

THE DIEGO RAMÍREZ VISITA IN MEZTITLAN

One of the outstanding problems which arose after the conquest of New Spain was the encomendero-Indian-tribute question. Was the Spaniard to receive Indians in grants of *encomienda*? How were the Indians to be treated? If grants were made, how much tribute was the Indian to pay? The answer to these questions gradually evolved in the laws sent to New Spain.¹ Laws were one thing; enforcing them was another. To see if the laws were enforced, and to find out about the conditions of the Indians, *visitadores* were sent throughout the land.² So it was that Diego Ramírez, a *visitador*, was ordered by the Crown to investigate the territory from Mexico City to Vera Cruz and Pánuco. Before beginning his *visita*, it might be well to discuss briefly the laws concerning tribute up to 1551.

It may be taken for granted that when the system first came into being the encomenderos made their own regulations with regard to tribute. By 1551 the Crown had formulated very definite rules to govern the procedure and had decided that (1) there was to be no personal service as part of the tribute to be paid; (2) the tribute was to be less than that paid in pre-Conquest times; (3) the Indians were to pay no more than the amounts stipulated on the tribute lists; (4) in drawing up a tribute list the official was to take into consideration the population of the town, the type of land, and the climate; (5) the tribute was to be paid in money or in kind; (6) the Indians were not to be forced to carry the tribute they paid from their own town to the residence of the encomendero; (7) regular *visitas* were to be made to see that the tributes were not oppressive; and (8) if tribute were

¹ S. A. Zavala, in his *La encomienda indiana* (Madrid, 1935), discusses these laws.

² H. I. Priestley's *José de Gálvez Visitor-General of New Spain, 1765-1771* (University of California Publications in History, Vol. V [Berkeley, California, 1916]), has an excellent discussion of the *visitador*.

illegally exacted from the Indians, over and above the regular levy they were to pay, this tribute had to be returned.

During the period of the Ramírez³ *visita*⁴ (1551-1555), in the area from Mexico City to Vera Cruz and Pánuco, the *visitador* was continually involved in arguments with the Spaniards in New Spain. Not only the encomenderos but also the *audiencia* and *cabildo* of Mexico City as well were participants in the disputes which arose.⁵ Two areas included in the *visita* are of especial interest; namely, Pánuco and Meztitlán. As the Meztitlán region presents typical illustrations of the obstacles placed in the path of the *visitador* and of his efforts to carry out his instructions, it will be used as the basis of this discussion.⁶

³ Prior to assuming his duties as *visitador* Ramírez had been *corregidor* of Iguala. (Información de los Méritos y Servicios de Diego Ramírez. México, 22 de diciembre de 1542. A. G. I., Audiencia de México, México, 204; *corregidor* of Tlapa, *ibid.*; *corregidor* of Soconusco, *Cartas de Indias* [Madrid, 1877], p. 829; and *corregidor* of Tlaxcala, *Colección de documentos inéditos para la historia de Ibero-América* [14 vols., Madrid, 1927-1932], I, 161-166.) In 1551 he had made a line of demarcation between the bishoprics of Michoacán and Jalisco. (Francisco del Paso y Troncoso, *Epistolario de Nueva España 1505-1818* [16 vols., Biblioteca Histórica Mexicana de Obras Inéditas, Segunda Serie, Mexico, 1939-1942], VI, 26); and just before undertaking the *visita* under discussion he was making a *visita* of the province of Xilotepeque. (*Ibid.*, VII, 50-51.) He was favored by the Church. It is significant that in spite of his having been a *corregidor* for so long, he died a poor man.

⁴ The instructions to Ramírez stated that he was (1) to make certain that the Indians were not over-taxed; (2) to see that there was no personal service commuted for payment of tribute or included in the tribute lists; (3) to order that excessive tribute illegally taken be returned to the Indians or to their heirs; (4) to be sure that the Indians did not carry the tribute from the town in which they resided to the town where the encomendero lived; (5) to draw up new tax lists when needed; and (6) to bring to justice those who had broken the laws (*ibid.*, VI, 11-15).

⁵ The *cabildo* meeting on September 9, 1555 (having learned that Ramírez had died earlier in the month), said that his death was probably for the best, for now the many hatreds which he had aroused would cease to exist (*Actas de Cabildo de la Ciudad de Méjico* [26 vols., Mexico, 1889-1904], VI, 182-183).

⁶ Ramírez found conditions in the Pánuco area extremely bad. The following are some specific examples of the injustices which he cited: No adjustment had been made in the tribute lists after hurricanes had devastated and impoverished the region; depopulation of the towns had brought no readjustment of the tribute to be paid; the encomenderos provided no religious training for the Indians; no tax lists had ever been posted; Indians were forced to carry tribute to the homes of the encomenderos; and in general there was a complete disregard of the laws (Paso y Troncoso, *Epistolario*, VII, 12-30).

In Meztitlán the *visitador* became involved with the encomenderos Diego de Guevara, Alonso de Mérida, and Miguel Díaz de Auz. As early as October of 1551 these men petitioned the audiencia of Mexico City asking that Ramírez be forbidden to go to Meztitlán because it was not in the territory of his *visita*. The audiencia approved the petition and notified Ramírez he could not visit Meztitlán.⁷ Here was the beginning of a long-drawn-out struggle between Ramírez and the encomenderos. Nor was this the only occasion on which the encomenderos petitioned the audiencia not to allow Ramírez to visit certain districts or towns; during the entire *visita* such strategy was frequently employed. Because the territory he was to visit was so poorly defined in his instructions,⁸ there was very little Ramírez could do when the audiencia informed him that he could not visit a specific district, except write to the king. Immediately after being notified he could not visit Meztitlán, the *visitador* asked the audiencia to define the territory he was to visit, but it could merely quote back to him what was in his instructions from the Crown.⁹

In January of 1552 Ramírez wrote to Spain about the situation in Meztitlán. He informed the king that an attempt had been made by the encomenderos to stop him from conducting a *visita* in that province, although the land had not been visited and there was need of an investigation. Furthermore the encomenderos of the region were favored by the audiencia and as a result the Indians had overworked trying to pay the excessive tribute demanded of them. He therefore asked the king what should be done.¹⁰

On August 11, 1552, the Crown replied that Ramírez had the right to go ahead with the *visita* in Meztitlán and authorized him to take all the time that was necessary. The letter added that while making the *visita* he should certainly punish all those who had mistreated their Indians. In carrying out these instructions the *visitador* could summon people and

⁷ *Ibid.*, VI, 69-71.

⁸ The area was designated simply as the region from Mexico City to Vera Cruz and Pánuco.

⁹ Paso y Troncoso, *Epistolario*, VI, 72-73.

¹⁰ *Ibid.*, pp. 125-126.

pass sentence on them.¹¹ On the same day the Crown further strengthened the position of Ramírez by sending out a cedula which informed the members of the audiencia that they must help, not hinder, Ramírez. Specifically, they were told that there should be no appeals from decisions made by Ramírez in his capacity as *visitador*.¹² The latter part of the cedula was highly important since it gave Ramírez the legal authority to proceed without hindrance from the audiencia. But, as in too many cases, cedulas did not prevent the audiencia from trying, either by legal or illegal means, to help friends.

Some time before March 5, 1552, Ramírez had managed to make an investigation of Meztitlán and had pronounced a sentence against Diego de Guevara, Alonso de Mérida, and Miguel Díaz de Aux; for on that date a representative of the encomenderos appeared before Ramírez to inform him of the audiencia's ruling that his decision concerning Meztitlán was invalid.¹³ Ramírez immediately brought the case before the audiencia and was sustained.¹⁴

This reverse did not dismay the three encomenderos. Through their representatives they again went before the audiencia and this time charged that in making the *visita* Ramírez had not allowed them to testify in their own defense; the Ramírez decision was therefore illegal. A complaint was also lodged against the visitor's assistant, one Jerónimo de Flores, because they thought he had acted against the interests of the encomenderos when he should not have done so.¹⁵ The audiencia consequently commanded that Ramírez surrender the testimony he had taken in the case.¹⁶

The testimony taken by Ramírez from the Indians of Meztitlán was to this effect: the Indians asked that the taxation be moderated because they were not able to pay the tribute demanded by their encomenderos. They wanted to be taxed as were the towns held by the Crown, such as Tlaxcala,

¹¹ *Ibid.*, pp. 174-177.

¹² *Cedulario de Puga* (2 vols., Mexico, 1878), II, 172-173. Later, in 1554, appeals were allowed but no new evidence could be introduced (*ibid.*, pp. 238-239).

¹³ Paso y Troncoso, *Epistolario*, VII, 65-66.

¹⁴ *Ibid.*, pp. 67-68.

¹⁵ *Ibid.*, pp. 70-78.

¹⁶ *Ibid.*

Cholula, Guaxocingo, and certain others.¹⁷ Guevara, according to the witnesses, had raised some 7,500 *pesos de oro común* in excess of what the regular tribute should have been. Not only had Guevara collected too much tribute, but three years before he had killed an Indian. Mérida was accused of collecting some 75,000 *pesos de oro común* over the amount he was supposed to have received. Furthermore, a Negro slave of Guevara, Anton by name, was charged with killing an Indian five years before. Finally the Indians protested that Alonso de Villaseca, Mérida's tax collector, had taken excessive tribute from them.¹⁸

Ramírez, after hearing the above testimony, had placed the encomenderos in jail and had stopped the payment of tribute due them.¹⁹ As has been stated, the encomenderos disliked the visitor's assistant, so in order to keep the *visita* going, he agreed to accept a man whom the encomenderos selected. The new assistant, Alonso Carrillo by name, made charges against Ramírez soon after his appointment. Ramírez then investigated Carrillo and found he was closely associated with Mérida and Guevara. In fact, shortly before becoming assistant to Ramírez, he had received a silver plate as a gift from the encomenderos.²⁰

¹⁷ These places were the subject of a lengthy debate shortly after the death of Ramírez. Complaints had been made to the Crown that Ramírez, by his taxation of these towns, had deprived the Crown of a great deal of income. So the king in September of 1556 wrote asking about the loss of revenue (*Cedulario de Puga*, II, 276). Viceroy Velasco ordered Fernando de Portugal and Juan Velázquez de Salazar to make a report on the loss. They did so and proved quite conclusively that the Indians in the areas mentioned could have paid more tribute (Petición del tesorero don Fernando de Portugal y Juan Velázquez de Salazar para el señor Virrey don Luis de Velasco. Sin fecha. A. G. I., Indiferente General, 1093). Another investigation of the same area upheld Portugal's and Salazar's contentions (Información para Su Magestad de las provincias en que es defraudado y la gente que en ellas hay. México, 4 de marzo de 1562. A. G. I., Patronato 182, Ramo 2). Ramírez had not even taxed them the one peso and one-half *fanega* of corn per tributary as became the general rule. In general, in the territories he covered, the tributaries were made to pay less than the amount mentioned above. However, Ramírez participated in the changing of the tribute lists which contained many items to tribute lists containing only two, namely, corn and money. This, of course, made the tribute lists more understandable to the Indians and it was hoped they would be less easily deceived.

¹⁸ Paso y Troncoso, *Epistolario*, VII, 82-83.

¹⁹ *Ibid.*, pp. 83-88.

²⁰ *Ibid.*, pp. 89-98.

On November 20, 1553, the *visitador* sent a letter to the Crown explaining all his difficulties and setting forth the conditions he had found in Meztitlán. The Indians were being abused, two having died because of maltreatment. One had been whipped because he would not water mulberry trees which were originally planted by the Indians and then taken from them by the encomenderos. Another Indian had been whipped because he had voiced some of his complaints to the prior of a nearby monastery. The encomenderos were not fulfilling their obligation to provide the Indians with instruction in the Catholic faith. The tribute in this territory, where the encomenderos had illegally taken over 100,000 pesos from the Indians, was excessive. Part of the territory had been held by Andrés de Barrios, who had collected about 26,000 pesos illegally from the Indians. In order to have all or part of the encomendero's ill-gotten gains returned to the Indians, he had held the heirs, among whom was Guevara, responsible for the act. But there had been, and there were still, many delays in straightening out this affair. The audiencia had ordered Ramírez to free the encomenderos whom he had placed in jail and he was not to force the encomenderos to return the tribute to the Indians.

The next part of the letter reveals the despair of the *visitador*. Although the Meztitlán case had been referred to the viceroy, about all he had ever done was merely to receive the documents. If the viceroy would only take some action, it was thought matters could be cleared up in a very short time. Ramírez went on to say that the Indians of the province complained about Tejada, a judge of the audiencia, and claimed he had taken from them certain articles without making any payment.²¹ In other parts of the province the size of the mantas had been increased, and the Indians had been forced to carry the tribute to Mexico City. Ramírez then began to explain the Villaseca case. Ramírez had ordered Villaseca to appear before him or forfeit 2,000 pesos.

²¹ Mérida had the Indians make six beds which he gave to Tejada. The Indians complained that they had never been paid; when they went to Mexico City to protest, Tejada had jailed them and later had them used as slaves (*ibid.*, XIV, 111-113).

When his summons was not obeyed, Ramírez took the 2,000 pesos and also another 4,000 which he planned to return to the Indians because Villaseca had overcharged them. The Audiencia had ruled his decision illegal because Villaseca lived in Mexico City and was therefore not under the jurisdiction of Ramírez. Ramírez consequently was ordered to return the money. The *visitador* complained to the king that it was his understanding that he would have full power in such cases; continued interference would make it impossible for him to accomplish anything. If the Indians had to go to Mexico City to testify, they could not sustain themselves while there and they would die.²²

To give a further example of the lack of coöperation and even opposition which was making his work difficult, Ramírez described an incident involving Juan Velázquez, the son-in-law of Mérida. An argument ensued after they had met, and, during the course of it, Velázquez struck Ramírez. For this act Ramírez had Velázquez imprisoned. After this had happened Carrillo had appeared and had upheld Velázquez. In other words, Ramírez explained, everyone seemed to be working against him.²³ Then came the crowning disgrace. Ramírez told the story as follows: He had written to the Audiencia for permission to proceed against Velázquez, but instead the Audiencia had sent out a judge, Angel de Villafañe, an encomendero who was related to Velázquez. Villafañe did not proceed against his kinsman but, on the contrary, began making inquiries about Ramírez. Finally, with the help of others, he seized Ramírez and jailed him in an Indian's home. Ramírez demanded that he be allowed to resume his *visita*; he demanded in vain. Events followed which might have ruined the hopes and daunted the courage of a man less determined than Diego Ramírez. The *visitador* was placed upon a horse and driven like a ruffian from town to town.²⁴ Finally when the party was only six leagues from Mexico City, Luis de Velasco, who had heard of the happenings,

²² *Ibid.*, VII, 100-102.

²³ *Ibid.*, pp. 102-103.

²⁴ Ramírez was driven through the different towns that he had visited; undoubtedly to show the Indians that the encomenderos were not afraid of the *visitador*.

ordered that Ramírez be released. Thus the king could see from this letter, Ramírez wrote, what mistreatment he had endured and how the audiencia favored the encomenderos. In his opinion there were too many family ties between the audiencia and the encomenderos.²⁵

On December 6, 1553, Ramírez informed the king that an agreement had been reached in Meztitlán and that a tax list had been drawn up. Mérida and Guevara lost their grants of encomienda; moreover, they were to stay out of Meztitlán for ten years. Mérida was to make a payment to two Indians of 200 *pesos de oro común* and he was to pay part of the salaries of Ramírez, his notary public, and his interpreter. Guevara also had to pay part of the above salaries.²⁶

Ramírez sent a brief note to Spain on February 14, 1554, suggesting that the Meztitlán case be removed from New Spain and be taken up by the Council of the Indies.²⁷ Apparently this advice was not heeded, for the audiencia revoked Ramírez' decision in the case of Guevara and restored the grants taken from him.²⁸ The *visitador* did not let this flouting of his authority go unnoticed. On March 23, 1554, he dispatched a complaint to the king reminding him that the decision against Guevara had been revoked by the audiencia and protesting that something should be done about it.²⁹

After many delays caused by appeals and the naming of new assistants, Ramírez, on December 6, 1554, pronounced his sentence on the daughters of Andrés de Barrios who had inherited their father's encomienda. By his decision the Indians of three given areas were to receive 6,000 pesos. The heirs were also to pay 300 pesos as salary for Ramírez and his helpers. Ramírez immediately wrote to the Crown to explain his sentence and to ask again that the king prevent any interference by the audiencia.³⁰

On June 3, 1555, a cedula was sent out to the audiencia informing them that the Crown was well aware they were responsible for the delays in putting cedulas into effect and preventing relief for the Indians. Moreover it was known

²⁵ *Ibid.*, pp. 104-106.

²⁶ *Ibid.*, pp. 113-123.

²⁷ *Ibid.*, p. 181.

²⁸ *Ibid.*, p. 189.

²⁹ *Ibid.*, pp. 190-195.

³⁰ *Ibid.*, pp. 299-304.

they had hindered the *visitador* in his attempt to aid the Indians. Henceforth, the audiencia was told, these delays must cease. In the event appeals were made to the audiencia they must see that the process was not delayed, and all such cases had to be sent to the king.³¹

Diego Ramírez probably never heard about this cedula, for the affair was in this unfinished stage when, in September of 1555, he died. Due to his death it is doubtful if the encomenderos ever felt the full weight of the law. This study of Meztitlán shows how far the encomenderos were prepared to go in their attempt to stop Ramírez. The visitor's documents proved that the Indians of Meztitlán were mistreated and that Ramírez was correct in his attempt to remedy the abuses. The study of this territory, along with others made by the author, shows conclusively that the encomenderos mistreated the Indians, and that the encomenderos and the audiencia were allied against any attempts to put an end to their exploitation of the Indians.

In Diego Ramírez the Crown had undoubtedly found a faithful servant, but it would have taken more than one conscientious man to face the wrath of the encomenderos.

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³¹ *Cedulario de Puga*, II, 249-251.