," ms. 1598. AGI, Lima, 134.

<sup>240</sup> For a discussion of the conflicts aroused by the artisans' exemption from tribute in Cuenca, see Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 218.

<sup>241</sup> In 1626, for example, Don Antonio de Chaves, a native chanter and teacher from the town of Mansiche, signed a contract with the Indian stewards of the Nuestra Señora de la Asunción sodality founded in Trujillo. Aside from singing during the masses celebrated in honor of the virgin, Don Antonio was to teach the Indian children of the city how to "leer esrecribir, cantar y tocar algunos instrumentos como son chirimias, flautas, y otros." The *cacique*, the governor, and the mayors of his native town, however, demanded that he pay tribute and, in 1636, secured an order to send Antonio back to Mansiche. "Expediente seguido por Cristóbal Ruiz Montañés, protector de los naturales de Trujillo, por lo que toca a don Antonio de Chaves, principal del pueblo de Mansiche, sobre se apruebe el concierto celebrado por los mayordomos de la cofradía de Nuestra Señora de la Asunción, fundada en la iglesia de la Compañía de Jesús de Trujillo y su parte para enseñar a leer, escribir, contar y tocar algunos instrumentos como chirimias, flautas y otras por un salario de 100 pesos al año," ms. Trujillo, 6.16.1636. ARLL, Corregimiento, Causas Ordinarias, leg. 184, exp. 1037.

Indian officials over the *caciques* in matters of urban justice.<sup>242</sup>

Contradictory aims and overlapping functions between some of these urban *indios principales* and the *caciques* visiting the city might explain why long-term alliances between these two groups proved extremely difficult.

### *The Many Tongues of the King*

Some of these privileged Indians could broker through formal and informal channels hardly available to native petitioners and plaintiffs with Atlantic pretensions. In fact, I would argue that some of them belonged to the colonial lettered city, the specialized group of lawyers, administrators, clerics, notaries, and other "wielders of pen and paper"—as Ángel Rama called them—clustered around the viceregal palace. Like many other *ladinos* of their time, they knew how to read and write in Spanish. Yet, their distinctiveness lies on their first-hand knowledge of the official language of law and empire, which, I would suggest, made them not merely *literate* but also *lettered*, that is, part of the elite that produced and controlled the order of signs (writing and law included) that sustained the colonial enterprise in America.<sup>243</sup>

In other words, they derived power from their ability to write and manipulate writing, as other *ladinos* did. However, their familiarity with, and partial control of, the economy of patronage and the intricate web of communication through which justice and favor circulated in the Atlantic world was equally important to consolidate their position as intermediaries between the Indians and the king. From this perspective, it almost seems

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<sup>242</sup> The 1597 title of *alcalde mayor* of Quito awarded to Don Pedro Zambiza reads, "Y habeis de tener mucho cuidado fiel bien de los dichos naturales y de deshacer cualesquiera fuerzas o agravios que les quieran hacer sus caciques o otras personas, y hacerles justicia en sus causas que entre ellos hubiere y se ofrecieren, breve y sumariamente, sin pleitos ni procesos firmados." Espinoza Soriano, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI," 40.

<sup>243</sup> Ángel Rama, *The Lettered City*, trans. John Charles Chasteen (Durham, NC: Duke University Press, 1996), 18. For an excellent discussion about the legitimizing role of *letrados* in the Habsburg American empire, see Roberto González Echevarría, *Mito y Archivo. Una Teoría de la Narrativa Latinoamericana* (Mexico, D.F.: Fondo de Cultura Económica, 2000).

natural that influential travelers to the Habsburg court—influential in that they could articulate networks of litigants and solicitors—belonged to, or had ties with, this social group. In spite of their very small numbers, they enjoyed a disproportionate political influence. These are Guaman Poma's Indian "licenciates" and "doctors" living in the city.

Scholars still know very little about how the *ladino* officers of the city accumulated and transmitted specialized linguistic and legal knowledge. At the more general level, the familiar pattern of Indian-friar collaboration seems to have underscored this process.<sup>244</sup> Some Atlantic travelers had been church assistants in their native towns and received their early education from members of the religious orders. From the 1540s, *ladinos* began to aid priests in their daily affairs among their rural parishioners, fulfilling the increasingly important posts of choirmaster (*maestro de capilla*), cantor (*cantor*, who also fulfilled other music posts), sexton (*sacristán*), and bailiff (*fiscal* or *alguacil*) of the parish.<sup>245</sup> Free of tribute and labor services, this religious officialdom (*oficiales de doctrina*) formed a power structure parallel to that of the Indian *cabildos* (town councils) and the traditional lineages of *caciques*.<sup>246</sup>

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<sup>244</sup> Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, Susan E. Ramirez, "To Serve God and King: The Origins of Public Schools for Native Children in Eighteenth-Century Northern Peru," *Colonial Latin American Review* 17, no. 1 (2008).

<sup>245</sup> Sacristans helped priests during weddings, baptisms, mass, and confession, especially when the latter were absent. Priests also expected them to inspire the faithful with the example and serve as a model of Christianity. One of their most important tasks was to make sure that everyone attended mass, calling the parishioners by ringing the church's bell. Bailiffs enforced attendance in the catechesis sessions and the mass, as well as informed the local priest of any public sins, such as idolatry, drunkenness, and adultery. Indigenous musicians trained to serve as acolytes, recite the canonical hours, sing in the choir, and play for the liturgy. Adorno, "Images of *Indios Ladinos* in Early Colonial Peru.", Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*.

<sup>246</sup> Baker, *Imposing Harmony: Music and Society in Colonial Cuzco*, 231, 194-200. Already in 1588, for example, the Indian town of Magdalena, nearby Lima, had six "cantores" (including three "cantores," a "sacristán," a "fiscal," and a "verdugo") but only four officials of the *cabildo* (one "alcalde," one "escribano," one "mayordomo del pueblo," and one "alguacil") listed among its main authorities. "Memoria de los oficiales de Cabildo, de los cantores de la iglesia, de los indios muertos, reservados de tributo y huidos, del pueblo de Magdalena, encomienda de Mariana de Rivera," ms. 1.9.1589. MAAH, Ms.A103.

Epecially during the First Evangelization of the Andes (1532-1583), friars targeted native children in their efforts at religious conversion, removing their best pupils from the *doctrinas* and sheltering them in their houses and monasteries. The Dominicans and the Franciscans had pioneered these educational methods in the Andes.<sup>247</sup> The friars trained their Indian pupils so they could teach future generations. In the rural parishes, for instance, Indian *maestros de capilla* not only taught music to the *cantores* and directed them in rehearsals and performances; *maestros* also doubled up as teachers of basic literacy and doctrine in their towns. From them, village children should learn to read, write, sing, pray, and speak in Spanish.<sup>248</sup>

In convent schools such as San Andrés, founded in the Franciscan monastery of San Pablo of Quito in 1552, Indian and *mestizo* students of varying status also learned how to sing, read, write, and preach in Spanish and in the *lengua del Inga*. The idea of the fathers was that the students later perform as musicians, interpreters, missionaries, and teachers to other natives inside and outside the school. In 1568, Juan Mitima and Don Diego de Figueroa received 35 pesos each for performing these duties. The latter also became *alcalde de doctrina* of the school of San Andrés and, in 1579, *alcalde mayor* of the Indians of Quito, right before his journey to Spain. Other sixteenth-century travelers to the royal court, such as Don Francisco

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<sup>247</sup> Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, 41-43. By the early 1550s, the Dominicans had already founded eighteen convents and many schools where natives received religious training. For their early efforts at educating Indian nobles, see Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 47-48, Leoncio López-Ocón Cabrera, "Andinología, Lascasismo y Humanismo Cristiano. La Defensa de las Sociedades Andinas del Quechuista Fray Domingo de Santo Tomás (1499-1570)" (M.A., Facultad Latinoamericana de Ciencias Sociales-Sede Ecuador, 1987), 146, footnote 56, Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios*, 38-39.

<sup>248</sup> Baker, *Imposing Harmony: Music and Society in Colonial Cuzco*, 231, 194-200. For the importance of native musicians as privileged intermediaries between the community and the sacred, see Geoffrey Baker, "El Cuzco Colonial: Musicología E Historia Urbana," in *Incas E Indios Cristianos: Elites Indígenas E Identidades Cristianas en los Andes Coloniales*, ed. Jean-Jacques Decoster (Cuzco; Lima: Centro de Estudios Regionales Andinos Bartolomé de las Casas; Asociación Kuraka; Instituto Francés de Estudios Andinos, 2002), 202-03, Durston, *Pastoral Quechua: The History of Christian Translation in Colonial Peru, 1550-1650*, 291-93, Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, 463-68, Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 903-04.

Atahualpa, Don Mateo Yupanqui, and Don Pedro de Henao, also attended the school of San Andrés.<sup>249</sup>

Thus, moving from the countryside to the monasteries of the different orders could guarantee a privileged education. Natives served the friars and practiced their arts and crafts inside the cloisters. There, they could be sextons, cooks, tailors, gardeners, painters, shoemakers, or carpenters. The 1613 census of the Indian inhabitants of Lima, for example, lists some seventy three natives serving inside the monasteries and hospitals of the city. Most of them were single and in their teens or early twenties. The sons or nephews of *caciques* were few; the others were of a more humble, artisan or commoner background. None of them declared to be a native of Lima but, like most transatlantic travelers of the early seventeenth century, they had moved to the viceregal capital from Spanish cities like Trujillo, Huamanga, and Cuzco (or their surrounding Indian villages), or from predominantly indigenous regions such as Huarochirí, Jauja, Huamachuco, and Huaylas. Moreover, the overwhelming majority was either too young or too far away from their communities of origin to pay tribute; some did not even remember the name of their *caciques*.<sup>250</sup> Some of the Indians who joined the monasteries of

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<sup>249</sup> Espinoza Soriano, "El Alcalde Mayor Indígena en el Virreinato del Perú," 216-19, Sonia Fernández Rueda, "Educación y Evangelización: el Colegio Franciscano de Caciques de San Andrés," in *Passeurs, Mediadores Culturales y Agentes de la Primera Globalización en el Mundo Ibérico, siglos XVI-XIX*, ed. Scarlett O'Phelan and Carmen Salazar-Soler (Lima: Pontificia Universidad Católica del Perú; Instituto Riva-Agüero; Instituto Francés de Estudios Andinos, 2005), 130-41, Roswith Hartmann and Udo Oberem, "Quito: un Centro de Educación de Indígenas del siglo XVI," in *Contribuições À Antropologia Em Homenagem Ao Professor Egon Schaden* (São Paulo: Univ. de São Paulo, 1981), 109-19, Agustín Moreno, *Fray Jodoco Rique y Fray Pedro Gocial, Apóstoles y Maestros Franciscanos de Quito (1535-1570)* (Quito: Abya Yala, 1998), 263-97, Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 123-30, Ponce Leiva, *Relaciones Histórico-Geográficas de la Audiencia de Quito, S. XVI-XIX. Tomo 1, S. XVI*.

<sup>250</sup> Contreras, *Padrón de los Índios de Lima en 1613*, 479-523. For the "indios de iglesia" of Cuenca, see Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 232-36. There, some *maestros de capilla* penned the wills of urban Indians. Poloni-Simard reaches similar conclusions as to the social background of this sector, whose members enjoyed considerable wealth and status. It seems that, sometimes, fathers passed on these ecclesiastic posts to their sons.

Lima, Quito, and Cuzco also learned the Christian doctrine or took the "hábito de donado," a privileged status that took some of them to Spain.<sup>251</sup>

Religious orders, Crown officials, and Indians later founded other schools in Lima, such as the school of Desamparados, created in 1666 to educate the poor Indians of El Cercado.<sup>252</sup> The Indian ward included the boarding school for Indian nobles but also a music school, probably akin to that of San Andrés in Quito. Moreover, towards the end of the seventeenth century, *ladinos* from Lima were dispensing with Spanish instructors and appointing their own schoolteachers. At the request of four "naturales y residentes en esta Ciudad" who spoke on behalf of "los demas vevinos de ella," Viceroy Duque de la Palata authorized the *mestizo* presbyter Don Juan Núñez Vela de Ribera in 1685 to "poner escuela para la enseñanza y educacion de los yndios pobres naturales de esta Ciudad." In the ensuing years, Mateo González, "natural de aquel Reino," replaced Núñez Vela in his duties. He taught the Christian doctrine and to speak, read, and write in Castilian to sixty-five Indian students. Núñez Vela, for his part, sailed to Spain, where he secured important *cédulas* allowing Indians and *mestizos* to enter the priesthood. These decrees also restated previous decrees ordering the creation of schools for Indians to learn Spanish.<sup>253</sup>

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<sup>251</sup> In 1615, the Franciscan father Claudio Ramírez de Sosa, confessor of Viceroy Prince of Esquilache (who was about to depart to Peru to fulfill his post), requested a license to bring along his Indian *criado* to Peru. Father Sosa had taken Baltasar, an *indio donado*, with him from Charcas to Spain and Rome. Included in the passenger license was a letter from the Prince certifying that Sosa was "mi consultor teologo y a titulo de esto se le a dado esta licencia para que pueda lleuar un compañero y un criado." Similar circumstances might have surrounded the journey of Father Bernardo Inga, *presbítero de los padres clérigos menores*, who was in Seville in 1690. "Expediente de información y licencia de pasajero a Indias de fray Claudio Ramírez de Sosa, franciscano, confesor del Virrey, con su compañero, Baltasar, indio, donado de dicha orden, a Perú," ms., 3.21.1615. AGI, Contratación, 5345, n. 46; Macera, *El Inca Colonial*. Fray Calixto de San José, a *mestizo* traveler to court in the mid-eighteenth century, was first a *donado* and later a *religioso lego* of San Francisco. Loayza, *Fray Calixto Túpak Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*.

<sup>252</sup> Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 146.

<sup>253</sup> "Provision que lleba el señor Doctor Don Diego de Venavente de los niños naturales de la escuela," ms. 1688. AGI.Lima, 174; "Primera paga de 50p por el salario de seys meses dados a Juan Matheo Gonzales maestro de leer y escreuir de la escuela que para la enseñanza de los niños naturales de esta Ciudad mando fundar el exmo. Señor Duque de la Palata..." ms. 1685. AGN, GO-BI 2, Leg. 92, Cuad. 868. Núñez Vela has harshly criticized for abandoning his post. González and

The early life of Lorenzo Ayun Chifo, who journeyed to the royal court on two occasions, will illustrate the links between this educational pattern and the world of the travelers. Born in a native town in northern Peru, Lorenzo began to serve as a *monaguillo* or altar boy at the age of eleven. Five years later, Father Fernando de la Carrera, the local priest, made him his sexton. Besides the daily religious services, Carrera relied on *ladino* informants like Lorenzo for his extensive linguistic work, which included sermons and a grammar of the local native language. Sometime later, Father Carrera entrusted his protégée to one of his close acquaintances, father Juan de Ayllón, a Franciscan residing in the neighboring Spanish city of Saña, to teach him how to play the organ and sing for religious occasions.<sup>254</sup> From this new benefactor, Lorenzo Ayun and many other young *ladino* schoolmates learned how to read and write in Spanish as well. In 1646, after having moved with Ayllón to the main convent in Lima, where he served as a cook, Lorenzo sailed to Spain for the first time.<sup>255</sup> This and similar stories support Rolena

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others requested that he "sea depedido porque no guarda lo prometido en el memorial que presento a VExa. y pide le den missas y que los muchachos le den pitansa y no acudiendo quiere le paguen La casa en que vive y maltrata de Palabras a los hermanos y A los muchachos los castiga muy cruelmente y cada dia dize quiere dejar La escuela como dejo otro en cocharcas y finalmente no es para esto." Instead, they and the General Defender argued before the Council of the Indies in favor of appointing an Indian teacher: "porque algunos clerigos, relijiosos, y otras personas forasteras, se an querido y quieren yntroducir en la educazion de d.hos yn.os y reconozidose algunos yncombenientes y la poca o ninguna utilidad que se sigue de que los susod.hos, y forasteros, se yntroduzgan a d.ha enseñanza por el poco cariño y asistencia con que la hazen, y solo lo solizitan, por su particular yntereses", y por la gran utilidad de que fuera Mateo González el encargado "por ser natural de aquel Reino." About the activities of Núñez Vela in Spain, see AGI, Lima, 27; Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, Macera, *El Inca Colonial*.

<sup>254</sup> Fernando de la Carrera was one of the best connoisseurs of the language spoken in the area, now extinct. In Reque, around 1644, he prepared his fundamental "Arte de la lengua yunga de los valles del Obispado de Trujillo," the only systematic description of the colonial "Mochica" or "Yunga" language. After arriving in Reque in 1633, he invested 600 pesos out of his own pocket to rebuild the local church and decorate it with ornaments and paintings. "Informaciones: Fernando de la Carrera," ms., 1643. AGI, Lima, 235, N. 12; "Informaciones: Fernando de la Carrera Daza," ms., 1649. AGI, Lima, 243, n. 1; Fernando de la Carrera, *Arte de la Lengua Yunga de los Valles del Obispado de Truiillo, con un Confesonario [Sic] y Todas las Oraciones Cristianas y Otras Cosas* (Lima: Imprenta Liberal, 1880), 73-74, Durston, *Pastoral Quechua: The History of Christian Translation in Colonial Peru, 1550-1650*, 124-25. Juan de Ayllón praised Carrera's *Arte de la Lengua* with a sonnet included in the prologue, a clear indication of their proximity. For similar examples of Indian boys sent to a priest or *maestro* in the city of Cuzco for musical training, see Baker, *Imposing Harmony: Music and Society in Colonial Cuzco*, 217.

<sup>255</sup> For Lorenzo Ayun, see "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla sobre posesión del cacicazgo de Luringuanca, en dicha provincia," f. f. 387v-401r, 443r-v, 447v-49r, 451v-52r, 470r-75v, 648r-49v, 951v; "Expediente de confirmación de encomienda de Reque en Trujillo a García de Toledo," ms. 1644. AGI, Lima, 201, n. 18; Domingo



Adorno's contention that, a reformer like Felipe Guaman Poma, rather than a unique case arising out of nowhere, is "the best-known surviving example of a type of collaboration between sympathetic clergy and other reformers and native Andeans."<sup>256</sup>

Beyond the realm of the schools and monasteries, the transmission of knowledge down the family line must have been also very important. This becomes apparent in the case of the interpreters of the *Audiencia*, individuals who earned their living within the hallways and chambers of the viceregal palace. Usually called "lenguas de los naturales," "intérpretes generales," or "intérpretes desta Audiencia," these specialists appear in the historical record as early as the mid 1550s.<sup>257</sup> Seldom were they natives of

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Angulo, "Libro de Visitas. 1593. Diario de la Segunda Visita Pastoral Que Hizo de Su Arquidiócesis el Ilustrísimo Señor Don Toribio Alfonso de Mogrovejo, Arzobispo de los Reyes," *Revista del Archivo Nacional del Perú* 1 (1920): 234, Marco Aurelio Cabero, "El Capitán Juan Delgadillo, Encomendero de Saña," *Revista Histórica* 2 (1907): 94, Susan E. Ramirez, "It's All in a Day's Work: Occupational Specialization on the Peruvian North Coast, Revisited," (n.d.), 18, María Rostworowski, *Curacas y Sucesiones: Costa Norte* (Lima: Minerva, 1961), 12, Jorge Zvallos Quiñones, *Historia de Chiclayo (siglos XVI, XVII, XVIII y XIX)* (Lima: Minerva, 1995), 22. About father Juan de Ayllón and the Franciscans of Saña, see Luis Arroyo, *Los Franciscanos y la Fundación de Chiclayo* (Lima: s/e, 1956), Antonine Tibesar, *Franciscan Beginnings in Colonial Peru* (Washington: Academy of American Franciscan History, 1953), 62-63, Rubén Vargas Ugarte, *Vida del Siervo de Dios Nicolás Ayllón o por Otro Nombre Nicolás de Dios, Natural de Chiclayo* (Buenos Aires: Imp. López, 1960), 21, 120, Zvallos Quiñones, *Historia de Chiclayo (siglos XVI, XVII, XVIII y XIX)*, 57-62. As in Saña, the Franciscan fathers in charge of the native parishes in Cuzco placed considerable emphasis on training Indian musicians in their convent. Baker, *Imposing Harmony: Music and Society in Colonial Cuzco*, 71. More information about Lorenzo Ayun can be found in my unpublished M.A. thesis. Puente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World".

<sup>256</sup> Rolena Adorno, "The Language of History in Guaman Poma's *Nueva Corónica y Buen Gobierno*," in *From Oral to Written Expression: Native Andean Chronicles of the Early Colonial Period*, ed. Rolena Adorno (Syracuse, N.Y.: Syracuse University, 1982), 124, —, "Colonial Reform of Utopia? Guaman Poma's Empire of the Four Parts of the World," in *Amerindian Images and the Legacy of Columbus*, ed. René Jara and Nicholas Spadaccini (Minneapolis: University of Minnesota, 1992), 348-55, 62-67, Adorno, *Guaman Poma: Writing and Resistance in Colonial Peru*, 23-25.

<sup>257</sup> Juan de Alvarado, an Indian from Chachapoyas, received his official appointment sometime around 1555. He had served President Pedro de la Gasca and the judges of the high court as interpreter during the uprisings of Gonzalo Pizarro and Francisco Hernández Girón, for which he was made "lengua desta Real Audiencia." He still occupied this post in 1563. See Jiménez de la Espada, *Relaciones Geográficas de Indias*, 4:xiii-xix, Rostworowski, *Conflicts over Coca Fields in XVth-Century Peru*, 93. The services of Juan de Alvarado are described in "Informaciones de oficio y parte: Juan de Alvarado, indio, natural de Cochabamba," ms., 1555. AGI, Lima, 204, n. 23. Juan de Alvarado is probably the one mentioned in "Real Cédula a los oficiales de la Casa de la Contratación para que dejen pasar a Indias a Juan de Alvarado," ms., 3.17.1546. AGI, Indiferente, 1963, l. 9, f.354r. Pedro Escalante, "indio ladino en leguna castellana el qual serua a Baca de Castro de su ynterprete," is mentioned in "Discurso sobre la descendencia y gobierno de los ingas," ms. 1543. BNE. Manuscritos, 2010, f. 45v. The story of Antón Ruiz, a mestizo interpreter in Cuzco who also served during the civil wars, is told in "Proceso actuado ante la Audiencia de Lima en grado de apelación, interpuesta por Antón Ruiz, mestizo, lengua..." ms. 1561-63. AGI, Justicia, 434, n. 2, r. 1.

Lima. In that sense, they fall within the migratory pattern outlined in the previous section. Although the post of interpreter was not hereditary, a few seem to have occupied it for several decades, passing it on to their sons and grandsons.<sup>258</sup>

One can suggest, however, that everyday experience and social connections were the ultimate source of knowledge for interpreters and other lettered Indians. Like Spanish scribes, solicitors, and attorneys, they must have been subject to the old master-apprentice model of empirical training, and thus they must have learned mainly by serving in this and other capacities, gaining considerable experience from their peers along the way.<sup>259</sup> Guaman Poma's tale about his relationship with Don Cristóbal de León, his "disciple" in the arts of writing and litigation at the viceregal court, is instructive in this respect.<sup>260</sup>

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<sup>258</sup> Don Juan Pedro Chuquival, one of the two interpreters of the Audiencia in 1597, was a native from Chachapoyas, in the northern highlands. Don Diego Sol Sol, his partner, seems to have been from the same origin. Don Martín Çapuy moved to Lima from Lambayeque in 1607, three years before Viceroy Marquis of Montesclaros appointed him official interpreter. Don Sebastián Poma Hilaquita and his wife, a noble woman from Cuzco, moved to Lima in 1585. Don Sebastián was another interpreter of the Audiencia. Chuquival, Hilaquita, and Çapuy journeyed to Spain. "Autos seguidos por Miguel Ruiz, en nombre de doña Isabel Palla, mujer de D. Sebastián Ilaquita," ms. 1585. AGN, Real Audiencia, Causas Civiles, l. 8, cuad. 44-A;" "Memorial de Martín Çapuy," ms., 1620. AGI, Lima, 150. Don Pedro Chafo Çavana, a self-declared *indio principal* from the town of Lambayeque, for instance, received his designation and confirmation as interpreter of the *partido* of Lambayeque from viceroys Marquis of Mancera and Marquis of Guadalcázar in the late 1640s. His father and grandfather had fulfilled the same post since at least the times of the Prince of Esquilache (1615-1621). Both Chafo Çavana and Martín Çapuy, another interpreter of the Audiencia, requested their office in perpetuity, along with the right to bestow it upon their successors. Apparently, Juan Vélez, *mestizo* interpreter of the Audiencia also bequeathed his post to his son, as one Juan Vélez appears as interpreter in the late 1620s. "Expediente de Pedro Chafo Çavana," ms., 1662-63; "Pedro Chafo Zabana Indio natural de Lambayeque en el Reino del Peru," ms., 1670. AGI, Lima, 26; "Memorial de Martín Çapuy," ms., 1620. AGI, Lima, 150. "Los Yndios de las Prouincias del Peru," ms., 1633. AGI, Lima, 161, f. 44v.

<sup>259</sup> About the mechanisms of transmission of knowledge among Spanish scribes, attorneys, and other self-styled legal specialists, see Kathryn Burns, "Notaries, Truth, and Consequences," *American Historical Review* 110, no. 2 (2005), Cutter, *The Legal Culture of Northern New Spain, 1700-1810*, 38-39, Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", 226-27, 59. Diana Bonnett describes the agents or solicitors that local *protectores* appointed in the cities and towns under the jurisdiction of the Audiencia of Quito. According to Bonnett, "Su conocimiento era tan sólo basado en la experiencia, actuaban como agentes de rango inferior y sin lugar legal en los tribunales." These agents doubled as interpreters. Bonnett, *Los Protectores de Naturales en la Audiencia de Quito, siglos XVII y XVIII*, 35.

<sup>260</sup> "Y tubo otros muchos decipulos y an salido cristianos y ladinos prencipales, amigo de defender a los pobres." See Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 498-501, 694.

We know, moreover, that, by the mid seventeenth century, one interpreter received 300 pesos for his services, while the other received 250 pesos, a difference which might be indicating that some principle of seniority underscored their activities.<sup>261</sup> Some interpreters could be very proficient in the laws and ordinances pertaining to the Indians, and thus they could advise provincial judges in ruling over civil and criminal cases.<sup>262</sup> In their absence, serious "misunderstandings" between the Indians and the representatives of the king could ensue, especially when litigants and favor seekers, unlike viceroys and judges, were proficient in both Quechua and Spanish.<sup>263</sup> In 1620, the following scene, as told by one of the lawyers of the *Audiencia*, unfolded inside the viceregal palace:

auiendo entrado el caçique principal de los dichos yndios [of the *repartimiento* of Lampas] a parlar al dicho señor Birrey Para que no consintiese que se fundase el dicho obraje en presencia del doctor avendaño cura desta catedral por no entender la lengua el dicho señor Birrey dijo al dicho doctor Aventaño que deçia o pretendia el dicho cacique acerca de contradeçir la fundaçion y como el dicho cacique era ladino = rrespondio en la lengua de Yndios auendolo entendido al dicho señor virrey = señor primero me corte la caueza vuestra excelencia que fundare el dicho obraje y el dicho señor Virrey se boluio al dicho

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<sup>261</sup> In passing, it hints at the interpreters' place within the Indian upper class of Lima. Don Martín Çapuy, a fellow traveler to Spain, *alcalde de naturales* of Lima, and official interpreter of the *Audiencia* since 1610, owned a house and a black slave. Contreras, *Padrón de los Índios de Lima en 1613*, 338. In 1620, the interpreter of the *Audiencia* received the significant salary of 400 pesos. *Mestizo* and Indian interpreters in mid-seventeenth century Cuzco, usually appointed by local magistrates and judges of the Indians, received two reales (one fourth of a peso) for each witness's testimony that they translated from the "lengua general" into Spanish. See "Para que de la caixa de los censos de los yndios desta ciudad se paguen a don Alonso de Vega interprete general por quenta de los del rrepartimiento de Chíncha doçientos y ochenta pesos de a nueve reales de los tercios de Navidad de 638 y San Juan de 639," ms., 1639. CVU, Vol. 32, Doc. 31, ff.52-52v; "Expediente de Confirmación del oficio de interprete general de Cuzco a Juan Maldonado Cornejo," ms., 1652. AGI, Lima, 187, n. 103.

<sup>262</sup> In 1648, Don Fransico Valenzuela, General Defender of the Indians, recommended Don Pedro Chafo Çabana for the post official interpreter of the *Audiencia*. Valenzuela praised Don Pedro's knowledge of the "ordenanças pertenecientes a los indios," as well as exalted his ability to assist the local magistrate in his affairs among the Indians of Lambayeque: "por conocer en el [Don Pedro] verdad, conciencia y fidelidad en la version de lo español y indio de que necesitan los que ban honrrados por Corregidores que ignoran la lengua india para exercer las acciones de Justicia con indios y españoles asi en lo ciuill como en lo criminal." "Pedro Chafo Zabana. Indio natural de lamballeque provincia de Saña en el Piru," ms., 1670. AGI, Lima 26; "Título de intérprete general del partido de Lambayeque por el Marqués de Mancera," ms., 1660. AGI, Lima, 171.

<sup>263</sup> About the need for defenders to be assisted by Indian interpreters, see "Carta del Arzobispo Jerónimo de Loaysa a S.M.," 8.2.1564. In Manuel Olmedo Jiménez, *Jerónimo de Loaysa, O.P., Pacificador de Españoles y Protector de Indios* (Granada: Universidad de Granada: Salamanca, 1990), 241.

doctor avendaño muy enojado y le dijo que diçe este caçique que señala la caueça y biendo el dicho doctor abendaño al dicho señor virrey en lo que mostro colerico y enojado por escusar al dicho yndio le dijo señor lo que dice este caçique es que se funde el obraje norabuena aunque le cueste la caueça y con esto se sosego el dicho señor.<sup>264</sup>

Interpreters assisted the viceroy and his secretary in person. They also interpreted for the judges and officials of the *Audiencia*. Excluding holidays, *lenguas* were to attend the meetings, hearings, and jail inspections of the supreme judges as well as oversee the inscription of witnesses' testimonies and other documents in which native individuals participated. As important, they were to assist in the private houses of the president and the judges of the *Audiencia* as well as aid the Indians' general defender and attorney in their daily affairs. The interpreters' daily duties explain their familiarity with the inner workings of the palace as well as their knowledge of legal procedure. To judge by the legislation regulating their practice, some heard native plaintiffs and solicitors in their houses (instead of directing them to the *Audiencia*), penned petitions, and lobbied the judges of the high court.<sup>265</sup> The most successful interpreters enjoyed the trust of Indian communities. They routinely assisted civil judges, church inspectors,

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<sup>264</sup> AGI, Lima, 157, f. 36r-37v.

<sup>265</sup> See "Hordenanças de Su Majestad hechas para el buen gouierno y administracion de algunos de sus Consejos, Audiencias y Tribunales de Iusticia y haçienda perteneciente a las Provincias de las Indias. Mandadas recoger y juntar por el Excmo. Sr. Marqués de Montesclaros, virrey del Pirú. Año de 1611," ms. Bosque de Segovia, 15.8.1565. BNE. Ms., 2987, ff. 44v-46r; *Recopilación de Leyes de los Reinos de las Indias*, Bk. II, Tit. 29. In 1563, for instance, members of a prominent Indian lineage of the Jauja Valley, through the intermediation of the interpreter Juan de Alvarado, empowered a judge, a Dominican father, and a third individual (an attorney?) to petition *mercedes* for their them and their brothers before the Council of the Indies. In 1569, the *caciques* and Indians of Cavana, inhabitants of a cold region located more than 400 miles away from the capital, gave their power of attorney to one Agustín de la Bandera, "interpreter," to represent them before the *Audiencia* and solicit any grants in their favor. Throughout the 1640s, the *ladino* Indian Pedro Pablo, one of the general interpreters of the *Audiencia*, represented Don Cristóbal Ticsi Runa Atoc, *cacique principal* of Chinchaycocha, a highland region some ninety miles across the Andes from Lima. Pedro Pablo could collect any debts and engage in economic transactions on behalf of the lord, including renting a house for the *cacique's* frequent trips to Lima. As important, the interpreter was to represent Runa Atoc in any court cases, as well as petition in his favor before the high court. See "Poder de Don Hernando Alaya, don Juan Viça y Don Antonio Quispi Alaya al doctor Saravia, a fray Álvaro de Caherden y Juan de Calcedilla," ms., 8.3.1562. AGN, Protocolos, n. 127 (Esteban Pérez), f. 970r-v (I wish to thank Judith Mansilla for calling this document to my attention); "Carta poder que otorga Pedro Vilcayanque, cacique principal de Cabana, en nombre de su repartimiento, a Agustín de la Vandera," ms., Arequipa, 5.17.1569. MAAH, A-229; "Visita y composición: tierras de Ayaypampa, Chalayaco, Iuracyaco, Huañusco y otras, en Cochangara, de Don Carlos Apoalaya," ms., 1712. AGN, Títulos de Propiedad, l. 31, c. 602, f. 74r-83r.

and provincial defenders, constantly traveling between the *Audiencia real y corte* and different regions of the Andes. In perhaps too many respects, they were an ideal nexus between the Indians and the king.<sup>266</sup>

#### *Powerful Patrons*

Privileged access to Lima's lettered city as well as the patronage ties with priests and bureaucrats, friars, viceroys, *Audiencia* judges, and future councilors that such an access required and reinforced favored native voyagers in Peru. They could also extend across the ocean, for gaining access to the king was also a matter of knowing the right people.<sup>267</sup> Through letters, memoranda, proofs of merit, and other writings, Indian interpreters could set in motion vast patronage ties that finally reached the royal palace. The identity of the witnesses who declared in their proofs of merit—conquistadors, former *corregidores* and other royal officials, members of the viceregal court, miners, scribes, and, especially, friars and native lords—hint at the extension of these interpreters' social networks in the lettered city and beyond.<sup>268</sup>

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<sup>266</sup> The viceroy made Don Pedro Chafo Çabana interpreter of the district of the *Audiencia* of Lima after the Indians of the town of Lambayeque, the place of birth of Chafo Çabana, complained that the current interpreter, an *indio forastero* appointed by the local magistrate, was not apt for the post and therefore did not enjoy their confidence. "Pedro Chafo Çabana. Indio natural de lamballeque provincia de Saña en el Piru," ms., 1670. AGI, Lima 26; "Título de intérprete general del partido de Lambayeque por el Marqués de Mancera," ms., 1660. AGI, Lima, 171. In 1567, the scribe Pedro de Herrazti went from Lima to Huarochirí commissioned by the *Audiencia*. Juan Díaz, interpreter, accompanied him in his journey ("Juan Diaz ynterprete que para hazer este negocio lleue conmygo"). Rostworowski, *Conflicts over Coca Fields in XVth-Century Peru*, 276. For a similar commission involving Diego Ticayo, interpreter of the *Audiencia*, in Huarochirí, see Edmundo Guillén Guillén, *Versión Inca de la Conquista* (Lima: Milla Batres, 1974). I thank Marco Curatola for bringing this interpreter to my attention. For the appointment or confirmation of interpreters by the viceroy and the general defender in Lima, see Bayle, "El Protector de Indios," 109-10, Ruigómez Gómez, *Una Política Indigenista de los Habsburgo: El Protector de Indios del Perú*, 82-86, 144.

<sup>267</sup> A good example comes from Don Juan Bustamante Carlos Inca's visit to the royal court in the eighteenth century. Ferdinand VI gave Don Juan an audience thanks to the influence of Don Juan's godfather, the Duke of Santisteban. The Duke was a relative of the Marquises of Oropesa, of notorious Inca ancestry. See "Memorial de don Juan Bustamante Carlos Inga." Madrid, 11.21.1759. CVU, Vol.35, Doc. 16, p. 3-4.

<sup>268</sup> In 1555, Juan de Alvarado, interpreter, prepared a proof of merit before the *Audiencia* of Lima, securing the testimonies of old Spanish conquistadors of the Chachapoyas. In 1613, Vélez started the preparation of a proof of merit also before the *Audiencia*. For almost two years, several witnesses, Indian and Spanish, testified as to the merits of this peculiar "vecino" and "intérprete general" of Lima. In 1617, Martín Çapuy prepared a proof of merit before the *Audiencia*, in which he appealed to his close ties with the Indian elite of Lima and the members

Several travelers journeyed to Spain alongside members of the mendicant orders.<sup>269</sup> In part, practical reasons explain this pattern of collaboration. When facing the officials of the House of Trade, Indian voyagers were required to summon at least two witnesses, almost invariably priests and Spanish *vecinos* (citizens) of Seville or the Indies, to demonstrate that they were the individuals included in the royal authorizations to return. Patrons rendered support to the travelers' stories, acted as witnesses to their declared status, and verified the circumstances surrounding the trip.<sup>270</sup>

Furthermore, members of the religious orders and, to lesser extent royal officials, normally journeyed to the New World at the expense of the royal treasury.<sup>271</sup> Friars were generally exempt from the cumbersome purity of

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of the high court. "Informaciones de oficio y parte: Juan de Alvarado, indio, natural de Cochabamba," ms., 1555. AGI, Lima, 204, n. 23; "Memorial de Juan Vélez al Consejo de Indias," ms., 1613. AGI, Lima, 143; "Memorial de Martín Çapuy," ms., 1620. AGI, Lima, 150.

<sup>269</sup> According to current estimates, ecclesiastics may have comprised nearly one-third of the total emigrants from Spain to America in the first three centuries of colonization. Carla Rahn Phillips, "The Iberian Atlantic," *Itinerario* 23, no. 2 (1999): 87.

<sup>270</sup> Andrés de Espinosa, an Indian from New Spain who journeyed to court with Viceroy Velasco, presented Domingo de Eguiluz Lezama as one of his witnesses. Eguiluz, a citizen of Mexico City and a temporary resident of Seville, had known Andrés in New Spain and Madrid. The second witness, Pedro de Ribera, a citizen of Puebla de los Ángeles, claimed to have known Andrés also in the Indies and the royal court. Juan de Oleandres, an Indian from Popayán, summoned two witnesses. Both were citizens of Popayán and had known the traveler for four years. The Indian Jerónimo de Alfaro had Father Andrés Chacón, a Mercedarian, as his witness. The friar had known Jerónimo for the past nine years; both traveled together from New Spain to Madrid. The two witnesses produced by Don Alonso Márquez Inga had known him in Peru and Spain for more than ten years. Juan Ulpo journeyed from Lima to Spain with *licenciado* Diego García Maldonado. He presented Don Diego's brother, a scribe, as his witness before the House of Trade. Ulpo spent one week staying at his home in Seville before going to Madrid. "Expediente de información y licencia de pasajero a indias de Andrés de Espinosa, indio, a Nueva España," ms., 6.20.1614. AGI, Contratación, 5340, n. 41; "Expediente de información y licencia de pasajero a indias de Juan de Oleandres, indio, a Popayán," ms., 5.30.1631. AGI, Contratación, 5410, n. 12; "Expediente de información y licencia de pasajero a Indias de Jerónimo de Alfaro, indio, natural de Nueva España, a Nueva España," ms., 7.6.1628. AGI, Contratación, 5401, n. 21; "Expediente de información y licencia de pasajero a Indias de Alonso Márquez Inga, a Perú," ms., 3.23.1615. AGI, Contratación, 5346, n. 17; "Expediente de información y licencia de pasajero a Indias de Francisco Ulpo, indio, natural de Perú, a Tierra Firme," ms., 4.30.1618. AGI, Contratación, 5363, n. 44.

<sup>271</sup> In some instances, the House of Trade made royal bureaucrats pay for the passage fee of their Indian *criados*, which usually amounted to 20 ducats. Andrés Guanca, an Indian from the area surrounding La Paz, reached Madrid as *criado* of Don Nuño de la Cueva, *corregidor* of that highland city, whom he had served for five years. While in Madrid, de la Cueva was named *gobernador* of Santa Cruz de la Sierra. In 1616, he journeyed back to Upper Peru with an entourage of several *criados*, including dos *criollas* (probably slaves of African ancestry). Don Nuño, who had previously secured a royal decree for his *criados*, paid 20 ducats for the passage fee of Andrés Guanca. "Expediente de información y licencia de pasajero a Indias de Nuño de la Cueva, gobernador de las provincias de Santa Cruz de la Sierra, a la provincia de Santa Cruz de la Sierra, con los siguientes criados," ms., 3.18.1616.

blood investigations conducted in the passenger's birthplace, for they had already been required to prove the purity of their lineage when entering their order. They also enjoyed a special license permitting them and their retinues to voyage on the galleons of the armada that accompanied the fleets, having to pay only a fixed price of 20 ducats (22 *reales* or 2.75 *pesos*) for the convoy tax or *avería*. Dominicans, Franciscans, Augustinians, Mercedarians, and Jesuits received money from the Crown in Seville to pay for their travel expenses as well as for those of one *criado*. Thus, serving as such was a common way for many travelers, Indians and Spanish alike, to secure crucial portions of their long journey.<sup>272</sup>

Securing the trip was one part of the transatlantic enterprise. Indian travelers could also count on these patrons for other important affairs related to the journey. These links are especially clear when one considers the world of the official interpreters. Some testimonies speak of the proximity between the king's "living image" and his translator.<sup>273</sup> Moreover, high-ranking officials, after serving in the New World, could advance to the peninsular councils of Castile or the Indies, helping their protégés in Spain.<sup>274</sup> In a letter written in 1615 to the Council of the Indies, the

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<sup>272</sup> For the privileges of the members of the clergy, see Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 191, Jacobs, "Legal and Illegal Emigration from Seville, 1550-1650," 60, 67, 79, *Recopilación de Leyes de los Reinos de las Indias*, Bk. VI, Tit. 14, Laws 6-8 (and autos 102 and 03) and Bk. IX, Tit. 26, Laws 35-39. About friars who traveled unlicensed from Peru to Spain, see "Carta del Conde de Alba de Liste a S.M.," ms. Lima, 6.15.1656. AGI, Lima, 58, n. 107.

<sup>273</sup> About Juan Vélez and the Marquis of Cañete, it was said that the viceroy "le tenía mucha confianza." Another *mestizo* interpreter, Gonzalo Jiménez, enjoyed Viceroy Francisco de Toledo's confidence in the sixteenth century. According to one testimony, "El dicho Gonzalo Jiménez era lengua general del dicho señor Visorrey, y le tenía en su casa por tal y persona de buena opinión, y en el dicho oficio de lengua había servido antes al señor licenciado Castro, siendo gobernador destos reynos, y en la Audiencia Real y en otras Audiencias eclesiásticas y seglares." Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 1:384.

<sup>274</sup> Don Alonso Maldonado de Torres, the *oidor* who supported Don Melchor Carlos Inca's aspirations at the viceregal court, later took Melchor's son to Spain, lodging him in his residence in Madrid. A few years later, in 1627, Maldonado de Torres, by then councilor of the Indies, rendered his favorable testimony for the admission of Juan Melchor Carlos Inca, son of Melchor, into the prestigious Order of Santiago. "Carta. El licenciado Maldonado de Torres al Virrey solicitando merced para Don Melchor Carlos Inga," ms. Lima, 9.13.1600. AGI, Lima, 34; Guillermo Lohmann Villena, *Los Americanos en las Órdenes Nobiliarias (1529-1900)*, 2 vols. (Madrid: Consejo Superior de Investigaciones Científicas & Instituto Gonzalo Fernández de Oviedo, 1947), 1:198-99,

mestizo interpreter Juan Vélez identified three members of this judicial body as "people who know me as well." Vélez had met these representatives of the king while fulfilling the post of general interpreter of the *Audiencia* of Lima a few years earlier.<sup>275</sup>

Formal authorization for the journey came from these patrons as well. Crown officials could grant licenses and recommendations, and even render their support to individuals trying to get away with an unlicensed journey to the royal court, as several travelers voyaging as *criados* to viceroys, councilors, and judges soon realized. Because of their privileged position, Indian interpreters could entertain transatlantic ambitions, seeking royal favor and reward through proofs of merit, letters, and memoranda prepared before the judges of the high court and sent to the Council of the Indies.<sup>276</sup>

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Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 152-53, —, "Los Testamentos Inéditos de Paullu Inca, Don Carlos y Don Melchor Carlos Inca. Nuevos Datos sobre esta Estirpe Incaica y Apuntes para la Biografía del Sobrino del Inca Garcilaso de la Vega," 636. For the license given by the *Audiencia* of Quito to Don Alonso Atahualpa, see Hemming, *The Conquest of the Incas*, 616, footnote 458, Vargas Ugarte, *Manuscritos Peruanos del Archivo de Indias*, 215.

<sup>275</sup> The first was Don Luis de Velasco, former viceroy of Mexico and Peru, recently appointed president of the council. Vélez's second acquaintance was Don Alonso Maldonado de Torres, former oidor of Lima, president of the *Audiencia* of Charcas and, since 1612, councilor as well. The last one was Don Juan de Villela, close advisor of Velasco and former president of the *Audiencia* of Guadalajara (New Galicia), appointed to the Council of the Indies in 1611. "Memorial de Juan Vélez al Consejo de Indias," ms., 1613. AGI, Lima, 143. About the metropolitan careers of Vélez's acquaintances, see Gil González Dávila, *Teatro de las Grandezas de la Villa de Madrid: Corte de los Reyes Católicos de España, al Muy Poderoso Señor Rey Don Felipe IV* (Madrid: Tomás Iunti, 1623), 484, Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 352. The document includes the following marginal note: "Presentose el traslado de estos diez capitulos de advertencias ante el exmo. Señor Marques de Montesclaros virrey de estos Reynos del Piru en quince dias del mes de octubre de mil y seiscientos y doce años por mano de don Alonso fernandez de Cordoua secretario del gouierno y el dicho señor marques se quedon con ellos y con el memorial no respondiendo a el hasta oy seis del mes de mayo de mil y seiscientos y treçe años." In a similar letter addressed to the council in 1615, Felipe Guaman Poma, another interpreter, excused himself for not sending his monumental work in the royal fleet. He offered, however, to turn it in to the new viceroy, should the councilors request it so. In his letter, the chronicler pointed at Viceroy Velasco, whom he had probably met in person around 1596, as someone who could attest to the quality of his services and lineage in Spain. "Carta. Don Felipe de Ayala a S.M.," ms., 2.14.1615. AGI, Lima, 145.

<sup>276</sup> At least formally, the officials of the House of Trade in Seville could ask the traveler to produce these licenses. In 1605, Viceroy Luis de Velasco gave father Salvador de Ribera a license to take his Indian *criado* Martín to Spain. "Expediente de información y licencia de pasajero a indias de Martín, indio, criado del obispo de Quito Salvador de Ribera, a Perú," ms. 4.21.1606. AGI, Contratación, 5293, n. 16. In 1694, Don Francisco Díez de Velasco, *vecino* of Mérida in Yucatán, asked for a license to return to New Spain with his Indian *criado* Lorenzo Yajo. Confronted by the officials of the House, Díez de Velasco produced two dispatches, one from the governor of Mérida and one from the bishop of the same locale. These documents authorized him to take Lorenzo as his servant, holding him responsible for bringing Lorenzo back to Yucatán. The dispatches also certified that Lorenzo was journeying "de su libre y expontanea voluntad."



The religious orders could also support travelers with their influence and institutional protection. The fathers could back the natives' negotiations with local and metropolitan authorities, as when they declared in proofs of merit or attested to the religious zeal, linguistic proficiency, or noble ancestry of an Indian petitioner. They could also address letters of recommendation to different officials in Peru and Spain as well as take documents and powers of attorney to distant parts of the empire, setting their own patronage networks in motion to benefit their protégées.<sup>277</sup>

Moreover, because of their influential posts as chaplains or confessors of the viceroy in office, friars could grant their protégées access to the centers of colonial power.<sup>278</sup> Here are a few examples. The famous *mestizo*

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"Expediente de información y licencia de pasajero a Indias de Francisco Díez de Velasco, vecino de Mérida de Yucatán, con su criado indio, Lorenzo, natural de Yucatán, a la provincia de Yucatán," ms. 8.14.1694. AGI, Contratación, 5455, n. 2, r.14. For a previous case in which a Spaniard received a license to take Miguel, an Indian from New Spain, to Iberia and then back to Mexico, see "Expediente de información y licencia de pasajero a indias de Vicente de Zaldívar, maestro de campo de Juan de Oñate, con Miguel, indio, a Nueva España," ms. 6.21.1603. AGI, Contratación, 5279, n.33. In 1596, Don Diego de Figueroa, *cacique* of Cajamarca, journeyed to Spain using the permit given to him by the governor of Cartagena. "Don Diego de Figueroa *cacique* de la Prouincia de Guamachuco que es de la corona Real en caxamalca de los Reynos del Peru. Pide se le haga merced del officio de Alcalde mayor de naturales de aquella Prouincia y Visitador de sus propios y rentas y oficiales," ms. Madrid, 10.7.1598. AGI, Lima, 134.

In 1611, Juan Antonio, an Indian from New Spain, went to the court at the service of Don Luis de Velasco, viceroy of New Spain. "Expediente de información y licencia de pasajero a Indias de Juan Antonio, indio, natural de Nueva España, que vino en servicio del marqués de Salinas, a Nueva España," ms., 6.21.1613. AGI, Contratación, 5334, n. 2, r. 11. In 1613, Andrés, an Indian from Cuzco who had arrived at court at the service of Don Juan de Villela (appointed councilor of the Indies) two years before, requested a license to return to Peru as *criado* Jerónimo de Pamones. Pamones had received the *merced* of chief magistrate (*corregidor*) of Collaguas, in the southern highlands of Peru, not so far from Cuzco. Pamones claimed not only to have traveled with Licentiate Villela and Andrés to Spain in 1611, but also to have met the latter in Cuzco about five years ago. "Expediente de información y licencia de pasajero a Indias de Jerónimo de Pamones, *corregidor* de la provincia de Collaguas, con Andrés, indio natural de Cuzco, a Perú," ms., 5.3.1613. AGI, Contratación, 5332, n. 23.

<sup>277</sup> In 1594, Don Fernando Tuçi Trapac, *cacique* of Tarma, gave his power of attorney to the Dominican Pedro de la Serna so the friar could transfer it to one professional solicitor assisting at the royal court. In 1616, Don Juan Guachuri, *cacique* of Guamichaca and governor of the town of Abancay, and his wife Doña Juana Esquivel Yupanqui gave their power of attorney to the principal of the School of the Compañía de Jesús and the solicitor of the order in Madrid. "Poder. Don Fernando Tuçi Trapac a fray Pedro de la Serna," ms. 3.12.1594. AHN, Consejos, leg. 21484; "Poder Don Juan Guachuri y Doña Juana Esquivel Yupanqui al padre rector del Colegio de la Compañía de Jesús de Madrid y al procurador de los jesuitas en dicha villa," ms. Curahuasi, 3.16.1616. APM, Protocolos, n. 3173 (Hernando de Recas), f. 1596r-1601r. For a later example, see "Poder. Don Sebastián Guacrapaucar Gobernador del Repartimiento de Luringuanca y los casiques del a el muy reverendo padre fray Domingo de la Concepcion Procurador de Corte de la Sagrada Religión de Señor San Francisco," ms. 10.9.1686. AGN, Caja de censos, L.24, Doc.4.

<sup>278</sup> At a relatively young age, Juan Vélez, *mestizo* interpreter of the *Audiencia*, "was taken" from his native Jauja to the viceregal capital to receive a Christian education ("a darne doctrina y escuela"). "Memorial de Juan Vélez al Consejo de Indias," ms., 1613. AGI, Lima, 143. In Lima, Vélez served the chaplain of Viceroy Count of Nieva (1561-1564), his first contact with the

priest, preacher, and expert *quechuista* Don Diego Lobato de Sosa, the illegitimate son of Captain Juan Lobato and Doña Isabel Yaruc Palla (one of the principal wives of Inca Atahualpa), was another early graduate from San Andrés in Quito, where he worked as chaplain for a while. In 1591, he received favorable letters from the provincials and fathers of Saint Augustine, Saint Francis, and Saint Dominic stationed in Quito to reinforce his pretensions at the royal court.<sup>279</sup> The aspirations of the children of King Atahualpa, Lobato de Sosa's close relatives, follow a similar pattern. Early in the colonial period, the Franciscans of Quito received two or three of these Inca scions, while the Dominicans of Cuzco received another three, raising them in their monasteries.<sup>280</sup> Between 1554 and 1555, the Dominicans helped the Cuzco branch in the preparation of proofs of merit. On numerous occasions, these Inca nobles journeyed in the fathers' entourage to Lima, where they found lodging at the main convent. Not only did the friars act as their witnesses; one of them presented the *probanzas* directly to Philip in

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viceregal palace. About the benefits that these confessors could obtain from their proximity to the viceroy, Pedro León Portocarrero wrote, "Yo conocí a fray Pedro Ramírez, de la orden de los frailes agustinos, que fué confesor del de Montes Claros, que trujo a Sevilla trescientas barras, que valen unas con otras trescientos mil pesos corrientes, y su compañero deste confesor, que también se llamaba fray Pedro, trujo cinceunta. Estos son los que mejor se aprovechan en el Perú, o los que mejor saben furto, en bon romance." Pedro de León Portocarrero, *Descripción del Virreinato del Perú; Crónica Inédita de Comienzos del siglo XVII* (Rosario: Universidad Nacional del Litoral, 1958), 35. The Franciscans had been involved in the education of *caciques* and commoners resettled in the middle part of the Jauja Valley since the 1540s. Puente Brunke, "Los Vasallos Se Desentrañan por su Rey": Notas sobre Quejas de Curacas en el Perú del siglo XVII," 462, footnote 11, Tibesar, *Franciscan Beginnings in Colonial Peru*, 55-56.

<sup>279</sup> "Real cédula a favor de los descendientes de Atahualpa en Quito," ms., 5.17.1548. AGI, Lima, 565, l. 5; Gangotena y Jijón, "Documentos Históricos: la Descendencia de Atahuallpa," 91-92, Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 56-67, 99-102, 21-33, 82, 93-220, 323,24, Vargas Ugarte, *Manuscritos Peruanos del Archivo de Indias*, 153.

<sup>280</sup> As early as in March of 1539, the Dominican Fray Vicente de Valverde, bishop of Cuzco and first defender of the Indians of Peru, wrote to Emperor Charles from his Andean see. He reminded His Majesty of his obligation to provide for these sons and daughters of the Inca. He suggested the sons journey to Spain, where they would live from the king's favor. The daughters, after receiving a Christian education, should be married to Spanish men, to whom the bishop would assure financial support in the name of the king. "Carta del obispo del Cuzco, fray Vicente de Valverde, al emperador sobre asuntos de su Yglesia y otros de la gobernación de aquel país." 3.20.1539. Enrique Torres Saldamando, *Libro Primero de Cabildos de Lima. Parte Tercera. Documentos* (Paris: Paul Dupont, 1888), 102.

Brussels in 1556. Thanks to these legal actions, the sons of Atahualpa residing in Cuzco received 600 pesos from the king.<sup>281</sup>

These alliances could extend well beyond the City of Kings. While at the royal court, Lorenzo Ayun won the esteem of father Buenaventura Salinas y Córdoba, another Franciscan, entering into his service around 1646. Born into a prominent Creole family, Father Buenaventura's connections reached the viceregal palace in Lima and the court in Madrid.<sup>282</sup> Sometime in March of that year, accompanied by two friars and his Indian *criado*, he sailed to New Spain as general commissary of his order.<sup>283</sup> For six or seven years, Lorenzo Ayun lived in the Franciscan monastery in Mexico City. There, in the adjacent chapel of San José, other Indians were learning how to read and write in Spanish. Probably through Father Buenaventura, who was the viceroy's personal confessor for some time, Lorenzo gained access to the viceregal court. The Count of Alba de Liste, now promoted to the Peruvian seat, also incorporated

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<sup>281</sup> The Dominican Domingo de Santo Tomás also acted as attorney of the Indian interpreter Juan de Alvarado, receiving his instructions in Lima before the trip. See "Memoria para el muy reverendo y magnífico señor fray Domingo, provincial de estos reinos. Es de su criado Juan de Albarado," included in Appendix 3. In 1551, Santo Tomás had addressed the king in Innsbruck on behalf of the Indians of Collao. They requested their tribute in kind be commuted for tribute in silver. López-Ocón Cabrera, "Andinología, Lascasismo y Humanismo Cristiano. La Defensa de las Sociedades Andinas del Quechuista Fray Domingo de Santo Tomás (1499-1570)", 101. For the descendants of Atahualpa, see Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 183, Hemming, *The Conquest of the Incas*, 284, Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxliii-cxv, Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 27-67, 168-69, Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt.1, Bk. 9, Ch. 39.

<sup>282</sup> Besides serving as page to different viceroys since age nine, Salinas had fulfilled the influential post of *secretario de la gobernación* (personal secretary), albeit briefly, which his family had bought in perpetuity. The powerful and influential *secretario* had the exclusive privilege of signing the provisiones, autos, and mandamientos issued by the viceroy. He also presented him with the despachos and memoriales of litigants and petitioners. Finally, he had continuous access to the private chambers of the viceroy. Eduardo Torres Arancivia, *Corte de Virreyes. El Entorno del Poder en el Perú del siglo XVII* (Lima: Pontificia Universidad Católica del Perú, 2006), 84-85.

<sup>283</sup> Two Franciscans acted as witnesses in Lorenzo's travel license. Fray Alonso de la Cruz Villademoros claimed to have known the traveler, with whom he had journeyed to Spain, for ten years. Fray Antonio Yáñez said he had met Lorenzo in Peru eight years ago. "Información de don Benito Ayllonata Gualpa Yndio del Perú, para volver a el por criado del comisario general de San Francisco," ms. 3.23.1646. AGI, Contratación, 5427, n. 3, r. 33; "El padre fray Buenaventura de Salinas y Cordoua de la orden de San Francisco que ba a la provincia de Nueva España con dos religiosos de su orden y un criado para servicio," ms. 5.9.1646. AGI, Contratación, 5539, 1.3, f. 78v-79r;

Lorenzo into his entourage of *criados* and relatives, taking him to Peru in 1655.<sup>284</sup>

The implications of this pattern of collaboration went beyond individual patron-client relationships and the most practical aspects of the voyage. Indians relied on transoceanic networks previously built by the mendicant orders to connect their spiritual and material affairs in the Andes with the royal court. In the realm of litigation, such networks allowed Indians to represent their interests before the Council of the Indies and circulate news, letters, and memoranda throughout the empire. The links between Indians and Dominican friars that crystallized in the 1550s serve as one example of the Atlantic potential of such alliances. One could make a similar case for the Franciscan order, however, as well as for other less enduring joint efforts by Indians and bureaucrats to reach the king.<sup>285</sup>

The famous debate about the "perpetuity" (*perpetuidad*) of the *encomienda* kept native lords, viceroys, councilors, friars, and the king busy for more than a decade. In 1555, the *encomenderos* of Peru sent a solicitor to

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<sup>284</sup> "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla sobre posesión del cacicazgo de Luringuanca, en dicha provincia," ms. 1656-71. AGI, Escribanía, 514C, f. 489r-91v, 550r-552r, 924r-26r. About the chapel of San José, see Charles Gibson, *The Aztecs under Spanish Rule; a History of the Indians of the Valley of Mexico, 1519-1810* (Stanford, Calif.: Stanford University Press, 1964), 372. For Buenaventura's role as confessor of the viceroy, see José de la Riva-Agüero, *La Historia en el Perú*, 2. ed. (Madrid: Impr. y Editorial Maestre, 1952), 256, footnote 2. For the details of the Count of Alba's trip from Mexico to Peru, see Peter T. Bradley, *Society, Economy, and Defence in Seventeenth-Century Peru: The Administration of the Count of Alba de Liste (1655-61)* (Liverpool: University of Liverpool, 1992).

<sup>285</sup> Ethnic lords had entered into direct contact with Dominican reformers such as Jerónimo de Loaysa, Tomás de San Martín, and Domingo de Santo Tomás in the late 1540s, when the friars oversaw the first general inspection and tribute assessment ordered by Pedro de la Gasca. Teodoro Hampe Martínez, *Don Pedro de la Gasca, 1493-1567: su Obra Política en España y América* (Lima: Pontificia Universidad Católica del Perú, 1989), Olmedo Jiménez, *Jerónimo de Loaysa, O.P., Pacificador de Españoles y Protector de Indios*, María Rostworowski de Diez Canseco, "La Tasa Ordenada por el Licenciado Pedro de la Gasca (1549)," *Revista Histórica* 24 (1983-1984). In the 1550s, some *caciques* and commoners journeyed to Spain as part of the fathers' retinue of *criados*. Don Pedro Topa Yupanqui, most likely an Inca descendant of Inca Viracocha, journeyed to Spain with Domingo de Santo Tomás in 1556. Topa Yupanqui, one of the friar's informants for the preparation of the first Quechua grammar and vocabulary printed in Spain in 1560, addressed a *memorial* to Philip, which I have not located. "Probanzas a petición de don Diego y don Francisco, hijos naturales del Emperador Atabalipa, sobre justificar la legitimidad y señorío de dicho Emperador," ms., AGI, Patronato, 188, r. 6, f. 38r-v; "Memoria de los indios pecheros de los cuatro suyos sobre los indios nobles descendientes de los incas," ms., 1585. ARC, Protocolos (Agustín Chacón Becerra), n.71, f. 162r. In 1554, fray Tomás de San Martín, another Dominican who occupied the first bishopric of Charcas, had included Jerónimo de Quiñones, and Indian from Huamachuco in northern Peru, within his retinue of *criados* returning to the New World. "Libro de asientos de pasajeros," ms., 1554. AGI, Contratación, 5537, l. 1, f. 9v.

Spain to request that Emperor Charles grant *encomiendas* in perpetuity. Motivated by serious financial difficulties and war, Philip II started to consider the perpetual sale of *repartimientos* to the *encomenderos*, along with civil and criminal jurisdiction in the second instance, all in exchange for a contribution of 7,600,000 *pesos*. However, a "partido de los indios" or Pro-Indian Party, of *lascasian* inspiration, had gradually taken shape in the Andes and Spain. The Pro-Indian Party included friars, members of the Council of the Indies and the *Audiencia* of Lima, and, of course, multiple Indian communities and their leaders. The reformers found perpetuity at odds with Castile's titles to the Indies, the imposition of royal authority, the freedom and conservation of the Indians, the traditional prerogatives of the *caciques*, and the salvation of the king's soul. The king never resolved in favor of one side or the other. Nor were the *encomiendas* sold. Due to these Atlantic alliances and actions, *caciques*, friars, and bureaucrats would put a definite halt to Philip's strong desire to sell jurisdiction over his Indian vassals to the *encomenderos*, by no means an insignificant endeavor.<sup>286</sup>

To counter the influence and wealth of the *encomenderos* as well as convince a still hesitant Philip the Pro-Indian Party had to coordinate efforts on both shores of the ocean. Indians and friars used a series of

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<sup>286</sup> My understanding of the events and ideological debates surrounding the *perpetuidad* has benefited from a series of excellent works. Whenever possible, I have gone back to the published and unpublished primary sources. Carlos Sempat Assadourian, "Los Señores Étnicos y los Corregidores de Indios en la Conformación del Espacio Colonial," *Anuario de Estudios Americanos* 44 (1987), —, "La Renta de la Encomienda en la Década de 1550: Piedad Cristiana y Deconstrucción," *Revista de Indias* 48, no. 182-183 (1988), Marvin Goldwert, "La Lucha por la Perpetuidad de las Encomiendas en el Perú Virreinal, 1550-1600," *Revista Histórica* 22 (1955-1956), —, "La Lucha por la Perpetuidad de las Encomiendas en el Perú Virreinal, 1550-1600 (Continuación)," *Revista Histórica* 23 (1958-1959), Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America (with a Personal and Professional Reminiscence by the Author)* (Dallas: Southern Methodist University Press, 2002), Hemming, *The Conquest of the Incas*, 386-88, López-Ocón Cabrera, "Andinología, Lascasismo y Humanismo Cristiano. La Defensa de las Sociedades Andinas del Quechuista Fray Domingo de Santo Tomás (1499-1570)", Luciano Pereña Vicente, "La Pretensión a la Perpetuidad de las Encomiendas en el Perú," in *Estudios sobre Política Indigenista Española en América* (Valladolid: Universidad de Valladolid, 1976), José de la Puente Brunke, "Notas sobre la Perpetuidad de las Encomiendas en el Perú," in *Libro de Homenaje a Aurelio Miró Quesada Sosa*, ed. Estuardo Núñez and et al. (Lima: Tall. Gráf. P.L. Villanueva, 1987). For a summary of the propositions that the *encomenderos* advanced to the king in the early 1560s, see "Letter. His Majesty to the Council of the Indies," Gante, 9.5.1556. Jiménez de la Espada, *Relaciones Geográficas de Indias*, 1:liii-liv, Pereña Vicente, "La Pretensión a la Perpetuidad de las Encomiendas en el Perú," 435.

*juntas* (meetings or gatherings), celebrated between 1559 and 1562, as the matrix to make this alliance possible. The main purpose of these meetings was threefold. First, Andean leaders stated their will in favor or against perpetuity. Second, leaders divided the costs of sending their delegations to Lima into quotas apparently based on population counts. Finally, the leaders signed transoceanic powers of attorney for their Dominican representatives to act in Peru and Spain.

These meetings required considerable planning and collaboration. Father Las Casas was already talking Philip into this idea as early as 1556.<sup>287</sup> In 1559, some *caciques* empowered Las Casas and Santo Tomás, both at the royal court, as well as father Alonso Méndez, whose mission in Peru was to retrieve these powers of attorney. They were to offer Philip 100,000 ducats (137,500 pesos) on top of the highest offer made by the *encomenderos* in order to remain "en cabeza de Su Majestad" (under direct royal jurisdiction). Thanks to these initial negotiations, *caciques* and friars secured an invaluable royal provision ordering the viceroy to hear the arguments of the Indian chiefs and fray Domingo, now on his way back to Peru. The decree also ordered that the viceroy allow Father Domingo and the *caciques* to meet, "with all freedom" and without obstacles of any sort, to discuss the perpetuity affair and plan further action.<sup>288</sup>

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<sup>287</sup>In his 1556 *memorial* to Philip, Father Las Casas suggested that the king allow the *caciques* to "buy themselves" with a donation in gold or silver, adding that the friars would help in this affair, even if from Spain. "Memorial-sumario a Felipe II," 1556. In Juan Pérez de Tudela Bueso, *Obras Escogidas de Fray Bartolomé de las Casas*, 5 vols., Biblioteca de Autores Españoles (Madrid: Atlas, 1958), 5:453-60.

<sup>288</sup> "Memorial del Obispo fray Bartolomé de las Casas y fray Domingo de Santo Tomás," 1560. In *Ibid.*, 465-68. The *memorial* prepared by Las Casas and Santo Tomás in 1560 had requested, "ha de dar S.M. provisiones y todo el favor necesario a la persona o personas que fueren necesarias para tratar libremente este negocio con los indios de parte de los indios, ante escribano de S.M., cual las dichas personas eligieren, porque los españoles lo han de estorbar, como está dicho por temores y amenazas, por todas las vías que pudieren." See also "Real provisión de S.M. al Conde de Nieva y a los comisarios de la perpetuidad," Toledo, 2.7.1561. In Jiménez de la Espada, *Relaciones Geográficas de Indias*, 1:lv-lvi. Santo Tomás highlights the importance of the *cédula* for the actions of *caciques* and friars in a letter to His Majesty. "Carta. Domingo de Santo Tomás a S.M." Lima, 3.16.1562. In Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios*, 48-50. About the links between Las Casas and Santo Tomás in Spain, see the detailed analysis offered in López-Ocón Cabrera, "Andinología, Lascasismo y Humanismo Cristiano. La

The celebration of these *juntas* between July and August of 1559 in Lima brought together twenty-six *caciques* of distant provinces, including Cuzco and Chachapoyas.<sup>289</sup> For the second round of meetings, which ensued between March and June of 1562, *caciques* of Lima, Huamanga, Vilcas, Andahuaylas, Arequipa, Cuzco, and Chucuito met to extend their powers to the representatives who would negotiate with Philip. Friars and royal officials attended some of these gatherings, especially Father Domingo de Santo Tomás, who collected the powers and sent them to Lima.<sup>290</sup> These new documents empowered Jerónimo de Loaysa, archbishop of Lima, Domingo de Santo Tomás, and Francisco de Morales, *provincial* of the Franciscan order in Peru to negotiate with the Crown. The lords decided neither to offer any particular sum, as they did not know which graces the king would finally grant them, nor to deal directly with the viceroy and the commissioners, for these officials were suspect of partiality in favor of the *encomenderos*.

Instead, they authorized these members of the Pro-Indian Party to appoint attorneys and solicitors in Spain and to seek "any *merced* or *mercedes* that they saw it was convenient for us to request." Such requests included the restitution of land and the privilege to appoint mayors, aldermen, and

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Defensa de las Sociedades Andinas del Quechuista Fray Domingo de Santo Tomás (1499-1570)", esp. chapters 4 and 5.

<sup>289</sup> The rest of the lords who participated in the 1559 *juntas* were *caciques* of polities given in *encomienda* to *vecinos* of the Spanish cities of Lima, Huánuco and Huamanga, in the central Andes. Excerpts and translations of the powers of attorney have been published in Lewis Hanke, "Un Festón de Documentos Lascasianos," *Revista Cubana* 16 (1941): 204-08, López-Ocón Cabrera, "Andinología, Lascasismo y Humanismo Cristiano. La Defensa de las Sociedades Andinas del Quechuista Fray Domingo de Santo Tomás (1499-1570)", 183, Pereña Vicente, "La Pretensión a la Perpetuidad de las Encomiendas en el Perú," 464-65, Rubén Vargas Ugarte, *Historia General del Perú*, 2nd. ed., 12 vols. (Lima: Milla Batres, 1984), 5:300-01. For the identification of these *caciques*, I have relied on Teodoro Hampe Martínez, "Relación de los Encomenderos y Repartimientos del Perú en 1561," *Historia y Cultura*, no. 12 (1979), José de la Puente Brunke, *Encomienda y Encomenderos en el Perú: Estudio Social y Político de una Institución Colonial* (Sevilla: Excma. Diputación Provincial de Sevilla, 1992), 385-92, 429-47.

<sup>290</sup> "Pasada pasqua nos partiremos hazia el Cuzco y se hará otra junta en Andaguaylas donde están ya los yndios juntos esperando. Los poderes y lo que está hecho se enviará con el primer mensajero cierto, porque aun no está sacado en limpio. Hazen muchos obligaciones y quiérenlas hazer todos, sino que parece que no hay necesidad que las hagan todos. Hacerlas han algunos, los que parece que tienen más peligro, también se enviarán las obligaciones. V.m. haga que se me envíe el Repartimiento de lo que han de dar los yndios al letrado y solicitador y a los que fueren a negocios." "Carta de Santo Tomás a Don Alonso Manuel de Anaya." Huamanga, 3.23. 1562. In Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios*, 55-56.

justices, that *encomenderos* be forbidden to reside in their *repartimientos*, that tributary quotas be reduced in half, and that *encomiendas* revert to the Crown upon the passing of the present holder, with the royal promise of not selling any *repartimientos* in the future. The agents of the natives were to offer any sum in gold or silver to win these privileges and secure confirmation of "all the provisions decrees and ordinances that His Majesty or the past kings, governors, and *Audiencias* have issued in our favor."<sup>291</sup>

*Caciques* mobilized their subjects and *principales*, sending their letters and messengers (*chasquis*) to summon ethnic lords, keep themselves informed of other *juntas*, and create a unified front against perpetuity.<sup>292</sup> At the *junta* celebrated in San Pedro de Mama, a small village 35 miles to the east of Lima, there converged more than one hundred and fifty *caciques* and *principales* of *encomiendas* under the jurisdiction of Lima, Huamanga, and Huánuco. The *junta* of Arequipa summoned a similar number of *caciques*, who arrived from within the district of the city.<sup>293</sup> Powers of attorney were endorsed, expenses were divided, and thousands of *pesos* were collected among the *caciques*. The delegation sent by the Indians of Cuzco to negotiate with

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<sup>291</sup> Should one of these three agents be absent, rejected the power, or leave the kingdom before the matter was settled, they would be replaced by Pedro de Cepeda, prior of the convent of Saint Augustine in Cuzco, father Bartolomé de las Casas, bishop of Chiapa residing at court, and Don Melchor Bravo de Saravia, judge of the high court of appeals of Lima. "Poder de los yndios del termino de la çibdad de los Rreyes para los señores Baltasar de Loaysa y el padre fray Gil Gonçalez y Bernardo de Loaysa," ms., Mama, 1.21.1562. AGI, Lima, 121, f. 5r-8r; "Carta. Domingo de Santo Tomás a S.M.," ms., Lima, 12.10.1563. CVU, Vol. 36, Doc. 7, pp. 49-55; "Carta de Domingo de Santo Tomás a S.M.," ms., Lima, 3.18.1562. CVU, Vol.36, Doc.6, pp. 45-49. The powers of attorney signed in Chucuito and Arequipa were based on the one signed in Mama. The powers of attorney of Huamanga and Cuzco have not appeared yet. See "Carta. Domingo de Santo Tomás a S.M.," ms., Lima, 12.10.1563. CVU, Vol.36, Doc. 7, pp. 49-55; "Carta de Domingo de Santo Tomás a S.M.," ms., Lima, 3.18.1562. CVU, Vol.36, Doc. 6, pp. 45-49.

<sup>292</sup> In 1562, Father Domingo de Santo Tomás wrote, "En dos juntas que hasta ahora habemos hecho se han juntado todos los caciques y principales de todo el distrito desta ciudad de Guamanga y todos ellos an hecho lo que hizieron los de Mama y lo mismo harán los demás de la tierra, según tengo [entendido] por sus mensajeros que todos embian, porque aborrecen tanto esta perpetuidad." "Carta de Domingo de Santo Tomás a Alonso Manuel de Anaya." Huamanga, 3.23.1562. In Vargas, *Fray Domingo de Santo Tomás, Defensor y Apóstol de los Indios*, 55-56.

<sup>293</sup> The city of residence of the *encomenderos* determined which jurisdiction the *encomiendas* belonged to. For Lima, see "Poder de los yndios del termino de la çibdad de los Rreyes para los señores Baltasar de Loaysa y el padre fray Gil Gonçalez y Bernardo de Loaysa," ms., Mama, 1.21.1562. AGI, Lima, 121. For Arequipa, see Eduardo Ugarte Ugarte, "Los Caciques de Chucuito y Arequipa contra la Perpetuidad de la Encomienda (1562)," *Hombre y mundo. Segunda época* 1 (1966).



the *Audiencia* gathered some 3,000 *pesos* of gold (4,800 silver *pesos*) to pay for the fees of attorneys, solicitors, and interpreters, as well as the expenses of the delegates, for they were to dress "very gallantly" ("muy galanes") to appear before the judges. That the *caciques* of Cuzco paid between three and thirty-six *pesos* each gives an idea of the magnitude of these *juntas*.<sup>294</sup>

Although some meetings grouped Indian leaders according to the cities in which their *encomenderos* resided, the *juntas* of Cuzco reveal alternative patterns of mobilization and call to action. The organization of these meetings seems to have followed a curious mix of old and new principles. In October of 1561, three of the five *alcaldes* of the parishes of the city, who sent their emissaries to the different regions surrounding Cuzco, called for the formation of three *juntas*. The "Yndios orejones," that is, the recognized descendants of the royal lineages (*panacas*), celebrated their *junta* in the hermitage of Caocache (where the parish of Belén would be erected in the following years). The *alcalde* Don Francisco Chilche, of *cañari* origin, organized another *junta* in his house located in Carmenga (where the parish of Santa Ana had been built).<sup>295</sup> Don Juan Sona, *alcalde* of the parish of San Blas, hosted another meeting. There, leaders of the "province of Collasuyo,"

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<sup>294</sup> "El fiscal de S.M. con Antón Ruiz Meztizo. Sobre la contradicción de la perpetuidad y lo que diò à entender a los Yndios," ms. 1563. AGI, Justicia, 434, n.2, r. 1, f. 7r, 9v-10r, 12v, 14v-15r, 29r-v, 41r. The delegation went to Lima "en nombre de todos los caciques e indios de toda esta provincia del Cuzco." According to some witnesses, 2,000 *pesos* were gathered. Antón Ruiz, a *mestizo* interpreter, declared that the delegation received 4,000 *pesos*. The priest of Andahuaylas declared about the delegation, "dentro de la iglesia del dicho valle abra un mes poco mas o menos dias entraron en la dicha iglesia muchos caçiques e principales de la prouinia del Cuzco y entrellos don Juan Sona e Sayretopa alcaldes de la çiudad del Cuzco e don Alonso ceque cacique de los quichuas e fueron de Vasco de Guevara e otros muchos." An Indian silversmith in Cuzco made some 50 or 70 *pesos* of silver in a year, roughly the amount that a very diligent and lucky Indian chicha producer could make in a month. Garofalo, "Bebidas Incas en Copas Coloniales: los Curacas del Mercado de Chicha del Cuzco, 1640-1700," 206.

<sup>295</sup> The *cañaris* were an ethnically different group from present-day Ecuador. After the Incas conquered the area, they resettled groups of *cañaris* in Cuzco and many other regions.

one of the former socio-political divisions of the Inca Empire, gathered to discuss perpetuity.<sup>296</sup>

In the next decades, Indian leaders formed analogous *juntas* and signed similar powers of attorney, first to oppose the appointment of provincial magistrates (*corregidores*) and then to convince Viceroy Francisco de Toledo to abandon his vast project for Indian resettlement.<sup>297</sup> By the 1550s, Indians opposing perpetuity had clearly mastered a series of strategies to make their propositions heard in Lima and Spain, consolidating a pattern of alliances to reach the royal court or speak to the king through the voice of others. Such a pattern would endure for the rest of the colonial era. It is not by mere chance that the 1550s and 1560s also witnessed the invasion of Indian litigants and petitioners of the *Audiencia* of Lima, as litigating at the viceregal capital was a smaller version of the conquest of the legal Atlantic. Nor is it casual that the Crown would forbid members of the secular and regular clergy from acting as private agents, solicitors, and attorneys before the Council of the Indies. During the perpetuity debate, they had demonstrated the potential of an eventual Indian-friar alliance.<sup>298</sup> In 1562,

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<sup>296</sup> "El fiscal de S.M. con Antón Ruiz...", f. 12v-14v, 24r. See also "Provisión de la Audiencia de Lima en favor de Don Juan Sona y Don Alonso Sayri, ingas del Cuzco," ms., Lima, 1.15.1563. ARC, Beneficencia, n. 5, f. 383r-84v. I thank Marco Curatola for sharing this document with me. Don Alonso Sayri Topa was *alcalde* of the parish of San Cristóbal. Julien, "La Organización Parroquial del Cuzco y la Ciudad Incaica." In 1562, Don Pedro Ochatoma, *cacique* of Puno Quiguar declared, "un yndio orejon deste Cuzco fue a los pueblos deste testigo e dixo que don Juan Sona y Don Pedro Alonso Sayre alcaldes de los dichos yndios ymbiabán a llamar a este testigo para una junta [...] vino este testigo y se halló en la junta que se hizo en casa de don Juan Sona en la parrochia de san Blas donde se juntaua la prouincia de Collasuyo."

<sup>297</sup> Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 61, Assadourian, "Los Señores Étnicos y los Corregidores de Indios en la Conformación del Espacio Colonial," 375, Honores, "La Asistencia Jurídica Privada a los Señores Indígenas ante la Real Audiencia de Lima, 1552-1570," 14, Olmedo Jiménez, *Jerónimo de Loaysa, O.P., Pacificador de Españoles y Protector de Indios*, 203-19, Rowe, "The Incas under Spanish Colonial Institutions," 156-62.

<sup>298</sup> *Recopilación de Leyes de los Reinos de las Indias*, Bk. I, Tit. 14, Law 83 (and auto 141) and Bk. 1, Tit. 12, Laws 16-18. In 1599, Viceroy Luis de Velasco informed the king, "vn clerigo que se llama el Maestro Alonso de huerta que siempre los ha inquietado ha hecho con algunos que den su poder para que en ese Real consejo se prosiga la pretension que el Arzobispo desta ciudad ha tenido en sacarlos de alli." "Letter. Don Luis de Velasco to His Majesty," Lima, 5.15.1599. In Levillier, *Gobernantes del Perú, Cartas y Papeles, siglo XVI*, 14:186-87. For an Indian community that empowered a Franciscan solicitor to collect some debts in Lima, see "Poder. Don Sebastián Guacrapaucar Gobernador del Repartimiento de Luringuanca y los casiquez del a el muy reverendo padre fray Domingo de la Concepcion Procurador de Corte de la Sagrada Religión de Señor San Francisco," ms., 10.9.1686. AGN, Caja de censos, L.24, Doc.4.

taking a step further, the communities of Luringuanca, which had actively participated in the long battle against perpetuity and had journeyed to Lima to hire their solicitors and prepare detailed proofs of merit, finally sent their own *cacique* to appear before Philip in Spain.<sup>299</sup>

#### *Who Speaks for the Indians*

So far, my aim in this chapter has been to problematize the collective identity attributed to Indian travelers to the Habsburg court—that of being the *caciques* of the kingdom. By using the city of Lima as a case study, I have tried to show that the elite of this group took a clear shape towards the second half of the seventeenth century. *Indios principales* and *indios ladinos* who aspired to fill posts and achieve honors such as those of official interpreter of the *Audiencia*, *alcalde mayor* of the natives, or captain of an Indian battalion were at the top of the urban hierarchy. I have also outlined some of the mechanisms they used to transmit and practice legal knowledge and juridical brokerage, respectively. This knowledge made some of these individuals *lettered* and not just *literate*.

I have also argued that the influence and legitimacy of some of the travelers who reached the royal court depended more on their strong urban identities and connections, their legal and literate skills, and their direct access to other sources of colonial power than on any traditional role as *caciques*. Because leading travelers were *not caciques* in the classic ethnohistorical sense, they ought to build their influence and status within urban indigenous society by means other than appealing to that noble status. From their position within the lettered city, they reinvented their authority

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<sup>299</sup> “Los prencipales de este repartimiento enbiaron a Espana a don Felipe Guacrapaucar prencipal pariente deste testigo para sus negocios y le dieron siete mil e setenta pesos corrientes para su gasto e para los dichos negocios en especial para el de la perpetuidad.” “Información hecha por mandado de Su Excelencia sobre los daños que se han reçreçido a los yndios del balle de Xauxa en los pleytos que han tinido, asy en los bienes de la comunidad como en los de particulares y lo por Su Excelencia proveydo para escusar los dichos pleytos y daños y de cómo se les mandaron quemar las provisiones y procesos.” Ms., 1570. AGI, Lima, 28A, 63Q, f. 3v.

on different grounds by emphasizing service and merit over privilege and lineage.

My goal has also been to show that the ecclesiastic and bureaucratic alliances in which these individuals could participate had an enormous potential for reaching the monarch and speaking on behalf of other Indians. I am inclined to think that, at the royal court, it was this hybrid urban elite, and not necessarily the traditional *caciques* of the Andes, that rendered a legal and symbolic existence to the "Indians of Peru"—an imagined community for which there was little room within the initial formulation of the *República de Indios*. From within this cluster of wealthy and well-connected Indians, an apparently broad, yet highly localized discourse regarding an *Indian Nation*, forged in collaboration with priests, defenders, *caciques*, and other allies, would crystallize in the seventeenth century. Moreover, through the process of elite consolidation that I have partially outlined, *indios principales* from Lima found different ways to elevate themselves as the spokesmen of this *Indian nation*.

Thus, where Lowry sees a "new identity" and a "new Indian corporate self" based on the Spanish legal theory of the two republics, I see what Gonzalo Carrillo Ureta, in his analysis of the eighteenth-century Indian *procuradores* of Lima, terms a series of "strategies for action." I concur with Carrillo when he suggests that the Indian Nation of Peru, though an increasingly effective corporate interlocutor with the king, was "no more than a temporary discursive strategy aimed at a common goal, but inexistent as a real social actor."<sup>300</sup> In this context, it has been often overlooked

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<sup>300</sup> Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 1-6, 271, 83. At the beginning of her work, Lowry describes this process of colonial nation-making as "how conquered people from diverse polities came to consider themselves a single people" (1). Carrillo Ureta, "'La Única Voz por donde los Yndios Pueden Hablar': Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)," 63; see also 12-13. The translation is mine. The author explains, for example, that after the Indian elite's successful campaign to receive the privilege of appointing their own attorneys and defenders, problems among the different social groups behind this "Indian Nation" ensued. The artisan guilds and the militia officers fought to control these appointments, especially after the town council of El Cercado, controlled by the Indian guilds of *sederos* and *botoneros*, chose

that, even though this nation officially stood for the whole of the *República de Indios*, urban institutions quickly developed their own boundary marking strategies, and thus the Indian elite was as fragmented across occupational, religious, and, it seems, ethnic lines, as any rural community or chiefdom.<sup>301</sup>

Lowry and Carrillo attribute a foundational role in the self-presentation of the "Indian Nation" to the 1725 procession commemorating King Philip V's abdication in favor of his son Luis Fernando. On such an occasion, the Indian guard of the prince, the company of halberdiers, and the thirteen "Inca kings" paraded through the streets of Lima.<sup>302</sup> However, the personal trajectories of some of the individuals who represented the Inca emperors illustrate, once more, the previous emergence of a hybrid elite closely linked to the more general process of crossing the Atlantic to see the king.<sup>303</sup> We might not know enough yet as to determine whether the *Indian*

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the first *procuradores*. Carrillo Ureta reaches a series of conclusions that are similar to those presented in this chapter: "No resulta extraño que la adquisición de mayor autonomía política para la República de naturales no fuera fruto de la gestión de ricos curacas o de los descendientes coloniales de las prestigiosas panacas incas, sino de un grupo de indios de raigambre urbana, con comparativamente escasa capacidad económica y poco prestigio social, pero familiarizados con los modos de acción y los registros simbólicos de la cultura política de Antiguo Régimen y, sobre todo, más cercanos a los círculos de poder colonial" —, "La Única Voz por donde los Yndios Pueden Hablar": Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)," 62. My analysis shows, however, that one can trace this process back to the late sixteenth century.

<sup>301</sup> In support of this contention, Luis Millones notes in his analysis of an eighteenth-century Indian procession in Lima that, "the procession reflected the perception of Tawantinsuyu from the natives of the coast." Natives from Lambayeque and Trujillo "would have been the notable personages of that powerful community who led the procession expressing in their order of precedence, dress and characters, a clear intention of representing themselves, using Inka history as a discourse bearing their intentions and coastal ideology." Luis Millones, "The Inka's Mask: Dramatisation of the Past in Indigenous Colonial Processions," in *Andean Art: Visual Expression and Its Relation to Andean Beliefs and Values*, ed. Penny Dransart (Aldershot; Brookfield: Avebury, 1995), 23. Cfr. Dean, *Inka Bodies and the Body of Christ: Corpus Christi in Colonial Cuzco, Peru*, chapter 8.

<sup>302</sup> Carrillo Ureta writes, "se presentaron por primera vez como cuerpo autónomo en las fiestas reales celebradas en Lima en 1723, 1725 y 1747." Carrillo Ureta, "La Única Voz por donde los Yndios Pueden Hablar": Estrategias de la Elite Indígena de Lima en torno al Nombramiento de Procuradores y Defensores de Indios (1720-1770)," 61. For an insightful analysis of this procession, see Millones, "The Inka's Mask: Dramatisation of the Past in Indigenous Colonial Processions," 18-22.

<sup>303</sup> In 1725, the *principales* chose Don Cristóbal Apoalaya to perform in the role of Lloque Yupanqui, the third king of the official list. For the occasion, "le remitieron sus hermanas las Apoalayas muchos regalos, y una ostentosa grandeza de Payas y criados costosamente adornados para que se presentase al público cuya salida bio el testigo en esta Plaza colocado Don Christoval en un elevado trono con numerosa comitiba de criados y criadas Payas, y Ñustas." According to another witness of the 1725 celebration, "vajo a esta Ciudad Da. Tereza Apoalaya, y habilito a su hermano don Xptoal, conocido por Bartolome con una Cadena de oro, un toyzon y unas hojotas tachonadas de piedras preciosas de crecido valor." Don Cristóbal could claim some nobility, as he

*Nation* was a case of a new identity, one of legal ventriloquism, or both. Yet, we might easily argue that the mechanisms of social promotion, legal representation, and discursive appropriation that this urban Indian aristocracy deployed between 1720 and 1770 to make its voice heard—the public performance of an Inca/Indian identity or the appointment of local and transoceanic *procuradores*, for example—had been set in motion in the two previous centuries.

Indeed, by the latter half of that century, the Indian militia had already established its leading position, in terms of power and prestige, within the Indian *gremios* of the city. By then, the infantry and cavalry companies or battalions (*compañías de naturales*) through which they performed their identity were fully developed.<sup>304</sup> In 1675, when the viceroy summoned all men of Lima who could bear arms, three squadrons of three “nations”—one of Indians, one of free blacks, and one of mulattos—answered his call.<sup>305</sup>

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was the first-born son and heir of the *cacique principal* of Ananguanca, in the Jauja Valley. However, for reasons still unclear, Don Cristóbal had left his province in 1691 and moved to Lima. By the time of his election, he had changed his name to “Bartolomé Rodríguez,” married a *mestiza*, and set up a barbershop near the monastery of La Encarnación. Thirty years prior, his father accused Don Cristóbal of witchcraft, disinherited him, and chose one of his sisters to succeed. José Carlos de la Puente Luna, *Los Curacas Hechiceros de Jauja. Batallas Mágicas y Legales en el Perú Colonial*, Estudios Andinos; 1 (Lima: Pontificia Universidad Católica del Perú, 2007), 265–73.

<sup>304</sup> It would be interesting to compare the *compañías de naturales* with the *compañías de negros y morenos libres*, for they seem to have functioned in a similar way. In 1653, Viceroy Marquis of Mancera informed the Council of the Indies about the *compañías de morenos libres* existing in Lima. The Marquis wrote, “Lo primero digo que en Lima ay dos compañías de negros y Vna de mulatos libres Vnos y otros y jente para todo y muy luçida, y que fue de gran prouecho el año de 24 quando doçe navios olandeses acometieron al Callao y se detubieron alli quatro meses, siruen estas compañías en la forma que las demas del batallon de aquella tierra avnque separadamente en las muestras y en todo lo demas, los capitanes son ordinariamente alguaçiles que llaman del gouierno, los quales no goçan otro salario sino los 20 pesos cada mes que goça qualquier plaça sençilla, Su Mag.d dio una de estas tres compañías que es la de mulatos a Vn Capitan Villabiçençio tambien mulato y noble que auia seruido muchos años y tenia 40 escudos de sueldo y con ellos siruio en mi tiempo la dicha compañía de mulatos, y en todas tres los ofiçiales asta alferez son de los mismos mulatos, y negros y asi las compañías y quantos ofiçiales ay en ellas las Proue el Virrey. En el Callao ay otras tres compañías de negros y en esta a hauido algunas veçes capitanes de su color por seruiçios particulares.” “Sobre pretensiones de Francisco Biobo, moreno libre,” ms. Madrid, 1653. AGI, Lima, 16. For the career of one such officer, see “Sobre pretensiones de Juan de Valladolid Mogollón,” ms. Madrid, 1657. AGI, Lima, 16.

<sup>305</sup> In 1589, an Indian company welcomed Viceroy Marquis of Cañete as he made his official entry into the city. Antonio Bautista de Salazar described the 1589 company, “eran muchos, todos vestidos de diferentes colores, de seda y oro con sus mandadores y muchos generos de armas.” Antonio Bautista de Salazar, “Relación sobre el Periodo de Gobierno de los Virreyes Don Francisco de Toledo y Don García Hurtado de Mendoza,” in *Colección de Documentos Inéditos, Relativos al Descubrimiento, Conquista y Organización de las Antiguas Posesiones Españolas de América y Oceanía, Sacados del Archivo del Reino, y Muy Especialmente del de Indias*, ed. Luis Torres de

Captains of these battalions, some of them visitors at the royal court, moved up the ladder of a little-studied military hierarchy. By the end of the 1650s, the posts of captain of an Indian squadron had become "de número" in Lima, that is, limited to a small number of beneficiaries, with no new admittances until the death or retirement of one of its members. This privilege, added to the fact that some captains of the mid-seventeenth century were the sons of previous captains, guaranteed the self-perpetuating nature of this elite urban body.<sup>306</sup>

Perhaps the most significant aspect of these new urban sources of power and prestige was that Indian battalions and other institutions could render a legitimate form of corporate representation to these "indios principales"

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Mendoza (Madrid: Imprenta de Frías y Compañía, 1867 [1596]), 321. Around 1609, Don Melchor Castro Macedo, a royal official in Lima, wrote about the Indians, "en algunas cosas se señalan, como en celebrar las fiestas del Corpus Christi, Pasquas, y dias de S.n Juan con mucha alegría de Bayles, danzas, y Musicas en Procesiones, y en los templos." "Avisos sumarios, politicos, y gubernativos...", f. 241r-v. The Indian ward of El Cercado had its "Captain of the Indians" since the early seventeenth century. Lyn Lowry documents one Antón de Cepeda, *ladino*, serving as such at least between 1609 and 1614. Antón was also the major of El Cercado for some time. Harth-Terré, "El Esclavo Negro en la Sociedad Indoperuana," 321, Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 154. See also Contreras, *Padrón de los Índios de Lima en 1613*, 345, 85, 282-83, 465-66. By the 1620s, the Indian militia of the city was composed of ten squadrons of infantry, each with its own captain and sergeant, totaling some 500 men, fifty per squadron. To receive Viceroy Marquis of Guadalcazar in 1622, the companies paraded through the city with muskets and pikes, led by their standard bearer. In 1648, "several troops" of Indians took their oath of loyalty before the newly appointed Viceroy Marquis of Mancera. In 1666, two squadrons of Indians witnessed the ceremony of acclamation of King Charles II. By 1682, the Indian militia of Lima included a cavalry company. Lowry, "Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)", 155, Millones, "The Inka's Mask: Dramatisation of the Past in Indigenous Colonial Processions," 17, Mugaburu and Mugaburu, *Chronicle of Colonial Lima; the Diary of Josephe and Francisco Mugaburu, 1640-1697*, 22, 105, 234-35, 68-70, Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 73-74.

<sup>306</sup> This hierarchy seems to have been composed of at least the following offices: private (*soldado*), corporal (*cabo de escuadra*), sergeant (*sargento*), standard-bearer (*alférez*), and infantry captain (*capitán*), all supervised by a field marshal (*maestre de campo*), sometimes a Spaniard. Overall, it would take a soldier some twenty years to become a captain. I base my sketching out of a typical career path of captain of the Indian militia on the following two cases. Don Pedro Chafo Çabana, a self-declared "indio principal" of the town of Lambayeque who spent almost a decade in Spain, moved to Lima sometime before 1644. In that year, the viceroy appointed him corporal. Between 1645 and 1658, and after having become official interpreter of the *Audiencia* in 1648, Don Pedro was promoted to the posts of sergeant, standard-bearer and, finally, infantry captain of an Indian company. He retired in 1664. Don Francisco de Heriza Paz Carguamango, a native of El Cercado and another traveler to the Spanish court, rose from the rank of soldier to become an infantry captain in 1658, leading some one hundred men. "Expediente de Pedro Chafo Zavana," ms. 1660-62. AGI, Lima, 171. "Informaciones de oficio y parte: Pedro Chafo, cabo de escuadra, sargento, alférez y capitán de infantería," ms. 1664. AGI, Lima, 255, n. 16; "Pedro Chafo Zabana Indio natural de Lambaieque en el Reino del Peru," ms. 12.24.1670. AGI, Lima, 26; "Informaciones: Francisco de Heriza," ms. 1669. AGI, Lima, 259, n. 10. In his letter to the king, Don Felipe Carguamango declares, "Desde Muy tierna Hedad y tube usso de Raçon Me e ocupado en el R.l seruiçio de V.M. en la milicia de soldado cauo desquadra alferéz y capitán de Yfanteria a que al Press.te exerso el ofiçio de los del numero desta ciu.d." "Carta de Don Felipe Carguamango a S.M.," ms. 7.6.1657. AGI, Lima, 169.

and, by extension, to the Indians of the city and the kingdom. We find them performing as a *gremio* already in 1657. In that year, the "military men" of the city celebrated the Virgin of the Limpia y Pura Concepción as their patron. In front of "clergymen, gentlemen, and many other residents" attending the ceremony at Lima's cathedral, Archbishop Pedro de Villagómez officiated mass. The viceroy, the *Audiencia* judges, and the city council were invited. They occupied the seats closest to the altar. Filling other privileged seats were the field marshal, the sergeant mayor, the general sheriff of the Indian cavalry, nine discharged captains of battalions (who paid for the ceremony), and the standard-bearer of the festivity. Only one of these attendants identified himself as a *cacique*. The rest of the seats were reserved to other Indian captains, aides, standard-bearers, sergeants of the infantry squadrons, all "residents of this city and its hinterland" organized according to their rank. After the ceremony was over, the virgin paraded throughout the streets and churches of the city with great splendor.<sup>307</sup>

General attorneys (*procuradores generales*) of the Indians operating at the viceregal and royal courts in the eighteenth century, individuals such as Don Vicente Mora Chimo, Father Calixto de San José Tupac Inca, or Don Bustamante Carlos Inca, have cast a shadow upon who fulfilled similar roles in the two preceding centuries. The latter appear in the historical record

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<sup>307</sup> "Testimonio de la celebración que hicieron los indios de Lima de la festividad de la Pura y Limpia Concepción," ms. Lima, 7.8.1657, included in "Carta de Don Felipe Carguamango a S.M," ms. 7.6.1657. AGI, Lima, 169. The virgin paraded "con acompañamiento de danças de yndios [...] adornada de arcos de flores las dichas gradas y mucha cantidad de çera y fuegos todo a cuydado y costa de los d[i]hos yndios con general aplauso de todos los de esta d.ha ciu.d." The following Indian officials are listed: *maestre de campo* Diego Ramirez, *sargento mayor* Don Juan Tantachumbi (*gobenedor* and *cacique principal* of Surco), and Don Cristóbal Topa Poma Inga, *comisario general de la caballería*. The "capitanes reformados comisarios desta fiesta" were Don Domingo Hulcaguaman Alvarado, Don Pedro Chaves, Don Felipe de la Paz Carguamango, Don Lázaro Tantachumbi, Juan Cao, Martín Sánchez, Don Pedro Ate, Don Sebastián Paucar, and Don Francisco Flores. Don Lorenzo de Ulloa acted as "aprobado natural alférez de la dicha fiesta." The testimony was notarized in the presence of the general defender and the general attorney of the Indians, at the request of Don Felipe de la Paz Carguamango. David Cahill discusses a strikingly similar occasion in which Don Diego Sicos arranged for a scribe to record the proceedings of the religious procession for Our Lady of Loreto, organized in Cuzco by an Indian brotherhood. Cahill concludes, "For Juan Sicos Inga [son of Don Diego Sicos], the need for documentation of his nobility was at that moment pressing because other Inca nobles had alleged judicially that he and his lineage group—the Ayarmacas and the Pumamarcas—did not in fact form part of the Inca nobility." I am inclined to think that the Carguamangos of Lima were facing a similar situation. See Cahill, "The Virgin and the Inca. An Incaic Procession in the City of Cuzco in 1692," 612.



since the last decade of the sixteenth century.<sup>308</sup> Whereby early local *procuradores generales* still claimed to speak on behalf of the Indians of their cities, provinces, and towns, a more encompassing discourse started to emerge around the viceregal palace and the posts of General Defender and General Attorney of the Indians in the seventeenth century. The group of those rhetorically included in it would grow as time went by. The "naturales residentes en essa ciudad de los Reyes" (in truth, one segment of the indigenous population of Lima) had an informal attorney acting on their behalf in Madrid already in the late 1610s.<sup>309</sup> In their 1657 letter to the king, Don Luis and Don Felipe Carguamango claimed to speak on behalf of "Los caciques deste Su Reyno," although their discourse and prestige was rooted in Lima.<sup>310</sup> Don Antonio Collatopa, an "indio principal" from Cajamarca, received the support of different *caciques* in letters sent from Lima to the king in 1664, perhaps through the General Defender of the Indians. The *caciques* wrote on behalf of "los naturales del Peru y moradores de esta Corte," that is, Lima. Collatopa, in turn, cited these letters in his *memorial* to legitimize his role as a general attorney.<sup>311</sup> The alleged Jerónimo Limaylla, who

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<sup>308</sup> In 1596, the *alcalde mayor*, the urban *alcaldes*, and some *caciques* of the urban parishes of Cuzco empowered Don Luis Viracocha Inga Urcochalco Yupanqui, *procurador* of the city. They argued, "combiene al servicio de dios nuestro señor y de su magestad y para el bien comun de los naturales que uno de nosotros tenga nuestro poder el cual sea para que en la ciudad de los reyes nos represente ante el visorey y paresca a pedir lo que nos convenga de todas las libertades que deben gozar los yngas emancuzcos y gurincuzcos y los yanaconas que residen en esta ciudad." ARC, Protocolos notariales, n. 15 (Antonio Salas), f. 546r-48r. Almost a century later, Don Pablo Tito Uscamayta Inga de Valladares, a *cacique* of Cajamarca and "procurador General de los Indios de aquella prouincia," empowered by other *caciques*, represented the Indians of the province at the royal court. "Real cédula al Virey del Perú que de a Don Pablo Tito Uscamayta Procurador general de los Indios de Cajamarca la provisión ordinaria que se acostumbra para... con las calidades que se expresan," ms. Madrid, 7.6.1684. AGI, Lima, 587, l. 29, f. 62r-66v.

<sup>309</sup> "Real cédula al Virrey del Piru sobre el cumplimiento de una executoria que tienen los Indios de la ciudad de los Reyes para que no se les obligue a que biban dentro del pueblo del Cercado," ms. Madrid, 3.18.1618. AGI, Lima, 583, l. 17, f. 96v-97v.

<sup>310</sup> "Carta de los caziques del Peru a Su Majestad," ms. Lima, 7.3.1657. AGI, Lima, 169. This "Don Luis" is probably Don Luis Macas.

<sup>311</sup> "Memorial de Don Antonio Collatopa, indio cacique, y natural de Caxamarca, a S.M." n.d. AVU. Ms. Varios, 79; "Carta de los naturales del Peru y moradores de esta Corte Lima a S.M.," ms. Lima, 1664. AGI, Lima, 17. The signatories, most likely *caciques* from Huamanga, Arequipa, and Cajamarca, were Don Lope Joseph Mayta Capac Tito Atauchi, Don Nicolás Ñoyochumbi, Don Francisco Pilco Guaraz, Don Melchor Ataoche Topacusirimachi Inga, Don Juan Rodríguez Pilco, Don Juan Curi, Don Bartolomé Xulcapoma, and Don Francisco Ninalingon. After denouncing a series of abuses, the

journeyed from the lettered city to the royal court in 1664, also declared in his memoranda that the purpose of his trip was to speak "for the relief of these poor Indians, his brothers." In 1678, he justified his remaining at the royal court for almost fifteen years in that he was only seeking "algun alivio para los indios (de todo aquel Reyno) para su conseruaçion y permanençia, asi para los indios nobles como para los demas." The previous year, he had informed His Majesty that he had in his possession powers of attorney

de los demas caçiques de dicho Reyno, del Peru, para parecer ante V.Magestad, y su Real Perssona, y en el Su Real Conssejo de Yndias y demas tribunales y Justiçias que combiniere representando sus mismas personas como, si actualmente estuvieran en esta Corte.<sup>312</sup>

In a memorandum printed in Madrid around the same time, Limaylla expanded his power to represent even more in order to include the "caziques" of Peru and New Spain (from whom he claimed to have received powers of attorney). He requested, in the name of "aquellos tan estendidos Reynos, e Indios Nobles que los habitan," the creation of an exclusive chivalry order under the auspices of Saint Rose of Lima to honor noble Indians of Mexico and Peru.<sup>313</sup> As Don Pedro de Vargas, an attorney of the *Audiencia*, told Don Vicente Mora Chimo in a letter sent from Lima to Madrid in 1723,

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*caciques* stated, "En todo nos remitimos al Ynforme que Hiçiere a V.M. Don Antonio Diaz de las Cuebas Collatopa, desçendiente de los Hijos de Guaynacapac: que con Riesgo De la Vida dexando Su mujer e Hijos ba en nombre de todos." I think that Don Juan Crisóstomo Atahualpa or Don Antonio Collatopa himself took this letter to Spain.

<sup>312</sup> "Memorial. Don Jerónimo Lorenzo Limaylla, Indio Prínçipal de las Prouinçias del Peru," ms. AGI, Lima, 17; "Memorial. Don Gerónimo Limaylla yndio casique prínçipal de la prouinçia de Xauxa en el Reyno del Peru," ms. 2.1678. AGI, Indiferente, 640, "Memorial. Don Geronimo Lorenzo Limaylla, Yndio Caçique Prínçipal de la Prouinçia de Xauxa Reyno del Peru," ms. 7.1677. AGI, Indiferente, 640; "Representacion hecha al Sr. Rey Dn. Carlos Segundo por Dn. Geronimo Limaylla Yndio Cazique del Repartimiento de Luringuanca de la Provincia de Jauja Reyno del Perú como Poder-Teniente de los demas Caziques Gobernadores de las demas Provincias del dicho Reyno, y como parte principal, y legitima, à quien toca mirar por el alivio y conservacion de los Indios, en la qual consiste, y estriba la mayor propagacion de la Fe, y aumento de la Real Hacienda, a fin de que S.M. se dignase dar las providencias convenientes para su buen tratamiento, y que no fuesen vejados, ni oprimidos en la dura seruidumbre de los Españoles," ms. 1678?. Real Biblioteca del Palacio Real, Ms., II/2848, p. 238, 241.

<sup>313</sup> "Memorial que pone a los reales pies de nuestro gran Monarca Carlos Segundo, Rey de España, y de la America, don Geronimo Lorenzo Limaylla, Indio Cazique Principal, y Gobernador de la Provincia del Valle de Xauxa, del Repartimiento de Luringuanca, en el Reyno del Peru. Para que Sv

no solo procure V[uestra] m[erced] el alivio y consuelo de los de sus Pueblos y repartimiento, sino de todos los de las Provincias de este Reyno por q[ue] aunq[ue] V[uestra] m[erced] no tenga poder, no lo nessesita para hazer personeria por todos, representando lo q[ue] padesen con corregidores, Estansieros, obrageros, Diezmeros, Thenientes, maoriordomos y criados de corregidores.<sup>314</sup>

Clearly, broadening the representational spectrum was also a valid strategy to remain in Madrid once the Council of the Indies had ruled on these individuals' particular affairs.<sup>315</sup> More importantly, seventeenth-century travelers like Chimo, Collatopa, Limaylla, and others were able to articulate broader discourses because, in spite of the dubious *cacique* pretensions and lower social origins of some of them, they could detach themselves from specific Indian polities and communities in the Andes and represent "the Indians of Peru" with varying degrees of success. This was something that *caciques* could have hardly done because their legitimacy and authority were tied primarily to the *repartimientos* that they ruled.

Nevertheless, this is not to deny that some of these travelers received money, letters, memoranda, and powers of attorney from *caciques* of the Andes

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Magestad sea sesvido [sic] de mandar instituir, para los Indios Nobles, en quienes concurran las calidades expressadas en èl, vna Cavalleria, ù Orden, à semejança de las Militares, con que se obviaràn los inconvenientes graves, que oy se experimentan, y serà de alivio, honrà, y perpetuo reconocimiento para aquellas Naçiones, y de gran consecuencia en vtil de los Reales averes, por las circunstancias que se reconoceràn en èl." Madrid, c . 1677. AGI, Indiferente, 640. On page 1, the author expresses, "y en virtud de los poderes que tiene de dichos Caziques, que estan presentados en el Consejo de Indias, y dicha Escrivania de Camara, assi de aquellas partes, como de todas las demas del Reyno de la Nueva España." The teller of the Council of the Indies declared he had been unable to find such powers of attorney. In the early 1720s, Don Vicente Mora Chimo would also claim to have received "diferentes cartas de los Caciques, y Governadores de los Pueblos de Indios de aquellas Provincias del Perú." Mathis, "Une Figure de la Première Globalisation de L'amérique Espagnole: Vicente Mora Chimo Ou L'itinéraire Original D' Un Cacique Hispanisé de la Côte Nord Du Pérou À la Cour D'Espagne Au Début Du Xviie Siècle", 390.

<sup>314</sup> Ibid., 402. The emphasis is mine. Fray Calixto de San José clearly disagreed. In his 1750 letter to the Indian *cabildo* of El Cercado, he urged its leaders to send their powers of attorney, or else he would not be able to act as the *procurador* of the Indian Nation. Loayza, *Fray Calixto Túpac Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 49-62.

<sup>315</sup> About the letter from Don Rodrigo de Guzmán Apo Rupay Chagua that Don Carlos Chimo presented at the royal court in 1646, the Council of the Indies stated, "esta carta que a presentado este yndio parece supuesta y que su yntento es quedarse aqui y que esto tiene ynconbeniente pues a lo que bino esta despachado ya." "Respuesta del Consejo de Indias a un decreto de Su Majestad," ms. Madrid, 7.18.1647. AGI, Lima, 15. The letter is dated in Lima, 11.29.1646. About the dealings of Don Rodrigo de Guzmán, *cacique principal* and governor of Huamantanga, with the secular and religious justice, see Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 220, Charles, "'More Ladino Than Necessary': Indigenous Litigants and the Language Policy Debate in Mid-Colonial Peru.", García Cabrera, *Ofensas a Dios, Pleitos E Injurias: Causas de Idolatrías y Hechicerías (Cajatambo, siglos XVII-XIX)*.

to represent them at the royal court. These *caciques*, clustered around the School of Indian nobles and the Indian *cabildo* of El Cercado, had multiple reasons to visit Lima and enter into contact with potential travelers and attorneys, but very few real chances to abandon their obligations in order to cross the ocean.<sup>316</sup> They could and did address the king through letters sent by their general defenders, but they would ultimately realize that having an attorney who could claim his own "Indianness" as a legitimizing factor for speaking on behalf of other Indians, even if not sustained by formal powers of attorney, was an even more effective strategy.

Travelers-as-attorneys partially fall into Rolena Adorno's seminal typology of *ladino* experiences and social types.<sup>317</sup> Nonetheless, their proximity to the seats of royal and viceregal power has added one crucial dimension of *ladino* activity. Their knowledge of colonial courts and legal procedures, linguistic skills, and familiarity with the city and its district turned them into self-styled legal representatives, formal and informal attorneys in Peru and Spain, hence consolidating their role as early Atlantic intermediaries. Their daily affairs must have unraveled within two interlocking networks: the world of the *letrados* who reproduced the colonial state and the world of the indigenous communities that solicited and litigated before the *Audiencia* and the Council of the Indies.

Moreover, their power of brokerage stemmed from their ability to choose what to "translate" and how to do it, and one must bear in mind that they

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<sup>316</sup> In the same letter, Don Rodrigo de Guzmán informs Chimo, "El memorial que Presento v.m. al Consejo Real como escriuiuo a don Lucas Tancun colegial del colexio Real del Cercado para que los casiquez principales puedan tener auitos pues los hasse su Magestad gouernadores dandoles por sugetos a sus yndios a parecido aca bien; v.m. no se venga hasta que de fin a negoçio de tanta ymportancia que por lo que a my toca sy me ubiera coxido este aviso aperçeuido le Remitiera my cornadillo para ayuda de la pretençion que pero el año que biene de 47 no biniendose vm hare el deuer conforme my caudal." After presenting his "Representación verdadera" to King Ferdinand, Father Calixto de San José wrote a letter to the *cabildo* of El Cercado in 1751. The letter calls its members "Muy Ilustre Cabildo de la Ciudad de Lima. Muy Señores míos, amados hermanos y queridos parientes, señores alcaldes de la ciudad de Lima, gobernadores y caciques principales, señores nobles de la Nación Indiana y Jefes del Batallón de esa Ciudad." Loayza, *Fray Calixto Túpak Inka, Documentos Originales y, en su Mayoria, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 49.

<sup>317</sup> Adorno, "Images of *Indios Ladinos* in Early Colonial Peru."

translated more than words. As Richard White has argued, power brokers became ancillary when one of the parties involved tried to persuade others "by appealing to what they perceive to be the values and practices of those others."<sup>318</sup> Atlantic attorneys could "translate" possible responses and solutions to the complaints of their Indian clientele, usually aroused by the colonial system of exploitation itself, as good, just, pious, beneficial, or profitable to the crown, the church, and its local representatives. Attorneys, interpreters, and other Atlantic brokers also incorporated their own interests and expectations in most of these mediation activities, making them appear as beneficial, and indeed indispensable, to all. From their position at the center of the lettered city, they articulated native communities with local and metropolitan authorities.

Whether or not these emerging voices stand for a new "Indian" identity, as suggested by Lowry and others before, is very difficult to determine because official letters, powers of attorney, and memoranda, our main sources in this case, are framed by the rhetoric of law and the rules of legal representation. I would suggest, instead, that the appearance of these general attorneys of the seventeenth century is part of a more prosaic—yet equally important—process. After mastering the intricacies of the legal system, urban *indios principales*, allied with *caciques* of traditional Indian polities, the mendicant orders, and other native leaders centered on Lima's lettered city, finally got rid of Spanish attorney generals, replacing these legal specialists with their own specialists.

This process started sometime in the 1650s or 1660s and ended in the late 1730s, when the first Indian *procuradores generales* and *protectores*, attorneys and defenders with the authority to represent the Indians of the kingdom, received their appointments in Lima. As explained in the previous

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<sup>318</sup> White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*, x-xi.

chapters, defenders and attorneys stationed in Lima were the privileged interface of communication with the king and the Council of the Indies. In a long memorandum presented to Ferdinand VI in 1750, Father Calixto de San José Tupac Inca emphasizes the need to enforce the 1733 royal decree ordering "que en las Audiencias tuviésemos dos procuradores nuestros indios, y que fuesen protectores también en las demás ciudades del Reino, de la misma suerte, indios." The Franciscan authors of the "Representación" clearly explain,

Los indios, vuestros vasallos, Señor, lloran lo mismo; pues teniéndolo crisitano, católico, piadoso y español, son tratados como sino lo fuera, ni hubiera Rey para ellos; porque ellos no lo pueden ver, ni hablar, ni tratar con él, que se lo tienen escondido, oculto y entre velos, y sólo por fe sabe que tienen Rey; y se han hecho, para que los indios no vayan a ver a su Rey, cuando quisieren y necesitaren verlo; y todos sus negocios han de pasar por el registro de los españoles y jueces, que son lo que más interesan en que Su Majestad no sea visto por los indios, y que éstos jamás lo vean.<sup>319</sup>

A similar process is traceable in other realms of colonial life, as when native instructors gradually replaced Spanish ones or, later on, Indian and mestizos who had earned recognition as true Christians struggled to gain access to the priesthood and even reach the altars.<sup>320</sup> These projects could even overlap, involving the same individuals and networks, all of whom converged eventually at the royal court. Their journeys remain powerful examples of the Indian conquest of the legal Atlantic.

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<sup>319</sup> Loayza, *Fray Calixto Túpak Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 22-23. The emphasis is mine. Among the recommendations of the "Relación verdadera" are need to allow Indians to receive basic and advanced education, as well as appointments as "calificadores, consultores y ministros del Santo Tribunal y las garnachas en las audiencias; y en especial el Protector Fiscal y dos procuradores sean Indios, que protejan a su Nación." —, *Fray Calixto Túpak Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*.

<sup>320</sup> Winning acceptance for Indians and mestizos as priests and nuns—opening the gates of priesthood, as the documents declare—as well as university students is another of the underlying themes of Fray Calixto de San José's "Representación verdadera."

## CHAPTER 3

### WHAT'S IN A NAME? THE QUESTION OF IDENTITY

Porque la alteza y rrealeza y magestad no puede comunicar con hijos de pobres picheros y los señores fueran uajos y la magestad del Ynga fuera menospreciado. Nunca le hablaua yndio y yndia pobre al Ynga.

Felipe Guaman Poma de Ayala, *Nueva corónica y buen gobierno*

In his term report to the king, Viceroy Marquis of Mancera (1639-1648) denounced a campaign of defamation against him, led by Juan Medina Ávila, his son, and other bureaucrats and landowners of Peru. The viceroy had punished his enemies for frauds against the Royal Exchequer and for usurping Indian lands. The viceroy accused these individuals of printing pamphlets that attacked him and of sending Medina, the son, to present them before the king and the Council of the Indies. To substantiate their accusations, Medina brought along an Indian to whom, according to Mancera, he and his allies had taught the Castilian language. In Spain, the traveler presented different memoranda in which, claiming to be a *cacique principal* and to be speaking on behalf of "all the Indians of Peru," he complained about the "violence and tyranny with which the Marquis had oppressed them and deprived them of their lands." Later on, Mancera reminded his superiors that the Council had been informed otherwise: "the Indian who arrived here was *supuesto*, not a cacique but a vile man and a *mestizo* [...] the said Indian had been punished and lashed for being a thief in Peru." In Mancera's mind, a *mestizo* of vile origin, an impostor, a thief, and a non-speaker of Castilian could be neither

a *cacique principal* nor an authorized representative of the Indians of the kingdom. At the Habsburg royal court, many royal officials shared his views.<sup>321</sup>

Throughout the Habsburg period, royal officials launched similar accusations against "fake" *caciques* and other travelers in Spain and Peru, questioning their purported origin and status. Many memoranda, royal decrees, passenger records, and other documents bear expressions such as "Indio que dize ser" or "cacique que dize ser." By that, the Council meant that the incumbent had not proved his alleged status and identity. Already in 1582, for example, individuals who resided in the Andes for many years assured the Council that Don Carlos Tito Amaro, who had been staying at the court for a few months by then, was neither the brother of the last Inca nor a direct descendant of Emperor Huayna Capac, as he claimed to be in his memoranda.<sup>322</sup> In 1656, native *caciques* and *principales* of the Jauja Valley denounced another traveler, a man who called himself Don Jerónimo Lorenzo Limaylla, as an impostor. They declared before the judges of the *Audiencia* of Lima that the litigant was not the heir of a *cacique principal* and a noble Indian, but a trickster of commoner stock who went by the name of Lorenzo Ayun.<sup>323</sup> In a similar vein, Crown officials cast serious doubts on the authorship of some of the memoranda produced at court, blaming, as Mancera did in his

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<sup>321</sup> "el indio que había venido era supuesto, no cacique, sino vil y mestizo [...] y que dicho indio había sido castigado y azotado por ladrón en el Perú." "Memorial que presentó al Rey el Excmo. Sr. Marqués de Mancera en el que alegando méritos y servicios hace relación de muchas cosas particulares que obró en el tiempo que fue virrey del Perú". 4.12.1653. AGI. Lima, 610. In Lewis Hanke and Celso Rodríguez, *Los Virreyes Españoles en América durante el Gobierno de la Casa de Austria: Perú*, 7 vols. (Madrid: Atlas, 1978), 3:274. Mancera based his accusations against Don Carlos Chimo, the traveler, on a previous questionnaire prepared in Lima by an *oidor* of the *Audiencia* and his attorney. They are included in "Cartas y expedientes: Presidente y Oidores de la Audiencia," ms. 1648. AGI, Lima, 100, f. 7v ff. I thank Susan Ramirez for sharing a copy of this manuscript with me. The legal battles between Mancera and his opponents have been recounted in full detail in Luis Miguel Glave, "Gestiones Transatlánticas: los Indios ante la Trama del Poder Virreinal y las Composiciones de Tierras (1646)," *Revista Complutense de Historia de América* 34 (2008), Guillermo Lohmann Villena, *Inquisidores, Virreyes y Disidentes: el Santo Oficio y la Sátira Política* (Lima: Congreso del Perú, 1999).

<sup>322</sup> "Consulta del Consejo sobre pretensión de D. Carlos Tito Amaro de que se le dé algún entretenimiento en la Península," ms. Madrid, 8.18.1582. AGI, Lima, 1, n. 44.

<sup>323</sup> Puente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World".



memorandum, Spanish priests, litigants, and other "non-indigenous" individuals for hiding their true interests and intentions behind these documents.<sup>324</sup>

When John Rowe outlined the first general interpretation of these journeys, he argued that transatlantic travels of the early and mid-colonial period, in connection with a series of still obscure revolts against the colonial order, marked the beginning of an organized and conscious "Inca National Movement." This movement reached its zenith when leaders like Juan Santos Atahualpa and José Gabriel Tupa Amaro attempted to restore an Inca dynasty in eighteenth-century Peru.<sup>325</sup> Others followed, arguing with Rowe that Indian journeys to court were an expression of a conscious and well-pondered "Andean movement" against Spanish colonialism, organized and led by the *caciques* of Peru. In their journeys and memoranda, travelers conveyed their "general aspirations," expressed their "elite consciousness," and reinforced their "ethnic prestige."<sup>326</sup> According to this interpretation, travelers had to be "wealthy nobles" whose "managing" abilities placed them in the long "Andean tradition" of "ethnic" prestige and authority.<sup>327</sup>

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<sup>324</sup> See the observations of the Council of the Indies to a *memorial* signed by Don Jerónimo Lorenzo Limaylla and printed at court in the 1670s, included in Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 2, pt. 2:656. The councilors suspected that Limaylla "esta vagamundo" and "acompañado de algun frayle." AGI, Indiferente, 640.

<sup>325</sup> Rowe, "The Incas under Spanish Colonial Institutions.", —, "Colonial Portraits of Inca Nobles.", —, "El Movimiento Nacional Inca del siglo XVIII.", —, "Genealogía y Rebelión en el siglo XVIII: Algunos Antecedentes de la Sublevación de José Gabriel Thupa Amaro."

<sup>326</sup> See especially Pease G.Y., "Unidades Étnicas y Noción de Identidad en el Perú Colonial.", —, "Mesianismo Andino E Identidad Étnica: Continuidades y Problemas.", —, "Conciencia E Identidad Andinas. Las Rebeliones Indígenas del siglo XVIII.", —, "Antecedentes Mesiánicos al Alzamiento de los Thupa Amaro.", —, "En Busca de una Imagen Andina Propia durante la Colonia.", —, "Curacas Coloniales: Riqueza y Actitudes.", —, "Un Memorial de un Curaca del siglo XVII.", —, *Curacas, Reciprocidad y Riqueza*.

<sup>327</sup> Monique Alaperrine-Bouyer, "Enseignements Et Enjeux D'un Héritage Cacical: Le Long Plaidoyer de Jerónimo Limaylla, Jauja, 1657-1678," in *Les Autorités Indigènes entre Deux Mondes: Solidarité Ethnique Et Compromission Coloniale*, ed. Bernard Lavallè, *Travaux Et Documents*; 5 (Paris: Université de la Sorbonne Nouvelle, Paris III. Centre de Recherche Sur L'Amérique Espagnole Coloniale, 2004), 119-27, Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, Ana María Lorandi, *de Quimeras, Rebeliones y Utopías: la Gesta del Inca Pedro Bohorques*, 1 ed. (Lima: Pontificia Universidad Católica del Perú, 1997), 91-97, Pease G.Y., "Mesianismo Andino E Identidad Étnica: Continuidades y Problemas.", —, "Curacas Coloniales: Riqueza y Actitudes.", —, "Un Memorial de un Curaca del siglo XVII.", —, *Curacas, Reciprocidad y Riqueza*.

Rowe had built this portion of his thesis on very tentative grounds, however. The historical evidence available for him at that point was confined to a failed 1666-1667 Indian conspiracy to burn Lima and massacre its Spanish residents and the previous 1664 journey to Spain of Don Antonio Collatopa, an *indio principal* from Cajamarca, in the northern highlands. Rowe argued that Collatopa's memorandum was "a protest in the name of all the Inca caciques," and the Lima conspiracy was an "Inca revolt" against the king and the Spaniards in general.<sup>328</sup> Even so, the *Inca* nature and possible ramifications of the said plot still awaits clarification, while the traveler Collatopa, now we know it, did not identify himself as an "Inca" while sojourning at the royal court. As was common in these cases, some of his contemporary townsmen even disputed his *cacique* legal identity.

Nowhere is this purported *cacique* identity more pervasive than in the way historians analyze the letters and memoranda presented by these travelers at court. Scholars either assume that *caciques* authored them—thus, the documents convey their unmediated "native" voice—or leave the problem of authorship unexamined.<sup>329</sup> In light of the key role that scribes, interpreters, attorneys, defenders, and solicitors played in the overall Indian experience with colonial justice (as that role has been reconstructed in the previous

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<sup>328</sup> Rowe, "The Incas under Spanish Colonial Institutions," 157-58. Don Antonio Collatopa's printed *memorial* can be found in AVU. Ms. Varios, 79 [n.d.]. According to the colonial authorities, the plotters planned on setting Lima on fire and massacring the Spaniards. The main edited sources of this still debated uprising are Hanke and Rodríguez, *Los Virreyes Españoles en América durante el Gobierno de la Casa de Austria: Perú*, IV: 169-220, Mugaburu and Mugaburu, *Chronicle of Colonial Lima; the Diary of Josephe and Francisco Mugaburu, 1640-1697*, 108-09.

<sup>329</sup> With regard to the *memorial* presented on behalf of Don Antonio Collatopa in 1664, Rowe states that he "had his memorial printed in Madrid." Similarly, Don Vicente Mora Chimo "llegó inmediatamente a la península el año de 1721 y se puso inmediatamente a escribir y hacer imprimir memoriales." Rowe, "The Incas under Spanish Colonial Institutions.", —, "El Movimiento Nacional Inca del siglo XVIII," 358. Another case in point is that of Don Jerónimo Lorenzo Limaylla. According to Franklin Pease, Limaylla "[habría] escrito al Rey" requesting authorization to sail to Spain in 1662. Limaylla "redactó numerosos memoriales al gobierno español." This document, dated 30.11.1662 and probably penned by the *protector de naturales*, is in AVU, Ms., 32 (16), n° 35 [1662], f. 66r-66v. Also according to Pease, while Limaylla was in the Peninsula, he "redactó numerosos memoriales al gobierno español." Pease G.Y., "Un Memorial de un Curaca del siglo XVII," 197. Ana María Lorandi and Monique Alaperrine follow the same interpretation. Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, 56-57, Alaperrine-Bouyer, "Enseignements Et Enjeux D'un Héritage Cacical: Le Long Plaidoyer de Jerónimo Limaylla, Jauja, 1657-1678," 44, —, *La Educación de las Elites Indígenas en el Perú Colonial*.

chapters), it is surprising that the assumption that proofs of merit and memoranda shown at court were "[oral] accounts, transferred to paper" has not been questioned thus far.<sup>330</sup>

One might very well take *cacique*, *intruso*, and *supuesto*, along with other identifications, at face value. Or, as some scholars have done when faced with the multiple inconsistencies and inventions of origin and status of the travelers, one might replicate the view of Viceroy Mancera and other colonial bureaucrats, who sought to unmask these "false" claims and identities. Under this assumption, if bureaucrats and litigants contested the *cacique* status of the travelers, scholars concluded, it was because the Crown and their legal rivals had unrightfully "dispossessed" them of their *cacicazgos* and ethnic legitimacy.<sup>331</sup> Yet, as James Sweet suggests in an analogous context, such static views only reify the fixity of Spanish legal templates and ethnocentric perceptions, placing historical actors under an either/or dichotomy. Especially in an Atlantic setting, Sweet contends, where individuals belonged to multiple communities simultaneously, identities could shift or accumulate across space and time. Lauren Benton reaches a similar conclusion in her institutional analysis of colonial litigation: "social

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<sup>330</sup> The quote can be found in Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, 37. In an article published in 1985, Franklin Pease took a more critical approach to these sources by discussing the legal templates that reorganized the information contained in *probanzas* and *memoriales*. He, however, did not draw any conclusions as to what this critical issue meant for his previous ideas about Andean consciousness and Andean Messianism.

<sup>331</sup> For interpretations that depict Don Felipe Guacrapaucar, an Indian traveler to Spain, as "egoísta", "envidioso", "pícaro farsante" and "traidor", see Aquilino Castro Vásquez, *Hanan Huanca: Historia de Huanca Alta y de los Pueblos del Valle del Mantaro. Desde sus Orígenes hasta la República* (Lima: Stella, 1992), 135, Waldemar Espinoza Soriano, "Los Huancas Aliados de la Conquista. Tres Informaciones Inéditas sobre la Participación Indígena en la Conquista del Perú," *Anales Científicos de la Universidad del Centro del Perú* 1 (1971-72): 181, —, *La Destrucción del Imperio de los Incas. La Rivalidad Política y Señorial de los Curacazgos Andinos* (Lima: Amaru, 1981), 186, José Benigno Peñaloza Jarrín, *Huancayo: Familia, Historia y Región* (Lima: Pontificia Universidad Católica del Perú & Instituto Riva-Agüero, 1995), 380. About the case of Don Jerónimo Limaylla / Lorenzo Ayun, Monique Alaperrine-Bouyer states, "Ce procès oppose donc un homme intelligent, au fait du droit espagnol, qui vit la plupart du temps à Lima, à un homme plus rustre qui ne sort pas de son village mais qui s'est allié, vraisemblablement par le fait même de son incompétence, les autorités locales." About Bernardino, Alaperrine-Bouyer writes, "La personnalité de don Bernardino qui se dessine à travers ces documents est celle d'un homme peu intelligent, menteur, peu scrupuleux." About Jerónimo, on the other hand, the same author states: "ce cacique, très hispanisé, avait non seulement acquis la connaissance de ses droits mais également l'intelligence politique qui faisant de lui un juste représentant des Indiens." Alaperrine-Bouyer, "Enseignements Et Enjeux D'un Héritage Cacical: Le Long Plaidoyer de Jerónimo Limaylla, Jauja, 1657-1678," 115, 19, 26-27.

actors often logically viewed legal status itself as a *form of property*, that could rise or fall in value and that could be inherited or usurped." Thus, for "African" travelers and litigants in the Atlantic world, Sweet concludes, "rarely was identity asserted as a rigid 'either/or' proposition [Rather] assertions of identities were situational, dependent on claims and attributions calibrated to constantly shifting sets of sociopolitical demands."<sup>332</sup>

Thus, it seems more fruitful to explore the categories through which these Atlantic travelers maneuvered by looking at the impact that the Spanish judicial system had in the complex dynamics of identity politics at the royal court. Why, and by whom, was someone characterized as a "cacique" at particular moments and times? Prevailing views correctly emphasize the remarkable "managerial" skills of some of these Andean leaders, but it anchors them in a pristine Andean world populated by "curacas" and "ethnic groups," ultimately placing the source of any "ethnic" legitimacy outside the realm of colonial experience. Thus, these interpretations implicitly neglect social change. This chapter will show that the *cacique* labels displayed in Spain, as many others, were not necessarily fixed or consensual. Rather, they were the outcome of multiple negotiations on both shores of the ocean. Such identities reflect, as in the case of Olaudah Equiano studied by James Sweet, the interplay between the travelers' careful presentation of themselves and the expectations and interpolations of the bureaucrats that they encountered in Spain, on the one hand, and the Indian leaders and communities that they left behind in the Andes, on the other. In the end, the lives and journeys of some of these Andean wanderers as well as the set of skills and strategies

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<sup>332</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 23, Sweet, "Mistaken Identities? Olaudah Equiano, Domingo Álvarez, and the Methodological Challenges of Studying the African Diaspora," 283. Sweet places his discussion within the broader debate over African creolization versus cultural retention. For a critique of the "either/or" paradigm as it has been applied to the Andean context, see Lamana, *Domination without Dominance: Inca-Spanish Encounters in Early Colonial Peru*.

that they exhibited at the royal court were possible due to—and not in spite of—the colonial system, which opened new and interesting ways for individuals to “behave” as, and hence become, a *cacique*.

I start by analyzing the epistemological and methodological problem posed by the nature of legal representation. My aim is to discuss the impact of corporate legal templates in the ways litigants and petitioners could display their Indian identities at the royal court. I then explore how travelers constructed and contested Indian and *cacique* status before the Council of the Indies and the House of Trade, showing not only the fluidity of these labels but also the interplay of origin, ancestry, and appearance in creating Indianness and *cacique* status. Finally, I discuss how the transformative experience of the trip produced new *caciques* and discredited others as well as how this process specifically unfolded at the royal court. I conclude with some reflections as to how to understand these and other identifications in the broader scenario of the Habsburg Atlantic Empire.

#### *The Traps of Legal Representation*

Let us go back to the conflict aroused by the presence of Don Carlos Chimo at the royal court. From the legal standpoint of the members of the Council of the Indies, accusations such as the ones launched against Chimo, Jerónimo Limaylla, and Carlos Tito Amaro held considerable truth. Only a handful of Indian travelers to Spain seem to have been *caciques* in their eyes, namely, indigenous descendants from noble prehispanic lineages, officially recognized as hereditary lords of Indian *repartimientos* and towns by the Crown.<sup>333</sup> Most travelers had more remote links, if at all, with the Inca nobility and the Indian *cacique* elite as well as little or no hope of succeeding their uncles, fathers, and grandfathers in their *cacicazgos* and

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<sup>333</sup> The best definition of what the Crown and its *consejeros* and *oidores* understood as a legitimate *cacique* from the perspective of the law is still Díaz Rementería, *El Cacique en el Virreinato del Perú: Estudio Histórico-Jurídico*.

governorships. Don Carlos Tito Amaro, though an Inca noble like hundreds of other individuals in the late sixteenth century, was not from the recognized line of direct heirs of Huayna Capac (whose members, in any case, would renounce any claims to the throne a few years later). Don Carlos Chimo, the traveler denounced by Viceroy Mancera in his 1653 report, was no doubt an *indio principal* (thus, the title of *Don* that preceded his name). His uncles, cousins, and relatives ruled over Indian villages in the region of Lambayeque. Hardly would Crown officials and titled *caciques* consider Chimo a *cacique principal*, however, in spite of what he declared in his writings to the council.<sup>334</sup> Finally, even if Don Jerónimo Lorenzo Limaylla was whom he claimed to be (the son of a *cacique principal*), the *Audiencia* ruled in favor of his legal rival in 1663. The judges' legal argument was that, regardless of the "true" identity of the traveler, the "real" Limaylla had been an illegitimate son of the last *cacique principal*. Thus, other candidates were to be preferred for succeeding.<sup>335</sup>

The seeming paradox begins to unravel if we bring into the discussion, first, the corporate nature of Iberian society, and second, the series of legal templates that this particular conception of the social body imposed on litigant and petitioner identities at the royal court. As Charles Cutter has noted in his study of colonial political culture, the Spanish legal system "gave and reinforced both corporate and personal identity." In the spheres of litigation and solicitation, "colonial subjects defined themselves and found identity largely in juridical terms through special jurisdictions,

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<sup>334</sup> Hence, the Council identified Don Carlos Chimo as a "cacique principal que dice ser." Consulta del Consejo de las Indias sobre un memorial de Don Carlos Chimo en razón de los agravios que se hacen a los indios," Madrid, 7.23.1647. In Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 2, pt.1:420-22. About Don Carlos's relatives and connections with the Indian elite of Lambayeque, see "Compulsoria en forma por apelación de don Carlos Chimo principal de el pueblo de Lambayeque Jurisdicción de la ciudad de Saña en los autos contra el fechos de oficio por el corregidor de la ciudad de Truxillo," ms. 1641. ARLL, Corregimiento, Causas Criminales, leg. 245, exp. 2518; "

<sup>335</sup> Puente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World", 26-27.

privileges, and restrictions."<sup>336</sup> This corporate structure—the “blueprint” of Spanish social organization, in the words of Lyn Lowry—governed relations among groups that, far from being homogeneous, exhibited great internal stratification. As Lowry contends, “corporations held varying degrees of status, political influence and wealth vis-à-vis each other; but the membership of any one of them could and frequently did demonstrate the whole range of social rankings of wealth and prestige.”<sup>337</sup> In a similar argument, Jovita Baber notes that juridical categories such as *indios*, *españoles*, *mestizos*, and *negros* “classified numerous disparate peoples—many of whom did not identify with one other and often were at odds with each other—under a single legal category.”<sup>338</sup>

The Crown identified and categorized its subjects based on shared duties, privileges, and rights. Therefore, in the legal forum, each group negotiated its rights, honors, and privileges with the Crown. There were, however, obvious cross ties between members of different corporate groups.<sup>339</sup> Strictly speaking, individualities, at least in the modern sense of the word, had a weak legal existence at the royal court. The language of “public good” constituted a very effective legal strategy, but public good itself was not public or common at all; it always pertained to specific social groups, each with its own competing interests and priorities.<sup>340</sup> On paper and in legal

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<sup>336</sup> Cutter, *The Legal Culture of Northern New Spain, 1700-1810*, 31, 147. Yanna Yannakakis' analysis of native legal intermediaries in colonial Oaxaca, for instance, reveals that technicalities involved in native litigation—legal and rhetorical strategies, the selection of witnesses, and the composition of petitions—were often “the product of collective strategizing by community elites, legal agents and lawyers as they were the full creation of a powerful Spaniard.” Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*, 121-22.

<sup>337</sup> Lowry, “Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)”, 22.

<sup>338</sup> Baber, “Categories, Self-Representation and the Construction of the *Indios*,” 32.

<sup>339</sup> Lowry, “Forging an Indian Nation: Urban Indians under Spanish Colonial Control (Lima, Peru, 1535-1765)”, 22-24.

<sup>340</sup> For an excellent discussion of the language of common good among the craft confraternities of Barcelona between 1580 and 1640, see Luis R. Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640* (Ithaca N.Y.: Cornell University Press, 2002), 37. According to Corteguera,

speech, these groups could assume multiple shapes: the Franciscan order of the kingdom, the *encomendero* class of Lima, the Inca nobility of Cuzco, the city council of Arequipa, the abbess and nuns of a particular convent, the miner guild of Potosí, the *mestizos* of Peru, and countless others.<sup>341</sup> Moreover, individuals could claim several corporate identities for themselves, sometimes at different stages of their life, sometimes simultaneously, depending on the legal context. Some of these identifications intersected; others were mutually exclusive in the minds of Spanish policy makers and royal officials.

Metropolitan officials would try to make Indian visitors fit into one of a series of individual and corporate templates. Furthermore, Spanish prosecutors, attorneys, and solicitors working at the royal court, many of whom had never been to the New World, would try to reduce native hierarchies and simplify Andean principles of organization to the more familiar categories of Iberian law. In the long term, legal specialists would prefer some individual and corporate identities at the king's palace. In the eyes of the metropolitan dispensers of royal favor, travelers appearing at court in writing were either "nobles" or "commoners," "caciques" or subjects to a native lord, and so the judges would weigh the duties and prerogatives of these individuals accordingly. Early on, the label of "cacique" would become a catchall title for describing any traveler with elite pretensions.

In this context, "the quest for royal favors depended on effective forms of representation," as Luis Corteguera argues in his study of popular

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"From the late Middle Ages through the seventeenth century, the claim to act for the common good of Barcelona, which was at the heart of confraternities' charitable and professional activities [...] provided the arguments to demand and defend everything from major concessions from the king to more limited actions by city authorities."

<sup>341</sup> The *mestizos* ("hijos de españoles e indias") of Peru and Chile sent their representative to court in the 1580s. Their intention was to win admittance to the priesthood. For that goal, 165 *mestizos* from Lima, Cuzco, Arequipa, Oropesa, and Loja signed powers of attorney and prepared two proofs of merit. Berta Ares Queija, "El Papel de Mediadores y la Construcción de un Discurso sobre la Identidad de los Mestizos Peruanos (siglo XVI)," in *Entre dos Mundos: Fronteras Culturales y Agentes Mediadores*, ed. Berta Ares Queija and Serge Gruzinski (Seville: Escuela de Estudios Hispano-Americanos, 1997).



politics in Barcelona. In most cases, however, "the duty to represent subjects before their rulers belonged to intermediates deemed worthy of the task."<sup>342</sup> Before the king and his ministers and leaving professional attorneys and solicitors aside, subjects should represent others and speak for them legitimately only if they enjoyed (or could prove) membership in the same social body of those being represented at that specific moment. Meeting such a condition gave them legal personality to represent collective interests. Judges and rulers expected them to speak about the needs, demands, and aspirations of subjects *like them* or of those over whom they ruled. Since the basic legal distinction within the *República de Indios* opposed nobles (*caciques* and *principales*) to commoners (*tributarios*, *indios particulares*, or *indios del común*), the assumption was that *caciques* were the "natural" spokespersons of the Indian Commonwealth. Under this logic, a native was literally "entitled" to represent an Indian community only inasmuch as he was the appointed *cacique*, governor, or Indian attorney of that corporate group (and thus he had written proof of that status), whether it be a *repartimiento*, a town, or even an *ayllu*. When so doing, he was acting as the legal spokesperson of one of the "commons" that made up the all-encompassing *República de Indios*.<sup>343</sup>

In contrast, when acting as a single individual representing his interests and those of his direct ancestors and descendants, a *cacique* would likely choose to present himself as an Indian noble, with all the privileges and duties that such a status entailed (*caciques* equaled in rank and

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<sup>342</sup> Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640*, 72.

<sup>343</sup> A good example comes from a 1652 trial between Don Rodrigo Flores Cajamalqui, *cacique principal* of Cajatambo, and the local priest. In his defense against the accusations of the Indian lord, the priest and his attorney argued, "que el susodicho nunca a sido casique de nacimiento Por sser hijo de una Yndia mitia [sic: *mitaya* or commoner] llamada Ynes." Since Don Rodrigo was no the "real" *cacique* of the parish, he was acting as "indio particular," that is, he was no legitimate part in the court case. As the priest's attorney put it, "con que por todos lados se ajusta el no ser parte para introducirse en este juicio." "Executoria del pleito de demanda que por parte de Don Rodrigo Flores Caxamalqui se puso al licenciado don Juan Celis de Padilla, Cura de Caxacai..." ms. 1652. AAL, Causas Civiles, Leg. 67, Exp. 1, f. 10r.

privilege with the lesser *hidalgo* nobility). In that sense, *caciques* did not always speak for the commoners and *principales* over whom they ruled, but they could and often did speak in a personal capacity. This fundamental feature of the legal system explains why letters of attorney, petitions, memoranda, and other legal documents made the crucial opening distinction between a *cacique* (or any other Indian authority, for that matter) who spoke for himself ("por sí"/"por su nombre," as the expression went) and one who spoke for his subjects ("en nombre de").<sup>344</sup> Indian authorities who empowered attorneys to act on behalf of their community in a lawsuit or in any other legal affair needed the consent of the lower-ranking *caciques* and *principales*. These lesser authorities stood for the rest of the group—usually segmented into *ayllus* and *parcialidades*—and thus they were supposed to participate in the original writing event. When requesting a coat of arms, a pension, a personal exoneration from tribute, or the official recognition of hereditary nobility before the Council of the Indies, on the other hand, *caciques*, like any other member of the Iberian lower nobility facing a similar situation, should only speak for themselves.

The legal templates available for natives visiting the royal court were not too many. In an effort to replicate Iberian principles of social organization in writing and thus make their own principles apprehensible to the king, Indians initially tried corporate labels other than "cacique" or "repartimiento," for example, but their use gradually faded away, leaving

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<sup>344</sup> The "guild" of *caciques* who signed the 1734 power of attorney on behalf of Don Sebastián Mino Llulli, for example, endorsed it "por si y en vos y en nombre del comun de los Pueblos y Prouincias de cada uno dellos segun se yntitulan." They further added, "Y por lo que gastare en los tales pleitos el dicho Alferes don Balentin Minollalli assi de los particulares de los Cassiques Gouernadores y Segundas personas, como de los Yndios particulares o Comun de cada pueblo donde Gouiernan Se obligan los dichos Casiques a pagarle al dicho don Valentin lo que assi Gastare en dichos pleitos pretenciones y demas defensas entendiendose que lo que fuere y Causare cada prouincia ó Pueblo." "Poder general. Los militares y caciques principales de este reino y maestros de oficios [...] a Don Valentin Mino Llulli," ms. El Cercado, 10.14.1734. AGN, Protocolos, n. 925 (Francisco Roldán), f. 2r-3v.

little or no trace behind.<sup>345</sup> In the realm of legal representation, the choices available to the majority of natives staying at the royal court amounted to three options: inclusion in the privileged noble class, inclusion in the more general Indian commonwealth, and inclusion in a parallel, usually broader but more ambiguous, Indian corporation. Individuals in the first group would self-fashion themselves as *caciques*; those in the second group would simply appear as "indio;" those in the third group, instead, would derive their legal existence from alternative sources of power and prestige.<sup>346</sup> *Caciques* would rarely appear as "indios" (that is, legal commoners). In fact, officials mentioned the *caciques'* "indio" status only if it was not evident from the context. Conversely, commoners and self-declared *indios principales* could try to pass off as *caciques principales* (or the more vague "cacique") a widespread Andean strategy that can be traced back to the Conquest.<sup>347</sup> At the royal court, however, it could become a legal imperative.

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<sup>345</sup> Consider, for example, the "town council" template used by the Indians of the Ananguanca polity in a letter to King Philip written in 1566. They opened their letter with the highly unlikely formula, "Nos el cabildo consejo et homes buenos de la prouincia et balle yntitulado Xauxa de la parçialidad et naçion llamados Anangoancas en los rreynos del Peru." The signatories—all of them *caciques*; hence, the ancient form "homes buenos" (gentlemen)—chose to identify themselves as officials of a Spanish town council. They signed as mayors (*alcaldes*), aldermen (*regidores*), bailiffs (*alguaciles*), jurymen (*jurados*), and even *rabadanes*, an ancient term of Arabic origin used to designate the person in charge of the common cattle of a city or town (there was, evidently, a Quechua equivalent for this post) "Carta. El cabildo y consejo de los Ananguancas a S.M.," ms. Jauja, 1.3.1566. AGI, Lima, 121, f. 45-45v. It is not difficult to understand why this configuration did not take off among the Ananguancas. The first Spanish provincial magistrates and Indian town councils had been established in the valley in the months prior, but there was no such thing as a council of the Ananguanca nation. Instead, each of the Indian towns (*reducciones*) would have its own council. Throughout the sixteenth and seventeenth centuries, the Indians of Ananguanca would communicate with the king on numerous occasions. In 1566, they had chosen to craft their group identity with a formula akin to that of a Spanish *república*. In the following years, however, they would employ the older, more common, and more effective set up of the *repartimiento*, used by similar polities and their legal agents throughout the Andes when addressing the king. In conventional terms, such *repartimientos* were composed of commoners and ruled by a paramount lord (*cacique principal*) and his subordinate *caciques* (that is, the ephemeral "mayors," "aldermen," "jurymen," and "bailiffs" of the 1566 letter). Finally, it is interesting to note that these Indian authorities could not find an equivalent for the title of *cacique principal* within the posts of the Spanish council. Therefore, he signed simply as "Don Carlos Guayna Alaya, caçique principal." For a discussion of the political organization of the Ananguancas, see Puente Luna, *Los Curacas Hechiceros de Jauja. Batallas Mágicas y Legales en El Perú Colonial*, chapter 3.

<sup>346</sup> Self-fashioning, as applied by Stephen Greenblatt to sixteenth-century England, suggests "representation of one's nature or intention in speech." Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 1980), 3.

<sup>347</sup> The literature on *caciques intrusos* is vast. For the Habsburg period, the most relevant works include Powers, *Andean Journeys: Migration, Ethnogenesis, and the State in Colonial Quito*, Ramirez, *The World Upside Down: Cross-Cultural Contact and Conflict in Sixteenth-Century Peru*,

As surmised by one Spanish official in the 1570s, some natives believed that only *caciques* and *principales* attained real justice, and thus they chose to identify themselves as such when litigating.<sup>348</sup> Furthermore, self-identifications such as "cacique" and "Inca" were among the very few considered elevated enough for addressing the king from a privileged position. The system allowed low-status native subjects to communicate directly with their king. However, their power to represent more than themselves was very limited. The higher the social position of the petitioner, the stronger his potential to represent on a larger, more encompassing scale.<sup>349</sup>

The nature of the Atlantic legal system and the ideas of kingship that it upheld also imposed their own rules over the "paper identities" of these Indian visitors. Claimants and favor-seekers almost invariably addressed their petitions and memoranda to the king in the first person, thus perpetuating the fiction of the subject who speaks to his lord without mediation. Councilors and judges knew very well, however, that prosecutors, attorneys, solicitors, and defenders had penned most of these documents.<sup>350</sup> In

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Spalding, "Social Climbers: Changing Patterns of Mobility among the Indians of Colonial Peru.", —, *De Indio a Campesino: Cambios en la Estructura Social del Perú Colonial*, —, *Huarochirí, an Andean Society under Inca and Spanish Rule*.

<sup>348</sup> In a letter to the Council of the Indies, Viceroy Toledo wrote, "aunque los oficiales de las audiencias tienen prohibición de no llevar derechos sino a los caciques y principales ellos mismos [the Indians] dicen que los son porque no piensan que los an de despachar bien sin derechos." "Carta. Francisco de Toledo al Consejo de Indias," ms. Lima, 2.8.1570. AGI, Lima, 28A, n. 45, l. 1, p. 11.

<sup>349</sup> For a similar argument in the case of Don Felipe Guaman Poma de Ayala, who would have carefully chosen his names and titles in order to gain the appropriate rank needed to speak to Philip, see Ossio, *En Busca del Orden Perdido. La Idea de la Historia en Felipe Guaman Poma de Ayala*, 236-40. The selection of witnesses in court cases involved a similar principle. Renzo Honores writes, "La reputación y posición social de estos testigos se indicaba al momento de la declaración. Este estatus social era crucial para respaldar una versión como 'verdadera'. Los caciques en sus disputas por los cacicazgos trataron frecuentemente de contar con los 'notables' locales para respaldar sus pretensiones y reclamaciones. Una revisión de casos muestra que los caciques que presentaban el mayor número de testigos de la aristocracia local indígena conseguían fallos a su favor." Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", 146-47.

<sup>350</sup> In 1562, for instance, the attorney of the Tlaxcalan delegates sojourning at the court declared that he "les hazia sus peticiones escritas y rreplicas en los dichos negocios y los trasladaua ahorrandoles letrado escriviente procurador e solicitador y entre ellos ouo escriptos que ningun letrado los hiziera por menos de dos ducados por ser largos e sustanciandos en rrelaciones de derecho." "El licenciado Andrés de Cervera, presbítero..." [1563], f. 625r.

fact, metropolitan authorities expected it to be so in cases involving the Indians. The attorney of the poor and the prosecutor of the Council of the Indies, for instance, drafted and edited native petitions and memoranda inside this tribunal.<sup>351</sup> Furthermore, the general and provincial defenders of the natives serving in America also prepared, with the advice of the advocate of the Indians, the claims and petitions that they were to present before local magistrates and *Audiencia* judges. Roughly, 20 percent of their salary was justified by this task and its associated expenses (ink and paper). Indians were to communicate their will to their defenders in oral form. Royal officials, in turn, were to reject petitions directly from the natives or those who lacked the signature of the defender.<sup>352</sup>

Since the original context of production is largely lost for these documents, the rhetoric of transoceanic petitions and memoranda, three hundred years after, conveys a single author who speaks in first person and transmits a univocal message. These artifacts, however, had a collective authorship. As in the case of colonial notarial records studied by Kathryn Burns, the contents of these documents left ample room for "possible intromissions and struggles for power," most of which are impossible to reconstruct.<sup>353</sup> The agency of the nominal author was always a shared agency: the *I* who spoke in these petitions and what *he* said, was always a collective

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<sup>351</sup> For a rare surviving example of drafts that combine different handwritings and include amends, cross outs, markings, and even excerpts from other documents, see "Perú. Peticiones y memoriales del Consejo y Cámara. Año de 1610. Leg.º 17". Archivo General de Indias, Patronato, 191, R.20, s/f.

<sup>352</sup> According to a testimony of 1724 quoted by Diana Bonnett, the *protectores* of Cuenca appointed an "escribientillo a quien le dan salario y este es el que ase las peticiones de los indios." Bonnett, *Los Protectores de Naturales en la Audiencia de Quito, siglos XVII y XVIII*, 36. Bayle, "El Protector de Indios," 122-25, José de la Puente Brunke, "Notas sobre la Audiencia de Lima y la "Protección de los Naturales" (siglo XVII)," in *Passeurs, Mediadores Culturales y Agentes de la Primera Globalización en el Mundo Ibérico, siglos XVI-XIX*, ed. Scarlett O'Phelan and Carmen Salazar-Soler (Lima: Pontificia Universidad Católica del Perú; Instituto Riva-Agüero; Instituto Francés de Estudios Andinos, 2005), 238, Ruigómez Gómez, *Una Política Indigenista de los Habsburgo: el Protector de Indios del Perú*, 83-91.

<sup>353</sup> Kathryn Burns, "Dentro de la Ciudad Letrada: la Producción de la Escritura Pública en el Perú Colonial," *Histórica* 29, no. 1 (2005): 63-68, Burns, "Notaries, Truth, and Consequences," 41-46, —, "Making Indigenous Archives: The Quilcay Camayoc of Colonial Cuzco."

enterprise. The "voice" in hundreds of documents presented at the royal court stemmed from this legal fiction; it was the outcome of a complex chain of instances of mediation going back and forth between Peru and Spain. Clearly, individuals other than the advocates and defenders (natives included, of course) must have written hundreds of these documents, now stored in colonial and metropolitan archives.<sup>354</sup> Yet, in most cases, that is impossible to determine. Verbal instructions from Indian litigants to these *protectores* are long gone; written instructions, on the other hand, are extremely rare.<sup>355</sup>

These documents as well as any other petitions and memoranda written by anonymous authors open the question of how faithfully an attorney would represent the interests, aspirations, and declarations of his clients. One must assume that such was likely the case, but a few testimonies tell otherwise. Even if Indians recognized in court that an unauthorized attorney had written their petitions, they might claim, for self-protection and other reasons, only partial responsibility over the final textual result.<sup>356</sup>

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<sup>354</sup> In 1648, Don Diego Carrasquilla told de Council of the Indies, "Ay algunas cosas tan faciles y destampa por ser despachos ordinarios y mas en caso que los casiques y principales siendo mui ladinos que vienen a ellos sin aguardar a memorial hecho por el Fiscal protector con los que ellos hacen de su tierra o hacen en esta escriuiendolos o dandolos a quien se los escriua en su modo y a su satisfacion." "Carta. Don Diego Carrasquilla a S.M.," ms. Lima, 10.25.1648. AGI, Lima, 167.

<sup>355</sup> I have only found one such written instruction, drafted by some *caciques* of Cajamarca to their defender in 1624. Given the rarity of this document and the ensuing petition elevated by the defender to the *corregidor*, I transcribe these two documents in Appendix 3, Documents 7-8, for the purpose of comparison.

<sup>356</sup> When compelled by the *oidor* Juan de Solórzano to confess who the author of a harsh *memorial* presented to the Council of the Indies was, the *caciques* of Lampas declared, "el dicho memorial se lo escriuio y ordeno un español [...] y todo lo contenido en el dicho memorial es cierto y berdadero y asi lo sienten estos que declaran y si es necesario lo bueluen a decir y pedir de nuevo ecepto lo que en el dicho memorial se dize contra la presunçion del señor birrey príncipe de esquilache y de los generales francisco barreto y don diego de astudillo y de los dichos oidores y otros ministros desta rreal audiencia porque esto no lo notaron ni quisieron escreuir ni escriuieron estos que declaran y lo puso de su caueça y por su gusto el dicho español por lo que a el le debio de mober y estos declarantes solo le dijeron que espresase sus agrauios y molestias y que su protetor no les defendia como Era obligado y que el dicho señor birrey príncipe de esquilache no auia querido cunplir las cedula reales que en su fauor le presentaron antes las detubo." According to a Spanish witness, the *procurador* and the *letrado* of the Audiencia "ordenaron y firmaron" a petition on behalf of the Indians as well. "Carta de los curacas y caciques de la collana de Lampas al Rey," ms. Lima, 1620. AGI, Lima, 151, f. 8v, 14r. A similar case involving some *caciques* of the Cuzco area has been included in Appendix 3, Document 9.

In most cases, these petitions said what they had to say, for, as advocates and attorneys knew very well, the success of one traveler rested upon the previous success of other travelers. Rhetorical formulas, legal arguments, and strategies of representation could be adapted from one petition to another. In this context, one must realize that this reiteration of motifs and demands does not necessarily imply an organized effort of the *caciques* of Peru or the gradual emergence of a common "Indian"/"Andean" identity, as some scholars have suggested. Rather, shared motifs and arguments can also illustrate a practical strategy available to claimants and their delegates seeking legal success. The lawyers and attorneys who manufactured these documents used their clients' written and oral testimony as their "raw materials," but they also resorted to older documents and their own legal sophistication, both realms in which the claimant had little or no direct participation as *authors*.

This pattern of collaboration becomes clear in a letter sent by Don Pedro de Vargas, advocate of the *Audiencia*, to Don Vicente Mora Chimo, while the latter was in Madrid. In his letter, Vargas advises Mora Chimo to incorporate his own first-hand knowledge about the excesses of priests and provincial magistrates in his memoranda to the king, but he also recommends in detail,

sobre lo q[ue] S[u] M[agestad] encarga a los Yndios, podra V[uestra] m[erced] decirle al Abogado [que] hiçiere el memorial q[ue] reconosca todo el titulo deçimo del libro sexto de la recopilacion de este Reyno y especialm[en]te la ley primera del mismo titulo, deducida de la clausula del testamento de la s[e]ño[r]a Reyna catholica; y la ley 23 del propio titulo, sacada de un capitulo de carta escrito de la R[ea]l mano del S[e]ño[r] Phelipe 4º, cuio capitulo, lo trae a la letra el s[e]ño[r] D[o]n Ju[a]n de Solorzano en su Politica Indiana en el proemio, o dedicatoria ; y por lo que mira, a lo q[ue] se debe obserbar en la Vissita y composiçion de tierras sin q[ue] resulte agravio, ni perjuicio a los Yndios, son muy espediales las Leyes 7. 9. 12. 17. 18. y 19. tit[ulo] 12. del Lib[ro] 4 de la Recop[ilacion] de este Reyno ; y para mas instruçion de todo podra reconoserse al s[e]ño[r] D[o]n Gaspar

de Escalona en su Gazofilación R[ea]l cap[ítulo] 20 lib[ro] 2 part[e] 2  
donde trae todo quanto es necesario <sup>357</sup>

These methodological observations highlight the importance of turning our attention from the actual or pretended act of writing petitions and memoranda to the mastery of the different legal templates available at court as well as the more general channels and networks that put such documents in motion. A study of that sort adds to, rather than subtracts from, Indian agency in the Spanish Atlantic world.

*Indio in Peru, Cacique in Spain*

Hence, through a complex dialectic, the corporate nature of justice predisposed those native litigants and petitioners trapped in the nuances of legal representation to employing a series of fixed categories at court. Yet, in spite of the wishes and mindsets of metropolitan bureaucrats, the Atlantic journey, in and of itself, had a destabilizing effect on these categories. Oftentimes, this happened for the benefit of the traveler. As Alison Games has recently suggested, "The ocean was not just a place within which people circulated: it was itself the place within which they had transformative

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<sup>357</sup> Carta de don Pedro de Vargas a Don Vicente Mora Chimo," Lima, 2.7.1723. In Mathis, "Une Figure de la Première Globalisation de L'Amérique Espagnole: Vicente Mora Chimo Ou L'itinéraire Original D' Un Cacique Hispanisé de la Côte Nord Du Pérou À la Cour D'Espagne Au Début Du XVIIIe Siècle", 404. With regards the famous *Manifiesto de los agravios*, Mathis concludes, "Así que a la pregunta inicial —¿quién escribió el Manifiesto?— proponemos sugerir que es una obra de colaboración, en la que un abogado español o criollo integra, en la retórica propia del discurso jurídico de los memoriales, las causas que Vicente de Mora Chimo le presenta." —, "Vicente Mora Chimo, de "Indio Principal" A "Procurador General de los Indios del Perú": Cambio de Legitimidad del Poder Autóctono a Principios del siglo XVIII," 209. Consider the additional example of the first petition presented on behalf of Don Melchor Carlos Inca, after he arrived at the court in 1603. This document was almost a literal version of a previous petition presented before the Council in 1596, when Melchor was still in Cuzco and had been recently defeated in a legal suit to see the *encomienda* pension awarded to his grandfather and his father extended for another life. After Melchor's legal representatives appealed the verdict of the Audiencia of Lima, the court case traveled to Spain. Melchor's attorney seems to have used the court case coming from Peru (now lost) and the proof of merit of Melchor's grandfather (1539) as sources to draft the early petitions and prepare the defense of his client. See "Informaciones de oficio y parte: Pablo Tupac Inca, ms. Cuzco, 1540. AGI, Lima, 204, n. 11; "Consulta del Consejo de Indias sobre la merced que podría hacerse a don Melchor Carlos Inga, biznieto de Guaynacava, señor del Perú," ms. Madrid, 6.20.1596. AGI, Indiferente, 744, n. 9; "Sentencias del Consejo," ms. Madrid, 1595-96. AGI, Escribanía, 953. For a similar case in which the questions of a 1575 proof of merit are based on a previous 1545 *probanza*, see Bustos Losada, "Las Hijas de Huainacpac: Expediente de Méritos y Servicios de Vicente de Tamayo, Diego de Sandoval y Gil Rengifo," 20, 34.



experiences."<sup>358</sup> As part of this transformation, the journey across the Atlantic had the power to intensify or enhance the process of *ladinization* (for lack of a better term) in which most travelers had been involved before the trip, thus bringing great fluidity to the identifications deployed at the royal court. Figuratively speaking, Indian travelers could choose to throw significant portions of their past overboard by adopting or rejecting class and ethnic markers, including naming practices, clothing, and language, in a process which brought along the decentering of their very Indianness in Spain.

When facing the officials of the House of Trade, travelers were in the awkward situation of needing to prove that they were "Indian." The first reason to do so was that, as opposed to the case of Spanish immigrants, Indianness (being a "natural" of one region of the king's domains overseas), in and of itself, was a valid justification for allowing these passengers to return to their "place of birth" (*natural* or *naturaleza*), as the next chapter will discuss in more detail.<sup>359</sup> Second, most travelers had secured a royal decree from the king allowing them to return "sin le[s] pedir ynformacion alguna," that is, without providing written certification of their purity of blood or the personal reasons for undertaking the journey. Nevertheless, they still needed to demonstrate that they were the individuals to whom the Crown had awarded such privilege in the form of a royal decree. This procedure usually involved summoning two or three witnesses to testify as to the traveler's Indianness. My survey of the available passenger licenses shows

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<sup>358</sup> Games, "Atlantic History: Definitions, Challenges, and Opportunities," 755.

<sup>359</sup> Gabriel Gutipa, an Indian from Potosí, argued in his request, "yo me quiero boluer a mi natural como su magestad manda por las hordenanças de esta Cassa." The license was awarded "en virtud de la zedula de su Magestad que ay en esta cassa en fauor de los yndios" In 1606, Juan Fernández de Tescala appearee before the mayor of Osuna (near Seville) and told him, "a el le conviene hacer ynformacion de como es yndio." "Expediente de información y licencia de pasajero a indias de Juan Fernández de Tescala, indio, natural de Marquesado del Valle (Nueva España), a Nueva España," ms. 5.16.1607. AGI, Contratación, 5298, n. 2, r. 64; "Expediente de información y licencia de pasajero a Indias de Gabriel Gupita, indio, natural de Potosí, a Perú," ms. 1.11.1610. AGI, Contratación, 5316, n. 18.

that the main criteria for establishing Indianness before the officials in Seville were *physical appearance, origin, and ancestry*. A license granted in 1613 sums up these three general conditions. A witness in the license awarded to Andrés regarded him as an "Indian" from Cuzco because "le tiene por natural de las dichas provincias del Peru e yndio e assi lo parece por su aspecto."<sup>360</sup>

As to the first criterion, physical appearance, the notaries of the House of Trade would record witness categorizations such as "por su aspe[c]to y presençia personal parece ser yndio," or alternative descriptions such as someone having "faiciones naturales de yndio." Included in this category were travelers' self-identifications such as "consta por mi aspecto ser yndio como aqui reffiero."<sup>361</sup> Only in a few cases was this sole criterion enough.<sup>362</sup> Moreover, seldom did the officials tell us what specific physical traits the travelers and their witnesses considered noteworthy. Judging by the descriptions included in the Appendix, one can include on this list a few recurring criteria. These include shape of the nose ("nariz chata," "nariz basta," and even "nariz algo aguileña"), smallpox marks ("pintado de viruelas," "ojoso de biruelas"), little facial hair ("de pocas barbas," "desbarbado," "con algun bigote," "lampiño") and long, straight, black hair ("cauello largo y negro," "pelo negro liso"). It seems these features had started to play an important role in defining what would later become the

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<sup>360</sup> The emphasis is mine. "Expediente de información y licencia de pasajero a Indias de Jerónimo de Pamones, corregidor de la provincia de Collaguas, con Andrés, indio natural de Cuzco, a Perú," ms. 5.3.1613. AGI, Contratación, 5332, n. 23.

<sup>361</sup> "Expediente de información y licencia de pasajero a Indias de Cosme de Salas, indio natural de la ciudad del Nuevo Reino de Granada, al Nuevo Reino de Granada," ms. 1.13.1594. AGI, Contratación, 5245, n. 2, r. 15; "Expediente de información y licencia de pasajero a Indias de Gabriel Gupita..." [1610].

<sup>362</sup> I have found a few cases. In 1600, the officials of the House of Trade gave license to Andrés de Ortega to journey to the Philippines "sin que de ynformaçion atento a que consto ser indio." "Expediente de información y licencia de pasajero a indias de Andrés de Ortega, indio, criado de fray Francisco de Ortega (obispo de Cáceres de Filipinas), natural de Nueva España, a Filipinas," ms. 5.30.1600. AGI, Contratación, 5262A, n. 76.

Indian "race." Yet, a detailed comparison with licenses awarded to other groups journeying in and across the ocean is still needed to refine these initial observations.

Skin color, a critical component of appearance, was probably more relevant at this point, as when witnesses and officials described Juan de Ayala, from the New Kingdom of Granada, as "muy moreno de rostro y que naturalmente por su aspecto se conoze ser yndio."<sup>363</sup> Yet, notaries and witnesses would overwhelmingly refer to skin color (face and body) with terms also applied to Africans and other people of perceived dark skin in America and Spain: "moreno" (moor), "trigueño" (wheat color) and "color membrillo cocho" (literally, stewed quince color), for example.<sup>364</sup> In 1664, Juan de Valladolid Mogollón, a free "moreno criollo" or "negro criollo" from Lima, received 30 ducats (330 *reales* or 41 *pesos*) in royal aid to return to Peru. In a curious overlapping of ancestry and status, the scribe of the Council identified the traveler as "Juan de Valladolid Mogollon, Indio" in the margin of the document.<sup>365</sup> In a handful of cases, witnesses and officials characterized individuals as "of an Indian color" ("de color yndio;" "color

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<sup>363</sup> "Expediente de información y licencia de pasajero a Indias de Juan de Ayala, indio, natural de Santa Fe, con su mujer, Catalina Martínez, al Nuevo Reino de Granada," ms. 1615. AGI, Contratación, 5349, n. 1.

<sup>364</sup> Jack D. Forbes has documented the extended use of "negro" to classify American Indians. Jack D. Forbes, *Africans and Native Americans : The Language of Race and the Evolution of Red-Black Peoples*, 2nd ed. (Urbana: University of Illinois Press, 1993). For the use of "color membrillo cocho," which Matthew Restall describes as a "pale beige color," to refer to Africans and their descendants in Mexico, see Matthew Restall, *The Black Middle: Africans, Mayas, and Spaniards in Colonial Yucatan* (Stanford, Calif.: Stanford University Press, 2009).

<sup>365</sup> "Carta acordada del Consejo a Diego González de Arce, su tesorero general, dándole orden de pago de 30 ducados de vellón para Juan de Valladolid Mogollón, indio, que se le dan de ayuda de costa para volver a Tierra Firme," ms. Madrid, 8.21.1664. AGI, Indiferente, 439, l. 22, f. 283v. The order on behalf of Juan de Valladolid was among several others issued to Indian travelers. Valladolid's career resembled that of other travelers of Indian origin. He started serving as soldier in one of the companies of free blacks and mulattos of the city in 1631, becoming standard-bearer in 1642. In 1657, at court, he requested the post of field marshal "of the said companies of free blacks and mulattos of Lima and Callao," which he was granted. After a long stay at court, in 1664, "Don" Juan de Valladolid received the appointment of *mosquetero* of the San Felipe of Portobello castle. "Real cédula a Fernando de la Riva Agüero, gobernador y capitán general de Tierra Firme y presidente de la Audiencia de Panamá, a instancias de Juan de Valladolid Mogollón, moreno libre, para que, si le constan ser ciertos los méritos que alega, le dé la plaza de mosquetero que pide", ms. Madrid, 5.22.1664. AGI, Panamá, 239, l. 19, f., .33r-34r, 112v-13r.

moreno de yndio") or as "the color of laurel" ("color loro"), by which they meant of an "intermediate" color. Nevertheless, people had applied the *loro* label for centuries to "brownish-colored" individuals from the Americas, the Canary Islands, North Africa, India, and even Spain since at least the thirteenth century.<sup>366</sup>

The general applicability, and hence the ambiguity, of such labels in an Atlantic setting might explain the need to specify that a traveler, aside from *looking* like an Indian, actually *was* an Indian. Although the scribe (or the witness) classified Pedro de Cabrera Bohórquez, a twenty-year-old native from New Granada, as of "the color of an Indian," they saw it fit to add that, besides his Indian color, Pedro "is Indian."<sup>367</sup> Therefore, color and appearance, as perceived by the authorities, was insufficient to define Indianness because it omitted origin and ancestry. As noted by Jovita Baber, the Castilian Crown used the legal category of *indio* "to identify one of the *naciones* under its authority and to define the rights, protections and obligations possessed by that population."<sup>368</sup> Officials equated origin with place of birth, or more commonly in the case of these peculiar travelers, provenance. Hence, officials used the expression "yndio natural," which, though unusual in the American context, indicated that the traveler was an Indian *and* a native/citizen of a city, town, or province of the New World (as opposed, for example, to the thousands of Indians, free and enslaved, who had been born in Iberia). As in Pedro de Cabrera's case, these criteria could

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<sup>366</sup> For the use of "loro," which did not imply an appreciation of origin, see Forbes, *Africans and Native Americans : The Language of Race and the Evolution of Red-Black Peoples*, 106-12. Forbes notes that the term "loro" was the almost exclusive designation for slaves not classified as either black or white in Seville and Valencia between 1472-1521 and 1482-1516, respectively.

<sup>367</sup> "de color yndio y lo es." "Expediente de información y licencia de pasajero a Indias a Pedro de Cabrera Bohórquez, indio natural del Nuevo Reino de Granada, al Nuevo Reino de Granada," ms. 4.5.1604. AGI, Contratación, 5280, n. 51. For other examples of travelers identified as "de color yndio," see "Expediente de información y licencia de pasajero a Indias de Francisco Ulpo, indio, natural de Perú, a Tierra Firme," 4.30.1618. AGI, Contratación, 5363, n. 44; "Expediente de información y licencia de pasajero a Indias de Jacinto Ramos Chuquillangui, indio natural del valle de Jauja, a Perú," 12.1623. AGI, Contratación, 5386, n. 88.

<sup>368</sup> Baber, "Categories, Self-Representation and the Construction of the *Indios*," 27.

combine with physical appearance to create Indianness. A Spanish witness declared that the Indian Simón "por su aspecto parece ser de tierra de Guamanga." The officials of the House of Trade claimed that Diego "parese [...] es natural de la ciudad de Quito."<sup>369</sup> Similarly, Gabriel Gupita received the identification of "Indian" because a Spanish witness declared, "demas de parecerlo por su persona le trato e comunico por tal en la dicha Villa Ynperial de Potossi."<sup>370</sup>

In that sense, officials, witnesses, and travelers could refer to two important criteria to establish Indianness further. First, some individuals were "tenidos," "tratados," or "reputados" (treated or reputed) as Indians in the New World. Second, witnesses had seen them among other Indians, which meant that some travelers had had an "Indian" upbringing. The implication was that Indians lived as Indians. Rank and ethnic markers such as clothing and language would somehow fall into this same category. In describing Juan Fernández de Tescala (Tlaxcala), an Indian from New Spain, the notary recorded that he had "horadadas las orejas," for example.<sup>371</sup> Juan Zamorano was "yndio" in the eyes of a Spanish seaman from Seville because, aside from his appearance, Juan "benya en abito de yndio y entre otros de alli" when they first met in Cartagena de Indias. From this declaration, one might surmise that Juan did not dress as such anymore.<sup>372</sup> A Spanish priest declared he "knew" that Simón from Huamanga was an Indian because "le a hablado en lengua

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<sup>369</sup> The region of Huamanga is located in the South Central Andes of Peru. "Expediente de información y licencia de pasajero a Indias de fray Esteban de Frías, mercedario, con Simón, su criado indio, natural de Huamanga, a Perú." AGI, Contratación, 5278, n. 79; "Expediente de información y licencia de pasajero a Indias de Diego, indio natural de Quito, hijo de María, a Quito," ms. 4.31.1605. AGI, Contratación, 5285, n. 36.

<sup>370</sup> "Expediente de información y licencia de pasajero a Indias de Gabriel Gupita..."

<sup>371</sup> "Expediente de información y licencia de pasajero a indias de Juan Fernández de Tescala..."

<sup>372</sup> "Expediente de información y licencia de pasajero a Indias de Juan Zamorano, indio mestizo, natural de Anserma (Nuevo Reino de Granada), hijo de Alonso Rodríguez y Mariana Alonso, al Nuevo Reino de Granada," ms. 11.4.1595. AGI, Contratación, 5250, n. 2, r. 29.

yndia que la sabe este testigo y [Simón] le a respondido en ella y la habla muy bien como natural della."<sup>373</sup>

Naturally, the second condition—the travelers' *naturaleza* or origin—was not a decisive factor either; it did not automatically imply Indianness because most travelers had journeyed from the same cities from where thousands of other travelers arrived to Spain every year. Yet, markers of ethnicity and origin would combine with ancestry to create what the licenses called being an "yndio de nacion," perhaps the most important (and the most elusive) condition of all. Physical appearance could corroborate an individual's nationhood, that is, that he had been born to Indian parents and that they had brought him up as such in America. In his petition to the House of Trade, the traveler Agustín declared, "soy yndio de naçion nacido y criado en el pueblo de puerto viejo [near Quito] hijo de francisco hipre y de catalina andoa mis padres yndios naturales del dicho lugar." The officials confirmed, "se ve claramente ser yndio de naçion," and thus granted the return license "porque es yndio natural y se buelue a su tierra."<sup>374</sup>

In this context, witnesses would testify as to having met the travelers' Indian parents (or other kinsmen) in the New World and even better, of having witnessed their Indian upbringing and ways of life. A witness in Francisco de Panamá's 1619 license claimed that Francisco "naçio en Panama de la prouinçia de Tierra Firme y lo uio criar alla y saue que es indio e hijo de indios."<sup>375</sup> Another witness declared in the license authorization of Diego, "yndio natural de Quito." The witness claimed to have

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<sup>373</sup> "Expediente de información y licencia de pasajero a Indias de fray Esteban de Frías..."

<sup>374</sup> "Expediente de información y licencia de pasajero a indias de Agustín de Puerto Viejo, indio, natural de Puerto Viejo, provincia de Quito, hijo de Francisco López y de Catalina Andoa, a Puerto Viejo," ms. 4.5.1605. AGI, Contratación, 5289, n. 55. Similarly, in the case already cited of Gabriel Gupita, por example, a Spanish witness declared, "saue quel susodicho es yndio de nacion porque demas de parecerlo por su persona [...] este testigo conoçio assimesmo al padre e madre del dicho yndio que eran yndios naturales." "Expediente de información y licencia de pasajero a Indias de Gabriel Gupita..."

<sup>375</sup> "Expediente de información y licencia de pasajero a indias de Francisco de Panamá, indio, a Tierra Firme," ms. 3.13.1619. AGI, Contratación, 5366, n. 23.

met Diego's mother, María, in Quito. She was "yndia natural de la dicha ciudad de Quito y anda en traje e bestidos de yndia como tal y a oydo desir que [Diego] se hizo de yndio."<sup>376</sup>

This composite picture, based as it is on licenses and declarations covering a time span of two hundred years, should not lead us to think that the officials of the House of Trade and the witnesses of these return licenses applied such principles and categories consistently or systematically. Being so far away from the New World, the Indianness of the travelers and their ancestors was, like almost everything else besides perhaps appearance, a matter of trust in the witness depositions and of negotiation from the part of the traveler.<sup>377</sup> As in the case of skin color identifications, there was considerable room for subjectivity, ambiguity, and manipulation. In his study of the language of race, Jack Forbes has brought to the fore the cultural-ideological clash between *appearance* (and the description of appearance) and *ancestry* (the genealogy of the parents). Records that assign a color term, Forbes notes, usually stem from self-description, the perception of royal officials, or both. However,

it is to be suspected that the parents were never present to be observed, except sometimes in the case of young children. Moreover, the purpose usually was to *describe and identify* the individual. It would perhaps have been foolish to use a statement about ancestry when, very

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<sup>376</sup> The second witness declared, "este testigo conoce a maria yndia su madre natural de la dicha ciudad de quito la qual oy dia y siempre anda en vestido e ttraje de tal yndia." "Expediente de información y licencia de pasajero a Indias de Diego..."

<sup>377</sup> Evidently, imposition and negotiation were part of the creation of racial categories in the Americas as well. As Leslie Benton argues, "This flexibility in legal identities mirrored the fluidity of the *sistema de castas*." Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 85. See, for instance, the analysis of parish records and other documents offered by Robert Jackson. Jackson views racial terms as "artifacts of an artificial colonial construct designed to differentiate and maintain distance between the colonizers and the colonized, create a legal and social hierarchy defined on the basis of skin color and bloodlines, and classify colonial subjects for the purposes of assigning tax and coercive labor obligations." Robert H. Jackson, *Race, Caste, and Status: Indians in Colonial Spanish America*, 1st ed. (Albuquerque: University of New Mexico Press, 1999), 5.

often, the appearance of the individual would require a different term or set of terms.<sup>378</sup>

Regarding ancestry and ethnicity, for example, bureaucrats, scribes, and witnesses could identify the offspring of an Indian couple as Indian, *mestizo*, or both. For the officials of the House, Andrés was, in spite of his perceived Indian appearance, an "yndio mestizo natural del Cuzco."<sup>379</sup> In the case of those individuals whose free status was unclear, the identity of the mother could be determinant (for, in the Iberian world, the status of the enslaved mother largely determined that of her child). Therefore, Francisco Castellón, who journeyed to Spain from Huánuco in central Peru, chose to identify his mother Elvira as a "natural yndia" in his license request. Two of his witnesses added that Francisco's father was also an Indian. According to them, Francisco "nacio en la dicha tierra y que por tal yndio lo tenian en la dicha tierra." However, others claimed that Elvira was a "negra" and described Francisco as "de color mulato." Moreover, when granting Francisco his freedom in Seville, his master had called him an "esclavo mulato" in his will (a clause of which appears attached to the license record). Another document drafted prior to the trip classified Francisco as "mulato de color membrillo cocho" in Peru. The officials of the House of Trade did not (or could not) corroborate the origin and ethnicity of this traveler directly. Therefore, they preferred to call him with the seemingly factual "hijo de yndio y negra" and dispatch him "a las dichas Prouincias Por natural."<sup>380</sup>

Other cases show that the alleged status of the traveler's father, along with other aspects such as wealth, could help determine a *mestizo*

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<sup>378</sup> Forbes, *Africans and Native Americans : The Language of Race and the Evolution of Red-Black Peoples*, 105.

<sup>379</sup> "Expediente de información y licencia de pasajero a Indias de Jerónimo de Pamones..."

<sup>380</sup> "Francisco Castellón: natural de Huánuco, hijo de indio y negra, al Perú," ms. 1592. AGI, Contratación, 5538, l. 3, f. 109v; "Expediente de información y licencia de pasajero a indias de Francisco Castellón, natural de León (Guanuco), hijo de Juan Castellón y Elvira Hernández, a Perú," ms. 2.7.1592. AGI, Contratación, 5236, n. 1, r. 15.



rather than an Indian ancestry, as it happened in the Indies.<sup>381</sup> The license authorization of Jerónimo, the son of Pedro Alonso Marino, of unspecified ethnicity, and an Indian woman, describes the traveler as "Indian."<sup>382</sup> Similarly, Diego, the son of a Spanish man and an Indian woman received the label of "yndio natural de las probincias del Peru." Yet, the license authorization of Tomás, the son of one Captain Ruiz and the Indian Catalina, classified the traveler as "mestizo natural" of the Cape of Sails in present-day Colombia.<sup>383</sup> Although Juan Zamorano presented himself as "yndio natural de la villa de Anzerma" and the son of "Alonso Ruiz yndio cacique" and "Mariana Alonso yndia," the officials of the House of Trade classified him indistinctively as both "mestizo" and "yndio," probably because of the privileged status of his father.<sup>384</sup> In his license request, Martín Fernández identified himself in neutral terms as "de edad de diez siete años natural y nasido en el piru." His witnesses carefully avoided placing any label on Martín or his relatives, yet they claimed to know of his *hacienda* (houses and vineyards) in the Moquegua Valley (southern Peru). The officials, perhaps indecisive as to the traveler's class in Peru, granted the permit to "Martin fernandez [added: yndio meztico] para que pueda passar y passe Al Piru."<sup>385</sup>

The establishment of direct kinship bonds with Spaniards could also destabilize the Indian category. In the case of *mestizo* sons and grandsons of

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<sup>381</sup> For an analysis of the relationship between the status of the parents and categories such as "indio" and "mestizo" in Cuenca, see Poloni-Simard, *El Mosaico Indígena: Movilidad, Estratificación Social y Mestizaje en el Corregimiento de Cuenca (Ecuador) del siglo XVI al XVIII*, 157. Robert Jackson also shows that parents could influence or even dictate the choice of the term for the church record or census. Thus, "The socioeconomic status of the parents of newborn children or the couples been married certainly played an important role." Jackson, *Race, Caste, and Status: Indians in Colonial Spanish America*, 20.

<sup>382</sup> "Jerónimo, indio natural de Piura, hijo de Pedro Alonso marino y de una india, al Perú." AGI, Contratación, 5537, l. 2, f. 217v.

<sup>383</sup> "Diego, indio natural del Perú, hijo de un español y de una india, al Perú." AGI, Contratación, 5537, l. 3, f. 31v, 34v.

<sup>384</sup> "Expediente de información y licencia de pasajero a Indias de Juan Zamorano, indio mestizo, natural de Anserma..."

<sup>385</sup> "Expediente de información y licencia de pasajero a Indias de Martín Fernández, indio, natural del Valle de Moquegua, a Perú," ms., 2.17.1605. AGI, Contratación, 5286, n.77.

prominent Spanish conquistadors and Inca/Indian women, for example, official documents preferably avoided labels related to ancestry, an omission no doubt favored by the circumstance of being so far away from home.<sup>386</sup> If possible, claimants and petitioners crafted an "old Christian" and noble past for these Indian ancestors. In 1569, Vasco Fernández de Mesa, the illegitimate son of conquistador Alonso de Mesa and a citizen (*vecino*) of Toledo, requested a license to return to Cuzco after a twenty year absence. Though described as "moreno de rostro" (appearance) he was not called a *mestizo* (ancestry). Francisca de Bancoylllo, Vasco's mother, was identified as "yndia natural hija e nieta de naturales yndios de los dichos rreynos." Yet, the questionnaire prepared for the witnesses established an interesting fact about Vasco's descent. One of the questions stated, "los dichos sus padres y aguelos de partes de padre e madre fueron e son cristianos viejos linpios sin rraça ni descienden de moros ny de judios."<sup>387</sup>

Moreover, some of the travelers who requested a license to return to America—doubtless a small but significant sample of the larger group of

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<sup>386</sup> See, for instance, the case of Captain Don Martín de Ampuero, son of Don Martín Inga Ampuero and grandson of Doña Inés Huaylas, former mistress of Francisco Pizarro and daughter of Huayna Capac. The 1601 license to return to Peru describes Don Martín as "de quarenta y seys años moreno rrehecho." "Expediente de información y licencia de pasajero a indias del capitán Martín de Ampuero, vecino de Lima (Perú), a Perú," ms. 1.23.1601. AGI, Contratación, 5268, n. 2, r. 94. Similarly, Pedro Rengifo, who represented the *mestizos* of Peru at the royal court, referred to them as "los hombres naturales del Peru" in his license request. "Expediente de concesión de licencia para pasar renovar la estancia en Perú a favor de Pedro Rengifo," ms. 1588. AGI, Indiferente, 2097, n. 187.

<sup>387</sup> "los dichos sus padres y aguelos de partes de padre e madre fueron e son cristianos viejos linpios sin rraça ni descienden de moros ny de judios ni an sido condenaos por el Sancto Ofiçio de la Ynquisiçion y por tales cristianos viejos linpios fueron e son abidos e tenydos e comunmente rreputados." "Expediente de concesión de licencia para pasar a Cuzco, a favor de Vasco de Mesa, natural de Perú, hijo de Alonso de Mesa y Francisca de Bancoylllo," ms. 1569. AGI, Indiferente, 2084, n. 15. A similar example is that of Luisa Balsa and her mother Juana Balsa, direct descendants of Huayna Capac. In Seville in 1592, Luisa was described as "morena," yet the witnesses stated, "la qual este testigo saue ques critiana vieja y los dichos sus padres lo sson e todos limpios ssin ninguna rraça de moro ni judios ni de otra mala çeta ni opinion y por tales cristianos viejos descendientes de tales este testigo los a tenido e tiene." "Expediente de información y licencia de pasajero a indias de Juan Bautista González, con su mujer Juana Baeza [sic], y con su hija Luisa, a Perú," ms. 7.2.1592. AGI, Contratación, 5236, n. 1, r. 16. For a similar case of indigenous women were presented as old Christians, this time involving the proofs of admittance into the knighthood order of Santiago, see "Pruebas para la concesión del título de Caballero de la Orden de Santiago de Melchor Carlos Inga, natural de Cuzco," Trujillo and Madrid, 1606. AHN, Órdenes Militares, Caballeros, Santiago, exp. 4081; "Pruebas para la concesión del título de Caballero de la Orden de Santiago de Juan Melchor Carlos Inga, natural de Cuzco," ms. 1627. AHN, Órdenes Militares, Caballeros, Santiago, exp.4082.

Indians living in Iberia—had married Spanish women of presumed old Christian background while in Spain.<sup>388</sup> This was a rare occurrence in the New World. One should expect cases involving a few prominent members of the Inca royal family, for they had set this pattern in motion in the early 1570s.<sup>389</sup> Marriages of *caciques* and Spanish women, though less frequent, did not necessarily represent a great deviation from colonial normalcy either.<sup>390</sup> Nonetheless, a stay in Spain could open this avenue for social promotion to natives of a significantly lesser status, that is, individuals overwhelmingly identified as “indios” in the records of the House of Trade.

In 1615, for instance, Juan de Ayala, an Indian from Santa Fe de Bogotá, obtained a decree to go back to New Granada with his wife, the *sevillana* Catalina Martínez.<sup>391</sup> Similarly, Diego de Arrieta, a sailor “de nacion indio” and a former slave, married Ana Josefa in the 1620s. The documents do not specify Ana Josefa’s ethnicity, but she was likely a

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<sup>388</sup> In 1591, Francisco de Luna, an Indian from New Spain, secured a royal decree to return to Mexico with his wife Leonor de Herrera, a native of the town of Arévalo (Ávila) and the daughter of Juan de Herrera and Catalina Ramirez, whom he had married in Spain. Leonor had to conduct a proof of her purity of blood in Seville. She was described as “pequeña y mellados los dientes y tiene una señal de herida en la frente.” Francisco’s patron, Don Juan Cano Moctezuma, also married a Spanish woman in Spain. He returned to Mexico in 1602. “Expediente de información y licencia de pasajero a indias de Francisco de Luna, indio, natural de Nueva España, con su mujer Leonor de Herrera, natural de Resuelos, hija de Juan Herrero y Catalina Ramirez, a Nueva España,” ms. 6.20.1591. AGI, Contratación, 5234b, n. 2, r. 25; “Expediente de información y licencia de pasajero a Indias de Juan Cano Moctezuma,” ms. 1602. AGI, Contratación, 5272, n. 2, r. 58; Gibson, *The Aztecs under Spanish Rule; a History of the Indians of the Valley of Mexico, 1519-1810*, 424.

<sup>389</sup> Don Juan Melchor Carlos Inca, the *mestizo* son of Don Melchor Carlos Inca and the beneficiary of a significant pension, married a Spanish woman—Jerónima de Negrete (or De Atienza), *vecina* of Medina del Campo (Castile-León) in Madrid in 1614. They left no children. “Capitulaciones matrimoniales,” ms. 11.4.1614; “Carta de pago y dote,” ms. 1.14.1620. APM, n. 5155 (Nicolás Gómez), f. 66r-75r. His father, Don Melchor, also married a Spanish woman, Doña María de Silva. Don Carlos Inca, his grandfather, did likewise in Cuzco, marrying Doña María Amarilla de Esquivel, a native of Trujillo in Spain.

<sup>390</sup> It was more common for the daughters of *caciques* to marry Spaniards of varying rank. Don Diego de la Torre, *cacique* of Turmequé (New Granada), married Juana de Oropesa, a resident of Madrid, around 1578. Almost a century later, in 1667, Don Diego Sánchez Macario, *cacique* of San Pedro Pillao (Tarma, in the central highlands of Peru) asked for permission to return with his wife, Ana de Andrés, a native of Arenillas (Castile and León), whom he apparently wedded in Spain. “Poder. Juana de Oropesa, viuda de don Diego de la Torre, cacique de Turmequé en el Nuevo Reino de Granada,” ms. Madrid, 1603. APM, Protocolos, n. 1819 (Juan de la Cotería), f. 926r-v; Don Diego Sánchez Macario, indio, natural de San Pedro Pillao, con su mujer Ana de Andrés, natural de Arenillas, hija de Domingo Andrés y de Ana Pastora, al Perú,” ms. 1.17.1667. AGI, Contratación, 5540a, l. 1, f. 39v.

<sup>391</sup> Catalina was described as “de buena estatura y rostro y algo trigueña. “Expediente de información y licencia de pasajero a Indias de Juan de Ayala...”

Spaniard. The couple bore two children before Diego died in a terrible shipwreck on his way back to Spain from Mexico.<sup>392</sup> Because of these unions, some native travelers acquired Spanish relatives in different parts of the Peninsula. As the head of one such transatlantic family, Gonzalo Hernández, an Indian carpenter from Mexico who had spent three years in Iberia, prepared an interrogatory before the *corregidor* of Jaen (Andalusia) in 1558. His intention was to request a license for himself and for his two sisters, "de naçion yndias." Traveling with Gonzalo were the women's respective husbands (both Spanish farmers from Jaen, poor but of old Christian stock) and their children.<sup>393</sup> The official records of the House rarely label these children as "mestizos," as one would probably expect in America.<sup>394</sup>

The fluidity of these labels is a reflection of the personal transformations embedded in the journey to Spain. The trip added some layers of complexity to an already complex matter by destabilizing or subverting prevalent ideas related to Indian origin, ancestry, and to what we would now call "culture" (being "yndio de naçion"). This problem was especially acute when it came to discerning nobles and *caciques* from commoners. In a 1656 court case, Antonio Criollo, a free black from Lima, declared that, during the previous decade, he had ordinarily run across Don Jerónimo Lorenzo

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<sup>392</sup> At the time of the marriage, Diego was a "captive slave" of Miguel de Santisteban, which seems to indicate he was taken to Spain by force. Later on, he won his freedom. The officials omit the ethnicity of Diego's wife. "Autos sobre el sueldo de Diego de Arrieta, marinero en la nao capitana. Es reclamado por su viuda Ana Josefa, por sí y para sus hijos Francisco y María," ms. 1632. AGI, Contratación, 533B, n. 2, r. 96.

<sup>393</sup> "Expediente de concesión de licencia Para Pasar a México a favor de Gonzalo Hernández, carpintero, indio natural de México, en compañía de dos hermanas, Francisca Salto, casada con Bartolomé Navarrete, y Ana de la Chica, casada con Alonso de Almagro, vecinos de Jaén, con sus hijos respectivos," ms. 1558. AGI, Indiferente, 2049, n. 10.

<sup>394</sup> Don Pedro Chafo Zavana, an Indian interpreter of the *Audiencia* of Lima, returned to Peru with his wife Doña Isabel de Andrés, apparently a Spaniard whom he had met in Peru. Their two daughters accompanied them. The officials of the House of Trade described Doña Isabel de Andrés, Pedro's wife, as "alta delgada [...] blanca Nariz afilada y ojos Pardos de treinta y ocho años." Ana de Andrés, their daughter, was described as "rubia [...] Buen Cuerpo delgada trigueña ojos pardos." The license describes the second daughter, María de Zavana Chafo, as having "pelo castaño." "Expediente de información y licencia de pasajero a Indias de Pedro Chafo Savana, natural de Perú y vecino de Sevilla, con su mujer Isabel de Andrés, y sus hijas Ana de Andrés y Ravana Chafo, a Perú," ms. 6.23.1671. AGI, Contratación, 5437, n. 2, r. 20. Around the same time, Don Sebastián Inquil Yupanqui, an Indian from Cuzco, got married in Spain. "Memorial de Sebastián Inquil Yupanqui," ms. 1666. AGI.Lima, 26

Limaylla around the royal palace in Madrid. Limaylla "had always behaved as the son of a cacique" ("siempre se porto como hijo de caçique"). What did Antonio mean by someone "behaving" as a *cacique*? What did others imply when denouncing that Jerónimo as well as many others "introduced himself to be cacique" ("se yntredujo ser casique") at the Habsburg court? Even more important, what was Jerónimo himself requesting of the Queen when he asked that she "give him the grace of naming him cacique" ("le hiciese merçed de criarle cassique")?<sup>395</sup>

Thus, ancestry and origin or *naturaleza* intertwined in the process of creating Indianness and *cacique* status. Nevertheless, the problem rose from the fact that *cacique* status partially stemmed from noble blood and recognized ancestry (being of noble stock). Still in 1694, Viceroy Count of Monclova and the *Audiencia* adhered to this legal definition in order to deny many "sons and relatives" of the *caciques* of Cajamarca exemption from tribute and personal service. Only the oldest sons of titled *caciques* should enjoy such a mark of nobility because they were *caciques* "por sucesión y derecho de sangre desde la gentilidad" themselves.<sup>396</sup>

Litigants, advocates, and attorneys knew well how to use this argument to disqualify legal rivals. Most complaints and accusations launched on both shores of the ocean against transatlantic *cacique* identities tried to operate on that plane. Primarily, they targeted the travelers' ancestry and low origin according to the noble/commoner dichotomy. On a related matter, claimants and their representatives added the incumbent's lack of official title, this in an effort to declare illegitimacy to rule and receive honors. In other words, the social fluidity that surrounded the journey forced the

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<sup>395</sup> "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla..." f. 514r, f. 463v. Another witnesses testified that Father Buenaventura de Salinas, Jerónimo's patron, "le queria y estimaua como a hijo de casique."

<sup>396</sup> The document, a response to a memorandum of one of the advocates of the *Audiencia*, is quoted in Argouse, "¿Son Todos Caciques? Curacas, Principales E Indios Urbanos en Cajamarca (siglo XVII)," 181.

travelers' rivals to rely, sometimes as the last resource, on the power of the written record in an effort to disprove some of these *cacique* identities. In contrast, legal rivals in America were ready to produce previous deeds, proofs of merit, and titles legitimizing them as *caciques*, an obvious consequence of the bureaucratization of native succession.<sup>397</sup>

Thus, for the *cacique* Don Andrés de Azabache, the man who called himself Don Andrés de Ortega, his nemesis at the royal court, had made "falsa rrelaçion de como era cacique y pachaca prinçipal" before the king and the Council. In fact, he was an "yndio parque que en castellano es hombre bil y bajo y sujeto a pagar mita y tributo."<sup>398</sup> Equally punishable was that, because of these lies, His Majesty had honored Don Andrés with decrees, provisions, and "graces" (*mercedes*) owed only to *caciques*.<sup>399</sup> In passing, Andrés and others were accused of avoiding payment of their tributary dues, which not only went against the dues expected from their low origin, but in practice, meant stealing from the king.<sup>400</sup>

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<sup>397</sup> In his accusation against the traveler Andrés de Ortega, Don Andrés de Azabache declared, "para que conste que yo soy el cacique legitimo y señor natural desde pueblo y que el dicho andres de ortega Es indio parque mitayo y tributario ofresco y hago presentacion de mi titulo y recaudos provision del dicho cacicasgo." "Carta de Francisco de Valenzuela, protector de los naturales de la Audiencia de Lima, al Consejo de Indias," ms Lima, 10.23.1648. AGI, Lima, 167, f. 9v, 14r-15r. Similarly, when litigating against the traveler Don Jerónimo Limaylla, Don Bernardino Mangoguala Limaylla made sure to identify himself as *cacique principal* "por herencia de mis padres y antepassados y en cuia poseçion estoy por titulo del gobierno." "Poder. Don Bernardino Limaylla, gobernador y cacique principal de Luringuanca, a Alonso de Mercado y Aguilar," ms. Concepción, 12.11.1655. ARJ, Protocolos, n. 7 (Pedro de Carranza), f. 307v-309r.

<sup>398</sup> The Council of the Indies had expressed similar doubts the previous year by calling Don Andrés de Ortega "caçique y pachaca prinçipal que dize ser del pueblo de Lambayeque." "Respuesta del Consejo de Indias a una consulta de S.M.," ms Madrid, 3.14.1647. AGI, Lima, 7.

<sup>399</sup> "Carta de Francisco de Valenzuela..." In May of 1647, the king awarded Don Andrés the post of *juez de aguas* of the entire district of Saña (which included Lambayeque) and an annual salary of 140 pesos. In the 1650s, he was *capitán de infantería* of the Indians of Lambayeque. "Carta de los caciques gobernadores y pachacas de los indios de Lambayeque a Su Majestad," ms Lambayeque, 7.12.1653. Lima, 168; "Memorial del Capitán Don Andrés de Ortega Lluncon a S.M.," ms Madrid, 9.26. 1668. AGI, Lima, 26. Don Andrés de Azabache, on the other hand, called himself "indio cacique principal gobernador y pachaca deste pueblo de Lambayeque." The term *pachaca curaca* had originally referred to a lord of one hundred vassals. In seventeenth-century Lambayeque, it alluded to the different Indian leaders in charge of collecting the tribute of their *parcialidad*. The documents call this post a "pachaquía."

<sup>400</sup> According to his American detractors, Don Andrés collected the tributary dues of his *parcialidad* but, instead of turning it in to the *corregidor*, left with the money to Spain. "Carta de Francisco de Valenzuela..." f. 9v-11r. Similar accusations were launched against Lorenzo Ayun. In 1659, the *cacique* of Requena denounced him for several years of unpaid tribute. The *cacique* sold one of the wooden doors of Lorenzo's parental house to partially cover the 280 pesos

A related argument referred to the specific *naturaleza* of these travelers with elite pretensions. While at court, Don Carlos Chimo called himself "caçique y preñçipal" and "uno de los caçiques prinçipales" of the town of Lambayeque. Yet, his enemies in Peru accused him in 1648 of being "indio vil parque mitayo" like Don Andrés de Ortega. They also classified him as of a lower class and rank (a tailor and a thief) as well as of a different nature (a native from the city of Trujillo and not from the Indian village of Lambayeque). Faithful to his legalistic approach to the question of illegitimacy, Don Carlos' main accuser, a Spanish judge, requested that the *Audiencia* find out the *naturaleza* and *cacique* status of the travelers before allowing them to journey to Spain.<sup>401</sup> Similarly, some *caciques* of the Jauja Valley blamed the alleged Jerónimo Lorenzo Limaylla, who aspired to win a *cacicazgo* in the valley, for trying to "desnaturalizarse," making himself "çerrano siendo berdaderamente yunga y tributario" from the coastal valleys around Trujillo. On a closely related matter, these *caciques* alleged that the intruder, though clearly an Indian, could not speak the native language of their highland region.<sup>402</sup>

The identification of plaintiffs and petitioners was not that simple, however. For the metropolitan officials of Madrid and Seville, clear knowledge of the traveler's ancestry could rarely serve as a basis for the use and application of the title of *cacique*. Inquiries of that type, although

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that he owed. "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla..." f. 569r, 625r, 629v, 634v, 644r.

<sup>401</sup> Glave, "Gestiones Transatlánticas: los Indios ante la Trama del Poder Virreinal y las Composiciones de Tierras (1646)," 102-03. Glave cites "El fiscal con Pedro de Meneses sobre los excesos que cometió en la comisión para la venta de tierras realengas en la jurisdicción de Saña" (AGI, Escribanía, 511A), which I have not seen. In a previous legal suit brought against Don Carlos Chimo in Chiclayo, the defender of the Indians argued that Don Carlos "es hijo lijítimo de don Diego Chimo y de don Rodrigo Mesquen [?] nietos dezendientes por linea recta de baron de los primos reyes destos balles." Truth being told, however, only one witness could corroborate Don Carlos' ancestry.

<sup>402</sup> "Poder. Don Bernardino Limaylla..." f. 307v-309r; "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla..." f. 559r. The Indian inhabitants of Jauja spoke Castilian and a variant of Quechua (called *Quechua Huanca*), while the inhabitants of the towns surrounding Trujillo spoke *Yunga*, a different language. Durston, *Pastoral Quechua: The History of Christian Translation in Colonial Peru, 1550-1650*.

sometimes pursued, could take several months. More often than not, *cacique* status involved both self-description and official perception. Yet, in this Atlantic setting, the appropriation of rank and status seems to have been the norm rather than the exception. With the advantage of being so far away from Peru on their side, travelers and their supporters gradually learned to cope with the challenge posed to their alleged ancestry by the written word.

The oldest strategy (and perhaps the easiest as well) was simply to declare probatory documents lost in shipwrecks, pirate attacks (preferably caused by the English or the Dutch), and robberies along the way. In 1582, Don Carlos Tito Amaro, who claimed to be the great grandson of Inca Huayna Capac and a brother of Inca Felipe Tupac Amaru (executed in 1572), argued before the Council of the Indies that someone had stolen his "informaciones y papeles," along with his clothes and money, in an inn outside of Seville. The council demanded that Don Carlos present copies of the original documents, which the traveler ultimately failed to produce.<sup>403</sup> Captain Don Francisco Herizo Carguamango told the Council of the Indies a similar story in the 1660s. As a result of such a long journey, "se le an perdido algunos ynstrumentos por Donde Constaua de Su nobleza Y linpieza de Sangre como de Seruizios Personales y Paternos echos en Seruizio Real en dicho Reyno de el piru."<sup>404</sup>

Some of the menaces associated with the trip were very real. Even so, the strategic loss of personal belongings, documents, and money could secure financial aid from the Crown as well as the opportunity to gather new evidence supporting claims and petitions, especially in the form of new *probanzas*, in a foreign land where very few could immediately contest the

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<sup>403</sup> "Consulta del Consejo sobre pretensión de D. Carlos Tito Amaro de que se le dé algún entretenimiento en la Península," ms. Madrid, 8.18.1582. AGI, Lima, 1, n. 44.

<sup>404</sup> "Informaciones: Francisco de Heriza," f. 2r-v.



traveler's assertions and those of the witnesses he could summon.<sup>405</sup> In 1607, Alonso Márquez Inga de Figueroa, of Inca and Spanish descent, declared at court that before embarking to Spain he had prepared his proofs of merit in Cuzco and Lima with the approval of the Viceroy and the *Audiencia*. His papers disappeared, however, when the royal armada "was lost and sunk" ("se perdió y anegó") at sea. The councilors authorized him to prepare a new *probanza* in Madrid.<sup>406</sup> To compensate for an analogous documentary loss at sea, Captain Don Felipe Carguamango successfully convinced the Council to summon "Personas fidedignas y mayores de toda excepción" who knew him well and resided in Madrid to act as witnesses of a new *información*. Carguamango picked his witnesses, some of them travelers like himself.<sup>407</sup>

#### *Muy Mejor que Nunca: The Art of Becoming Cacique*

As in the case of the Indian, Inca, and *mestizo* categories, there were many ways to manipulate the *cacique* status to the travelers' advantage. At the royal court, *caciques* "behaved" as *caciques*. This implied, in the first place, "sounding" like one. From the perspective of the metropolitan officials, a *cacique* without a *cacicazgo* was no *cacique* at all. Hence, travelers would present themselves almost invariably as *caciques* or *caciques principales* of a town, province, or region. This could be a very specific

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<sup>405</sup> Don Diego de Figueroa, *cacique* of Cajamarca, complained in a 1598 *memorial* that "El Inglés" had stolen 3,000 pesos from him while at sea. Since he had two *criados* to support in Spain, he requested "alguna merced gruesa" for his entertainment at court. "Don Diego de Figueroa cacique de la Prouincia de Guamachuco que es de la corona Real en caxamalca de los Reynos del Peru. Pide se le haga merced del officio de Alcalde mayor de naturales de aquella Prouincia y Visitador de sus propios y rentas y oficiales," ms. Madrid, 10.7.1598. AGI, Lima, 134. In 1660, Jerónimo Lorenzo Limaylla explained to the Council that, "hauiendo benido a estos Reinos, en seguimiento de la caussa que tiene en el Conssejo de Indias; sobre la suçession del dicho çacicazgo; trajo suficiẽte caudal para estada y buelta a esta corte su tan corta fortuna que el Jeneral Pin, de naçion Ynlgès le apresso i le quito toda la hacienda que traia a el y a otros passajeros entre Cartajena i la Abana." "Memorial. Don Jerónimo Lorenzo Limaylla," ms. 1.1660. AGI, Lima, 17. In 1684, Don Pablo Tito Uscamayta, a *guaranga cacique* of Cajamarca, received 100 ducats to pay for his journey because "se halla totalmente falto de medios por hauerle quitado lo que traia en la occasion que el enemigo saqueo la Vera Cruz." "Respuesta del Consejo a una consulta de S.M.," ms. Madrid, 5.18.1684.

<sup>406</sup> "Méritos y servicios: Pedro Márquez Galeote y otro: Perú, etc." ms. Madrid, 1607. AGI, Patronato, 143, n.2, r.4.

<sup>407</sup> "Informaciones: Francisco de Heriza," f. 2r-v. One of the witnesses was Don Pedro Chafo Zauana, "yndio prinzipal y natural de Lambayeque."

locale or a very ambiguous jurisdiction, depending on the circumstances. Moreover, Indians knew well that names and surnames—and not just the *cacique* label that followed immediately after them—could be a clear indicator of high status. Therefore, name alterations according to a somehow established “syntax” (“syntax” in that it involved relationships of hierarchy and dependency among the different segments), sanctioned by the addition of the indispensable “Don,” was one of the most commonly pursued strategies at the court.<sup>408</sup>

James Lockhart’s analysis of naming practices among sixteenth-century Tlaxcalan nobles shows that “double first names [were the] lowest, religious surnames and plebeian Spanish surnames [were] next up in the ladder, and Spanish surnames taken from *encomenderos*, governors, and ecclesiastics [were] at the top.”<sup>409</sup> A similar hierarchy emerges in the Andes and, more specifically, among some of the travelers to the royal court.<sup>410</sup> Travelers usually dropped native surnames that revealed a commoner/artisan origin first. When Don Jerónimo Lorenzo Limaylla left his small village of Reque in the late 1630s, he was no more than “Lorençillo,” the “sacristanejo” or young native sexton serving the local priest.<sup>411</sup> He had been christened in 1622 as

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<sup>408</sup> About the use of “Don” among the native elites of Tlaxcala, James Lockhart writes, “What happened more regularly was that a person, having been consistently without ‘don’ at first, acquired the title at some point of a rise toward greater prominence and retained it consistently thereafter.” Lockhart, Berdan, and Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)*, 22. About the use of “Don” in early Spanish America, see Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 510, Lockhart, *Spanish Peru, 1532-1560: A Colonial Society*. One must remember that the practice of changing names and surnames throughout an individual’s life was still relatively common in the sixteenth- and seventeenth-century Spanish world. Francisco de Solano, “Los Nombres del Inca Garcilaso: Definición E Identidad,” *Histórica* 15, no. 1 (1991).

<sup>409</sup> Lockhart, Berdan, and Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)*, 21, note 126.

<sup>410</sup> Consider, for example, the case of the *cacique* Don Lorenzo de Zárate Valentín Limaylla, who took part of his name from Don Lorenzo de Zárate, knight of Alcántara and father of Lorenzo Valentín and Gabriel de Zárate. ARJ, Protocolos, n. 3 (Pedro de Carranza), f. 208r. Some cases involving the high Inca nobility of early colonial times show the choice of Habsburg royal names such as “Carlos” or “Felipe.” See Temple, “La Descendencia de Huayna Capac: Don Carlos Inca.”

<sup>411</sup> Contemporaries usually applied nicknames such as “Lorençillo” and other diminutives to *ladino* Indians at the service of the religious orders. They symbolized a rare mixture of affection and patronization. The Franciscans of the School of San Andrés in Quito called Cristóbal Ango, *cacique* of the Caranquis, “Cristobalito.” Hartmann and Oberem, “Quito: un Centro de Educacion de

"Lorenço de Ayun" and his last name appeared in a later tributary roll as "Aium Chifo." The local priest had added the term "Chifo" because of the father's specific craftsmanship. Early in his documented life, Lorenzo dropped the "Chifo" surname because it bespoke a humble origin.<sup>412</sup>

Second, as it happened among the *cabildo* members of Tlaxcala, adopting Spanish surnames, especially distinguished ones, was a means to further acquiring rank and prestige, even at the risk of losing some "Indianness."<sup>413</sup> In 1648, some residents of the town of Lambayeque denounced Don Andrés de Ortega Lluncón, a visitor at the court. As parish records and tribute rolls could attest, they claimed, "he was never called Don Andrés de Ortega, but only 'Andrés' [and his father Diego Lluncón] did not have the 'don' but was a nobody."<sup>414</sup> According to one of the *caciques* of Lambayeque, Andrés took the surname "Ortega" after moving from Lambayeque to Lima, where he worked as a tailor. A 1622 tributary reassessment presented to substantiate the accusations revealed one "Andres Llancun," a tributary or "indio ordinario." Similarly, Lorenzo Ayun became "Juan Lorenzo Ayllón" when, in the late 1630s, he moved from Reque to the neighboring town of Saña and entered into the service of the Franciscan father Juan de Ayllón, who taught him to read and write in Spain and then took him to Lima.<sup>415</sup> In Madrid and Mexico a few years

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Indigenas del siglo XVI," 118. For a discussion of stereotypes associated with *ladinos*—"great complainers," "pusillanimous," "incompetent," "great and impertinent takers," and "scoundrels"—see Adorno, "Images of *Indios Ladinos* in Early Colonial Peru," 252-53, Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, 484-85. "Sacristanejo" (from *sacristán* or altar boy) also had a diminutive/derogative connotation in this context.

<sup>412</sup> According to the *cacique* of Reque, "Chifu significa Vso y Su Padre ttenia por ofiçio hazer Usos" ("Chifu" means "spindle whorl," and his father manufactured spindle whorls)—"Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla...", f. 95lv.

<sup>413</sup> Lockhart, Berdan, and Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)*, 21.

<sup>414</sup> "en los padrones y revisitas nunca se le llamo Don Andrés de Ortega, sino tan solamente andres con otro apellido que este testigo no se acuerda Y que asimismo su Padre del dicho andres de ortega, no tubo don ni se llamaba nadie." "Carta de Francisco de Valenzuela...", f. 9v, 14r-15r.

<sup>415</sup> At least one *cacique* of seventeenth-century Reque bore the name "Juan Lorenzo." Arroyo, *Los Franciscanos y la Fundación de Chiclayo*, Estenssoro, *Del Paganismo a la Santidad: la Incorporación de los Indios del Perú al Catolicismo, 1532-1750*, 468-92, Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 903-04, Tibesar, *Franciscan Beginnings in Colonial Peru*,

later, the traveler went back to the more Indian "Don Juan Lorenzo de Ayun," but added the distinguished "Córdoba" of his new Franciscan patron, Father Buenaventura de Salinas y Córdoba.<sup>416</sup> Although Don Antonio Collatopa called himself an "Indio Cacique, y natural de Caxamarca" in a memorandum printed in Madrid, his supporters in Lima referred to him in a letter to the king as "Don Antonio Diaz de las Cuebas Collatopa, descendant of the sons of Huayna Capac."<sup>417</sup>

Similarly, Indian surnames could play a significant role as markers of aristocratic Indianness. They could be maintained, appropriated, and accumulated, especially if Inca ones of recognized royal descent.<sup>418</sup> When facing the officials of the House of Trade, Lorenzo Ayun went by the name "Don Lorenzo Ayllón Atagualpa," adopting, albeit temporarily, the name of the Inca king who met with the Spaniards in 1532 and whose noble descendants journeyed to Spain to secure their privileges on several occasions. Later in his life, he would try to pass off as Don Jerónimo Lorenzo Limaylla, the scion of a well-established *cacique* dynasty.<sup>419</sup> A common principle within this naming practice was to lump several Indian surnames together to create the effect of a noble ancestry (a common practice among the Spaniards as well). At court in the mid 1670s, Lorenzo Zamudio, an Indian from the town of San

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62-63, Vargas Ugarte, *Vida del Siervo de Dios Nicolás Ayllón o por Otro Nombre Nicolás de Dios, Natural de Chiclayo*, 21, 120, Zevallos Quiñones, *Los Cacicazgos de Lambayeque*, 121, —, *Historia de Chiclayo (siglos XVI, XVII, XVIII y XIX)*, 57-62.

<sup>416</sup> "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla...", f. 387v-401r, 443r-v, 447v-49r, 451v-52r, 470r-75v, 648r-49v. Father Buenaventura also went by "Sancho de Córdoba" and "Sancho de Salinas."

<sup>417</sup> Carta de varios caciques a S.M., ms. 1663. AGI, Lima, 17. The ruling viceroy at that time was Don Diego de Benavides y de la Cueva, Count of Santisteban.

<sup>418</sup> For examples of claims of Inca ancestry to legitimate political positions and secure nobility, see Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*.

<sup>419</sup> According to a witness of Lorenzo's transformation, "antes que fuese a España no se llamaua ni firmaua Geronimo Sino Lorenço." "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla...", f. 551v-52r; "Memorial. Don Juan Lorenzo Ayllón a S.M.," ms. Madrid, 4.4.1646. AGI, Lima, 15; "Expediente de información y licencia de pasajero a Indias de Lorenzo Ayllón Atahualpa, indio natural del valle de Jauja, a Nueva España como criado de fray Buenaventura de Salinas, franciscano," ms 5.9.1646. AGI. Contratación, 5427, N. 3, R. 33.

Miguel (Cajamarca), introduced himself as "Don Lorenzo Çamudio El Lucayn," the son of the nobles Don Lorenzo Çamudio El Lucayn and Doña Clara Cajamea de la Chapuma.<sup>420</sup> In an analogous case, Captain Don Felipe de Heriza Paz y Carguamango, another traveler to the royal court, appeared before the Council of the Indies with the almost untranslatable formula, "cacique of the barony of the Incas of Cuzco and that of Carguachunbe in the kingdom of Peru." To root his "Inca" nobility in Cuzco, Don Felipe kept the family name of his father, Captain Don Felipe de Paz Carguamango, and his grandfather, Don Alonso Carguamango (both natives residents of Lima but originally from Cuzco). To his name, Don Felipe added the more general, but perhaps equally plebeian, "Carguachumbi," the surname of his mother and paternal grandmother, an alleged *india principal* from the native town of Santo Domingo de Huari in Yauyos (to the east of Lima).<sup>421</sup> One of the participants in the 1725 celebration held in Lima in honor of Luis Fernando I—none less than the impersonator of the prehispanic deity Tunupa—called himself "Don Valentín Mino Llulli Xecfunchumpi y Falenpinciam," combining in his name many elite surnames (at least they had the flavor of being so) from the northern region of Peru. Sometimes, individuals could add Quechua epithets previously reserved to great kings and lords, such as "Capac," "Hatun," or "Apo," to aggrandize the status of the bearer. Thus, Don Valentín was followed by the imposing Don Francisco Atum Apo Cuies Mango Saba Capac, a local *cacique*.<sup>422</sup>

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<sup>420</sup> "Traslado de los papeles que presento en la Escribania de Yndias dela partte del Piru, Don Lorenzo Çamudio El Lucayn Hijo de Don Lorenzo Çamudio el Lucayn y de Doña Clara Cajamea dela Chapuma = para El despacho que se le dio por mandado de Su Majestad y por hauer pedido Los originales saque este traslado," ms 1674. AGI, Lima, 172.

<sup>421</sup> "casique de la Baronía de los yngas de la z Ciudad de el Cuzco y de la de Carguachunbe en el Reyno de el piru." "Informaciones: Francisco de Heriza." The family name "Heriza" or "Herizo" (with or without the initial "H") seems to be of vasque origin, but I have not been able to confirm it. Don Felipe turned the composite name of his father--"Felipe de Paz"--into a family name, as was common practice among other native city dwellers. Harth-Terré, "El Esclavo Negro en la Sociedad Indoperuana," 308.

<sup>422</sup> Millones, "The Inka's Mask: Dramatisation of the Past in Indigenous Colonial Processions," 26-27.

*Caciques* also dressed and spoke as such at court. Clothing became another way of marking elite status. As Daniel Roche has suggested, courtly cities like Paris and Madrid were "fertile ground" for the "confusion and usurpation" of status and rank (as expressed in clothing). Distinctive imitation but especially the desire of social mobility drove this process. In that sense, clothing "both reveals and conceals social position."<sup>423</sup> As some lists of purchases and debts attest, Indian travelers did not dress as "Indians" in Spain. As important, many of them had received a license for carrying honorable weapons such as swords and daggers, a privilege that, in the words of the Council of the Indies, the king reserved to *caciques* "por ser gente noble de aquella tierra."<sup>424</sup> Upon his death in Madrid, Don Alonso Atahualpa owed several *reales* to a glove maker, a tailor, a silversmith, and a ribbon maker who had manufactured his hats and general attire.<sup>425</sup> Upon

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<sup>423</sup> Daniel Roche, *The Culture of Clothing: Dress and Fashion in The "Ancien Régime"* (Cambridge; New York: Cambridge University Press, 1994), 4, 6-7, 39, 50, 128. In this same work, Roche states, "The social and cultural function of clothing can only be understood in terms of communicability. We need therefore to analyse the effect produced by what is seen on whoever sees it." Roche, *The Culture of Clothing: Dress and Fashion in The "Ancien Régime"*, 512. For numerous references of the importance of clothing as a marker of rank and status among the native populations of Peru under Spanish rule, see Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*. For an interesting discussion of the social significance of the uniforms worn by the students of the Jesuit schools for Indian nobles, see Alaperrine-Bouyer, *La Educación de las Elites Indígenas en el Perú Colonial*, 166-71.

<sup>424</sup> "Respuesta del Consejo a una consulta de S.M.," ms. Madrid, 5.27.1684. AGI, Lima, 12. Don Martín Çapuy, interpreter of the *Audiencia* of Lima and a traveler of the royal court, told the Council of the Indies about himself, "siempre e tratado mi persona con mucho lustre andando en haito despañol con espada y daga por merced particular del gouierno." "Memorial de Martín Çapuy," ms., 1620. AGI, Lima, 150.

<sup>425</sup> Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxlvii. In the 1640s, an official of the Council of the Indies purchased the following clothes for Don Carlos Chimo and Don Andrés de Ortega Lluncón.

For Don Andrés:

- 11 varas de jerguilla de Toledo, verdosa, para vestido
- Vara y cuarto de tafetán pardo para mangas
- 1 jubón de damasco de lana azul y dorado
- Fustán, lienzo, enjutelas?, seda, botones, fieltros y otros para el vestido
- Hechura del calzón, ropilla y mangas
- Medias de hilo pardo
- 4 varas de colonias pardas
- 1 sombrero negro forrado
- Unos zapatos y borceguies
- 1 tahalí negro de cuero, espada y daga
- 3 camisas y tres pares de calzoncillos
- 4 valonas con sus vueltas
- Cuatro lienzos de narices
- 2 pares de calcetas ordinarias y cuatro de esarpines

For Don Carlos

Lorenzo Ayun's comeback to Reque in 1656, the town dwellers referred to his wearing a gallant outfit ("mui ladino y uestido Galan") of a Spanish style ("en hauitto de Español")—gloves and hat included. To punish Don Felipe Guacrapaucar, an early traveler to the royal court, for his "litigiousness," a Crown inspector symbolically stripped him of his *cacique* status: "lo auia mandado desnudar de los bestidos de españoles que traya y le auia fecho poner bestidos de yndio." The measure was to no avail, for the inspector saw Don Felipe in "habito de español" and carrying a sword a few months afterwards in Lima, where he kept litigating.<sup>426</sup>

Most travelers spent at least two or three years in Spain, sometimes many more. An uncommon familiarity with the dialects spoken in the Peninsula must have been one of the most interesting effects of the Atlantic journey. Don Felipe Guacrapaucar became interpreter of his province after his return to the Andes.<sup>427</sup> Similarly, we find Don Sebastián Hilaquita and Don Juan

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-1 vestido entero de jerguilla y un jubón de damasco de lana y mangas de Vonuasi? Pardo

-Unas medias de estambre pardo

-Cuatro varas de colonias pardas

-1 sombrero negro forrado

-Zapatos y borceguies

-3 camisas y 3 pares de calzoncillos

-4 valonas

-4 pañuelos

-2 pares de calcetas y 4 de escarpines

"Relacion de lo que gaste el mes de setiembre pasado en los uestidos y Ropa Vlanca que Compre para Don Carlos chimo y Don andres de Ortega lluncon caciques y el dinero que di asta ponelles en Cadiz," ms 1647. AGI, Contaduría, 188. For the purpose of comparison, contrast these outfits with those passed on by a relatively wealthy *cacique principal* of the central Andes to his son in 1633: "yten mando al dciho don Rodrigo mi hijo vn baul pequeno con vn bestido de español de paño de castilla de londres guarnecido con puntas de oro de melan y Botones de oro descarchado con sus medias y ligas y jubon de corte falso y otro bestido de paño de quito nuevo de español con sus medias y ligas y su jubon. Y una piesa de gaban de abasca tornasol de negro y verde con su calson y Ropilla y otro gaban corto solo tornasol amarillo y negro." "Testamento de Don Juan Flores Guaynamalqui," ms. Santo Domingo de Ocros, 12.2.1633. AAL, Leg. 21, Exp. 5A, f. 25r.

<sup>426</sup> "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima..." f. 164r-v, 282r. Don Felipe had secured the right to bring back an arquebus from Spain "for his service." See "Don Phelipe de Guacara Paucar, un arcabuz," ms Barcelona, 2.26.1564. AGI. Lima, 569, l. 11, f. 137v. Of course, this process of social differentiation through attire started almost immediately after the Conquest. Frank Salomon mentions the case of one Pomachagua, lord of Huanchor who, after meeting with Pizarro in Cajamarca and serving the Spaniards during the Conquest, returned to his hometown "instantly transmuted into the first colonial chief the Huarochiranos had ever seen, complete with a baptismal name and a new red suit." Frank Salomon, *The Cord Keepers: Khipus and Cultural Life in a Peruvian Village* (Durham: Duke University Press, 2004), 115-16.

<sup>427</sup> The 1586 *relación* of the province the Jauja was conducted with the aid of "Don Felipe Guacra Páucar, indio ladino que ha estado en España," as interpreter. Jiménez de la Espada, *Relaciones Geográficas de Indias*, 1:79. In the 1590s, Don Felipe was one of the two *principales* of Luringuanca who could sign their names. "Títulos del deslinde y amojonamiento..." f. 37r.

Chuquival earning their living as official interpreters of the royal *Audiencia* of Lima after their return from Spain in the 1580s and 1590s.<sup>428</sup> When Viceroy Marquis of Mancera claimed that his enemies "enseñaron la lengua castellana" to the Indian that they brought to Spain with them, he probably meant more than speaking Castilian. The two possible targets of Mancera's accusations were already very proficient in Castilian before journeying to Spain.<sup>429</sup> When Lorenzo Ayun returned to Reque in 1655, after ten years in Lima, Spain, and Mexico, the local priest described him as "a grown man and very ladino" ("hecho hombre y muy ladino"). Lorenzo's townsfolk especially recorded that they had recognized him in spite of his being "muy ladino." Lorenzo had learned to read and write in Spanish long before his journey, so it is clear that the witnesses, some of them *ladinos*, referred to linguistic abilities that they considered exceptional.<sup>430</sup> There was, in sum, something else.

Thus, Atlantic transformations involved much more than a new appearance. According to the *cacique* of Reque, Lorenzo "had become grave" after his return from Spain, refusing to remove his hat in his presence ("se hauia hecho graue y no le quitaua el sombrero"). As many others did, Lorenzo had returned from those parts of the world "capable, knowledgeable, and totally apt ("capaz entendido y de toda suficiencia").<sup>431</sup> Don Felipe Guacrapaucar was said to be an "hombre de bien y de rrazon [...] y despues

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<sup>428</sup> "Carta de Luis de Velasco a S.M." Callao, April of 1597. Levillier, *Gobernantes del Perú, Cartas y Papeles, siglo XVI*, XIV: 62.. About Hilaquita as interpreter of the *Audiencia*, see AGN, Real Audiencia, Causas Civiles, l. 8, cuad. 44-A [1585], f. 90r. Don Martín and Felipillo, "lenguas" of the expedition of Conquest, accompanied Pizarro back to Spain in 1529. As a result, they dramatically improved their linguistic skills. Lockhart, *The Men of Cajamarca; a Social and Biographical Study of the First Conquerors of Peru*, 450.

<sup>429</sup> About the abilities of Don Carlos Chimo and Don Andrés de Ortega Lluncón with the Spanish language, consider the 1646-47 *memoriales* included in Appendix 3, Documents 10-11.

<sup>430</sup> Examples of letters written by this traveler can be found Appendix 3.

<sup>431</sup> "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla...", f. 69r, 556r-v, 563r, 574v, 647r, 655r-60r, 959r.



que bino el dicho don Felipe de España agora muy mejor que nunca."<sup>432</sup> Although Don Carlos Limaylla and other Indian leaders from Jauja criticized Don Felipe for introducing himself at court as "caçique prinçipal del valle de xauxa" without valid title, a Spanish provincial administrator declared about him in the 1590s, "puede gobernar no solo los yndios de este repartimiento pero toda la provinçia porque saue la lengua española y leer y escreuir y contar en la lengua española."<sup>433</sup>

Perhaps more accurately in this context, *ladino* status implied having become proficient in the official language of the empire. What contemporaries said about Don Felipe Guacrapaucar in the Andes also applied to other travelers. Learning to write and dealing with *letrados* (lawyers and attorneys) at the palace had familiarized them with the laws of the kingdom as well as perfected their litigating and ruling skills. Don Carlos Limaylla, Felipe's half brother and not a *ladino* himself, stated in 1570, "el dicho don Felipe se fue a España e trato con letrados y aprendio a escrevir quando volvio se hizo pleitista." The *cacique* of the neighboring province of Huarochirí criticized what he perceived as Don Felipe's "consejos" and "bachellerias" (from *bachiller*, someone who had received formal training in law) to the Indians, "[dando] a entender a los yndios que auia estudiado en Salamanca y En Seuilla." As the prosecutor of the royal *Audiencia* declared in 1574, Don Felipe "trae desasosegados todos los yndios con quien trata y comunica dandoles malos exenplos y *nuevas palabras*." These "new terms" the Indians found useful for their pursuing of justice.<sup>434</sup>

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<sup>432</sup> "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima...", f. 252v.

<sup>433</sup> "Causa con Don Francisco Guacrapaucar y Francisco Ticsi Cangaguala...", f. 22r. Many candidates claimed legal rights to the title of *cacique principal* of Jauja in the 1570s.

<sup>434</sup> "Información hecha por mandado de Su Excelencia sobre los daños que se han reçeçido a los yndios del balle de Xauxa...", f. 3v-4r. "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima...", f. 224r-v., 305r. The emphasis is mine.

If there was such a thing as "success" at the royal court, one could measure in the number of royal decrees that travelers could bring back with them. A quick survey of royal decrees (*cédulas*) awarded to Indian travelers under the jurisdiction of the *Audiencia* of Lima during the Habsburg period shows that some of them were indeed very successful (Appendix 2).<sup>435</sup> In the 1680s, for example, Don Pablo Tito Uscamayta de Valladares returned to Cajamarca with no less than twelve royal decrees addressed to the highest authorities in Peru, namely, the viceroy and the *Audiencia*. Don Pablo was the *cacique* of the Inca *guaranga* settled in the province of Cajamarca since before the Spanish conquest.<sup>436</sup> Before his journey to Spain, Don Pablo received a power of attorney from the *cacique principal*, the interim governor, and the other *caciques* of the province. He produced before the Council of the Indies to justify his title of "general attorney" (*procurador general*) of Cajamarca. As was usual in these cases, the *cédulas* won by Don Pablo at the royal court covered a wide range of individual and collective issues. On one side of the spectrum were those decrees pertaining exclusively to the wealth and well-being of Don Pablo, his immediate family, and his *parcialidad* (court cases, sources of income, honors, and support for the Atlantic journey). On the opposite side of the spectrum were decrees intended to benefit the *caciques* and Indians of the entire province. These mandates dealt with the conservation of ancient prerogatives, the control of the labor pool, the curtailment of the excesses of the urban *mita*, and the legal

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<sup>435</sup> I have excluded *cédulas* won by Indian communities and leaders without the direct intervention of an Indian delegate acting at the royal court. This distinction is not always clear.

<sup>436</sup> Since the sixteenth century, the *cacique principal* of Cajamarca had ruled over seven *guarangas*, one of which was that of the "Ingas." In prehispanic times, each *guaranga* had comprised 1000 households.

campaign against those who wanted to turn Cajamarca into a Spanish city (thus appropriating the lands of the Indians).<sup>437</sup>

This pattern seems to be consistent throughout the entire period covered in this study. As Don Pablo Tito Uscamayta did 120 years after, Don Felipe Guacrapaucar returned to his native Jauja with no less than seventeen royal decrees signed by the king between 1563 and 1564. A few of them granted him a six-hundred-peso pension for life, an additional 800 pesos for the return journey, a coat of arms, and other privileges. Other decrees ordered the viceroy and the *Audiencia* to hear Indian complaints in crucial matters. These decrees touched upon restitution and reward for communal resources given to Crown officials since the Spanish Conquest, moderate service at the mines, protection of common lands and cattle, and, as in the case of the Indians of Cajamarca in the 1680s, control over labor and tribute inside and outside the Jauja Valley. After his return from Spain, Don Felipe showed the *cédulas* to the judges of the *Audiencia* and, in the following years, fought his own battle against viceroys and *corregidores* to see them not only obeyed but also executed. For Don Felipe, *caciques* like his brother were "devils who did not know how to speak up" ("diablos que no saben hablar") or go to Lima in demand for justice. In 1575, he declared before the *Audiencia*, "es cosa comun a todos que los yndios deste rrepartimiento me tiene[n] por caçique y que en muchos negoçios que se les a ofresido yo como tal caçique e buelto por ellos y anparadoles en lo que e podido." A *cacique* of the Valley clearly concurred: Don Felipe was "uno de sus caciques principales" because he was "[el] mas entendido de negocios en los pleytos y contiendas."<sup>438</sup>

This last aspect takes us to a very significant part of the transatlantic experience. One of the most salient consequences of the

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<sup>437</sup> The campaign of the Indians of Cajamarca continued in the following years. See "Carta de Don Melchor Carguarayco y Don Juan Bautista Astoquipan, caciques, al Rey," ms. Cajamarca, 5.26.1687. AGI, Lima, 174.

<sup>438</sup> "Residencia tomada al doctor Gabriel de Loarte..." f. 247r, 49v, 79v, 83v.

accumulation of juridical capital as it was described in Chapter 1 was the extremely sophisticated knowledge of legal procedure, notarial language, and ideological justification that some travelers of the latter half of the seventeenth century possessed. Evidently, reaching the source of ultimate justice involved more than the journey to Spain. It also required dealing with an army of courtiers and specialists in the economy of favor and reward as well as mastering the language of law and empire. The passing off as somebody else, whether it be a *cacique*, an Indian, or anyone else, was only part of a larger enterprise. Some of these native travelers literally took the lettered city by assault because not only were they finally able to speak to the king but also because they ended up appropriating, and indeed subverting, the principles, mechanisms, and discourses upon which the authority of the king and the power of the Habsburg state rested.<sup>439</sup>

A series of documents manufactured for the occasion of Don Lorenzo Zamudio's appearance at court in the 1670s, an exercise in legitimization that I analyze in some detail in the following paragraphs, illustrate this complex process as well as many others discussed thus far.<sup>440</sup> Roberto González Echevarría's argument about the relationship between *picaros* like Lazarillo of Tormes and the act of writing might very well apply to our traveler. According to González Echevarría,

El pícaro es huérfano o ilegítimo. Criatura de la ciudad, el centro de la nueva burocracia patrimonial, busca legitimidad a través de los

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<sup>439</sup> For a lucid discussion about the impact of notarial and judicial rhetoric on discourses produced in the New World, as well as the importance of this hegemonic discourse for sustaining the Habsburg state apparatus, see González Echevarría, *Mito y Archivo. Una Teoría de la Narrativa Latinoamericana*, 35-37, 72. In a broad sense, I understand "appropriation" in this context as Roger Chartier does when he writes that cultural appropriation "acentúa la pluralidad de empleos y de comprensiones y la libertad creadora—aun si ésta se encuentra reglamentada—de los agentes que no sirven ni a los textos ni a las normas [...] La apropiación tal como la entendemos nosotros apunta a una historia social de usos e interpretaciones, relacionados con sus determinaciones fundamentales e inscritos en las prácticas específicas que las producen." Chartier, *El Mundo como Representación. Historia Cultural: entre Práctica y Representación*, 52-53.

<sup>440</sup> Unless otherwise stated, the following information comes from "Traslado de los papeles que presento en la Escribanía de Yndias de la parte del Piru, Don Lorenzo Çamudio El Lucayn..." For a full transcription of this document, see Appendix 3, Document 12.

códigos en los que la nueva autoridad está objetivada. Es obra de su escritura.<sup>441</sup>

In 1673, a mysterious Don Lorenzo Zamudio Lucayn presented a memorandum to the Queen Regent in Madrid. He requested that the Council of the Indies examine the "certificación e información" which he had brought from Peru. As it had done in similar cases, the council should then issue the necessary orders "para que [a Don Lorenzo] se le guarden Los preuilegios y prerrogatibas que estan conzedidas a los caziques y Conquistadores del Peru," which he claimed belonged to him as the successor of both *caciques* and *conquistadores*. To validate the information included in the documents, Don Lorenzo requested that the Council receive the testimonies of five witnesses. After seeing Lorenzo's papers between April and June of 1673, all of them attested to their truth and legitimacy. Between December 12 and March 12 of 1674, moreover, the prosecutor of the Council and perhaps other officials examined Lorenzo's "certificación." They finally issued a favorable ruling ("give to him the dispatch that he requests") as well as a royal decree ordering viceregal authorities to uphold Don Lorenzo's privileges and noble status, on March 15.<sup>442</sup> In July, Don Lorenzo sent another petition, this time

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<sup>441</sup> González Echevarría, *Mito y Archivo. Una Teoría de la Narrativa Latinoamericana*, 92. This argument is part of the author's larger argument about the transcendence of notarial and legal rethoric in the enterprise of legitimizing oneself through writing.

<sup>442</sup> The royal *cédula* reads: "La Reyna Governadora. Por quanto por parte de vos Don Lorenzo Zamudio se me ha representado sois Yndio natural del Pueblo de San Miguel en la Prouinia de Caxamarca del distrito de la Ciudad de Lima y hijo natural de Don Lorenzo Zamudio y de Doña Clara Cajamea de la Chapuma que tamien lo fueron de dicha Prouinia y Caziques principales de ella y descendientes legitimos de los Primeros que alli se bautizaron y dieron la obediencia al Señor emperador Carlos Quinto y ayudaron a las demas conquistas que despues se hicieron en el Peru, siruiendo en ellas con mucho gasto de sus haziendas y riesgo de las vidas y la aprouazion que mas particularmente constaua por el testimonio certificacion y Informazion que presentasteis; supplicandome que en considerazion dello, y de aqui los dichos seruiicios recaen en vos y os hallais sin Remunerazion alguna dellos fuesse seruida de mandar dar el despacho nezzessario para que se os guarden los Preuilegios y Prerrogatiuas que estan conzedidas a los casiques y conquistadores del Peru y os pertenezzen por sucesor de los que quedan referidos, Y auriendose visto en el Conssejo Real de las Indias con los papeles citados por donde a constado de lo que representais, y lo que en Razon desto deyo y pidio el fiscal en el, Lo he tenido por bien y por la Pressente mando a los Virreyes Pressidentes y oydores de las Audiencias Reales de las Indias y a todos los Governadores Corregidores y alcalde Mayores y ordinarios, y otros qualesquier jueces y justicias y a los Concejos Regidores Caualleros escuderos offiziales y hombres buenos de todas las dichas Indias Islas y Tierra Firme del Mar Oceano, etc. guarden y hagan guardar cada uno por lo que le toca los priuilegios y prerrogativas que estan concedidas a los Caziques y conquistadores de las dichas Prouincias del Peru y os pertenezieren por suzesor de ellos como si en esta mi zedula fuesen expresadas sin permitir se le falte; ni contraventa a esto en parte

requesting that the Council return the originals, for he needed them "para otros efectos."<sup>443</sup> The Council agreed, and sometime around September 26 and 27, the official notary of the council made the copy that has survived at the General Archive of the Indies.

Although much information was surely lost in this transcription, what remains of Don Lorenzo's "certificación e información" sheds important light on how deeply these travelers understood the workings of the imperial system of justice as well as the ultimate connection between document and power. Zamudio wanted to prove that he was the illegitimate son of the "caciques principales" of the town of San Miguel (Cajamarca). He also wanted to demonstrate that his parents were direct descendants of the first *caciques* to pay homage to Charles V, welcome the Catholic faith, and receive baptism in Cajamarca. As a corollary, he wished to establish that they had always remained loyal to His Majesty. For this purpose, Zamudio or someone very close to him manufactured the two "certificaciones" that the native visitor showed to the Royal and Supreme Council of Indies.

There is no clue as to who prepared these documents and where, but I am inclined to think that they were prepared in America by individuals highly familiarized with ecclesiastic and notarial records (perhaps a *cabildo* scribe, a parish assistant, or even a priest). What is clear, however, is that the authors were extremely sophisticated in their reproducing as many formalisms and conventions typical of the notarial subgenres as possible. They understood the power of notarial rhetoric and state authority to create "truth."<sup>444</sup> For instance, since official (stamped) paper was hard to find in

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alguna que assi es mi voluntad y fecha en Madrid, a quince de Marzo de mill y seissientos y setenta y quatro años. Yo la Reyna." AGI, Lima, 586, l. 27, f. 93v-94r.

<sup>443</sup> In a memorandum elevated to the council in March of 1673, Don Jerónimo Limaylla had requested that his original titles, which he presented in 1666, be returned to him ("necessita dellos para guardar su derecho"). The counselors granted his petition. AGI, Lima, 26.

<sup>444</sup> González Echevarría, *Mito y Archivo. Una Teoría de la Narrativa Latinoamericana*, chapter 2.

the colonies, the authors tried to conceal their use of unofficial paper by pointing out at the end of the transcription, as many licensed notaries would do if short of paper, that it "va en papel comun por falttar El sellado."

The authors also conjured the quasi-magical power of scribes as producers of legitimacy in Spanish legal culture. Thus, the first "certificacion," an alleged 1642 copy of a 1542 copy of a 1535 original, opens with the formula, "Yo, Juan de Arredondo Albejar, notario mayor del Catholico çessar Carlos quintto, emperador deAlemania, Rey deEspaña, En sus Reynos de Castilla Partido de Burgos." (Here, the authors seem to be imitating the enumeration of royal titles that was common in royal provisions). The second document, dated March 9 of 1648, starts with a similar statement. The opening phrase reads, "Yo Matheo de Moran, escribano del Rey nuestro señor Y del numero de la uilla y Pueblo de San Miguel, en la prouinçia de Caxamarca, En estos Reynos del piru."<sup>445</sup> Through these strategies, the authors establish not only the official identity of the alleged scribes, but also the ultimate source of their authority, the king.<sup>446</sup>

Throughout the text, these notaries validate, with their signatures and other conventions, that what the characters said and did is true ("Y lo signe = Juan de Arrendondo="). As was common in the colonial world, notaries received validation from other notaries of a higher instance, especially when

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<sup>445</sup> In passing, it is worthy of note that, as Susan Ramirez has reminded me, San Miguel was not a villa and it seems very unlikely that it had its own resident notary in such an early date. Cajamarca, initially an Indian town, became a de facto villa only in the seventeenth century. See, also, Argouse, "¿Son Todos Caciques? Curacas, Principales E Indios Urbanos en Cajamarca (siglo XVII)."

<sup>446</sup> Regarding the enormous accumulation of symbolic capital by the state, Bourdieu writes, "El nombramiento, en definitiva, es un acto muy misterioso que obedece a una lógica próxima a la de la magia como la describe Marcel Mauss. Como el hehicero moviliza todo el capital de creencia acumulado por el funcionamiento del universo mágico, el presidente de la República que firma un decreto de nombramiento o el médico que firma un certificado (de enfermedad, de invalidez, etc.) movilizan un capital simbólico acumulado en y por toda la red de relaciones de reconocimiento que son constitutivas del universo burocrático. ¿Quién certifica la validez del certificado? Quien haya firmado el título que da licencia para certificar. ¿Pero quién lo certifica a su vez? Entramos así en una regresión al infinito al término del cual 'hay que detenerse' y se puede, como hacen los teólogos, optar por dar el nombre de Estado al último (o al primer) eslabón de la larga cadena de los actos oficiales de consagración. Él se quien actuando a modo de banco de capital simbólico, garantiza todos los actos de autoridad, unos actos, a la vez arbitrarios y desconocidos en tanto que tales, de 'impostura legítima' [...]" Bourdieu, *Razones Prácticas. Sobre la Teoría de la Acción*, 113-14.

they were making a copy of an older document, in order to attest their fidelity and legality. Thus, the first "certificacion" ends with the uncommon formula, "aprouado por fiel y Legal, Cuzco a doze de março de mill y sseiszienttos y quarenta Y dos = En testimonio de Verdad Juan de Andossilla." In other words, the notary Andossilla certifies that the document is a "faithful" and "legal" copy. The second document simply states, "autoriçado por el Conçejo," although it is not clear if the authors are referring to the Council of the Indies.

Some of the headings and formulas used in the first "certificación" indicate that a typical baptismal certificate served as the main template. The authors probably had a parish book in front of them. Clues as to this original model come from formulaic expressions such as "Yo [...] Çertifico y doy fee," "ay Vna partida del thenor siguiente" "fue su padrino," "Y despues el mismo dia fue Bautçado en la dicha Yglessia." The election of this first template was not casual at all. Instead, it shows a deep understanding of the intrinsic value that such a register had for establishing an individual's Christian name and identity, his or her ritual admission into the Catholic Church. For the *caciques* whose story the document tells, it meant a rebirth into the faith.

Thus, the first "certificacion" presented by Zamudio in Madrid includes three such entries or "partidas." The first attests to the christening of the *cacique* Lucayn, a native from the "town" of San Miguel in Cajamarca. The second marks the baptism of his wife, named Gualpaqua before baptism. The third *partida* registers the christening of their three-year-old-child, Armango. In this story, the Christian names and surnames of these individuals depend not on biological *mestizaje* but on the presence of influential Spanish godfathers. Captain Alonso Zamudio, "español," would have godfathered Juan de Zamudio, the *cacique*, and Pedro Zamudio Lucayn, his son and heir. The famous conquistador Pedro de Alvarado, in turn, would have godfathered the *cacique's*



wife, now Doña Isauel de Aluarado Ttarrazal.<sup>447</sup> The ideological implication seems to be that, although these individuals quickly learned how to live like Christians, their precolumbian legitimacy as *caciques* of pure Indian blood is untainted by any *mestizo* or Spanish intruders (Notice, for instance, that according to these "partidas," the heir Armango was born exactly in 1532).

The early events of the Conquest of "Tierra firme and the kingdoms of Piru" as well as the imaginary notary who accompanied the expedition provide the background for Lorenzo's story.<sup>448</sup> The intention is to establish the earliest possible conversion to Catholicism. The *cacique* and his family supposedly received baptism at the "church of San Francisco de Cajamarca" in August 3 of 1535, as the *entrada* to the "towns" of the said "province," led by Captain General Gonzalo Pizarro, the notary Arredondo, Captain Villagrán, "and many other conquistadors" unfolded.<sup>449</sup> The unlikely inclusion of this information in a baptismal record is cleverly justified by the authors with another notarial convention, probably based on the proof-of-merit template: the conquistadors' decision to form a list of "all who surrendered without offering resistance." Thus, as other indigenous authors did, the creators of this document used historical narrative to convey a deeper political message. First, the *cacique* Lucayn did not offer any resistance, thus giving no justification for a "just war." Instead, he paid homage to Charles peacefully. Second, they tell us, although Lucayn was not a Christian yet, he

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<sup>447</sup> I have not been able to find any of the individuals of Lorenzo Zamudio's family tree living in the towns of San Miguel or Asunción in the 1571-78 inspections of Cajamarca. Nor have I found any Lucayns fulfilling posts of *caciques* at that time. There is one Don Cristóbal Tantanabal (or Tantanabas), a *mandón* of the Indians of the *pachaca* of Poyoagues settled in San Miguel. There is also a commoner by the name Luis Tecayn living in the said town. In Asunción, there lived two widows, María Caxanpunun and Catalina Ocaen (perhaps a variant of "Lucayn"). See María Rostworowski and Pilar Remy, *Las Visitas a Cajamarca, 1571-72/1578 : Documentos*, 2 vols. (Lima: Instituto de Estudios Peruanos, 1992), 1:278-79, 89; 2:366.

<sup>448</sup> About the importance of scribes and *letrados* (men of law) during the expeditions of Conquest, see Javier Malagón-Barceló, "The Role of the Letrado in the Colonization of America," *The Americas* 18, no. 1 (1961).

<sup>449</sup> It is important to mention that, although the Franciscans were in charge of the spiritual wellbeing of the Indians of Cajamarca, it seems unlikely that they had already been able to establish a church or monastery in 1535.

and many other Indians and *caciques* already had "much knowledge" that the faith of Christ was the true faith, thus being predisposed to sincere conversion. As the notary certifies, the Indian lords accepted the new religion "with no repugnance or difficulty whatsoever" ("Sin Repugnancia ni dificultad alguna").

Finally, as a proof of their will to serve God and king, Lucayn and other "caziques nobles" decided to go to Cuzco right after baptism (the date 1535 is somehow consistent with the Spanish refoundation of the city). There, they "represented the truth of the Catholic religion to the Inca King," who received them "con mucho amor" (thus, corroborating Lucayn's nobility and legitimacy as a prehispanic lord). At the Inca's court, the visitors tried to convert the monarch to the new religion: "hiçieron El y Ellos vn gran Raçonamiento al mismo Rey."

Variants on this theme had crystallized in the early 1600s among Indian authors and polemicists.<sup>450</sup> Yet, what seems to be new here is the use and mastery of an apparently innocuous and neutral document—the baptismal record—to construct and convey a subtle argumentation in favor of the traveler's nobility.<sup>451</sup>

The second "certificación" seems to be based on the template of the general petition elevated to a provincial magistrate or to the *Audiencia*,

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<sup>450</sup> Pease G.Y., "Conciencia E Identidad Andinas. Las Rebeliones Indigenas del siglo XVIII," 42. This argument was very common among colonial *caciques* and literate Indians in general, as it allowed compensating for their being new to the faith. Under this logic, being the oldest among the newly converted granted some lineages prestige, reassuring their Catholic beliefs before the Crown. For excellent examples of indigenous authors who elaborate on this theme, see Juan de Santa Cruz Pachacuti Yamqui, "Relación de Antigüedades deste Reyno del Perú," in *Crónicas Peruanas de Interés Indígena*, ed. Francisco Esteve Barba, Biblioteca de Autores Españoles; 209 (Madrid: Atlas, 1968), 281. When referring to his ancestors, Santa Cruz Pachacuti wrote that they were "todos caciques principales que fueron en la dicha prouincia y cristianos profesos en las cosas de nuestra santa fe católica. Como digo, fueron los primeros caçiquez que acudieron en el tambo de Caxamarca a hacerse cristianos." Guaman Poma tells a very similar story about his family, but extends its internal logic in order to apply the argument to the Indians in general, elevate their being good vassals, and denounce the Conquest as illegitimate. Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, passim.

<sup>451</sup> For a full transcription of this document, see Appendix 3, Document 12.

combined with a typical notarial certification ("çertifico y doy feê Y Verdadero testimonio, a ttodos Los que el pressente Vieren, como ante mi, como tal Escriuano pareçio..."). The goal here is to mimic an "información secreta" that, the documents allege, the notary Arrendondo of San Miguel kept in his personal archives. Through this document, the authors establish the noble ancestry of the incumbent more firmly. The testimonies of "a number of old and trustworthy witnesses" who are never mentioned adds to the veracity of the "información secreta." The idea of secrecy seems to indicate a fine knowledge of the way *Audiencia* judges were supposed to conduct the elaboration of proofs of merit that they sent to the Council of the Indies. The document constructs a brief, yet complete genealogy connecting the characters of the first "certificacion" with the individuals of the present, all in three generations, ending with Don Lorenzo Zamudio Lucayn, our traveler.

As expected, the authors place the emphasis on noble, *cacique* ancestry on both sides. As the notary Mateo de Morán is careful to certify, these ancestors are "por ttodas Lineas delos nobles Caçiques destos Reynos por La linea masqulina, y femenina." The selection of the surname "Ynga" for the maternal grandmother as well as the selection of Cuzco as the place in which the first "certificacion" is verified could have hardly been random. The document rounds up the previous arguments by emphasizing that Lucayn and his wife were the first to receive the holy Catholic faith, helping in the conversion of "the other caciques and nobles of the kingdom."

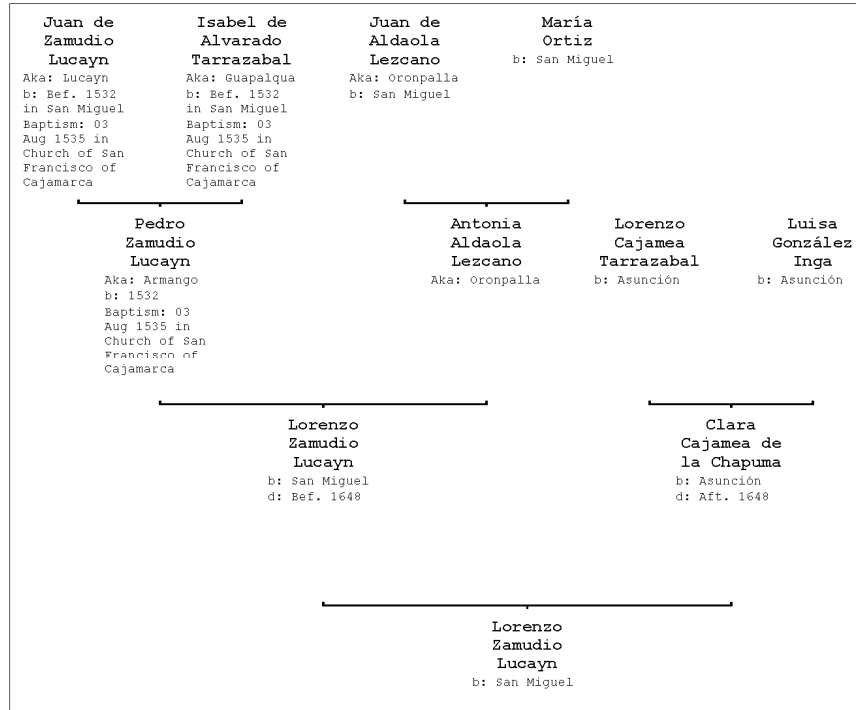


Figure 5. Family tree of Don Lorenzo Zamudio Lucayn, 16<sup>th</sup>-18<sup>th</sup> centuries

At the royal court, our traveler carefully planned the selection of the five witnesses and the contents of their depositions. Two of them were travelers like Lorenzo Zamudio and characters already familiar to us: Jerónimo Limaylla (“que assy se dijo llamar, Y ser cazique prinçipal de la prouinçia de Jauja”) and Captain Don Francisco de Herizo Paz Carguamango (“que assy se dijo llamar,” “Caçique prinçipal, de la Baronia de los Reyes Yngas, que fueron de los Reynos del Piru en yndias”). The Indian and Spanish witnesses established their authority by claiming to share the same *naturaleza* as the petitioner (being a native from San Miguel) or by having lived there for some time, where they witnessed his noble upbringing. They declared that they had known Lorenzo Zamudio and his parents for many years (sometimes up to thirty), and had interacted with them (“de bista, ttrato y comunizacion”) in Cajamarca, Lima, and Madrid. To further prove the nobility of Zamudio, Don Felipe Carguamango claimed not only to have put up Zamudio in

his house in Lima but also to have been returned the favor in San Miguel, as the "caziques Prncipales y nobles de aquellos Reynos del Piru" apparently did. Don Felipe had never heard anything against the noble ancestry of Zamudio, "y este testigo la supiera por ser como lleba dicho Cazique Prncipal y noble deçendentte de Sangre Real."

Thus, the witnesses and attorneys crafted these testimonies to confirm the information provided in the "certificaciones." As important, witnesses legitimized the medium that supported such claims, the "información y certificación." They were expected to declare how "Los tienen por Legítimos Y fidedignos Ynstrumentos, Y dados Y firmados por quien tiene autoridad para ello," and so they did. Limaylla pronounced the papers legitimate and trustworthy "por hauer bisto La firma Y signo de Matheo moran [...] Y sauer, que es, escribano del Rey nuestro señor y del número de la uilla Y Pueblo de San Miguel a quien Se debe dar toda feê y credito, por tenele este testigo, por fiel y Legal, Y de toda confianza." Thanks to these virtually flawless legal actions, Don Lorenzo Zamudio's status and ancestry were established "at perpetuum rei memoriam" ("in perpetual memory"), that is, forever. With the stroke of a pen (perhaps his pen) and a little help from his fellow travelers, Don Lorenzo Zamudio El Lucayn, the Indian traveler, managed to establish the Christianity and loyalty of his direct ancestors as well as his noble status, all at the very core of the Habsburg lettered city.

#### *The Lettered City under Siege*

David Garrett has recently observed that indigenous leaders generally occupy one of two roles within the prevailing ethnohistorical paradigm: that of resister and defender ("ethnic lord"), or that of collaborator ("intruder" or "illegitimate" *cacique*). Implicit in this dichotomy is, according to Garrett, "the assumption of the 'illegitimacy' of colonial innovation in the material and social relations of Andean society, as the history of colonial indigenous

societies becomes the erosion of the authentically Andean and its replacement by the colonial."<sup>452</sup> Yet, the lives of Atlantic travelers of obscure origin such as Don Juan Lorenzo Ayun y Córdoba or Don Lorenzo Zamudio Lucayn, or those of untitled *caciques* such as Don Felipe Guacrapaucar or Don Carlos Tito Amaro would make little sense beyond the transformations brought by the colonial system, only maximized, destabilized, and reestablished by the transatlantic experience.

The question of *cacique* illegitimacy automatically involves taking a stance, and that of the scholars is only one among others. The question to address historically is when a leader is illegitimate and for whom. The answer will vary depending on the specific context. Assertions of legitimacy, ability to rule, and *cacique* status were situational; they were discursive battlegrounds and, as such, they belonged to the same category of analogous fluid labels discussed in this chapter. When deployed at the royal court, such categorizations were always part of contending legal discourses, some of which attempted to invalidate new styles of leadership and novel forms of "ethnic" prestige and authority on legal grounds. Clearly, however, other litigants and petitioners considered these styles legitimate, especially when negotiating with the king. For virtually every accusation of ineptitude, low birth, illegitimacy, excessive litigiousness, and imposture launched against Indian travelers one can find inverse expressions of support and declarations of ability to rule and litigate, as they manifested in witness depositions, letters, and memoranda prepared in Spain and America. Some *caciques* of Luringuanca rendered their financial support for the trip of Don Felipe Guacrapaucar. Nevertheless, his brother and other high-ranking

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<sup>452</sup> Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825*, 5. As regards historians of the Andean Utopia, Cecilia Méndez had already noted that they "exaltan y tiñen de cargas valorativas los intentos de 'unificación nacional' en torno a la figura mítica del inca, y si acaso esta resistencia no ha podido ser habida (o inventada) optan por la expulsión casi despreciativa de dichos períodos o sujetos históricos de la cronología (¿de la historia?). Méndez Gastelumendi, "Entre el Mito y el Objeto Perdido: ¿Dónde Está lo Andino?."

*caciques* of Jauja denounced him for using the journey to Spain as an excuse to channel thousands of *pesos* of the commons into the activities of his *mestizo* friend, Bartolomé Díaz, apparently active in the business of importing European goods.<sup>453</sup> Although some lords accused Jerónimo Limaylla of being an outsider of the Jauja Valley and an alien to the ruling lineage, his advocates and supporters attacked his main rivals, the Indian *cacique* and the governor of Luringuanca, on the exact same legal grounds.<sup>454</sup> Even though Don Andrés de Azabache disqualified his rival in Spain for being "only" a *pachaca curaca* who had risen from the lower ranks, the story of the Azabaches did not differ that much from this pattern.<sup>455</sup> Moreover, though Azabache tried to minimize his rival's ability to rule, there is strong evidence that he enjoyed the support of other *curacas* for his journey, especially after winning the royal decrees that sanctioned his leadership position.<sup>456</sup> Finally,

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<sup>453</sup> Having earned Viceroy Toledo's enmity for his "litigiousness," Don Felipe was exiled from the province for a few years. Although he never received the official title *cacique principal*, he served as interim governor.

<sup>454</sup> Because of his remote *cañari* origin, Don Pablo Milachami was accused of being "estraño e yntruso" to the native elite of Jauja and strange to the bloodline of the traditional lords of Luringuanca. The Incas had resettled *cañari* groups in the Jauja valley during the fifteenth century. Yet, for generations, the Milachamis had ruled over the *cañaris* established in the Jauja Valley. In spite of his being born in Apata, one of the towns in the valley, Milachami was characterized as "natural de la prouinçia de Quito." It was a clever argument given that it would have been way harder to disqualify Don Pedro Milachami for being unfit to rule. Puente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World", 118-22.

<sup>455</sup> Accusations of cruelty and other abuses launched against Don Andrés de Azabache in 1648 can be found in "Cartas y expedientes: Presidente y Oidores de la Audiencia," ms. 1648. AGI, Lima 100, s/f (testimony of Don Antonio Ramírez de Arellano). Don Andrés' status as *cacique principal* of Lambayeque was also a matter of dispute. He and the Farrochumbis had litigated for the *cacicazgo* since September of 1645. Described as "yndio buen cristiano, Ladino [...] Y de los principales del suficiente abil" in 1613, Andrés de Azabache himself was the *pachaca curaca* of the Yencala *parcialidad*. In the 1610s, he had served as interim governor of Lambayeque during the coming of age of the legitimate *cacique* Don Pedro Farrochumbi. In 1618, and again in 1633, he received a license to carry a sword and a dagger, "atento a que andaba en traxe y bestido de español." He also served as *alcalde ordinario* of Lambayeque in the 1630s and 1640s. In 1648, the Spanish *corregidor*, his acquaintance, appointed him *cacique* even though the court case was not over. A son of Don Andrés, called Don Juan or Don Andrés de Azabache, would journey to the royal court in the late 1650s. See "Carta de Francisco de Valenzuela," Guillermo Lohmann Villena, "Nuevos Datos sobre los Linajes de los Caciques de Lambayeque y Ferreñafe," *Revista del Museo Nacional* 36 (1969), Zevallos Quiñones, *Los Cacicazgos de Lambayeque*, 69-71.

<sup>456</sup> One of the witnesses presented on behalf of Don Juan de Azabache declared about Andrés de Ortega Lluncón, "sabe quel Padre y hijo fueron Yndios ordinarios porques que no tubieron mano Para ser ni fueron pachacas ni casiques [until the local *corregidor*] a persecuçion y Ruegos de algunas Personas le encargo a el dicho don andres de ortega la pachaquia del señorío del casique Por la poca capasidad que en el abia [for other offices]." "Carta de Francisco de Valenzuela...", f. 9v. Nevertheless, several *pachacas principales* of Lambayeque, as well as the *segunda persona*, the major, and the Indian governor of Lambayeque supported (and probably paid for) Andrés' journey to the royal court. In 1648, they declared, "emos venido a esta çiudad de los Reyes en

Don Carlos Chimo was almost surely a tailor from Trujillo with some dishonorable convictions in his past—apparently a somehow common background within the group of travelers. Yet, there is little doubt that the *caciques* of Lambayeque tried their luck with Chimo's campaign at the royal court, and they won.<sup>457</sup>

Thus, as if throwing us into an endless hall of mirrors, travelers and their detractors would draw upon the same arguments based on ancestry, origin, legality, and ability to rule to legitimize themselves and also discredit their rivals. They could use similar identifications for accusation rather than self-representation, depending on the case. These claims were not necessarily contradictory; more often than not, they simply revealed competing interests, fragile multi-class and multi-ethnic alliances, and varied experiences within the harsh realities of colonialism. Disentangling the stories of eternal disputes and mutual accusations behind each traveler and his journey would take us down to the microlevel of the case study. Although this is a necessary undertaking, it would probably tell what these Indian stories at the royal court had already told. What few contemporaries could deny, however, was that the procurement of royal decrees at the king's courts, and especially the palace in Madrid, quickly became the mark of a good leader. Far from the royal palace, from the rooms of the *Audiencia* or the busy courtyards of the House of Trade, perhaps in the yearly meetings of the Indian *cabildo* or during the ritual cleansing of a community's irrigation canal, these documents had become the enduring proof of admittance into the

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seguimiento de nuestro juez que Vuestra Magestad siruio de imbiar auiendo postrado a los reales pies de Vuestra Magestad de nuestra parte uno de nuestros prencipales de que lo emos reconocido elvien como de mano de nuestro Señor Reyex lixitimo". They told His Majesty in another letter, "permitira su magestad se castigue primero a todos los que son culpados en la querella que en el rreal y supremo consexo pusso el capitan don Andres de Ortega Llundon deste pueblo." "Carta de los caziques y pachacas de la prouincia de Saña a S.M.," ms. Lima, 10.25.1648. AGI, Lima, 167, f. 3r. In a 1655 document, Don Andrés appears as *pachaca principal* and *alcalde ordinario* of Lambayeque. Zevallos Quiñones, *Los Cacicazgos de Lambayeque*, 72, footnote 24.

<sup>457</sup> A royal decree dated in Zaragoza, 7.23.1646 stated about Don Carlos Chimo, "que por las unas y otras vejaciones se hallaron obligados los dichos Indios a embiarle a pedir su remedio." "Real Cédula a la Audiencia de Lima," ms. Zaragoza, 7.23.1646. AGI, Lima, 7.



fluid and heterogeneous category of *cacique* or *principal*. Yet, as much as the "cacique" status of these individuals was always a matter of negotiation for them, it should be a question of investigation for us. On *caciques* at the royal court, one can say what Alan Macfarlane once said about witches: they are merely those called "caciques" in this society.<sup>458</sup> The question to ask is always *why* and *by whom*. In this story, I suspect, there are few a priori and not neat chronologies. There are no teleologies either.

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<sup>458</sup> Alan Macfarlane, *Witchcraft in Tudor and Stuart England; a Regional and Comparative Study* (New York: Harper & Row, 1970), 4.

## CHAPTER 4

### AT HIS MAJESTY'S EXPENSE: INDIAN QUANDARIES AT THE ROYAL COURT

Yo uine señor con la liçençia que nos da el derecho natural para buscar el  
rremedio donde solo se puede allar porque aunque los bireyes sean ymajen de  
V.Mg. se miran tan soueranos que no llegan las boçes y clamores de los  
umildes Yndios.

Don Carlos Chimo to His Majesty. Zaragoza, September 14, 1646

For fifteen long years, a man who called himself Jerónimo Lorenzo Limaylla ignored the orders of the Council of the Indies to return to his native Peru. At the royal court, the traveler presented himself as the *cacique* of a prominent prehispanic lineage. He had arrived in Madrid in 1664 to pursue a *cacicazgo* lawsuit that had started in Peru in 1655. Before the council, Jerónimo and his attorney denounced the judges of the high court of Lima for refusing to send the proceedings to Spain, as the laws of the king mandated. Deeming Jerónimo's presence at court a problem, the Council ordered him to return to the New World immediately and appeal his case before the local magistrates. To counter this order, Jerónimo's attorney addressed a memorandum to the Queen Regent requesting she provide justice to his client. The council advised Her Majesty, "it is neither convenient to allow these *caciques* to appear here for these matters nor is it to let them wait for their proceedings to arrive." Despite the councilors' advice, the Queen and her secretaries ordered the legal proceedings immediately sent at no cost for the litigant.

In 1671, after years of litigation, the councilors finally ruled against Jerónimo Limaylla. Nevertheless, he remained at court until at least 1678. In that year, the council suggested again that the stubborn litigant be put immediately on the fleet that was about to set sail because of the "bad example" that he represented for other Indians. They informed Her Majesty that, since August of 1664, Jerónimo had cost the Crown's coffers some 80,870 *reales*, materialized in no less than twenty-five *ayudas de costa*. Not surprisingly, Her Majesty simply responded, "se le encaminara buenamente a que se vaia socorriendole para ello pero sin usar de apremio alguno." By using the Queen as his patron, this unlicensed traveler wandered at court at the expense of the royal treasury for more than a decade.<sup>459</sup>

Native voyages to the royal court unraveled in countless similar paradoxes. Orders issued by the king throughout the colonial period forbid Indian lords and commoners from embarking to the Iberian Peninsula to seek justice directly at the palace in Madrid. Other royal mandates and customary practices, however, prevented the metropolitan authorities of the Council of the Indies or the House of Trade from forcing their native visitors to return to the New World. Even more, the king, usually in opposition to the will and advice of the Council of the Indies, ordered these royal officials to provide for the travelers' expenses during their stay at court as well as for much of the costs of their return journey to the Andes.

This chapter explores these imperial quandaries. Indian journeys were not just another case of "breaking" or "ignoring" the law.<sup>460</sup> On the contrary,

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<sup>459</sup> "no conviene, dar lugar a que estos caçiques acudan aqui a estas cosas ni que se de su lugar a esperar los autos." For the two preceding paragraphs and the direct quotes included in them, see "Memorial. Don Jerónimo Lorenzo Limaylla a S.M.," ms. Madrid, 7.1664; "Respuesta del Consejo de Indias al decreto de S.M. de 15 de julio de 1664," ms.; "Memorial. Don Jerónimo Limaylla al Consejo de Indias," ms. Madrid, 2.1666. AGI, Lima, 17; "Orden de S.M. al Consejo de Indias," ms. 12.23.1667. AGI, Escribanía 514C; "Memorial. Don Jerónimo Lorenzo Limaylla a S.M.," ms. Madrid, 9.30.1671. AGI, Indiferente, 640; "Consulta del Consejo de Indias a S.M.," ms. Madrid, 3.26.1678. AGI, Lima, 12. For other details about this case, see Puente Luna, "What's in a Name? An Indian Trickster Travels the Spanish Colonial World".

<sup>460</sup> "Law [...] is best seen in term of the complex, open-ended interplay between recognized legal principles and the words and actions of all who took part in legal proceedings—complainants,

they implied an effective strategy for maneuvering *within* the legal system. As in other colonial settings before and after, Indians, in their role of legal actors, exploited jurisdictional tensions at the highest level of the imperial bureaucracy, in this case, between the Crown and the Council of the Indies. Such tensions were common to other colonial systems characterized by the overlapping and fluidity of local and state jurisdictions. Native litigants and their attorneys manipulated legal categories and turned them into rhetorical resources in their battles to reach the royal court and obtain justice. These categories were part of the Iberian legal regime, which emphasized legal distinctions between cultural and religious groups. The relationship between legal and cultural boundaries was fluid and complex, as the previous chapter shows. Nonetheless, the strategic use of such distinctions at the core of the empire illustrates Lauren Benton's contention that, in some circumstances, Indian "identity" operated as "a valuable commodity, something to be produced, if possible, even when it had been denied in other contexts."<sup>461</sup>

Appealing to the rhetoric of wretchedness was the most widespread strategy among Indian travelers who reached the palace in Madrid, sometimes regardless of their social standing in America. As discussed in Chapter 1, within the political discourse of the Habsburg monarchy, the privileged relationship linking the Indians and the king implied that the former, though free vassals of the Crown, generally fell into the same category as orphans, widows, children, the sick and the poor—in sum, those considered socially weak and helpless. All of them were legal minors, "poor and wretched ones" before the law. Indians should inspire compassion among the officials of the

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witnesses, advocates, interpreters, notaries, and judges. Together these participants created 'legal meaning,' not by some rational process of divining legal rules, but through the struggle to interpret how those rules would apply in concrete situations." Owensby, *Empire of Law and Indian Justice in Colonial Mexico*, 8.

<sup>461</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 85.

king, for instance. These officials should give Indians special tutelage and juridical privileges. Colonial judges were to treat Indians mildly and punish crimes against the natives with greater rigor than those committed against Spaniards. Conversely, the tacit pact binding Indians and king forced the monarch to hear, protect, and reward native visitors at court.<sup>462</sup>

Scholars have analyzed the legal use of the rhetoric of poverty and wretchedness strategy, but mainly in local American forums.<sup>463</sup> Based on her analysis of the interactions of the Tlaxcalans with the Crown, for example, Jovita Baber has showed how the adaptation of the language of "misery" could turn the king's protection, guidance, and financial support into a powerful legal strategy for native communities and individuals.<sup>464</sup> In this chapter, I give it a broader scope in an effort to address, from a complementary perspective, the fluidity of the Atlantic setting vis-à-vis the apparent fixity of the legal categories that circulated across the ocean. As I will show, Indian travelers and their legal representatives benefited from some of the limits imposed on the king's absolute power. In Habsburg Spain, "la hospitalidad del rey español era expresión de una liberalidad sin límites, firme y segura, cualquiera que fueran las circunstancias."<sup>465</sup> Although Indians

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<sup>462</sup> Rolena Adorno, "El Sujeto Colonial y la Construcción Cultural de la Alteridad," *Revista de Crítica Literaria Latinoamericana*, no. 28 (1988), Paulino Castañeda Delgado, "La Condición Miserable de los Indios y sus Privilegios," *Anuario de Estudios Americanos* 28 (1971), Cutter, *The Legal Culture of Northern New Spain, 1700-1810*, 48, Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598", 41, Puente Brunke, "Notas sobre la Audiencia de Lima y la "Protección de los Naturales" (siglo XVII).", Ruigómez Gómez, *Una Política Indigenista de los Habsburgo: el Protector de Indios del Perú*, Patricia Seed, "The Requirement: A Protocol for Conquest," in *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*, ed. Patricia Seed (Cambridge; New York: Cambridge University Press, 1995).

<sup>463</sup> See, especially, Cutter, *The Legal Culture of Northern New Spain, 1700-1810*, —, *The Protector de Indios in Colonial New Mexico, 1659-1821*, Cynthia E. Milton, *The Many Meanings of Poverty: Colonialism, Social Compacts, and Assistance in Eighteenth-Century Ecuador* (Stanford, Calif.: Stanford University Press, 2007), Bianca Premo, *Children of the Father King: Youth, Authority, & Legal Minority in Colonial Lima* (Chapel Hill, NC: University of North Carolina Press, 2005).

<sup>464</sup> Baber, "Native Litigiousness, Cultural Change and the Spanish Legal System in Tlaxcala, New Spain (1580-1640)," 96.

<sup>465</sup> María José del Río Barredo, *Madrid, Urbs Regia. La Capital Ceremonial de la Monarquía Católica* (Madrid: Marcial Pons, 2000), 167. Del Río Barredo states, "Desde tiempos de Felipe III había sido costumbre hospedar y contribuir de forma sustancial a la alimentación de embajadores y príncipes extranjeros de paso por la corte. Pero, a partir de la década de 1620 la magnanimidad

were abysmally less powerful than the Habsburg sovereign was, they were in a privileged position to request such liberality, and thus exert significant pressure to support their stays in Spain. These trips would unfold in the liminal space between the Crown's restricting policies and the king's obligation to protect and reward his native subjects as well as ensure their physical and spiritual welfare.

In particular, Indian travelers placed their transatlantic journeys and affairs between two legal templates, the litigious *cacique* and the Indian slave, which stemmed from previous Iberian experiences and the peculiar nature of the natives' relationship with the king. In *requesting* that the sovereign fulfill his obligation to protect and provide for them at court, Indians successfully manipulated colonial ideologies portraying them as legal "minors" and "poor and wretched" subjects. In a manner that was consistent with the overall colonial project, royal authorities almost invariably opposed their journeys, implementing a series of measures to maintain Indians *in place* and channel their litigation through royal courts. Even so, the appearance of natives at court forced the Council of the Indies and the House of Trade to develop a series of practices that, by the mid-sixteenth century, had set legal precedent. Royal officials would end up tacitly accepting these visitors, guaranteeing financial support for future native voyagers. These were more than partial victories. Considering the series of legal and practical barriers gradually implemented to prevent Indian journeys to court, the enterprises of these native travelers appear all the more impressive.

I have organized this chapter into four sections. The first section outlines colonial and imperial legislation pertaining to Indians in Spain. It emphasizes the two main legal templates that informed early native

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real dejó de expresarse de forma disimulada y se convirtió en un elemento de orgullo y hasta de supremacía frente a los enemigos tradicionales. [...] el monarca hispano no sólo se ocupaba de su alojamiento y comida, sino que además enviaba a sus propios les atendieran."

experiences overseas, those of the litigious *cacique* and the Indian slave. The next section explores the basic conflict that arose between the king and the Council of the Indies due to the presence of Indians in Spain. Although royal officials agreed on the dangers involved in allowing Indians to go to Spain, they had no choice but to reward them according to their merit and status. The following section discusses native arguments and strategies at court in order to legitimize the transatlantic journey. It highlights the natives' manipulation of legal notions concerning their poverty and minority status in order to bypass restricting laws, litigate or solicit in Spain, and secure their trip back to Peru. The final section illustrates the crown's support for myriad purposes surrounding native stays at the royal court.

*Between the Litigious Cacique and the Indian Slave*

Imperial legislation concerning indigenous travelers to Spain mirrored the construction of cultural and religious difference through the legal framework as it manifested in other realms of colonial experience. As a rule, the Crown tried to prevent American claimants and petitioners, regardless of their ethnicity and legal status, from reaching the court. In 1610, for instance, King Philip III ordered the council to notify these seekers of royal favor to abandon the royal court and return to their places of origin or their affairs would not receive attention. His father and predecessor had issued similar mandates in 1588.<sup>466</sup>

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<sup>466</sup> The law reads as follows: "Porque se experimentan grandes inconvenientes, en que las personas Eclesiasticas y Seculares de las Indias vengan á estos Reynos, y assistan en nuestra Corte por largo tiempo á sus pretensiones de Prebendas, de Beneficiós, y Oficios Seculares con muchos riesgos, que resultan en viages tan largos, ausencias de sus casas, y incomodidades y trabajos, y que no consiguiendo sus pretensiones, buelven con muchas necesidades y peligros. Y Nos deseando continuar el remedio, que está prevenido por el rey nuestro señor y padre Mandamos al Presidente, y los de nuestro Consejo de las Indias, que tengan especial cuidado de hazer notificar á todas las personas Eclesiasticas y Seglares, que se hallaren en esta Corte, que dexando sus papeles y memoriales en nuestras Secretarias, salgan luego della, y se embarquen en las primeras Flotas, y les apercivan, que assi lo cumplan precisamente; porque si no constare, que han buuelto á las partes de donde huvieren venido, no se tratará de sus pretensiones, ni les haremos merced: y lo mismo harán executar á los Clerigos, Letrados y otras qualesquier personas de estos Reynos, que pretendieren ser proveidos para nuestras Indias, sin embargo de que respondan, que se ocupan en otros negocios, ó digan, que viven de asiento en nuestra corte." *Recopilación de Leyes de los Reinos de las Indias*, Bk. II, Tit. 2, Law 56. See also "Avisos sumarios, politicos, y gubernativos...", f. 246v-47r. Viceroy Toledo opposed *encomenderos'* traveling to Spain to seek

When it came to Indian transatlantic voyagers and voyages, laws oscillated between two complementary views of the colonial Indian. One image corresponded to the litigious *cacique*; the other one reproduced ideas about enslaved Indians brought to Spain. The first image posed that natives in general, and *caciques* in particular, had learned the "tricks" of Spanish litigants and legal specialists. Native lords and commoners constantly sought unmerited reward and pursued pointless lawsuits. Therefore, laws prohibiting indigenous trips to Spain were a praiseworthy attempt to put a halt on native wasteful and frivolous litigiousness. In the eyes of His Majesty, such an activity dissipated royal and individual patrimonies and native communal resources. The image of the Indian slave, on the other hand, stemmed from early and widespread experiences of Iberians with enslaved natives taken by force to and sold in the Peninsula. In the early 1540s, the Crown finally declared that these natives were free vassals who needed the king's protection. Although they should not remain enslaved in Spain, Crown officials could not force them to return to America either. In addition, if they wished to make the journey, they should do so at the expense of the magnanimous king. Let us take a closer look at the realities and assumptions behind this legal corpus.

Regarding the first image, local and metropolitan authorities shared stereotypical views of the natives as excessively "litigious." Indians came to be known as *pleitistas* or *amigos de pleitos*. In this view, they were litigious by nature, and their litigiousness was dangerous, wasteful, and frivolous. Bureaucrats especially aimed these ideological attacks at native lords. In this commonly held view, *caciques* tyrannized and exploited their

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royal favor as well. Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 1:259. In the seventeenth century, Viceroy Count of Chinchón warned the councilors of the Indies about solicitors at court in the following terms: "Muchos suelen yr a pretender a España para que V.Md. les haga merced yno decendiendo a discurrir en sujetos particulares en que podra auer mas y menos justificacion algunos suelen valerse de ynformaciones y zertificaçiones que apurada bien la verdad son de poco credito y sustancia". "Carta. El Conde de Chinchón a S.M.," ms. Lima, 5.5.1634. AGI. Lima, 45, n.4, lib. 1, f. 25.



subjects by squandering communal patrimony with their individual disputes.<sup>467</sup> The officials of the king generally lamented that Indians and their leaders had quickly grasped "our own" (Spanish) tricks and bad customs ("trampas y maldades"), presenting false witnesses and testimonies, relying on informal attorneys and solicitors, and bringing endless suits at local and metropolitan courts. Behind these voices, however, were those of the specific interests and power groups that these bureaucrats represented. Colonizers had myriad reasons to oppose and criticize the striking legal success that, individually and collectively, many native groups had achieved through formal and informal legal mechanisms.<sup>468</sup>

Moreover, officials did not intend to criticize Spanish litigiousness as such, though it was arguably as widespread, recurrent, and potentially "pernicious" as Indian litigiousness.<sup>469</sup> Instead, they claimed to be raising their voices to defend the Indians and serve the king. Embracing a typical colonial rationale, the Crown's delegates argued that precluding Indians from litigating was for their own good. Setting limits to their litigiousness guaranteed their conservation, for early experiences had shown that Indians met their deaths in Lima and Spain due to the change in climate, considered

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<sup>467</sup> Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 1:263-64.

<sup>468</sup> Honores, "Caciques as Legal Benefactors: Cacical Legal Offensive in the Andes, 1550-1572.", —, "La Asistencia Jurídica Privada a los Señores Indígenas ante la Real Audiencia de Lima, 1552-1570.", —, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598". For additional discussions of Indians as litigious peoples, see Adorno, "El Sujeto Colonial y la Construcción Cultural de la Alteridad.", —, "Images of *Indios Ladinos* in Early Colonial Peru.", Monique Alaperrine-Bouyer, "Recurrencias y Variaciones de la Imagen del Cacique," in *Máscaras, Tretas y Rodeos del Discurso Colonial en los Andes*, ed. Bernard Lavallé (Lima: Instituto Francés de Estudios Andinos; Pontificia Universidad Católica del Perú; Instituto Riva-Agüero, 2005), Charles, "'More Ladino Than Necessary': Indigenous Litigants and the Language Policy Debate in Mid-Colonial Peru.", Puente Brunke, "Notas sobre la Audiencia de Lima y la 'Protección de los Naturales' (siglo XVII).", Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 115-17.

<sup>469</sup> In the 1570s, Viceroy Toledo stated about Spanish litigants, "Por quanto una de las cosas que más daño causa en las repúblicas, son los pleitos, asi en ocupacion de la gente, como en la pérdida de las haciendas, y mas en estas partes que parece que se ha habituado á ellos mas que en otras ningunas." "Ordenanzas que el señor visorrey don Francisco de Toledo hizo para el buen gobierno de estos reynos del Perú y repúblicas de él," tit. IX, In Sebastián Lorente, *Relaciones de los Vireyes y Audiencias Que Han Gobernado el Perú*, vol. 1, *Memorial y ordenanzas de D. Francisco de Toledo* (Lima: Imprenta del Estado por J. E. del Campo, 1867), 66.

pernicious to their nature ("por ser esta tierra de diverso temple que la suya"). A royal decree sent to the *Audiencia* of Lima in 1566 declared, "it has been our experience that those who have come here had died [and therefore] it is our wish that they do not do so and that you obstruct the journey." In doing so, these royal delegates would be watching out for His Majesty's Christian conscience and salvation. Viceroy and *Audiencia* judges should make sure *caciques* and *principales* understand, however, that, were it not for these constraints, the father king would have been pleased with their visit ("nos tubieramos contentamiento con su venida").<sup>470</sup>

Complementary laws stipulated that no native lord or *indio principal* should go to Spain or send any of his subjects unless there was an express license from His Majesty and the Council of the Indies. Throughout the colonial era, the council issued similar dispositions, including specific *cédulas* sent to the *Audiencia* of Lima in 1566 and 1751, both motivated by the appearance of indigenous travelers from the Andes at court. The Council also opened the possibility for viceroys and *Audiencias* to grant exceptional licenses to those "who must come to these kingdoms" ("que huvieren de venir á estos Reynos"). Nonetheless, the Council did not intend these laws to apply to the members of the Indian Commonwealth in general but to the nobles, *caciques*, and *principales* at the apex of the *República de Indios*.<sup>471</sup>

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<sup>470</sup> The text of the 1566 *cédula* to the *Audiencia* of Lima reads as follows. "El Rey. Presidente E oidores de la nra. Audiencia rreal q. rreside en la çiudad de los rreyes de las provinçias del peru a nos se a hecho rrelaçion q. algunos caçiques desa tierra quieren ymbiar a estos rreynos algunos yndios para q. nos den rrelaçion de sus serbiçios y Porq. Se a visto por esperiençia los ynconbenientes q. naçen de su Venida os mando q. a los caçiques que asi quisieren ymbiar los tales yndios les deis a entender que aunque nos tubieramos contentamiento con su venida todavia por ser esta tierra de diberso temple q. la suya en q. por esperiençia se a visto que los que An Venido se an muerto nos a Paresçido q. no deben venir y les estorbareis la jornada y les adbertireis que si alguna cosa nos quisieren Pedir podran hazer sus diligençias y darnos quenta dello por espto. Para q. mandemos proveer lo q. convenga. Fecho en madrid a diez de dizaembre de mill E quin.os e sesenta y seis años. Yo el rrey. rrefrendado y señalada de los dhos." "Reañ *cédula* de offiçio para que no vengan yndios a estos reynos," ms. Madrid, 12.10.1566. AGI, Lima, 569, l. 12, f. 235r-v.

<sup>471</sup> "Para que no vengan yndios a estos reynos," ms. 12.10.1566. AGI, Lima, 569, l. 12, f. 235r-v; *Recopilación de Leyes de los Reinos de las Indias*, Bk. VI, Tit. 7, Law 27; Bk IX, Tit. 26, Law 65. With respect to Peru, see also the *ordenanza* 76 ["Que no dexen ir a Castilla a cacique ni prinçipal". "Iten. Que el Pressidente y oidores no dexen venir a esta tierra a cacique ni prinçipal alguno de aquellas partes sin nuestra Liçençia"] of the "Ordenanzas de Su Majestad

Some natives, even if not recognized lords or nobles, would formally request a license through legal representatives or Crown officials. Others would write directly to the king in his Council of the Indies. Nevertheless, it is symptomatic that, in spite of the dozens of documented cases of Indians from Peru visiting the royal court, extensive research in imperial and colonial archives has unearthed only a handful of such licenses. Most certainly, authorities were reluctant to issue such permits, as some sixteenth- and seventeenth-century cases indicate.<sup>472</sup> Furthermore, the power and connections of some viceroys and judges could extend long enough as to pursue and capture unlicensed travelers in intermediate ports like Panama and Havana. In 1647, Don Andrés de Ortega Lluncón told the Council about his journey,

auiendome embarcado en los galones pasados y llegado a panama dicho virrey del piru [The Marquis of Mancera] enbio orden Para que se me prendiese y rremitiesen Lo qual no tubo efecto y llegado a la abana, dicho don Fernando de Saabedra [judge of the High Court of Lima] dispuso con el governador me prendiesen por desir benia sin lisençia lo qual se executo donde estube preso sinco meses.<sup>473</sup>

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hechas para el buen gobierno y administración de algunos de sus Consejos, Audiencias y Tribunales de Justicia y Hacienda perteneciente a las Provincias de las Indias. Mandadas recoger y juntar por el Excmo. Sr. Marqués de Montesclaros, virrey del Pirú. Año de 1611," ms. Bosque de Segovia, 15.8.1565. BNE. Ms., 2987. A royal *cédula* issued in 1751 and motivated by the journey to Spain of fray Calixto de San José Tupac Inca, the *mestizo* attorney of the "Indian Nation" of Peru, restated that *caciques* and Indians in general required a license to travel across the Atlantic. Loayza, *Fray Calixto Túpac Inca, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 61-62, Pease G.Y., "Conciencia E Identidad Andinas. Las Rebeliones Indígenas del siglo XVIII," 51.

<sup>472</sup> In 1573, Don Carlos Inca, Don Agustín Condemayta, Don Diego Cayo and other prominent Inca nobles wrote directly to the council requesting to appear before His Majesty. They denounced the irregularities of a legal suit brought against them by Viceroy Toledo and one of the judges of his entourage, which would cost them perpetual exile from the kingdom. The Incas had previously requested a similar license from the *Audiencia*, but the judges denied it. The council also denied the second petition, although it ordered American judges to open an inquiry and hear the Incas were in the local tribunals. Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 1:374. In 1621, the General Protector of the Indians of Peru requested a license from Viceroy Príncipe de Esquilache to represent the Indians of the province of Lucanas, in the south-central Andes, directly before the king and his council. The viceroy denied the petition and ordered him to resort to the councilors for that matter. Three years later, the council denied the protector's new request and ordered him to seek justice for his clients in Peru. "Memorial. Los indios Lucanas," ms. Lima, 1621. AGI, Lima, 152.

<sup>473</sup> "Memorial de capítulos de Don Andrés de Ortega al Consejo de Indias," ms. 1647. AGI, Lima, 100.

In sum, the imperial system left very little room for native solicitors and litigants to reach Spain. It became clear that the king would allow officially stamped documents and petitions, but not Indians and their *caciques*, to travel throughout the empire. This legal corpus was deeply rooted in the classic image of the stubborn and litigious *cacique*, popular among Habsburg bureaucrats and policy makers.

The Crown intended these general measures only for *caciques*, however. In designing their policies about Indian commoners wandering in the Peninsula, Crown officials generally relied on earlier experiences related to enslaved Indians or natives taken by force to Iberia. Upon returning from his first voyage in 1493, Christopher Columbus brought ten Indians, including one *cacique*, along with him to Seville, which he presented to his patrons Ferdinand and Isabella. Columbus, followed by others, would repeat the experience three years later, this time bringing thirty natives and selling them for 1500 maravedies each. In 1499, Amerigo Vespucci and Alonso de Ojeda would do likewise, selling more than two hundred and thirty Indian slaves in Cádiz. Between 1519 and 1521, Hernando Cortés sent different groups of natives to the king. Seven years later, Cortés himself appeared at court with thirty-six Indians, each for one year since the "Discovery." In 1529, he sent two Indians dexterous at juggling sticks with their feet to Pope Clement VII.<sup>474</sup>

The legal category reserved for enslaved Indians excluded *caciques* from this group of travelers almost by definition. Metropolitan laws that banned the forced journeys of these Indian slaves first appeared in the early 1500s, when Spanish colonizers were capturing and enslaving hundreds of natives in the Americas. At that time, Seville, Cádiz, and Cordoba were active markets

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<sup>474</sup> Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (London: Hollis & Carter, 1959), 50-51, Hanke, *The Spanish Struggle for Justice in the Conquest of America (with a Personal and Professional Reminiscence by the Author)*, Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology* (Cambridge; New York: Cambridge University Press, 1982).

for this trade. Beginning in the Canary Islands, this practice later expanded to the islands and mainland of the New World.<sup>475</sup> The financial benefits reported by the trade first tempted the Crown.<sup>476</sup> More importantly, the Crown initially justified the presence of Indians in Spain by claiming that native travelers, especially if *caciques* and sons of nobles, could receive religious training and learn the Castilian language, turning them into valuable interpreters and agents of empire.<sup>477</sup>

The Crown gradually reversed its early policy, however, especially when confronted with incontrovertible evidence about the natives' death in Spain. Thus, legislation banning the arrival of such peculiar travelers, very permissive and tentative at first, acquired its final form around the mid 1550s.<sup>478</sup> Indians were free vassals of the Crown. Thus, their enslavement not

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<sup>475</sup> See Forbes, *Africans and Native Americans : The Language of Race and the Evolution of Red-Black Peoples*, Esteban Mira Caballos, *Indios y Mestizos Americanos en la España del siglo XVI* (Madrid and Frankfurt: Iberoamericana; Vervuert, 2000). For the early enslavement of Indians during the Conquest of Peru, see Lockhart, *Spanish Peru, 1532-1560: A Colonial Society*, 199-205.

<sup>476</sup> "Real cédula que los indios que venían en las carabelas, se vendan en Andalucía." Madrid, 4.12.1495; "Real carta mandando afianzar el producto de la venta de los indios que envió el almirante don Cristóbal Colón." Madrid, 4.16.1495; "Real orden mandando se entregasen a Juan de Lezcano cincuenta indios para distribuirlos en las galeras de su mando." Tortosa, 1.13.1496. In Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 1: 2-4.

<sup>477</sup>In 1515, for instance, the Crown ordered the governor of Hispaniola to dispatch ten Indians to Spain so that, after receiving training from the Archbishop of Seville, they could serve as *lenguas* in further conquests. Similarly, another royal decree ordered officials in Cuba to send twelve of the most capable Indian children in the island to receive instruction in the Christian ways, so they could return as missionaries to their own people. The cacique Diego Colón, captured in Guanahani by Columbus, had converted to Catholicism, become literate in Castilian, and served as interpreter to the first governor of Hispaniola, the influential Nicolás de Ovando. Although by the time of the conquest of the Andes laws banning the trade of Indian slaves in Spain and America were taking clear shape, Francisco Pizarro continued the old tradition by taking Felipillo and Martinillo, his interpreters, to Spain in 1529. Lewis Hanke, *The First Social Experiments in America: A Study in the Development of Spanish Indian Policy in the Sixteenth Century* (Cambridge: Harvard University Press, 1935), 57, Lockhart, *Spanish Peru, 1532-1560: A Colonial Society*, 453, —, *The Men of Cajamarca; a Social and Biographical Study of the First Conquerors of Peru*, 213-15, Mira Caballos, *Indios y Mestizos Americanos en la España del siglo XVI*, 86-90, Varón Gabai, *Francisco Pizarro and His Brothers: The Illusion of Power in Sixteenth-Century Peru*, 169.

<sup>478</sup> The Indians taken from Hispaniola to Seville in 1515, for instance, all died within one year. As early as 1500, a royal decree had ordered Pedro de Torres, *continuo de nuestra casa*, to free the enslaved Indians sent by Columbus from the islands of the New World to Andalusia and return them to their *naturalezas*. "Real cédula mandando que los indios que se trajeron de las islas y se vendieron por mandado del almirante, se pongan en libertad y se restituyan a su naturaleza." Seville, 6.20.1500. See, among many other royal dispositions, "Real cédula sobre los indios que Cristóbal Guerra trajo y vendió." Écija, 12.2.1501; "Real cédula para que no se traigan indios esclavos de la Isla Española a Castilla." Seville, 7.21.1511; "Real provisión sobre la libertad de los indios." Toledo, 12.1.1525; "Real cédula para que los indios naturales de la Nueva España no puedan ser esclavos." Granada, 11.9.1526; "Real provisión que no se pueda cautivar, ni hacer

only burdened the king's conscience but also put his eternal salvation at risk. Within a system that saw protection of the poor as an ideal, the king declared in his laws that he felt pity and compassion for "poor" Indians wandering and begging aimlessly throughout the cities and towns of Iberia. Consequently, he ordered, provided royal officials could not identify those guilty of bringing the natives to Spain (and only very seldom they did), the House of Trade should grant them full licenses to return to America at no cost.<sup>479</sup> Likewise, the Council of the Indies should defray the traveling expenses of all those current or former native slaves who voluntarily decided to leave.<sup>480</sup> The king reminded these metropolitan authorities, however, that they should not compel the Indians to return, as they were free vassals of the Crown with the freedom to relocate or change residency.<sup>481</sup>

Concurrently, other royal decrees proscribed the inhabitants of the Indies, regardless of their status, from taking Indians to Spain under any

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esclavo a ningún indio." Madrid, 8.2.1530. In Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 1:4, 7-8, 78-80, 134-36.

<sup>479</sup> See de case of Alonso de Molina, an Indian of Texcoco, who obtained a royal *cédula* forcing Luis de Córdoba, a merchant, to pay for his travel expenses. Córdoba had brought Alonso with him to Spain in 1539. "Expediente de información y licencia de pasajero a indias de Alonso de Molina, indio, natural de Tezcuco (Nueva España), a Nueva España," ms., 9.23.1555. AGI, Contratación, 5218, n. 79. The royal *cédula* to the officials of the House of Trade reads: "mando que os ynformeis e sepays que persona es la que traxo a estos reynos el dicho yndio y procureis que averiguado quien le traxo le buelya a su costa a la dicha Nueva España e si no se hallare quien le traxo procureis con alguna persona que lo lleue a su costa con que le sirva por la mar e sy no se hallare quien le quiera lleuar de bienes de difuntos [...] proveays al dicho Alonso de Molina yndio de lo que oviere menester para su pasaje y matalotaje hasta la çiudad de la Veracruz."

<sup>480</sup> For two cases in which natives decided to return to the Indies and either the Crown or a particular individual defrayed the costs of the journey, see "Real *cédula* a Diego de Loaisa, vecino de Ciudad Real, ordenándole que, en el plazo de tres días, entregue 12000 maravedís a Antonio Hernández, indio natural de Nueva España de donde lo trajo su padre el licenciado Loaisa ya difunto, como ayuda y pago de sus servicios que desea volver a aquella tierra con su mujer," ms., 1555. AGI, Indiferente, 425, l.23, f.185r-85v; "Carta de Gabriel de Ocaña y Alarcón al presidente y oficiales de la Contratación para que averiguen si el indio que trajo del Perú el capitán Juan de la Fuente se ha embarcado de nuevo, y que informen también acerca de los indios que hay en San Lúcar y Cádiz," ms., 1649. AGI, Indiferente, 436, l.14, f. 274-74v.

<sup>481</sup> "Expediente elaborado por Gregorio López, visitador de la Casa de la Contratación, sobre ciertos indios que dio por libres," ms. 1543-45. AGI, Justicia, 741, n.3; "Sentencias del Consejo," ms. 1535-77. AGI, Escribanía, 952; "Real *Cédula* de D. Carlos al gobernador y otras justicias de la provincia del Perú, en la que les manda, que, si las indias que traía Rodrigo de Maçuelas, de aquella provincia, y que le han sido quitadas en la de Tierra Firme por el Obispo del Perú, para volverlas a su tierra, quisiesen venir a España por su voluntad, sean entregados a Gómez de Caravantes y a Rodrigo de Maçuelas, sobrinos del anterior, hasta tanto que éste pueda emprender el viaje," ms. Valladolid, 9.18.1538. AGI. Lima, 565, l.3, f. 49v; Mira Caballos, *Indios y Mestizos Americanos en la España del siglo XVI*, 67-80, 123-24, *Recopilación de Leyes de los Reinos de las Indias*, Bk. VI, Tit. 1, Law 17.

circumstance, even if the natives had allegedly expressed their will to go or to remain in Spain. Such laws also banned viceroys, governors, and justices from issuing royal licenses for transporting Indians to the Peninsula, annulling all previous permits. Penalties for the transgressors included loss of office, high fines, one hundred public lashes, perpetual banishment from the Indies, and covering the cost of the Indians' return trip to the kingdoms overseas.<sup>482</sup> Regardless of the natives' condition in Spain, this specific set of laws envisioned Indians in the Peninsula as a segment of the "poor" (certainly not without some reason). Imperial legislation of this kind did not contemplate, for instance, native travelers' actively journeying to Spain (as opposed to those *being taken* there by others). Laws issued in the seventeenth century still perpetuated such a distorted picture. These laws charged officials of the House of Trade with the task of inquiring which Indians had illegally arrived in the Royal Fleet to Cádiz, San Lúcar, and other parts of Andalusia. Officials had to investigate "who had brought over" these natives to Spain (*qué personas los han traído*). The natives, alleged passive subjects, "should be given back" their freedom and "be sent" to the Indies at the expense of those found guilty of bringing them in the first place.<sup>483</sup>

By the early 1550s, hundreds of Indians had settled permanently in Iberia. Many of them, former slaves, had gained their freedom by legal and extralegal means, working and prospering as artisans, tailors, cooks, laborers, and domestic servants in Seville and in other cities of Andalusia, Extremadura, and the kingdom of Portugal. They had learnt the language of

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<sup>482</sup> "Ordenamos y mandamos que de aquí adelante por ninguna causa de guerra ni otra alguna, aunque sea so título de rebelión, ni por rescate, ni de otra manera no se pueda hacer esclavo indio alguno y queremos sean tratados como vasallos nuestros de la corona de Castilla, pues lo son." "Real provisión. Las Leyes Nuevas." Barcelona, 11.20.1542; "Real provisión prohibiendo que se saquen indios libres o esclavos de las provincias donde son naturales." Valladolid, 9.28.1543. In Konetzke, *Colección de Documentos para la Historia de la Formación Social de Hispanoamérica (1493-1810)*, 1:217, 27-28. See also *Recopilación de Leyes de los Reinos de las Indias*, Bk. VI, Tit. 1, Law 16.

<sup>483</sup> *Recopilación de Leyes de los Reinos de las Indias*, Bk. IX, Tit. 1, Law 99.

Castile, had converted to Christianity, had married and formed new families. Thus, they saw little incentive in abandoning their new homes. The series of laws discussed in this section did not stop the trade of enslaved Indians during the sixteenth and seventeenth centuries.<sup>484</sup>

Yet, legislation did not prevent the voluntary journeys of natives from distant parts of the empire. In fact, Indian travelers would learn how to use these laws in order to stay at the court or finance their journey. This body of legislation, informed as it was by the image of the stubborn *cacique* and the "poor" and "helpless" Indian slave of the early stages of Spanish colonization, created a series of loopholes benefiting natives arriving to the Peninsula by their own means. Ambiguous decrees would leave ample room for distortions and manipulations from the part of the hundreds of natives journeying or sending their delegates to the center of the empire. While in Spain, they would resort to the appropriation of laws and discourses about kingship and justice originally imposed upon them in order to justify their journeys. They would place their trips and affairs somewhere between the legal templates of the stubborn *cacique* and the Indian slave, subscribing to or rejecting them depending on the circumstances. In the process, such Indians would bring fluidity to the fixed identifications that informed colonial legislation about these subjects of the king.

#### *Es Fuerza que se Haga: The King's Dilemma*

Countless stories recalled in this work contradict imperial legislation banning Indians from embarking to Spain or staying at the royal court. Yet, the Habsburg kings needed these journeys perhaps as much as their native

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<sup>484</sup> For a well-documented analysis of royal policies concerning enslaved Indians living in Spain, see Mira Caballos, *Indios y Mestizos Americanos en la España del siglo XVI*, 43-46, 75-89. Other works dealing with this elusive group include Forbes, *Africans and Native Americans : The Language of Race and the Evolution of Red-Black Peoples*, Alfonso Franco Silva, *La Esclavitud en Sevilla y su Tierra a Fines de la Edad Media* (Sevilla: Diputación Provincial de Sevilla, 1979), Amadeo Julián, "Tráfico de Indígenas Esclavos de Santo Domingo a España a Fines del siglo XV y en el siglo XVI," in *Bancos, Ingenios y Esclavos en la Época Colonial*, ed. Amadeo Julián (Santo Domingo: Banco de Reserva de la República Dominicana, 1997), Manuel Lobo Cabrera, "Esclavos Indios en Canarias: Precedentes," *Revista de Indias*, no. 172 (1983).



visitors did. In his classic study of court society in early modern France, Norbert Elias argued that even the most absolutist monarch, because of his social position as king, appeared implicated in coercive networks of interdependencies that set the limits of his power of decision and sphere of influence. Elias further contended that the royal court was the central configuration in the court society but, as in any other power structure, asymmetrical and coercive dependencies prescribed specific modes, means, and boundaries for the king's dominion. As any other individual, Norbert Elias concluded, the king was a subject of the system of power over which he ruled.<sup>485</sup>

Therefore, as multiple letters and memoranda would remind the just king throughout the colonial period, he was obliged ("obligado") to protect and preserve his subjects and kingdoms, doing away with anything or anyone who might be oppressing them.<sup>486</sup> The endurance of this image of the king as an all-powerful monarch to whom the various factions resorted for justice and protection partially rested on the treatment accorded to his native visitors. Thus, His Majesty did not allow the forced return of these travelers unless they had received proper aid and reward. From this perspective, protecting and helping Indian visitors at court upheld the hierarchical social and political order of the monarchy, which placed the king at its apex. Yet, in a place so distant from Peru as the Spanish court, where negotiating ascribed rank and status was the norm, there was ample room for deploying a series of legal strategies and discursive resources in order to secure the success of the transatlantic enterprise and legitimize the identity of the traveler.

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<sup>485</sup> Norbert Elias, *La Sociedad Cortesana* (Mexico, D.F.: Fondo de Cultura Económica, 1996), 12, 41, 47-49, 161, 74-77, 84-85, 90-98, 349.

<sup>486</sup> Juan Ortiz de Cervantes. "Para Bien al Rey D. Felipe III N.S. que da la cabeça del Reyno del Piru. En su nombre El Lic. Iuan Ortiz de Ceruantes Su Procurador General, en la Corte," ms., n.d. Biblioteca Nacional de Chile. Sala Medina, Perú, Folletos Coloniales, 8, f. 3v.

As the main body responsible for providing the funds to entertain Indians at court, the Council of the Indies would constantly oppose royal largesse. In a letter sent to Viceroy Francisco de Toledo in 1572, the council clearly addressed the *problem* posed by Indian visitors at the royal court. In a previous communication, Toledo had stated his plan of dispatching four Inca nobles of the highest rank who had been accused of treason to the king. In their reply, the councilors acknowledged His Majesty's future obligation towards these potential native visitors. However, they told Toledo that, were he to send the nobles to Spain, he would be doing a great disservice to His Majesty because of the "obligaciones y pesadumbres que se le recrecerían." In other words, the Incas would have to be entertained at the expense of the king.<sup>487</sup>

Furthermore, the council usually pointed out that sojourners of this sort would encourage similar travelers to seek royal favor directly at court, while warning the king about Indians manipulating his liberality in order to stay in Spain almost indefinitely. In 1646, for instance, the council expressed this concern during Don Carlos Chimo's visit to court. According to the councilors, the traveler's sole intention was to "quedarse aqui." On September of that year, they reminded His Majesty, "que los yndios no pueden venir a España," adding that "si se da lugar a esta consecuencia se bendran cada dia bagando." The council restated its opinion two months after, when it received news that Chimo, instead of going to Seville for the return journey, as he had been ordered, had traveled to Zaragoza to meet with the king and present additional complaints in favor of the Indians of Lambayeque. In July of 1647, with Chimo still at the court, the council saw fit to remind His

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<sup>487</sup> Faced with this negative, Toledo informed his superiors in 1573 that, even though he was exiling the prominent Incas to Mexico, he was sending them with the proper letters so the viceroy there secured their financial support for the rest of their lives ("fueron al virrey de Nueva España con los despachos que parecieron necesarios para alimentarlos por su vida"). The *Audiencia* of Lima finally contravened Toledo's orders and prevented the Inca nobles from embarking. The king revoked their sentences in 1574. Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 1:369-70.

Majesty, once again, "[no] se deuia tolerar mas la contravençion que hauia tenido el dicho cazique porque a su exemplo se vendrian cada dia otros vagando."<sup>488</sup>

As the vignette that opens this chapter illustrates, indigenous travelers and their legal attorneys quickly learned to play such conflicts of role and jurisdiction between king and council in order to extend their stay. When convenient, native visitors presented their cases directly to the monarch and his close circle of secretaries and advisors, thus overcoming some of the obstacles posed to their transatlantic affairs by the Council of the Indies. Perhaps the best example of this strategy, which many native travelers must have relied upon, comes from a letter written in 1751 by the *mestizo* friar Calixto de San José Tupac Inca to the members of the Indian *cabildo* of Lima. In his letter, Father Calixto tells of his incredible delivering of a long memorandum on behalf of the American Indians to King Ferdinand of Spain. I quote Father Calixto's account of his brief encounter with the king in full:

Habiendo llegado [to Madrid], procuramos con todo empeño el entregarle a Su Majestad, en mano propia, la "Exclamación" que traíamos a favor de la Nación; y, en cumplimiento de nuestro deseo, aquella misma noche pasamos al Palacio, y nos aseguraron que era imposible de poder ver a Su Majestad, sino tales y tales días, y eso pasando primero por el Consejo, que es lo que nosotros no queríamos. El día siguiente 23 [of August of 1750] nos salimos al campo, donde iba Su Majestad a divertirse en la caza. Y aunque nos habían ponderado mucho la mucha dificultad que había en ver al Rey poderle hablar; no obstante, a costa de riesgos y peligros, aun de la propia vida, le salimos al encuentro, metiéndonos por entre la chusma de soldados y le entregamos a Su Majestad (es de advertir que no paró la carroza de Su Majestad, sólo sacó la cabeza por dos veces) nuestro escrito, dicho día 23. Y el día siguiente nos fuimos al Palacio, y fué con tanta fortuna, que encontramos con el Señor Secretario de Cámara de Su Majestad, a quien

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<sup>488</sup> "Respuesta del Consejo de Indias a S.M. en que responde a una orden de V.Md. que vino con vn memorial de Don Carlos chimo, en razon de los agrauios que se hazen a los Indios," ms., 7.23.1647. AGI, Lima, 7; "Respuesta del fiscal al Consejo de Indias sobre proposiciones de Don Carlos Chimbo [sic]," ms., 10.24.1646. AGI, Lima, 15; "Respuesta del Consejo de Indias a S.M. satisfaciendo a una orden de V.M., dize lo que esta proveido sobre los agravios y vejaciones que representa Don Carlos Chimo Caçique principal del Pueblo de Indios de Lambayeque en el Peru," ms., 11.29.1646. AGI, Lima, 7; "Respuesta del fiscal al Consejo de Indias sobre memorial de Don Carlos Chimo, cacique de Lambayeque," ms., 6.13.1647. AGI, Lima 15.

preguntamos que si sabía algo del dicho escrito; a que nos respondió que Su Majestad lo había leído y los Señores Ministros que le acompañaban, y les había causado gran novedad. Y con el dicho Señor Secretario le remitimos a Su Majestad un papel escrito, dándonos a conocer, y luego Su Majestad le dijo que lo pusiese en forma de memorial, con los otros papeles, y que todo junto lo entregase a los Señores del Consejo de Indias, lo que ejecutó luego, sin dilación.<sup>489</sup>

A few additional cases involving members of the Inca royal family and Indian travelers of considerably lesser status will illustrate the quandaries faced by these metropolitan authorities.<sup>490</sup>

Don Alonso Atahualpa, grandson of King Atahualpa, appeared before the Council of the Indies in 1585 and requested royal reward for his quality and for the services of his lineage. Philip granted Alonso 2,000 golden pesos of rent (some 3,200 silver pesos) placed on *encomienda* Indians in Quito, that on top of the 1,600 pesos that his father had already received after journeying to Spain in the early 1560s. At some point in the negotiations, the king asked his councilors if they deemed the return of the Inca noble to Quito politically troublesome or dangerous. After all, he was a direct descendant of the former lords of the land. The council expressed its opinion against rewarding the Indian nobleman "porque levanta los pies á otros, como diz que hay algunos nietos y viznietos de los que fueron señores de la tierra, á que vengan á suplicar se les haga merced." The president of the council further advised Philip, "no entiendo hay mas que hacer que estorbar que estos y los de la Nueva España vengan poco por acá, sino que desde allá supliquen á VMd. les haga merced." Despite such arguments, however, this member of the council

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<sup>489</sup> Loayza, *Fray Calixto Túpac Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 53.

<sup>490</sup> I consider the Inca royal family as composed of the recognized Indian and *mestizo* descendants of Inca Huayna Capac (?-1527), the last undisputed ruler of Tawantinsuyu, up to the third generation. Stricto sensu, the official Inca nobility at the turn of the seventeenth century included the descendants of prehispanic Inca rulers and royal "houses," although there were hundreds of colonial Incas of lesser or more informal status, such as descendants of non-royal Inca lineages and members of the provincial elite, living in cities like Cuzco, Quito, and Lima. David Garrett estimates that almost one in ten of Cuzco's 2800 adult male Indians in 1785 had some noble status. Cahill, "The Inca and Corpus Christi: The Feast of Santiago in Colonial Cuzco.", Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825*, 42.

also recognized that refusing to reward these royal descendants in Spain would be against royal justice. In a somehow pessimistic tone, the president wrote, "es fuerza que se haga."<sup>491</sup>

The presence at court of Don Melchor Carlos Inca, the only direct male descendant of Emperor Huayna Capac at the turn of the seventeenth century, unveiled similar imperial dilemmas. Viceroy Luis de Velasco and the Council of the Indies had deemed his presence in Peru dangerous because of its subversive potential.<sup>492</sup> According to the established interpretation of this case, the prince's journey to Spain resulted from the viceroy's good intentions to protect a weak and naive Melchor from Spanish vagabonds and poor soldiers who fueled his imagination with chimeras of Inca restoration. Thus, the Inca prince would have been sent to Spain almost by force.<sup>493</sup> Not even in such extreme cases, however, could the Crown force these travelers to settle in Spain without compensating or rewarding them with what jurists and theologians considered just or appropriate. While Melchor was still in Cuzco, the councilors clearly reminded Velasco of the king's obligation in a royal decree. The Inca prince should embark to Spain only at his own "voluntad y gusto," that is, through persuasion rather than compulsion. Moreover, the

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<sup>491</sup> Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxlvi.

<sup>492</sup> For different opinions on this controversial matter by contemporary observers, see "Carta. El Príncipe de Esquilache a Su Majestad," ms. Lima, 4.16.1618. AGI, Lima, 38 and "Carta. Pedro Perea, obispo de Arequipa, a Su Majestad," ms. Arequipa, 5.1.1619. AGI, Lima, 309; Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 932, 48, Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt. II, Bk. VIII, Chap. 18. Important cases other than Don Melchor's include the mestizo offspring of the Pizarro brothers, the first Marquise of Oropesa, and even Melchor Carlos Inca's father, Don Carlos Inca. See "Discurso sobre la descendencia y gobierno de los ingas," ms. 1543. BNE. Manuscritos, 2010, f. 57r; Juan Bromley, *Las Viejas Calles de Lima* (Lima: Municipalidad Metropolitana de Lima, 2005), 216, Hemming, *The Conquest of the Incas*, 452, endnote, Nowack and Julien, "La Campaña de Toledo contra los Señores Naturales Andinos: el Destierro de los Incas de Vilcabamba y Cuzco.", Varón Gabai, *Francisco Pizarro and His Brothers: The Illusion of Power in Sixteenth-Century Peru*, 101.

<sup>493</sup> Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," 431-44, Miró Quesada Sosa, *El Inca Garcilaso*, chapter 4, Rowe, "El Movimiento Nacional Inca del siglo XVIII," 358, Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 138-43. In this last work, Temple wrote about Don Melchor Carlos Inca's sojourn at Court that: "Según le corrió la suerte, su existencia en la Corte eran tan desarreglada y azarosa como la que había llevado en el Cuzco y los propios documentos de sus descendientes arrojan pellas sobre su nombre porque de ellos se deduce que hubo de ver varias veces con la justicia. [...] permaneció en España, desprestigiando su nombre, vegetando con sus ilusorios blasones, su pensión que resultaba nimia para sus gastos de mestizo regalado y alguna que otra aislada y concesional atención cortesana."

council ordered the viceroy to assure Don Melchor that the king would reward him substantially *if* he decided to make the trip across the Atlantic.

With Melchor Carlos Inca already at court, the council advised the monarch in 1603 that, unless Melchor was to receive the pension, the knighthood, and the titles that he was now requesting, neither he nor the council could rightfully detain him in Spain for much longer. The councilors warned about the dangers of an enraged ("descontento y despechado") Melchor in Peru. Nevertheless, they admitted, only a substantial grace (*merced*) could legally impede his return. At court, virtually all of Melchor's requests were obliged.<sup>494</sup> Such dilemmas were not unique, for the Council of the Indies applied similar policies with Ana María Lorenza Coya, future Marchioness of Oropesa and niece of Don Melchor, whom Viceroy Velasco dispatched to Spain in April 1603. Some decades before, the council had encouraged her mother, Doña Beatriz Clara Coya, to settle in Spain with her husband by offering them 1000 pesos. Nonetheless, Beatriz was to make the trip only "of her own will and in no other way ("de su voluntad y no de otra manera").<sup>495</sup> Clearly, these transatlantic journeys stemmed from the confluence of imperial designs and the careful estimation, on the part of these royal travelers, of how well metropolitan authorities would reward their services and status in Spain.

Granted, few indigenous travelers could appeal to the same material resources, political connections, and social prestige of these Inca nobles. Even so, the journeys of Indian travelers of very diverse status reproduce

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<sup>494</sup> "Carta. Don Luis de Velasco a Su Majestad," ms. Lima, 10.8.1601. AGI, Lima, 34, f. 49-51; "Carta. Don Luis de Velasco a Su Majestad," ms. Lima, 5.5.1602. AGI, Lima, 34, f. 19-26. Other letters about Melchor's journey to Spain have been published by Levillier, *Gobernantes del Perú, Cartas y Papeles, siglo XVI*, 14:192-93, 288.

<sup>495</sup> Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," 363. See also, "Reales cédulas [...] por las cuales S.M. hizo merced de 1000 pesos de renta anual en Yndios a Martín García de Loyola, para que condujese a España a Doña Beatriz Clara Coya su Muger, hija de Don Diego Sairi Tupac, y sobrina de Don Felipe Tupa-Amaro, además de los 1500 que le concedió el señor Toledo," ms. San Lorenzo, 9.16 and 9.30.1577. ARC, Colección Betancourt, Vol.3, f. 115v. To judge from a letter penned to her husband, Doña Beatriz had already made up her mind about going to Spain. "Carta. Doña Beatriz Clara Coya a Don Martín García de Loyola," ms. Lima, 8.4.1578? AGI, Lima, 126.

the same pattern on a smaller scale. Many indigenous visitors stayed at court even after the Council of the Indies had warned and reprimanded them as well as issued money orders (*libranzas*) to cover their journey back to the New World. This was the case of other Indian nobles of recognized Inca ancestry, for example. In September of 1566, Don Sebastián Poma Hilaquita, apparently a grandson of Inca Atahualpa, received a license to go to Peru, along with the right to travel without cost on the royal galleons. He did not take off, however, "por justo impedimento y por su necesidad," as he declared. In August of 1574, almost eight years later, the council reissued the permit, granting him the privilege of traveling on the royal fleet and receiving daily provisions at the expense of His Majesty.<sup>496</sup>

The situation for *caciques* of lesser status was not that different. After living off the court for several years, Don Pedro de Henao, a *cacique* from the Quito region, received 253 *reales* (some 31 *pesos*) in 1584 for his journey back from Madrid to Seville. The Council released the same amount not one but three times between January and September of that year. It even ordered Don Francisco de Noboa Feijoo, captain-general of the Tierra Firme fleet, to accommodate the *cacique* in one of the vessels at no extra cost as well as to cover his rations and those of one dependant (*criado*). Even so, Don Pedro de Henao remained in Spain, with the councilors having to issue

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<sup>496</sup> "Real cédula a los oficiales de la Casa de Contratación permitiendo a D. Sebastián Poma Hilaquita, indio, regresar a Perú en una de las naos capitana o almiranta, de la flota que irá a Tierra Firme, sin llevarle flota," ms. El Pardo, 8.10.1574. AGI, Indiferente, 1968, 1.20, f. 6v-7r. Similarly, Don Alonso Atahualpa addressed a memorandum to the president of the council in 1586. He requested an *ayuda de costa* to return to Quito. In November, at the advice of the councilors, the king granted Alonso the significant amount of 300 ducats (some 3300 *reales*) for the journey back home. Alonso used the money to pay off some of his debts but did not leave. Although he received a one-year extension to remain in Spain, Alonso did not leave but died in Madrid in 1589. "Consulta del Consejo de Indias," ms. Madrid, 6.26.1586. AGI, Indiferente, 741, n. 78; "Real cédula al virrey del Perú, Conde del Villar, para que, de los indios que haya vacos o vacaren, encomiende a Alonso Atahualpa, vecino de Quito, los que renten la cantidad que se expresa," ms. San Lorenzo, 6.30.1586. AGI, Quito, 211, l. 2, f. 178v-79r; "Consulta de la Junta de Contaduría," ms. Madrid, 8.28.1586. AGI, Indiferente, 741, n. 79; "Consulta del Consejo de Indias," ms. Madrid, 11.19.1586. AGI, Indiferente, 741, n. 133; "Real cédula al presidente y oidores de la Audiencia de Quito para que den a Alonso Atahualpa, indio vecino de Quito, unos indios en encomienda, que le den una renta," ms. Madrid, 3.5.1587. AGI, Quito, 211, l. 2, f. 195r-v; "Real cédula dando prórroga de licencia para volver a Quito a Alonso Atahualpa," ms. El Pardo, 9.23.1587. AGI, Quito, 211, l. 2, f. 201r-202r.

another 100 *reales* (about 12.5 *pesos*) for the trip in January of 1586.

Between October and December of 1583 alone, Don Pedro cost the Crown some 913 *reales* or 114 *pesos*.<sup>497</sup>

Similarly, Don Juan Astubarcaya, "indio cacique" from Peru, received 300 *reales* (37.5 *pesos*) for his journey between June and October of 1596. He also remained at court. In April of 1600, the council produced an extra 100 *reales* (12.5 *pesos*) for him "por una vez, para que se vaya," along with a royal decree for the President of the *Audiencia* of Tierra Firme ordering him to facilitate the journey of Don Juan from the Isthmus to Peru. There is evidence that, in spite of the will of the council, Astubarcaya was still in Spain in 1604.<sup>498</sup> Don Nicolás Tolentino Lluchi Moro, "indio principal" from Peru, received 660 *reales* (82.5 *pesos*) between 1664 and 1665. The money should have covered his living expenses and return trip to the Indies. In January of 1667, Don Nicolás and his attorney complained to the council that he had lost his money in Seville, requesting additional aid. The council granted him 330 *reales* (41.25 *pesos*) along with the admonition, "será

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<sup>497</sup> "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 813 reales a Pedro Romero, portero, por gastos en curar y vestir a Don Pedro de Henao, indio," ms. Madrid, 12.8.1583; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándoles orden de pago de 10 ducados a Pedro de Henao, cacique natural de la provincia de Quito," ms. Madrid.1.8.1584; "Carta acordada del Consejo a Antonio Cartagena, su receptor, dándole orden de 3 ducados a Don Pedro de Henao, indio cacique, natural de la provincia de Quito," ms. Madrid, 2.27.1584; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 10 ducados a D. Pedro de Henao, indio, que vuelve a la provincia de Quito," ms. Madrid, 9.1.1584; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 100 reales a Don Pedro de Henao, indio, para gastos del viaje a Sevilla," ms. Madrid, 1.17.1586; AGI, Indiferente, 426, 1.27, 63r, 69r, 73r-v, 78r, 91r-v, 128r; "Real cédula a Francisco de Noboa Feijoo, general de la flota de Tierra Firme, para que acomode en una de las naos a Pedro de Henao, indio cacique que vuelve a Quito," ms. Colmenar de Oreja, 1.10.1584. AGI, Indiferente, 1952, 1. 2, f. 171r-v.

<sup>498</sup> Carta acordada del Consejo a Diego Ruiz Osorio, su receptor, dándole orden de pago de 200 reales a Don Juan de Astubarcaya, indio," ms. Madrid, 6.14.1596. AGI, Indiferente, 426, 1. 28, f. 253v; "Consulta del Consejo de Indias. Se podía hacer merced a un indio cacique, don Juan de Astubarcay, de 400 reales por una vez para que pueda volver a Indias," ms. Madrid, 1.18.1599. AGI, Indiferente, 745, n. 191; "Carta acordada del Consejo librando a su receptor Diego de Vergara Gaviria, con cargo al fondo de penas de estrados, 100 reales, a abonar a Juan de Astubarcaya, indio, para su viaje," ms. Madrid, 4.22.1600. AGI, Indiferente, 427, 1. 31, f. 112r-v; "Real Cédula a Alonso de Sotomayor, gobernador y capitán general de Tierra Firme y presidente de la Audiencia, para que facilite el pase a Perú de Juan de Astubarcay, indio," ms. Aceca, 4.29.1600. AGI, Panamá, 237, 1.13, f.53R-v; Mira Caballos, *Indios y Mestizos Americanos en la España del siglo XVI*, 102.



castigado si no regresa y no se le ayudará más.”<sup>499</sup> Though harder to document, the circumstances surrounding Indian commoners appear to have been very similar. In 1595, Francisco Hernández, “indio”, received a meager 44 *reales* (5.5 *pesos*) for the journey from Madrid to Seville. In 1607, he was still in Spain, however, for the council issued a money order of another 66 *reales* (8.25 *pesos*), “Atento a su necesidad y a onor de esta Santa Pascua de Resureçion.”<sup>500</sup>

In a more desperate measure, the council would sometimes try to persuade Indian travelers to return by granting them additional privileges. In 1600, Don Juan de Astubarcaya, “indio cacique,” received 100 *reales* “por una vez, para que se vaya.”<sup>501</sup> A royal decree issued in Zaragoza in September of 1563 increased the annual rent of Don Francisco Atahualpa, son of King Atahualpa and visitor at court, from 300 to 1,000 *pesos* of gold (480 to 1,600 silver *pesos*), “con tanto que se embarque en la flota que ha de partir este presente año.”<sup>502</sup> Apparently, the councilors found no other way to encourage Don Francisco and many other visitors to return to the New World. No doubt, liberality numbered among the princely virtues, but it could also entail a burdensome obligation for some and an empowering strategy for others.

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<sup>499</sup> “Libramiento de 30 ducados de vellon a Don Nicolás Tolentín que se le dan de ayuda de costa para volverse a su tierra. Diego González de Arce,” ms. Madrid, 8.21.1664. AGI, Indiferente, 439, l.22, f. 283r-84v; “Memorial. Don Nicolás de Tolentino Lluchi Moro a S.M.,” ms. 1.8.1667. AGI. Lima, 26.

<sup>500</sup> “Carta acordada del Consejo a Diego Ruiz Osorio, su Receptor, dándole orden de pago de cuatro ducados a Francisco Hernández, indio, para gastos del viaje a Sevilla,” ms. Madrid, 9.20.1595. AGI, Indiferente, 426, l.28, f.222r; “Carta acordada del Consejo a Diego de Vergara Gaviria, su receptor, dándole orden de pago de seis ducados para Francisco Hernández, indio, para sus necesidades.” Madrid, 4.24.1607. AGI. Indiferente, 428, l.33, f. 5r-v.

<sup>501</sup> “Carta acordada del Consejo librando a su receptor Diego de Vergara Gaviria, con cargo al fondo de penas de estrados, 100 *reales*, a abonar a Juan de Astubarcaya, indio, para su viaje,” ms. Madrid, 4.22.1660. AGI, Indiferente, 427, l. 31, f. 112r-v.

<sup>502</sup> Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 100.

*The Rhetoric of Wretchedness*

Upon presenting themselves at court, Indian travelers and their attorneys reframed their voyage as the obligation of any loyal vassal. Indians had journeyed to Spain to pay personal homage to the monarch, their only lord, and to denounce a series of abuses against the natives of Peru. That the Indians were unburdening the king's conscience and contributing to his salvation, added to the titanic efforts required by the journey, legitimized these trips and made them appear all the more worthy and necessary. Letter and memoranda emphasized the negative effects of the Spanish climate and the lengthy navigation upon the travelers' health as a means to turn imperial constructions of difference to their favor.<sup>503</sup> Compelling Indians to return might cause their death at sea. Concurrently, a refusal to grant a license to go back might cause the same results.<sup>504</sup> In 1605, Martín Fernández, and Indian commoner from the Moquegua Valley, appeared before the House of Trade in Seville to request a royal permit to return to Peru. One of his witnesses argued that the officials of the house

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<sup>503</sup> It was very true that the risks and perils of crisscrossing the vast Ocean Sea, as well as the years of absence that voyagers should expect due to their affairs at court, turned the return to Peru into a very uncertain matter. For different claims about the many perils of the trip, see "Memorial. Don Carlos Tito Amaro a S.M.," ms. Madrid, 8.18.1582. AGI, Lima, 1, n. 44; "Memorial. Diego de Figueroa Cajamarca a S.M." ms. Madrid, 10.7.1598. AGI, Lima, 134; "Méritos y servicios: Pedro Márquez Galeote y otro: Perú, etc.," ms. Madrid, 1607. AGI, Patronato, 143, n.2, r.4; "Memorial. Don Juan Lorenzo Ayllón a S.M.," ms. Madrid, 4.4.1646. AGI, Lima, 15; "Memorial. Don Jerónimo Lorenzo Limaylla a S.M.," ms. Madrid, 1.1660. AGI, Lima, 17; "Memorial. Don Jerónimo Lorenzo Limaylla a S.M.," ms. Madrid, 9.30.1671. AGI, Indiferente, 640. About the negative effects of climate upon Indians who traveled from the highlands to the coastal plains of Peru, see Vega, *Royal Commentaries of the Incas, and General History of Peru.*, Pt. II, Bk. VIII, Chap. 18.

<sup>504</sup> The risks and perils of the trip were very real. Juan Arias Maldonado, the *mestizo* son of Diego Maldonado and Inca princess Luisa Palla, one of the daughters of Emperor Huayna Capac and a former wife of Atahualpa, drafted his will in Cuzco a few months before traveling to Spain via Lima. Ten years later, he dictated a second (and last) will while attempting to return to Peru. "Testamento de Juan Arias Maldonado," ms. Cuzco, 3.25.1571; "Testamento. Juan Arias Maldonado," ms. Panama, 10.2.1582. ARC. Protocolos, n. 25 (Antonio Sánchez), f. 487r-90v; 1102r-07v. Don Francisco de Ampuero Barba, great grandson of Huayna Capac and grandson of Inés Huaylas, Francisco Pizarro's native concubine, dictated his will in Lima before leaving to Spain. "Testamento. Don Francisco de Ampuero," ms. Lima, 4.12.1617. AGN, Protocolos, n. 2029 (Juan de Zamudio), f. 871r-72r. The Marquise of Santiago de Oropesa, of mixed Spanish and Indian ancestry, wrote her will in Lima in 1626, right before her second and last trip to Spain. Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú," 392. Esteban Pretel, husband of Doña Isabel, daughter of Inca Atahualpa, died in route to Quito in 1564, after a successful legal campaign at court. Don Alonso Atahualpa, nephew of Doña Isabel, dictated his testament at the royal prison in Madrid in 1589. Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxlvi-viii, Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 79.

should grant such a license "a caussa de estar el dicho Martin Fernandez malo por auerle tentado esta tierra." Although they knew Martín had arrived in Spain "contra lo que Su Magestad tiene mandado," the bureaucrats finally granted the license.<sup>505</sup> With such arguments, Indian travelers somehow masked the obvious fact that, contrary to a plethora of laws and decrees ordering otherwise, they had finally made it to the royal court.

Indian travelers could also claim to be seeking a higher authority to resolve government inaction in America. The circumventing the authority of viceroys, *Audiencias*, priests, and provincial judges shows a fine understanding of some of the basic premises of the Spanish legal system, for laws dating back to the early 1500s allowed Spanish subjects who could not get justice in the Indies to seek it in Spain.<sup>506</sup> As important, speaking on behalf of injured native individuals and communities quickly became a valid strategy to stay at the royal court. The rhetoric of the good vassal allowed travelers to represent "the Indians" of Peru legitimately, even if they themselves were not members of the specific native group, lineage, or corporation that others in America had wronged in the first place. In 1662, for instance, Jerónimo Limaylla appealed to the king for a license to travel to Spain. In his request, he or the general defender argued, "en provincias

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<sup>505</sup> "Expediente de información y licencia de pasajero a Indias de Martín Fernández, indio, natural del Valle de Moquegua, a Perú," ms., 2.17.1605. AGI, Contratación, 5286, n.77.

<sup>506</sup> As stated by John L. Phelan, the Crown deliberately maintained several channels of communication with its colonial officials. The aim was to ensure that superiors in Iberia would have multiple sources of information as to actual conditions in the kingdoms overseas. Spanish "vecinos ó residentes" in the Indies who wished to write to the monarch or sail to Spain to denounce injustices against the natives and others should present themselves before viceroys and *Audiencias* first. Should this not work, subjects should then send their letters and petitions directly to Spain. If they could not meet royal justice still, then they should embark to Spain. Further, since viceroys, judges, and "powerful people" themselves might be involved in those *injusticias* and *agravios* now being denounced, these affairs should be kept secret and not reach such authorities. Under serious penalties, officials should neither prevent these travelers in seek of royal justice nor the *maestres*, pilots, and sailors taking them to Iberia. John Leddy Phelan, "Authority and Flexibility in the Spanish Imperial Bureaucracy," *Administrative Science Quarterly* 5, no. 1 (1960): 53, *Recopilación de Leyes de los Reinos de las Indias*, Bk. 3, tit. XVI, Laws III and IV. Kings and queens reiterated such dispositions throughout the colonial period.

tan apartadas como estas del Peru [...] Los mandatos reales suelen ser tardos y vanos o llegan flojos." Such a reality, the author declared,

Me da Señor alientos y el ver que V. Magestad mi mayor y mejor planeta para con la salvedad deuida, pedir, se sirva de mirarme con aspecto benigno concediendome Licencia para Volver a sus Reales pies que Reverente vese el año de quarenta y seis que passe destos Reynos a significar las opresiones y penalidades en que se hallaban los yndios mis hermanos y por que estas han crecido me compele el Dolor y Lastima, que en la sangre es natural a yr segunda vez por el Remedio destos miserables.<sup>507</sup>

Two years later, a royal decree ordering the viceroy to advise on the matter arrived in Peru, but Limaylla had already sneaked in the royal fleet and left for Spain unlicensed. In his letters and memoranda at court, however, he would insist on his denouncing of the sufferings of the Indians of Peru as being his only motivation to stay at the court. As recounted at the beginning of this chapter, the Queen Regent allowed him to stay until 1678.

Hence, the legitimacy of Indian attorneys and solicitors who, like Jerónimo, acted on behalf of *caciques* and communities at court would stem from their sharing the "Indianness" ("the blood," as the documents sometimes declare) of those having been injured in the first place. Based on Iberian ideas about ancestry and legal categories such as "indio" or "nación," such travelers could detach themselves from traditional Indian corporations, turning instead into spokespersons of a more abstract Indian commonwealth. Such a discourse has already appeared in Guaman Poma's *Nueva corónica y buen gobierno* (c. 1613). Travelers-turned-attorneys at the royal court would increasingly rely on this strategy of representation during the rest of the seventeenth century.

But there were other discursive strategies available at the royal court. At the root of the king's largesse lay the conceptualization of

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<sup>507</sup> "Memorial de Don Jerónimo Lorenzo Limaylla al Rey previniéndolo de los abusos contra los indios en la provincia de Jauja," ms., Lima, 11.30.1662. AVU, Manuscritos. T. 32(16), Doc. 35, f.66r-66v

Indians as "poor and wretched." This notion reverberated on both shores of the Atlantic. Ancient regime attitudes toward the poor in Spain and America accepted their social inevitability but regarded them as an opportunity for generosity and benevolence on the part of the powerful and the wealthy. In the words of Joan Sherwood, "the poor were there for the benefit of both donor and recipient of charity."<sup>508</sup> Doubtless, many Indians went to Spain to swell the ranks of the poor. However, it is very difficult to distinguish the rhetoric used in these travelers' letters and memoranda from their actual economic condition in the peninsula. There is virtually no way to assess how much money they carried in Spain aside from that provided by the Council of the Indies. Even in the case of the more disenfranchised, however, the "pauper argument" was an extremely efficient strategy, especially useful among travelers who, like them, had little to offer within the classic language of privilege and service. Under the legal protection conferred upon "poor and wretched" subjects, native travelers could manipulate their status as legal minors at court as well as secure the journey back and forth, remain in Spain for many years, and succeed in their campaigns before the king and the council.

The ascribed status of Indians as paupers in Iberia becomes manifest if we look at the sums involved in the king's largesse as well as the sources of royal aid granted to these native travelers. On average, native visitors received 30 ducats (some 41 pesos) of *ayuda de costa* from the Council.<sup>509</sup> A *cacique* of low to medium rank received three to four reales for his daily provisions ("para su sustento"), while a commoner typically received two

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<sup>508</sup> Joan Sherwood, *Poverty in Eighteenth-Century Spain: The Women and Children of the Inclusive* (Toronto; Buffalo: University of Toronto Press, 1988), 3.

<sup>509</sup> A *ducado* was worth 11 *reales* or 374 *maravedís*. The *real* was a silver coin worth 34 *maravedís*. Eight *reales* made one *peso de a ocho*. Up to 1598, royal officials minted *vellón* copper coins with an admixture of silver. From the 1650s onward, the Council of the Indies issued *ayudas de costa* in *ducados de vellón* or copper coins. Earl J. Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650* (Cambridge, Mass.: Harvard University Press, 1934), 47-48.

reales.<sup>510</sup> Such amounts seem to have been the customary aid given to persons "in need" around the court. In 1664, for instance, Alejandro Gómez de Orosco received those 41 *pesos* as alms (*limosna*) to attend to his ailments. Similarly, the sweeper and the constable of the Council of the Indies received the same 41 *pesos* because of their "mucha necesidad." The porters received 41 *pesos* as well for medical expenses, plus 27.5 *pesos* of additional *ayudas de costa*, every year.<sup>511</sup> In the early 1630s, the standard wage for a day laborer in Madrid was eight *reales* a day, though unskilled men could receive only three or four. In the 1640s, a *criado* of low status of the Council of the Indies received three *reales* for his daily wage and ration.<sup>512</sup>

As to the source of this aid, the money came from the *penas de cámara*, *penas de estrados* (fees and fines), and *obras pías* (charity) funds. These accounts were part of the internal budget of the Council of the Indies. From them, councilors could give alms and gifts to convents and hospitals as well as support religious services for charitable reasons. They could also use these funds to grant extraordinary aids (*ayudas extraordinarias de costa*), alms (*limosnas*), and *graces* (*mercedes*) of different sorts. These gifts and gratuities, which usually assumed the form of *aguinaldos*, *luminarias*, and *propinas*, the councilors gave away during Christmas, Easter, and New Year's Eve. The beneficiaries were middle and lesser-ranked officials, *criados*, servants of the councilors and the court, and poor individuals in general.<sup>513</sup>

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<sup>510</sup> A few *mercedes* of this sort were considerably higher. At the turn of the sixteenth century, the young Doña Ana María Lorenza Coya, future Marchioness of Oropesa, enjoyed a royal pension of 1000 annual ducats (11,000 *reales*), or several times as much, for her provisions in Spain. Lohmann Villena, "El Señorío de los Marqueses de Santiago de Oropesa en el Perú."

<sup>511</sup> "Cargo y data del Tesorero General D. Diego González de Arce, de lo recibido y pagado en vellón aplicado a gastos de Estrados, desde 19 de Diciembre de 659 hasta fin de dicho mes y año de 664," ms., 1664. AGI, Contaduría, 110; "Libramientos," ms., 1664. AGI, Contaduría, 113A.

<sup>512</sup> Brown and Elliott, *A Palace for a King: The Buen Retiro and the Court of Philip IV*, 97. "Cuenta de los gastos que hizo Amador de Avila, en servicio del Consejo desde 1°. de Mayo de 1642 hasta fin de Diciembre de 658," ms., 1642? AGI, Contaduría, 189, n. 1.

<sup>513</sup> See, for instance, "Data de lo destinado para obras pías," ms. 1582-83. AGI, Contaduría, 41, n. 4, 3. Also, *Recopilación de Leyes de los Reinos de las Indias*, Bk 2, Tit. 25, Laws 1-50, Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 117, 26, 259, 60, 305.

It only seemed logical, then, that the expenses of Indian visitors at court, being legally equal to the destitute of Madrid or Seville, came from these funds. The internal accounting books of the council recorded both under the same category. In 1582, Damiana "La Negra," sweeper of the council, received 66 *reales* of *limosna* for Holy Easter. That very same day, Don Pedro de Zama, an Indian from Peru, received a smaller grant of 5.5 *pesos* from the same fund due to his "poverty and necessity" at court.<sup>514</sup>

However, the Crown did not consider all travelers equal. Nor did the travelers see themselves as such. As noted by Jovita Baber in an analogous case,

Tlaxcalan nobles never used the rhetoric of *indio* or *miserables* to discuss the legal concerns of the native nobility. When they advocated for themselves, they tended to access their status as nobles and as members of a privileged community. Nonetheless, knowing that royal officials were obliged to protect *indios* and *miserables*, they quite freely employed the language in reference to their subjects—the native commoners.<sup>515</sup>

The same distinction generally applied to Indians visiting the royal court. Nevertheless, one must keep in mind that, even when *caciques* and Indian nobles avoided identifying themselves merely as "indio" or "miserable" in their letters and memoranda, they could still access the privileges and advantages of such a legal category. Perhaps a good example is the right to receive special legal advice and assistance. Metropolitan officials should assume that, because of their wretchedness and poverty, Indians lacked the means to pursue justice, and thus they should receive it at no cost. The result was a multi-layered system of legal assistance for Indians in Spain and America, which I outlined in Chapter 1. *Caciques* could also benefit from this assistance as long as they could prove either that they were litigating

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<sup>514</sup> "Registros generalísimos," ms. 1581-1588. AGI, Indiferente, 426, l. 27, f. 174r-v.

<sup>515</sup> Baber, "Categories, Self-Representation and the Construction of the *Indios*," 38.

on behalf of their subjects or that they were too poor to obtain justice by their own means. Ultimately funded on Indian labor and tribute, this system of public legal representation was "free" of charge for the natives only indirectly. Although on a formal level this system sanctioned the image of Indians as legal minors, it opened a window for indigenous travelers to litigate at the highest echelons of the imperial framework at no formal cost.

This privilege was perhaps the most significant aspect behind successful native experiences at the royal court. Such imperial courts and legal specialists for the poor and wretched, available to indigenous travelers insofar as they, along with colonial and metropolitan authorities, subscribed to the status of the Indian as legal minor, were hardly available for the bulk of Spanish voyagers, especially if more powerful and wealthy than their eventual Indian legal rivals at the royal court.<sup>516</sup> In 1666, the prosecutor of the Council of the Indies addressed a memorandum to the councilors on behalf of Jerónimo Limaylla. Since Limaylla had no income in Spain, the prosecutor argued, the council should declare the litigant a solemn pauper (*pobre de solemnidad*). As such, he was entitled to a pauper's attorney as well as to pursue his lawsuit in the Peninsula at no cost. Three witnesses, all *vecinos* of Madrid, corroborated Jerónimo's dramatic lack of means. Miguel Rodríguez testified:

Conoce al dicho Don Geronimo Limaylla de Vn año a esta parte El qual saue que esta muy Pobre y nezesitado y que no tiene con que sustentarse y que para Ello le a Visto muchas Vezes pedir Limosna como Pobre y Bergonçante a muchas perssonas Y que este testigo algunas Vezes le a dado lo que a podido.

Despite some doubt on the part of the councilors, and at the express order of the Queen, the council finally took the matter under its jurisdiction.

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<sup>516</sup> For the legal use of the poverty argument among Spaniards, mestizos, and *castas* in eighteenth-century Quito, see Cynthia Milton, E., "Poverty and the Politics of Colonialism: "Poor Spaniards," Their Petitions, and the Erosion of Privilege in Late Colonial Quito," *Hispanic American Historical Review* 85, no. 4 (2005).



Jerónimo's legal opponent in America, however, was unable to travel to Spain or to secure an attorney at court, despite several orders from the council. Nor could he, being a *cacique* litigating in private matters, have recourse to the "pauper" argument in this case. Considering the elevated costs of transatlantic litigation, legal assistance at no charge could represent a serious advantage at court.<sup>517</sup>

In the 1590s, Don Melchor Carlos Inca litigated in Lima to keep the *encomienda* awarded to his grandfather Don Cristóbal Paullu Inca. In Cuzco, Melchor's lineage had been able to amass considerable wealth, including several *chacras* of coca, maize, and *ají*, orchards, textile mills, and houses, as well as the famous palace of Colcampata that still oversees the city.<sup>518</sup> Moreover, in a 1599 *probanza* on behalf of Melchor, twenty-five witnesses, including many paramount Spanish conquistadors and *encomenderos*, testified as to Melchor's noble "estofa" (quality, class) and fine upbringing as *caballero hijodalgo*, placing him among the most influential *vecinos encomenderos* of Cuzco.<sup>519</sup>

In spite of his wealth and *encomendero* legal identity, Melchor appealed to the defender of the Indians to represent him free of charge before the

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<sup>517</sup> "Pido y suplico mande señalarme abogado que me defienda y procurador para dar las peticiones imponiendole para ello y a los ministros del consejo no me lleben derechos algunos, declarandome ante todas cosas por pobre de solemnidad." "Memorial. Don Jerónimo Limaylla al Consejo de Indias," ms. Madrid, 2.1666. AGI, Lima, 17; "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla sobre posesión del cacicazgo de Luringuanca, en dicha provincia," ms. 1656-71. AGI, Escribanía, 514C, f. 16r-17r.

<sup>518</sup> About the patrimony of the family, see "Obligación. Hernando Caballero a Don Alonso de Sevilla," 4.18.1560. ARC, Protocolos (Gregorio de Bitorero), n.1, c. 2, f. 343v-44r; "Carta de concierto. Don Carlos Inga y Pedro Sánchez para hacer un obraje en el asiento de Mohina," ms., 10. 27.1571. ARC, Protocolos (Antonio Sánchez), n.19, f. 1593; Cornejo Bouroncle, "De la Vida Colonial (120 Escrituras y Datos Diversos)," 265-66, Luis Miguel Glave and María Isabel Remy, *Estructura Agraria y Vida Rural en una Región Andina: Ollantaytambo entre los siglos XVI-XIX* (Cuzco: Centro de Estudios Rurales Andinos "Bartolomé de las Casas", 1983), 49-51, Ken Heffernan, *Limatambo: Archaeology, History, and the Regional Societies of Inca Cusco* (Oxford: Tempus Reparatum, 1996), 205-31, Hemming, *The Conquest of the Incas*, 341, Puente Brunke, *Encomienda y Encomenderos en el Perú: Estudio Social y Político de una Institución Colonial*, 358, 71, 64, 81, 494, 504, Temple, "Los Testamentos Inéditos de Paullu Inca, Don Carlos y Don Melchor Carlos Inca. Nuevos Datos sobre esta Estirpe Incaica y Apuntes para la Biografía del Sobrino del Inca Garcilaso de la Vega."

<sup>519</sup> "Descendencia y servicios: Melchor Carlos Inca y otros: Cuzco," ms. 1600. AGI, Patronato, 191, R.20; "Ascendencia de Juan Carlos Inga; f. 18r and ss.;" "Pruebas para la concesión del Título de Caballero de la Orden de Santiago de Melchor Carlos Inga, natural de Cuzco."

*Audiencia* of Lima. This legal strategy was unavailable to Spanish *vecinos*, *encomenderos*, *gente principal*, and mestizos (like Melchor) when litigating at local and metropolitan courts. A few years later, Melchor would use the same strategy to reach the royal court. The Inca prince first appealed to the Council of the Indies, sending his power of attorney to Gaspar de la Esquina, a *procurador* residing at court, thus choosing to litigate as any other prominent *encomendero* or *cacique* would do.<sup>520</sup> This was a very smart choice, for De la Esquina was an experienced and influential attorney.

In Spain, Melchor was in a far different position from most indigenous travelers asking for the protection of the pauper's attorney. After his death in 1610, royal officials auctioned Melchor's estate in Cuzco for the significant sum of 20,000 assayed pesos (31,250 pesos of eight).<sup>521</sup> In 1609, Melchor had donated 4,000 ducats (5,500 pesos) to Doña Isabel de Peñaloza, a widow from Madrid, for the future dowry of her daughter Catalina Gutiérrez de Fonseca (probably, an illegitimate offspring of Melchor with the *madrileña*). Further, in his last will and testament, Melchor bequeathed his *criados* with more than 1,200 ducats (1650 pesos), plus a mourning dress of relatively fine quality, for each of them. In the same document, the Inca scion granted his jester another 150 ducats (206 pesos), freed his slave, and donated an extra 2,000 ducats (2,750 pesos) and his entire wardrobe to a relative who had accompanied him to Spain. He also donated 100 ducats (137.5 pesos) to the School of Saint Agustín in Alcalá and allocated 4,000 ducats (5,500 pesos) for masses on behalf of his soul. After his death, the multiple heirs had to face 1,800 ducats (2475 pesos) of debts that Melchor had incurred to cover his attire, his funeral, a golden reliquary, and other unspecified objects

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<sup>520</sup> About Don Melchor and Gaspar de la Esquina, see "Ascendencia de Juan Carlos Inga," f. 14r-16r; "Pruebas para la concesión del Título de Caballero de la Orden de Santiago de Melchor Carlos Inga, natural de Cuzco;" Cúneo-Vidal, *Historia de las Guerras de los Últimos Incas Peruanos contra el Poder Español (1535-1572)*, Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 124.

<sup>521</sup> Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 147.

and services in Spain.<sup>522</sup> Nevertheless, in the following years the attorney Gaspar de la Esquina would conduct Melchor's legal representation as an internal affair of the council, boosting Melchor's chances of success dramatically.<sup>523</sup>

More so than with Indian commoners, the righteous monarch had to meet his obligations with his more prominent vassals. Even though high-ranking visitors would sometimes appeal to the "pauper argument," their "poverty," like that of landowners, merchants, and notable widows who declared themselves poor in colonial Quito at the end of the eighteenth century, was grounded less in economic conditions than in their failure to live up to social expectations at court. They were, in Cynthia Milton's recent terminology, "social" poor rather than "economic" poor.<sup>524</sup> The ideal social order in Habsburg Spain explains why, for instance, high-ranked travelers expected the king to provide for a living according to their noble status and quality. In a clear example of what the Council of the Indies was trying to prevent, these travelers would acquire a series of debts and then ask the king to provide the means to honor them.

In 1589, Alonso Atahualpa died in the royal prison of Madrid because of an unmet obligation of 100 silver pesos of eight *reales*.<sup>525</sup> Such an amount

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<sup>522</sup> "Donación de Melchor Carlos Inga a Doña Isabel de Peñalosa". Madrid, 8.19.1609. AHP, Protocolos (Sebastián de la Peña), n. 2728, f. 714r; "Felipe de Sierra, escribano de número de esta villa, con los bienes de Melchor Carlos Inca, sobre paga de 100 ducados," ms. 1616; "Juan Hurtado y Juan de Santiago, residentes en Madrid, con los bienes de Melchor Carlos Inca, sobre paga de 200 ducados," ms. Madrid, 1616. AGI, Escribanía, 1020A; "Leonor [sic: León] Vázquez, residente en Madrid, con los bienes de Melchor Carlos Inca, sobre paga de cantidad de reales," ms. Madrid, 1626. AGI, Escribanía, 1020A; Juan Gallego Barba, clérigo presbítero residente en Sevilla, con Alonso Nieto Dorantes, el convento de monjas de la ciudad del Cuzco y Juana Yupanqui, acreedores a los bienes de Melchor Carlos Inca, sobre paga de lo que devengó en las diligencias que hizo en Sevilla," ms. Madrid, 1624. AGI, Escribanía, 1022A; —, "Los Testamentos Inéditos de Paullu Inca, Don Carlos y Don Melchor Carlos Inca. Nuevos Datos sobre esta Estirpe Incaica y Apuntes para la Biografía del Sobrino del Inca Garcilaso de la Vega," 650.

<sup>523</sup> "Descendencia y servicios: Melchor Carlos Inca y otros: Cuzco."

<sup>524</sup> Milton, "Poverty and the Politics of Colonialism: "Poor Spaniards," Their Petitions, and the Erosion of Privilege in Late Colonial Quito," 599.

<sup>525</sup> In his letter to His Majesty concerning the aforementioned case of Don Alonso Atahualpa, the President of the council wrote about the Inca traveler, "se murió con tanta necesidad y pobreza, que no habiendo con qué le enterrar, fué menester que el Consejo diera cient reales para su enterramiento." Federico González Suárez, *Historia General de la República del Ecuador. Tomo II:*

does not seem much for someone who was entitled to 4,800 *pesos* annually. Alonso had rented a residence in the Puerta de Vega in Madrid and had purchased another one from the heirs of one Miguel Crespo, donating the ones he had in Quito to his offspring. While staying at court, he had received 570 *pesos* of gold (912 silver *pesos*) from his *encomiendas* in America. His major assets included one house and one estate in Cumbaya, 10 *caballerías* (112.8 hectares) of land in Saquisilí, 650 sheep, and two *caballerías* (22.5 hectares) of *coca* lands in Tunguragua.

Alonso's debts in Spain, however, stemmed from the preservation of his Spanish lifestyle and refined manners ("el sustento de su persona"). According to the witness' testimonies included in a 1582 proof of merit, Alonso's parents had raised him among Spanish *hidalgos* and *encomenderos*. Accordingly, he rented a residence in Madrid and bought Spanish-style gloves, clothes, hats, silver ornaments, and even a lute, for he knew how to play many European instruments.<sup>526</sup> This living standard, in turn, explains why, in 1586, Alonso, who was fluent and literate in Castilian, requested an *ayuda de costa* from His Majesty, "conforme a su calidad para que pueda acudir A pagar algunas deudas que tiene y poder honrrar su persona y poder uoluer A su tierra."<sup>527</sup>

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*el Descubrimiento y la Conquista (1513-1564)*, 2nd ed. (Quito: Daniel Cadena A., 1931), 266-69, Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxlvi-cxlviii.

<sup>526</sup> "Obligación. Don Alonso Atahualpa a Andrés de Valla, ms". Madrid, 7.1.1587. AHP, Protocolos (Diego de Henao), n. 587, f. 1834v; Estupiñán-Freile, "Testamento de Don Francisco Atahualpa," 48, 62, González Suárez, *Historia General de la República del Ecuador. Tomo II: el Descubrimiento y la Conquista (1513-1564)*, 266-69, Jiménez de la Espada, *Relaciones Geográficas de Indias*, 3:cxlvi-cxlviii, Karen Vieira Powers, "Resilient Lords and Indian Vagabonds: Wealth, Migration, and the Reproductive Transformation of Quito's Chiefdoms, 1500-1700," *Ethnohistory* 38 (1991): 231. About Don Alonso's lifestyle in America, see Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 138-53, Udo Oberem, "La Familia del Inca Atahualpa bajo el Dominio Español," in *Contribución a la Etnohistoria Ecuatoriana*, ed. Segundo Moreno Yáñez and Udo Oberem (Otavalo: Instituto Otavaleño de Antropología, 1981). About the analogous case of Don Diego de Figueroa Cajamarca, who claimed to have learned to "leer y escribir, cantar y tañer flautas, chirimías, sacabuches y tecla y otros instrumentos, y gramática," see Espinoza Soriano, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI," 49.

<sup>527</sup> "Consulta del Consejo de Indias," ms. Madrid, 11.19.1586. AGI, Indiferente, 741, n. 133.

Don Melchor Carlos Inca, who boasted of having received a similar education among the *vecinos encomenderos* of Cuzco, had important debts in Spain, which originated in his luxurious lifestyle.<sup>528</sup> His perpetual annual pension of 8,500 ducats (more than 11,600 pesos) placed him within the lowest rank of the titled aristocracy in Spain, for many counts in the seventeenth century had nominal annual incomes of 11,000 to 8,000 to 13,750 pesos.<sup>529</sup> Yet, by 1605, he could no longer sustain his lifestyle, or his retinue of ten *criados* in Spain for that matter.<sup>530</sup> Accordingly, during the Inca prince's legal negotiations with the Crown, the Council of the Indies (or, perhaps more precisely, Melchor's attorney) reminded King Philip that 9,625 annual pesos were not enough to sustain Melchor according to his *calidad*. The council suggested, instead, a pension of 13,750 to 16,500 pesos. The king replied by awarding Melchor the prestigious knighthood of Santiago plus 2062.5 pesos. The council insisted by adding an outstanding request of 11,000 pesos of immediate *ayuda de costa* to finance the prince in Spain, plus 8,250 pesos to bring Melchor's wife and household from Cuzco to the court. The bargain ended up favoring Don Melchor.<sup>531</sup>

Melchor's classic biographer portrayed the Inca prince as an "ostentatious mestizo," the last in a long line of stubborn "pedigüeros" or importunate solicitors, constantly begging the Crown for a rent that he

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<sup>528</sup> For the *encomendero* upbringing of Don Melchor Carlos Inca in Cuzco, see "Ascendencia de Juan Carlos Inga," ms. BNE. Manuscritos, 20193, f. 18r ff.

<sup>529</sup> The entailed estate of a gentleman without a title of nobility might yield him only one or two thousand ducats a year. Brown and Elliott, *A Palace for a King: The Buen Retiro and the Court of Philip IV*, 106.

<sup>530</sup> "Felipe de Sierra, escribano de número de esta villa, con los bienes de Melchor Carlos Inca, sobre paga de 100 ducados," ms. 1616; "Leonor [sic: León] Vázquez, residente en Madrid, con los bienes de Mechor Carlos Inca, sobre paga de cantidad de reales," AGI, Escribanía, 1020A; Temple, "Los Testamentos Inéditos de Paullu Inca, Don Carlos y Don Melchor Carlos Inca. Nuevos Datos sobre esta Estirpe Incaica y Apuntes para la Biografía del Sobrino del Inca Garcilaso de la Vega."

<sup>531</sup> "Descendencia y servicios: Melchor Carlos Inca y otros: Cuzco," ms. 1600. AGI, Patronato, 191, R.20.

nevertheless dissipated in Peru and Spain.<sup>532</sup> This portrayal fails to see that the constant demands of this and other Inca princes for a pension significant enough as to let them live according to their class, rank, and quality, dressed in fine Spanish clothes and surrounded by Inca and Spanish *criados* and African slaves, were not the result of mere stubbornness or ambition. Rather, they were the expected behavior in the Ancient Regime. Like that of the Habsburg king, Melchor's prestige and status as the head of the colonial Inca nobility and one of the paramount *vecinos encomenderos* of Cuzco depended heavily on his largesse and ostentation in Peru and Spain. His maintaining a petit court made perfect sense within a society that viewed the equation of wealth, rank, and power as natural. From this perspective, Melchor's journey to secure a pension and other privileges was an appeal to the magnanimous king to restore the balance between the Inca's prominent rank and his decreasing patrimony as well as a successful attempt to increase both directly at court.

Thus, in a highly stratified society, the alleged poverty and need of some travelers in Spain, along with the Crown's support for their journeys, was of a relative and situational nature. It depended on the status, quality, and services of the individuals and lineages involved in each case. Humbler visitors usually expected an aid attuned to their lower class and quality, while visitors of a more prominent rank wished for much more than that. Nonetheless, travelers in general could recast themselves on paper as Inca nobles, *caciques*, *vecinos*, prominent *encomenderos*, or Indian commoners in need of protection, depending on which of these and other legal templates would suit best their aims at court at any given moment.

To begin with, native voyagers and their defenders could appeal to laws originally designed for Indian slaves. In determining who should receive

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<sup>532</sup> Temple, "Azarosa Existencia de un Mestizo de Sangre Imperial Incaica," 138-39.

royal protection to return to the New World, laws did not differentiate between such enslaved Indians, whom someone had *taken* to Spain, and natives who had traveled on their own initiative. In a 1667 memorandum, Andrés Champon, an Indian commoner from Saña, requested an *ayuda de costa* to return to his homeland. The council agreed to a travel aid of 41 pesos, "como a los naturales que se reducen a dichos Reynos de Indias." Officials had originally conceived these laws for enslaved Indians, but these cases forced them to sanction the policy of "reducing" Indians to the New World as of a general "Indian" application.<sup>533</sup>

Moreover, as discussed in the previous chapter, some travelers only needed to prove their "Indianness" to receive a license from the House of Trade. As early as 1557, Diego López, an Indian from Trujillo in Peru, received a license to return "because he is Indian" ("porque es yndio").<sup>534</sup> In 1626, Esteban Rodríguez, another Indian from Trujillo, appeared before the officials in Seville. He declared that, though he had come to "see" the kingdoms of Spain about three years ago, now he was ready to return. He said his parents were Indians from Trujillo ("mis padres que son naturales della yndios") and requested the license "atento a que por my persona consta ser natural de aquellas partes." The House of Trade granted the permit "atento que parese por su aspecto serlo [an Indian] y ser natural de las Indias."<sup>535</sup> In 1631, Juan de Oleandres, an Indian from Popayán, requested that the House of Trade provide for his passage fare and rations. He justified this grant in the following terms: "porque yo soy un moço pobre yndio y sienpre Su Magestad

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<sup>533</sup> "Memorial. Andrés Champon a S.M," ms. Madrid, 1.8.1667. AGI, Lima, 26; "Carta acordada del Consejo a Don Diego González de Arce, tesorero general, dándole orden de pago de 30 ducados de vellón a Andrés Champon, indio, como ayuda de costa," ms. Madrid, 1.14.1667. AGI, Indiferente, 439, l. 23, f. 247v-48r.

<sup>534</sup> "Libro de asiento de pasajeros," ms., 1557. AGI, Contratación, 5537, l. 1, f. 211v.

<sup>535</sup> "Expediente de información y licencia de pasajero a Indias de Esteban Rodríguez, indio, natural de Trujillo, a Perú," ms., 4.15.1626. AGI, Contratación, 5395, n. 4. For a similar case of an Indian from New Spain, see "Expediente de información y licencia de pasajero a indias de Martín, indio, natural de Nueva España, a Nueva España," ms., 5.17.1600. AGI, Contratación, 5261, n. 1, r. 21.

haze merced que se de pasaje y comida a semejantes yndios para que podamos bolber a nuestra patria y natural." Although the officials denied him passage fare and ration, they still issued the return license.<sup>536</sup>

Although the *encomendero* legal category was only available to a handful of travelers, they could also manipulate this template at court. Don Alonso Atahualpa appeared before the Council of the Indies in early 1585. Alonso was an *encomendero de indios*, for he had inherited a rent of 1,000 golden pesos (1,600 pesos) in *encomienda* Indians in Quito. As such, he had won a travel license from the *Audiencia*. In requesting a three-year extension of his license to remain in Spain, Alonso pulled the same card. His legal attorney wrote in a memorandum that his client had paid the deposits (*fianzas*) that *encomenderos* of his class were requested to pay if they wanted to solicit or litigate at the royal court, which forced them to return after two or three years. While petitioning at court, however, Don Alonso requested several *ayudas de costa*, as many Indians did, asking His Majesty that he "se conduela de su extrema necesidad y trabaxos que pasa Al presente en esta corte por no tener que comer ni menos con que tratar su persona conforme a su calidad."<sup>537</sup>

In 1598, the *cacique* Don Diego de Figueroa Cajamarca claimed he had journeyed to the king's court "mobido de lastima" of the grievances of the Indians of Huamachuco (in northern Peru), thus benefitting from the rhetoric of the good vassal. In November of that year, a *cédula* identifying him as "cacique" granted Don Diego 275 pesos for his return trip to Quito "atento a

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<sup>536</sup> "Expediente de información y licencia de pasajero a indias de Juan de Oleandres, indio, a Popayán," ms., 5.30.1631. AGI, Contratación, 5410, n. 12. For the similar case of Juan Bernal, an Indian from Santa Marta who claimed to have journeyed "a ver esta çiudad [Seville] y otras de España," see "Expediente de información y licencia de pasajero a Indias de Juan Bernal, indio, natural de Santa Marta, a Santa Marta," ms., 12.12.1607. AGI, Contratación, 5298, n.1, r. 24.

<sup>537</sup> Oberem, *Notas y Documentos sobre Miembros de la Familia del Inca Atahualpa en el siglo XVI*, 97. For the license to Don Alonso, see "Carta. La Audiencia de Quito a S.M.," ms. Quito, 3.26.1585. AGI, Quito, 8, r. 19, n. 50. The supreme judges wrote, "ba al presente a besar los pies a V.Md. y a suplicar se le haga mas mercedes a el y a su tia doña Isabel Atau guallpa y a sus hijos es el don Alonso hombre Virtuoso y que se ocupa En exercicios de tal y muestra buenas ynclinaciones." For Don Alonso's arguments while in Spain, see "Consulta del Consejo de Indias," ms. Madrid, 11.19.1586. AGI, Indiferente, 741, n. 133.



su necesidad." In 1580, however, a royal *cédula* had characterized Don Diego as a *vecino* of Quito, avoiding any mention to his Indian status. The king had awarded him and his immediate successor 600 *pesos* of rent in vacant Indians (*indios vacos*, or natives not awarded in *encomienda* yet), a grant that carried along the duties and obligations of a *vecino encomendero* like Don Diego de Figueroa or Don Alonso Atahualpa.<sup>538</sup>

#### *At His Majesty's Expense*

In their plea to King Philip to reduce a high tribute assessment, the lords and nobles of Huejotzingo in Mexico declared,

Though we greatly wish and desire to reach you and appear before you, were are unable, because we are very poor and do not have what is needed for the journey on the boat, nor things to eat, nor anything to pay people in order to be able to reach you.<sup>539</sup>

Among humbler native travelers, royal aid and protection commonly materialized in *limosnas* and *ayudas de costa* to finance the return trip to the New World. Throughout the sixteenth and seventeenth centuries, Indians received an average of 41 *pesos*. Some travelers, even if not of a high rank, could receive more. The Council granted Francisco Ulpo, "indio," almost 69

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<sup>538</sup> The royal decree did mention that Don Diego was "de los mitimaes" (Indian colonists) settled in Quito, but it only added, "que es la gente, de mas fidelidad que ay en aquella tierra." Don Diego received the grant of 600 *pesos* "para que los tenga y goze por su vida y la de un heredero conforme a la ley de la subçesion y con las demas cargas y obligaciones que tienen indios encomendados las demas personas de aquella provincia". "Real *cédula* al virrey de Perú para que sitúe cierta cantidad de indios vacos a Don Diego de Figueroa Cajamarca, vecino de Quito, por sus servicios," ms., 12.22.1580. AGI, Quito, 211, l. 2, f. 61v-62r. See also "Carta acordada del Consejo para que se dé, del fondo de penas de cámara, a Don Diego 200 ducados para que regrese a su tierra," ms., 11.16.1698. AGI, Indiferente, 427, l. 31, f. 61r; "Don Diego de Figueroa cacique de la Prouincia de Guamachuco que es de la corona Real en caxamalca de los Reynos del Peru. Pide se le haga merced del officio de Alcalde mayor de naturales de aquella Prouincia y Visitador de sus propios y rentas y oficiales," ms., 10.7.1598. AGI, Lima, 134. Don Diego's 1577 proof of merit has been published in Espinoza Soriano, "Los Mitmas Huayacuntu en Quito o Guarniciones para la Represión Armada, siglos XV y XVI." The journey of Don Felipe Guacrapaucar to the royal court presents a similar strategy. In requesting a coat of arms for himself, Don Felipe appeared as a "vecino." When acting in favor of the Indian commons of Luringuanca, Don Felipe is identified as "cacique." See the royal decrees concerning this traveler included in AGI, Lima, 569, l. 11.

<sup>539</sup> Lockhart and Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, 166.

pesos to journey from Madrid to Seville.<sup>540</sup> Native voyagers also received the frequent *merced* of sailing gratis in the royal fleet, a privilege customarily reserved for colonial officials, soldiers, and priests. Sea captains and officers had to accommodate returning Indians in their ships according to their "quality." They were also to provide the daily provision regularly served to a soldier (*soldado*)—another clue as to the Indians' status in the eyes of metropolitan officials.<sup>541</sup>

In 1574, for instance, the council issued a royal decree on behalf of Don Sebastián Poma Hilaquita, allowing him to take the Tierra Firme fleet. He received free passage and a daily ration "as if he were a soldier" ("como si fuera soldado"), along with the privilege of carrying two swords, one dagger, and one musket.<sup>542</sup> In 1582, Don Agustín Guascata, "indio, natural del pueblo y repartimiento Huamachuco," returned to Peru in the royal armada of Captain Diego Flores de Valdés.<sup>543</sup> Between 1666 and 1667, Sebastián Inquil Yupanqui received passage, ration, and 41 pesos, but no wage (*sueldo*), to return to Cuzco from Spain.<sup>544</sup> In 1608, Bartolomé Inga y Orosco, grandson of Atahualpa, returned from Madrid to Portobello with the royal fleet, "en plaza de soldado por ser pobre y no tener con que hazer su viaje." Aside from the customary license from the king, he received a royal *cédula* for the governor

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<sup>540</sup> "Carta acordada del Consejo a Diego de Vergara Gaviria, su receptor, dándole orden de pago de 50 ducados para Francisco Ulpo, indio, para ayuda de costa y que pueda embarcarse para volver al Perú," ms. Madrid, 4.6.1618. AGI, Indiferente, 428, 1.35, f.44v.

<sup>541</sup> Military rations in Seville in 1626 cost the Crown about 1.7 reales per day. Phillips, *Six Galleons for the King of Spain: Imperial Defense in the Early Seventeenth Century*, 243.

<sup>542</sup> "Real cédula a los oficiales de la Casa de Contratación permitiendo a Don Sebastián Poma Hilaquita, indio, regresar a Perú en una de las naos capitana o almiranta, de la flota que irá a Tierra Firme, sin llevarle flota," ms. El Pardo, 8.10.1574. AGI, Indiferente, 1968, 1.20, f. 6v-7r.

<sup>543</sup> "Agustín Guascata, indio natural de Huamachuco, hijo de indios, al Perú," ms. Seville, 23.2.1582. AGI, Contratación, 5538, 1.1, f.442r.

<sup>544</sup> "Memorial. Sebastián Inquili [sic] Yupanqui a S.M.," ms. Madrid, 10.27.1666. AGI, Lima, 26; "Carta acordada a Don Diego González de Arce, tesorero general, dándole orden de pago de 30 ducados de vellón a Sebastián Inquil Yupanqui, indio, como ayuda de costa," ms. Madrid, 10.27.1666. AGI, Indiferente, 439, 1.23, f.213v-14r; "Sebastián Inquil Iropanqui [sic], indio, a Cuzco: Se le despachó a la ciudad de Cuzco por virtud de orden del Consejo. Que se le dé embarcación y ración sin sueldo," ms. 1.12.1667. AGI, Contratación, 5540a, 1. 1, f. 37v.

of Tierra Firme. It ordered him to accommodate the traveler in the Armada de la Mar del Sur sailing to Peru under the same conditions. In spite of his declared poverty, Bartolomé Atahualpa took a Spanish *criado* with him.<sup>545</sup>

This royal support for the trip becomes all the more important if one considers that 30 ducats (41.25 pesos) was by no means a negligible sum in the early Atlantic world. Iberian passengers paid those 30 or 40 ducats as the total cost of the trip (passage plus provisions) to the Indies in 1580.<sup>546</sup> Those 330 *reales* were ten times as much as the monthly wage of an apprentice seaman on the Spanish Treasure Fleet between 1567 and 1623. This sum was much less than what an admiral or a captain-general of the fleet made in a month between 1628 and 1635 but still more than what a pilot, a master or a captain would earn during that period.<sup>547</sup> Typical Iberian voyagers traveled in a cabin, while the more affluent ones could purchase a chamber for four adults, two children, and their baggage for about 110 to 165 pesos.<sup>548</sup> Judging by these amounts, some Indians had a more comfortable journey back than some of their Spanish counterparts of low or middle status did. In 1660, Don Juan de Azabache and Nicolás Flores, "indios que vinieron del Perú," received 137.5 pesos each for their trip back home.<sup>549</sup>

Moreover, travel expenses were beyond the economic means of most Iberian emigrants to the New World. Such expenses included notarial and administrative fees—the customary "Information of purity of blood" ("Información de limpieza de sangre") for example—travel from the emigrant's hometown to Seville, the stay in Seville awaiting departure of the fleet, and

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<sup>545</sup> "Expediente de información y licencia de pasajero a indias de Bartolomé Atabalipa Inca, a Perú," ms. Seville, 1.26.1608. AGI, Contratación, 5307, n.2, r.3.

<sup>546</sup> Jacobs, "Legal and Illegal Emigration from Seville, 1550-1650."

<sup>547</sup> Phillips, *Six Galleons for the King of Spain: Imperial Defense in the Early Seventeenth Century*, 237-40.

<sup>548</sup> Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 189, Jacobs, "Legal and Illegal Emigration from Seville, 1550-1650," 67.

<sup>549</sup> AGI, Lima, 26.

passage, accommodations, and provisions on the ship. A comparison between these expenses and the known wages of some occupations in Castile and Andalusia led Auke Pieter Jacobs to conclude that savings from those wages alone were not enough to finance the journey. Emigrants who went on their own account either needed to sell their properties or depended on remittances sent by relatives overseas.<sup>550</sup>

Thus, the king clearly fulfilled his obligation to help and favor the Indians by facilitating their long journey—that the traveler be “ayudado y favorecido,” as the documents usually declare.<sup>551</sup> As not all the Indians were equal, such privileges and graces would be in accordance with the voyager’s social rank and prominence. Depending upon the rank and status of the visitor, some grants of this sort could be very significant. Though exceptional in this respect, members of the Inca royal family received substantial *mercedes* to travel to Spain. In September of 1577, Captain Don Martín García de Loyola secured two royal *cédulas* granting him an annual pension of 1,000 *pesos* partially to pay for the trip to Spain of his Indian wife Doña Beatriz Clara Coya, noble daughter of Don Diego Sayri Tupac Inga Yupanqui and Doña María Cusi Guarca y Coya.<sup>552</sup> The famous Don Melchor Carlos Inca left Peru for Spain in May of 1602, after securing a stipend while waiting for the royal fleet to depart, along with 6,000 ducats (some 8.250 pieces of eight) for traveling expenses, all by order of His Majesty. For the

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<sup>550</sup> Jacobs, “Legal and Illegal Emigration from Seville, 1550-1650,” 65-69.

<sup>551</sup> In 1648, for example, the king favored Don Joaquín García de Morales, “indio principal del pueblo de Otavalo,” by issuing a decree to the royal officials of Panamá. The document informed them of Don Joaquín’s journey and ordered that they provide the traveler with passage and provisions to continue the trip, “sin detenerle por causa alguna.” “Real cédula a los oficiales reales de Panamá, para que en cuanto llegue a aquella provincia Joaquín García de Morales, indio principal del pueblo de Otavalo, el cual regresa de estos reinos, le den embarcación y avio para proseguir su viaje, sin detenerle por causa alguna,” ms. Madrid, 7.17.1648. AGI, Panamá, 238, l.16, f. 127v-28r.

<sup>552</sup> “Reales cédulas [...] por las quales S.M. hizo merced de 1000 pesos de renta anual en Yndios a Martín Garcia de Loyola, para que condujese a España à Doña Beatriz Clara Coya su Muger, hija de Don Diego Sairi Tupac, y sobrina de Don Felipe Tupa-Amaro, àdemas de los 1500 que le concedió el señor Toledo,” ms. San Lorenzo, 9.16 and 9.30.1577. ARC, Colección Betancourt, Vol.3, f. 114r-19v.

purpose of comparison, it is noteworthy to mention that, towards the end of the seventeenth century, the general commissary of the Franciscans, who represented the American interests of the order at the royal court, received only 500 ducats (687.5 pesos) of *limosna* for supporting himself and his legal affairs in Spain.<sup>553</sup> In the eighteenth century, a royal official journeying from Cádiz to New Spain received 2,000 pesos for his travel expenses.<sup>554</sup>

For the Crown, accommodating Indian travelers in the royal fleet had an additional benefit. It increased the chances of a safe arrival, hence preventing native visitors from remaining in Spain or sneaking out of the ship in one of the intermediate stops along the way. In 1660, for instance, Nicolás Flores, "indio," received 137.5 pesos to cover his travel expenses as well as those of his wife and son. However, the award stipulated that he was to receive the first 100 pesos in Madrid and the rest only after appearing before the officials of the House of Trade in Seville.<sup>555</sup> In 1653, Juan Quelpen, "indio del Perú" received the same amount to make his journey from Madrid to the Andes. Officials were ordered to give the 1,100 reales to Don Pedro de Salazar, recently appointed *corregidor* of Trujillo in Peru, with the obvious intention of forcing the Indian visitor to travel with the magistrate.<sup>556</sup> In 1678, the members of the Council of the Indies responded to a previous letter of the president of the House of Trade regarding the arrival of the troublesome Jerónimo Lorenzo Limaylla to Seville. Jerónimo

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<sup>553</sup> "Memorial de Juan Luengo, comisario general de las provincias de las Indias del orden de San Francisco para que se le pague lo que se le está debiendo por sustento y limosna que les da el Rey," ms., 2.1.1680. AGI. Lima, 26.

<sup>554</sup> "Carta. Don Luis de Velasco a S.M.," ms. Lima, 12.7.1600. AGI, Lima, 34; "Carta. Don Luis de Velasco a S.M.," ms. Lima, 5.5.1602, AGI, Lima, 34. For New Spain, see Cutter, *The Legal Culture of Northern New Spain, 1700-1810*, 57. In 1747, Don Juan Buastamante Carlos Inca received 4,000 pesos of 15 reales de vellón for his journey back from Madrid to Cuzco. "Memorial de Don Juan Bustamante Carlos Inca a S.M.," ms. Madrid, 11.21.1759. CVU, Vol. 35, Doc. 16, p. 209-215.

<sup>555</sup> "Libramiento a favor de Don Juan de Açauache y Nicolas Flores, indios que vinieron del Perú," ms. 1660. AGI, Lima, 26.

<sup>556</sup> "Real Cédula a Don Juan Bautista Berardo, tesorero general, dándole orden de pago de 100 ducados en vellón a Don Pedro de Salazar para que con ellos envíe al Perú a Juan Quelpen, indio," ms. Madrid, 8.24.1653. AGI, Indiferente, 437, l.17, f.62r-v

could not make it on time to embark in the fleet that had just departed. The council asked the president of the House of Trade to entertain (in this context, detain) Jerónimo in the city and embark him in the first official ship sailing to Peru.<sup>557</sup>

In the 1560 letter of the *cabildo* of Huejotzingo to Philip, the lords and noblemen declared,

For we hear and it is said to us that you are very merciful and humane towards all your vassals; and when there appears before you a vassal of yours in poverty, so it is said, then you have pity on him in your very revered majesty, and in God omnipotent you help him.<sup>558</sup>

Indeed, native travelers requested all sorts of *ayudas de costa* at different stages of the trip. Royal grants were not restricted to passage fares, provisions, letters of recommendation to officials in the Indies, and exoneration from notarial and administrative fees related to the transatlantic journey. The list includes myriad items such as room and board, charity, medical assistance, marriages, and funerals, along with pensions for the traveler and his relatives, and even money to print *memoriales* and prepare *informaciones*. Consider the following example. Between December of 1566 and June of 1567, Don Luis de Velasco, a *cacique* from Ajacan (in what the Spanish then called "La Florida"), and his Indian *criado* stayed at the royal court. During his stay, the *cacique* was provided full room and board in an inn (*posada*) in Madrid, costing the king five *reales* a day, or roughly three times the daily wage of a laborer in New Castile.<sup>559</sup> Between December of

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<sup>557</sup> "Carta de Don Francisco Fernández de Madrigal a Don Juan Jiménez de Montalvo para que entretenga en Sevilla a don Jerónimo Limailla para hacerle embarcar en el primer navío de aviso que vaya al Perú." Madrid, 8.16.1678. AGI, Indiferente, 441, l. 29, f. 177r. The letter of the council reads as follows: "Señor Don Juan Ximenez de Montalvo: En el Consejo se a Visto su carta de VM de nuebe del Corriente en que da cuenta de hallarse en esa Ciudad de Seuilla Don Geronimo Limailla por no hauer llegado a tiempo de embarcarse en los Galeones, y se a acordado diga Vm que le baya deteniendo ay para hazerle embarcar en el primer Navio de auisso que Vaya al Peru teniendo esta orden en secreto hasta que llegue el casso de executarla. Guarde Dios a Vm como deseo. Madrid 10 y seis de Agosto de mill y seiscientos y setenta y ocho. Don Francisco Fernández de Madrigal."

<sup>558</sup> Lockhart and Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, 166.

<sup>559</sup> Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650*, 397.

1566 and April of 1567, the Council of the Indies paid for the materials and the labor needed to manufacture clothes and shoes for Don Luis's personal attire and that of his dependant in Madrid.<sup>560</sup> The total expenses, some 82.5 pesos, equaled ten times the yearly monetary remuneration of a gardener in Old Castile-León.<sup>561</sup> The Council also provided Don Luis with a rosary so he could attend mass in an appropriate manner. Thus, he visited the church of Nuestra Señora de Atocha every Sunday and on every religious holiday. Each time, he gave one *real*, also provided by the Council, to charity (*limosna*). Don Luis also received two *reales* to bequeath a mass for his soul as well as one or two *reales* every end of the week so he could distribute them among the paupers and beggars of Madrid. At the expense of the council, Don Luis visited a barbershop once or twice every month (at a cost of one *real* per visit). He also received 16 *maravedíes* (less than one *real*) to enjoy himself at a theatrical play before he left for America. As with many other indigenous travelers, two royal decrees ordered the House of Trade in Seville

<sup>560</sup> The list of these particular expenses includes the following items:

Date	Merced	Amount( <i>reales</i> )
12.13.66	5 varas para sayo y capa; 3 camisas; 18 botones; 1 jubón, 1 gorra de terciopelo, 1 sombrero de tafetán con trenza y cairel de oro y plumas	170+
12.24.66	1 cofre; 3 camisas de ruan, 3 varas de Holanda para 12 pañuelos de narices; 2 escofias de Holanda; 2 pares de zapatos sencillos y 2 pares de pantuflos de corcho	116.5
3.8.67	Unas calzas	??
3.22.67	2 pares de escaarpines + 1 cadena de alquimila falsa; 3.5 varas de paño para capote y ropa (for the criado); unas calzas; de tundir el paño; 1 jubón; 1 camisa; forro para la ropa; hechura, botones y bebederos; agujetas; 2 pares de zapatos	110.5
6.14.67	4 varas y media de paño para capa y sayo; de tundir el paño; seda para coser el vestido; 3 varas y media de fustán pardo para forro del sayo; tafetán para bebederos; hechura del vestido, botones y ojales; pares de zapatos; 2 varas y media de seda colorada para atar calzas	128.5
6.19.67	1 capote negro; 1 jubón; 1 sombrero; unas espuelas; una bolsa de arcón para llevar camisas y otras cosas de camino; unas medias calzas negras	136
	Total	661.5

<sup>561</sup> One must keep in mind, however, that most workers whose wages were estimated by the year ordinarily received, in addition to their monetary wage, allowances of meat, bread, and wine, and either lodging or a dwelling. Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650*, 267-68, 393-97.

to provide Don Luis with fares and provisions for his trip back to the Caribbean.<sup>562</sup>

Throughout the period covered in this study, *caciques* of middle rank customarily received three or four *reales* for their daily provisions (*para su sustento*) at court. This amount seems to have been twice the average daily wage of a laborer in Castile in 1578. In that year, Spanish soldiers made only 1.1 reales a day. In 1635, they were making between 1.1 and 2 reales daily.<sup>563</sup> Moreover, many individuals in sixteenth- and seventeenth-century Madrid, including priests and petty bureaucrats of the Council of the Indies, received a payment for taking care (*custodiar*) of some of these Indian visitors, apparently in their homes.<sup>564</sup> In 1582, the council also defrayed the costs of Don Carlos Tito Amaro's illness with an allocation of 12 ducats.<sup>565</sup> Don Diego de la Torre, *cacique* of Turmequé, in the jurisdiction of the *Audiencia* of Santa Fe, stayed at the court for nine years, between 1578 and 1587. During that period, he received at least twelve *mercedes* allowing him to survive in Spain. Between April and May of 1578, for instance, he enjoyed four *reales* per day "para su sustento," or twice the average wage of a

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<sup>562</sup> Esteban Mira Caballos presents a detailed account of these expenses in Esteban Mira Caballos, "Indios Nobles y Caciques en la Corte Real Española, siglo XVI," *Temas Americanistas* 16 (2003): 5. About the return journey of Don Luis, see "Real Cédula a Juan Gutiérrez Tello, tesorero de la Casa de la Contratación para que provea de pasaje y matalotaje a Luis de Velasco, indio cacique, hasta llegar a la Isla Española," ms.; "Real Cédula al presidente de la Audiencia Real de Santo Domingo para que provea del pasaje y matalotaje hasta la Habana a Luis de Velasco, indio cacique de Asacan," ms. Madrid, 6.10.1567. AGI, Indiferente, 1967, 1.16, f. 209r-v

<sup>563</sup> Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650*, 398, Phillips, *Six Galleons for the King of Spain: Imperial Defense in the Early Seventeenth Century*, 240.

<sup>564</sup> "Carta acordada del Consejo a Ochoa de Luyando, su secretario, dándole orden de pago de 7.500 maravedis para Bernabé de la Fuente, clérigo, beneficiado en la iglesia de Sta. Cruz de Madrid, por la custodia de un indio," ms., 2.21.1567. AGI, Indiferente, 425, l. 24, f. 319v-20r; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 50 reales a Pedro Romero, portero, para la paga de la fianza que hizo de un indio," ms., 3.31.1587. AGI, Indiferente, 426, l. 27, f. 156r-v; "Carta acordada del Consejo a D. Pedro de Mata Velasco, su tesorero general, dándole orden de pago de 1859 reales y medio para Amador de Avila portero, por el gasto ordinario de Indio," ms., 11.5.1650. AGI, Indiferente, 437, l. 15, f. 261r-v.

<sup>565</sup> "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándoles orden de pago de 12 ducados a Pedro Romero, portero, para gastos en curas a D. Carlos Tito Amaro, indio, que se encuentra enfermo," ms. Madrid, 3.31.1582. AGI, Indiferente, 426, l. 27, f. 24r.



laborer in New Castile.<sup>566</sup> At the end of that year, the king authorized 275 pesos for the *cacique's* journey back to Santa Fe. Several other graces awarded between 1586 and 1587, in a total amount of 843.25 pesos, were given "atento a su necesidad, para ayuda a sustentarse." In April of 1590, the council dispatched almost eight pesos to cover Don Diego's funeral in Madrid. Juana de Oropesa, Don Diego's Spanish widow, was granted 495 pesos in perpetual pension and an extra 275 pesos

teniendo consideracion a lo que me siruio [Don Diego] y que falleçio en esta corte dejando con mucha neçesidad a doña Joana de Oropesa su muger y a los hijos que tenia della.

Juana's pension was the equivalent of twenty times the yearly monetary salary of a miller in Andalusia. Still in 1596, the council awarded Juana de Oropesa another 2.75 pesos to help her pay for the funeral of the one child that she bore the *cacique* of Turmequé.<sup>567</sup>

In 1644, Don Carlos Chimo and Don Andrés de Ortega Lluncon, *caciques* of Lambayeque in the north coast of Peru, appeared before the council to denounce a series of abuses against native communities during the second

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<sup>566</sup> Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650*, 398.

<sup>567</sup> *Ibid.*, 399. However, Juana de Oropesa had to wait some thirty-six years for the *merced* of a perpetual rent to be effective. "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 20 ducados a Don Diego de Torre, cacique del Nuevo Reino de Granada, para su Mantenimiento," ms. Madrid, 1.22.1578; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de tres reales diarios durante dos meses a Diego de Torre, cacique, para su sustento," ms. Madrid, 2.13.1578; "Carta acordada del Consejo a Antonio de Cartagena, su receptor, dándole orden de pago de 10 ducados por una vez a Diego de Torre, cacique de Turmequé," ms. Madrid, 7.29.1578; "Real cédula a los oficiales de la Casa de la Contratación para que den a Don Diego de la Torre, cacique de los pueblos de Turmequé, en el Nuevo Reino de Granada 100 ducados para que pueda volver a dicha provincia," ms. Madrid, 12.28.1578; "Real cédula a Antonio de Cartagena receptor del Consejo, dándole orden de pago de 100 ducados por una vez a don Diego de Torre, cacique de Turmequé, para que pueda volver al Nuevo Reino de Granada," ms. Madrid, 12.28.1578; "Real cédula a Diego Ruiz Osorio, su receptor, dándole orden de pago de 200 ducados, por una vez, a la viuda e hijos de Don Diego de Torre, cacique de Turmequé en el Nuevo Reino de Granada," ms. Madrid, 12.23.1591; "Carta acordada del Consejo a Diego Ruiz Osorio, su receptor, dándole orden de pago de dos ducados por una vez a Doña Juana de Oropesa, viuda de Don Diego de la Torre," ms. Madrid, 3.14.1596. AGI. Indiferente, 426, l. 26, f. 70v, 75v-76r, 112v, 143r; AGI, Indiferente, 426, l. 28, f. 116r-v, 242v; AGI, Indiferente, 1969, l. 22, f. 246r-47r; "Poder. Juan de Oropesa a Juan de Ortuño," ms. Madrid, 10.10.1603. AHP, Protocolos (Juan de la Cotera), n. 1819, f. 926r-v; "Bienes de difuntos: Juan de Oropesa," ms. 1632. AGI, Contratación, 959, n. 19.

*composición de tierras* (land-title confirmation hearings).<sup>568</sup> They stayed at court for about two years, costing the council 1,959 *reales* (some 245 *pesos* of eight). During their stay, Don Andrés and Don Carlos had many items of their attire made for them, for a total cost of 105.25 *pesos*, the equivalent of seven times the yearly monetary salary of a laundress in Old Castile-León or a maidservant in New Castile.<sup>569</sup> Further, between at least July of 1644 and August of 1647, the council provided Don Carlos Chimo with two or three *reales* per day for his meals. Apparently, it also defrayed the costs of Chimo's long illness. In January of that year, Don Andrés was awarded 50 *pesos* for living expenses. In October, both received 77.5 *pesos* to pay for travel costs between Madrid and Seville, plus other 62.5 *pesos* to reach Cádiz.<sup>570</sup>

#### *Final Remarks*

The increasing litigating activity of Andean Indians and *caciques* during the 1550s and 1560s shaped official policies in four respects. First, it fed imperial obsessions about "fixing" Indians in place. Second, this activity reinforced negative attitudes towards Indian "litigiousness." Third, such litigation stimulated the development of a web of royal magistrates, protectors, solicitors, and attorneys for channeling native litigation on both sides of the Atlantic. Finally, it informed metropolitan legislation banning *caciques*, and by extension other native leaders, from voyaging overseas.

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<sup>568</sup> A recent and well-documented study by Luis Miguel Glave explores some of the details surrounding these two travelers in Spain. Glave, "Gestiones Transatlánticas: los Indios ante la Trama del Poder Virreinal y las Composiciones de Tierras (1646)."

<sup>569</sup> Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650*, 402.

<sup>570</sup> "Carta Acordada del Consejo a Pedro de Mata Velasco, Tesorero General, Dándole Orden de Pago de 1959 Reales a Amador de Ávila, Portero, Por Lo Que Gastó En Vestir Y Enviar a Cádiz a Andrés Ortega Y Carlos Chino [sic], indios," ms. Madrid, 11.23.1647. AGI, Indiferente, 436, l. 14, f. f.39r-v; "Relacion de lo que gaste el mes de setiembre pasado En los uestidos y Ropa Vlanca que Compre para Don Carlos chimo y Don andres de Ortega lluncon caciques y el dinero que di asta ponelles en Cadiz," ms. Madrid, 11.1647. AGI, Contaduría, 188.

Nevertheless, imperial quandaries described in this chapter empowered native travelers to stay at the royal court, sometimes for several years. Indians should not go to Spain. Once they had reached the court, however, failing to hear, protect, and reward them would be against royal justice. As they did in the Andes, natives quickly learned to manipulate ensuing conflicts between king and council for their own benefit. They also appropriated some of the legal categories and discourses imposed on them, this time in an Atlantic setting. In particular, the journeys of natives to the palace of the king would unfold in the ambiguous space created between the complementary images of the litigant *cacique* and the Indian slave, which Indian travelers would manipulate along with other discourses about their legal minority and alleged poverty. Poor and helpless almost by definition, Indians would request that the king fulfill his obligations with these vassals in order to support their trips to the royal court. *Caciques* and commoners, nobles and tributaries, all would expect and even demand the king's benevolent protection according to their own services and status. By recasting themselves as loyal vassals whose only interest (and duty) was to allow the king to "see" the injustices committed in America, they legitimized their trips on grounds that metropolitan authorities found extremely difficult to dispute.

Moreover, since their first voyages, indigenous travelers had set countless legal precedents, gradually shaping imperial law and custom as to allow future travelers to continue journeying to the center of the Habsburg realm. Indian travels across the Atlantic illustrate a profound knowledge of the imperial judicial system as well as of the bureaucratic framework regulating voyages between Peru and Spain, even if to circumvent them (as usually happened). Further, these travels implied an awareness of the intricacies of court politics and intrigues. Solicitation at court, persistent search for favors, and cultivation of influential connections were

part of a process of political maneuvering that took many years to achieve. In fact, indigenous journeys built upon previous experiences and strategies. From this perspective, the overall process of reaching the court appears as a cumulative and collective experience developing throughout a period of more than three centuries.

With these and other precedents in mind, the arguments presented by Jerónimo Limaylla, an Indian traveler, to justify his request of a royal aid to return to Peru come as no surprise. In his petition, Limaylla reminded the council, "a otros naturales de las yndias que an buelto lo an socorrido como lo ycieron con D. Nicolas Flores y D. Andres de Ortega y Don Carlos y otros muchos se les a socorrido con ayudas de costa." By the last third of the seventeenth century, when this document was drafted, Limaylla's argument was a hard one to rebuke. He got 200 *reales*.<sup>571</sup>

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<sup>571</sup> "Memorial. Don Jerónimo Lorenzo Limaylla al Consejo de Indias," ms., 9?.30.1671. AGI, Indiferente, 640.

## CHAPTER 5

### AN INTERVIEW WITH THE KING: NATIVE LEGAL CULTURE AND ROYAL JUSTICE

No ai mejor Cosa que ir a beuer el agua donde tiene Su origen que es la  
Cortte

Juan Lorenzo de Ayun y Córdoba to Father Fernando de la Carrera. Mexico City,  
July 22, 1653

The reciprocal pact between the king and the Indians was one of the foundational metaphors of rule underpinning the colonial order. In this contractual formulation of royal power, the Habsburg monarch had conferred special privileges on the conquered native populations in exchange for their loyalty, their surrendering of political sovereignty, and their fulfilling of tributary and labor obligations. This colonial compact was the source of corporate prerogatives for the Indians. Their special status materialized in usufruct rights over communal lands and pastures held since time "immemorial," political autonomy in the form of self-regulated town councils, and legal protection in viceregal and royal courts throughout the empire.<sup>572</sup> According to this ideology, royal justice, especially in its distributive

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<sup>572</sup> The seminal formulation of the "tributary pact" between the king and the Indian communities is Tristan Platt, *Estado Boliviano y Ayllu Andino: Tierra y Tributo en el Norte de Potosí* (Lima: Instituto de Estudios Peruanos, 1982). See, also, —, "The Andean Experience of Bolivian Liberalism, 1825-1900: Roots of Rebellion in 19th-Century Chayanta (Potosí)," in *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18th to 20th Centuries*, ed. Steve J. Stern (Madison: University of Wisconsin Press, 1987). For important developments of this concept in the late-colonial, independence-, and postcolonial periods, see Brooke Larson, *Trials of Nation Making: Liberalism, Race, and Ethnicity in the Andes, 1810-1910* (Cambridge; New York: Cambridge University Press, 2004), Peter Guardino, *Peasants, Politics, and the Formation of Mexico's National State: Guerrero, 1800-1857* (Stanford: Stanford University Press, 1996), Cecilia Méndez Gastelumendi, *The Plebeian Republic: The Huanta Rebellion and the Making of the Peruvian State, 1820-1850* (Durham: Duke University Press, 2005), Serulnikov, *Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes*, Mark Thurner, *From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru* (Durham: Duke University Press, 1997).

type, was the paramount manifestation of the king's legitimacy. Justice was, in this sense, to give each person his or her due, no more, no less. Therefore, a legitimate king was a just king. The monarch appeared as a symbol of equity, a benevolent father, an impartial and divinely ordained judge towering above partisan interests and arbitrating social discord. To rule was both to govern and to adjudicate.<sup>573</sup>

Crown officials exposed the native populations of the Andes to the doctrine of the just and benevolent "father king" since the early days of the Conquest.<sup>574</sup> Well into the eighteenth century, colonial authorities still constructed the image of the king and the royal court as the ultimate source of all justice.<sup>575</sup> Indian views about the contractual legitimacy of the Spanish king emerged clearly during the great indigenous uprisings of the late eighteenth-century and the neo-tributary liberal era inaugurated after Independence. On that occasion, Indian delegates, sometimes after long journeys to provincial and viceregal legal forums, requested authorities to

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<sup>573</sup> Cutter, *The Legal Culture of Northern New Spain, 1700-1810*. For a seventeenth-century example of the notion of king-judge among American subjects, see Juan Ortiz de Cervantes. "Para Bien al Rey D. Felipe III N.S. que da la cabeza del Reyno del Piru. En su nombre El Lic. Iuan Ortiz de Ceruantes Su Procurador General, en la Corte," ms., n.d. Biblioteca Nacional de Chile. Sala Medina, Perú, Folletos Coloniales, 8.

<sup>574</sup> In a letter written in 1539, Bishop Vicente de Valverde told Emperor Charles of his efforts to convince the Indians to serve the Spaniards settled in Peru, "yo les he platicado muchas veces, diciendo como V. M. los quiere como hijos y los llama hijos y que no quiere que se les haga agravio ninguno, é que juntamente con esto quiere mucho á los cristianos que están en estas tierras, é quiere que les sirvan é mantengan y den de lo que tuviesen." "Carta del obispo del Cuzco, fray Vicente de Valverde, al emperador sobre asuntos de su Yglesia y otros de la gobernación de aquel país." 3.20.1539. Torres Saldamando, *Libro Primero de Cabildos de Lima. Parte Tercera. Documentos*, 97.

<sup>575</sup> In 1781, Don Juan Manuel Moscoso y Peralta, bishop of Cuzco, wrote a letter to the rebels Diego and Mariano Túpac Amaru, persuading them to surrender. In his communication, the bishop wrote, "Yo oiré con gusto qualesquiera derechos que podais exhibir. Yo los representaré con toda la justicia que tubieren y los reforzaré con toda la eficacia que les puede dar mi carácter. Hablaré con un rey que es el erario mismo de la equidad, que pone todo su honor en el bien de sus vassalos, en ver como propios aun los menores intereses de los mas desvalidos." "Pastoral que dirige el Obispo del Cuzco a Diego Túpac Amaru y a su sobrino Mariano," Cuzco, 9.15.1781, published in, Comisión Nacional del Bicentenario de la Rebelión Emancipadora de Túpac Amaru, *Colección Documental del Bicentenario de la Revolución Emancipadora de Túpac Amaru*, 5 vols. (Lima: P.L. Villanueva, 1980), 2:649.

honor the old tributary pact by upholding a series of prerogatives and privileges.<sup>576</sup>

However, we still know very little about how colonial interactions wove the tributary pact throughout the fabric of indigenous societies during the first two centuries of Spanish rule. Nor do we fully understand how Indian subjects interpreted and contested the symbolic dimensions of the king's authority in his overseas empire. How did the Indians envision the king? How did they define legitimate royal authority and the characteristics that delegates of that authority should have? This chapter ties together various themes and problems that previous chapters have revisited and expanded. It traces one particular representation of the dominant ideology of royal power, which I will call the scene of the "interview" with the king. In discussing the interview, my goal is to explore some of the symbolic dimensions of Indian legal pilgrimages to the royal court.

Litigation in colonial courtrooms constituted a privileged site of interaction, a true "contact zone" between the Indians and the monarch.<sup>577</sup> As explained in the Introduction, however, Andeanists tend to conceptualize native contentious activity in terms of a "tragedy" disguised as a "success."<sup>578</sup> In this view, litigation pitted natives against each other, increasing internal divisions and sanctioning native dependency upon the king

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<sup>576</sup> See, for instance, "Autos seguidos por D. José Jiménez y por el común de indios del pueblo de San Juan Bautista de Chupaca, en la provincia de Jauja, contra Da. Manuela Dávila, cacica y gobernadora de dicha provincia, y contra Miguel Dávila, sobre deslinde y amojonamiento de las tierras denominadas Aguac, Amrao-Cancha, Anta, Molino, Viejo, Molino de Chinchina, Huamancaca y otras que pertenecían al real patrimonio, y que los dichos Dávila tenían detentadas, al decir de la parte contraria," ms., 1786-1794. AGN, Derecho Indígena, C. 421, L. 24; "Autos que D. Juan Quispe Alaya, alcalde ordinario del pueblo de San Juan Bautista de Chupaca, en la provincia de Jauja, promovió por sí y a nombre de su común contra Da. Manuela Dávila, cacica de aquel repartimiento, y sobre propiedad de unas tierras y pastos en el paraje denominado Guacancha en términos de Aguac y Qisguar-Puquio que la referida Da. Manuela le había ocupado y retenido sin derecho," ms., 1790-95. AGN, Derecho Indígena, C. 445, L. 24.

<sup>577</sup> I borrow the expression from Charles, "'More *Ladino* Than Necessary': Indigenous Litigants and the Language Policy Debate in Mid-Colonial Peru." See, also, Yannakakis, *The Art of Being in-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca*.

<sup>578</sup> Spalding, *Huarochirí, an Andean Society under Inca and Spanish Rule*, 135, 57-58, 67, 223-29, Stern, *Peru's Indian Peoples and the Challenge of Spanish Conquest: Huamanga to 1640*, 115-25, 35-37, 58-70.

to solve internal and external disputes. One of the premises underlying this interpretation is the somehow dated conceptualization of the "colonial state" as a monolithic structure, a set of laws and institutions "established" or "consolidated" in the Andes sometime in the 1570s (and by Viceroy Francisco de Toledo, to be more precise).

Nevertheless, one can also approach the problem of Indian-state relations in the Habsburg period from an alternative perspective. Other views emphasize the symbolic aspects of power and the slow construction of the rule of (state) law.<sup>579</sup> In his study of political culture in New Spain, Alejandro Cañeque privileges the personal dimensions of Habsburg monarchical power, showing that subjects framed the bond uniting them with the king not into the language of service to an impersonal state but as a personal relationship of mutual dependency, vassalage, and loyalty with the sovereign. The person of the king "embodied" the state; both were still inseparable. In other words, subjects did not necessarily conceive of the state as independent from those who, through the delegation of royal authority, were in charge of it. For Cañeque, "The ruler, far from being distinguishable from the institutions of the state, [was] said to possess and even embody those institutions himself."<sup>580</sup> Indian duties such as tribute and *mita*, for example, were due not to the Habsburg state but to the king and viceroys and *Audiencia* justices were servants (*criados*) of His Majesty, united to him by personal links of dependence.

Indians actively participated in colonial political culture. A previous chapter has discussed the public appearances and processions of *caciques*,

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<sup>579</sup> See Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, esp. chapters 4 and 7. In this work, Benton contends that legal pluralism and jurisdictional complexity, along with the juxtaposition of multiple legal forums and personnel, predated the "colonial state" as such. His work has the great merit of illuminating the multiple ways in which the colonized shaped the outcomes of the legal order imposed on them.

<sup>580</sup> Alejandro Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico* (New York: Routledge, 2004), 8-11, 76.



*indios principales*, and militia officers of Lima as visible heads of the Indian Nation. The images, rituals, and performances displayed on these and other occasions made the monarch "present" to these subjects. They actualized royal power in America. Indian subjects could "see" a distant and almost invisible king as well as some of his more visible alter egos through these carefully planned theatrical displays. As Alejandra Osorio contends for the case of Lima, displays of the king's body and image, in particular, staged "the political relationship between the distant monarch and his subjects as one of intimacy and benevolence," binding them in a reciprocal pact.<sup>581</sup> Indians could see the king in public ceremonies in honor of the birth, marriage, and death of the monarch and his family, in viceregal entry processions, and in the reception of the royal seal. Other occasions included routine tribute reassessments (*revisitas*) and *cacique* appointments as well as religious ceremonies and processions such as the festival of Santiago in Cuzco.<sup>582</sup>

In this chapter, I suggest that the scene of the "royal interview," along with the discourses, institutions, and practices that this image condensed, belonged to the same category as the symbols displayed in these "performances of power and identity," as Linda Curcio-Nagy calls them.<sup>583</sup> At

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<sup>581</sup> Osorio also describes the theatrical display of one of these "lifelike copies" of Philip IV in Lima in 1622. Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 81-84. For a similar ceremony devoted to the acclamation of Charles II, which involved the participation of two squadrons of Indians, see Mugaburu and Mugaburu, *Chronicle of Colonial Lima; the Diary of Josephe and Francisco Mugaburu, 1640-1697*, 105. See also Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 120, Linda Ann Curcio-Nagy, *The Great Festivals of Colonial Mexico City: Performing Power and Identity*, Diálogos (Albuquerque: University of New Mexico Press, 2004).

<sup>582</sup> Dean, *Inka Bodies and the Body of Christ: Corpus Christi in Colonial Cuzco, Peru*, 100-09, Guevara Gil and Salomon, "A 'Personal Visit': Colonial Political Ritual and the Making of Indians in the Andes.", Millones, "The Inka's Mask: Dramatisation of the Past in Indigenous Colonial Processions.", Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 73-74, Joanne Rappaport and Thomas Cummins, "Between Images and Writing: The Ritual of the King's Quillca," *Colonial Latin American Review* 7, no. 1 (1998).

<sup>583</sup> Curcio-Nagy, *The Great Festivals of Colonial Mexico City: Performing Power and Identity*. For a discussion about the complexities of studying symbols in Ancient Regime societies, see Chartier, *El Mundo como Representación. Historia Cultural: entre Práctica y Representación*, 57-60, Robert Darnton, "Texts, Symbols, and Frenchness," *The Journal of Modern History* 57, no. 4 (1985), —, "The Symbolic Element in History," *The Journal of Modern History* 58, no. 1 (1986).

this point, I am more concerned with the production and transmission of this representation of the king's authority and justice than with what might be distinctly "indigenous" about it. In the case of New Spain, native pictorial and verbal representations of the Spanish monarch, viceroys, *Audiencia* ministers, and provincial judges are somewhat common.<sup>584</sup> In the Andean case, the most elaborate formulation of the royal interview appears in Felipe Guaman Poma's manuscript entitled *Nueva corónica y buen gobierno* ("The First New Chronicle and Good Government"), which the indigenous author finished in 1616. In "Pregvnta Sv Magestad" ("His Majesty Inquires"), one of the key chapters of his work, Guaman Poma presents himself engaging in a dialogue with King Philip III (see Figure 6).<sup>585</sup>

The primary subject of this section of the "New Chronicle" is how to save the Indians from destruction. Guaman Poma opens the conversation in a slightly condescending tone. In the long tradition of counseling the prince, he admonishes Philip to listen carefully to his advice and then inquire, for the chronicler will answer.<sup>586</sup> As Rolena Adorno notes, Guaman Poma portrays the king as a somehow "uniformed and naïve inquirer," while at the same time elevating himself as a legitimate (perhaps the most legitimate) source of knowledge and authority.<sup>587</sup>

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<sup>584</sup> See, for instance, Vicenta Cortés Alonso, *Pintura del Gobernador, Alcaldes y Regidores de México: Códice Osuna*, 2 vols. (Madrid: Ministerio de Educación y Ciencia, 1973-1976), Marion and Fernando Horcasitas Oettinger, "The 'Lienzo of Pletacala': A Pictorial Document from Guerrero, Mexico," *Transactions of the American Philosophical Society* 72, no. 7 (1982), Daisy Ripodas Ardanaz, "Los Indios y la Figura Jurídica del Rey durante el Quinientos," in *Justicia, Sociedad y Economía en la América Española (siglos XVI, XVII y XVIII): Trabajos del VI Congreso del Instituto Internacional de Historia del Derecho Indiano* (Valladolid: Universidad de Valladolid, 1983).

<sup>585</sup> Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 974-99. About the multiple amendments and additions to the manuscript of the *Nueva corónica*, see Rolena Adorno, "A Witness Unto Itself: The Integrity of the Autograph Manuscript of Felipe Guaman Poma de Ayala's *El Primer Nueva Corónica y Buen Gobierno* (1615/1616)" *Fund og Forskning* 41 (2002), Adorno, *Guaman Poma: Writing and Resistance in Colonial Peru*, xv-xvi. In the following notes, I cite directly from the *Nueva corónica*, indicating the page number in parenthesis.

<sup>586</sup> "Sacra Católica Real Magestad, a mé a de uyr muy atentamente. Acauado, pregunte vuestra Magestad" (976).

<sup>587</sup> Adorno, *Guaman Poma: Writing and Resistance in Colonial Peru*, xvi, xli, 7-8. For a contextualization of the scene into the long tradition of advising the prince, see Mercedes López-Baralt, *Icono y Conquista: Guamán Poma de Ayala* (Madrid: Hiperión, 1988).



Figure 6: Guaman Poma presents his *Corónica* to Philip III

The ensuing dialogue, a question-and-response exchange, revolves around the ancillary notions of good government and royal justice. As he has done throughout his work, Guaman Poma denounces the abuses of priests, *encomenderos*, and provincial administrators. He warns Philip about the gradual disappearance of the Indians and reminds him of his obligations as a Catholic monarch. Guaman Poma elaborates on different measures to protect the Indians and multiply their numbers, all in service of God and king, and in order to relieve Philip's conscience. Nowhere is his bold statement to the king clearer. Without the Indians, the Crown is worthless and the kingdom,

certainly lost. Writes Guaman Poma, "Porque cin los yndios, vuestra Magestad no uale cosa porque se acuerde Castilla es Castilla por los yndios."<sup>588</sup>

In one of her most influential comments about Guaman Poma's work, Rolena Adorno observes that the "New Chronicle" constantly subordinates the "facts" to the author's own "interpretative matrix." This strategy serves the author, in turn, as a platform for formulating intricate hypotheses. As Adorno argues, "When [Guaman Poma] pretends to inform, he is engaging in debate; when he purports to explain, he is attempting to persuade."<sup>589</sup> Following Adorno, then, what "facts" is Guaman Poma presenting in the royal interview and what is the "subtext" that organizes his exposition?

To our knowledge, Felipe Guaman Poma never visited the royal court. From this viewpoint, it is somehow appropriate to call this scene an "imaginary" or "invented" dialogue with the king, as scholars usually do. Yet, as Robin S. Collingwood suggests in his study on the nature of history, "It is not the act of imagining which creates the unreality, but what is imagined."<sup>590</sup> I would place Guaman Poma's imaginary interview within indigenous legal praxis and political culture. What is more, I would argue that at the base of this construct lay multiple individual and collective experiences of two kinds. One was the transatlantic extension of the other. Indeed, even before the foundational encounter at Cajamarca in 1532, Indian interpreters, litigants, and seekers of royal favor had journeyed to the king's court in Spain, spreading the news of their visit to the palace and, upon their return to the Andes, of what they had achieved there.<sup>591</sup> I have

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<sup>588</sup> For the quote, see p. 982; "Con esto será rremediado vuestra Magestad. Se descargará su rreal consencia y bien de los pobres deste rreyno" (999). Cfr. Adorno, *Guaman Poma: Writing and Resistance in Colonial Peru*, 24.

<sup>589</sup> *Ibid.*, 15.

<sup>590</sup> R. G. Collingwood, *The Idea of History*, Rev. ed. (Oxford & New York: Clarendon Press & Oxford University Press, 1993).

<sup>591</sup> About the interpreters of the Conquest, see Lockhart, *Spanish Peru, 1532-1560: A Colonial Society*, 213-15, —, *The Men of Cajamarca; a Social and Biographical Study of the First Conquerors of Peru*, 448-54. Don Martín Pizarro, one of the famous "lenguas" of the Conquest,

traced some of these channels in Chapter 1. Moreover, as I discussed in Chapter 3, when the journey had proven impossible, Indians had "talked" to the king through letters and memoranda (handwritten or printed formal petitions). Like Guaman Poma's naïve Philip, the king had "listened." As important, in a few instances, he had even "replied" in letters and royal orders, thus substantiating this direct bond between the king and the Indians.

Further, indigenous leaders and delegates constantly visited the viceroy's palace in Lima as well as the high court that lay within its walls. I have reconstructed this widespread legal strategy in the previous chapters as well. The hearings conducted inside the palace could mirror Guaman Poma's famous royal interview in several respects. Such scenes could involve Indian litigants, viceroys (who acted as presidents of the *Audiencia*), the high colonial magistrates (*oidores*), and other salaried officials in charge of Indian legal affairs in Lima, like the official defender, the scribe, and the interpreter. In that sense, Cañeque's contention that "In a highly hierarchized society such as that of New Spain, the social distance that existed between the viceroy and the indigenous population was unbridgeable," may not necessarily apply to the Andean region.<sup>592</sup> Within indigenous political culture, the chambers of the palace would quickly become a symbolic space that articulated the Indians with the king and the Indies with Spain.

Rooted in these Andean and Atlantic journeys, the image of the royal encounter provided Indians with a model and a language to reenact the rights and obligations of monarchs and vassals. These interdependencies could serve,

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received the denomination of "interpreter general," although it is not clear whether it was an honorific title or an actual bureaucratic post. See "Don Martín Pizarro," ms., 10.19.1537. AGI, Lima, 565, l.2, f. 289r; "Don Martín Pizarro," ms., 7.27.1540. AGI, Lima, 565, l. 4, f. 69r; "Don Martín Pizarro; armas," ms., 8.22.1540; AGI, Lima, 565, l. 4, f. 88r; Hemming, *The Conquest of the Incas*, 281-82.

<sup>592</sup> Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 216.

in turn, as inspiration for action. As Luis Corteguera notes in his study of popular politics in Barcelona, "The 'just king' offered a standard against which to measure the living king and his government and ministers."<sup>593</sup> And so the Indians measured their king and his delegates. The scene was a telling commentary on ideal notions of kingship and justice as it materialized through the legal system available on both shores of the Atlantic. Within an increasingly complex imperial framework, Indian appeals to the royal *Audiencia* and the Council of the Indies were a cumbersome process that demanded years and even decades, but which generally constituted a successful strategy to counter local powers in America. Despite the multiple bureaucratic layers involved in transatlantic litigation, the language of patronage and personal dependency still informed the relationship between state structures and subjects. Thus, Indian litigants, petitioners, and subjects in general encoded their collective enterprise of attaining royal justice, along with the art of "sacar provisiones," as winning mandates (*provisiones*) and decrees (*cédulas*) came to be called at the time, into the sensorial and immediate language of the personal "dialogue" with the king.

#### *To Rule is to Stay Awake*

In the late 1770s, the Indian commoner Tomas Catari, one of the main leaders of the indigenous insurrections that swept over the region of northern Potosí, addressed a series of briefs and letters to the viceroy and the president of the royal court of Charcas (La Plata), the only *Audiencia* for the region of Upper Peru. Drafted by Catari's personal clerk, these writings contained secular complaints against abusive priests, Indian authorities, and provincial judges. In the previous years, other leaders from the neighboring communities (and from Catari's own) had journeyed to La Plata to present their grievances before the high colonial magistrates on numerous

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<sup>593</sup> Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640*, 21.

occasions. Catari himself would travel on foot to Buenos Aires, some 600 leagues, to appear before the viceroy and secure a ruling to remove an illegitimate chief. Catari's petitions asked the viceroy and the high magistrates to enforce the king's will in the Andes. During these negotiations, Catari secured titles of collector of royal tributes, receiving the appointment of *cacique* sometime later. When faced with these documents, however, local officials refused to comply, whipping Catari and throwing him in jail. In October of 1780, Catari wrote to the king.<sup>594</sup>

Rumor had it among some of the Indian communities of Upper Peru, however, that the great Tomás Catari had journeyed to Spain and kissed the feet of His Majesty in person, as many others had done before him. In Madrid, Catari had allegedly "conversed with him profusely." Pedro Caipa, a *cacique* Urinsaya (of the lower moiety) of Pocoata, and one of the rebels finally executed in May of 1780, testified,

que el motivo, y causa de los alborotos muertos y excesos practicados en la Provincia de Chaianta le parece al Declarante haver sido las voces que Thomas Catari ha difundido en la Provincia, pues decia que havia ido a ver al Rey con quien havia hablado difusamente, acerca de los repartos, y tributos, que cersiorado de estos, particulares le havia dado facultad, para que adbitrase voluntariamente, acerca de ellos, mandando satisfacer, solo un tercio de tributos.<sup>595</sup>

In this royal encounter, Catari had allegedly informed the king of the oppressions that the Indians of northern Potosí were suffering at the hands of corrupt officials and *caciques*. In return, the king had treated Catari with great demonstrations of love, inviting his guest to eat and drink at his

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<sup>594</sup> Ward Stavig and Ella Schmidt, *The Tupac Amaru and Catarista Rebellions: An Anthology of Sources* (Indianapolis: Hackett, 2008), 174-78. In one of these petitions, Catari expressed, "we have chosen to come humbly before you seeing this as the best and only means [of getting justice], despite the great hardships and untold miseries that we have suffered throughout our pilgrimage to do this, having left behind our women and children... to put ourselves under the Royal and charitable protection that is presented by Your Excellency."

<sup>595</sup> Relevant excerpts in Spanish about Catari's alleged interview with the king are included in Penry, "Transformations in Indigenous Authority and Identity in Resettlement Towns of Colonial Charcas (Alto Peru)", 361, note 2. Penry cites "Remitido con Real Orden de 9 de abril de 1785," ms., AGI, Charcas, 545, ff. 208-11v. Also, see "Uprising in the Province of Chayanta and What Happened in the Town of Pocoata." La Paz, 9.29.1780, included in Stavig and Schmidt, *The Tupac Amaru and Catarista Rebellions: An Anthology of Sources*, 148.

table and honoring him with very unusual presents. After their capture, rebel leaders charged Catari and his followers with spreading these rumors about this dialogue with King Charles in order to win support for their cause; Catari, it seems, always denied such allegations.<sup>596</sup>

Throughout the colonial period, legal pilgrimages to Lima (seat of a viceregal court) and the Iberian Peninsula granted native peoples the opportunity to meet with judges, viceroys, councilors, and, even if in a mediated form, reach His Majesty at the royal palace. As part of a series of administrative reforms aimed at reducing Indian litigation, colonial officials gradually prescribed the ways in which Indians under the jurisdiction of the royal courts of justice should conduct their lawsuits and elevate their petitions. Like Tomás Catari, they should first seek justice in their own places of origin and, if the unusual importance, scope, and substance of their cases so demanded, they could appeal to the high court and, eventually, to the Council of the Indies. In this scheme, a series of formal and informal salaried officials placed at different levels of the Habsburg judicial system would connect every Indian village with the viceregal palace, seat of the *Audiencia*, and with the king's palace, which hosted the chambers of the Council of the Indies.<sup>597</sup> However, as Catari's story illustrates, towards the end of the colonial period, and after some two and a half centuries of constant litigation, Indian political imagination had condensed this vast, almost unfathomable imperial framework into the powerful scene of the interview with the king.

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<sup>596</sup> The best study of the uprisings and contentious politics of the indigenous communities of northern Potosí is Serulnikov, *Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes*, especially 115-40. I have relied on his work to understand the events surrounding Catari's "interview" with the king.

<sup>597</sup> See Viceroy's Toledo 1575 set of ordinances included in "Memorias de los testimonios que Diego Lopez de Herrera, secretario del virrey del Piru, don Francisco de Toledo envia al Real Consejo de las Indias de Su Magestad", ms. 1573. AGI, Lima, 29, f. 147r-51r.



Since the establishment of the Habsburg court in Madrid in 1561-62, the Royal and Supreme Council of the Indies went on to occupy three large rooms in the northeast corner of the first floor of the Alcázar. The councilors listened to appeals on Mondays and heard the pleas and suits of different individuals on Saturdays. The rooms of the council, gallantly decorated, had a separate entrance that led, through the patio, to the suites of the monarch himself. The king, especially Philip II, sometimes overlooked the affairs of this administrative body from a hidden vantage point.<sup>598</sup> In the antechambers of the council, litigants, petitioners, and attorneys from all over the empire, some of them Indians, awaited their turn to be called upon by the justices of the high court. A few finally made their appearance before the councilors in the subsequent audience-chamber.<sup>599</sup>

The language used in formal petitions elevated to the king in his Council of the Indies recreated the idea of the royal audience. The specific rhetoric of these documents prevents us from stating with certainty whether or not Indian travelers saw the king face to face.<sup>600</sup> Yet, one cannot discard

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<sup>598</sup> On the matter of the king's invisibility, María José del Río Barredo writes, "Al parecer, lo fundamental en esta imagen de rey invisible no estuvo tanto en que el monarca participara o no en actos públicos, como en que lo hiciera de forma selectiva y recurriendo a una amplia gama de recursos para graduar su visibilidad: desde la cortina y el disfraz, al pasadizo, las celosías y las tribunas. Ni siquiera sus consejeros y cortesanos podían saber cuándo les estaba observando, lo que hacía más que conveniente actuar como si les viera siempre. Río Barredo, *Madrid, Urbs Regia. La Capital Ceremonial de la Monarquía Católica*, 47.

<sup>599</sup> According to Ernst Schäfer, the king ordered the Council of the Indies to move to a series of rooms between the *Patio de las Cocinas* and the *Casa del Tesoro*, across the first patio from the entrance to the palace, in 1612. Regarding the two rooms occupied by the councilors, Schäfer writes that they were "espléndidamente adornadas: colgaduras de seda y terciopelo carmesí y verde, tapices del color correspondiente en las grandes mesas, los bancos de los Consejeros y el sillón del Presidente forrados de terciopelo, tinteros de plata o cerámica pintada, la campanilla del Presidente y los candeleros del asimismo de plata, en parte dorada." About the council and the Alcázar, see Brown and Elliott, *A Palace for a King: The Buen Retiro and the Court of Philip IV*, 32, Elliott, "The Court of the Spanish Habsburgs: A Peculiar Institution?," 145, Miró Quesada Sosa, *El Inca Garcilaso*, 88-89, Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 138-41, 84, 85, Varner, *El Inca; the Life and Times of Garcilaso de la Vega*, 211-14.

<sup>600</sup> According to Corteguera, a royal audience was "an exceptional privilege reserved to a favored few in the Spanish court." Luis R. Corteguera, "Talking Images in the Spanish Empire: Vision and Action," *Visual Resources* 25, no. 1 (2009): 63. According to John Elliott, in Bourbon Spain, visitors at court approached the king through a succession of rooms, each one more exclusive of access than the one before. Only the papal nuncio, the president of the Council of Castile, cardinals and viceroys, and "those fortunate individuals who had been accorded special royal permission" entered the king's study or *apostento*. Elliott, "The Court of the Spanish Habsburgs: A Peculiar Institution?," 148-49.

such a possibility completely. Besides the story of Father Calixto de San José's personal encounter with King Ferdinand presented in the previous chapter, consider the following examples. In recalling his visit to the royal palace in a letter written in 1656, for example, an Indian traveler told a *cacique* friend, "I entered to kiss the hand of His Majesty."<sup>601</sup> Ten years prior, an Andean *cacique* wrote a letter to Don Carlos Chimo, another visitor at the royal court, in which he congratulated Chimo for his determination to see the king. In the letter, the author praised the courage of the addressee "for having gone to see the king our lord (may God protect him), and kissed his hand" ("en auer ydo a ver al Rey nro. Sr. que dios guarde y vesarle la mano").<sup>602</sup> Back in 1540, an embassy of two Indian attorneys (*procuradores*) of Tlaxcala named Don Leonardo Cortés and Don Felipe Ortiz had visited the king's court and petitioned Emperor Charles for the conservation of the privileges of the Tlaxcalan nobility.<sup>603</sup> Three decades after this encounter, the *mestizo* historian Diego Muñoz Camargo, who traveled as official interpreter of another Tlaxcalan delegation that secured several royal decrees at court, was said to have spoken "many times" to Philip II.<sup>604</sup> The obvious need for an interpreter when communicating with the king and the councilors reinforces such a possibility.

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<sup>601</sup> "Entre a besar la mano a Su Magd. y informarle en el estado de la provincia del Valle y rrepartimiento de Lurin Guanca y mitas de esa Villa de Guancab[el]lica." "Autos del gobernador de la villa de Huancavelica, licenciado Juan Bautista Moreto, sobre conspiración de indios," ms., 1667. AHMPH, Expedientes Coloniales, leg. 1, exp. 1, f. 40r-v. I wish to thank Javier Flores-Espinoza for making this document available to me.

<sup>602</sup> "Carta. Don Rodrigo de Guzmán Apo Rupaychagua, *cacique* de Huamantanga, a Don Carlos Chimo," ms., Lima, 11.29.1646. AGI, Lima, 15.

<sup>603</sup> Bartolomé de las Casas, whom according to Charles Gibson and Edmundo O'Gorman was a witness of this embassy to court, wrote, "Toda ésta es la gobernación que tiene la república de Tlaxcalla, y pidieron al Emperador que se la confirmase, alegando que había cient años y más que habian della usado y se habían hallado bien con ella, y dello yo soy testigo, y todo lo que aquí refiero fué lo que los procuradores indios que a la corte, la república de la dicha provincia de Tlaxcalla enviaron, presentaron en el Consejo." Bartolomé de las Casas, *los Indios de México y Nueva España*, 2 ed., Sepan Cuantos; 57 (Mexico: Porrúa, 1971), 177. Fray Juan de Torquemada, who mostly likely based his account of the event on Las Casas, emphasizes that the Tlaxcalans sent their solicitors "a la presencia de el Emperador Carlo Quinto." Juan de Torquemada, *Monarquía Indiana*, 3 ed., 3 vols. (México, D.F.: S. Chávez Hayhoe, 1943), 2:349.

<sup>604</sup> Charles Gibson, "The Identity of Diego Muñoz Camargo," *The Hispanic American Historical Review* 30, no. 2 (1950), Gibson, *Tlaxcala in the Sixteenth Century*, 165-67.

For the vast majority of the king's native subjects, however, undertaking the journey to Spain was simply impossible. Previous chapters have described some of the legal, financial, and practical obstacles impeding the trip. Thus, the majority of Indians had to imagine the "interview" through the eyes of others. In the Andes, official documents offered the opportunity to "see" the king and "talk" to him. In some instances, for example, tellers and notaries of the Council of the Indies read or summarized memoranda, petitions, and other documents about American matters directly to the king. After having heard and understood their content, and in the presence of a few witnesses, His Majesty would utter the formula "I am hearing it" ("Yo lo oygo"). Then, a notary would register the procedure at the back of the original petition. This practice is probably the one alluded to by the governor and nobles of Huejotzingo (Puebla, Mexico) in a letter to Philip. The lords told the king, "We hope that [father fray Alonso de Buendía] will tell and read this to you, for we have much confidence in him and have placed ourselves completely in his hands."<sup>605</sup>

According to Corteguera, one thousand such petitions passed Philip II's desk between 1583 and 1586 alone. A Venetian ambassador claimed in 1587, for instance, that His Majesty might have to sign as many as two thousand items in a single day. Therefore, as Corteguera contends,

It is significant that despite the impossibility of establishing such a personal relationship between ruler and all subjects, Philip II and his successors tried to keep that illusion alive, even at the cost of dramatically increasing royal bureaucracy and slowing down government.<sup>606</sup>

Even if seekers of royal favor were not present at these readings (and very few probably were), the act of writing opened the possibility for the king's distant subjects to imagine the scene. In 1594, for example, a Spanish

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<sup>605</sup> Lockhart and Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, 171.

<sup>606</sup> Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640*.

attorney appealed a verdict of the *Audiencia* of Lima before the Council of the Indies. Back in the Andes, the high court had ruled against Don Hernando de Tuçi Trapac, giving a *cacicazgo* to a legal rival. The attorney's memorandum was read aloud to Philip II, the Prudent King, who replied, "that he was hearing it" ("que lo oya"). At the back of this piece of paper, the official scribe of the council certified the writing-event.<sup>607</sup> Other sources confirm such symbolic appearance of the monarch during some of the hearings of the council.<sup>608</sup>

In this context, we must understand the partial invisibility of the Habsburg monarchs as a matter of discerning when it was the best moment to either hide or manifest the royal person. After all, as Cañeque contends, one basic political assumption of the time was that "the just monarch who loves his people" is "the one who grants an audience easily, so that he may listen to the wrongs done to his vassals and hear their petitions."<sup>609</sup> Corteguera also attests to the Spanish kings' visibility when he writes, "The very same conditions that made the king divine and therefore distant from other human beings made the monarchy more, not less accessible in spirit. [...] The king,

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<sup>607</sup> The note of the scribe reads, "En la Villa de Madrid A onze dias del mes de Março de mill y quinientos y nouenta y quatro años yo Diego lopez de Vallejo Escribano de Su Mag.d y official de la Secretaria de Justicia del Consejo de Indias hize relacion de lo contenido en este memorial al Rey don Felipe nro. S.r en Su real Persona y casas reales y por Su Magestad Vista y entendida Dixo que lo oya Testigos Juan Ruiz de Velasco Pedro Negrete y Bernardino Duarte sus criados y Ayudas de Camara. Y en fee dello Fize mi signo que es a tal. En testimonio de verdad, Diego López Vallejo (my emphasis)." "Memorial de Diego Saiz de San Martín a S.M," ms., 3.11.1594. AHN, Consejos, leg. 21484.

<sup>608</sup> See "Memorial del doctor Antonio de Urrutia al Rey," ms., 2.11.1662. AGI, Lima, 26, in which the scribe certified, "En la villa de Madrid a diez dias del mes de febrero de mill y seiscientos y sesenta y dos años Yo el escrivano y official mayor lehi y hize notorio este Memorial al Rey nuestro señor en su Real persona y hauiendolo oydo y entendido Respondio Su Magestad Yo lo oygo y se allaron presentes el Duque de Medina de las Torres el Conde de Medellin y don Francisco Montesdoca Y dello doy fee. Antonio Valentin de Vallejo." See also "Memorial de Juan Pérez de Aller, en nombre de Da. Maria de Agulla Guzmán, a S.M.," ms., 11.24.1665. AGI, Lima, 26, which includes the following note: "En la villa de Madrid a Veinte Y quatro de Nouiembre de Mill Y Seiscientos Y Sesenta y cinco años Yo el escribano y ofiçial mayor Ley y hize notorio Lo contenido en este Memorial a la Reyna nuestra Señora ante su Real persona Y hauiendolo oydo Y entendido Respondio Su Magestad (Yo lo oygo) estando presentes el Duque de Montalvo El de Villa hermosa Y el de Abrahantes y Don Francisco de Montes deoca Y otros Señores y dello Doy fee. Antonio Balentin de Vallejo."

<sup>609</sup> Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 49.

like God, remained the last recourse, but it was one monarchs liked their subjects to count on."<sup>610</sup>

In part because of the "verbal" nature of His Majesty's response to memoranda and other documents presented before the Council of the Indies, natives and probably American seekers of royal favor in general who visited the palace or heard about these instances in the Indies framed this bureaucratic procedure into the language of the personal dialogue with the king. Memoranda directed to him on behalf of Indian travelers, for example, emphasized the ardent desire of these loyal vassals to meet the king, kiss his hands or feet, and recognize him as their natural and legitimate lord. According to these documents, the native visitors' utmost motivation to undertake the journey had been to appear under His Majesty's gaze and before his royal presence.<sup>611</sup> Don Carlos Inca Yupanqui, grandson of the Inca emperor Huayna Capac, opened his 1571 letter to the king in the following terms:

Muchos años a que se deseado yr a esa corte a besar los Reales piés y ms. de V.M. para que me conociese V.M. por su muy umil. vasallo y a dar quenta de cossas que tocan al serv. de dios nte. N.S. de Va. M. y bien deste su rreyno y e lo dexado de hazer por no estar tan en orden como entiendo era menester para hazer semejante viaje.<sup>612</sup>

The artificial flower arrangements prepared by the Tlaxcalans of New Spain to embellish a letter of theirs to the "tlatoani-emperor" point in the same direction. The lords of Tlaxcala planned to accompany their letter with a

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<sup>610</sup> Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640*, 21.

<sup>611</sup> "Memorial. Don Carlos Tito Amaro a S.M.," ms. Madrid, 8.18.1582. AGI, Lima, 1, n.44; "Memorial. Don Juan Lorenzo Ayllón a S.M.," ms. Madrid, 4.4.1646. AGI, Lima, 15. In 1759, for instance, a *memorial* presented in the name of Don Juan de Bustamante Carlos Inca stated, "Yo pues, Señor, el más humilde y más amante leal vasallo de Vuestra Majestad impelido de él, no hallando otro modo que demostrarme por tal en prosecución de mis mayores, determiné tomar viaje á esta corte entre otros motivos, el mayor, con el anhelado deseo de deseos, el lograr ponerme á los reales pies del Señor Rey D. Phelipe V con el norte y guia de su amor." "Memorial de don Juan Bustamante Carlos Inga." Madrid, 11.21.1759. CVU, Vol.35, Doc. 16, p. 3.

<sup>612</sup> Ella Dunbar Temple has published this letter in Temple, "La Descendencia de Huayna Capac: Don Carlos Inca," 168. One can be almost positive that Don Carlos wrote the letter himself. About him, Garcilaso Inca de la Vega, his fellow pupil and friend, wrote, "I never knew an indian who spoke Spanish, excepting only two boys who were my schoolfellows and went to school as young children and learned to read and write. One was called Don Carlos." Vega, *Royal Commentaries of the Incas, and General History of Peru.* , Part 2, Book 1, Chapter 23.

painting of scenes featuring Cortés and the conquest, feathered-covered images of saints, and necklaces. The preparation of these gifts, I would suggest, shows that Indian travelers and petitioners journeying to the court did expect to meet with the king in Spain, even if very briefly.<sup>613</sup>

Petitioners addressed such private and official letters, memoranda, and other documents to the king with the well-known formula, "To His Majesty in the Council of the Indies." On a symbolic level, the interview could bridge the gap between the oral and the written realms. In a letter penned in 1560, the Indians of Huetjotzingo told Philip, "Our lord sovereign, king don Felipe our lord, with our words we appear and stand before you."<sup>614</sup> Similarly, in every personal response to the king during the "Interview," Guaman Poma uses the formula that, until the late sixteenth century, local judges and metropolitan councilors had used to address the king in writing ("Sacra Católica Real Magestad" in its abbreviated form, "S.C.R.M.").<sup>615</sup>

Significantly, the Indian chronicler posits that supplicants at court "see" and "speak" to the king through writing.<sup>616</sup> In the late 1640s, Lorenzo

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<sup>613</sup> Celestino and Valencia R., *Actas de Cabildo de Tlaxcala, 1547-1567*, 291, 361. In his work published in 1616, Juan de Torquemada reproduces an earlier account of fray Toribio Motolinía of the 1536 Corpus Christi celebration in Tlaxcala. Though Motolinía did not include such a detail in the original account, Torquemada writes, "Este Día, mas que otro, la Gente de esta Provincia, viene con muchas Rosas, y Piñas grandes, hechas de Flores, y Rosas muy graciosas, que se pueden presentar al Emperador, y goçarse su Magestad de traerlas en las manos, las quales, verlas por el artificio, que son hechas, es cosa maravillosa." Torquemada, *Monarquía Indiana*, 3:230. In addition, consider Guaman Poma's rendering of Viceroy Toledo's return to Spain: "Don Francisco de Toledo, bizorrey, abiendo acabado toda sus diligencias, lo de este rreyno de las Yndias, se fue a Castilla. Y queriendo entrar a bezar las manos de su Magestad al señor y rrey don Phelipe, segundo deste nombre, el montero de cámara no le dio lugar ni le dejó entrar ni se le dio lisencia para ello." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 461.

<sup>614</sup> Lockhart and Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, 166.

<sup>615</sup> In 1586, Philip ordered that, in writting, royal ministers address him as "lord" ("señor"). Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 37, Schäfer, *El Consejo Real y Supremo de las Indias: su Historia, Organización y Labor Administrativa hasta la Terminación de la Casa de Austria*, 146. See also the apocryphal "letter of recommendation" of Guaman Poma's father that opens the *New Chronicle*. The letter contrasts with Guaman Poma's independent letter to the Council of the Indies, possibly prepared in the *Audiencia*, which uses the then more common formula "Señor." "Carta. Don Felipe de Ayala a S.M.," ms., 2.14.1615. AGI, Lima, 145.

<sup>616</sup> He explains in "His Majesty Inquires" that the *New Chronicle* would "see" the king. Via this profusely illustrated letter, monarch and subject will look at each other and talk: "Quiciera seruir a vuestra Magestad como nieto del rrey del Pirú; uerme cara en cara y hablar, comunicar de presente sobre lo dicho no puedo, por ser biejo de ochenta años y enfermo, yr tan lejos. [...] Y ançi que por lo escrito y carta nos veremos" (976); "RESPONDE el dicho hombre, dijo: 'Hijo, uete

Ayun Chifo, an Indian from the northern coast of Peru, elevated a petition to the king and his council while visiting the royal court. A decade later, people in the Andes would recall Lorenzo's experience in Madrid by claiming that the traveler "spoke to the king our lord with a memorandum."<sup>617</sup> Another memorandum presented to the king on behalf of one Don Jerónimo Lorenzo Limaylla (in fact, the same person as Lorenzo Ayun) expressed a similar connection between the spoken and the written word. The letter declared that this traveler, "moved by pity and piety I have set myself to returning to Your Majesty's feet to represent *verbally* our miseries, all for the relief of these miserable Indians, my brothers."<sup>618</sup> Similarly, in writing about Don Melchor Carlos Inca, another transatlantic petitioner who litigated before the Council of the Indies for many years, Guaman Poma reminds us, "with such princes [as Don Melchor] talks our lord the king emperor."<sup>619</sup>

Conversely, Indian litigants and favor seekers who sent their documents to court believed that their accounts had the power to re-create or re-present before the monarch the American reality that lay beyond his human gaze. Descriptions of actual portraits of Philip IV and Charles II sent to America suggest that part of their message was that the subjects see the essence of rule and character in the eyes of these painted kings.<sup>620</sup> When

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a Castilla. El rrey te hará merced de tanto seruicio y natural propetario que soys.' / Responde el autor y dijo: 'Señor, soy biejo de ochenta años. No puedo rremediallo. Dios lo rremedie y su Magestad que puede, es suya.'" (1118). As Rolena Adorno notes, the only illustration accompanying "His Majesty Inquires" places the written document in the privileged spatial center of the drawing. Rolena Adorno, "Icon and Idea: A Symbolic Reading of Pictures in a Peruvian Indian Chronicle," *The Indian Historian* 12, no. 3 (1979): 39.

<sup>617</sup> "Hablo al Rey nuestro señor con memorial." A person who ran across Lorenzo in Madrid testified later that the visitor "acabaua de hablar al Rey nuestro Señor con Un Memorial." "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja...", ff. 467r-v, 491v-93v, 924r-v.

<sup>618</sup> "movido a lastima y Piedad e propuesto voluer a los pies de V Magd. A representar Verualmente nuestras miserias para el aliuiio destos miserables yndios mis hermanos." "Memorial. Don Jerónimo Lorenzo Limaylla, Indio Príncipe de las Prouinçias del Peru," ms., 7.17.1664. AGI, Lima, 17. The emphasis is mine.

<sup>619</sup> "Con estos príncipes habla el señor rrey enperador." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 753. Melchor journeyed to court in 1602 and died in Spain in 1610.

<sup>620</sup> Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 96-97.

misinformed by malicious local reports and corrupt colonial authorities, the king was "blind." Indians and Spaniards shared this metaphor of the *blind king*. Accurate letters and memoranda, notably those denouncing excesses that infringed royal justice, allowed the king to "see" the bad government in his domains overseas. A late seventeenth-century memorandum on behalf of the Indians of Peru, for instance, called Charles II's attention to the abuses that the natives were suffering at the hands of the Spaniards. The author, allegedly an Indian, urged the king to open his eyes and see this injustice.<sup>621</sup> In another memorandum prepared in the 1630s, a Creole Franciscan eloquently admonished His Majesty, "To rule is to stay awake. He who sleeps does not rule [...] and the king who shuts his eyes hands over the protection of his sheep to the wolves."<sup>622</sup> Guaman Poma clearly echoes this symbolic language when he writes that his eyes, insofar as they have witnessed the mistreatment of the natives and constantly denounced it, are the eyes of God and the king. The 368 drawings included in the *Nueva corónica* had the same obvious purpose of helping the king "see."<sup>623</sup>

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<sup>621</sup> This document also reminded Charles that "el que ha de executar [the royal mandates in America], por estar ciego no los aplica." (p. 238v). "Representacion hecha al Sr. Rey Dn. Carlos Segundo por Dn. Geronimo Limaylla Yndio Cazique del Repartimiento de Luringuanca de la Provincia de Jauja Reyno del Perú como Poder-Teniente de los demas Caziques Gobernadores de las demas Provincias del dicho Reyno, y como parte principal, y legitima, à quien toca mirar por el alivio y conservacion de los Indios, en la qual consiste, y estriba la mayor propagacion de la Fe, y aumento de la Real Hacienda, a fin de que S.M. se dignase dar las providencias convenientes para su buen tratamiento, y que no fuesen vejados, ni oprimidos en la dura servidumbre de los Españoles," ms. 1678?. Real Biblioteca del Palacio Real, Ms., II/2848, p. 238, 241.

<sup>622</sup> "Reinar es velar. Quien duerme no reina [...] y el Rey que cierra los ojos, da la guarda de sus ovejas a los lobos." Buenaventura de Salinas y Córdoba, *Memorial de las Historias del Nuevo Mundo Pirú* (Lima: Universidad Nacional Mayor de San Marcos, 1957). About the metaphor of the blind king among the Franciscans in the New World, see John Leddy Phelan, *The Millennial Kingdom of the Franciscans in the New World*, 2d ed. (Berkeley: University of California Press, 1970), —, *The People and the King: The Comunero Revolution in Colombia, 1781* (Madison: University of Wisconsin Press, 1978). A letter from Martín de Mayorga to His Majesty about the difficulties he encountered in Chile explained these misdeeds in that, "La falta de remedio en los daños que resultan en desseruicio de V. Mgd. en estos Reynos se atribuye a no llegar la inteligencia dellos al Sol de sus christianissimos ojos por las nubes que se les oponen y con la esperiencia que desto muestran los tiempos, obliga a buscar caminos [to inform the king]." "Carta de Martín de Mayorga a S.M.," ms., 4.30.1626. AGI.Lima, 155.

<sup>623</sup> "Todos los que le enforma a su Magestad cirue a Dios y a su Magestad. Aquellos ojos de ellos y del autor son ojos del mismo rrey, que los uido a uista de ojos." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 1114-15. Note that, in this passage, Guaman Poma uses the judicial formula "vista de ojos," which referred to inspections conducted by colonial justices in person.



### *The Signature of the King*

In 1655, after a ten-year stay in Mexico and Spain, Lorenzo Ayun Chifo, an Indian from the north coast of Peru, met at the viceregal palace in Lima with his former *cacique*, Don García Minllón. Don García had followed the traveler to the city to collect years of unpaid tribute. There, Lorenzo let his former lord see a document, apparently a memorandum addressed by Lorenzo to the Council of the Indies in 1646. Lorenzo then read it aloud to Don García as proof of his stay at the royal court and his interview with the monarch. The *cacique* later admitted of having seen the document in a sworn testimony. Yet, he did not completely buy into Lorenzo's story because, at that time, "[he] did not see the signature of His Majesty."<sup>624</sup> What was Don García expecting to see?

Documents emanating from the king's court, like a few other colonial artifacts, helped revive the image of the royal interview. The royal seal, the royal standard, and the royal portrait or the crown and the staffs of justice, for example, reenacted the king's presence back in the Andes. Doubtless, news about Indian appearances before the Council of the Indies reached Peru through multiple channels of communication, oral and written, official and unofficial.<sup>625</sup> Yet, royal orders in general, and decrees

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<sup>624</sup> The original Spanish reads as follows: "Dijo que en la ocaſſion que refiere hauer eſtado en palacio con el dicho Lorenzo aiumChifu le moſttró un memorial en que pedia lo que la pregunta refiere;" "dixo que el dicho Lorenço Ayun, o don Lorenço Geronimo le leyo a eſte teſtigo un memorial en rraſon de lo que contiene la pregunta, pero eſte teſtigo no uio la firma de Su Mageſtad." "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla..." ff. 575r-v, 950r-54r.

<sup>625</sup> In 1543, for inſtance, King Philip II wrote to Criſtóbal Paullu Inca from Valladolid thanking him for his ſervices in the Conqueſt and aſſuring to him that they would not go unrewarded. Cúneo-Vidal, *Historia de las Guerras de los Últimos Incas Peruanos contra el Poder Español (1535-1572)*, 167. On March 19, 1552, Philip alſo wrote to Sayri Tupac Inca, Paullu's nephew. A letter from Don Carlos Inca to the king dated in 1571 has been published by Temple, "La Descendencia de Huayna Capac: Don Carlos Inca," 168. A few years later, Don Carlos, along with other prominent Incas, would write to the king again after Viceroy Toledo accused them of treaſon and ſentenced them to exile in Mexico. Hemming, *The Conqueſt of the Incas*, 453.

(*cédulas*) in particular, carried a specific symbolic charge. As noted by Joanne Rappaport, colonial subjects usually understood royal documents as "oral communication set down in writing," an attribute which fostered their evocative power.<sup>626</sup>

Among Andean indigenous populations, I would argue, the "magical" appeal of such royal documents derived from their capacity to encapsulate an event located at a considerable spatial and temporal distance. Royal decrees acted as living "proof" of the transatlantic interview; they encoded the entire scene. Moreover, such mandates embodied the king's supreme will. At the same time, they ensured its fulfillment in the American kingdoms, a power that they could partially transfer to the indigenous bearers of these artifacts. As the highly revered *ayllu* books of the community of Tupicocha studied by Frank Salomon, these documents were not just *about* actions done in their presence; they condensed in themselves the actions performed but also their moral value, in this case, the encounter with the ultimate source of good and justice in the colonial world.<sup>627</sup>

The magistrates of the *Audiencia* enjoyed the exclusive privilege of issuing royal mandates (*provisiones*) not only in the name of His Majesty but also as if the king himself were promulgating them. Thus, the well-known opening formula "Don Felipe, by the grace of God, king of Castile" ("Don Phelipe, por la gracia de Dios, Rey de Castilla") followed by all of the king's additional titles, stood for the king's "name" in these documents.<sup>628</sup> Viceroy, in contrast, should only emit decrees in their name and with his

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<sup>626</sup> Joanne Rappaport, "Object and Alphabet: Andean Indians and Documents in the Colonial Period," in *Writing without Words: Alternative Literacies in Mesoamerica and the Andes*, ed. Elizabeth Hill Boone and Walter Mignolo (Durham: Duke University Press, 1994), 273. See also Guevara Gil and Salomon, "A 'Personal Visit': Colonial Political Ritual and the Making of Indians in the Andes."

<sup>627</sup> Salomon, *The Cord Keepers: Khipus and Cultural Life in a Peruvian Village*, 67, 188. Tupicocha's *ayllu* books contain planning and performance proofs—usually called *constancias*—tracking the contributions in labor and kind of each household and *ayllu* to the community.

<sup>628</sup> It is noteworthy that Juan de Santa Cruz Pachacuti chose to start his *relación* in similar terms: "Yo Don Joan de Santa Cruz Pachacuti Yamqui Salcamaygua, cristiano por la gracia de Dios Nuestro Señor [...] preceded by an invocation ("Jesús, María") and the sign of the cross.

name and signature. *Oidores* (Audiencia judges) signed their writs and then the chancellor stamped the royal seal on them. The seal "personified" the king's royal persona; it reactivated his power. Thus, it legitimized the document in the eyes of his subjects. As Alejandro Cañeque suggests, "the seal did not represent or symbolize the king—it was the king."<sup>629</sup> Consequently, the king mandated that subjects obey these documents "as letters and writs signed by ourselves" ("como cartas y provisiones firmadas de nuestro nombre").<sup>630</sup>

Indians encountered these documents and their legitimizing elements in countless rituals of royal power. The ceremonial acceptance of *reales provisiones* during indigenous disputes of land, for example, demanded that Spanish officials kneel and place the document on top of their head as a symbol of their subordination to the king.<sup>631</sup> Additional occasions, such as the reception of titles to communal and private land as well as titles of *cacique* and Indian governor, also called for the interaction of Spanish

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<sup>629</sup> Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 120. For an excellent analysis, to which I am partially indebted, of the role of king's "seal" in the ceremonies of obedience conducted by provincial judges among the indigenous communities of present-day southern Colombia and northern Ecuador, see Rappaport and Cummins, "Between Images and Writing: The Ritual of the King's Quillca." For the formal aspects of the *real provisión*, see Honores, "La Asistencia Jurídica Privada a los Señores Indígenas ante la Real Audiencia de Lima, 1552-1570," 6. The symbolic role of the seal as a material representation of the royal persona emerges in the series of rituals that prescribed its striking reception in the Indies. See Buenaventura de Salinas y Córdoba, "Memorial de las Historias del Nvevo Mcndo Perv. Meritos, y Excelencias de la Ciydad de los Reyes, Lima, Cabeça de sus Ricos, y Estendidos Reynos, y El Estado Presente En Que Se Hallan. Para Inclinar a la Magestad de Su Catolico Monarca D. Felipe Iv, Rey Poderoso de España, y de las Indias, a Que Pida a Sv Santidad la Canonizacion de Su Patron El Venerable P. F. Francsico Solano, de la Orden de Nuestro Serafico P.S. Francisco," (Lima: Geronimo de Contreras, 1631), Chapter IV. and "La horden que se a de tener para Reçiuir el sello en la Audiencia de Chile que por mandado de Su Mag.d se funda en la ciudad de Santiago," ms., 3.3.1609. AGI. Lima, 275, f. 61v-62v. *Caciques* studying in the School for Indian Nobles in Lima also bore a silver *escudo* with the royal arms and those of Viceroy Prince of Esquilache (founder of the school) in their garments. Alaperrine-Bouyer, *La Educación de las Elites Indigenas en el Perú Colonial*, 127, 70.

<sup>630</sup> *Recopilación de Leyes de los Reinos de las Indias*, Bk. 2, Tit. 15, l. cxvi.

<sup>631</sup> Joanne Rappaport and Thomas Cummins, "Literacy and Power in Colonial Latin America," in *Social Construction of the Past: Representation as Power*, ed. George C. Bond and Angela Gilliam (London; New York: Routledge, 1994), 19-21, Rappaport, "Object and Alphabet: Andean Indians and Documents in the Colonial Period.", Rappaport and Cummins, "Between Images and Writing: The Ritual of the King's Quillca."

authorities, Indian leaders, and indigenous commoners around a document "from" the king.<sup>632</sup>

Indian communities and their leaders were well aware that the power and legitimacy of these documents superseded those of any other orders issued by the American authorities. In 1634, for instance, the Indians of the town of Caycay, in the province of Los Andes in Cuzco, wrote two letters to the king. Despite the significant distance that separated them from Lima—more than 180 leagues—they had managed to win a *provisión* from the viceroy banning the owner of a local textile mill from requesting labor from Caycay. In their letters to the king, however, the Indians complained that the provincial judge and the mill owner refused to enforce the *provisión*. Therefore, they requested the monarch to issue a royal *cédula* ordering the execution of the *provisión*. The Indians of Caycay won two royal decrees. Under the same logic, Titu Cusi Yupanqui demanded the viceroy in 1565 to stamp the Inca's official agreement with the king with the royal seal, for it was the only signature that Titu Cusi recognized and trusted.<sup>633</sup>

Royal decrees (*cédulas*) obtained at the king's court were of an even higher legal and symbolic order than *Audiencia* mandates. Alejandra Osorio describes the ceremonial procession of the *pregón* or *publicación* in seventeenth-century Lima, which unraveled as the royal town crier

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<sup>632</sup> Consider, for instance, the ceremony of acceptance of a temporary title of *cacique* issued by the local judge of Lambayeque in 1648, included in AGI. Lima, 167, f. 7v. For similar descriptions and a classic analysis of these ceremonies, see Martínez Cereceda, *Autoridades en los Andes: los Atributos del Señor*, 87-110. I do not share the author's view that the paramount role played by the official *provisión* in this ritual "weakened" its structure and the legitimacy of the new *cacique*, whose authority was now in "crisis." On the contrary, written documents quickly became "insignias" of the legitimate power of Andean lords. For an alternative view and some striking examples, see Rappaport, "Object and Alphabet: Andean Indians and Documents in the Colonial Period," 280-84.

<sup>633</sup> See Rappaport and Cummins, "Between Images and Writing: The Ritual of the King's Quillca.;" "Los yndios de los Andes del Cuzco," ms., 1634. AGI, Lima, 162; "Real cédula al Virrey del Peru que haga justicia sobre la pretension que tienen los yndios del pueblo de Caycay del distrito del corregimiento de los Andes del Cuzco sobre los malos tratamientos que los corregidores del dicho corregimiento hazen a cinco yndios del dicho pueblo," ms. Madrid, 3.20.1635. AGI, Lima, 583, l. 19, f. 291r-v; "Real cédula al virrey del Peru que no teniendo inconveniente prouea como se guarden a los indios del corregimiento de los Andes del Cuzco las provisiones ganadas en su favor para que no se les hagan molestias," ms. Madrid, 3.20.1635. AGI, Lima, 583, l. 19, f. 291v-92r.

communicated an important event or order contained in a royal *cédula* to the city. During these ritual readings, authorities awarded *cédulas* "with much the same pomp and circumstance owed the king."<sup>634</sup> Written in the first person, *cédulas* started with the heading "The King" ("El Rey") and ended with the equally impressive signature, "I, the King" ("Yo, el Rey"). Sometimes called "letters," these documents also carried the king's seal and the signatures of the councilors of the Indies and of the king's personal secretary.<sup>635</sup>

In this context, the physical attributes of these documents symbolized their unparalleled authority. Because of their nature, royal mandates played a central role in the construction of the royal interview. Kingship materialized in the royal provisions, decrees, ordinances, appointments, and honors dispensed by the king and his representatives. The Indians "saw" His Majesty in these documents. Don García Minllón, the *cacique* included in the scene that opens this section, was right. Aside from the salutatory formula ("S.C.R.M." or "Sacra Católica Real Majestad") preceded by the symbol of the cross, memoranda such as the one that Lorenzo Ayllón showed to Don García did not bear the unmistakable signature of the king.

The special status granted to these documents in the colonial era becomes patent in two interrelated contexts. First, indigenous communities awarded them a special reception in America. Second, as the deeds of some native travelers show, these royal decrees empowered the travelers who carried them across the ocean to fulfill the king's will. As explained in Chapter 1, Indian litigants and petitioners could obtain documents directly

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<sup>634</sup> Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 86.

<sup>635</sup> The consultation (*consulta*), an internal document that served as the main interface of communication between the monarch and the Council of the Indies, also bore the king's "signature." In the consultation, the councilors would offer their opinions (*pareceres*) and recommendations on a certain matter to the king. The king would communicate his final decision to them in writing, returning the document with the formula "assi", "esta bien", or "como parece" written in the back by him or his secretary. After receiving the royal reply, the secretary of the Council of the Indies would draft the letters, to be signed by His Majesty and dispatched to the proper authorities in the Indies. John H. Elliott, *Imperial Spain, 1469-1716* (London; New York: Penguin, 2002), 176-77.

at court or have them sent by their legal representatives, later presenting them to the local authorities (viceroys, judges, and local magistrates) for their ceremonial acceptance. Among the authorities, the ritual of acceptance of these *cédulas* seems to have been similar to that granted to the royal mandates of local *audiencias*. After the public reading conducted by the scribe, authorities kissed the royal decree and placed it on top of their head, swearing to obey it as a "letter of their king and natural lord."<sup>636</sup>

Yet, the case of the Tlaxcalans in the sixteenth century indicates that reception among the Indian *cabildos* (town councils) seems to have followed a somewhat different procedure. In his *History*, Toribio de Benavente included an interesting account of the 1538 Corpus Christi celebration in Tlaxcala. On such an occasion, the Tlaxcalans displayed the coat of arms granted by Emperor Charles in 1535 for the first time in public. On top of the houses of the city council, they placed three flags. The center flag displayed the arms of the emperor, while those on the sides presented the arms of the city. Father Toribio seems to imply, however, that the Indians paraded the actual document containing the privileges from the city council to the church.<sup>637</sup>

The Tlaxcalans would actively campaign to secure royal privileges in the ensuing years, visiting the king's court on several occasions. There,

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<sup>636</sup> See, for instance, "Testimonio del dia en que Don Bernabe Lopez del Castillo tomo posesion del corregimiento de Zaña," ms., 1667. AGI, Lima, 26. "El general Don Bernaue perez del castillo presento un titulo çedula Real de Su Magestad que al pie della parese esta firmada de su Real mano y a las Espaldas de Los señores de su Real Consejo de las Indias con El Zello Real y refrendada de Don Juan del Solar su secretario [...] Vista leyda y publicada por El presente Escrivano de Cabildo el dicho justicia mayor y los demas capitulares cada uno en su antiguedad la tomaron En La mano La besaron y pusieron en su caeaza y dixeron que la obedesian como a carta de su Rey y señor natural [...] con que oy dicho dia quedo [Bernabé Pérez del Castillo] en posesion del dicho officio y mandaron que el dicho titulo cedula real se ponga un tanto del En este libro del Cauildo".

<sup>637</sup> "Este dia fué el primero que estos Tlaxcaltecas sacaron su escudo de armas, que el Emperador les dió quando a este pueblo hizo ciudad [...] tenían dos banderas de éstas y las armas del Emperador en medio, levantadas en una vara tan alta, que yo me maravillé adonde pudieron haber palo tan largo y tan delgado; estas banderas tenían puestas encima del terrado de las casas de su ayuntamiento porque pareciesen más altas. Iba en la procesión, capilla de canto de órgano de muchos cantores y su música de flautas que concertaban con los cantores, trompetas, y atabales, campanas chicas y grandes, y esto todo sonó junto a la entrada y salida de la iglesia, que parecía que se venía el cielo abajo." Toribio Motolinía, *Historia de los Indios de la Nueva España* (Barcelona: Herederos de J. Gili, 1914), 79. For a slightly different version, see Torquemada, *Monarquía Indiana*, 3:230-32. For the date of the royal grant, see Gibson, *Tlaxcala in the Sixteenth Century*, 229.

indigenous solicitors won many additional decrees. After presenting them to the authorities in New Spain for the ceremony of obedience, they deposited these privileges in the community coffer stored inside the *cabildo*. In 1547, the *corregidor* assigned custodianship of the five keys to the governor, the two notaries, and two *alcaldes* (who were supposed to rotate the keys with the other two *alcaldes* every year). The next year, the town council transferred all of Tlaxcala's writs (*provisiones*) and royal decrees (*cédulas*), which until then they had kept at the Franciscan monastery, to the community chest. The *corregidor* then ordered native chiefs to make an inventory. All five holders of the keys had to be present before the Indians could deposit a new document or remove an old one from the chest (for translating them into Nahuatl or for presenting them before the authorities, for example). Although the *cabildo* records do not register details of such ceremonial openings, we know at least that native authorities performed the act in the presence of all of the council members. The key holders, moreover, had to sign their names in front of the indigenous scribe in charge of the records as a means to authorize this crucial procedure.<sup>638</sup>

In the Andean region, Indian communities stored similar documents—land titles, tributary quotas, appointments, and *ayllu* books, among many others—in lockboxes. They carefully guarded these chests in the houses of the town council or in the residence of the paramount lord.<sup>639</sup> Indian elite families also kept titles, *provisiones*, *cédulas*, and *privilegios* in family archives,

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<sup>638</sup> Celestino and Valencia R., *Actas de Cabildo de Tlaxcala, 1547-1567*, 235-36, 40, 316, 47, 95-99, Gibson, *Tlaxcala in the Sixteenth Century*, 167-68, Lockhart, Berdan, and Anderson, *The Tlaxcalan Actas: A Compendium of the Records of the Cabildo of Tlaxcala (1545-1627)*, 36-37, 50, 55.

<sup>639</sup> For a detailed inventory of the community chest of the *corregimiento* of Jauja in 1644, which, among several other documents, included "dos barbacoas en dos andanas de legajos de papeles de causas y negocios muy antiguos," see "Expediente sobre el juicio de residencia instaurado por el Cap. Pedro de Vega al Maestre de Campo Diego de Escobar Osorio, corregidor y justicia mayor que fue de Jauja," ms., 1644. BNP, Ms., B 1482, f. 230r-31v.

passing them on to their heirs and successors.<sup>640</sup> Akin to the situation in Tlaxcala, natives in the Andes treated documents emanating from the royal and viceregal courts with great reverence and respect. In the late sixteenth century, Don Melchor Carlos Inca kept at his house in Cuzco the royal privilege of a coat of arms bestowed upon his grandfather Don Cristóbal Paullo Inca in 1545. The document included the royal seal and the signature of the emperor, all of which Don Melchor guarded in a "caja de hoja de milan."<sup>641</sup>

Indian bearers of documents won at the royal court shared the higher legitimacy and authority, the superior moral value of these documents. This is another way of approaching the legitimizing power of the Atlantic journey and its most notorious outcome—the procurement of royal decrees—which I explored in Chapter 3.<sup>642</sup> Travelers received "duplicates" of the royal decrees obtained at court. These documents included the "signature" of the king. In 1646, for example, the Council of the Indies informed the king that the decrees ordering an investigation on the abuses denounced by Don Carlos Chimo were being dispatched with the Royal Armada. The Council added, "y un duplicado firmado de VM se entrego çerrado al mismo Don Carlos Chimo para que le lleuase i pidiese su cumplimiento."<sup>643</sup> Other testimonies regarding real and

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<sup>640</sup> For the family archives of the Indian nobility of Cuzco towards the end of the colonial period, which included patents of nobility, wills, deeds, confirmations of office, bits of lawsuits, and other important documents, see Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825*, 174-76. For the transmission of titles and other documents among cacique families of the Jauja Valley in the seventeenth century, see Hurtado Ames and Solier Ochoa, *Fuentes para la Historia Colonial de la Sierra Central del Perú: Testamentos Inéditos de los Curacas del Valle del Mantaro, siglo XVII - XVIII*, 76, 97-101.

<sup>641</sup> "Pruebas para la concesión del Título de Caballero de la Orden de Santiago de Melchor Carlos Inga, natural de Cuzco," ms., 1606. AHN, Órdenes Militares, Caballeros, Santiago, exp. 4081, s/f. The original decree can be found in AGI, Lima, 566, l. 5, f. 163r.

<sup>642</sup> In this context, it seems appropriate to mention that, according to some testimonies, the rebel Juan Santos Atahualpa "Dice que estuvo y viene de Angola y de los Congos [...] que en este mundo no hay más que tres Reinos: España, Angola y su Reino." Another testimony related to Santos Atahualpa identifies him as "Un indio ladino del Cuzco que sirviendo a un padre jesuita se había ido a España con su amo y volvió al Perú más ladino de lo que conviniera." Arturo E. de la Torre López, *Juan Santos Atahualpa* (Lima: Pontificia Universidad Católica del Perú, 2004), 25-27.

<sup>643</sup> "Respuesta del Consejo a una consulta de S.M.," ms. Madrid, 11.29.1646. AGI, Lima, 7. Nothing indicates that the Council's procedure in this case was exceptional.



invented *cédulas* illustrate that this legitimacy ultimately rested on the traveler's (perceived) unmediated contact with the monarch, the royal validation as a herald of the king's will, and the authority he had gained to supersede previous orders emanating from the American authorities.

Towards the end of the eighteenth century, for example, Don Pascual Cuchallo demanded the recognition of a "perpetual donation" allegedly bestowed upon his great grandfather by Philip II in the form of a royal *cédula*. According to Cuchallo, the king had issued this unusual mandate in exchange for sixteen *arrobos* of gold that Don Pascual's direct ancestor had sent to him in 1568. This "royal decree," it turned out, was a copy of the last will and testament of the *encomendero* of the time. Whether or not Don Pascual knew it is not clear.<sup>644</sup> A similar case occurred in the town of Calacoto, near La Paz, in 1760. When local authorities showed the *cacique* an *Audiencia* decree forbidding him from further exacting contributions from the Indians, he "became indignant and falsely declared before a large gathering that it had been repealed and that the king had issued him a new order for the exactions."<sup>645</sup> Almost two centuries prior, Don Felipe Guacrapaucar, a *cacique* who visited the royal court between 1562 and 1564, demanded punishment for his *corregidor* from the *Audiencia*. According to Don Felipe, the royal magistrate, "ignoring who I am, who my father is, and that His Majesty granted many privileges to me," had insulted and offended him in public. At court, Don Felipe had secured a coat of arms and a significant pension from the king.<sup>646</sup>

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<sup>644</sup> Beyersdorff, *Historia y Drama Ritual en los Andes Bolivianos, siglos XVI-XX*, 72.

<sup>645</sup> Thomson, *We Alone Will Rule: Native Andean Politics in the Age of Insurgency*, 100-01.

<sup>646</sup> "no teniendo atención a quien yo soy y cuyo hijo y que su Magestad me hizo muchas mercedes." "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima, del tiempo que fue corregidor de la ciudad de Cuzco y visitador de las provincias del Perú, por el licenciado Pedro Sánchez de Paredes, oidor de la misma Audiencia," ms. 1575. AGI, Justicia, 463, f. 214v.

The legal rivals of Lorenzo Ayun, the Indian commoner from the north coast who traveled to the king's palace in the 1640s, accused the traveler of trying to "deceive" the Indians with a fictitious royal decree that he claimed to have received directly from the king. The mysterious decree ordered, "The Indians who become his subjects would neither pay tribute nor fulfill the labor draft at Huancavelica" ("los yndios que fuesen sus subditos no pagasen tributos ni mitasen a Guancavelica").<sup>647</sup> In other words, His Majesty, with this decree, was empowering Lorenzo to exempt the Indians from labor drafts and tribute payments for several decades, despite previous orders on the contrary. Although Lorenzo's *cacique* and others were not convinced with the traveler's story, many others clearly supported him and rendered their help during Lorenzo's legal actions to become a titled *cacique*.<sup>648</sup>

Tomás Catari, another commoner who could not base his aspirations to the post of *cacique* on hereditary rights, was also said to have "deceived" the Indians by claiming his having formal authorization to release them from the forced sale of merchandise (*reparto de mercaderías*) and reduce two thirds of their tributary quota. This particular authorization, which Catari denied

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<sup>647</sup> I have not been able to locate this royal decree, although it is possible that Lorenzo Ayun, if he ever claimed to have such document, was referring instead to a decree dated in April 14, 1647. Don Gaspar de Escalona y Agüero, attorney of the city of Cuzco and former *corregidor* of Jauja, won such a decree on behalf of the Indians of Jauja while at the royal court. His links to Lorenzo Ayun were very close, as I have shown elsewhere. In January of 1646, the Council of the Indies received a memorandum in which Escalona presented the services of the Indians of Jauja during the rebellion of Hernández Girón. As Lorenzo Ayun would do later in his own memorandum, Escalona cited the donations made by the Indians to the king and argued that hard labor in the mercury mines was detrimental to the natives. Escalona ended his petition requesting, in strikingly similar terms to those used by Lorenzo in his own defense, an exemption of thirty years from the work in the mines. To my knowledge, the Crown never granted the exemption. See "El licenciado Gaspar de Escalona Aguero Procurador general de la Ciudad del Cusco por los Indios de Xauxa," ms., 1.29.1647. AGI, Lima, 25; "Real cédula al virrey del Peru para que Procure executar con efecto la decula arriua Inserta en que se mando que los Indios del Valle de Jauxa fueran ayudados y fauorezidos por los seruicios que hizieron Y que los aliuie en lo que fuere Possible," ms. Madrid, 4.14.1647. AGI, Lima, 584, 1. 21, f. 277r-78r.

<sup>648</sup> "fingiendo tenia Cedula rreal de su magestad para que los yndios del rrepartimiento de luringuanca y los demas no mitasen, a la mina de Guancauelica Y que pretendia el gouierno solo para pedir el cumplimiento de la dicha rreal çedula;" "diçiendoles Traya sedula para que no mitassen a Guancauelica ni pagassen tributos los que fuesen sus subditos con que los mouio y altero y ynduxo a que declarasen falso, en su fauor." "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla..." ff. 378r, 445r, 546r.

to possess, he had allegedly received from the king in the form of "a *cédula* and other royal orders."<sup>649</sup> During Catari's imaginary audience with Charles, some Indians believed, the king had cut the leader's hair and given him a staff made of "whale beard" ("de barba de ballena") and a hat "with three peaks" ("de tres picos"), all in recognition of his appointment as "governador, y principal cabeza de la provincia."<sup>650</sup> Such gifts clearly allude to Catari's transformation into a legitimate chief, a change sanctioned by his interview with the monarch. The king "crowned" Catari by cutting his hair; the staff and the hat are traditional emblems of authority that only reinforce his newly acquired status. The staff, in particular, signals Catari's prerogative to administer justice in the name of the king, a key feature to which I will return in the last section of this chapter.

This reading of the symbolic value attached to documents originating at the royal court, and by extension to the Atlantic experience as a whole, is consistent with the historical and the ethnographic record. Indian beliefs and practices associated with documents reflect actual experiences with the hegemony of writing.<sup>651</sup> As several ethnographies demonstrate, imperial writing

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<sup>649</sup> Don Pedro Caipa, one of the Indian "rebels" executed in La Paz in 1780, declared, "todo lo qual [Catari] les dava a entender [to the Indians] simulando que traia cedula, y otras reales ordenes, sobre el particular, y que esta creencia, y suposicion, ha dado merito a los alborotos." Penry, "Transformations in Indigenous Authority and Identity in Resettlement Towns of Colonial Charcas (Alto Peru)", 361. For a similar declaration, this time from the *cacique* of Coroma, see Serulnikov, *Subverting Colonial Authority: Challenges to Spanish Rule in Eighteenth-Century Southern Andes*, 183-84.

<sup>650</sup> "No solo haver parlado familiar y estrechamente, con el Rey, sino comido y vebido juntos en una meza, y que en Demonstracion de hacerlo Governador, y principal Cabeza de la Provincia, le havia cortado el Pelo, como Coronandole y entregandole un Bastón de Barba de Ballena, con un sombrero de tres picos, todo lo qual, les dava a entender simulando que traia cedula, y otras reales ordenes, sobre el particular, y que esta creencia, y suposicion, ha dado merito a los alborotos." Penry, "Transformations in Indigenous Authority and Identity in Resettlement Towns of Colonial Charcas (Alto Peru)", 361, note 2.

<sup>651</sup> Joanne Rappaport, "Mythic Images, Historical Thought, and Printed Texts: The Páez and the Written Word," *Journal of Anthropological Research* 43 (1987): 47, Peter Wogan, "Magical Literacy: Encountering a Witch's Book in Ecuador," *Anthropological Quarterly* 71, no. 4 (1998): 188, —, "Perceptions of European Literacy in Early Contact Situations," *Ethnohistory* 41, no. 3 (1994): 408, Wogan, *Magical Writing in Salasaca: Literacy and Power in Highland Ecuador*, 66, 109, 47-48. Titu Cusi's assertions about why the Indians first called the Spaniards "viracochas" are well known: "The Tallanas *yungas* also used the name to refer to the Spaniards because they heard the Spaniards speaking, all by themselves, to some white sheets just as one person would speak to another (what they were observing was the reading of books and letters" / "Y tambien los llamavan ansy porque les auian visto hablar a solas en vnos paños blancos como vna persona hablaua con otra, y esto por el leer [sic] en libros y cartas." Titu Cusi Yupangui, *History of How the*

has produced artifacts that Andean indigenous peoples treasure as powerful objects, bringing them back to life for the construction of ethnic history and memory, during town gatherings for the election of new authorities, and in rituals that mark the social and territorial boundaries of the community.<sup>652</sup> Community members regularly present these documents before state authorities and request notarized copies to preserve them from destruction.<sup>653</sup> The material attributes of these texts—the document as artifact—are as important for community members as the “words on the page”—their literal content and the message they convey.<sup>654</sup> In a thoughtful analysis of “folk

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*Spaniards Arrived in Peru*, 8-11. For an enigmatic passage about Inca Pachacuti's transient encounter with a “large book” (“libro grande”) in prehispanic Cuzco, see Santa Cruz Pachacuti Yamqui, “Relación de Antigüedades Deste Reyno del Perú,” 300.

<sup>652</sup> Abercrombie, *Pathways of Memory and Power: Ethnography and History among an Andean People*, Allen, *The Hold Life Has: Coca and Cultural Identity in an Andean Community*, 168, Beyersdorff, *Historia y Drama Ritual en los Andes Bolivianos, siglos XVI-XX*, Billie Jean Isbell, *To Defend Ourselves: Ecology and Ritual in an Andean Village* (Prospect Heights, Ill.: Waveland Press, 1985), 65, Tristan Platt, “Writing, Shamanism and Identity or Voices from Abya-Yala,” *History Workshop Journal* 34 (1992), —, “The Sound of Light: Emergent Communication through Quechua Shamanic Dialogue,” in *Creating Context in Andean Cultures*, ed. Rosaleen Howard-Malverde (New York: Oxford University Press, 1997), Radcliffe, “Marking the Boundaries between the Community, the State and History in the Andes,” Rappaport, *The Politics of Memory: Native Historical Interpretation in the Colombian Andes*, —, *Cumbe Reborn: An Andean Ethnography of History*, Rappaport and Cummins, “Literacy and Power in Colonial Latin America,” Rappaport, “Object and Alphabet: Andean Indians and Documents in the Colonial Period,” Rasnake, *Domination and Cultural Resistance: Authority and Power among an Andean People*, Salomon, “Unethnic Ethnohistory: On Peruvian Peasant Historiography and Ideas of Autochthony,” —, *The Cord Keepers: Khipus and Cultural Life in a Peruvian Village*, Wogan, “Perceptions of European Literacy in Early Contact Situations,” —, “Magical Literacy: Encountering a Witch's Book in Ecuador,” —, *Magical Writing in Salasaca: Literacy and Power in Highland Ecuador*.

<sup>653</sup> See, for instance, the seventeenth- and eighteenth-century documents of San Francisco de Julquilla, as well as their modern transcriptions (elaborated in the 1960s), all included in “Autos que siguió don Francisco Florez Guainamalqui, cacique principal y gobernador del repartimiento de Ocros, provincia de Cajatambo, por si y en nombre de ciertos indios de aquel repartimiento, sobre que se les ministrase posesión de ciertas tierras que tenían por suyas en el asiento de San Juan de Tunan, a cuyo intento exhibieron una real provisión del Conde Chinchón, su fecha en los Reyes, 4 de junio de 1631, la que corre original en estos autos,” various dates. AGN, Derecho Indígena, L.7, C.87, f. 64.

<sup>654</sup> Undachi, a native messianic leader in Togoima (present-day Colombia), claimed in 1729 he kept a letter written to him by God in his house. The letter, it turned out, was made of several sheets of white paper. When confronted by the authorities, Undachi pointed to the watermark and declared, in his own language, “that that was what had been written.” Rappaport, *The Politics of Memory: Native Historical Interpretation in the Colombian Andes*, 76, —, “Object and Alphabet: Andean Indians and Documents in the Colonial Period.” Luis Corteguera has explored the symbolic connections between the image of God and the king. According to Corteguera, “The king, as the source of earthly justice, seemed the only one left who could correct the bad administration of the royal justice system. As the friar Alonso de Castrillo explained, the king was the source of justice on earth. The king was *vicedios*—‘God’s lieutenant.’ Parallels between the king and God were commonly reinforced through ritual, art, and literature. [...] God was commonly described as the ‘king of heaven,’ who had a court full of saintly favorites who might act as advocates for human beings to plead for mercy, favors, and justice.” Corteguera, *For the Common Good: Popular Politics in Barcelona, 1580-1640*, 135.

transcription" practices in a Peruvian indigenous town, Frank Salomon shows that, when transcribing colonial documents, the communal secretary attempts not just to create a transcription but also to produce a "facsimile" of the original. The physical attributes—handwriting size, signature flourishes and rubrics, traces of seals and kinds of bindings—are as meaningful as its lexical content and legal format. Only by reflecting these physical attributes does the secretary's transcription convey the "same" or "true" meaning. As letters and decrees emanating from the royal court once did in Habsburg Peru, then, these communal treasures invite the modern reader to "take vicarious part" in the original writing-event that brought them to life in the first place.<sup>655</sup>

*Lima, House of Good Government*

In her study of the *Nueva corónica*, Rolena Adorno contends that the dialogue included in Guaman Poma's "His Majesty Inquires" mimics the colonial *relación*. The *relación* was an official type of report solicited by the monarch or his Council of the Indies, which often took the form of responses to questionnaires sent from the metropolis.<sup>656</sup> I would like to suggest in this section that the scene depicted in the *Nueva Corónica* also reveals what Guaman Poma actually saw, heard, and translated (and not just what he read). In other words, his dialogue with Philip shows the first-hand knowledge that individuals such as the chronicler had of the inner workings of the viceregal palace in Lima, where many a native supplicant and litigant experienced an immediate encounter with royal power almost every day.

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<sup>655</sup> Salomon, "Unethnic Ethnohistory: On Peruvian Peasant Historiography and Ideas of Autochthony," 484.

<sup>656</sup> As usual, however, Guaman Poma subverted his Spanish model by creating the king's fictional persona as a "uniformed and naïve inquirer," while elevating himself as the only source of knowledge and authority. Adorno, *Guaman Poma: Writing and Resistance in Colonial Peru*, xvi, xli, 7-8. About the *relación*, cfr. Frank Salomon, "Chronicles of the Impossible: Notes on Three Peruvian Indigenous Historians," in *From Oral to Written Expression: Native Andean Chronicles of the Early Colonial Period*, ed. Rolena Adorno, Latin American Series; 4 (Syracuse: Syracuse University, 1982).

As explained in Chapter 1, Indians from diverse regions of the Andes had sought justice and redress before the *Audiencia* since the early 1550s, sometimes in person, sometimes through legal attorneys, flooding the high court with petitions, proofs of merit, and court cases of various sorts.<sup>657</sup> Indians had myriad reasons to undertake these legal pilgrimages. Disputes involving *caciques* lay outside the jurisdiction of provincial magistrates (*corregidores*). Therefore, Indian lords held the prerogative of airing their cases before the *Audiencia*. Moreover, although provincial magistrates invested *caciques* in a local ceremony, Indian lords had to secure confirmation of their position, usually in the form of a royal mandate issued by the high court. The securing of important favors, prerogatives, and grants, such as exemption from tribute and recognition of nobility, also required a legal procedure before the judges established in Lima. These affairs quickly became routine among the *caciques* of the kingdom. The *Audiencia* also ruled in relevant court cases involving Indian communal lands and, especially after the 1590s, confirmed land titles dispensed to Indian individuals and communities by local inspectors and judges. Furthermore, lawsuits and petitions involving the reassessment of communal labor and tributary quotas also fell under the jurisdiction of this court of appeal. Finally, the seeking of redress from corrupt officials and judges involved appearing before this high instance as well.

As early as 1541, the Crown had elevated Lima to the role of "seat" and "crown", turning it into the "head" of the kingdom of Peru. Accordingly, a direct representative of the king, not a mere bureaucrat but his "living image," soon established his household there, sanctioning the city as a

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<sup>657</sup> For Indian litigation before the *Audiencia*, see the pioneering works of Carlos Sempat Assadourian, "Dominio Colonial y Señores Étnicos en El Espacio Andino," *Revista Latinoamericana de Historia Económica y Social* 1 (1983), Honores, "Litigiosidad Indígena ante la Real Audiencia de Lima, 1552-1598", —, "La Asistencia Jurídica Privada a los Señores Indígenas ante la Real Audiencia de Lima, 1552-1570.", —, "Caciques as Legal Benefactors: Cacical Legal Offensive in the Andes, 1550-1572."



This richly decorated building had a large carved stone frontis. It included multiple corridors, gardens, archways, stairways, and rooms organized around two interior patios. The rooms in the first patio were destined for the viceroy and his extended family, including his servants, relatives, and dependants. The sections around the second patio housed the royal exchequer and the *caja de censos* of the Indians, along with the armory, the royal prison and, above all, the offices and law-courts of the royal *Audiencia*.<sup>660</sup> Somewhere nearby, Indian delegations would await their turn to appear before the judges, lawyers, and attorneys.<sup>661</sup> Every year, ceremonies such as the confirmation of *cacique* titles as well as active litigation before the magistrates of the *Audiencia* opened the doors of the busy palace for Indian pilgrims staying in Lima.<sup>662</sup>

According to Habsburg theory of monarchical power, the relationship between viceroys and *Audiencias* was a reflection of the link between the king and his councils. The supreme authority was concentrated in the monarch, who

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<sup>660</sup> Bernabé Cobo, "Fundación de Lima, Escripta por el Padre Bernabé Cobo de la Compañía de Jesús. Año de 1639," in *Obras Completas del Padre Bernabé Cobo. Volume, Biblioteca de Autores Españoles; 91-92* (Madrid: Atlas, 1956), 309, León Portocarrero, *Descripción del Virreinato del Perú; Crónica Inédita de Comienzos del siglo XVII*, 33-35, Antonio Vázquez de Espinosa, *Compendio y Descripción de las Indias Occidentales, Biblioteca de Autores Españoles; 231* (Madrid: Atlas, 1969), 296.

<sup>661</sup> The offices of the official attorneys (*procuradores*) of the high court were also located in the building of the *Audiencia*, along a large corridor. Honores, "Una Sociedad Legalista: Abogados, Procuradores de Causas y la Creación de una Cultura Legal Colonial en Lima y Potosí, 1540-1670", 125, 228.

<sup>662</sup> In 1628, for instance, the *Audiencia* was reviewing no less than thirty-five court cases. These cases involved Indians and communities from distant regions such as Jauja, Huaylas, Tarma, Lampas, Andahuaylas, Lati, Curahuasi, Lambayeque, and Cajamarca. "Memoria de los Pleytos que estan detenidos en poder de los Relatores desta Real Audiencia." ms., 1628. AGI. Lima, 161. About the public hearings of the *Audiencia* ministers, see *Recopilación de Leyes de los Reinos de las Indias*, Bk. 2, Tit. 15, l. xxi. One may very well apply Jorge Ignacio Rubió Mañé's description of the activities inside the viceregal palace in Mexico to the situation in Lima. According to this author, "Los funcionarios menores de la Audiencia pasaban de ochenta, y como doscientos abogados practicaban ante ella. Y así las sesiones de la Audiencia fueron escenas de actividad enorme. Gran número de litigantes se reunía en los corredores de Palacio, así como agentes de negocios y abogados. En el patio había una escalera que conducía a las salas de la Audiencia. Unos caminaban de prisa, otros con toda lentitud, según el apremio de sus causas. Algunos fritaban en los debates y otros guardaban silencio. Era necesario descubrirse y entrar con cierto miramiento en el aposento. La sala era grande y bien adornada, donde estaban el Virrey-Presidente y los Oidores. Inspiraba respeto todo el aparato de la ceremonia. En lugar prominente estaba el Presidente. A su alrededor, los Oidores. Gran asiento encojinado de terciopelo correspondía al Virrey. Frente a él se colocaban el Fiscal, el Alguacil Mayor, el Procurador de los Pobres, el Protector de los Indios, y otros abogados. Un tabique de madera, en la parte posterior de la sala, segregaba al público que permanecía de pie." Jorge Ignacio Rubió Mañé, *El Virreinato*, 4 vols., vol. 1. *Orígenes y jurisdicciones, y dinámica social de los virreyes* (Mexico, D.F.: Fondo de Cultura Económica), 79.



acted as the source of all acts of justice. However, since neither the king nor the viceroys were *letrados* or law graduates, they did not participate in the direct administration of justice. Hence, they ruled with the assistance of many councils and tribunals. In America, the justices of the *Audiencia* acted as the consultative council of the viceroy. Because of their paramount task of administering justice, however, the magistrates complemented, and were not just subordinates of, the power of the viceroy. In other words, they were councilors and judges.<sup>663</sup>

In this context, viceroys "stood in the place" of the king, as Alejandro Cañeque contends. They were in possession of "all the majesty, power and authority" of the monarch. Thus, "gazing at the viceroy was like contemplating the king himself." Similarly, the American *Audiencias* were the mirror image of the "king-judge." The monarch had created these courts so his subjects could express their grievances and complaints as well as receive justice. During the ceremony of the King's Proclamation, for example, the king "spoke" through the voice of the most senior royal magistrate of the high court. Both the viceroy and the *Audiencia* were repositories of royal authority; the king's majesty resided in them; both represented the royal person directly.<sup>664</sup>

Litigation and the search of viceregal favor gave native subjects the opportunity to meet with the king and his alter ego, the viceroy, symbolically at the palace. Such a construct might explain why Titu Cusi Yupanqui Inca sent two salvers and a pitcher of gold, both worth 5,000 pesos, to Viceroy Marquis of Cañete from his refuge in Vilcabamba in the 1560s.<sup>665</sup>

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<sup>663</sup> Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 58-60.

<sup>664</sup> *Ibid.*, 25, 50-60, Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 94.

<sup>665</sup> Hemming, *The Conquest of the Incas*, 294. According to Hemming, the viceroy sent back "some fine clothing for the Inca and his wife, a mule worth 500 pesos and 'a saddle-cloth of black velvet bordered with silver passementerie, with silver stirrups and stirrup-guards."

These gifts bring to mind the presents that the Tlaxcalans prepared in 1540 for Emperor Charles. Though physically directing himself to the viceroy with his gifts and letters, symbolically the Inca was addressing the king himself.<sup>666</sup> Felipe Guaman Poma grasps the political theory behind the "living image" of the king when he explains that His Majesty also resides at the viceroy's court, the "palace and house of good government" to which he has journeyed to entrust his manuscript.<sup>667</sup>

The only drawing included in "His Majesty Inquires" depicts a Guaman Poma gallantly dressed and kneeling before the royal throne while delivering his work to the king in person (see Figure 6). Although the caption confirms Guaman Poma's personal appearance before the king ("Presenta personalmente el autor la Corónica a su Magestad"), the accompanying text excuses the chronicler for his being too old and sick for visiting the Spanish court. Yet, Lima and Castile, the main loci of royal power in Guaman Poma's world, shared the same symbolic field as "houses" of the king ("casas reales" or "royal houses" in the terminology of the time). At the king's palace, Indians could find "good government." Guaman Poma's merging of these two settings implies no contradiction. For thousands of indigenous subjects like him, to appear before the viceroy and the justices of the *Audiencia*, even if through writing, was to appear before the king.

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<sup>666</sup> An interesting case involving an American-born Spanish lawyer, the prosecutor and judges of the Audiencia of Lima, and the viceroy is included in Oswaldo Holguín Callo, *Poder, Corrupción y Tortura en el Perú de Felipe II: el Doctor Diego de Salinas (1558-1595)* (Lima: Congreso del Perú, 2002). The Audiencia arrested and tortured the lawyer for insulting the viceroy and the prosecutor, both alter egos of the king. In his defense, the lawyer stated that, during his argument with the ministers of the Audiencia, the king had been "there."

<sup>667</sup> Several passages of the chapter of the author's journey to Lima demonstrate this assertion. After the corregidor of Huamanga denied him the right to conduct a proof of merit intended for the Audiencia and expelled him from his homeland, Guaman Poma decided to journey to Lima: "Y acá se bino para la ciudad de los Reys de Lima a presentarse a su Magestad" (1110; also 1108, 1115, 1117, 1119). Guaman Poma also writes, "La ciudad de los Reys de Lima está la corte, adonde rrepresenta la misma persona de su Magestad, el excelentísimo señor bizorrey y su audiencia rreal, pricidentes y oydores y fiscal de su Magestad y alcalde de corte" (559); "La dicha ciudad de los Rey[es] de Lima, corte rreal, adonde rrecide su Magestad y su corona rreal, pricidentes y oydores, alcaldes de corte y justicias, dotores, lesenciados y los excelentísimos señores bizorreys, da donde gobierna todas las Yndias orientales, osedentales" (1040).

Among the native populations, viceregal personal performances as "living images" of the king brought to life some of the principles of this political theory.<sup>668</sup> In such performances, gestures of deference and obedience typically awarded to the king occupied the center stage. During the late Middle Ages and into the early modern period, the Castilian monarchy had repeatedly used a series of symbols and secular ceremonies, including kissing the king's hand as an act of submission that established a bond of loyalty. At the royal court, supplicants approached the king, even if only on paper, with humility and reverence. They kissed the hands or feet of His Majesty, kneeled before him, and sometimes even threw themselves at his feet.<sup>669</sup> Colonial political culture revolved around similar gestures.<sup>670</sup> In 1573, for example, Viceroy Francisco de Toledo received two embassies of Chiriguano leaders in La Plata. These leaders represented a lowland people who inhabited the eastern frontier of the king's domains. From Toledo's perspective, the Chiriguanos had not been "conquered" yet. Therefore, he was very pleased when he heard that the Indians had journeyed to the city "to pledge obedience to His Majesty and His Excellency in his royal name." By no means did Toledo

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<sup>668</sup> Consider the following scene described by Juan de Santa Cruz Pachacuti, as Francisco Pizarro was about to enter Cuzco for the first time in 1533: "Al fin, aquel día llegaron a Saquixaguana, en donde al día siguiente, el padre Fray Vicente con el capitán Francisco Piçarro les dize a MangoYnga Yupanguí que lo quería ber bestidos [sic] de Guayna Capac Ynga, su padre, el qual se haze mostrar, y visto por el capitán Piçarro y Fray Vicente, les dize que bestiera aquel bestido más rico. Al fin, se bestió el mismo Piçarro en nombre del Emperador. [...] y el marqués con el ynga, en compañía del Santo Ebangelio de Jesucristo Nuestro Señor, entraron [in Cuzco] con gran aparato real y pompa de gran magestad; y el marqués con sus canas y barbas largas representaua la persona del emperador Don Carlos 5.º, y el padre Fray Vecente con su mitra y capa, representaua la persona de San Pedro, pontífice romano, no como Santo Tomás, hecho pobre; y el dicho ynga con sus andas de plumerías ricas, con el bestido más rico, con su suntorpaucar en la mano, como rey." Santa Cruz Pachacuti Yamqui, "Relación de Antigüedades Deste Reyno del Perú," 319.

<sup>669</sup> Luis Corteguera correctly states, "Coming to speak before the king was akin to coming before God, and it was appropriate for the petitioner to approach, even if only on paper, with the king of humility and reverence with which one approached an image of God." Corteguera, "Talking Images in the Spanish Empire: Vision and Action," 63. See also Teófilo Ruiz, "Unsacred Monarchy: The Kings of Castile in the Lat Middle Ages," in *Rites of Power: Symbolism, Ritual, and Politics since the Middle Ages*, ed. Sean Wilentz (Philadelphia: University of Pennsylvania Press, 1985), 116.

<sup>670</sup> In a letter sent in 1560 by the *cabildo* of Huetjotzingo to king Philip via a friar, the nobles and *caciques* wrote, "Our lord sovereign, you the king don Felipe our lord, we bow low in great reverence to your high dignity, we prostrate and humble ourselvles before you, very high and feared king through omnipotent God, giver of life. We do not deserve to kiss your feet, only from afar we bow down to you." Lockhart and Otte, *Letters and People of the Spanish Indies, Sixteenth Century*, 165.

refuse to comply with his role when the Chiriguano humbly kissed his hand in recognition of the king's authority.<sup>671</sup>

Moreover, at the palace in Lima, viceroys, *Audiencia* ministers, and Spanish lawyers sometimes engaged in what Jeremy Mumford has labeled "self-interested ethnography." This practice, as Mumford defines it, was a conscious, yet not necessarily consistent, effort to investigate, define, and integrate indigenous prehispanic concepts and traditions—both real and invented—into colonial legal practice, all in the name of ruling the Indians according to their "own" laws and customs.<sup>672</sup> Colonial authorities and Indian subjects could actually perform some of these "traditions," establishing them as custom from time immemorial or as legal precedent.

Legal audiences and ceremonies of obedience held inside and outside the palace, for example, carried the meaning of representing the symbolic link between the king and his alter ego. These ceremonies and audiences also reactivated the notion of *translatio imperii*, according to which the Spanish monarch was the political heir and successor of the Inca rulers of the land. During his famous five-year tour of inspection of the viceroyalty, Viceroy Toledo stopped at the old Inca provincial center of Vilcas, near the Spanish city of Huamanga, from which a "captain-governor" of the Inca would officiate in his name. There, the viceroy ascended the ceremonial *usno* platform previously used by the Inca and his vicars. Then, Toledo sat on the stone seat beside the top of the stairway. From this elevated position, he received

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<sup>671</sup> "[A]n venido a dar la obediencia a su Magestad y a su Excelencia en su rreal nombre." See "La Plata: joven visionario entre los chiriguanoes," ms., 1573. AGI, Patronato, 235, r. 3, pp. 1-3 (modern pagination). For a first-hand account of the Chiriguano embassy, see Reginaldo de Lizárraga, *Descripción Breve de Toda la Tierra del Perú, Tucumán, Rio de La Plata y Chile*, Biblioteca de Autores Españoles; 216 (Madrid: Atlas, 1968), 143-48.

<sup>672</sup> Jeremy Mumford, "Litigation as Ethnography in Sixteenth-Century Peru: Polo de Ondegardo and the Mitimaes," *Hispanic American Historical Review* 88, no. 1 (2008): 20.

the local paramount lords as the Inca king had allegedly done before the Conquest.<sup>673</sup>



Figure 8: Viceroy Velasco grants the staffs of justice to Indian mayors and bailiffs<sup>674</sup>

This act of partial mimicry fostered the associations between viceroys and the Spanish king, on the one hand, and between these representatives of His Majesty and the former Inca lords of the land, on the other. In a remarkable example from 1563, an entourage of prominent *caciques* appeared before Viceroy Count of Nieva and the magistrates of the royal *Audiencia*. The Indian nobles had crossed the Andes to seek confirmation of the title of paramount lord (*cacique principal*) for twenty-year-old Don Carlos Apoalaya, heir to the former *cacique* of the Ananguancas and one of the visitors at the viceregal court. In a petition, Don Carlos Apoalaya's attorney "informed" the

<sup>673</sup> "Cómo le rrecibieron en la ciudad de Guamanga y dallí se fue hacia la ciudad del Cuzco y llegó a Bilcas Guaman y subió al aciento y gradas, usno del Ynga, y ancí fue rreciuida como el mismo Ynga todos los señores prencipales. Y mandó subir al más biejo y principal al usno, a don Alonso Naccha Uarcaya del pueblo de San Pedro de Queca de la prouincia de los Lucanas, Andamarcas, Soras."Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 447. About the Inca governor formerly stationed in Vilcas, see Jiménez de la Espada, *Relaciones Geográficas de Indias*, 1:99, 146.

<sup>674</sup> The Spanish translation of the Nahuatl text that accompanies this painting reads, "Quando les da el *topilli* [the staff of command] a los alcaldes de México, el Virrey les dice: 'ustedes ya son alcaldes ahora por primera vez, mucho hablen sobre la doctrina cristiana, que toda la gente sepa los servicios de nuestro Señor Dios. Y después hablarán sobre los servicios de nuestro Soberano, Su Magestad, lo que se requiera para él, es necesario que sobre ello bien se encarguen de hablar.'" Cortés Alonso, *Pintura del Gobernador, Alcaldes y Regidores de México: Códice Osuna*, 2:9-471v.

Count of Nieva that the Incas "tenian costumbre de dar de su mano la ynvestidura y señorio de los cacicadgos a las personas que en ellos subcedian o a quien les parescia." The attorney added, however, that the kingdom was now under His Majesty's rule. Given that the viceroy represented his royal person in these lands, it was only just to continue this practice and present Don Carlos with the *caciques'* insignias of power from the hands of the viceroy. The ensuing scene, a curious bricolage of homage ceremony, bureaucratic procedure, and indigenous rituals of power, unraveled as follows.

After having been informed by his advisors of the "custom that the Yngas used to have in giving the investiture of similar chiefdoms," Nieva summoned Don Carlos and many other Indians to one of the chambers of the viceregal palace. In the presence of the official Indian interpreter, the scribe who recorded the event, and three Spanish witnesses, Nieva ordered the interpreter to place a *duho*—the traditional seat used by Indian lords throughout the Andes—in front of his own chair. Then, he ordered Don Carlos to take a seat in his *duho* to symbolize the viceroy's recognition of his Indian authority. Through the interpreter, Nieva admonished the Indians in attendance to recognize Don Carlos as their paramount lord and treat him as such, unless otherwise decreed by His Majesty (or His Excellency in his royal name). At this point, the young *cacique* rose from his chair and went to kiss the hands of His Excellency, a common gesture within European ceremonies of homage and investiture. The viceroy personally handed Don Carlos "two pairs of clothes that the Indians commonly wear" for him to keep as insignias "of the said post and the investiture attached to it."<sup>675</sup> As depicted in the scene

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<sup>675</sup> "dos pares de ropas de la que los dichos yndios suelen traer;" "del dicho cargo e ymbistitura del." With regards the alleged Inca tradition that lay behind the ceremony, one of the *caciques* of the Luringuancas (neighbors of the Anananguancas) declared in 1570 about the Inca conquest of the region, "el dicho topa ynga oyo dezier este testigo que auia dado al dicho su visaguelo unas camysetas y mantas galanas y unos vasos en que bebiese que llaman entrellos *aquilla*." This the Inca did in recognition of the local *caciques'* peaceful submission and "obediencia." Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 2:20. In the

from the Mexican codex presented above, the viceroy signed the *auto* of the proceedings and granted it to the young Indian chief, who took it back home and stored it in the family archive.<sup>676</sup>

This act of partial mimicry involving the Count of Nieva and the lords of Ananguanca was not unique, as other Indians also interviewed with viceroys at the palace. In 1620, for example, three Indian leaders from Lampas, in the province of Cajatambo, entered the palace and talked personally with Viceroy Prince of Esquilache in order to oppose the foundation of a textile factory on their lands. Two years later, they would meet with the famous judge Juan de Solórzano Pereira in one of the rooms of the *Audiencia*.<sup>677</sup> In light of these encounters, one can say that Guaman Poma's "imaginary" dialogue with Philip actually happened in these royal houses not once but countless times.

Distinctive elements of such audiences at the high court appear scattered throughout the *New Chronicle* (Figure 9).<sup>678</sup> They shaped Guaman Poma's depiction of the royal interview, offering a template for "His Majesty Inquires" and other analogous scenes.<sup>679</sup> As discussed in Chapter 2, a few

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1730s, José Fernández Guarachi, of a traditional *cacique* family in the southern Andes, listed among his belongings a litter and a tunic (*unku*), awarded to his ancestors by the Inca in recognition of their loyalty. Thomson, *We Alone Will Rule: Native Andean Politics in the Age of Insurgency*, 33.

<sup>676</sup> "Auto del Conde de Nieva," Lima, 8.17.1563, published in Roberto Levillier, *Don Francisco de Toledo, Supremo Organizador del Perú. Su Vida, su Obra, 1515-1582*, 2 vols., vol. 2 (Madrid: Espasa-Calpe, 1940), 95-98. I have somehow simplified the ceremony, for Don Carlos's uncle, Don Hernando Viça Alaya, also participated in it. The viceroy made him governor due to the young age of his nephew, following a similar procedure in recognition of his authority.

<sup>677</sup> "Carta de los curacas y caciques de la collana de Lampas al Rey," ms., 4.1.1620; "Memorial para el Real Consejo de Yndias de los indios de la Collana de Lampas prouincia de Cajatambo del Piru," ms., n/d, as well as other documents pertaining to the case included in AGI, Lima, 150 and AGI, Lima, 157. About the context for the protests of these Indian subjects, see Hugo Pereyra Plascencia, "Chiquián y la Región de Lampas entre los siglos XVI y XVII: una Hipótesis sobre el Origen de las Campañas de Extirpación de Idolatrías en el Arzobispado de Lima," *Boletín del Instituto Riva-Agüero*, no. 16 (1989).

<sup>678</sup> For Guaman Poma's familiarity with the "Audiencia y corte," see his chapter of "good government" and his visual and verbal description of the royal high court of Lima, in Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 438-90, 715.

<sup>679</sup> See, for instance, Guaman Poma's composition of Emeperor Charles' granting of a letter to Pedro de la Gasca (419), which, as Rolena Adorno has argued, seems to have been the model for the drawing included in "His Majesty Inquires, as well as the chronicler's depiction of the archbishop or Lima (476). Adorno, "Icon and Idea: A Symbolic Reading of Pictures in a Peruvian Indian Chronicle," 39.

privileged Indians, mainly interpreters and informal attorneys like Guaman Poma, had direct access to the viceregal court. Between 1596 and 1599, the chronicler had made several legal trips to Lima. There, he won *Audiencia* mandates for his Indian clients, which he took back with him to Huamanga.<sup>680</sup>



Figure 9: The royal high court of Lima

<sup>680</sup> Between 1596 and September of 1597, Guaman Poma (who was yet to add the "De Ayala" to his name) petitioned the *Audiencia* directly to defend the family lands of the Tingo/Ayala clan from a series of intruders. Significantly, of all the previous indigenous claimants, the only one in Lima at this time seems to have been Guaman Poma. Weaving his own demands with those of this indigenous clan, Guaman Poma and a mysterious Juana Chuquitinta petitioned official recognition of these "ancestral" possessions as partially theirs. The future chronicler interlocked his family history with that of the Tingos and Ayalas, prepared detailed memoranda and lists of boundaries and intruders, and sketched three drawings of the main Indian ancestors and locales involved. With the aid of the Indian defender and the attorney of the *Audiencia*, Guaman Poma elevated this case before Viceroy Luis de Velasco, highlighting his own services and merits in passing. In the hands of this experienced Indian attorney, the timid claims of the indigenous clan, previously drafted by Spanish attorneys in Huamanga, turned into elaborated "titles" to the lands under investigation, legal artifacts highly effective and skillfully crafted to succeed before the Spanish system of justice.



Guaman Poma's litigating activities show that, by the 1580s, the informal intercession of Indian and *mestizo* interpreters was becoming crucial to gain access to the intimate circle of the viceregal palace and the chambers of the high court, especially for Indian communities surrounding the city. Having these interpreters as formal or informal attorneys was even better. Their notorious influence over viceroys, judges, councilors, and attorneys might become determinant, turning them into perfect intermediaries to secure an "interview" with His Majesty in Lima or Spain. Throughout the sixteenth and seventeenth centuries, many official interpreters acted as attorneys to Indian communities, *caciques*, and other native individuals in colonial settings, thus articulating Andean villages and its legal specialists (*caciques*, scribes, and attorneys) with the Audiencia, the viceroy's and the king's court.

Legal practices related to Indian pilgrimages to Lima and Spain appear in the "imaginary" dialogue with Philip. In his parliament, Guaman Poma specifically alludes to some of the formal procedures that indigenous litigants had to follow before the ministers of the *Audiencia*. He even advances ways to improve them for the sake of good government.<sup>681</sup> For example, Guaman Poma requests that the magistrates of the *Audiencia* store the *New*

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<sup>681</sup> "Es muy conbiniente al seruicio de vuestra corona rreal y aumento de vuestra hazi[enda] y multiplique los yndios de vuestro rreyno que a los dichos yndios de pleyto de causas ci[uiles], [cri]minales buelba la justicia y bueso fiscal, protetor, proqurador y [...] todos quantos tiran salario pagado por vuestra Magestad en este rre[y]no, en Castilla. Se [d]efienda el primero por ser de la corona rreal, el segundo de ser el menor y pobre [...]da por justicia [...]" (981); "Sacra Católica Real Magestad, mande que uengan por sus testimonios cada cacique prencipal y segundas o los dichos mandones deste rreyno, para que yo le dé testimonio de lo que merese a cada uno. Porque sé del todo, de cómo y de qué manera como segunda persona del *Ynga* y de vuestra [Magestad] que los testimonios le tengo de dalle yo y mis desendientes, según ley firmado de mi nombre para perpetua" (985); "Por esta rrazón, vuestra Magestad deue mandar y suspender de conoser de causas de pecados ciuiles y criminales, cino que la misma audiencia o un jues que para ello vuestra Magestad señalare le connoca [sic] y que rrecida en los Rey de Lima y que con el contrario querellante acuda personalmente parra el seruicio de Dios y de uuestra corona rreal y bien de los pobres de Jesucristo. Le dé vuestra Magestad esta prouición sobornadas y rremitada a la corte de uuestro rreyno adonde precide bueso bizzorrey y encargando a todos los yndios de bueso rreyno, principales que defienda a sus yndios. Y ancí vuestra Magestad seruirá Dios y bien, aumento de los yndios deste rreyno. Conzedere vuestra Magestad de todo ello, bien de los yndios" (945).

*Chronicle* in the judicial archive, as they did with the orders, letters, petitions, and court cases that reached the court every day, for the future dispensation of justice.<sup>682</sup> In fact, his entire project of depositing the *New Chronicle* in the House of Good Government around 1616 seems to have been a somewhat common practice among petitioners and litigants appearing before the viceroy and the *Audiencia* in the palace.<sup>683</sup>



<sup>682</sup> "Y acá escribo esta historia para que sea memoria y que se ponga en el archibo para uer la justicia" (991)

<sup>683</sup> In 1613, Juan Vélez, a *mestizo* interpreter of the high court, had delivered an *Advertencia* to Viceroy Marquis of Montesclaros at the palace. The document includes the following marginal note: "Presentose el traslado de estos diez capitulos de advertencias Ante el exmo. Señor Marques de Montesclaros virrey de estos Reynos del Piru en quinze dias del mes de octubre de mil y seiscientos y doce años por mano de don Alonso fernandez de Cordoua secretario del gouierno y el dicho señor marques se quedon con ellos y con el memorial no respondiend a el hasta oy seis del mes de mayo de mil y seiscientos y treçe años." "Memorial de Juan Vélez al Consejo de Indias," ms., 1613. AGI, Lima, 143.

Figure 10: Viceroy Marquis of Cañete receives Sayri Tupac Inca

Moreover, Guaman Poma was proficient in the language and protocol of power informing these encounters, as he shows in his visual representation of Diego Sayri Tupac's 1558 interview with Viceroy Marquis of Cañete (Figure 10). Guaman Poma tells us that, as in the 1563 ceremony involving the Count of Nieva and the *caciques* of Ananguanca, Sayri Tupac embraced the viceroy and then "kissed his hands according to his ancient custom" ("le besó las manos como a su antegüedad y uzo"). This "ancient custom" was not that ancient, for it referred to Spanish rather than Inca rituals of deference and obedience as courtiers, litigants, and bureaucrats practiced them in the palace.

The "New Chronicle" also highlights that the Marquis and the Inca conversed while seated at the same level ("platico asentado el dicho marqués y Say[r]i Topa"), an important detail that independent sources confirm.<sup>684</sup> Cañete and Sayri Tupac each sat "in their own chair" ("se asentaron cada uno en su cilla"), like Nieva and the *cacique* had done in 1563. Most likely, Indian litigants and petitioners of lesser rank had to remain standing while in a hearing with the viceroy or the high justices (Figure 11). Such a detail is relevant because in Baroque ceremonial chairs signified power. Sitting on an individual chair at private audiences and public ceremonies (as opposed to sitting on a bench, remaining standing, kneeling, or being prostrate on the floor) was a privilege reserved only to viceroys, bishops, and *Audiencia* judges.<sup>685</sup>

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<sup>684</sup> According to Garcilaso Inca de la Vega, who based his account on the testimonies of Inca nobles who accompanied Sayri Tupac in this embassy, the Inca went to visit the viceroy in his residence. Cañete affectionately received Sayri Tupac in the palace, "rising to meet him and making him sit on a level with him," all in the presence of the *oidores*. Vega, *Royal Commentaries of the Incas, and General History of Peru.* , Pt. II, Bk. VIII, Chap. 10.

<sup>685</sup> Osorio, *Inventing Lima: Baroque Modernity in Peru's South Sea Metropolis*, 62, endnote 21.

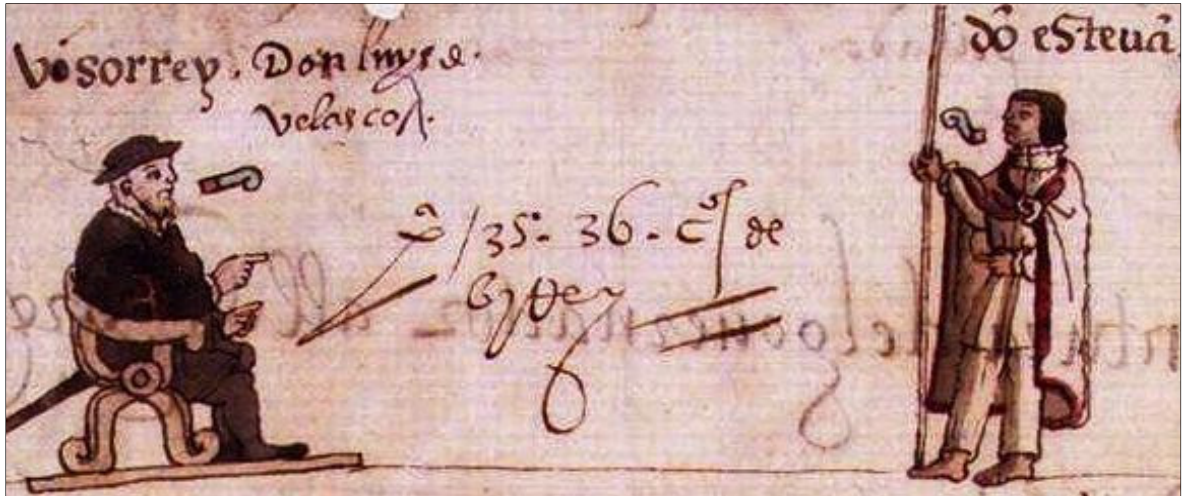


Figure 11: Viceroy Don Luis de Velasco in a hearing with the Indian judge Don Esteban in Mexico

Additional elements included in "His Majesty Inquires" and the "Nueva Corónica" show that Guaman Poma's image of the king was in part inspired by the monarch's living image, the viceroy. Guaman Poma is careful to depict King Philip with a crown, under the royal canopy, holding a scepter, and seated on top of a platform. Yet, viceroys officiating at the palace shared some of these symbols of power, such as the seat, the canopy, and the platform.<sup>686</sup> The king's chair in "His Majesty Inquires" is almost identical to those of the viceroy and the Inca, probably the ones on which Guaman Poma based his rendering of the royal interview. Finally, and this is a detail that the chronicler could have hardly missed, on the occasion of their encounter, the viceroy and the Inca engaged in conversation through the medium of an interpreter ("comensaron a conuersar y hablaron a lengua y

<sup>686</sup> According to Alejandro Cañeque the *sala del acuerdo* of the viceregal palace in Mexico presented a similar setting. "There—Cañeque writes—on an elevated platform covered with a rug, the viceroy would sit at a long table and on a chair under a canopy or baldachin with the royal coat of arms and the portrait of the king presiding over the room. At the sides of the table were twelve more chairs on which the *oidores* and any other persons attending the meetings sat according to their seniority and rank. On the walls, in addition to the portraits of Charles V and Hernán Cortés, hung half-length portrait paintings of all the viceroys of New Spain." Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico*, 119, endnote 2. Was this custom the origin of Guaman Poma's "gallery" of viceroys?

enterpetación").<sup>687</sup> Guaman Poma was hardly a direct witness of the 1558 interview between the king and the viceroy. Yet, he probably received the details to compose the scene from direct witnesses and fellow interpreters, complementing them with his own observations and experiences while serving at the House of Good Government in the 1590s.

To conclude this section, one last point is in order. Considering the evidence presented above, one is left to wonder if (and how) indigenous images, metaphors, and concepts used to refer to royal and viceregal power might have influenced the ways in which authors like Felipe Guaman Poma and Juan de Santa Cruz Pachacuti presented the Inca kings and their system of government. Juan Ossio has suggested that, by applying the "Andean" (i.e. Indian) temporal and spatial categories of *Hanan* and *Urin*, Guaman Poma assimilated the Spanish monarch to the notion of the prehispanic Inca. As his ancestors had done before the Conquest, Ossio argues, the chronicler conceived of the Spanish king as a "world renovator" or *Pachacuti*, the sole "organizing principle" capable of restoring order to the chaos unleashed by this traumatic event.<sup>688</sup> Yet, one must ponder to what extent the chronicler's knowledge of symbolism surrounding the Spanish sovereign and his living image shaped his image of the Inca king, his "viceroy," and his royal council. After all, viceroys and other officials engaged in ceremonies and legal procedures that not only reactivated the king's presence in the Andes but also reenacted Inca "traditions" and political rituals before the native subjects of the king.<sup>689</sup>

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<sup>687</sup> Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 441-43.

<sup>688</sup> Ossio, *En Busca del Orden Perdido. La Idea de la Historia en Felipe Guaman Poma de Ayala*, 231-33.

<sup>689</sup> To cite but one example, Guaman Poma writes, "El Ynga quando salía a pasearse salía acompañado de su bizzorrey capac apo Guaman Chaua y todo su consejo y oydores, pricidente, asesor y príncipes, caualleros grandes y secretarios deste rreyno Hanan Cuzco, Lurin Cuzco, auquiconas, capitanes; sale magestad." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 341.

*"So Many Kings and Justices": The Interview Revisited*

In this chapter, I have brought together numerous clues about the centrality of the "royal interview" within native political culture. The message of the scene seems to imply that to reach the king through legitimate intermediaries is to meet infallible justice. In the first section, I have explored the language, metaphors, and symbols used to describe this experience of interacting with the justice of the king. I have also suggested that some native travelers might have actually seen the monarch, although there were other ways to "speak" to the king from the New World. In the next section, I have looked at documents emanating from the royal court, especially royal decrees and memoranda. I have discussed them not just as "sources" or mere containers of legal and historical information, but also as colonial artifacts with the power to legitimize their carriers, Indian plaintiffs and petitioners, as the executors of the king's will across the ocean. In the third part of this chapter, I have explored how these symbolic encounters with the king unfolded in Lima, where the viceregal court mirrored the court of Madrid. Using Felipe Guaman Poma as our main guide in this journey, I have tried to show the importance of native members of the lettered city in spreading this representation of the king's justice. Although the mechanisms discussed in this chapter are probably a small portion of wider channels of communication, they help us understand how legal and political ideas circulated among Andean native populations.

To conclude, I would like to suggest two ideas. First, as I have argued, the scene of the royal interview provided Indian litigants and petitioners with a model and a language to try to enforce the contractual nature of the Spanish monarchy. The scene condensed one of the basic principles of Habsburg rule as Indian leaders, supplicants, litigants, and members of the lettered city came to understand it. It was a testimony to the king's supreme authority and legitimacy as well as a reminder that his

interests and those of the Indians were ultimately the same. Evidently, this is not a case of indigenous naïveté. Guaman Poma, along with Indian litigants and petitioners in general, knew very well that venality at the Habsburg court could twist royal justice in several ways.<sup>690</sup> In fact, they experienced its consequences for three centuries. Moreover, natives knew too that, oftentimes, Indian complaints were too far away, both physically and symbolically, from the king. Therefore, they simply fell on deaf ears, making it necessary (and legitimate) to skip such instances and meet directly with the king and his council.<sup>691</sup> Yet, precisely for that reason, they could invoke their peculiar link with the monarch, as captured in the scene of the interview, in order to request viceroys and other high-ranking officials to comply with the royal will.

A good example comes from a 1595 petition elevated by the *caciques* of Lari Collagua to the viceroy. Probably through the voice of their General Defender, the lords asked the viceroy to execute a higher order emanating from the king. As the Indians say in their request, he should issue the corresponding *provisión* without further ado:

decimos que nosotros enbiamos a suplicar al rrey nuestro señor y a su rreal consejo de yndias [...] y agora a uenido a nuestra notiçia que su magestad dio su rreal cedula para que V Exa prouea en ello nuestro bien [...] suplicamos a vuestra Excelencia sea seruido de hacernos tan gran bien y merced que sin rreplicas ni discensiones mande buestra Excelencia darnos su prouision para que los dichos frailes de san francisco tomen a su cargo las dichas dotrinas.<sup>692</sup>

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<sup>690</sup> In the "New Chronicle," Guaman Poma writes: "Que los dichos comenderos, otros por ser faborecidos, otros por ser rricos, otros tener pariente en Castilla o en la corte, alcanzan una encomienda de yndios" (570).

<sup>691</sup> A memorandum addressed to His Majesty in the name of Don Carlos Chimo, an Indian traveler to the royal court in 1646, expressed this idea in the following terms: "Porque aunque los bireyes sean ymajen de Vuestra Majestad se miran tan soberanos que no llegan las voçes y clamores de los umildes yndios a tribunal tan alto." "Memorial. Don Carlos Chimo a Su Majestad," ms., 9.13.1646. AGI, Lima, 15.

<sup>692</sup> The petition is included in "Los caciques, principales, y indios de la Prouincia de los Collaguas en el obispado del Cuzco. Piden se mande que las doctrinas y curatos de los pueblos desta Prouincia se den a los Religiosos de la Orden de San Francisco que son los que siempre los an tenido y hecho gran fausto? en ellos," ms. 1600. AGI, Lima, 135.

This subordination of the viceroy to a higher instance finds an interesting expression in the use of the Quechua term *Apo* to designate the viceroy among the Indians. In prehispanic times, *Apos* had been paramount native lords whose legitimacy, nevertheless, ultimately depended on the will and recognition of the Inca sovereigns.<sup>693</sup> Reginaldo de Lizárraga, a Dominican who witnessed the Chiriguano embassies that appeared before Toledo in La Plata, wrote that the Indians entered the city calling for him in the following terms, "Apo, Apo." This term, Lizárraga explains, means "viceroys" ("es decir el virrey"). The priest noted in passing that the word was not part of the Chiriguano's language but a term that they had borrowed from "that of [the Indians of] this kingdom [of Peru]."<sup>694</sup>

Similarly, Don Salvador Cusichaqui, an *indio principal* accused in 1666 of plotting a rebellion to kill the Spaniards of the Jauja province, declared under torture, and with the aid of an interpreter, that the Indians had chosen him to be their "apoo y gobernador," while recognizing the Spaniard Pedro Bohorques as the new "Rey" of the kingdom of Peru.<sup>695</sup> Whether or not Don Salvador really meant that is unclear. Nevertheless, the implication seems to

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<sup>693</sup> About the Inca's recognition and naming of *caciques* as "Apos," see Santa Cruz Pachacuti's account of the Inca conquest of the Jauja valley, written in the late sixteenth or early seventeenth century. The chronicler describes how the three paramount lords of the valley received "nombres de apo" in exchange for their obedience and other gifts they presented to the Inca. He, in turn, "confirmed" their lordships. Santa Cruz Pachacuti Yamqui, "Relación de Antigüedades Deste Reyno del Perú," 298.

<sup>694</sup> "[The Chiriguano] preguntando por el Apo, que es decir el virrey, y encaminaban de valle en valle, hasta que entraron en la ciudad [...] y preguntando por el visorrey con esta palabra: 'Apo, Apo'; no decían más, y esta no es de su lengua, de la de este reino la han tomado." Lizárraga, *Descripción Breve de Toda la Tierra del Perú, Tucumán, Río de La Plata y Chile*, 143. For a much earlier use of the title of "Apo" to designate Francisco Pizarro, consider the 1557 testimony of Don Pedro Sullca Collas, *cacique* of Icho Guaras, included in Waldemar Espinoza Soriano, "Las Mujeres Secundarias de Huayna Capac: Dos Casos de Señorialismo Feudal en el Imperio Inca," *Revista del Museo Nacional* 42 (1976): 286.

<sup>695</sup> "[L]uego de muertos los dichos españoles auian de biuir los Yndios En su ley antigua y que esto es Lo que abian determinado y consertado porque tenian mal gobierno Y no les Hacian justissia ni despachaban sus Pleytos Y negossios Y que a este declarante lo auian elexido los yndios del Repartimiento de Xauxa Por su apoo Y gobernador y que el Rey de todo el peru auia de ser Bojorquez Y que assi estaua Hecho el consierto." "Informaciones de oficio y parte: Pedro de Garay, corregidor de Tarija, de la provincia de Huamalíes y de Jauja, maestre de campo de Jauja, alcalde mayor de las minas de Chocaya y gobernador de su asiento," ms., 1657-1669. AGI, Lima, 259, n.11, 40v, 46r. The best study of the life and times of Pedro Bohorques is still Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*.



be that, as the Inca had made *Apos* out of some prominent Indian leaders, the king had appointed his own *Apos* in America, the viceroys. Both Indians and high-ranking authorities seem to have played an active role in the construction of such political analogies. Viceroys and *Audiencia* judges were extremely powerful. Yet, as Indian transatlantic affairs ultimately demonstrated, even they could be compelled to obey. Indians could be the bearers of the king's justice as well.

A second point relates to the emergence of a sector of native legal specialists and intermediaries whose steps I have traced throughout this work. In her analysis of Guaman Poma's views about colonial reform, Rolena Adorno argues that the chronicler envisioned Philip III presiding over the autonomous monarchy of the Indies, ruled by Guaman Poma's son and the legitimate Indian lords of the land, who would pay an annual sum to the king in recognition of his authority.<sup>696</sup> In this plea for an "Empire of the Four Parts of the World," Adorno contends, the Indians would recognize Philip as "supreme emperor over many kings," but he would have no immediate jurisdiction over the kingdom of the Indies. Instead, he would renounce it to the native lords for the sake of Indian political autonomy.<sup>697</sup> I find it difficult to reconcile some of the arguments included in "His Majesty Inquires," and indeed in other chapters of the "New Chronicle," with this last assertion.

Clearly, only the king rules in Guaman Poma's ideal order. Yet, in his comment on royal justice, the chronicler states that Philip's hand should reach the Indies through the Council of the Indies, the viceroy, and the

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<sup>696</sup> Adorno, "The Language of History in Guaman Poma's *Nueva Corónica y Buen Gobierno*," 124, —, "Colonial Reform of Utopia? Guaman Poma's Empire of the Four Parts of the World," 351-55, —, *Guaman Poma: Writing and Resistance in Colonial Peru*, 23-25. About the ideological debates revolving around *restituciones* and *encomiendas* that might have inspired Guaman Poma in the Andes, see Assadourian, "La Renta de la Encomienda en la Década de 1550: Piedad Cristiana y Deconstrucción."

<sup>697</sup> Adorno, "Colonial Reform of Utopia? Guaman Poma's Empire of the Four Parts of the World," 357-60.

magistrates of the *Audiencia*. As part of his plan of reform, Guaman Poma is an advocate of the supreme jurisdiction of the viceroy as the representative of the king.<sup>698</sup> He is against the rule of the many, for it dilutes the king's authority and justice. Consequently, he deplores that, because of the excesses of *corregidores* and their lieutenants, there are too many "rreys y justicias" acting upon the Indians. He also criticizes priests and *encomenderos* who fancy themselves as little monarchs as well as viceroys who think they are above Inca and Spanish kings.<sup>699</sup> The language of privilege still informs the author's ideas. Hence, he wants the emperor to proclaim his son king of the Indies. In spite of his elite pretensions, however, Guaman Poma is not trying to eliminate the upper levels of the system of royal justice as the Indians knew it. As others have argued before, he was part of it.<sup>700</sup> At the beginning of the seventeenth century, the chronicler still showed his appreciation for the individuals and practices that gave life to Lima's "House of Good Government." In the imaginary interview, for example, Guaman Poma tells Philip,

Sacra Católica Real Magestad: Digo que sólo vuestra Magestad deue mandar con el poder y señorío y rrey, monarca, Sacra Católica Real Magestad del mundo, *no otro nenguno, cino fuere buestro bizzorrey y buestro consejo rreal*, dar título, comición y facultad para tiniente de corregidor, alcalde mayor, alguazil mayor, escriuano de cabildo o rreseptor, jueces, pesquicidores del mundo deste rreyno sólo vuestra Magestad.<sup>701</sup>

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<sup>698</sup> "Todo los yndios orentales, osedentales, desde el Gran Chino como México, Santo Domingo, Panamá, Payta, Paraguay, Tocumán tocante a la casta y cimilla de yndios gobierna su Magestad y rreyna. Y aci su bizzorrey gobierna y a de gobernar y señorear este Mundo Nuevo de las Indias." Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 1004.

<sup>699</sup> *Ibid.*, 341, 461, 598, 928, 77. The "Representación verdadera" presented to Father Calixto de San José to King Ferdinand echoes a very similar complaint. The authors write, "Ved pues, Señor, cómo tenéis y tenemos los indios tantos reyes en Indias (que hacen nobles y plebeyos) cuantos jueces vuestros nos mandan; siendo todos como nosotros, vuestros siervos; pero todos reyes y señores nuestros, siendo sólo vos, Señor, nuestro Señor." Loayza, *Fray Calixto Túpak Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 20.

<sup>700</sup> See, especially, Steve J. Stern, "Algunas Consideraciones sobre la Personalidad Histórica de Don Felipe Guaman Poma de Ayala," *Histórica* 2, no. 2 (1978).

<sup>701</sup> Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 996, also 511. Emphasis added. It is not clear in this passage whether "consejo rreal" refers to the Council of the Indies or

A few pages later, the chronicler restates the idea, suggesting to the king that viceroys govern in his name for twelve or twenty years, all for the sake of "good government and justice" ("para el bueno gobierno y justicia").<sup>702</sup> The viceroys and the magistrates of the *Audiencia* appear as the embodiment of His Majesty's "buen gobierno" in the Andes, that is, the correct administration of justice. As long as they remain the extension of the king's authority and righteousness, they are the legitimate intermediaries between His Majesty and the Indians.<sup>703</sup> This general trust in the higher echelons of the royal system of justice, as represented by the Council of the Indies, the viceroy, and the royal *audiencias*, was not unfounded. Rather, it stemmed from the historical experience of Indian legal pilgrimages to Lima and Madrid. These journeys could propitiate a direct encounter with royal justice and thus substantiate the personal relationship uniting the Indians with His Majesty.

Thus, the question for native reformers, litigants, and petitioners was not so much how to debunk the entire system but how to increase their participation within its structure. We see natives participating as petitioners, plaintiffs, and defendants almost since the Conquest. At some point around the years in which Guaman Poma was finishing his "New Chronicle," the quest starts to become one of how to generate a space for native attorneys and defenders of the Indians at the "House of Good Government" as well. Not only would these recognized experts communicate directly with the king. Their main *raison d'être* was to make sure local authorities obeyed and executed the laws in favor of the Indians. Intermediary groups and individuals acting in colonial settings, Lauren

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the *Audiencia* of Lima. For the use of "consejo rreal" as either one of these bodies, see —, *El Primer Nueva Corónica y Buen Gobierno*, 395, 699.

<sup>702</sup> Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, 998.

<sup>703</sup> "[S. C.] R[eal] M[agestad]: Mande vuestra Magestad a su buen gobierno y aundiencia [sic] rreal que [nos] trate y onrre como a príncipes y señores y principales deste nuestro [rrey]no pues que emos leuantado y seruido muy grandemente." *Ibid.*, 977.

Benton observes, "did not pursue a clear political agenda but crafted their strategies in terms of fairly narrow individual, family, or small-group interests." The fragmentation of interests and aspirations is clear in Guaman Poma's case as well as in those of other native power brokers who did journey to Spain. Nevertheless, as Benton also contends, such intermediaries "found the law a useful forum for forwarding those interests, [but] they also maneuvered to strengthen legal mechanisms that improved their standing in the legal system." At the time in which Guaman Poma wrote the "Nueva crónica," the possibility of having an expert group of Indian defenders and attorneys seemed very remote. It would start to become a reality in the eighteenth century. The message to the king is straightforward in the "Representación verdadera" presented by Father Calixto de San José at the royal court:

Mandad que se revuelvan y registren todas las leyes y ordenanzas que, desde el principio de la Conquista, hicieron vuestros progenitores gloriosos, los Señores Reyes de España y Emperadores de las Indias; y se [sic: si] hallan que unas no convienen, refórmense y háganse otras según el tiempo presente, mandando se practiquen, como en el principio se mandó; *creando nuevos jueces, así eclesiásticos regulares, como seculares españoles, mestizos e indios nobles a nuestra elección e informe, que sean ejecutores de vuestra real voluntad.*<sup>704</sup>

Indians could be attorneys, defenders, and even judges. The message was a call to eliminate colonial difference by obtaining royal recognition that native subjects were faithful servants of the two majesties, God and the king. Indians were virtuous Christians, perfectly fit for reaching the altar, as well as loyal vassals always in favor of royal power and against those who would usurp the king's authority and sovereignty. In this sense, the transatlantic quest for an Indian priesthood was analogous to the legal activities of the first Indian general solicitors (*apoderados generales*) at local and metropolitan courts. The latter legitimized themselves as the

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<sup>704</sup> Loayza, *Fray Calixto Túpac Inka, Documentos Originales y, en su Mayoría, Totalmente Desconocidos, Auténticos, de este Apóstol Indio, Valiente Defensor de su Raza, desde el Año de 1746 a 1760*, 30.

enforcers of the king's will in the Andes, while the former exemplified that, in matters of religious and political virtue, Indians were no less than Spaniards.

## CONCLUSIONS

Indian journeys to the Habsburg royal court, some scholars argue, were a resounding failure. Metropolitan authorities belittled or simply ignored these visitors. These "woeful pilgrimages," some of them contend, "achieved nothing," turning native subjects into plotters and rebels against the colonial regime.<sup>705</sup> I hope to have demonstrated in the preceding chapters that there is much more to these journeys than that. Such highly articulated endeavors were one of the best examples of native adaptive resistance within the colonial world. With their very existence, these travelers and their deeds subvert scholarly views of the Spanish conquest and colonization process as mainly driven by the linear transmission of peoples, institutions, practices, and ideas from the Iberian Peninsula to the king's domains overseas. The economic resources, social networks, and political connections required by these transatlantic travels as well as the different strategies of self-representation that they set in motion face us with an unprecedented historical process that turned the Spanish empire into a set of different instances for struggle and negotiation.

Throughout the text, I explored different aspects of Indian experiences at the Habsburg court as a means to address general themes and problems in Andean historiography. In Chapter 1, I reconstructed the legal and institutional matrix in which native interactions with the imperial judicial system unfolded. Scholars of indigenous societies have been using judicial documents for many decades, yet the assumptions, practices, procedures, and

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<sup>705</sup> Lorandi, *Spanish King of the Incas: The Epic Life of Pedro Bohorques*, 58-59, Alaperrine-Bouyer, "Enseignements Et Enjeux D'un Héritage Cacical: Le Long Plaidoyer de Jerónimo Limaylla, Jauja, 1657-1678," 119, 26-27, —, *La Educación de las Elites Indígenas en el Perú Colonial*, 217 (footnote 5), 86, Pease G.Y., "Un Memorial de un Curaca del siglo XVII.", —, *Curacas, Reciprocidad y Riqueza*.

personnel involved in native engagement with the legal system remain poorly understood. I explored native formal and informal links with judicial forums and legal experts at multiple levels, including the royal court. I showed that, the scale notwithstanding, Indian journeys to Spain were an extension of previous pilgrimages to regional and viceregal courts that, in turn, required the implementation of a judicial infrastructure at the heart of the native community. I showed, too, that travelers were not isolated characters of the "wandering" type, but individuals well integrated into the channels of circulation and the mechanisms of justice of the Atlantic world.

Correspondence, memoranda, letters of attorney, and word of mouth kept the fluid community of Atlantic litigants connected at different places and times. The main goal in chapter 1 has been to show how, by setting important legal precedents and turning extralegal practices into established custom, Indian journeys to Spain favored the gradual transmission of legal capital from the Habsburg state to the indigenous populations of the Andes.

In Chapter 2, I located native travelers within colonial society. I demonstrated that travelers came from all segments of the Andean world. Therefore, any generalization that does not contemplate a deeper study of all the documented cases is risky. Nonetheless, I suggested that travelers were predominantly urban, cross-cultural and literate. Furthermore, they were part of, or at least well connected with, the administrative structures of church and state. Therefore, the traditional label of *cacique* or "ethnic lord" is insufficient to make sense out of this process. In exploring the political and social reconfigurations affecting the native population of Lima during the Habsburg period, I argued that elite travelers were sometimes *caciques* but more often *indios principales* with different social credentials. Regardless of how subtle the distinction between a *cacique principal* of an Indian *repartimiento* and an Indian captain of an urban battalion in seventeenth-century Lima might seem to us now, clearly such a distinction was

very meaningful to the historical actors included in this work. Discursive strategies displayed by Indian general attorneys at court would sometimes imply speaking on behalf of the "Indian Nation" of the realm. In spite of these pretenses at universalism and commonality of interest, the voices behind this discourse clustered around Lima's lettered city and the chief Indian institutions of the urban milieu. Whether such a strategy was a case of discursive appropriation, an effective tool for broad legal representation, or both remains an open matter.

In Chapter 3, I called for a revision of key terms and categories of Andean historiography by focusing on the contextual nature of the *cacique* identity displayed at the royal court. I followed the basic premise that assertions of the self, especially in legal forums, are always strategic. I discussed some of the juridical templates and rules available to Indian visitors in Spain. My aim has been to explain how they patterned the cacophony of voices embedded in petitions and memoranda presented before the Council of the Indies. I also explored how travelers, officials, judges, and attorneys engaged in the construction of fluid identifications such as *Indio* and *cacique*. Some Indian visitors grasped the subtleties of the *cacique* category and used them to their own benefit, appropriating rank and status owed to the traditional hereditary lords they sometimes represented. *Caciques* were those who behaved as such at court and beyond. Securing royal decrees would become the mark of successful travelers. In a word, transatlantic journeys made *caciques* out of many travelers but, concurrently, they could delegitimize other Indian leaders in the Andes precisely because they had not been able to make the trip. Historians have known that "ability to rule" was the ultimate criterion for legitimizing authority in the Andes. However, they link such ability in colonial times to preconceived notions of ethnic legitimacy and prestige existing outside the state structure. In this chapter, I suggested that historians should not answer the question of



illegitimacy in absolute terms, as it is always dependent on the specific context and the perspective of those upholding or contesting such labels.

Chapter 4 explored the use of another legal strategy at the royal court. By relying on discourses of poverty and legal minority—the “rhetoric of wretchedness”—Indian visitors found multiple ways to “request” that the king fulfill his obligation of favoring and protecting them. I presented ample evidence that native travelers who petitioned the Council for financial support and legal assistance almost invariably succeeded in obtaining what they requested. The Crown covered the costs of return journeys, living expenses, clothes, funerals, administrative fees, and countless other aspects of the trip. Differences in rank and wealth became evident in the different amounts granted and the different privileges upheld. Yet, one finds beneficiaries of the king’s largesse among powerful Inca nobles and powerless Indian commoners alike. I am not trying to suggest that this support came out of sheer generosity or altruism on the part of the Crown. Nor am I trying to paint a rosy picture of colonial domination. Rather, my goal has been to illustrate the natives’ use of two empowering strategies at the highest level. First, they exploited the conflicts of jurisdiction pitting the Crown against the Council of the Indies with their appeals to the just “father king” for making their journeys possible. Second, by drawing upon their Indianness, they made good use of the privilege of attaining justice at no direct cost from council prosecutors, attorneys of the poor, and other Crown officials in Spain.

Chapter 5 has been an exercise of a somewhat different sort. Through a discussion of the scene of the royal interview included in Guaman Poma’s “New Chronicle” and other testimonies, I explored the symbolic aspects of the Atlantic voyage and of the individuals and documents that journeyed back to the Andes. By analyzing some of the ceremonies that unfolded at the viceregal court, I argued that this image was deeply rooted in native legal culture.

The main agents in this process were native interpreters and informal attorneys who enjoyed privileged access to the colonial lettered city. The scene of the interview condenses actual encounters with the king and his highest representatives, and shows the natives' sophisticated understanding of the "rules of engagement." Indians played within those rules, for they legitimated their trips as both the duty and the prerogative of a good vassal. The scene included in Guaman Poma's "His Majesty Inquires" is a landmark in a broader collective quest to place native intermediaries in a legitimate position to speak directly to the king. Basic metaphors regarding the "blind" king (as opposed to the "just" king) as well as equations of royal justice with infallible and quasi-divine justice are not examples of Indian naïveté. Rather, they set a standard according to which native claimants and petitioners could judge the men in charge of administering justice, from the king down to the last provincial magistrate, ultimately forcing them to comply.

In this work, I examined indigenous journeys to the royal court as part of the process of Habsburg state building in the Andes. It has privileged native travelers as agents or conduits of social change. By looking at the sophisticated expression of indigenous political culture, this project has sought to move beyond the dichotomies of Indian collaboration and resistance to the colonial order. In her study of legal regimes in world history, Lauren Benton writes,

It is tempting but wrong to view any participation in an imposed legal system as collaboration, on the one hand, and to represent any form of rejection of the law's authority as resistance. Groups emerged almost everywhere that simultaneously "collaborated" with an imposed legal order and "resisted" its effects.<sup>706</sup>

Indian travelers skillfully maneuvered within the legal system to defend their interests and those of others, but they also contested it when, in

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<sup>706</sup> Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, 17.

spite of securing their crucial role as intermediaries, laws, legal categories, and judicial practices confined them to a subordinate position within the *República de Indios*. Thus, my work has shown that, as Benton contends about the adaptations of the colonized to the legal systems of the colonizers, Indian participation in, and mastery of, the Atlantic system of justice was “connected to both indigenous patterns of conflict and the factionalism of colonizing powers.”<sup>707</sup>

Therefore, in some sections I examined native patterns of conflict by presenting these journeys as an exceptional window into the ethnic and class re-accommodations of indigenous society and, in particular, of the emergence of a predominantly urban indigenous leadership in colonial Peru. I argued that, at the risk of conflating individual experiences into a few historical patterns, the conquest of the legal Atlantic was a collective enterprise in which travelers and travels built upon each other, making the appropriation, accumulation, and transmission of legal capital possible. One of the main outcomes of this process was the appearance and consolidation of indigenous legal specialists and intermediaries who, as in other spheres of colonial experience, strived to replace Spanish specialists and intermediaries and create a place for themselves as legitimate representatives of the “Indian Nation.” In other sections I showed how native claimants and petitioners exploited common legal categories and social identities to their benefit. They played the different factions within the colonizing group against each other, relied on legal specialists beyond the direct control of the Crown, and made a strategic use of the legal and social categories imposed on them.

Some of the findings that I presented in this work will affect prevailing master narratives about indigenous colonial history in how they understand and value key processes such as Indian acculturation and

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<sup>707</sup> Ibid., 27.

participation in different spheres traditionally considered "Spanish."

Throughout this work, I argued that we must revise and expand fundamental categories of analysis such as that of the *cacique*. In a recent work, David Garrett has pointed out,

Any term that includes both the college-educated hereditary ruler of a thousand-strong pueblo and the illiterate tribute collector of an *ayllu* with forty inhabitants seeks to impose uniformity on a wide array of offices, individuals, and communities.<sup>708</sup>

I tried to expand Garret's already broad range of alternatives by examining the construction of *cacique* status and prestige among urban, literate, and cross-cultural social actors. Although such individuals *in between* are well known to historians of the Andes, there seems to be little room for leading Atlantic travelers within current understandings of *cacique* status because Indian acculturation is still perceived as a one-way process of "Hispanization" and de-legitimization. This is so, moreover, because scholars still link the legitimacy of native chiefs to attributes and conducts perceived to be "traditional," "Messianic," "Andean" or "ethnic." At the same time, they tend to stigmatize individuals with alternative sources of authority and wealth, with more plebeian and urban backgrounds, and with stronger connections to the centers of colonial power as illegitimate intruders, social upstarts, and partners in the exploitation of the Indian masses. If Indian journeys to Spain are a paramount example of the "managerial" abilities of Andean leaders, as previous scholars have correctly argued, then our categories of analysis must be expanded to include multiple experiences in leadership that do not necessarily fit into the preconceived model. I have tried to show the fluidity and situational nature of categories such as *cacique* not as a futile exercise in terminology but as a way to place Andean legitimacy and illegitimacy in its own colonial context again.

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<sup>708</sup> Garrett, *Shadows of Empire: The Indian Nobility of Cusco, 1750-1825*, 36.

APPENDIX 1: NATIVE TRAVELERS TO THE HABSBURG COURT (1529-1700)

Traveler	Physi Description	Origin/ Destination	Arrived with	Returned with	Royal Stipend <sup>709</sup>	Date <sup>710</sup>	Awarded <sup>711</sup>	Sources
<i>Don Martín de Túmbez [Martinillo]</i> 1529, 1539		"Indio"	Francisco Pizarro	Francisco Pizarro (1529); Pedro Sancho de la Hoz, <i>escribano mayor de minas</i> (1539)				Lockhart 1972: 213-15; Cont., 5536, l. 5, f.158r
<i>Felipillo</i> 1529		Interpreter of the Conquest of Peru	Francisco Pizarro	Francisco Pizarro				Lockhart 1972: 213-15
<i>Hernando de Tapia</i> 1533-1537		"Yndio natural de la Nueva España"			L: anual living expenses	5.22.35	586	In., 1961, l. 3, f. 84v; In. 422, l. 16, f. 231v, 249r-50v; In., 422, l. 17, f. 17r-v, 103r; In., 1962, l. 5, f. 105r.
					L: "como limosna para curar su mujer"	10.27.35	44	
					L: "pues su compañero Juan había muerto y los demás regresaban a Indias"	1.4.36	146	
					L: anual living expenses	5.26.36	86	
					J: To New Spain	2.17.37	12 (gold ducats)	

<sup>709</sup> J=Journey; F=Funeral; C=Clothes; L=Living expenses; R=Letter of Recommendation

<sup>710</sup> Dates correspond to approximate stay at Court, to the year of the license to return to Peru or, in the case of the *ayudas*, to the day when the Council issued the *libranza*, *carta de pago*, or *real cédula*. The format is month, day, year.

<sup>711</sup> Amounts are given in *reales*. The *real* was a silver coin worth 34 *maravedíes*. The *ducado* was a money of account worth 375 *maravedíes* or 11 *reales*.

				L: In Seville, for Hernando, his wife and son, and one <i>criada</i>	3.2.37		
<i>Don Martín</i> 1536	Indio de Meguacán, en la Nueva España			L: "de que se hace merced a la persona que se case con D. Martín"  C: two capes  L: for a brother of Don Martín	1.28.36	880	In., 422, l. 16, f. 270r, 274v; In., 423, l. 19, f. 309r-v
<i>Don Juan</i> 1535	Indio de México			F: "para el entierro de don Juan"	1.28.35	22	In., 1961, l. .3, f. 209r
<i>Don Diego</i> <i>Maxiscaños,</i> <i>Sebastián y</i> <i>Martín</i> 1534-1535	Indios de Tlaxcala	<i>Oidor</i> Juan de Salmerón	Viceroy Don Antonio de Mendoza	L: "para la comida"  L,C: "por el gasto de comida, calzas, jubones, camisas, gorras y zapatos"	12.31.34	66	In., 1961, l. .3, f. 193r; In. 422, l. 1 6, f. 186r- v; Gibson 1967: 164-165
<i>Don Martín</i> <i>Ocelotl</i> 1537	Exiled from Mexico to Spain after being sentenced as <i>hechicero</i>						Gruzinski 1989: 42- 43
<i>Antonio</i> <i>Hernández</i> 1540-1555	Indio natural de Nueva España	Lic. Loaisa	His wife				In., 425, l. 23, f. 185r-v
<i>Don Pedro y</i> <i>Don Gabriel</i> <i>Moctezuma</i> 1540	Sons of Moctezuma			J: Spain to Mexico		Passage fare	In., 1963, l. .7, f. 219v- 20r
<i>Hermano del</i> <i>Inca</i> 1542		Rodrigo de Mazuelas					In., 541, l. 2, f. 15v- 17v
<i>Juan de</i> <i>Alvarado</i> 1544-1546	"chachapoyano, natural Chuchubanba" / To Peru	Alonso de Alvarado					Jiménez de la Espada 1887-97
<i>Martín</i> <i>Sánchez</i> 1545-1555	Indio natural de la Nueva España	A <i>vecino</i> from New Spain	His wife	J: passage fares	2.27.55		In., 1965, l. 2, f. 335r-v

<i>Don Gonzalo de Huesca</i> 1547	Indio						In., 1964, l. 10, f. 165v
<i>Jerónimo Quiñones</i> 1554	Indio de Huamachuco		Fray Tomás de San Martín, first bishop of Charcas				Cont., 5537, l. 1, f. 7v
<i>Sebastián Jorge</i> 1554-1558	"de naçion yndio," natural de las prouinçias del Peru	His wife Leonor Jiménez and their children					Indif., 2079, n. 67
<i>Francisco Tenamazcle</i> 1554-1556	Indio Cacique of the towns of Noxtlan and Sucxipila, (New Galicia)			L: daily expenses (4 reales per day)	5.4.54-11.10.56	3528.6	In., 425, l. 23, f. 239r, 249r; Mira Caballos 2003: 4
				L: "a Gregorio de Pesquera por lo que gastó con don Francisco"	7.14.56	176	
				L: "A Cristóbal de Sanmartín [...] para que haga curar a Don Francisco"	9.26.56	132	
<i>Alonso de Molina</i> 1555	Indio natural de la Nueva España						In., 1965, l. 2, f. 335v
<i>Francisco</i> 1555	Yndio"		His wife				In., 1965, l. 2, f. 335v
<i>Francisco Martín</i> 1555 (same as above?)	Indio de Chíncha	Francisco Becerra	His wife and son				In., 425, l. 23, f. 141r-v; 1965, l. 12, f. 335v-36v
<i>Diego de Santiago</i> 1555-1556	"Yndio natural de la prouincia De Tascalla"	A Spaniard	His wife (Indian from Tlaxcala) and two sons, plus his son in law				In., 1965, l. 2, f. 335v, 441v-42r; 52r; In., l. 13, f. 119v.20r; Cont., 5537, l. 1, f. 185v
<i>Gonzalo</i>	Indian tailor		His two				In., 2049,

<i>Hernández</i> 1555-1558		from Mexico; to New Spain	sisters, their husbands, and children				n. 10
<i>Don Francisco Fernández</i> 1555		Indio		L: "A Cristóbal de San Martín [...] con los que compre las cosas necesarias a don Francisco"	9.19.55	220	In., 425, l. 23, f. 197r-v
<i>Pedro Tupa Yupanqui</i> 1556-1562?		Indio	Father Domingo de Santo Tomás, Dominican				Patronato, 188, R. 6, f. 38r-v; Cont. 1484, f. 829r-v
<i>Diego López</i> 1557		Indio de Trujillo; "hijo de Madalena Yndia"					Cont., 5219, n. 1, r. 15, f. 16r; Cont. 5537, l. 1, f. 211v
<i>Don Juan</i> 1557		cacique de Utlatlán en Nueva España		J: From the court to Seville	1557	88	Mira Caballos 2003: 5
<i>Gómez Suárez de Figueroa, El Inca</i> 1559-1616							Varner 1968
<i>Melchor</i> 1560		Indio sastre natural de Arequipa					In., 2080, n. 32
<i>Vasco de Mesa (20)</i> 1560-1569	"de buena estatura moreno de rostro que le va naçiendo el boço de barua"	Illegitimate son of conquistador Alonso de Mesa and Francisca Bancoyllo; to Cuzco					In., 2084, n. 15
<i>Indio traído de la Florida</i> 1561				L: "para Antonio Velásquez, para sustento de un indio traído de Florida"	11.5.61	550	In., 425, l. 24, 67v
<i>Jerónimo</i> 1562		Indio natural de Piura, "hijo de Pedro Alonso					Cont., 5537, l. 2, f. 217v



	Marino y de una yndia"						
<i>Don Felipe Guacrapaucar</i> 1562-1564	Indio principal de Luringuanca; "caçique prencipal del valle de Xauxa de las provinçias del Peru y natural dellas"	Bartolomé Díaz, "mestizo natural de las provinçias del peru"	J: "almoxarifazgo"	500 golden pesos (800 silver pesos)			Lim., 569, 1. 11, f. 22r; Cont., 5537, l. 3, f. 20r.
<i>Don Lucas Ponce de León (or Garza), Don Antonio de Guevara (or del Pedroso), Don Pablo de Castilla (or de Galicia), Don Alonso Gómez</i> 1562-1563	<i>Caciques and principales of Tlaxcala</i>						Just., 1016, r. 5
<i>Don Francisco Inga Atahualpa</i> 1563-1564	<i>Encomendero in Quito; son of Inca Atahualpa</i>	Don Esteban Pretel, his brother in law	Don Esteban Pretel	L: "ayuda a su sustentacion"	8.23.63	550	Cont., 5537 , 1.3, f. 6r
<i>Diego</i> 1564	"Yndio natural de las probinias del Peru hijo de un español y de una yndia"						Cont., 5537, l. 3, f. 31v
<i>Don Luis de Velasco</i> 1566-1567	Cacique de Asacan			L,C: For Don Luis and his <i>criado</i>  J: "pasaje y matalonaje hasta la Habana"  J: "pasaje y matalonaje [...] hasta llegar a la	12.66- 6.67  6.10.67  6.10.67	5 reales x day + of clothes  Passage fare and ration  Passage fare and ration	In., 1967, l .16, f. 209r -v; Mira Caballos 2003: 5

		Isla Española"			
<i>Don Sebastián Poma Hilaquita</i> 1566-1574	Indio	J: Spain to Tierra Firme	8.10.74	Passage fare and ration	In., 1968, l. 20, f. 6v-7r
<i>Indio</i> 1567		L: "Bernabé de la Fuente, clérigo, beneficiado en la Iglesia de Santa Cruz de Madrid, por la custodia de un indio"	2.21.67	220	In., 425, l. 24, f. 319v-20e
<i>Lorenzo de Alameda and Martín de Aguilar</i> 1568	Indios de México	J: Spain-Mexico	11.30.68	176	In., 425, l. 24, f. 418v
<i>Francisco</i> 1572	Indio de Nueva España	J: Spain-Mexico	2.23.72	66	In., 426, l. 25, f. 161v
<i>Francisco Vásquez</i> 1577	Indio natural de Popayán; "hijo de Pedro Pardo y de Inés"				Cont., 5538, l. 1, f. 48r
<i>Don Diego Luis Montezuma</i> 1576	Indio de la Nueva España	L: Entretenimiento y sustentación y para pagar una información que le estaba mandada dar por el Consejo sobre su filiación	8.14.76	100	In., 426, l. 26, f. 6r-v, 14r; In., 738, n.242
		J: Madrid-Seville	11.10.76	330	
<i>Don Diego de la Torre</i> 1578-1587	Cacique de Turmequé	L: "para su mantenimiento"	1.22.78	220	In., 426, l. 26, f. 70v, 75v-76r, 82v-
		L: 4 reales per day, "para su sustento" (April)	4.17.78	56	83r, 104r, l. 12v, 143r; In., 1969, l. 22, f. 246v-
		L: idem (May)	5.31.78	124	47r;

L: "por una vez, atento a su necesidad, para ayudas a sustentarse"	7.29.78	110	Co., 41, N. 4, 3; In., 426, l. 27, f. 134v-35r, 139r, 152r, 158r, 164v-
J: El Escorial-Seville-Nueva Granada	12.28.78	2200	65r, 171r; In., 426, l. 28, f. 56v, 116v-17r;
L: "para ayuda de su entretenimiento atenta su neçesidad"	2.1.86	550	
L: "Por una vez, atento a su necesidad, para ayuda a sustentarse"	5.8.86	550	
L: idem	8.27.86	1100	
L: idem	1.11.87	1173	
L: idem	4.26.87	1173	
L: idem	8.19.87	1100	
L: idem	11.24.87	1100	
F: "para terminar de pagar los gastos del entierro de Diego de Torres"	4.13.90	62	
L: "teniendo consideracion a lo que me siruio [...] y que fallesçio en esta corte dejando con mucha neçesidad a doña Joana de Oropesa su	12.23.91	3960	

				<p>muger y a los hijos que tenia della" (perpetual rent)</p> <p>L: "para el dicho efecto y hazer bien por el alma del dicho difunto con que la dicha doña Joana y los dichos sus hijos hagan escriptura como han ofrecido en que se aparten de sus pretensiones"</p> <p>F: "A Doña Juana de Oropesa, viuda mujer que fue de Don Diego de la Torre [...] atento a su neçesidad y proueça y para ayuda de enterrar Una hija Suya"</p>	<p>12.23.91 2200</p> <p>3.14.96 22</p>
<i>Luis</i> 1578	Indio natural de las provincias del Perú; "hijo de Juan de Vega y de Juana de Vega yndia"				Cont., 5538, l. 1, f. 83r
<i>Martín Pérez Inga</i> 1578	"natural de la ciudad de Cuzco hijo de Hernan Perez y de Ana Gutierrez"				Cont., 5538, l. 1, f. 146r
<i>Martín Inga</i> (same as above?)	Indio de Trujillo; "hijo de Juan	Lic. Nicolás Ruiz de	Lic. Estrada, his mother and sisters		Cont., 5538, l. 1, f.

1578-1579	Inga y de Catalina"	Estrada				149v-50r, 190v
<i>Juan de la Concha</i> (16) 1573-1579	Natural de Huamanga y vecino de Segovia; hijo de Catalina, india, y de Hernando de la Concha, vecino de Segovia					Cont., 5227, n. 4, r.10; In., 2086, n. 38
<i>Antonio</i> 1574-1579	Indio natural de Arequipa		J: Spain-Peru	2.9.74	Passage fare and provisions	In., 426, l. 26, f.160r-v; In., 1968, l.19, f.229r
			L: "Atento a su necesidad y pobreza, por una vez"	3.9.79	22	
<i>Don Francisco</i> 1580	Indio de la provincia de Aruacey		L: "Por su necesidad y pobreza"	12.17.80	22	In., 426, l. 26, f.229v
<i>Martín de Carvajal</i> 1581-1582	"hijo natural de Juan y de Juana yndios" Indio de Trujillo	"que vino por el Estrecho de Magallanes con Pedro Sarmiento de Gamboa"	J: Madrid-Seville (+ food)	9.20.81	88	Co, 41, n.4, 3; In., 426, l. 27, f. 5; Cont., 5538, l. 1, f.376r
<i>Agustín Guascatanta</i> 1581-1582	"hijo de yndios;" hijo de un cacique of Huamachuco; Indio de Huamachuco					Cont., 5538, l. 1, f. 422r; Lim, 579, l.6, f. 60v-61r
<i>Juan</i> 1582	"hijo de yndios," Indio natural de Chile	"que vino por el Estrecho de Magallanes"	J: Madrid-Seville	3.3.82	66	In., 426, l. 27, f. 22r-v; Cont., 5538, l. 1, f. 422r
<i>Don Carlos Tito Amaro</i> 1582			L: "para gastos en curas [...] que se encuentra enfermo"	3.31.82	132	In., 426, l. 27, f.24r, 26v, 30r, 32r-v
			L: "para su entretenimiento en la corte"	4.7.82	66	

				L: "atento a su necesidad para ayuda a que entretenerse"	5.19.82	100	
				L: "por el alquiler de posada durante dos meses"	7.6.82	44	
<i>Don Pedro de Henao</i> 1582-1586		Indio cacique natural/indio principal de la provincia de Quito		L: "por una vez, atento a su necesidad"	10.29.83	100	In., 426, l. 27, f. 63r, 69r, 73r-
				L: "sustentar, curar y vestir"	12.18.83	813	v, 78r, 91r-v, 128r; Co, 41, n. 4, 3
				J: Madrid-Seville	1.8.84	110	
				J: Seville-Tierra Firme	1.10.84		Passage fare, ration for him and one <i>criado</i>
				J: Madrid-Seville	2.27.84	33	
				J: Madrid-Seville	9.1.84	110	
				J: Madrid-Seville	1.17.86	100	
<i>Don Antonio de Guevara, Don Pedro de Torres, Don Zacarias de Santiago, Don Diego Téllez</i> 1585		"caziques e yndios principales de Tascala" (w. Diego Muñoz Camargo, "administrador e interprete"					AHPM, p. 182, f. 182 ff.
<i>Francisco Castellón</i> (24) 1585-1595	"buena cara de color mulato con una señal de mordidura en el rostro;" "buen cuerpo de color mulato"	"natural de Leon de Guanoco;" "hijo de Elbira hernandez natural yndia." He journeyed from Lima, where he spent four years	At the service of Don Pedro Tello de Bobadilla.				Cont., 5236, n. 1, r. 15; Cont., 5538, l. 3, f. 109v.

	prior to departure					
<i>Don Alonso Atahualpa 1585-1589</i>	<i>Encomendero in Quito; grandson of Inca Atahualpa</i>	J: Madrid-Quito F: Madrid	11.19.86 2.89?	3300 100		Jiménez de la Espada (1897: cxlvi- cxlviii); In., 741, n. 133
<i>Don Antonio Silquigua Yupanqui 1585-1588</i>	"Ynga natural de Quito," "yndio natural de Quito"	L: "teniendo consideracion a su necesidad para ayuda de boluerse a su tierra"	10.12.87	550		In., 537, l. 1, f. 64r- 64v; In., 2096, n. .145
<i>Antón 1586-1597</i>	Indio de Tierra Firme	C: "A Pedro Romero, portero del Consejo, por vestir a Antón"  C: "atento a su necesidad y pobreza para ayuda a bestirse"  C: "de limosna para que con ellos le conpre, Vno de los porteros deste Consejo Vn bestido"	5.2.86  9.20.94  8.14.97	50  50  100		In., 426, l. 27, f. .133r- v; In., 426, l. 28, f. 192 v; In., 427, l. 31, f. .24v-25r
<i>Indio 1586</i>		C: "A Pedro Romero, portero del Consejo, por vestir a un indio	12.20.86	106		In., 426, l. 27, f. 147r- v
<i>Don Hernando Coro de Chaves 1587</i>	Indio que vino de la provincia de Quito	J: "para ayuda de auirse y boluer a la dicha prouinçia acatando su neçesidad y lo que siruio en el armada del Estrecho"	4.21.87	550		In., 527, l. 1, f. 43r
<i>Don Fabián Puento 1588</i>	Indio natural de la provincia de Quito	Don Antonio Silquigua Yupangui	J: Madrid-Quito	11.22.88	50	In., 426, l. 28, f. 12r-v

<i>Pedro de Cama [Çama] [Zama]</i> 1588		Yndio natural del Puerto de Manta en el Perú			L: "Atento a su necesidad y pobreza"	1.4.88	44	In.,426,l.27,f.174r-v
<i>Francisco</i> 1588		Yndio natural de la ciudad de Truxillo de las prouinçias del peru			L: "Atento a su necesidad y pobreza"	1.4.88	44	In.,426,l.27,f.173v
<i>Don Baltasar Çaman [Zaman]</i> 1588-1595		Indio natural de Xaramixo en Quito / Indio natural del Puerto de Manta			R: for the Audiencia of Quito  J: Madrid-Peru	8.24.188	400	"le favoresçays [...] y le hagays repartir Indios para hazer sus sementeras y chacaras"  211, l. 2, f. 210r; Quito, 23, n. 22
<i>Juan Zamorano</i> (21) 1590-1595	„. de mediano cuerpo moreno la cara [...] los ojos rreventados	"yndio natural de la villa de Anserma;" "mestizo"	Antón Martín, merchant					Cont., 5250, n. 2, r. 291
<i>Gonzalo</i> 1591		Indio			L: "por una vez de limosna attento a Su neçesidad"	7.21.91	22	In.,426,l.28,f.103v; Cont.,5538 ,l.3,f.253r
<i>Francisco de Luna</i> (25) 1591	"moreno y tiene una señal de herida en la frente sobre la ceja derecha y un hoyo de viruela junto al ojo izquierdo"	"Indio natural de Guayapú, jurisdicción de Mexico;" To New Spain	<i>Criado</i> of Don Juan Cano Montezuma, encomendero of New Spain and descendant of Moctezuma	His wife Leonor de Herrera (24) and Don Fernando de Montezuma				In., 2065, n. 28; Cont., 5234, n. 2, r. 25
<i>Don Juan Pedro Chuquival</i>		"Caçique de la ciudad de Chachapoyas"			L: "en consideración a su necesidad"	7.28.93	550	In.,426,l.28,f.166r-v;



1592-1593			J: Seville-Tierra Firme	7.28.93		Passage fare, ration	Cont., 5241, n.2, r.42; 5538, l.3, f.179r, 182r
Cosme de Salas 1594	Indio natural del Nuevo Reino de Granada; to New Granada	Pedro Flores, vecino of Chagres	J: Passage fare and ration	1.13.94			Cont, 5245, n. 2, r. 15
Francisco Hernández 1595-1607	Indio		J: Madrid-Seville	9.20.95	44		In., 426, l. 28, f.222r; In., 428, l. 33, f.5r-v
			L: "Atento a su necesidad y a onor de esta Santa Pascua de Resureçion"	4.24.07	66		
Don Juan de Astubarcaya 1596-1600	Indio cacique		J: Madrid-Seville	6.14.96	200		In., 426, l. 28, f.241v, 253v; In., 427, l.31, f.112r-v;
			J: Madrid-Peru	10.3.96	100		Pan., 237, l.13, f. 53r-53v
			J: Madrid-Peru ("por una vez, para que se vaya")	4.22.00	100		
Don Diego de Figueroa Cajamarca 1596-1598	"Cacique que dice es de la provincia de Guamachuco en el Perú." Alcalde mayor of the Indians of Quito		J: Madrid.Peru	11.16.98	2200		In., 427, l. 31, f. 61r
Pedro de Córdoba 1597	Indio que vino dela provincia de Quito		J: Madrid-Seville-Quito	1.24.97	100		In., 427, l. 31, f.5r, 14r
			J: Madrid-Seville-Quito	5.3.97	330		
Diego 1597	Indio (ladino) natural del Nuevo Reino de Granada		J: Madrid-Nueva Granada	2.25.97	66		In., ,427, l.31, f.7r
Melchor de los Reyes 1597	Indio que vuelve al Perú		J: Madrid-Peru	2.25.97	66		In., 427, l. 31, f.7r; Cont., 5253, n.2, r.17
Diego Guaynato [Guayna	Indio natural del Perú		J: Madrid-Peru	8.9.98	100		In., 1952, l.4, f.223r

<i>Atoc] Maropo</i> 1598							
<i>Andrés de Ortega</i> (21) 1594-1600	"baxo de cuerpo de pocas barbas gordo de cara e pintado de biruelas con una señal entre las sejas"	Indio natural de Nueva España; To the Philippines	Father Francisco de Ortega, bishop of Cáceres, Philippines	J: Seville-Philippines	5.10.00	"le acomododeys [sic] de manera que no quede aca"	Cont, 5262A, n. 76
<i>Martín</i> 1600	"yndio de nacion"	Indio natural de Nueva España	"Galeones"				Cont, 5261, n. 1, r. 21
<i>Don Pedro</i> 1601		Indio; From Peru To Peru	Father Juan Fonte, Jesuit	Juan Fonte and Domingo Cano, also a Jesuit			Cont., 5265, n.1, r.9
<i>Don Melchor Carlos Inca</i> 1602-1610		Knight of Santiago, Great-grandson of Inca Huayna Capac		J: Lima-Valladolid	5.02	66000	Lim., 34 Lim., 473; I n., 438, l.2
				L: "ayuda de costa" (debts incurred to reach Spain)	11.8.05	88000	0, f.1r-v; In., 1613, f.16r-17v
				J: To bring his wife and household	11.8.05	66000	
				L: To María de Silva (Melchor's widow), "con mucha necesidad" (annual rent)	4.20.11	4400	
				L: To María de Silva (annual rent for her life)	12.2.13	2200	
				L: To María Coya Inga (daughter of Don Melchor), "para sus alimentos y los de su madre"	17.11.59	2200	
<i>Alonso Márquez Inga</i> (36)	"mediano de cuerpo trigeño un diente menos		Melchor Carlos Inca	Francisco Sánchez, a Spaniard and	J	2.17.15	To bring a criado with him Cont., 5346, n.17

1602-1615	en la parte alta"			Alonso's criado			
Baltasar (26), Mateo (10) & Juan Bernabé (25) c. 1591-1600	"mançebo [...] gran cabeça moreno de rostro bajo de su cuerpo" / "cabeza grande moreno de rostro" / "moço [...] ree echo del cuerpo moreno de rostro"	Indios de Nueva España	Don Juan Cano Moctezuma	Don Juan Cano Moctezuma			Cont., 5272, n. 2, r. 58
Doña María de Loyola Coya Future Marchioness of Oropesa 1603-1615; ¿?-1630					L: "para alimentación" (annually)	2.14.07 11000	In., 427, l. 31, f. 319r-v
Simón (14) 1603	"muchacho [...] con una señal de herida en la cabeça a la parte ysquierda"	Indio natural de Huamanga; to Peru	Father Esteban de Frías, Mercedaria n	Father Frías			Cont., 5278, n. 79
Miguel 1603		Indio de Nueva México	Maestre de campo Vicente de Zaldívar	Vicente de Zaldívar			Cont., 5279, n. 33
Don Juan Nauma y Doña María Cachi 1603		Caciques de Daule, Guayaquil					Qui., 26, n. 32
Pedro de Cabrera Bohórquez (20) 1594?-1604	"de color yndio y lo es y lampiño"	Indio natural del Nuevo Reino de Granada; to New Granada			4.23.01	"dejareisle hazer su biaje en los galeones de mi armada rreal de la guarda de las Indias"	Cont., 5280, n. 51
Diego (20) 1602-1605	"chico de cuerpo moreno cariancho"	Indio de Quito	An Agustinian Friar	Diego Rodríguez de León, merchant, vecino of Quito			Cont., 5285, n. 36
Martín Fernández	"yndio" / "yndio mestiço"	Indio de Moquegua	Royal Fleet				Cont., 5286, n. 77

(17) 1604-1605								
<i>Agustín</i> 1605		Indio de Puerto Viejo	Father Pedro de Espinosa, Franciscan					Cont., 5289, n.55
<i>Martín</i> 1605-1606	Indio de Perú; to Peru		Father Salvador Ribera, bishop of Quito	The bishop				Cont., 5293, n.1; Cont., 5293, n.16
<i>Juan Bernal</i> (18) 1607	"de color de membrillo cocho peco el rostro"	Indio natural de Santa Marta	At the service of "unos soldados de la dicha armada"					Cont., 5298, n. 1, r. 24
<i>Juan Fernández de Tescala</i> (36) 1604-1607	"pequeño de cuerpo poca barba lanpiño horadadas las orejas y el color moreno de yndio"	"Indio natural del Marquesado del Valle;" to New Spain	Mateo Escudero from Osuna (Andalusia ); together, they went to Valladolid to see the king					Cont., 5298, n. 2, r. 64
<i>Francisco Alvarado</i> (30) 1607	"moreno y el cauello largo y negro"	"yndio, natural de la ciudad de los Reyes;" to Lima	A Dominican Father					Cont., 5298, n. 2, r.15; Cont., 5539, l. 1, f.126r
<i>Juan de Soto &amp; Pedro Meléndez</i> c. 1595-1608	"Indios naturales del Cuzco;" to Cuzco		Criados of Don Pedro Carrillo de Soto Inca					Cont., 5539, l. 1, f. 23v
<i>Melchor Tolten</i> 1607-1608		Indio de Santiago de Chile	Criado of Father Juan de Lagumilla, Franciscan	Franciscans				Cont., 5306, n.19
<i>Don Bartolomé Inga Orosco</i> (20) [Bartolomé Atabalipa	"de mediano cuerpo moreno de rrostro en que le apunta el boço"	Grandson of Atahualpa	Francisco Gallo de Escalada + Diego de Espinoza, "gorrero		J: El Escorial- Quito J:Madrid-Quito J	6.5.07 3.30.07 7.28.07	5500 5500 To bring a	In., 1613, f . 13r; Lim., 2 ; Pan., 237, l. 14, f.26r;

<i>Incaj</i> 1604-1608			deuaxo de los portales de frente de la yglesia mayor," who was Bartolomé' s criado		J: Seville-Tierra Firme	12.11.13	"criado" with him Passage fare in the royal fleet	Cont., 5307, n.2, r. 3
<i>Alonso Banegas</i> (17) 1609-1610	"moreno de rrostro de buen cuerpo"	Indio natural de Santa Fe de Bogotá; to New Granada	Fathers Francsico de Párraga, "procurador de la orden del Nuevo Reino de Granada," and Diego Ramírez, both Dominicans	The same friars				Cont., 5316, n. 5
<i>Gabriel Gupita</i> (20) 1608-1610	"moço [...] desbarbado moreno de rrostro con una señal de herida en el carrillo derecho"	Indio natural de Potosí; To Potosí via Buenos Aires	Father Lázaro Díaz de Guzmán, Franciscan, via Buenos Aires					Cont., 5316, n.18
<i>Juan Ramos</i> 1613		Indio; from Peru to Peru	Father Andrés de Lisón, Dominican			2.10.13	Passage fare in the royal fleet; fee	Cont., 5332, n.18
<i>Andrés</i> (20) 1611-1613	"mediano de cuerpo y señales de biruelas en el rostro"	Indio de Cuzco	Licenciado Don Juan de Villela, del Real Consejo de las Indias	As criado of Jerónimo de Pamones, corregidor of Collaguas				Cont., 5332, n.23
<i>Cristóbal de Alcocer</i> Nov 1611-May 1613		"De nacion yndio natural de la çiudad de Quito;" "Al Piru por Campeche"	At the service of a Franciscan father	Cap. Pedro de la Palma "me haze caridad de llevarme consigo de aqui a Campeche"				Cont., 5335, n.62
<i>Juan Antonio</i>	"pequeño ojoso	Indio de Nueva	Marqués de					Cont.,

(20) 1611-1613	de biruelas la nariz chata"	España	Salinas, president of the Council of the Indies, former Viceroy of New Spain		5334, n. 2, r. 11
Andrés de Espinoza (17) 1611-14	"moreno de rostro sin barbas"	Indio de Nueva España	Don Luis de Velasco, Viceroy of New Spain		Cont., 5340, n. 41
Baltazar 1615		Indio donado de San Francisco	Father Claudio Ramírez de Sosa, Franciscan	Father Sosa and father Ángel de Génova, also a Franciscan	Con., 5345, n.46
Francisco Tomé 1615		Indio natural de las Indias de Portugal; To New Spain	Father Juan Pobre, Franciscan		Cont., 5346, n. 31
Juan de Vargas 1615		Indio natural de Santa Fe			Cont., 5348 , n.15
Juan de Ayala (33) 1607-15	"de mediana estatura muy moreno de rostro y que naturalmente por su aspecto se conoze ser yndio"	"yndio natural de la ciudad de Santa Fe, "al Nuevo Reino"		His wife Catalina Martínez (28- 30), from Seville	Cont., 5349 , n.1
Francisco García (36) 1615		"indio natural y originario del Cuzco;" living in Madrid since 1615			Ord. Mil., Santiago, exp. 4082, f. 26r
Bartolomé 1616		Indio, natural del Cuzco; From Cuzco To Cuzco via Santo Domingo	Father Luis de Vargas, "definidor general de la provincia del Cuzco"	Father Luis de Vargas and Father Juan de Serpa, Mercedarians	Cont., 5353 , n.45; Cont. 5539, l. 2, f.110v
Mateo de la	"baxo de cuerpo	Indio nacido en	Father Juan		Cont.,

Mera (18) 1616	con dos señales de bentosas en entrambas sienes [...] de cabello [...] y otra señal de herida en el lauiro de arriba debaxo de la nariz"	las Filipinas; to New Spain		de Contreras, Augustinian				5350, n. 4
Don Juan Melchor Carlos Inca 1616		Knight of Santiago, Son of Melchor Carlos Inca; - d. in Spain in 1630	Lic. Alonso Maldonado de Torres, of the Council of the Indies		J: Cuzco-Spain L: "para remediar su necesidad" (annual pension) L: "que se le debian de una merced anterior" L: "para remediar su necesidad"	1616 9.2.21 11000 2.2.22 6600 7.18.29 1100		In.,433,.4 , f.249v-50r; In.,1613, f. 20r-22v, 26r-v
Andrés Guanca (16) 1611-16	"cariancha reehecho membrillococho" "rrehecho y cariancho color loro"	Indio	Nuño de la Cueva, caballero de Santiago, gobernador de Santa Cruz de la Sierra	Nuño de la Cueva				Cont.,5352 ,n.18
Juan Gallardo (22) 1614-17	"pequeño de cuerpo moreno de Rostro y faiciones naturales de yndio"	Indio natural de Santa Fe; to Tierra Firme	Father Juan de Elías, mercedaria n and general attorney of the order	Jerónimo de Cabrera, vecino of Seville				Cont.,5358 ,n.41
Francisco Ulpo (30) 1618	"de color yndio pequeño de cuerpo y con una señal de herida en el carrillo izquierdo"	Indio			L,J: "de ayuda de costa y a que pueda hazer su viage desde esta corte a la çiudad de Sevilla"	4.6.18 550		In.,428,l. 35,f.44v; Cont., 5363, n. 44; Cont., 5539, l. 2

Diego de León (30) 1617-18	"mediano de cuerpo moreno nariz basta y una señal de herida en el labio de la boca a la parte baxa"	Indio de Quito, to Quito	His son Rodrigo (10), "buen color"				Cont., 5360 ,n.31; Cont., 5539, l. 2, f.187v
Jerónimo 1619		Indio natural de Lima; To Peru via New Spain	As criado of Dr. Don Pedro Sánchez de Aguilar, canónigo of the cathedral of Charcas	J: Madrid-Seville C: "una camisa y dineros"			Cont., 5539 ,l.2, f.247 r, 492v; Cont., 5369, n. 64
Jerónimo Jusepe 1619		Indio; to Peru	As criado of Father Pedro de Villa, Mercedarian				Cont. 5364, n.3
Francisco de Panamá (24) 1614-19	"lampiño y tiene un lunar en la barua de lado derecho y dos dientes de menos de la parte de arriua"	Indio natural de Panamá					Cont. 5366, n.23
Tomás de Cardona 1620		Indio natural del Perú		J: Madrid-Peru	3.13.20	"sin le pedir ynformacion alguna y ordenareis que no se le lleven derechos de fletes ni ottros algunos y se le de Raçion como a soldado"	Cont., 5539, l. 2, f. 265r; Cont., 5371, n. 45
Cristóbal de Guayacundo y Berrío (36) 1620	"mediano señal de herida de flecha en la muñeca de la mano derecha"	Indio of New Granada; to New Granada (he was captured in Guayana and taken to England, from where he journeyed to Spain)		L,C: "Al fiscal, Lic. Diego González de Cuenca y Contreras, desde 12 abril 1619 hasta la fecha, en el sustento y vestido"	3.12.20	1104	In., 428, l. 35, f. 132; Cont., 5374, n. 43; Cont., 5539, l. 2, f.263r
				J:"	3.13.20	passage fare and ration	



							"como a soldado	
<i>Don Martín Çapuy</i> 1620		Interpreter of the Audiencia					Lim.,150	
<i>Diego Castellano</i> (25) 1619-21	"yndio de naçion;" "de mediana estatura"	Indio natural de Chiapas; from Guatemala To Honduras	As criado of Francisco de Mandozana	As criado of Mandozana			Cont. 5375, n. 48	
<i>Agustín</i> 1623		Indio			L, C ,J: "Al fiscal de SM en el Consejo, Lic. Diego González de Cuenca y Contreras, en el sustento y vestido y en enviarlo a Sevilla"	3.11.23 1336	In.,428,l. 35,f.241v- 42r	
<i>Don Jacinto Ramos Chuquillanqui</i> (16?) 1623-24	"cariredondo moreno de rostro lampiño cabello negro color de yndio	" yndio de nacion natural del balle de Jauxa,"			J: Cádiz to Portobello	12.2.23	Passage fare and ration: "que le acomode en capitana [...] y le aga dar raçion por uenta de Su Magestad"	Cont., 5386, n.88; Cont. 5388 ,n.54
<i>Don Juan Yupanqui</i> 1623-24	"	"natural de la ciudad del Cusco del piru, yndio de padre y madre					Cont.5389, n.24	
<i>Esteban Rodríguez</i> 1623-26		"natural de la ciudad de Trujillo en el Piru donde tengo mis padres que son naturales della yndios"					Cont., 5395, n.4; Cont., 5539, l. 5	
<i>Francisco de Sanabria</i> 1627		Indio					Qui,211,l. 5,f.77v- 78r	
<i>Jerónimo de Alfaro</i> (20) 1627-28	"color de menbrillococho con una señal de herida ensima de la seja derecha"	Indio natural de la Nueva España	"en servicio de un español que se murio"				Cont., 5401, n. 21	
<i>Juan</i>	"cariancho	"indio,"	<i>En</i>				Cont.,5539	

<i>Fernández de Tovar</i> (22) 1630	moreno la nariz chata"	"vecino" Quito	servicio of Don Juan Colmenero [de Andrade, governor of Tierra Firme?]					,1.5,f.144 r; Cont., 5408, n.14
<i>Juan de Oleandres</i> (18) 1628-31	"bajo de cuerpo moreno cariredondo una mancha en el pesqueso y un lunar en el rostro"	Indio de Popayán						Cont., 5410 ,n.12
<i>Diego de Arrieta</i> Bef. 1630		"de nacion indio," "esclavo captivo," sailor in the royal armada						Cont., 533B, n. 2, r. 96
<i>Francisco Babañesca</i> 1631-1633		"yndio de nacion natural del Nuebo Reyno de Granada"	Father Juan Ramirez, Agustinian					Cont., 5414 ,n.37
<i>Gaspar Gómez de Inga</i> (30) 1634	"moreno de rostro cauello crespo mediano de cuerpo"	Natural y vecino del Nuevo Reino de Granada; to New Granada						Cont., 5415 ,n.93
<i>Don Francisco Tomala</i> 1641		Gobernador de Chongon, Audiencia de Quito						Qui, 212, l. 6, f. 213v-15v
<i>Indio</i> 1644		Peru	<i>Criado</i> of Father Pedro Ortiz Marmanillo de Ibarra, Franciscan , "calificad or del Santo Oficio de su orden"	Father Ortiz	J: Seville-Tierra Firme	11.27.42		Cont., 5427, n.1, r.51
<i>Sebastián Molloni</i>		Indio			J: Madrid-Seville	28.7.44	¿?	Co., 188 (Aug.)

1644	<i>Lorenzo Ayllón Atahualpa</i> (22) 1644-1646	"de nacion Yndio [...] con poca barba con algun bigote ojos negros Y sejas Y la naris algo aguileña Y en la muñeca de la mano Ysquierda tiene vna herida al soslayo que tiene partida Vna bena"	Indio principal del valle de Jauja	Father Buenaventura Salinas, Franciscan (to Mexico) Viceroy Count of Alba de Liste (to Peru)				Cont., 5427, n. 3, r. 33; Cont., 5539, l. 3, f. 78v-79r
	<i>Don Andrés de Ortega Lluncon</i> 1644-1653		"caçique y pachaca principal del pueblo de Lambayeque"	C, L: "su proueza y neçesidad" (for Andrés)  J, L: Madrid-Cadiz (travel expenses + outfit)	1.18.47	400		In., 436, l. 14, f. 39r-v; Co., 188
	<i>Don Carlos Chimo</i> (44) 1645-1647		"principal del pueblo de Lambayeque," "maestro bordador"	Don Juan de Medina Ávila  L: three reales per day for twenty days  J: Madrid-Seville  C: "vestido y otras cosas para su persona"	Bef. 8.46	60	200 300	Lim, 7; Lohmann 1999: 111; Hanke 1978: III, 274
	<i>Don Joaquín García de Morales</i> 1647-1649		Indio de Otavalo, provincia de Quito	C, L, J: "por el tiempo en que Don Joaquín estuvo en la corte"	8.26.48	1092		Co., 97B; In., 436, l. 14, f. 142r-v
	<i>Nicolás Mota</i> 1652?		Indio	Don Pedro de Salazar, <i>corregidor</i> of Trujillo				Lim, 25
	<i>Don Sebastián Carguarayco</i> 1653		Cacique de Cajamarca					
	<i>Juan Quelpen</i> 1653		Indio del Perú	J: Madrid-Peru	8.24.53	1100		In., 437, l. 17, f. 51r-

<i>Don José de Arenas y Florencia Inga</i> 1656-1657		Descendant of the Incas; from Potosí				v;62r-v Charcas, 23, r. 3, n. 18; In., 438, l.19, f. 232v-33v, 239v-41r; Lim, 8, 16
<i>Andrés Bautista</i> 1659-1660		"indio natural del ugar de Saña;" illegitimate son of the cacique principal of Lambayeque				Lim, 9
<i>Don Antonio Isidro</i> 1659		Son of Don Diego Gacha, cacique of the town of Juta, near the city of Tunja	J: Madrid-Santa Fe	7.31.59	800	Konetzke, vol. 2, pt. 1, p. 478-80
<i>Don Juan de Azabache y Nicolás Flores</i> 1660		"Indios que vinieron del Perú"	J: Madrid-Peru	1660	2200	Lim., 26
<i>Juan Crisóstomo [Atahualpa]</i> 1662?-1664		"Indio que vino de las provincias del Perú"	J: Madrid-Peru	8.21.64	330	Co., 113A (lib. 1664); In., 439, l. 22, f. 283v
<i>Don Antonio Collatopa</i> 1662-1664		"Indio que vino de las provincias del Peru;" Cacique de Cajamarca	J: Madrid-Peru L: "Limosna"	8.21.64 8.21.64	330 330	In., 439, l. 22, f 284r; Co. 113A
<i>Don Pedro Chafo Zavana</i> (42) 1662-1671	"Mediano Grueso Pelo negro liso algo hoioso de viruelas, señal de herida en el carrilo derecho"	"Indio prinzipal y natural del pueblo de Lanbyeque"	D. Velasco de Contreras	L: "Limosna atento a la neçesidad que padeze" J: Madrid-Peru (for him + Spanish Wife + son)	11.15.67 3.27.69	330 330 Lim., 26; In., 440, l.24 ,f.127r; Cont. 5437, n. 2, r. 20
<i>Don Juan Guayna Pire</i> 1662-1663		Cacique de Masgos				

Lorenzo de Jáuregui (12) 1664	"yndio muchacho"	Criado of Don Francisco de Jáuregui Pinelo, canónigo of the Cathedral of Antequera, Oaxaca				Cont., 5434, n. 1, r. 10
Don Cristóbal Chudin Bamon 1664	"Indio que vino de la provincia de Quito;" cacique de Quito?	J: Madrid-Quito	8.21.64	330		In., 439, 1.22, f. 283r
Don Jerónimo Lorenzo de Limaylla 1664-1678	Indio que vino de las provincias del Perú	J: Madrid-Peru	8.21.64	330		In., 439, 1.22, f. 283r-v; In., 440, 1.24, f. 144v, 283r-v; In., 440, 1.25, f. 141r-v, 266v-67r; In., 440, 1.26, f. 89v; In., 441, 1.29, f. 132, 177r; In., 640; Lim. 26; In., 640
		L: "en atencion a su neçesidad"	10.3.67	330		
		L: "en consideración a su necesidad"	12.10.67	330		
		L: "De limosna por una vez"	9.19.68	330		
		L: Limosna en atencion a su neçesidad"	11.23.69	330		
		J: Madrid-Peru	7.8.70	330		
		J: Madrid-Peru	12.7.71	330		
		J: Madrid-Peru	4.21.78	330		
Don Nicolás Tolentino Lluchi Moro 1664-1667	Indio que vino de las provincias del Perú; "indio principal"	A: "Pide ayuda de costa para imprimir sus dos memoriales" "para que entretenga en Sevilla a Don Jerónimo Limailla"	7.78	-		
		J: Madrid-Peru	8.16.78	?		
Don Nicolás Tolentino Lluchi Moro 1664-1667	Indio que vino de las provincias del Perú; "indio principal"	J: Madrid-Peru	8.21.64	330		In., 439, 1.22, f. 283r-84v; Lim., 26.
		L: "limosna"	1665	330		
		J: Madrid-Peru	1.14.67	330		

Lorenzo Zamudio Lucayn 1664-1678						Lim., 172
Don Sebastián Inquil Yupanqui 1666-1667	Indio natural del Cuzco en el Perú		J: Madrid-Tierra Firme	10.27.66 330		Lim., 26; In., 439, l. 23, f. 213v-14r; Cont., 5540 a, l. 1, f. 37v
Don Diego Tatayo 1666	Indio de Quito		J: Madrid-Tierra Firme		Passage fare	Cont., 5540 , l. 2, f. 28v
Don Francisco Erizo [Heriza] Carguamango c. 1666-1669	"Indio principal" "cacique natural en el reino del Perú"; capitán		J: Madrid-Lima	4.8.69 330		Lim., 26
Don Diego Sánchez Macario 1667	Cacique de San Pedro Pillao, Tarma	Wife Ana de Arenillas, native of Sigüenza	J: Madrid-Tierra Firme	Jan 1667?	Passage fare and ration	Cont., 5540 a, l. 1, f. 39 v
Juan de la Cruz 1667 [Juan de la Cruz Sulcamisa, cacique of Huancavelica ?]	Indio de Perú					Cont., 5540 , l. 1, f. 34v
Andrés Champon [Champen] 1667	Indio natural de Saña en el Perú		J: Madrid-Saña	1.14.67 330		In., 439, l. 23, f. 247v-48r
Don Roque Sánchez (44) 1669	"indio principal" from Saña, "ayuda de camara de Don Juan Enriquez", living in Madrid, in the house of the Count of Alba de Liste, former viceroy of Peru					Lim, 259, n. 10

Pedro Tenelema (19) 1672	"mediano de cuerpo los dos colmillos algo desiguales de la demas dentadura"	"Indio natural de la provinçia de Quito"	Criado of father Juan de la Torre, general solicitor of the Franciscans of the Quito province	Father De la Torre and other friars			Cont., 5437, n.2, r.50
Don Francisco Cangagualla Limaylla c. 1676		Hijo del cacique segunda persona de Luringuanca	Padre Rector del Colegio del Príncipe de Lima, a Jesuit				ARJ, Prot., t. 13, f. 606v
Álvaro Enrique (Enriquez) 1678-1680		Indio de la ciudad de Lima			J: Madrid-Lima 4.21.78 330		In., 442, l. 30, f. 69v, l. 56r, 208r-v, 275v; Lim ., 26; In., 441, l. 29, f. 133r
					J: Panama-Lima 5.23.78	Passage fare	
					L: "Una vez para socorro de su necesidad" 4.6.78	100	
					L: "de limosna por Vna Vez en atenzion a su nesecidad" 11.2.79	330	
					L: "de limosna por una vez" 3.16.80	330	
					L: "como limosna" 11.19.80	550	
					J: Madrid-Lima 7.31.80	330	
Andrés de Ávila 1678		Indio de San Jerónimo, Valle de Jauja			J: Madrid-Lima 4.30.78	330	In., 441, l. 29, f. 134v-35r
José de Bárcena (42) 1675-1678	"cano alto y delgado;" "yndio de nacion"	Indio natural de la ciudad de México; from Veracruz. to Puebla	Criado of Fathers José de Salgado and Nicolás de Pantoja, Dominicans	Father Salgado, "definidor y provisor general de la provincia de los Santos Ángeles de la Puebla"	J: Seville-New Spain 5.18.78		Cont., 5442, n. 82

<i>Don Esteban</i> <i>Tupa Gualpa</i> 1679							
<i>Don</i> <i>Cristóbal</i> <i>Cabezas Ango</i> 1679		Cacique mayor de Otavalo			L: "como limosna"	12.23.79 330	In., 442, l. 30, f. 100r
<i>Francisco</i> <i>Arias de</i> <i>Aguilera</i> (22) 1675-1680	"mediano cariacaponado"	From Cartagena To Quito; Indio natural de Cartagena	<i>Criado</i> of Father Francisco Montaño, Agustinian	Father Montaño	J: Seville- Tierra Firme	2.29.80	Cont., 5443 , n. 2, r. 42
<i>Agustín de</i> <i>Alvarado</i> (16) 1681	"trepado moreno con un lunar en el pescueso y otro en el carrillo isquierdo y señal de erida en el pescueso a lado isquierdo"	"yndio de naçon," natural de la provincia de Huaylas	As <i>criado</i> of Father Juan de Soto, Augustinia n	Father Soto			Cont., 5540a, l. 3, f. 41v, 328r; Cont., 5444, n. 17
<i>Felipe de</i> <i>Santiago</i> <i>Inga</i> (23) 1683	"pequeño de cuerpo pelo negro lisso"	To Chiapas. Indio natural de Quito. Hijo de Baltasar Inga y de Maria de Cuenca,	As <i>criado</i> of Father Francisco Núñez, Dominican, app. Bishop of Chiapas	Father Núñez			Cont., 5540, l. 3, f. 51r; Cont., 5445, n. 2, r. 48
<i>Pedro Quispe</i> 1684		<i>principal</i> of the town of Sinsicapa, province of Huamachuco		Don Pablo Tito Uscamayta			
<i>Don Pablo</i> <i>Tito</i> <i>Uscamayta</i> 1684		"Indio cazique de la provincia de Cajamarca"		Don Francisco Quispe, "su compañero,"	L: "para que tenga por ahora en que socorrerse"	5.20.84 1100	In., 442 , l. 32, f. 200 r- v; Lim., 587, l. 29, f. 83v-84r; Lim, 12
<i>Cristóbal de</i> <i>Velasco</i> 1685		Indio de Chile	Cap. Don Gregorio de Azañón	Cap. Azañón			Cont., 5447, n. 1, r19
<i>Diego de</i> <i>Aguilar</i> 1688		Indio cazique Mexicano			L: "Socorrer. En virtud de papel del Sr. Marqués de los	3.12.88 200	In., 443, l. 34, f. 184r



Velez"					
<i>Bernardo Inga</i> 1690		Presbítero de los clérigos menores			ARC, Colec. Betancourt, Vol. 3
<i>Lorenzo Yajo</i> (25) 1692-1694	"mediano reecho ojos pardos;" "yndio de nacion"	"muchacho indio" natural de Yucatán	Don Francisco Díez de Velasco, vecino of Mérida, Yucatán	Don Francisco Díez de Velasco	Cont., 5455, n. 2, r.14
<i>Don Juan Núñez Vela</i> 1695		Clérigo presbítero		J: Madrid-Lima 10.5.95 1100	In., 444, L. 37, f. 242r-v
<i>Don Toñi Cayche</i> 1699		Cacique de Daule			

APPENDIX 2: SOME ROYAL DECREES OBTAINED BY INDIAN TRAVELERS IN SPAIN<sup>712</sup>

Traveler	Royal Decree	Date
<b>Don Felipe Guacrapaucar</b>	600 pesos for life plus some lands in the Jauja Valley	9.26.1563
	Ordering the <i>Audiencia</i> to deliver justice in the case of the Spaniards who, during the Conquest, had taken money, cattle, and other goods from the Indians of Jauja, and therefore should retribute them	11.6.1563
	Ordering the <i>Audiencia</i> to deliver justice in the case of Spaniards who forced Indians to work outside de Jauja Valley	11.14.1563
	Ordering the <i>Audiencia</i> to make Spaniards who had illegally seized the lands of the Indians return them to their rightful owners	11.14.1563
	Allowing Indians and <i>caciques</i> of Jauja to discover and declare mines and burials as the Spanish did	1.31.1564
	Ordering <i>Audiencia</i> to deliver justice to the <i>caciques</i> of Jauja, who claimed the Yauyos Indians living in the Valley occupied their lands but did not help in the payment of tribute	1.31.1564
	Ordering the <i>Audiencia</i> to find out if those natives who had left or been taken away from the Jauja Valley wanted to return, so local <i>caciques</i> did not cover their missing tribute	1.31.1564
	Ordering the <i>Audiencia</i> to inquire and deliver justice in the matter of the local <i>encomendero</i> not wanting to receive Indian-style pieces of cloth from the natives of Jauja	1.31.1564
	Ordering the <i>Audiencia</i> to deliver justice in the matter of Indians complaining that the cattle of the <i>encomendero</i> used their own lands and pastures	1.31.1564
	Ordering the <i>Audiencia</i> to deliver justice in the matter of the <i>forasteros</i> of the Valley refusing to pay tribute	1.31.1564
	Safeguarding Don Felipe's noble privileges	1.31.1564
	Ordering the <i>Audiencia</i> to deliver justice in the matter of the money and cattle left to the Indians by their former <i>encomendero</i> , which the Franciscans had taken for themselves	2.7.1564
	Ordering the <i>Audiencia</i> to deliver justice in the matter of the Franciscans denying free burial to the Indians in the church and monastery that they built for the fathers	2.7.1564
	Allowing Don Felipe to take a <i>criado</i> back to Peru with him	2.26.1564
	Allowing Don Felipe to bring back an harquebus and 200 pesos from Spain	2.26.1564
	Ordering the <i>Audiencia</i> to solve the problem of the natives who had left the Jauja Valley by either compelling them to return or ordering a tributary reassessment	3.11.1564
	Coat of arms for Don Felipe and his descendants	3.18.1564
<b>Francisco Ulpo</b>	On behalf of "los demas naturales residentes en essa ciudad de los Reyes." Ordering the <i>Audiencia</i> to execute a <i>carta ejecutoria</i> allowing the Indians of Lima to live outside the Indian ward of El Cercado	3.18.1618
	Same royal decree, this time adressed to the Archbishop of Lima	3.18.1618
	On behalf of "los demas Indios oficiales yanaconas della." Ordering the viceroy and the <i>Audiencia</i> to administer justice to them in their request to be able to elect two majors ("para que los mayordomos diputados y oficiales de las cofradias que ellos tienen en las Iglesias y conventos de la dicha ciudad se puedan juntar en uno de los dichos conventos o yglesias y elijan otros dos Alcaldes"), aside from the two that the Jesuits elected every year for the Indian ward of El Cercado	3.18.1618
	Recommending Francisco Ulpo for the post of interpreter of the <i>Audiencia</i> as "hijo y nieto de los mas principales Indios de ese rreyno Persona auil y ynteligente en la lengua española," or for any other reward atuned to his "capacidad"	4.16.1618
<b>Don Martin</b>	Ordering the <i>Audiencia</i> to administer justice in the case of Don	12.22.1619

<sup>712</sup> Sources: AGI, Lima, 568, 1. 10 ; 569, 1. 11 ; 573, 1. 23; 574, 1. 26; 583, 1. 17, 1. 19 ; 584, 1. 20, 1. 21 ; 585, 1. 24, 1. 25 ; 587, 1. 29, 1. 30.

<b>Çapuy</b>	Martin's wife, who claimed to have inherited 100 <i>fanegadas</i> from her great grandfather.	
	Ordering the <i>Audiencia</i> to ponder Don Martín's contention that one of the interpreters of the high court should always assist Indians attending to their legal affairs outside the city of Lima	12.22.1619
<b>Don Carlos Chimo</b>	Ordering the <i>Audiencia</i> to hear Don Carlos' complaints against the abuses of the last two <i>corregidores</i> of Lambayeque and the land judge dispatched from Lima from the <i>composición de tierras</i>	7.23.1646
	Ordering Viceroy Marquis of Mancera likewise	7.23.1646
	Ordering Viceroy Mancera to see that Don Andrés not be bothered or harmed for having journeyed to Spain to denounce the <i>corregidor</i> of Saña and Chiclayo	7.20.1647
	Ordering Viceroy Mancera to see that a tax reassessment be conducted in Lambayeque to prevent <i>mita</i> and tribute excesses at the hand of Spanish <i>vecinos</i> , for <i>caciques</i> , and <i>pachacas</i> were covering the amounts owned by absent Indians	8.5.1647
	Ordering the provincial magistrate of Saña to inform about the same matter	8.5.1647
	Ordering the judge of the <i>Audiencia</i> in charge of conducting the tax reassessment to conduct the inspection according to the laws protecting the Indians	8.5.1647
	Appointing Don Bernardo de Iturrizarra, <i>alcalde del crimen</i> of the <i>Audiencia</i> as judge to investigate the excesses committed by several royal officials against the Indians of Lambayeque	8.18.1647
<b>Don Andrés de Ortega Lluncón</b>	Ordering Viceroy Mancera to see if there would be any impediment for appointing Don Andrés <i>juez de aguas</i> of the district of Saña	5.24.1647
	Ordering Don Bernardo de Iturrizarra, judge of the <i>Audiencia</i> of Lima, to reinstate Don Andrés in his offices of <i>pachaca curaca</i> and captain of the Indian militia in case Viceroy Mancera had appointed someone else during Ortega's absence in Spain	8.18.1647
	Ordering Viceroy Count of Salvatierra to hear Don Andrés' complaints about some lands of the Indians of Lambayeque having been sold to a Spaniard	8.26.1647
	Ordering Count of Salvatierra to hear Don Andrés' request of vacant lands for his sons and the Indians of his <i>parcialidad</i> , delivering justice as he saw fit	8.26.1647
	Ordering the officials of Panamá, Puerto Viejo, and Paita, to provide Don Andrés de Ortega and Don Carlos Chimo with all that was necessary for them to return to Peru	9.15.1647
<b>Don Andrés de Azabache</b>	Ordering Viceroy Count of Alba to hear Don Andrés' complaints at the Junta de Desagravios de los Naturales (against abusive priests) and deliver him justice	9.21.1660
<b>Don Antonio Collatopa</b>	Ordering Viceroy Count of Santisteban that Don Antonio's complaints against abusive priests, provincial magistrates and others be heard in the <i>Junta de Desagravio de los Naturales</i> (formed by royal decree, 9.21.1660), and that no one aggrieves Don Antonio for having journeyed to Spain to denounce such excesses. As a result, Santisteban reformed the <i>Junta</i> by incorporating two new <i>oidores</i> and one prosecutor. It met more regularly. Similar <i>cédulas</i> were sent to the archbishop, the prosecutor of the <i>Audiencia</i> , and the General Defender of the Indians. <sup>713</sup>	8.6.1664
<b>Don Lorenzo Zamudio Lucayn</b>	Ordering viceroys, <i>Audiencias</i> , and other royal officials in America to uphold the privileges owed to Don Lorenzo for the services and nobility of his ancestors since the Conquest	3.15.1674
<b>Don Pablo Tito Uscamayta</b>	Ordering the Viceroy to put a stop to the abuses and excesses of <i>mita</i> labor in Cajamarca	6.9.1684
	Ordering Viceroy Count of Monclova to issue a provision allowing Don Pablo to apprehend Indians who had left the province of Cajamarca and force them to return	7.6.1684
	Ordering to Viceroy to deliver justice in the case of Domingo González de Campos, who denounced other Spaniards for stealing gold and other objects found in an old burial site without paying His Majesty the royal fifth	7.6.1684
	Ordering the Viceroy to deliver justice in the Indians'	7.9.1684

<sup>713</sup> Lohmann Villena, *El Conde de Lemos, Virrey del Perú*, 240-42.

complaint that they were not allowed to carry the royal standard of Saint Anthony anymore (a privilege that they had had since the Conquest). Also, to administer justice in the pretension of the Spanish residents of turning Cajamarca into a city	
Ordering the Viceroy to see that the lands, privileges, and exemptions of the Incas living in Cajamarca be upheld; that their military company not be used by the local magistrates	7.9.1684
Banning <i>caciques</i> and other Indian authorities from doing illegal businesses with Spanish <i>corregidores</i> and governors, as previous decrees had already mandated. Ordering that these laws be publicly read every year during the election of Indian <i>alcaldes</i> and upon arrival of new <i>corregidores</i>	7.17.1684
Ordering Viceroy Monclova to provide justice against Spaniards and <i>mestizos</i> who abused and mistreated the towns, expelling them from their towns	8.2.1684
Ordering the <i>Audiencia</i> to provide justice to Don Pablo in a legal suit first brought by his brother against the Spanish <i>corregidor</i> and the Indian governor of Cajamarca, allowing Don Pablo to carry on the court case	8.8.1684
Ordering the captain of the Royal Armada and the <i>Audiencias</i> of Cartagena and Portobello to allow the journey back to Peru of Don Pablo and his companion Francisco Quispe	8.11.1684
Ordering the Viceroy to execute the royal decrees won by Don Pablo and the <i>Audiencia</i> to hear the complaints and lawsuits of the Indians of Cajamarca	8.23.1684
Ordering the <i>Audiencia</i> to deliver justice to Don Pablo and his brother, who owned a <i>censo</i> in Lima but have been unable to collect its returns for many years	8.23.1684
Ordering the <i>Audiencia</i> to deliver justice to the Indians of Cajamarca, who owned a <i>censo</i> in Lima but have been unable to collect its returns for many years	8.23.1684

APPENDIX 3: DOCUMENTS

*Document 1*

*Petición de Don Martín Pizarro Guancallauqui al corregidor Rodrigo Cantos de Andrada. 1570. "Residencia tomada al doctor Gabriel de Loarte, alcalde del crimen de la Audiencia de Lima, del tiempo que fue corregidor de la ciudad de Cuzco y visitador de las provincias del Perú, por el licenciado Pedro Sánchez de Paredes, oidor de la misma Audiencia," ms. 1575. AGI, Justicia, 463, f.226r-227v*

En este pueblo de la Concepción deste repartimiento de los huringuancas encomendados en el capitán Cristóbal Peña a postrero día del mes de hebrero deste año de mill e quinientos y setenta años antel muy magnífico señor Rodrigo Cantos de Andrada corregidor desta provincia de Jauja por SuMagstad e por ante mi el presente escriuano y testigos aquí contenidos la presento el contenido siendo testigos Alonso Hernández ynterprete y pero Sánchez y don Francisco Chuitopa alcaide de cárcel.

Muy poderoso señor Martín Piçarro Guancallauqui yndio de la encomienda de don Antonio de Ribera digo que my padre y aguelo y bisaguelo tuuo y poseyo la chacara de calpala por merced que le hizo el Ynga y de ymmemorial tiempo a esta parte e yo la herede de my padre y la e tenydo y poseydo y asta El día de oy que rrodirgo de cantos corregidor hizo del valle de Jauja por ffalsa relación que un yndio le hizo sin me oyr ny querer hazer justicia me la quito y desposeyo y la dio al dicho yndio de que rreçebi notorio agrauio por tanto a vuestra alteza pido y suplico mande al corregidor que ffuere me buelua la dicha chacara [...] ynformación de como es mya sobre que pido justicia y para ello [...] Martín Piçarro

E vista por el dicho señor corregidor dixo que la ovo por presentada y le pregunto por la dicha lengua que quien le auia hecho la dicha petición dixo que Bartolome Diaz mestizo le pregunto si tenia negoçios estando en Lima y que si el los tenia que el le ffauoreseria y ayudaria y que le rrespondio que yua sobre un pleito de una chacara y diziendoselo El dicho Bartolome diaz le hizo la dicha petición

Fuele preguntado que como hizo ffalsa rrelación diziendo quel dicho señor corregidor le auia quitado la dicha chacara que sy es verdad dixo que lo que le dixo al dicho Bartolome Diaz ffue que Garçi diez de san miguel en la vesyta que hizo de las chacaras del dicho rrepartimiento de los hananguancas abra mas de diez años le quito la dicha chacara y quel dicho Bartolome Diaz por estar mal con el dicho señor corregidor puso quel dicho señor corregidor se la auia quitado contra justicia y sin oyllo y queste declarante despues de proueida esta dicha petición y auendosi la leydo y dado a entender lo que en ella dezia dio otra petición con verdadera rrelación a Su Excelençia El qual le proueyo y dio una prouision sobre la dicha chacara para que el dicho señor corregidor oyga y [haga?] justicia en este caso [...]

Document 2

"Memoria para el muy reverendo y magnífico señor fray Domingo, provincial de estos reinos. Es de su criado Juan de Albarado," included in "Informaciones de oficio y parte: Juan de Alvarado, indio, natural de Cochabamba," ms. 1555. AGI, Lima, 204, n. 23

Que si fuere posible que su paternidad procure de que es repartimiento de donde yo soy natural ques en los terminos de los chachapoyas presentando esta probança de los seruiçios que yo y mis padres y pasados mis deudos emos echo a su Magestad y a sus ofiçiales y capitanes en su nonbre y para que si su magestad fuere seruido de me haçer alguna merced en pago de los dichos seruiçios del capitan Juan Perez de Guebara vecino de los chachapoyas se me diese a mi pues ay razon por los dicho seruiçios que los dichos mis pasados y yo emos hecho pues esta merced se haçe a otros que no son naturales ni lo an seruido como yo.

Y si esto no se pudiere haçer sea la parçialidad de mi propio pueblo donde yo soy natural que desde Taca hasta A Onbuy o hasta Pauzamarca y si esto no se pudiere aber para que su paternidad me la haga como a su criado de aber aquello que su paternidad pudiere y sea servido y esto suplica por amor de dios y por lo ques obligado a haçer por los naturales que todo lo que fuere sera para con ellos seruir a vuestra paternidad.

Menor criado de vuestra paternidad,  
Juan de Albarado.

Document 3

Letter from Don Juan Lorenzo de Ayun y Córdoba to Father Fernando de la Carrera. Mexico, July 22, 1653. In "Jerónimo Lorenzo de Limaylla, natural de la provincia de Jauja, con Bernardino de Limaylla sobre posesión del cacicazgo de Luringuanca, en dicha provincia," ms. 1656-71. AGI, Escribanía, 514C, f. 638r-43r

Señor D. Fernando de la Carrera, mi padre señor y mi unico Dueño y Patron=

A Dios y a bentura escriuo estta a Umd. por sí alcanzare por mi suertte esta a Umd. antes de Su partida para Casttilla y Sirue solo de dar auisso a Vmd. Como Rezeui Su Cartta en estta Ziudad de Mexico con ottra de mi hermana para mi a Ueinte de Julio de este año de Cinquenta y tres su fecha en Ueinte y Siette de Março del año passdo de Çincuentta y dos por Uia del Muy Reverendo Padre fray Diego de Cordoua=

digo Señor que no tengo palabras con que significarle a Umd. ni Lengua que lo explique el gozo tan lleno que mi alma Reçiuió por las buenas nuevas que en ella me da Umd. de Su salud Cuia Vida y Salud prospere el cielo Con toda filizidad amen. Mucho agradeesco a Umd. Señor las nuevas que me da Umd. de mi hermana y Sobrinos y Sobrinas y demas familia que a mi me ttocare y por cada lettra y Renglon Sin perder coma ni punto beso a Umd. su mano mil y dos mil Vezes=

Señor mio no es ponderable el gustto que he Tenido de la resolución que ha ttomado Umd. de irsse a Castilla y digo que no ai mejor Cosa que ir a beuer el agua donde tiene Su origen que es la Cortte donde espero ber a Umd. premiado Sus grandes y abentajadas prendas y Seruiçios hechos a ambas Magesttades fio de Dios que lo ha de Conseguir Vmd.=

Señor mio yo quedo bueno y con Salud gracias a Dios en estta Ziudad de Mexico en Compañia Y seruiçio del Reverendísimo Padre frai Bentura de Salinas y Cordoua y me haze muchas honrras y fauores haciendome digno de ellas quando me hallo indigno de merezerlas de lo qual me hallo tan obligado a asistirle y servirle como Lo ago el año que biene de Çinquentta y quatro espero en Dios de bezar la mano a Umd. en Madrid dandome Su diuina Magesttad Salud y Uida en Compañia de Su Reuerendissima que ia Renunzio el ofiçio y se la admitieron enbiandole el General de la horden patentes y liçençias para que pueda boluer a casttilla estta esperando el Suzessor para entregar el Gouierno de estas Prouinçias= en todas Las ocassiones tengo escritto a Umd. por Uia de el Reverendísimo Padre frai Diego de Cordoua por Cuias mano ba esta y por Su mano y bia me puede Responder Umd.= que assi se lo escriuo=

no tengo que encargar a Umd. quien tam bien Saue honrrar a los ausentes mas bien sabra hazerlo con los pressenttes Como es a mi hermano y toda mi familia y con tanto Guarde el çielo a Umd. Le bea yo en los puesttos que meReze fecha Mexico y julio Veintte y dos de Seisçientos y Zinquentta y ttres=

de Umd. Criado que S.M.B.

Don Juan Lorenzo de Aiun Cordo[ba]=

*Document 4*

*Letter from Don Juan Lorenzo de Ayun y Córdoba to his uncle, Don Francisco Chalac. Mexico, September 28, 1649. In Ibidem*

Señor Don Françisco Chalac tio Y Señor Mio=

estta escriuo a Umd. ttio y Señor mio a toda priessa y a Dios y a bentura y me holgare mucho llegue a manos de Umd. para que tenga logro mi deseo y descanso para mi alma y sossiego de mi Corazon y le alle con mui entera salud y se la de nuesttro Señor como yo deseo=

La mia es buena Siempre al Seruiçio de Umd.= en todas Las ocassiones que se han ofrezedido [sic] de escreuir para Lima tengo escritos a Umd. dando quenta de mi perssona y de ninguna he tenido respuesta Causa nueva Confussion aunque esto me pudiera aflixir Uibo Con solo Con las esperanças y ellas me sustentta[n] y asi Suplico a Umd. me mande dar nueuas de Su salud y de mi Señora Tia Doña Beattriz Cuias manos bessos mil bezes y que sean muy buenas=

Señor mio yo me casso en estta Ziudad de Mexico con Una Señora Prinzipal hija de Vn Guernador ella estta Guerfana sin Padre ni Madre llamase Doña Ursula de Riuera de que Se ira conmigo a lima quando yo me baia lo ello zierto es que lo lleuare con mucho gusto esto diçe no se yo si se arepentira despues ello Lo dira y assi Umd. tenga entendido esto que se ara

Con el Diuino fauor y ttendra Umd. una criada a quien mandar Umd. no deje de escreuirme por Su uida que esttimare en mucho la merced=

Sus Carttas uengan por mano de el Señor Don Fernando que Su merced los Remite a lima a la persona que me los ha de embiar Y bendran derechos a mexico y a mis manos el Sobreescrito bengan a el Combentto de San Francisco de Megico= al Señor Don Miguel Chumbi y a toda su familia beso Las manos y a Umd. que me Guarde el çielo como deseo y he menester fecha en mexico y Setiembre Ueintte y ocho de mil Y Seisçientos y quarentta y nueue= Ba. l. M. de Umd. Su Sobrino= Don Juan Lorenzo de Aiun y Cordoua.

*Document 5*

*Letter from Don Juan Lorenzo de Ayun y Córdoba to his sister. Mexico, March 31, 1651. In ibidem*

Hermana mia de mi alma y de mi Coraçon Corona de todo mi linaxe=

Esta escriuo a Umd. a Dios y a bentura por Si acaso esttubiere Uuia y puede Ser que me casttigue nuesttro Señor por mis grandes pecados y porque justtamente lo meresco pues desde que me aparte de el lado de Umd. y de su presençia no he tenido nueuas chica ni grande Siendo asi que tengo escrittas muchas Cartas desde España y Corte de Su Magestad que Dios guarde procurando Sauer Siempre sin perder las ocassiones que Se an ofreçido de escreuir= particularmente lo echo de este Reino desde que entre en ella y todos los años que he tenido ocasiones para escreuir en çinco años a que esttoi en este Reino y Ziudad de Mexico no he sauido de Umd. Con que me tiene Con grande Cuidado y desconsuelo de no hauer tenido nueba alguna y assi suplico a Umd. se sirua de Sacarme destta Confussion y Cuidado auisandome de la Salud que Umd. goça que sera el dia de maior gustto para mi el dia que io Supiere de mi querida y amada hermana a quien tengo por mi madre; Y tambien me auisara de mis sobrinos, y sobrinas y quanttas tengo, para que yo procure yr a remediarlas personalmente que juzgo oi lo tengo por Sin duda dandome Dios Uida y Salud de ponerme en Camino el año que Viene conforme Supiere de Umd. y me auisare me pondre luego en Camino porque no tengo quien me estorue ni tanpoco quien me lo impida=

yo escriuo al Señor Don Fernando de la Carrera y esta ba por su mano y tambien le ruego que me abise de Umd. y de todos mis sobrinos y sobrinas. esta sirben para todos mis sobrinos y para mis tios y mis tias partticularmente a mi Primo Señor Don Alonzo a quien tengo tan presentte con todo amor y voluntad a mi tio y Señor Don Juan Lorenço Minllon y mi ttio Señor Don Gonzalo minllon y a mi tio Señor Don Françisco Chalac cuias manos beso mil beçes juntamentte con las de mi hermano y cuñado el Señor françisco chimoi quien tengo atrauesado en el corazon con tanto me Guarde Dios a Umd. y me lo deje ber antes que me muera a Dios querida hermana mia fecha de estta ziudad de Mexico y Março treintta y uno del año de mil y seisçientos y zinquenta y uno= su hermano de Vmd. que tiernamente le ama y le dessea ber y Besa su mano= Don Juan lorenço de ayun y Cordoua=



Document 6

*Letter from Don Juan Condorpussa to Doña María Fernández de Cordoba.  
Arequipa, November 9, 1664. AGI, Lima, 171*

Por la de V.md. del año de 64 Vi la buena salud que V.md. Gosa i nuestro señor se la de Para Muchos años Yo quedo Con ella Muy al seruiçio de V.md. Mi hijo Don Juan del Quadro cuya mano B.s. de V.md. ya esta casado con dos hijas.

Señora mia Yo junte Los prinsipales y los yndios Para despachar El poder que me pide V.md. y me dijo porque Pedimiento auiamos de despachar el poder porque auia de Ser señalado como y de que manera y asi no quiere despachar el poder a V.md. y si fuera Por mi solo yo despachara El poder en defensa de los yndios y asi no le despacho y Por La sedula rreal de Su Mag.d que me dise que auia despachado Para quitar La mita a la plasa desta ci.d de areq.a La qual no a llegado aqui Pero en el Libro de Solorsano Le bide ynpreso agora años se lo auia despachado su sedula rreal en que manda Su Mag.d quitar La d.ha mita y Seruiçios de los yndios de la dicha plasa el qual no se a ejecutado porque no ay quien defienda a los yndios y todo los ministros de Su Mag.d que son justisias y protetor todos tira su ynteres y negocio si V.md. pudiere alcanzar La sobrecarta de la d.ha prouision R.l que Su Mag.d despacho Para quitar La mita y Seruiçio de los yndios que acuden a la plasa de la çiu.d de areq.a porque pasan beinte mil bejasiones porque Por la quenta de la mita lleuan al balle de bitor donde se muere muchos Con la enfermedad de chugcho y se ba acabando a gran priesa el Pueblo Por auer lleuado Los besinos de la çiu.d de areq.a Y Para esto sin poder se puede alcanzar V.md. La d.ha sobre carta de Su Mag.d Para que Lo ejecute La d.ha Prouision R.l de Su Mag.d en que mando quitar La d.ha mita y serbidumbre de los yndios y esta bien mandado.

Y en la encomienda y Sementera de V.md. en que me dise que corriera por mi quenta el arrendamiento y yo tomara de muy buena gana Por dos cosas Lo Vno Porque no les pagan los arrendatarios a V.md. Por la sementera y encomienda yo le Pagara muy bien Lo otro Estan molestando Los mayordomos a la gente en la d.ha Sementera = mas no Puedo Porque estoy Pobre sin jente y en la Peste general que bino se murieron Sesenta y tantos yndios tributarios fuera de los biejos y muchachos y asi solo de su encomienda de V.md. y no atrebo [?]. Ya le hable al padre rretor de la Compañia Poruqe me dijo que tenia Su poder de V.md. para Cobrar del arrendamiento de su encom.da y su sementera me ha d.ho que no an pagado Los arrendatarios y Le dije que buscaríamos a otra persona de mas buena paga Para arrendar su encomienda y sementera de V.md. y lo haremos asi.

Y siempre le he rrespondido Su carta de V.md. y deue de Ser Mi desgrasia el no hauer llegado a mano de V.md..

Agora Se a hecho La bisita Por Vna Prouission del gouierno el Señor Correg.or de la çiu.d de Arequipa todo el distrito de Su Corregim.to Los pueblos en que a hallado muy pocos yndios y Se an muerto muchos Con la peste genera que ha benido a este reyno Y asi Se a de bender todas Las tierras bacas de los yndios y muertos. = V.md. puede haser Confirmar Los titulos de las tierras

que conpro mi señor Don Rrodrigo de bargas Caruajal Porque tiene ya Pagado a Su Mag.d Con eso no Lo bendera otro jues ninguno = Y para que Lo despachara Los d.hos titulos a V.md. Le he abisado a Su Madre de V.md. y La persona que tiene el poder ya le tengo abisado en dos Cartas en rraçon de las tierras de V.md. nos ay mas largo (?) a quien Dios g.de Muchos y felises años y nos deje que beamos Areq.a 9 de nobiembre de 1664 años.

Muy seruidor de V.md.

Don Juan Condor Pussa

*Documents 7*

*Petition of some caciques of Cajamarca to their defender. 1624. In "Autos y diligencias qe siguió don Juan de Guzmán, corregidor y justicia mayor de la provincia de Cajamarca, contra los caciques de las guarangas de aquella provincia y su jurisdicción, sobre la cobranza de los tributos que quedaron pendientes cuando cesó en su gobierno, o sea los rezagos del tercio de Navidad de 1622," ms. Cajamarca, 1624. AGI, Derecho Indígena y Encomiendas, L 6, C. 74, f. 113r-v*

Muy mi señor V. m.d como protetor ques nos ampare [roto] en rraçon de los tributos que se biene ya lligando el ti[roto] no estan aun cumplido este por rrespeto de los yn.s que por la grande ambre se an dibidido todos y no bastante eso estar nosotros presos como podemos poner calor y poder enterar los tributos. y v. md. ordene la peticion pidiendo un mes de termino Para que nosotros saliendo ymbiemos por nuestros cobradores y nosotros en persona cobraremos lo que se nos debe en este pueblo asi yndios y españoles y suplicamos a vmd. que todo lo que nos estubiere bien lo pida v. md. como amparo ques nro. y confiado de que en todo rrecebiremos md. nosotros p.a mas tiempo[?] sino que nuestro[ilegible] a v m.d en la que se ofreciere nos imbia mandar como a hijos que somos de v md. desta carçel oy miercoles.

Hijos de V. md. que sus manos

Bessamos

Don Lorenzo Pilco Tanta

Don Sebastián Condor Quispe

Don Domingo Guamantongo

Don Luis Guacar

Don Juan Chabil

[all signed]

*Document 8*

*Petition of the defender of the Indians of Cajamarca to the corregidor. 1624. In ibidem*

Juan de Cordoba protetor de los naturales desta probinzia por su Magestad en nombre de don Lorenzo pilco tanta y don sebastian condor quispe y don domingo guamantongo y don luis guacar y don juan chabil caziques prnzipales y

cobradores de tributos digo que los suso dichos a muchos dias questan presos en la carzel desta billa dentro del calabozo della a puerta çerrada donde padezen muy gran nezesidad [sic] asi de comida como de probeherse sus personas y salir del dicho calabozo a ello y asi por esta rrazon se probehen en el de questan atosigados y enfermos y de no rremediarse rresultara dalles pestilenzia de que bengan a morir y pues es negoçio de tributos y no causas criminales graves no se debe dar lugar aquesten tan apretadamente presos pues de estarlo no se rremedia cosa alguna antes estando en libertad en la dicha carzel platican y ablan con los españoles y yndios donde procuran juntar y adquerir los tributos por obiarse de la prision y bexazion que tienen por todo lo qual a Vm pido y suplico mande soltalles de la pri[sion] en questan por termino de Vn mes debaxo de una fianza para que dentro del los dichos Caziques como personas Libres puedan acudir a juntar los tributos que faltan de los yndi[os] y en caso que en esto no aya lugar sacallos del dicho calabozo para que puedan ablar y comunicar como pedido tengo con los vnos y los otros pues es justizia que pido y para ello,  
Juan de Córdoba [signed]

*Document 9*

*Declaración de Garcia Llacta Tarqui y Francisco Llacta Tarque sobre el uso indebido que se hizo de unos recaudos que enviaron a Lima con un sacerdote.*  
1601. ARC, Protocolos Notariales, n. 293 (Antonio Salas), f. 189r-190r

En la çiudad del cuzco a diez y siete dias del mes de março de mill y seis cientos y un años ante don gabriel paniagua de loaysa cauallero del auito de Calatraua correg.or y Just.a mayor en esa d.ha çiudad y su jur.on por su mag.d y por ante mi el presente escr.o publico paresçieron dos yndios que dixeron llamarse don Garçia llacta tarqui y don francisco llacta tarque y que eran primos hermanos E hijos de don antonio Tarqui y de don p.º tuiroguallpa y naturales del pueblo de nra. señora de la asumpçion de la prouincia de los papres jur.on desta d.ha ciudad y con asistencia y en presen.a de luis de montemayor mercado protetor de naturales desta d.ha çiudad y por ynterpreta.on de fran.co miguel ynterprete e los naturales desta d.ha çiudad dixeron que an sauido que ante don fran.co de cisneros y mendoça corregidor del partido de los d.hos papres y sus anejos se a presentado o quiere presentar una prouision del Exmo. Señor Vissorrey destes rreynos por la qual se le comete y manda haga aueriguaçion con los yndios de la prouinçia de los papres contra don Ger.mo Paucar Vinche caçique principal de la d.ha prouinçia sobre que auerigue si al d.ho don Ger.mo paucar Vinche le pertenesçe el d.ho caçicazgo o no y sobre otras cosas en la d.ha prouision contenidos de que por tener notiçia dello y auerse d.ho y publicado que a pedimy.to dellos su Ex.a se siruio de mandar despachar la d.ha prouision y que por que no es justo que se diga ni trate lo que no es ni pasa declaran que ellos por ser como son yn.os y miserables personas y hallarse ymposibilitados de dineros para poder acudir y enviar a la çiudad de los rreyes a que su Ex.a en virtud de çiertas ynformaçiones y aueriguaçiones que

hizieron ante pedro de la carrera rron escriuano de su mag.d sobre que por ser como son hijos E nietos de yndios principales y que fueron cada uno dellos en sus tiempos caçiquez en la d.ha prouinçia de los papres se les hiziese mr.d de los Exentar y rreseruar de seruiçios personales y por ser cantores pues a los tales por hordenanças del señor vissorey don fran.co de toledo estan mandados no se ocupen en los tales seruiçios rrogaron a fray al.o adame de la horden de los predicadores les ayudase y fauoresçiese en hazer que los d.hos sus rrecaudos e ynformaçiones se enbiasen a su Ex.a para que les hiziese la d.ha merçed y que si con color desto se pidio otra cosa en nombre suyo no fue su vol.d ni tal pretendieron ni yntentaron ni fueron sauedores dello por lo qual se apartan de lo contenido en la d.ha prouision porque no les compete ni se pidio ni gano a su ynstançia ni pedimiento ni tal a sido ni es su vol.d y piden no se use della y guran [sic: juran] en forma de d.ro por dios n.ro s.r y a la santa Cruz que hizieron con los dedos de sus manos derechas antel d.ho correg.or que cosa en contrario de lo que d.ho tienen no la a auido ni ay ni que para hazer Esta declaraçion an sido ni son persuadidos Rogados a temORIZADOS ni ynduzidos del d.ho don Ger.mo paucar uinche ni de otra persona alguna sino que la hazen y declaran de su libre Voluntad y porque no es Justo que se diga dellos lo que no fue ni paso y al d.ho corregidor pidieron licençia y el se la dio y concedio para que pudiesen auer ffecho como Hizieron lo que Va rreferido E ynterpuso su auturidad y decreto judicial tanto quanto de dr.o puede y deue y lo firmo con el d.ho protector E ynterprete y los que de los d.hos supieron firmar lo firmaron siendo testigos Fr.co lopez Remuzgo y S.n de la Pila

Don Gabriel Paniagua de Loaysa  
Don Luis de Montemayor Mercado  
Don Garcia Llacta Tarqui  
Francisco Miguel  
Y en fee dello Lo signe y de mi signo  
Antono de Salas, escribano público

*Document 10*

*Memorandum of Don Andrés de Ortega LLuncon to His Majesty. 1646-47. In AGI, Contaduría, 188*

Señor. =

Don Andres deor tega llunCon Caçique ypa cha ca prinçipal delpueblo de Lamba yeque = diçe que por un memorial significo a Vuestra Majestad Su proueça y neçesidad yque con ella estaua Asistiendo enesta corte aLa defensadesus yndios y para pedir algunas cossas queCon bienen Al Real seruiçio, y Vuestra Majestad fue serbido deso co rer le conduçientos reales con los qua les iço un bestido de Jergui lla que es el que traepuesto = Suplica a Vuestra Majestad sea seruido deso co rer le con alguna cantidad competente para poder sesus tentar en que reçiuiira merced.

Document 11

*Memorandum of Don Carlos Chimo to His Majesty. 1646-47. In AGI, Contaduría, 188.*

Señor. =

Don carlos chimo Caçique principal del pueblo delan bayeque y sar jento mayor delaciudad de Saña del piru Residente enes tacorte diçe que Vuestra Majestad lesirbio de haçerle merced de mandar que mientras estubiese ocupado enlos negoçios que tiene Pendientes en este Supremo consejo en fauor de los yndios delas probinçias del piru Sele acu diese cadal? dia Para Susalimentos contres Reales portiempo deveinte dias que es el tiempo quepareçio ser necesario y Suficiente para con cluyr los dichos negocios y despacharse asu tierrayporque segun la grauedad y el embaraço de ellos asido preciso el di Latar Los sin embargo el cuydado y Be ji Lança que de su parte apuesto enSolicitud que Supone A Vuestra Majestad pide y suplica de mandar Prorogar el dicho Tiempo y que mientras mas duraren Los dichos alimentos que sera muy conforme al agradeça y piedad que Vuestra Majestad ejerçita enfa uor delos yndios que reçeuire merced.

Don Carlos Chimo [signed]

Document 12

*"Traslado de los papeles que presento en la Escribania de Yndias dela partte del Piru, Don Lorenzo Çamudio El Lucayn Hijo de Don Lorenzo Çamudio el Lucayn y de Doña Clara Cajamea dela Chapuma = para El despacho que se le dio por mandado de Su Majestad y por hauer pedido Los originales saque este traslado," ms 1674. AGI, Lima, 172.*

[Zertificazion] Yo, Juan de A Redondo, Albejar, notario mayor, del Catholico çessar Carlos quintto, emperador deAlemania, Rey deEspaña, En sus Reynos de Castilla Partido de Burgos, y Vno delos capittanes dela Conquista, que se esta haçiendo en esta Tierra firme y Reynos del Piru, Y nottario mayor En ellos = Çertifico Y doy fee, como tal nottario mayor En la entrada que hizo Gonzalo Piçarro Capittan General de la dicha Conquista por los pueblos de la prouinçia de cajamarca, Llego y, Yo, y el Capittan Villagran, Y otros muchos conquistadores, Y Entre los que se rrindieron sin rresistençia que no la Vbo, Y se formo lista de ttodos de quentta Y Razon, ay Vna partida del thenor siguiente

[Partida] El Caçique Lucayn, Nattural del Pueblo de San Miguel Prouinçia de cajamarca antes Llamado El pueblo de tucapal, fue Bautiçado Con otros muchos caçiques nobles, En tres de Agosto deste año de mill Y quinienttos Y ttreyntta Y çinco, de Propia Voluntad, Y amor suyo, por que antes de Reçiuir El Bautismo, el y otros muchos Caçiques, Y yndios, dieron a entender, por el ynterprette que llebamos de su lengua que tenian mucha notiçia de que la fee, de christo era la Verdadera, Y se bautiço en la Yglessia de San

Francisco de Cajamarca, fue su padrino, El capitan Alonso Zamudio español, uno de los conquistadores Y se le dio por nombre, Don Juan Zamudio Lucayn el qual fue, Con otros Caziques Nobles, Ya bautizados a El Cuzco, Y Representaron al Rey Ynga, la Verdad de la Religion catholica, Y hicieron El y Ellos un gran Razonamiento al mismo Rey, que le Reçiuo Con mucho amor, Y otros seruiçios muy particulares. = otrosy Çertifico que El mismo dia fue Bautizada En la misma Yglesia de San Francisco de cajamarca, Guapalqua mujer del dicho caçique Don Juan Zamudio, Y fue su padrino El capitan Pedro, de alvarado conquistador = Y El mismo dia se le dio por nombre Doña Ysabel de Alvarado tarrazal = Y despues el mismo dia fue Bautizado en la dicha Yglesia, Un hijo legitimo de los dichos caçiques marido y mujer, que se llama Armango, y se le dio por nombre, Pedro Çamudio Lucayn, fue su padrino El dicho Capitan Çamudio, en edad de tres años, Y para que conste Y de su mucha nobleça Y seruiçios Grandes que hizieron a Dios Y a su Mag.d çessaria En ayudar a Reduçir a la Religion Catholica todo o la mayor parte de este Reyno, doy la presente en el Cuzco En nuebe de março de mill y quinientos Y quarenta y dos años, Y lo signe = Juan de Arrendondo =

[aprobacion] aprouado por fiel y Legal, Cuzco a doze de março de mill y sesientos y quarenta Y dos = En testimonio de Verdad Juan de Andossilla."

[otra zertificazion] Yo Matheo de Moran, escribano del Rey nuestro señor Y del numero de la uilla y Pueblo de San Miguel, en la prouinçia de Caxamarca, En estos Reynos del piru = çertifico y doy fe Y Verdadero testimonio, a todos Los que el presente Vieren, como ante mi, como tal Escriuano pareçio Y ante la Justiçia ordinaria deste pueblo Se hizo Ynformazion, secreta, que queda original con Los papeles de mi archibo = en que pareze que Don Lorenzo Çamudio el Lucayn, veçino deste pueblo prouo con numero de testigos antiguos, y Fidedignos, ser hijo legitimo, Y de legitimo matrimonio, de D. Pedro Zamudio Lucayn, hijo que fue del Caçique Lucayn natural del pueblo de San Miguel, Casado con Doña Isayel de Albarado tarrazal su mujer, Veçinos del dicho pueblo de del de nuestra Señora de la asuñion, que es en la dicha Prouinçia de Cajamarca, ambos por todas Lineas delos nobles Caçiques destes Reynos por La linea masculina, y femenina, Y los primeros que admitieron La santa fee Cattolica, con mucho amor, Y ayudaron a que los demas caçiques y nobles del Reyno la admittiesen = Y que el por sy como esta dicho, es hijo unico Y legitimo del dicho Don Pedro Çamudio Lucayn, Y de Doña Antonia aldaola y Lezcano, antes Llamada, oronpalla hija del Caçique oronpalla, que despues de Bautizado se llamo Don Juan de Aldaola Y Lezcano, Y doña Maria Ortiz, naturales deste dicho pueblo de San Miguel = Y de como El dicho Don Lorenzo Çamudio de lucayn siendo soltero tubo, En Doña Clara de Cajamea Y tarrazal, noble caçica Hija de Don Lorenzo Cajamea tarrazal Y doña Luissa Gonzalez Ynga, su mujer, nobles Hijos de Caziques en el dicho Pueblo de la asuñion, a Don Lorenzo çamudio Cajamea, Hijo natural, siendo soltera su madre Y El dicho su padre Reconoçio por su hijo natural al dicho Don Lorenzo su hijo, Y de la dicha Doña Clara, Y le crio en su cassa desde Hedad de ocho meses Reconoçiendole por tal Hijo natural, Y lo mismo an echo y hazen todos sus tios y parientes despues que murio El dicho Don Lorenzo su padre y lo mismo haze la dicha Doña Clara su madre Y para que conste de pedimento

de la sussodicha doy el pressente En San Miguel, a nuebe de Março de mill Y seisçienttos y quarenta Y ocho años y lo signe = autoriçado por el Conçejo donde estan sus merittos Y actos positibos de ofiçios nobles, en lo militar Y polittico, Y va en papel comun por falttar El sellado, Matheo de Moran."

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ABSTRACT

INTO THE HEART OF THE EMPIRE:  
INDIAN JOURNEYS TO THE SPANISH ROYAL COURT

by José Carlos de la Puente Luna  
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By piecing together the lives of numerous Indian voyagers to Spain, this study explores the role of indigenous peoples of the Andes in the formation of the early modern Atlantic world. The research focuses on these journeys from the kingdom of Peru to the court of the Spanish Habsburg king during the sixteenth and seventeenth centuries. This project continues recent developments in colonial Andean historiography in three main areas. First, it aligns with current works revisiting the problem of Indian acculturation or *Hispanization* by tracing the emergence of a new class of Indian legal specialists in colonial Peru. Second, this work shifts the emphasis from rural native communities to the urban milieus in which most of these travelers and specialists lived by analyzing new power structures and novel forms of articulating legal and political discourses within the *lettered city*. Finally, it explores the role of Indians in the development of a legal culture linking distant scenarios of the Spanish Atlantic. Indian participation in solicitation and litigation across the ocean played a significant part in the outcomes of Habsburg state building. Through a series of strategies displayed at the king's court, Indians were generally successful in securing royal decrees ordering viceroys, judges, defenders,

and other American authorities to administer justice to native claimants and petitioners. These transatlantic journeys, as any other form of reliance on royal justice and patrimonial power, Indian or Spanish, partially reinforced the hegemony of the Crown. In the process of so doing, however, this sophisticated form of political negotiation helped create and recreate the nature of the Habsburg Atlantic Empire. Travelers were state makers of a very special kind.