

THE INDIAN CAUSE
IN THE
SPANISH LAWS OF THE INDIES

With an introduction and the first English translation of Book VI, "Concerning the Indians," from the Recopilación de Leyes de los Reinos de las Indias (Madrid, 1681).

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L26: The Prelates shall inform Us of the number of persons, Doctrinas and parishes in their districts; and L27: The Ecclesiastical Prelates shall not proceed with censures against Royal Justices who work diligently to investigate the mistreatment of Indians, even though this may result in the blame pointing toward the Ecclesiasts.

Title 15: Concerning the Precedents, Ceremonies and Courtesies.

Title 16: Concerning Correspondence, Mail Service and Chasquis Indians: L3: Whenever someone has to give information to the King of matters which have to be provided through correspondence, he should present his intentions first to the Viceroys, Presidents and Audiencias.

L21: The Chasquis Indians, or mailmen, shall be fittingly paid, well treated and protected by the Justices; and L22: The Chasquis shall be paid what is owed them every four months.

BOOK IV

DISCOVERIES, PACIFICATIONS AND SETTLEMENTS⁸⁰

Title 1: Concerning the Discoveries: L1: Before any concessions are granted for new discoveries, those [regions] which have already been discovered must be settled with people; L2: The discoveries shall be under the direction of competent and zealous persons; L3: No foreigner shall be in charge of discoveries, nor shall persons prohibited from traveling to the Indies be given authority to make discoveries; L4: No person shall undertake new discoveries by his own authority, nor shall he conduct any exploration or establish towns or settlements; L5: The President-Governor of the Philippines may conclude agreements for discoveries in accordance with this law; and L6: The word "conquest"

secular persons and the Royal Treasury; L6: The Indians shall be relieved of repartimientos and assessments; however L7: The Indians shall contribute toward the building of bridges which are deemed necessary and justifiable.

Title 16: Concerning Public Works.

Notes

As is stated above, the Indians shall contribute toward the building of bridges which are deemed necessary and justifiable. Book 4, Title 15, Law 7.

Title 17: Concerning Public Roads, Lodgings, Inns, Taverns, Boundaries, Pastures, Forests, Waters, Groves and Vineyards: L5: The pastures, forests, waters and boundaries shall be used in common, also what is to be observed in the Island of Española; L6: After the grain is harvested, lands that were planted shall serve as common pastureland; L7: The forests and pastures of the lands under Seigniorship shall also be for the common good; and L8: Wild fruit shall be for common use.

L10: Cattle shall not be put on the farmlands of the Indians; L11: The lands are to be watered in accordance with this law; L14: The Indians shall be permitted to cut wood from the forests for their own use; and L16: The Encomenderos shall have trees planted for firewood.

Notes

The Judges Visitadores of the Province shall endeavor to see that the Indians have the advantage of the benefits of the community property and that they plant trees, and they shall be given instructions regarding these things. Book 2, Title 31, Law 9.

The Governors, Corregidores and Alcaldes Mayores shall inspect the taverns and inns, and these shall be provided where necessary in the Indian villages, and they shall pay the Indians for their hospitality (Book 5, Title 2, Law 18).

Wherever there is a tavern or roadside inn, no one may go for lodging to the home of an Indian or Macegual. Book 6, Title 3, Law 25.

The travelers shall take nothing from the Indians by force. Book 6, Title 3, Law 26.

Title 18: Concerning Commerce, Subsistence and Produce of the Indies: L18: In the Province of Guatemala there shall be no transporting or contracting of wine from Peru; L20: The Viceroys and Governors shall have flax and hemp planted and cultivated; and Law 21: The Indians shall not be hindered from sending grain and cochineal to these Kingdoms on their own account.

Notes

Concerning the pulque drink used by the Indians of New Spain. Book 6, Title 1, Law 37.

The Indians shall not be punished because they bring supplies to the cities. Law 10, Title 10, Book 6; nor shall they be molested when going to the market places. Law 11; nor shall they be compelled to bring fowl to the Judges. Book 6, Title 10, Law 12.

Title 19: Concerning the Discovery and Working of the Mines: L1: All vassals of the King, both Spanish and Indian, shall be allowed to discover mines and benefit from them; L8: In the contracts for mine work it shall be understood that provisions shall be provided; and

monopolies shall not be allowed; L9: Great care shall be taken of the mines and their profits; and L13: Spaniards, Mestizos, and free Negroes and Mulattoes shall be induced to work in the mines.

L14: The Indians shall be permitted to have and operate gold and silver mines just as the Spaniards do; L15: The Indians who discover mines shall be protected in their rights as this law indicates; consideration shall also be given to Spaniards and Mestizos; and L16: With regard to staking out the boundaries of the mines, those of the Indians shall be respected as much as those of the Spaniards.

Title 20: Concerning Mine Operators and Amalgamators and Their Privileges.

Notes

The Indians in mita and volunteers shall be paid and the Judges shall perform this function; and the mercury of the King shall be given to the miners at cost price. Book 6, Title 15, Law 3.

Title 21: Concerning Alcaldes Mayores and Scribes of the Mines.

Title 22: Concerning the Assaying, Casting and Stamping of Gold and Silver: The gold received in barter with the Indians and which has been worked into gold pieces or jewelry shall be assayed, melted, stamped and divided into five portions.

Title 23: Concerning the Mints and Their Officials.

Title 24: Concerning the Value of Gold, Silver, and Money and Their Commerce.

Title 25: Concerning Pearl Fishing and the Transport of Pearls and

Precious Stones: L1: A settlement shall be formed where pearl beds are discovered; L2: A fortified house shall be built in the settlement; L19: The Alcalde and his Deputies shall have the jurisdiction to enforce the laws under this Title, and there shall be no exceptions.

L30: The Indians shall be allowed to fish for pearls; L31: The fishing teams shall be composed of Negroes and not Indians, and those persons who force Indians to comply shall incur the death penalty; L41: No one shall disembark unless the Royal Officers are present, and everyone will display what pearls they have taken from the fishing grounds; and L42: The shells and oysters shall be taken directly to the building designated and there they shall be opened; those who do not comply shall be punished.

Notes

Even though the Indians shall volunteer, they shall not work at hunting for pearls or in sugar factories, and they shall be allowed only to serve in the cutting and transporting of sugar cane. Book 6, Title 13, Law 11.

Title 26: Concerning the Workshops: L6: If workshops are in Indian communities, they can be rented; and L7: In Paraguay there shall be no hand mills, but pilones for pounding manioc shall be permitted.

Notes

The Indians in workshops and mills will be given religious instruction. Book 1, Title 1, Law 11.

See Law 23, Title 10, Book 6, including the clause handwritten by the King, Our Lord Don Felipe Quarto, on the occasion of the bad treatment received by the Indians in workshops and elsewhere.

BOOK V

THE PROVINCIAL GOVERNMENTS AND JUSTICE⁸¹

Title 1: Concerning the Boundaries, Distribution and Aggregation of Governments: L1: The Governors, Corregidores and Alcaldes Mayores shall give attention to the boundaries of their territory; and L6: The Presidents shall be allowed to execute all laws and commands which are in favor of the Indians when they first arrive in their districts even though they have not yet taken over the command of their new possession.

L8: The back part of the Gulf of Urabá shall belong to Tierrafirme; L9: The province of Veragua shall be the seat of the government for Tierrafirme; and L10: The Río Grande de Magdalena and the islands in the river shall be under the jurisdiction of the government of Santa Marta.

L14: The Corregimiento of Oruro shall constitute the division with the government of Paria; L15: The Islands of the Guanaxes shall be included under the jurisdiction of the government of Honduras; and L17: No citizen or person may leave his province without permission from the Governor.

Title 2: Concerning Governors, Corregidores, Alcaldes Mayores and Their Lieutenants and Alguaciles: L1: The forming of governments, corregimientos and alcaldías mayores shall be the prerogative of the King, and the leaders shall be named by the Council of the Indies; L2: Those villages which have been separated from governments and corregimientos