CHAPTER XVIII

THE REIGN OF VICEROY FRANCISCO DE TOLEDO

I. The formation of Indian towns. II. The Yanaconas. III. The Mita. IV. The execution of Tupac Amaru. V. The use of mercury in the reduction of silver ore. VI. The University of San Marcos. VII. The establishment of the Inquisition.

I

In 1568, the office of viceroy, which had been in abeyance during the administration of Lope García de Castro as president of the audiencia, was re-established by the appointment of Francisco de Toledo. Toledo entered Lima on November 26, 1569. He had been a majordomo at the court of Philip II, and here the king learned to know him as a man of zeal, energy, and tact. He believed him disposed to inquire diligently into conditions and to reflect profoundly on the measures needed before concluding to adopt them. In spite of his advanced age, the viceroy devoted several years to making himself familiar with the state of affairs in the different parts of his realm, and, during his journeys of nearly five thousand miles and his visits in the provinces, the audiencia conducted the government at the capital. In making these investigations, and in dealing with the various governmental questions presented to him, he was assisted by Agustin de la Coruña, Bishop of Popayan; the Augustinian friars, Juan Vivero and Francisco del Corral; the Jesuit, Acosta; the lawyers, Polo Ondegardo and Juan Matienzo; and the inquisitor, Pedro Ordoñes Flores.

One of the early undertakings of the viceroy was to cause the Indians to live in towns. Left to themselves, they were disposed to live scattered in the less frequented

parts of the country, and to avoid all contact with the hated invaders. If conditions like these were permitted to exist, a part of the Spanish policy was doomed to failure. It would be impossible for ecclesiastics to search them out in the caves and hidden places of the mountains, and teach them the doctrines of the Church. In order to persuade them to accept baptism, and acknowledge themselves to be Christians, it was necessary that they should be gathered together, where they might be dealt with in considerable companies. This plan of compelling the Indians to live in towns was generally opposed by the encomenderos and all persons who wished the labour of the Indians on their estates or in their mines. Respecting this feature of policy, there remained a conflict of opinions throughout the period of Spanish domination.[1]

The design of Toledo was to form villages, or reductions, of four hundred or five hundred persons, and to provide an ecclesiastic for each, and at the same time to limit the demands which the priests might make on the Indians. By this means it was proposed to prevent the extortion which all classes of Spaniards were disposed to practise on the natives. These villages were to be furnished with churches, buildings for the town government, prisons, and hospitals. The proposed towns were evidently copies of Spanish towns, and to expect the natives to adapt themselves to participation in a kind of government that was entirely foreign to their experience was clearly to overestimate their capacity. Although the Indians might not be able to conduct in an orderly manner municipal governments of the European type, they turned with great eagerness to certain practices of civilisation. They had an unwarranted confidence in the ability of the courts to redress the wrongs they suffered at the hands of

[1] Virey D. Francisco de Toledo (Manuscript J. 113, in Biblioteca Nacional). *Doc. inéd.*, viii. 212–93; Memorial dado al Rey por D. Francisco De Toledo, sobre el estado en que dejó las cosas del Perú, despues de haber sido su Virey y Capitan general trece años, a contar desde 1596, *Doc. inéd.*, vi. 516–53.

their oppressors. They turned to litigation as to a game in which they were bound to win. They often left their homes, and undertook long journeys in order to present their cases before the audiencias, only to find themselves robbed by clerks and lawyers, and plunged into hopeless poverty. To remove the incentive to these unprofitable undertakings, and protect the natives from the extortions of unscrupulous Spaniards, the viceroy endowed corregidores with judicial capacity, and also instituted friendly arbitrators, whose function was to effect settlements without the expense and delay of the ordinary judicial processes. The viceroy's plans might have produced beneficent results, if there had existed and continued to exist the agencies requisite for their proper execution. But they failed on account of the avarice of the corregidores and other persons who held positions of power in relation to the Indians; and the Indians continued to be the unfortunate prey of both ecclesiastics and civilians.

The practice of distributing the Indians for forced labour in the mines, in agriculture, and in other occupations, furnished an opportunity for the most severe oppression. Plans for abolishing this compulsory service had been under discussion for several decades, but the opposition of the encomenderos and others interested in the system had not been overcome. Finding that the audiencia, the corregidores of the city, the royal officials, and the cabildos had exercised the power to make repartimientos of Indians, the viceroy determined that this authority should be exercised only by the viceroy in the name of the king.

II

Under Toledo some of the Indians in the Charcas and later in other provinces entered into a new relation with the Spaniards. They were called Yanaconas. By this designation were known those Indians who for one cause or

another were not included in any repartimiento, or had ceased to be subject to a cacique. Their position under their Spanish master was not greatly unlike that of certain dependents in Europe during the Middle Ages. They were given the use of certain lands which they could plant and on which they could live, and it was expected that their master would furnish them instruction, and would provide assistance for them in case they were ill. They have been usually thought of as chiefly engaged in household service, in consideration of which the master gave them food and clothing, and paid their tribute. But Juan Matienzo, who, as oidor of the audiencia of Charcas, was familiar with the early history of the Yanaconas, refers to four kinds of Yanaconas, and he appears to have classified them according to the occupation in which they were engaged. These were those who worked on the land, those who served in the houses of the Spaniards, those who were employed in the mines of Potosi and Porco, and those who were engaged in the forests gathering coca leaves. Subject to little or no police supervision, the Yanaconas sometimes deserted their masters, and became vagabonds. For the Spaniards, who wished all the Indians to be subject to some authority, this was a grievance which they sought to set aside by regulations and a stricter supervision.[1]

[1] Referring to the condition of the Yanaconas, Juan Matienzo wrote: "Biven como Christianos entre Christianos, son mejor tratados y curados que de sus caciques. Comen y beven mejor que en sus tierras, tiene mas honra que los mismos caciques del lo que ellos estan contentos, viene de ellos utilidad á la republica, de manera que sin ellos no se podria conservar, porque españoles no sirven ni conviene que sirvan, negros ay pocos y aun que seria mejor no hubiesse tantos, y asi sin el servicio de estos para lo necessario no se podria conservar la tierra" (*Gobierno del Perú*, 18). Juan Matienzo arrived in America about 1560 as oidor of the audiencia of Charcas, and wrote the *Gobierno del Perú* before 1573. The work remained in manuscript until 1910, when it was published in Buenos Aires. Solórzano, in discussing the character and status of the Yanaconas, libro. ii. cap. iv., makes reference to the work of Matienzo. René-Moreno defines the Yanaconas as "indios vinculados con su prole á la labranza de una hacienda, sin

III

To the period of Toledo's reign belongs also the establishment of the system of the mita, or forced labour, in Peru. Matienzo describes the labourers under this system as "those Indians of the repartimientos who serve in their turns." He points out that there are several kinds of them: those who work at the inns, or tambos; those who serve the Spaniards in their houses; those who serve in the houses of their encomenderos; and those who take care of the cattle. Another order of mitayos were those who were assigned to corregidores, priests, and other Spaniards to work in their houses, and who were changed every week, some serving one week and others another week.[1]

The labour of the mitayos who served at the tambos consisted in carrying food and wood for travellers, and in carrying goods from one tambo to another. These tambos were huts or very rude houses, where travellers might find shelter, but they were generally without furniture, and were not provided with food for either man or beast. Travellers might, however, find in them protection from the storms that sometimes sweep over the mountains. It was proposed that the tambos on the principal lines of travel should be four or five leagues apart, and that each should be furnished with a schedule of the services which one might expect from the Indians. These facilities for promoting communication did not vary greatly from the system that had prevailed under the Incas before the conquest; and they continued many decades later.[2]

libertad de salir ni de trabajar por su cuenta, y que eran transferidos a terceros poseedores junto con la propriedad, de la misma manera que si fuesen semovientes del terreno" (*Bolivia y Perú*, 255).

[1] Matienzo, Juan, *Gobierno del Perú*, 25–8; Solrózano, *Política Indiana*, lib. ii. cap. v.–vii.

[2] A recent traveller in this region, which was formerly known as Upper Peru, describes the tambo, as it exists to-day, as "a little

This service, known as the mita, was demanded of one-seventh part of the adult male population, and for them there were established periods of work and periods of rest. But these regulations were not strictly observed. The interest of the employer presented an effective opposition to their execution. In spite of these regulations and all laws intended to regulate the payment of wages and the distance the Indians might be taken from their homes, the mita remained an instrument of extreme oppression.

In gathering and marketing the coca leaves, the Indians were obliged to pass from the cold regions of the mountains to the hot valleys, and these changes of temperature produced disastrous results with reference to the health and lives of the Indians. This fact gave rise to an opinion in favour of prohibiting the use of coca, and of exterminating the plant. Philip II was not disposed to support a measure so extreme as this; but he ordered, in 1573, that the cultivation of the coca might be continued, provided only that free and voluntary labourers were employed. The use of the forced labour of the mita was forbidden under severe penalties. The same restrictions were later applied to the labourers to be employed in vineyards and olive plantations. Toledo, moreover, imposed the alcabala at the rate of five per cent. on coca.

collection of mud huts," where "the only thing to eat is the food you bring with you." "They are modelled on the Inca tambos that used to exist on all the more frequented trails in the highlands of Peru and Bolivia; a range of low, windowless buildings, either of stone or adobe, sometimes completely surrounding a courtyard, at other times only on three sides, containing a few rooms, of which one is furnished with a rough and very shaky table and three or four adobe platforms intended for bunks; mud floors that have accumulated dirt and filth of every description ever since the building was constructed; poorly thatched roofs from which bits of straw and pieces of dirt occasionally dislodge themselves to fall on the table where we spread our canned repast, or to alight on our faces just as we were trying to get to sleep." Bingham, *Across South America* (Boston, 1911), 99, 149. An early description of the *tambos* and the *chasques* is given by Cobo, *Historia del Nuevo Mundo* (Seville, 1892), lib. xii. cap. xxxii.

IV

The viceroy fancied that, in spite of the death of Sairi-Tupac, the Indians of the mountains still threatened the peace of Peru and the stability of Spanish rule. The thought of Sairi-Tupac, that his defection had ruined his house, was not justified by subsequent events. His brother, Tupac Amaru, was accepted as the leader of his people, and continued the rule of the Incas at Vilcabamba. Certain acts of reprisal by the Indians, particularly the deaths of Ortiz and Pando, led the viceroy to determine to take Tupac Amaru by force, when negotiations for this purpose had failed. Many persons supported the enterprise as a similar undertaking to Pizarro's capture of the Inca; they were desirous to have a share of the spoils which they hoped might be obtained. Toledo expected by this means to win the favour of the king. A Spanish force of one hundred and fifty men under Martin Hernando de Arbieto entered Vilcabamba. The Inca fled, but was overtaken and carried to Cuzco, where he was imprisoned. Toledo ordered him to be tried, and among the charges brought against him were rebellion and treason to the King of Spain. Tupac Amaru was found to be innocent of these charges, but by the introduction of false testimony, an ostensible ground was provided for a sentence, which was pronounced in accordance with the wishes of the viceroy. This sentence was that the Inca should be beheaded. For the execution, a platform was constructed in the plaza of Cuzco. Vigorous protests were presented against the carrying out of the sentence. Ondegardo denounced it as immoral and unjust. The Inca appealed to the Crown, and the bishop offered to conduct him to Spain. The ayuntamiento, the clergy, and the most notable persons of the kingdom intervened to prevent the commission of a judicial crime. The

viceroy, after he had learned of the opposition to his proposed action, remained locked in his house, in order to avoid the importunities of those who would not only save his reputation, but also spare the life of the Inca. On the occasion of the execution, the streets and the plaza were crowded with Indians, "whose silent sadness might be changed into uncontrollable anger." Before the Spaniards destroyed their victim, they were careful to have him converted and baptized; and after this event he was no longer Inca Tupac Amaru; his proper title and name had been superseded by the name of Philip. He was conducted to the scaffold mounted on a mule, with his hands tied and a rope about his neck. The crier who accompanied him, proclaimed that this man was executed as a tyrant and a traitor to the king. It is recorded that, informed by the priests who attended him of the meaning of this announcement, he called the crier to him and said: "Do not say this which you are crying out, since you know that it is merely mockery; I have not committed treason, nor have I intended to do so, as all the world knows. Say that they kill me, because the viceroy wishes it, and not that I am guilty of any crime; that I have done nothing against him, nor against the King of Castile. I call upon Pachacamac, who knows that what I say is true."[1]

When the vast throng of Indians saw that the sentence which had been pronounced on their chief was about to be carried out, they raised a cry of horror, that seemed to forebode the outbreak of a storm of rage. But at this point, on the suggestion of the priest, Tupac Amaru undertook, by a simple gesture of the hand, to allay the rising trouble; the ominous roar of the crowd was immediately succeeded by a profound silence; and at this moment the Inca fell under the executioner's fatal blow.

To make impossible any future uprising led by a

[1] Lorente, *Historia del Perú bajo la dinastía austriaca*, 303; Markham, *The Incas of Peru*, 290–8.

member of the Inca family, the viceroy caused the relatives of the executed chief, to the number of thirty-eight, to be taken to Lima. Within three or four years they all disappeared; a few were sent into exile, but death carried off the majority of them. The early death of Sairi-Tupac and of the relatives of the Inca who fell into the hands of the Spaniards, created a suspicion among the Indians that this result was not wholly due to natural causes.

During the later years of this period, the viceroy sought zealously to improve the internal affairs of the kingdom. He organised, in the audiencia, a department for the trial of criminal cases; determined more precisely the duties of the corregidores; developed the local governments; and impressed on the alcaldes and cabildos the desirability of securing justice to all persons. He emphasized the feudal obligations of vassals by requiring the residents of certain provinces to join the expeditions against the Chiriguanos and other tribes at their own expense, providing that those who were prevented from going should pay for the support of one or more soldiers, according to their wealth.

When internal peace and order seemed to be established, the viceroy prepared to resist attacks from without. The immediate incentive to this effort was the appearance of Francis Drake. Drake left Plymouth, November 15, 1577, passed through the Straits of Magellan, and arrived unannounced off the coast of Peru. He captured several vessels with rich booty, among others, one that was ready to sail from Callao with a large amount of silver. The viceroy, moved by this event, organised a small fleet, and sent it to the Straits of Magellan to intercept Drake on his return, but Drake was not to be encountered there; he had sailed westward, and reached England by completing a voyage around the world.

V

An important event of this reign was the beginning of the use of mercury in the reduction of silver ore. For some years the quicksilver mines of Huancavelica had been exploited, but there was no considerable demand for the product in Peru. In Mexico, however, the utility of quicksilver in connection with mining processes had been known, and when the supply from Almaden in Spain had been insufficient, the Mexican miners were permitted to supply the deficiency by importations from Peru. In 1573, when the viceroy was in Cuzco, Pedro Fernandez Velasco, who had acquired his knowledge of the subject in Mexico, appeared and offered to show how mercury might be employed in extracting silver. Toledo, taking advantage of this offer, caused a certain amount of ore to be brought from Potosi, and witnessed in his own house the successful experiment. Velasco then went to Potosi, and explained the system to the miners of that city. The immediate result of the introduction of the new process was the rapid development of the quicksilver mines of Huancavelica, and a corresponding increase in the production of silver from the mines of Potosi. In 1573 also, the mines of Huancavelica became the property of the Crown. To the town which came into existence at these mines, Toledo gave the official designation of Villarica de Oropesa. It had been known as Huancavelica, and it continued to be known by that name.[1]

VI

No events associated with the government of Toledo were destined to have more important consequences for Peru than the establishment of the Inquisition at Lima

[1] Memorial y relacion de las minas de azogue del Perú, *Doc. inéd.*, viii. 422–49; Ordenanzas del Virrey D. Francisco de Toledo para los oficiales de Guamanga y caja de Guancavélica, *Ibid.*, viii. 462.

and the development of the university. As already indicated, the University of Lima was founded in 1553, in the monastery of the Dominicans. Some years later, at the request of the order, Pius V, by a bull of July 25, 1571, confirmed the act of establishment. In the course of time, the presence of the university in the monastery became a source of vexation on account of the disturbance caused by the attendance of persons from without. In 1574 the university received the name of San Marcos; and in 1577, after occupying temporary quarters elsewhere, it was moved to its present site. In the same year, Philip II, through the viceroy, arranged its financial affairs, and framed laws and regulations for its government. Three years later, May 25, 1580, Toledo conferred upon the rector jurisdiction over the doctors, masters, students, and officers of the university for their correction and better discipline, and this action was later approved by the king. This jurisdiction extended even to criminal matters within the university, and to all cases, offences, and crimes relating to the affairs of the university. By the end of the century, the funds of the university designed to furnish the salaries of the professorships were practically exhausted, and King Philip III undertook to renew them from the royal treasury. He was moved to this action by the request of the viceroy, Juan de Mendoza y Luna, the Marquis of Montesclaros, who thus contributed, in 1614, to the re-establishment of the university, which had fallen into great poverty.[1]

[1] Important points in the early history of the university are contained in two inscriptions taken from the interior of one of the buildings:

"1553. Carlos V, emperador-rey de las Españas y de las Indias á peticion de la ciudad de Lima mandó fundar esta Universidad de estudios en el convento de la órden de predicadores de la misma ciudad. Fué trasladada á este sitio por su rector y doctores, y le fueron señalados estipéndios reales por mandado del Rey Felipe II, por D. Francisco de Toledo su Virey el cuál hizó sus leyes y estatutos año de 1577."

"1613. Disminuidos y exhaustos los estipéndios de las cátedras, ocurrió el Rey Felipe III á mejorarlos y asegurarlos con sus reales tesoros á instancias del próbido Virey D. Juan de Mendoza y Luna

VII

While the purpose of the university was to increase the intellectual cultivation in Peru, and to extend the range of thought, the Inquisition tended to suppress independent thought and to destroy the very basis of liberal cultivation. The long conflict with the Moors stimulated in the Spaniards a form of faith which had its logical expression in the Inquisition. Intolerance, the legitimate consequence of Spanish faith, was Spanish America's unfortunate inheritance from the mother country. It manifested itself in the colonies before the organisation of the Tribunal which was designed to call heretics to account and to uphold the purity of Christian belief as interpreted by the Church and the Crown of Spain. When it was found to be impracticable to try in Spain persons who had offended against the Church in the New World, the Holy Office consented to delegate its powers to certain persons who were not members of the regularly constituted tribunal. After the Church had been systematically organised in the colonies, the bishops ordinarily became the delegates. But earlier the inquisitorial powers had been vested in different persons. Alfonso Manso, Bishop of Porto Rico, and the Dominican friar, Pedro de Cordova, appear to have been the first inquisitors in the Indies.

In 1524 the Franciscan friar, Martin de Valencia, went to New Spain, and was appointed to be the commissary of the Inquisition in that colony. A general plan for having the functions of the Inquisition performed in America was established by the Archbishop of Toledo acting as inquisitor-general, when he provided that the

marqués de Montesclaros que por el bien publico cuido de restablecer esta Universidad casi destituida. Año de 1614." *See* Mendiburu, viii. 39.

bishops should be inquisitors.[1] He required them "to proceed in questions of faith that might present themselves in their districts not only by the ordinary authority which belonged to their office and dignity as pastors of their flocks, but also by that delegated by apostolic inquisitors.[2]

Under this provision Juan de Zumárraga, the first Bishop of Mexico, was given power to hold inquisitorial trials. The exercise of this power had an unfortunate beginning in the burning of an Indian alive.[3]

The visitador, Francisco Tello de Sandoval, who went to Mexico a little later to introduce the New Laws, had, in addition to his political functions, also the power of an inquisitor. But the period of social disturbance caused by the project to carry out the New Laws was not favourable for psychological inquiries into the beliefs or doubts of the inhabitants concerning religious questions. Nearly three decades after the publication of the New Laws, Philip II issued the decree, January 25, 1569, which established the Tribunal of the Inquisition in Mexico as well as in other parts of Spanish America. In the meantime, during a period of thirty years, the bishops of America exercised the functions of inquisitors in addition to those which regularly belonged to their episcopal offices. That they exercised the full authority of the Inquisition is indicated by the fact that the first Archbishop of Lima, Geronimo de Loayza, held an *auto-de-fé* in that city in 1548, at which Jan Miller, a Fleming, was burnt for Protestantism. There were also cases under episcopal authority in 1560, 1564, and 1565.[4]

[1] Herrera, *Dec.* II, lib. ii. 58 (ed. Madrid, 1601).

[2] Solórzano, *Política Indiana* (Amberes, 1703), 361*a*.

[3] Riva Palacio, *México á través de los siglos*, ii. 110.

[4] Medina, *Inquisición de Lima*, i. 25; *Inquisición en Chile*, i. 18. Calancha, *Crónica*, 618, affirms that the archbishop celebrated three autos, thus attributing to Loayza those celebrated in Cuzco and La Plata. Lorente, *Historia del Perú bajo la dinastía austriaca*, 330, refers to three celebrated by the archbishop. See also Palma, *Anales de la Inquisición de Lima*.

The inquisitorial authority of the bishops was superseded by that of the Tribunal of the Inquisition in 1569. In that year, Servan de Cerezuela was appointed inquisitor for the provinces of Peru, and Dr. Andrés de Bustamante was made his colleague. Two other important officials were Pedro de Alcedo, the attorney, and Eusebio de Arricta, the secretary. On the 19th of March 1569, they sailed from San Lucar in the ship *Madalena*, and reached the island of Santo Domingo on the 28th of April. Having arrived at Cartagena on the 8th of May, they were detained there several days for lack of wind, but finally reached Nombre de Dios on the 1st of June. Bustamante died at Panama.

Before they left the Isthmus, the inquisitors found that the money they had taken with them was spent, and no one was willing to loan money to them without interest. Finally Barros, a judge at Panama, turned over to them two thousand dollars from the funds that had been deposited in his charge by private persons, and thus the three surviving members were able to continue their journey.[1]

The object of the Inquisition, established in Peru by the decree of January 25, 1569, as set forth in that decree, was to secure the extension of "the holy evangelical law, to preserve it free from errors and false and suspicious doctrines, and to maintain devotion and good repute among the discoverers, the settlers, and their descendants, the vassals of the king." The reason alleged for the foundation was discovered in the belief that those persons who were not in obedience to the Holy Roman Catholic Church, and who remained obstinate in their errors and heresy, were always able to pervert and draw Christians away from the holy Catholic faith, by communicating to them their false opinions and heresies. The remedy sought was to remove or exclude such persons from all communication with the faithful. To this end, officials

[1] Medina, *Historia de la Inquisición de Lima*, i. 6.

and corporations were required to receive the members of the Inquisition with becoming respect and reverence, keeping in view the sacred ministry which they were sent to execute.[1]

The Tribunal thus founded, and having its seat in Lima, embraced within its jurisdiction in the beginning all of Spain's possessions in South America.

By a decree that became a part of the laws of the Indies, the king placed the inquisitors, their agents, and their property immediately under his protection. Anyone causing them injury would be subject to the same penalties as those who dared to disturb the security of the king, and no civil official, from the lowest judge in Spanish America up to the members of the Council of the Indies, might resist them or place obstacles in the way of their performance of their prescribed duties. The institution and all of its members were, moreover, free from all forms of taxes or burdensome contributions.[2]

They enjoyed not only this exemption, but in addition the butchers of the city where the inquisitors or their agents lived were required to furnish them without charge whatever meat they needed for consumption in their houses. Funds for the payment of their salaries were to be obtained by suppressing a canonicate in each of the cathedrals of the Indies, and applying to this object the revenues thus liberated. With these privileges in view, many persons were naturally desirous of securing places and titles as members or attachés of the Inquisition; and as a result of the influence they were able to exert there appeared very early more occupants of inferior positions than had been provided for in the beginning. In the capital, in 1672, there were forty familiars instead of

[1] The royal decree establishing the Inquisition in America. This document is printed in Medina's *Inquisición en Chile*, i. 146–8. See also *Leyes de Indias*, lib. i. tit. xix. ley i; Medina, *La Inquisición en el Rio de la Plata*, 48.

[2] *Leyes de Indias*, lib. i. tit. xix. ley 2.

the twelve for whom provision had been originally made.[1]

An additional provision was that there should be four familiars in each capital of a bishopric, and one in each of the other towns, yet in Santiago eight were appointed.

The inquisitors set sail from Panama for Peru, August 15, 1569, and landed at Paita thirty-one days later. On the 29th of January 1570, Cerezuela made his formal entry into Lima, somewhat more than eight months after he left Spain, and two months after his arrival at that city, which was on the 28th of November 1569. After the formal ceremonies of reception, the first business of the inquisitors was to obtain quarters for the Tribunal and the prison. These they requested from the civil authorities, and it was necessary that they should be apart from the public offices on account of the absolute secrecy that was to cover all of their transactions. "No one might utter an opinion concerning their decisions, and, except the *autos-de-fé* to which the public was invited, and at which were seen to appear from time to time the unfortunates condemned either to abjuration or death, nothing was known by persons living at the time."[2]

Soon after their arrival, the inquisitors published an edict, setting forth their authority and the assistance they expected from all the faithful in bringing to light and to trial all persons guilty of heresy or of any form of opposition to the Church. The instructions which they had received required them to leave the Indians as an exception, and not to subject them to trials for their opinions or their faith. Exercising practically unlimited power and enjoying the special protection of the king, the in-

[1] Medina, *Historia de la Inquisición de Lima*, i., ii.; *Leyes de Indias*, lib. i. tit. xix. ley 30.

[2] Medina, *Inquisición en las Provincias de Plata*, viii.; Odriozola, *Documentos lit. del Perú*, iv. 364; Medina, *Inquisición en Chile*, i. 194; Mendiburu, ii. 355.

quisitors displayed an intolerable arrogance and insolence. They broke over the limits that had been prescribed for their jurisdiction, and invaded every department of life. Within a few years after the founding of the institution, the audiencia of Lima saw itself obliged to appeal to the monarch and denounce to him the abuses of the Inquisition; and even the Archbishop of Lima participated in the long line of complaints and denunciations that continued through the following decades. By these the king was finally moved to attempt to correct these abuses, and a decree designed to limit the power of the inquisitors was issued in 1610, and became known as the *Concordia*.[1]

With the absolutism of the Inquisition grounded on the papal bull of 1569, and supported by the oaths taken by officials, it was difficult to make effective the proposed limitations.[2] The viceroy, in taking his oath of office, swore "to defend with all his power the Catholic faith as held by the Holy Mother Apostolic Church of Rome; to preserve and extend this faith; to prosecute and cause to be prosecuted heretics and apostates opposed to it; to give favour and necessary support to the Holy Office of the Inquisition and its officials, in order that the heretical disturbers of our Christian religion may be taken and punished in accordance with the right and sacred canons, without the omission or exception of any person, whatever may be his rank." The oaths taken by the audiencia and the people were not less positive.[3] Moreover, the knowledge that the most absurd declarations would be received and made the basis of action by the Tribunal, led to great licence in denunciation, and destroyed the confidence of man in his fellow-man. In many instances the husband denounced his wife, and the

[1] Medina, *Inquisición en Chile*, i. 152–63; *La Inquisición en el Rio de la Plata*, 50–6.

[2] This document is referred to in Medina's *Inquisición en Chile*, i. 165–71.

[3] Medina, *Inquisición en Chile*, i. 171–4.

wife her husband; brother denounced brother; the friar denounced his companions; and thus all the bonds of social faith were broken. With men of all ranks demanding action, it was difficult, if not impossible, for the Tribunal to limit the field of its operations, even if it had been moved with a desire to do so.

The procedure of the Tribunal of the Inquisition differed in certain essential particulars from that of an enlightened civil court. A case was initiated by an accusation either written or oral, and was then conducted without considering a possible defence. It was assumed to be the duty of every person to bring charges to the Tribunal, whenever there should come to his knowledge any utterance or action on which an accusation could be grounded. Whether any given item of evidence should be received or rejected depended upon its bearing in the case. The testimony of persons excommunicated, accomplices of the prisoner, infidels, Jews, criminals of all sorts, even heretics, was accepted, provided it was against the accused, but was rejected if it was in his favour. Various devices were adopted to prevent the prisoner from finding out who were testifying against him; or, if he knew the persons, to prevent him from knowing what evidence each or any of them offered. When torture was decreed in order to extort a confession, it was provided that it should be inflicted in the presence of the ordinary and at least one of the judges. At first the judge might excuse himself on account of illness; but after torture had been applied without the presence of any of the judges, and at least one person had died in the process, it was no longer permitted that all the judges might be absent.

When a prisoner had been notified of his sentence, he was visited by a priest, whose function was not to give him any hope of escaping the penalty of death, but to encourage him to make his peace with God, that it might be well with him in the future. If he remained

obdurate, there seemed to be nothing better to do with him than to burn him alive.

In order to make the Inquisition effective in the provinces far from Lima, it was necessary that the central tribunal should have agents in these provinces. This need gave origin to a plan providing for commissaries in the principal cities within the jurisdiction of the tribunal at Lima. But a difficulty arose here in the want of men in the distant provinces fitted to assume the grave responsibilities of guardians of the faith. The friar, Juan de Vega, was sent from Lima to Chile to investigate the condition of the Church, and his report indicated a somewhat hopeless state of affairs, and pointed out the difficulty of finding persons on whom the Tribunal could safely rely. Cerezuela, however, in April 1572, appointed Melchor Calderon commissary in the bishopric of Santiago, and Dean Cisneros in the bishopric of Imperial. Calderon at the time of his appointment was the treasurer of the cathedral of Santiago. Cisneros had received the degrees of bachelor and licentiate at the University of Salamanca, and was a lawyer in Medina before he left Spain for Chile in 1554. In order that the arms of the Inquisition might be more widely extended, the commissaries proposed *vicarios* for the cities of Serena, Chillan, Concepcion, Angol, Villarica, Osorno, Valdivia, and Castro.

Instructions issued by the Tribunal indicate the general course of conduct which the commissary was expected to follow. He was not to become involved in the affairs of the secular or ecclesiastical judges, but only to execute the orders and commissions of the inquisitors, and to receive information in matters of faith, and transmit it to the inquisitors. These instructions deal, moreover, with the manner of taking evidence, and of receiving the confessions of criminals. But many things were omitted because special orders addressed to the commissaries were to be accompanied by specific direc-

tions as to the manner of proceeding under these orders.[1]

The great distance of the provinces of Rio de la Plata from Lima, and the large number of cases, particularly of Portuguese Jews, that demanded the attention of the Inquisition, suggested, in the first half of the seventeenth century, the advisability of establishing a tribunal in one of the cities of these provinces. This project was discussed in communications between the Crown and the Council of the Indies, on the one hand, and the viceroy and other officers of the American administration, on the other hand; but it was temporarily abandoned, and somewhat later, in 1662, taken up again. Then after an interruption of nearly a century, it was resumed in 1754, but, fortunately for the inhabitants of Buenos Aires, where it was proposed to establish the tribunal, the plan was disapproved by the king.[2]

[1] The text of the instructions signed by Eusebio de Arrieta, the secretary of the Tribunal, are printed in Medina, *Inquisición en Chile*, i. 232–4. Later, more elaborate instructions to commissaries were published in Lima: *La Instrucción y Orden que comunmente han de guardar los comisarios y notarios del Santo Oficio de la Inquisición del Perú, cerca de procesar en las causas de fé y criminales de ministros, en que fueren reos y contra el honor del Santo Oficio* (Lima, 1796). *Ibid.*, 235.

[2] Medina, *La Inquisición en el Rio de la Plata*, 199–224.