



BOOK XVI.

THE RULE OF THE AUDIENCIA.

CHAPTER CXCVI.

How during the time Cortés was in Castile with the title of Marquis, the Royal Audiencia came to Mexico, and with what it was busied.



WHILE Cortés was in Castile bearing the title of Marquis, at that time the Royal Audiencia arrived in Mexico according to His Majesty's orders, as I have already stated in the former chapter which deals with the subject. There came as President Nuño de Guzman, who used to be Governor in Panuco, and four Licentiates as Oidores,¹ whose names were Matienzo, said to be a native of Biscay or the neighbourhood of Navarre, and Delgadillo of Granada and one Maldonado of Salamanca (this was not the Licentiate Alonzo Maldonado the Good who was governor of Guatemala), and there came the Licentiate Parada who used to be formerly in the Island of Cuba.

When these four Oidores arrived at Mexico, after they

¹ Oidor = Judge or Assessor of the Audiencia.

had been given a great reception on their entry into the City, within fifteen or twenty days of their coming they showed themselves to be thoroughly capable of executing justice, and they brought greater powers than were ever afterwards given to Presidents or Viceroys of New Spain, and this was in order to carry out the perpetual assignment [of Indians], giving preference to the Conquistadores and conferring great rewards on them, for so His Majesty had commanded.

They at once gave notice of their arrival to all the cities and towns which at that time were settled in New Spain, so that they could send Proctors with records and tithe accounts of the pueblos of Indians in each province, so as to make the assignment perpetual. Within a few days there gathered together in Mexico the Proctors from all the cities and towns and even from Guatemala, besides many other Conquistadores.

At that time I was [present] in the City of Mexico as Proctor and Syndic of the town of Coatzacoalcos, where I was then a settler, and when I saw what the President and Oidores required I went post haste to our town for the election of those who should come as Proctors to see to the perpetual assignment. When I arrived, there was a good deal of difficulty about choosing who should go, for some settlers wished their friends to go, and others would not permit it, and as the result of the voting Captain Luis Marin and I were chosen.

When we reached Mexico, nearly all the Proctors of most of the towns and cities who were gathered together demanded the perpetual assignment according to His Majesty's commands.

However, by that time Nuño de Guzman, Matienzo and Delgadillo had already changed their minds, and the other two Oidores Maldonado and Parada had died of pleurisy soon after arriving in the City (and if Cortés

had been there, as there are always evil-minded persons about, they would have denounced him and would have said that he had killed them). To go back to my story, many persons who were very well informed say that it was the Factor Salazar who was the cause of their changing their minds and not making the assignment as His Majesty had ordered, for he became such an intimate friend of Nuño de Guzman and of Delgadillo that they did nothing but what he ordered, and whatever he advised they conceded, so that all came to a standstill. What they [the Oidores] advised was that he [Nuño de Guzman] should on no account grant a perpetual assignment, for if he did so they [the Audiencia] would lose their authority, and the Conquistadores and settlers would not hold them in such high esteem if it were said that he [Nuño de Guzman] could neither deprive them of Indians or grant more than those he should then allot them; but [acting] otherwise he would always have them under his thumb, and could give or take away [Indians] from whomsoever he pleased, and they [the Audiencia] would become very rich and powerful.

It was also arranged between the Factor and Nuño de Guzman and Delgadillo that the Factor himself should go to Castile to obtain the Government of New Spain for Nuño de Guzman, for they already knew that Cortés was not so much in favour with His Majesty as when he first went to Castile, and it [the Government] had not been granted to him, notwithstanding all the intercessors whom he induced to plead with His Majesty to give it to him.

When the Factor embarked in a ship named "La Sornosa," it went ashore in a great storm on the coast of Coatzacoalcos, and he was saved in a boat and returned to Mexico, and his journey to Castile never took place.

Let us leave this and I will relate that what Nuño de Guzman and Matienzo and Delgadillo were engaged

on, as soon as they arrived in Mexico, was in taking the Residencia of the Treasurer Alonzo de Estrada, which he rendered very well. If he [Estrada] had proved himself as much a man as we believed him to be, he might have assumed the Governorship, for His Majesty had not dismissed him from the Government, on the contrary (as I have stated in the last chapter), an order had come from His Majesty a few months earlier that the Treasurer should be sole Governor, and not jointly with Gonzalo de Sandoval (who has often been mentioned by me before), and he [His Majesty] had approved of the Assignments which he [the Treasurer] had previously given; and he [His Majesty] did not name Nuño de Guzman in the Decrees otherwise than as President and Assessor in conjunction with the Oidores, and in addition to this, if he [the Treasurer] had taken charge of the Government himself, all the settlers in Mexico, and we Conquistadores who at that time were in the City, would have been in his favour, for we knew that His Majesty had not deprived him of the office he held, and besides we saw that during the time he governed he did justice and had a great good will and much zeal to comply with what His Majesty ordered. Within a few days he died of vexation at it [missing his opportunity].

I must cease speaking of this and relate that what the Royal Audiencia next set about doing was to act in antagonism to the affairs of the Marquis, and they sent to Guatemala to take the Residencia of Jorge de Alvarado, and there went [to do it] one Orduña the elder, a native of Tordesillas, but what happened at the Residencia I do not know.

Then they presented many claims against Cortés through the public prosecutor, and the Factor Salazar on his own account made other claims against him, and the depositions which they brought into Court were

drawn up with very great disrespect and very mischievously worded, and in these depositions they stated that Cortés was a tyrant and traitor who had done many injuries to His Majesty, and many other evil things so malicious that the Licentiate Juan Altamirano (already mentioned by me, who was the person with whom Cortés had left his power of Attorney when he went to Castile) rose to his feet in the Court itself and, doffing his cap, said, with much respect to the President and Oidores, that he prayed his Excellency to order the Factor Salazar to say in the depositions what was respectful, and not permit him to say of the Marquis, who was an upright gentleman and a faithful servant of His Excellency, such malicious and evil words, and that he demanded proper justice. What the Licentiate Altamirano entreated them there in the Court was of no avail, for the Factor had prepared for the following day other most disgraceful depositions, and matters came to such a pass that over these depositions the Licentiate Altamirano and the Factor, there in the presence of the President and Oidores, quarrelled, using evil and offensive terms to one another, and Altamirano drew a dagger and was going to stab the Factor had not Nuño de Guzman and Matienzo and Delgadillo prevented him.

The whole city was at once in a state of disturbance because they had taken the Licentiate Altamirano as a prisoner to the Arsenal, and the Factor to his lodgings, and we Conquistadores went to the President to intercede for Altamirano, and within three days they released him from the prison and we made him and the Factor friends.

Let us leave this disturbance, which was already quieted and friendship restored, and go on ahead, for another greater storm soon broke. This was that there had now arrived here in Mexico a relation of Captain

Pánfilo de Narvaez called Zaballos, whom the wife of Narvaez, named Maria de Valenzuela, had despatched from Cuba in search of her husband Narvaez, who had gone as Governor to the Rio de Palmas, for she had already heard a report that he was lost or dead. He [Zaballos] brought power of Attorney to take possession of his [Narvaez's] properties wherever they might be found, believing that they had been brought to New Spain.

When this Zaballos arrived in Mexico (according to what Zaballos said, and what was rumoured), Nuño de Guzman and Matienzo and Delgadillo persuaded him secretly to lodge a claim and complaint against all the Conquistadores who had joined with Cortés to defeat Narvaez when he lost his eye and when his property was burned. He also demanded [compensation for] the deaths of those who there died.

When Zaballos had made his complaint as they had instructed him, with long declarations about it, they arrested nearly all the Conquistadores who happened to be in the city and were proved to have participated, who numbered more than three hundred and fifty. They also arrested me, and they sentenced us [to a fine of] so many pesos de oro of Tepusque, and they banished us five leagues from Mexico, but they soon repealed the banishment, and even from many of us they never collected the money of the judgment, for it was a small sum. Following this disturbance the persons who hated Cortés made another claim on him, which was that he had carried off much gold and silver and jewels of great value which were acquired in the capture of Mexico, and even the personal treasure of Guatemoc, and gave no share of it to the Conquistadores except eighty pesos, and had sent it in his own name to Castile saying that he thereby served His Majesty, and that he kept the

greater part of it and did not send it all, and what he sent was stolen at sea by Juan Florin a Frenchman or pirate who was hanged at the port of El Pico, as I have related in former chapters, and that Cortés was bound to repay all that Juan Florin stole as well as what he had hidden. They also advanced other claims and all were [decided against him], and they sentenced him to make payment with his possessions, and they sold them. Moreover they found a way and contrived that a certain Juan Juarez, a brother-in-law of Cortés, already often mentioned by me, should publicly enter an action in the Courts about the death of his sister Doña Catalina Juarez la Marçayda, which he brought forward in the Court as he had been ordered to do, and he called witnesses who said how and in what way her death took place. On top of this another complication ensued, which was that when they brought the claim against Cortés, which I have mentioned, for the personal treasure of Guatemoc and the gold and silver which was captured in Mexico, many of us who were friends of Cortés came together, with the permission of an Alcalde, in the house of one Garcia Holguin, and signed [a statement] that we declined to share in those claims for the gold or the personal treasure, nor as far as we were concerned should Cortés be compelled to pay anything on account of it, and we said that we knew certainly and clearly that he sent it to His Majesty, and we approved of his doing that service to our Lord and King. When the President and the Oidores saw that we were presenting petitions about this they ordered us all to be arrested, saying that without their permission we should not have met together or signed anything, but when they saw the permission [given] by the Alcalde, although they banished us five leagues from Mexico, they soon repealed the banishment, for all that we looked on it as a great hardship and grievance.

Soon after this, a proclamation was issued ordering all descendants within the fourth generation from parents or ancestors who were Jews, Moors, or such persons as had been burned or executed by the Holy Inquisition, to leave New Spain within six months, on pain of the loss of half their property.

It was interesting to watch the accusations made at that time, for each one informed against the other and impeached the other's statements. However, two only left New Spain, one a shop-keeper of Vera Cruz, and the other a Notary of Mexico, and within a year the Notary brought a license to remain in New Spain and married off a daughter whom he had brought from Castile, for he alleged that he had rendered service to His Majesty.

In spite of all these things which the President and Oidores did so perversely, they were not such strict rulers that they carried out [their decisions] with rigour, nor gave sentence except for a few pesos of low grade gold, called Tepuzque, which they even neglected to collect from those who did not [voluntarily] pay it. To the Conquistadores they were very kind, and fulfilled His Majesty's commands in so far as to give Indians to the true Conquistadores, and to none of them did they fail to give Indians, even when [such grants] were suspended, and they conferred many favours on them. What was their undoing was the excessive license they granted for branding slaves,¹ for they granted licenses to deceased persons, and the servants of Nuño de Guzman and of Delgadillo and Matienzo sold these. Then in the case of Panuco they branded so many that they went near to depopulating the province. Furthermore they did not reside in their offices nor take their seats in Court every

¹ Blotted out in the original: "for had they long remained in office New Spain would have been ruined."

day as they were bound to do, [but] went about to banquets, and indulged in love-making and gambling, and some of them were embarrassed by it.¹ Nuño de Guzman, who was generous and of noble rank, sent as a Christmas present a warrant for a pueblo called Guazpaltepeque to the accountant Albornoz, who had arrived a few days before from Castile and came married to a lady named Doña Catalina de Loayza. Rodrigo de Albornoz also brought a license from His Majesty to set up a factory for making sugar at a pueblo called Cempoala, which town was a few years later destroyed.

To go back to our story, Nuño de Guzman bestowed these franchises and branded many Indians as slaves, and gave many annoyances to Cortés, and it was said of the Licentiate Delgadillo that he caused Indians to be given to persons who contributed certain amounts and became his partners, also that he appointed his brother, named Berrio, Chief Alcalde of the town of Oaxaca, and his brother was detected in taking bribes and caused many injuries to the settlers. It was also found out that he had appointed to the townships of the Zapotecs another deputy named Delgadillo like himself, who was also found to accept bribes and perpetrate injustice.

As for the Licentiate Matienzo, he was an old man, and they asserted of him that his vice was drinking too much wine, and that he went too often to the orchards to hold banquets, taking with him three or four convivial men who were hard drinkers, and, when they were all seated and comfortable, that one of them took a wine bag of wine and from afar off with this same wine bag made a cry such as they [use to] call the hawks to the lure, and the old man went as though his wings were clipped to the

¹ Blotted out in the original : "many days at it."

wine bag and pricked it and drank from it. They also made a charge against him that they spent a whole week and several feast days in dicing, and that Nuño de Guzman and Delgadillo and Matienzo were the umpires at it, and greatly preferred dicing to sitting in Court, and they even suspected that many of the [winning] numbers fell to those whom they wished to favour.

There were so many complaints lodged against them, with proofs and even letters from Bishops and ecclesiastics, that when His Majesty and the Lords of the royal Council of the Indies saw the reports and letters which were brought against them, he [His Majesty] promptly ordered that the whole Royal Audiencia should be completely removed without delay, and that they should be punished, and another President and Oidores be appointed who were to be learned and honourable, and fair in doing justice. He also ordered that they should at once go to the province of Panuco to enquire how many thousand slaves had been branded. Matienzo himself went by His Majesty's orders, for this elderly Oidor had fewer charges against him and was a better judge than the others. Furthermore, the licenses which had been issued for branding slaves were declared invalid, and all the irons used for branding were ordered to be destroyed, and from this time onwards no more slaves were to be made, and it was even ordered that a list should be compiled of all those [slaves] which there were in New Spain, so that they should not be sold nor moved from one province to another.

In addition to this he [His Majesty] decreed that all the allotments and assignments of Indians which Nuño de Guzman and the other Oidores had given to relations or hangers on, or to their friends or other persons, were worthless, and immediately, without further argument,

should be taken from them and given to the persons whom His Majesty had ordered to have them.

I should like to call to mind here what lawsuits and arguments arose over this annulment of the Encomiendas of Indians which Nuño de Guzman together with the Oidores had granted. Some protested that they were Conquistadores who were not, others that they were settlers of so many years standing, and that, if they visited or were accustomed to enter the house of the President and Oidores, it was in order to do them service and honour, and to be with them and do what they were ordered by them in matters which were necessary for His Majesty's service, and that they did not enter their houses as servants or hangers on. Each one defended and alleged what was most to his profit, and affairs so turned out that very few of those to whom they had given Indians were deprived of them, except those that I will now mention :— the pueblos of Guazpaltepeque [were taken] from the accountant Rodrigo de Albornoz, to whom Nuño de Guzman had given them as a Christmas present ; they also deprived Villaroel, the husband of Ysabel de Ojeda, of another pueblo of Cuernavaca, and they also took away those of a Mayordomo of Nuño de Guzman named Villegas, and of other relations and servants of these same Oidores ; some [however] kept them.

When this news which came from Castile was known in Mexico, that the whole of the Royal Audiencia was entirely dismissed, what Nuño de Guzman and Delgadillo and Matienzo set about doing was at once to send Proctors to Castile to defend their affairs with evidence of witnesses, whom they intended to select as they pleased, in order that they might say that they were very good Judges and carried out His Majesty's commands, and [give] other assurances to which it would be useful to give utterance, so that in Castile they might be considered good Judges.

Then, in order to choose the persons who should go with authority to represent them, and to discuss matters which were of importance to that city and to New Spain and its Government, they ordered all of us Proctors who held authority from the cities and towns, who happened to be in Mexico at the time, together with certain Conquistadores, persons of quality, to assemble together in the cathedral church, and they expected that we should by our votes choose the Factor Salazar to go as Proctor to Spain. As I have already said before, although Nuño de Guzman, Matienzo and Delgadillo committed some irregularities mentioned by me previously, on the other hand they had been very good to all the Conquistadores and settlers in the matter of giving us Indians who were unemployed, and, relying on this, they thought that we should vote for the Factor, who was the person they wished to send in their name.

When we were assembled in the principal Church of the City, as we were ordered, so great were the cries, confusion and disorder made by a number of persons who had not been summoned on that business, but who entered by force into the church, that although we ordered them to get out of it they would not do so nor even be silent, and finally they shouted as it were in concert. When we saw this we cleared out of the Church and went to tell the President and Oidores that we would postpone it [the election] until next day, and that in the house of the President himself, where the Royal Audiencia meets, we would choose whom we thought advisable. Later on, as it seemed to us they wished us to name only persons who were friends of Nuño de Guzman and Delgadillo and Matienzo, we agreed that one person should be chosen on behalf of the Oidores themselves and the other on behalf of Cortés, and Bernaldino Vázquez de Tápia was named on behalf of Cortés, and on behalf

of the Oidores, one Antonio Caravajal, who was a Captain of the launches. However it occurred to me at the time that both Bernaldino Vásquez de Tápia and Caravajal were much more favourable to the affairs of Nuño de Guzman than to those of Cortés, and they had cause for it, because they [the Audiencia] treated us better and carried out part of His Majesty's orders about giving us Indians, which Cortés never did, although he had been able to give them more easily than anyone during the time he held the Government. Yet as we Spaniards are very loyal, and Cortés had been our Captain, we had more affection for him than he had inclination to do us a good turn, notwithstanding His Majesty's orders to do so, when as Governor he was well able.

When those named by me had already been chosen, other disputes arose about the instructions they were to take with them, for [some] said to the President that it was due to the service of God and of His Majesty and met with the approval of all the Proctors that Cortés should not return to New Spain, for if he were in the country there would always be factions and revolts and no good governors, and perchance he might rise in rebellion. Most of us Proctors contradicted this and [maintained] that he was a very loyal and faithful servant of His Majesty.

At that time Don Pedro de Alvarado, who had come from Castile, arrived in Mexico, and brought with him [the appointment as] Governor of Guatemala and Adelantado, and Comendador of [the order of] Santiago, and he was married to a Lady named Doña Francisca de la Cueva, but that lady died as soon as she arrived at Vera Cruz. Then, as I have said, he reached Mexico, he and all his servants in deep mourning. As soon as he understood the accusations which they were sending on behalf of the President and Oidores, he took steps

that he, the Adelantado, and the other Proctors and some of the Conquistadores should write to His Majesty about all that the Royal Audiencia were attempting to do. When the Proctors already named by me went to Castile with the instructions and charges as to what they were to ask, the Royal Council of the Indies understood that all was aimed against Cortés through passion, and they did not care to do anything agreeable to Nuño de Guzman or the other Oidores, for it had been decreed by His Majesty that they should at once be deprived of their offices.

Moreover, at this time when all was going against him, Cortés was in Castile and stood up for his honour and his position, and he got ready to come to New Spain with the Señora Marquesa his wife and household, and, while he is on the way, I will relate how Nuño de Guzman proceeded to settle the province of Jalisco and succeeded in doing it much better than Cortés, as regards the discoveries he sent to make, as will be seen later on.

CHAPTER CXCVII.

How Nuño de Guzman, [when he] learned from letters which came to him from Castile that His Majesty had ordered him to be deprived of the Presidency, and the Oidores [to be dismissed], and that others would come in their places, decided to go and bring to peace and conquer the province of Jalisco which is now called New Galicia.

WHEN Nuño de Guzman knew through certain letters that he was to be deprived of the office of President, and the Oidores [of theirs], and that other Oidores were coming, and as Nuño de Guzman was still President at that time, he collected all the soldiers he was able, both horsemen and musketeers and crossbowmen, to accom-