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PREVIEW

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The Avila-Cortés conspiracy: Creole aspirations and royal interests

Vincent, Victoria Anne, Ph.D.

The University of Nebraska - Lincoln, 1993

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PREVIEW

THE AVILA-CORTES CONSPIRACY:
CREOLE ASPIRATIONS AND ROYAL INTERESTS

by
Victoria A. Vincent

A DISSERTATION

Presented to the Faculty of
The Graduate College at the University of Nebraska
In Partial Fulfillment of Requirements
For the Degree of Doctor of Philosophy

Major: History

Under the Supervision of Professor William L. Sherman

Lincoln, Nebraska

May, 1993

DISSERTATION TITLE

The Avila-Cortes Conspiracy: Creole Aspirations and Royal Interests

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GRADUATE COLLEGE
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THE AVILA-CORTES CONSPIRACY:
CREOLE ASPIRATIONS AND ROYAL INTERESTS

Victoria A. Vincent, Ph.D.

University of Nebraska, 1993

Advisor: William L. Sherman

The Avila-Cortés conspiracy was a plot to overthrow Spanish royal authority in New Spain. In the 1560s, the sons of the conquistadors schemed to put Martín Cortés, son of Fernando, on a new throne. The New Laws of 1542 and subsequent attempts at their enforcement changed the nature of New World land control by revoking the *encomenderos'* right to collect tribute. Doing this not only threatened them financially but it also threatened their way of life.

The focus of this dissertation is Martín Cortés, the second Marqués del Valle de Oaxaca, and his role in the so-called Avila-Cortés conspiracy. This dissertation concentrates on the events of the conspiracy, and the trial evidence both for and against the marqués in order to assess his role. Also included is background information on Spanish traditions and history, and their relevance to the *encomenderos* of New Spain. This information is important to the understanding of the events that followed.

This dissertation is based on documentation from the *Archivo General de Indias* (AGI) in Seville that has never been explored. Looking at that documentation has changed what we know about the conspiracy and, as this dissertation will show, examination of the documentation has reenforced

what we know of the encomenderos and their motivations, brought to light and clarified many events, and settled controversy about the nature of the conspiracy and its place in Mexican history.

Chapters One, Two, and Three cover the background information necessary to understanding the motivations for the conspiracy and the Spanish reaction. They deal with the encomienda, the New Laws of 1542, reaction to the New Laws in the New World, and the Spanish attitude toward the New World at mid-century. Chapters Four, Five, and Six deal with the actual events which comprise the conspiracy from the incidents leading up to the Marqués del Valle's arrest to the cases of both prosecution and defense. Chapter Seven analyzes the results and draws conclusions.

PREVIEW

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This dissertation would not have been finished without the support of many friends and associates.

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Thanks also go to many friends: to Anne Crandell de Garrido and her husband, José Garrido y Llamas, for their emotional support during my stay in Seville, and great friendship and assistance since then; to John and Kathy Berrick, for clarifying the nature of many Catholic religious rituals and references; and to all those who provided general support throughout this process and graduate school when I was anything but easy to live with: Dr. Heidi Malm, Dr. Michael Meade, Dr. Edward Homze, Dr. Alan Worth, Dr. Esther Cope, and June and Leo Beck.

Although it seems a little unusual, some thanks must go to my constant companion through the writing of this work, my dog, Abby. Destroying arranged piles of 3 x 5 cards in an unconscious effort to get me to lighten up probably had as much to do with getting this work going as anything else.

Most of all, this dissertation exists because of my husband, Robert Ewart. Without him, I would never have had the courage to try nor the financial means to continue. He taught me two things--one about organization and the other about people--that were extremely relevant to this process. He taught me that logic, order, and scientific method have as much a place in history as they do in science; and that intellectual ability has no correlation to emotional maturity.

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ABBREVIATIONS

AGI: Archivo General de Indias.

CI: Cartas de Indias.

DII: Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía, sacadas de los Archivos del Reino, y muy especialmente del de Indias.

DIM: Colección de documentos para la historia de México.

DIU: Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de ultramar. Segunda serie.

DSH: Colección de documentos inéditos para la historia de la formación social de Hispanoamérica, 1493-1810.

ENE: Epistolario de Nueva España.

HAHR: Hispanic American Historical Review.

HC: Harkness Collection.

INTRODUCTION

The Avila-Cortés conspiracy was a plot to overthrow Spanish royal authority in New Spain. In the 1560s, the sons of the conquistadors schemed to put Martín Cortés, son of Fernando, on a new throne. Revocation of their fathers' *encomienda* grants was their motivation.

The New Laws of 1542 and subsequent attempts at their enforcement changed the nature of New World land control by revoking the *encomenderos*' right to collect tribute. Doing this not only threatened them financially but it also threatened their way of life. Three geographically separate attempts at rebellion erupted across Latin America: in Peru, in Central America, and in New Spain.

The focus of this dissertation is Martín Cortés, the second Marqués del Valle de Oaxaca, and his role in the so-called Avila-Cortés conspiracy. This dissertation concentrates on the events of the conspiracy, and the trial evidence both for and against the marqués in order to assess his role. Also included is background information on Spanish traditions and history, and their relevance to the *encomenderos* of New Spain. This information is important to the understanding of the events that followed.

This dissertation is based on documentation from the *Archivo General de Indias* (AGI) in Seville that has never been explored. Looking at that documentation has changed what we know about the conspiracy and, as this dissertation

will show, examination of the documentation has reenforced what we know of the encomenderos and their motivations, brought to light and clarified many events, and settled controversy about the nature of the conspiracy and its place in Mexican history.

Mexico was a great prize for the Spanish kings. As a result of the discovery and conquest, its conquerors received encomienda grants. An encomienda bestowed the right to collect a tribute or tax from an assigned group of Indians and, until 1549, to enjoy free labor from them. While the encomiendas were not land grants, they were usually the only reward the conquistadors received which made their loss an issue of wide-spread concern. With the publication of the New Laws of 1542, revocation became a distinct probability.

Fernando Cortés and his men had come to New Spain at their own expense. Irrespective of our perception of the morality of their actions, these men had sacrificed a great deal. They had given up any semblance of security, watched their comrades in arms die in battle, and, more often than not, sacrificed all their worldly possessions. In short, they had gambled everything on the chance that discovery of new territory would reward them with an estate to leave to their families.

Fearful of losing their patrimony, they and their heirs plotted to retain their source of wealth and prestige in the face of royal legislation that seemed designed to remove it. Several revolts erupted in the New World during the middle decades of the sixteenth century. In New Spain, these developments did not come to fruition until the 1560s with a conspiracy purportedly led by Martín Cortés, the second Marqués del Valle de Oaxaca.

This dissertation deals with the conspiracy on several levels. Most superficially, it covers the events that occurred in the 1560s. Second, it examines what aspects of Spanish tradition and New World society affected the conspirators. Third, it looks at the impact of the conspiracy on sixteenth century Spanish colonial policy. Fourth, it deals with the conspiracy in a historiographical context, demonstrating that the Avila-Cortés conspiracy, far from being the first attempt at some eighteenth century concept of independence, was in spirit a continuation of the values and traditions long established in European feudal society and reinforced in Spain during the Reconquest.

Several important considerations went into the choice of Martín Cortés as the focus of the dissertation. First, the amount of documentation surviving in the AGI is massive. Dealing with the role of each participant or all aspects of the conspiracy far exceeded the parameters of a dissertation. Martín Cortés was the appropriate individual

to choose given his family's prominence and his own salient role in the conspiracy. His life and participation are traceable not only in his own testimony but through the eyes of many others. He also left additional correspondence to the monarch dealing with the affairs of New Spain for the years preceding the conspiracy. By making him the focal point of this study, a fuller picture of the conspiracy and of the New World could be presented than if one of the less well-known participants had been chosen or if the dissertation had taken a less biographical approach. A study of the second marqu  s also provided an opportunity for detailed examination and appraisal of the colonial system in the sixteenth century. Protocol, legal procedure, and social traditions are all an intricate part of the documentation.

This work is not intended to be a definitive biography on Mart  n Cort  s nor a history of the Cort  s family. This is an attempt to test some of the social and political generalizations offered by others on the sixteenth century and on the reasons for the rebellion, by examining the archival materials relating to the man who was in his time, the most prominent member of colonial society.

Several authors have worked on the conspiracy either directly by publishing documents or peripherally as part of another work. Manuel Orozco y Berra published the most complete set of documents, based on notebooks he found in

Mexico which contained copies of bits of the trial documentation.¹ Documents from Visitador Valderrama's 1564-1566 inspection tour are also an important source because of his role in the conspiracy.² A contemporary account exists as well although its focus is the sixteenth century not the conspiracy.³

Several document collections and secondary works cover matters relating to the Cortés family and the *marquesado* although their emphasis is on Fernando Cortés rather than Martín.⁴ On a more general note, many of the document

¹Manuel Orozco y Berra, Noticia Histórica de la Conjuración del Marqués del Valle, Años de 1565-1568, formada en vista de nuevos documentos originales y seguida de un extracto de los mismos documentos (Mexico: Tipografía de R. Rafael, 1853); J. Benedict Warren, The Harkness Collection in the Library of Congress, Manuscripts concerning Mexico, A Guide (Washington: Library of Congress, 1974). The notebooks Orozco y Berra used are now part of the Library of Congress collection. Those notebooks cover approximately twenty per cent of the material that survives in the AGI relating directly to the conspiracy.

²France Scholes and Eleanor Adams, Documentos para la historia de Mexico colonial: Vol. VII: Cartas del Licenciado Jerónimo Valderrama y otros documentos sobre su visita al gobierno de Nueva España, 1563-1565 (Mexico: José Porrúa e Hijos, 1961).

³Juan Suárez de Peralta, Tratado del Descubrimiento de las Indias [1589] (Mexico: Secretaría de Educación Pública, 1949), 113-156. The same text is also contained in Noticias Históricas de la Nueva España (Madrid, 1878) and in La Conjuración de Martín Cortés y otros temas (Mexico: Ediciones de la Universidad Nacional Autónoma, 1945).

⁴Archivo General de la Nación, Documentos Inéditos relativos a Hernán Cortés y su familia (Mexico: Talleres Gráficos de la Nación, 1935); Rita Goldberg, Nuevos Documentos y glosas cortesianos: Hernán Cortés y su familia en los archivos españoles (Madrid: Ediciones José Porrúa Turanzas, 1987); Silvio Zavala, compiler, Tributos y

collections relating to the colonial period and especially to the sixteenth century contain material relevant to the conspiracy.⁵ Several others discuss the sixteenth century setting.⁶

Secondary works on the conspiracy and related figures are much more limited. All are based on other secondary accounts and, occasionally, on published documents. Hubert Howe Bancroft and Lesley B. Simpson each devote a chapter to the conspiracy, albeit without citations.⁷ Fernando

servicios personales de indios para Hernán Cortés y su familia: extractos de documentos del siglo XVI (Mexico: Archivo General de la Nación, 1984); Bernardo García Martínez, El Marquesado del Valle, tres siglos de régimen señorial en Nueva España (México: El Colegio de México, 1969); and G. Micheal Riley, Fernando Cortés and the Marquesado in Morelos, 1522-1547 (Albuquerque: University of New Mexico Press, 1973).

⁵See, for example, DII, DIU, ENE, listed in the abbreviations at the beginning of this dissertation.

⁶Antonio de Herrera y Tordesillas, Historia General de los hechos de los castellanos en las islas i tierra firme del mar océano (Madrid: La Imprenta Real de Nicolás Rodríguez Franco, 1726-30), 4 vols.; Alonso de Montúfar, Descripción del Arzobispado de México hecha en 1570 (Mexico: José Joaquín Terrazas e hijos, imp., 1897); Francisco Cervantes de Salazar, México en 1554 y Túmulo Imperial (Mexico: Editorial Porrúa, 1972), edición, prólogo y notas by Edmundo O'Gorman; Fray Juan de Torquemada, Los veinte y un libros rituales i Monarquía Indiana, con el origen y guerras, de los Indias Occidentales, de sus Poblaciones, Descubrimiento, Conquista, Conversión, y otras cosas maravillosas de la misma tierra, distribuydos en tres tomos [1615] (Mexico: Universidad Nacional Autónoma de México, 1975); Gonzalo Fernández de Oviedo y Valdés, Natural History of the West Indies, trans. Sterling A. Stoudemire (Chapel Hill: University of North Carolina Press, 1959).

⁷Hubert Howe Bancroft, History of Mexico (San Francisco: A.L. Bancroft & Company, 1883), II: Chapter 29; Lesley B. Simpson, Many Mexicos (Berkeley: University of

Benítez used the conspiracy as a focal point in a work that discussed the nature of the sixteenth century. He relied heavily on the documentation in Orozco y Berra but did not provide citations.⁸ Brief overviews of the conspiracy are present in many works on the colonial period.⁹

While all the sources listed above were useful in assembling the events of the conspiracy, none of them used the trial documentation contained in the AGI.¹⁰ Further, these works examine only limited facets of the conspiracy. None of them provide a comprehensive analysis or focus on the plot that led to the struggle for control of New Spain.

California Press, 1966).

⁸Fernando Benítez, The Century After Cortés, trans. Joan MacLean (Chicago: University of Chicago Press, 1962).

⁹Luis González Obregón, Rebeliones Indígenas y Precursores de la Independencia Mexicana en los siglos XVI, XVII, y XVIII (Mexico: Ediciones Fuente Cultural, 1906-08), 127-204; Vicente Riva Palacio and Manuel Payno, El Libro Rojo, 1520-1867 (Mexico: Díaz de León y White, 1870), 25-32; Riva Palacio, México á través de los siglos, 5 vols. (Mexico: Gustavo S. López, [n.d.]), 361-400; Ralph Vigil, Alonso de Zorita: Royal Judge and Christian Humanist, 1512-1585 (Norman: University of Oklahoma Press, 1987), 201-210; Niceto de Zamacois, Historia de Méjico desde sus tiempos mas remotos hasta nuestra días (Mexico: J.F. Parresy Comp., editores, 1878), V: 48-146.

¹⁰Orozco y Berra did not seem to realize that the "cuadernos" that he dealt with were copies of part of the original trial documentation. He refers in his introduction to lost notebooks that included, among other things, the initial statement made to His Majesty's fiscal by the Marqués del Valle. Orozco y Berra, Noticia Histórica, 55. That first statement and a great deal more was found in the AGI collection and is used extensively in Chapter 6 of this dissertation.

The research presented here focuses on the trial of Martín Cortés. Chapters One, Two, and Three cover the background information necessary to understanding the motivations for the conspiracy and the Spanish reaction. They deal with the encomienda, the New Laws of 1542, reaction to the New Laws in the New World, and the Spanish attitude toward the New World at mid-century. Chapters Four, Five, and Six deal with the actual events which comprise the conspiracy from the incidents leading up to the Marqués del Valle's arrest to the cases of both prosecution and defense. Chapter Seven analyzes the results and draws conclusions.

PREVIEW

CHAPTER I: THE ENCOMIENDA

In the New World, the Spanish monarchs used the encomienda as a means to reward the conquistadors' participation in the conquest. By the 1560s, the encomienda was the structure upon which the New World's aristocracy based their lives and livelihoods. For that reason, Spanish landholding tradition, the privileges that accompanied it, and how they came to be interpreted in the New World are of primary importance in understanding why the encomenderos eventually conspired to rebel, and the focus of this chapter.

The encomienda grant made the holder, the encomendero, the recipient of the tribute of an area or village. The inhabitants owed him their services to the same degree that they would have been owed to the crown. Often mistaken as a land grant, the encomienda was merely the right to receive revenue, and, until 1549, the right to the free labor of tribute Indians.¹¹

Familiar with Spanish tradition, the conquistadors expected those customs that governed the encomienda's existence to be put in place in the New World. They passed

¹¹The Cortés estate was the exception to this rule. Granted civil and criminal jurisdiction along with the only true fief in the New World in 1529, the right was said to be withdrawn only a few years later. One source states, however, that while the sequestration of the marquesado was lifted in 1574, the jurisdiction of the estate was not returned until 1593, on the occasion of the third Marqués del Valle's wedding. Cartas de Indias (Madrid: Ministerio de Fomento, 1877), III: 380.

on these expectations to their families. By the 1560s, much of what the encomenderos expected of life was tied up in Spanish custom. In an effort to make the argument as historically correct as possible, the specific evidence presented here deals with Extremadura, home to the largest percentage of conquistadors.

This chapter is divided into three sections. The first outlines feudalism's relevance in the New World, the encomienda's Old World origins, and what its possession implied to the New World encomenderos. The second section discusses how the encomienda came into being in the New World, what it became in the New World, and how the institution functioned up until the late 1530s. The third part of the chapter covers how and why Charles V moved to change the system in the early 1540s.

FEUDALISM AND THE ENCOMIENDA

The establishment of medieval European governments ultimately came down to an on-going factional fight among the nobility, with different cliques ascending and descending the ladder of power.¹² The amount of property and the number of men a commander could assemble under his leadership determined victory. Long-standing control rested

¹²The following section is based primarily on J.H. Elliott, Imperial Spain, 1469-1716 (New York: St. Martin's Press, 1963); and C. H. Haring, The Spanish Empire in America (New York: Harcourt Brace Jovanovich, 1975).

on maintaining allegiances. Members of the ruling dynastic houses understood the importance of controlling unruly vassals. If they did not, they soon lost the psychological advantage that held together the inherently unstable institution of feudalism.

The dangers of a feudal system were not unfamiliar to the Spanish monarchy. When Ferdinand and Isabella married in 1469 and amalgamated their kingdoms, Aragon was an established domain with a stable government and a limited monarchy. The Castilian monarch, however, was often defied by the nobility and for good reason; royal justice was frequently unscrupulous. The nobility fought among themselves and against control. Ferdinand and Isabella worked to secure the nobility's subservience by establishing the unquestioned dominance of the crown. In doing so, they sought to move Spain away from its self-perception of a warring, conquering people to one which perceived itself as an ordered and modern civilized nation. This movement from chaos to stability was the beginning of what Spain would become and the beginning of the end of what Spain had been for over 700 years as its armies and guerrilla fighters worked to overthrow Moorish control.

What Ferdinand and Isabella sought to implement in Spain, they and their heirs intended to transfer to their New World possessions. What they had to work to overcome in Spain--a recalcitrant nobility--did not yet exist in the New

World. There were no competing authorities; the monarchy's bureaucracy was to be the only master. As C.H. Haring states:

"Here was a New World... a tabula rasa on which the Spanish sovereigns might impress their own conception of royal autocracy, without hindrance from institutional traditions or from class or regional rights and privileges inherited from earlier times."¹³

Haring errs in his statement in only one sense. Indeed the New World was a tabula rasa as far as the natives and their comprehension of Western civilization were concerned but the men who went to conquer and colonize the New World carried all the social and emotional baggage of medieval Europe. Far from the proverbial tabula rasa, their expectations of rights and privileges made the New World a more precarious place to install an absolute monarchy (and a controlling bureaucracy) than was the Old. While there were no existing European institutions to displace, the conquerors and their descendants would expect the installation of a traditional feudal system via some form of landed estate. In the minds of the conquistadors, the great service that they had provided the crown made this traditional idea the most logical choice.¹⁴ When this patrimony was threatened, the

¹³Haring, Spanish Empire, 4.

¹⁴Ibid., 2.