

### **1512-1513. The Laws of Burgos.**

This was the first systematic code to govern the conduct of settlers in America, particularly in their relations with the native Indians. Among other innovations, the Laws initiated the official use of the old Spanish legal term *encomienda*, with its implication of duty as well as privilege, in place of the term *repartimiento*, hitherto used in the Indies to describe the distribution of groups of Indians to individual Spaniards for compulsory labor. The provisions in the Laws for the protection of the natives were considered by the Dominicans to be inadequate and unenforceable; but they represented the first small breach in the wall of official indifference.

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Whereas, the King, my Lord and Father, and the Queen, my Mistress and Mother (may she rest in glory!), always desired that the chiefs and Indians of the Island of Española be brought to a knowledge of our Holy Catholic Faith, and, Whereas, they commanded that certain ordinances be drawn up, which were indeed drawn up, by their Highnesses, as well as, at their command, by the Comendador Bobadilla and the Comendador Mayor de Alcántara, former governors of the said Island, and afterward by Don Diego Columbus, our Admiral, Viceroy, and Governor of it, and by our officers who reside there, and, Whereas, it has become evident through long experience that nothing has sufficed to bring the said chiefs and Indians to a knowledge of our Faith (necessary for their salvation), since by nature they are inclined to idleness and vice, and have no manner of virtue or doctrine (by which Our Lord is disserved), and that the principal obstacle in the way of correcting their vices and having them profit by and impressing them with a doctrine is that their dwellings are remote from the settlements of the Spaniards who go hence to reside in the said Island, because, although at the time the Indians go to serve them they are indoctrinated in and taught the things of our Faith, after serving they return to their dwellings where, because of the distance and their own evil inclinations, they immediately forget what they have been taught and go back to their customary idleness and vice, and when they come to serve again they are as new in the doctrine as they were at the beginning, because although the Spaniard who accompanies them to their village, as is there ordered, reminds them of it and reprehends them, they, having no fear of him, do not profit by it and tell him to leave them in idleness, since that is their reason for returning to their said village, and that their only purpose and desire is to do with themselves what they will, without regard for any virtue, and, Whereas, this is contrary to our Faith, and,

Whereas, it is our duty to seek a remedy for it in every way possible, it was considered by the King, my Lord and Father, and by several members of my Council and by persons of good life, letters, and conscience, and they, having informed themselves from others who had much knowledge and experience of the affairs of the said Island, and of the life and customs of the said Indians, gave it as their opinion that the most beneficial thing that could be done at present would be to remove the said chiefs and Indians to the vicinity of the villages and communities of the Spaniards--this for many considerations--and thus, by continual association with them, as well as by attendance at church on feast days to hear Mass and the divine offices, and by observing the conduct of the Spaniards, as well as the preparation and care that the Spaniards will display in demonstrating and teaching them,

while they are together, the things of our Holy Catholic Faith, it is clear that they will the sooner learn them and, having learned them, will not forget them as they do now. And if some Indian should fall sick he will be quickly succored and treated, and thus the lives of many, with the help of Our Lord, will be saved who now die because no one knows they are sick; and all will be spared the hardship of coming and going, which will be a great relief to them, because their dwellings are now so remote from the Spanish communities, so that those who now die from sickness and hunger on the journey, and who do not receive the sacraments which as Christians they are obligated to receive, will not die [unshriven], because they will be given the sacraments in the said communities as soon as they fall sick; and infants will be baptized at birth; and all will serve with less hardship to themselves and with greater profit to the Spaniards, because they will be with them more continually; and the visitors who have them in charge will visit them better and more frequently and will have them provided with everything they need, and will not permit their wives and daughters to be taken from them, as now happens while they live at a distance; and many other evils and hardships will cease which the Indians now suffer because they are so remote, and which are not described here because they are notorious; and many other advantages will accrue to them for the salvation of their souls, as well as for the profit and utility of their persons and the conservation of their lives; and so, Therefore, for these reasons and for many others that could be adduced, it was agreed that for the improvement and remedy of all the aforesaid, the said chiefs and Indians should forthwith be brought to dwell near the villages and communities of the Spaniards who inhabit that Island, so that they may be treated and taught and looked after as is right and as we have always desired; and so I command that henceforth that which is contained below be obeyed and observed, as follows:

## **I**

First, since it is our determination to remove the said Indians and have them dwell near the Spaniards, we order and command that the persons to whom the said Indians are given, or shall be given, in encomienda, shall at once and forthwith build, for every fifty Indians, four lodges [bohíos] of thirty by fifteen feet, and have the Indians plant 5,000 hillocks (3,000 in cassava and 2,000 in yams), 250 pepper plants, and 50 cotton plants, and so on in like manner, increasing or decreasing the amount according to the number of Indians they have in encomienda, and these shall be settled next to the estates of the Spaniards who have them in encomienda, well situated and housed, and under the eyes of you, our said Admiral [Diego Columbus, son of Christopher Columbus] and judges and officers, and of our visitor who will be in charge of it, or of the person whom you, our said Admiral and judges and officers, shall send for the aforesaid purpose, and he, I charge and command you, shall be such as will be competent in this matter.

And the persons who have the said Indians in their charge [in encomienda] shall have them sow, in season, half a fanega of maize, and shall also give them a dozen hens and a cock to raise and enjoy the fruit thereof, the chickens as well as the eggs; and as soon as the Indians are brought to the estates they shall be given all the aforesaid as their own property; and the person whom you send for this purpose shall tell them it is for their own use and that it is given them in exchange for what they are leaving behind, to enjoy as their own property. And we command that the persons to whom they are given in encomienda shall keep it for them so that they may enjoy it as their own; and we command that this property shall not be sold or taken from them by any person to whom

they may be given in encomienda, or by anyone else, but that it shall belong to the said Indians to whom it is assigned and to their descendants, even though this said person sell the estate in which they are, or the said Indians be removed from him; and we declare and command that the person to whom the said Indians are given in encomienda may utilize the goods that the said Indians abandon when they are brought to the estates of the Spaniards, each according to the number of Indians he has, in order to maintain them with such goods; and after the said persons have removed the said goods I command you, our said Admiral and judges and officers, to have the lodges of the said villages burned, since the Indians will have no further use for them: this is so that they will have no reason to return whence they have been brought.

## **II**

After the aforesaid has been done, we order and command that all the chiefs and Indians dwelling on the Island of Española, now or in the future, shall be brought from their present dwelling places to the villages and communities of the Spaniards who reside, now or in the future, on the said Island; and in order that they be brought of their own volition and suffer no harm from the removal, we hereby command Don Diego Columbus, our Admiral, Viceroy, and Governor of the said Island, and our appellate judges and officers of it, to have them brought in the manner that seems best, with the least possible harm to the said chiefs and Indians, to this end encouraging them and urging them with praise; and we charge and command them most earnestly to do this with much care, fidelity, and diligence, with greater regard for the good treatment and conservation of the said Indians than for any other respect, desire, or interest, particular or general.

## **III**

Also, we order and command that the citizen to whom the said Indians are given in encomienda shall, upon the land that is assigned to him, be obliged to erect a structure to be used for a church, on a site selected by you, the said Admiral, judges, and officers, or by the visitor appointed by you; and in this said church he shall place an image of Our Lady and a bell with which to call the Indians to prayer; and the person who has them in encomienda shall be obliged to have them called by the bell at nightfall and go with them to the said church, and have them cross themselves and bless themselves, and together recite the Ave Maria, the Pater Noster, the Credo, and the Salve Regina, in such wise that all of them shall hear the said person, and the said person hear them, so that he may know who is performing well and who ill, and correct the one who is wrong; and since the period we command to be allowed them for rest before nightfall is principally for the purpose of having them rested at the hour of evening prayer, in case any Indian should fail to come to the said church at the said time, we command that on the day following he shall not be allowed to rest during the said period; but he shall still be urged to go to prayers the next night; and we also command that each morning, before they go to work, they shall be obliged to go to the said church and pray as they do in the evening; but they shall not be obliged on that account to rise earlier than is customary, that is, at full daylight.

## **IV**

Also, in order to discover how each one is progressing in things of the Faith, we command that every two weeks the said person who has them in charge shall examine them to see what each one knows particularly and to teach them what they do not know; and he shall also teach them the Ten Commandments and the Seven Deadly Sins and the

Articles of the Faith, that is, to those he thinks have the capacity and ability to learn them; but all this shall be done with great love and gentleness; and the person who fails to obey this shall incur a penalty of six gold pesos, two of which shall be for our treasury, two for his accuser, and two for the judge who sentences him and executes the sentence; and I command that the penalty shall be executed at once upon the persons of those who incur it.

#### **V**

Also, because I have been informed that the Spaniards and Indians who live on the estates go for a long time without hearing Mass, and since it is right that they should hear it, at least on feast days and Sundays, and since it is impossible for each estate to maintain a priest to say Mass, we order and command that where four or five estates, more or less, are within distance of a league, on that estate which is nearest the others a church shall be built, and in this church an image of Our Lady and a bell shall be placed, so that every Sunday and obligatory feast day they may come there to pray and hear Mass, and also to hear the good advice that the priests who say Mass shall give them; and the priests who say Mass shall teach them the Commandments and the Articles of the Faith, and the other things of the Christian doctrine.

Therefore, in order that they be instructed in the things of the Faith and become accustomed to pray and hear Mass, we command that the Spaniards who are on the estates with the said Indians and have charge of them shall be obliged to bring them all together to the said church in the morning and remain with them until after Mass is said; and after Mass they shall bring them back to the estates and give them their pots of cooked meat, in such wise that they eat on that day better than on any other day of the week, and, although the priest who says Mass will sometimes be absent, nevertheless they shall bring them even so to the church to pray and receive good advice. If, however, the other estates are in places where the Indians can easily come to hear Mass, the said citizens shall be obliged to bring them thither, on pain that any person who has charge of the said Indians and fails to bring them [to Mass] shall incur a penalty of ten gold pesos: six pesos as prescribed in the preceding article, and of the four remaining, two shall be for the erection of the said church and two for the priest who teaches the Indians.

#### **VI**

Also, since it is our will that the best means be sought to persuade the Indians to accept the things of our Holy Catholic Faith, and since if they should have to travel more than a league to hear Mass on Sundays and feast days it would be a grave hardship for them, we order and command that, if beyond the aforesaid league where we command the said church to be built there should be other estates, even though they should be in the same district, a church shall be erected there in the aforesaid manner.

#### **VII**

Also, we order and command the prelates and priests who, now and in the future, collect the tithes from the estates where the said Indians are, to maintain priests continually in the said churches of the said estates, to say Masses on Sundays and obligatory feast days; and [we order and command] also that the said priests shall have charge of confessing those who know how to confess, and of teaching those who do not. Thus Our Lord will be served, and, if the contrary is done, He has been and will be disserved.

#### **VIII**

Also, we order and command that at the mines where there are a sufficient number of Indians churches shall be built, in convenient places approved by you, our said Admiral, judges, and officers, or by the person selected by you, so that all the Indians who are at the mines may hear Mass on the said feast days; and we command the settlers and Spaniards who bring the said Indians to extract gold, to observe with them the same procedure that is followed on the estates, as prescribed above, under the same penalties applied in the same manner.

#### **IX**

Also, we order and command that whoever has fifty Indians or more in encomienda shall be obliged to have a boy (the one he considers most able) taught to read and write, and the things of our Faith, so that he may later teach the said Indians, because the Indians will more readily accept what he says than what the Spaniards and settlers tell them; and if the said person has a hundred Indians or more he shall have two boys taught as prescribed; and if the person who has Indians does not have them taught as ordered, we command that the visitor who in our name has charge shall have them taught at the cost of such person. And because the King, my Lord and Father, and I have been informed that several persons are employing Indian boys as pages, we order and command that the person who does so shall be obliged to teach them to read and write, and all the other things that have been prescribed above; and if he fails to do so the boys shall be taken from him and given to another, because the principal aim and desire of the said King, my Lord and Father, and mine, is that in the said parts and in each one of them our Holy Catholic Faith shall be planted and deeply rooted, so that the souls of the said Indians may be saved.

#### **X**

Also, we order and command that each and every time an Indian falls sick in a place where there is a priest, the priest shall be obliged to go to him and recite the Credo and other profitable things of our Holy Catholic Faith, and, if the Indian should know how to confess, he shall confess him, without charging him any fee for it; and because there are some Indians who already understand the things of our Holy Faith, we command that the said priests shall be obliged to have them confess once a year, and also that they shall go with a Cross to the Indians who die and shall bury them, without charging any fee for it or for the confession; and if the said Indians die on the estates we command that the Christian settlers there shall bury them in the churches of the said estates; and if they die in other places where there are no churches they shall be buried where it seems best, on pain that he who has Indians in his charge and fails to bury them or have them buried, shall pay four gold pesos, which shall be applied and distributed in the following manner: one for our treasury, one for his accuser, one for the judge who sentences him, and one for the priest at the estate or village where the said Indians are buried.

#### **XI**

Also, we order and command that no person having Indians in encomienda, or any other person, shall use Indians as carriers for transporting supplies to Indians at the mines, but that when the latter are removed from one place to another they shall carry their own effects and provisions, because we have been informed that there are no beasts of burden there; and the aforesaid is to be observed and obeyed, on pain that the person who employs the said Indians as carriers against the tenor and form of this article shall pay, for each offense, two gold pesos, which shall be for the hospital of the village where the

said settler lives; and if the burden which he thus puts on the Indians is of foodstuffs, he shall lose it also and it shall go to the said hospital.

## **XII**

Also, we order and command that all the Spanish inhabitants and settlers who have Indians in encomienda shall be obliged to have all infants baptized within a week of their birth, or before, if it is necessary; and if there is no priest to do so, the person who has charge of the said estate shall be obliged to baptize them, according to the custom in such emergencies, on pain that he who fails to obey this article shall incur, for each offense, the penalty of three gold pesos, which we command shall be for the church where the said infants are baptized.

## **XIII**

Also, we order and command that, after the Indians have been brought to the estates, all the founding [of gold] that henceforth is done on the said Island shall be done in the manner prescribed below: that is, the said persons who have Indians in encomienda shall extract gold with them for five months in the year and, at the end of these five months, the said Indians shall rest forty days, and the day they cease their labor of extracting gold shall be noted on a certificate, which shall be given to the miners who go to the mines; and upon the day thus designated all the Indians shall be released in the district where the founding is to be done, so that all the Indians of each district shall go to their houses on the same day to rest during the said forty days; and in all the said forty days no one shall employ any Indians in extracting gold, unless it is a slave, on pain that for every Indian that any person brings to the mines in the said period of forty days he shall pay half a gold peso, applied in the aforesaid manner; and we command that in the said forty days you, the said officers, shall be obliged to finish the founding. And we command that the Indians who thus leave the mines shall not, during the said forty days, be ordered to do anything whatever, save to plant the hillocks necessary for their subsistence that season; and the persons who have the said Indians in encomienda shall be obliged, during these forty days of rest, to indoctrinate them in the things of our Faith more than on the other days, because they will have the opportunity and means to do so.

## **XIV**

Also, since we have been informed that if the Indians are not allowed to perform their customary dances [*areytos*] they will receive great harm, we order and command that they shall not be prevented from performing their dances on Sundays and feast days, and also on work days, if they do not on that account neglect their usual work stint.

## **XV**

Also, since the most important consideration for the good treatment and increase of the Indians is their subsistence, we order and command that all persons who have Indians shall be obliged to maintain those who are on their estates and there to keep continually a sufficiency of bread and yams and peppers, and, at least on Sundays and feast days, to give them dishes of cooked meat, as is prescribed in the article that says that on feast days when they go to Mass they shall be given better pots of meat than on other days; and on the days when meat is to be given to the Indians of the said estates it shall be given them in the same manner as is prescribed for the Indians at the mines; that is, they shall be given bread and peppers and a pound of meat a day, and on feast days fish or sardines or other things for their subsistence; and those who are on the estates shall be allowed to go to their lodges to eat, on pain that the person who has the said Indians and does not fulfill

all the aforesaid contained in this article shall incur for each offense the penalty of two gold pesos, which shall be distributed as prescribed above; and if he should be fined three times and still fail to correct himself, at the fourth conviction the Indians he has in encomienda shall be taken from him and given to another.

#### **XVI**

Also, we order and command that, among the other things of our Faith that shall be taught to the Indians, they shall be made to understand that they may not have more than one wife at a time, nor may they abandon her; and if the persons who have them in encomienda see that they have sufficient discretion and knowledge to undertake matrimony and govern their households, they shall procure their lawful marriage, as our Holy Mother Church commands, with the wife of their choice; and we especially command that the chiefs be made to understand that they may not take wives related to them, and we command that the visitors shall be responsible for their understanding this, repeating it to them very frequently and telling them, or having them told, all the reasons for their so doing, and how by this action they will save their souls.

#### **XVII**

Also, we order and command that now and in the future all the sons of chiefs of the said Island, of the age of thirteen or under, shall be given to the friars of the Order of St. Francis who may reside on the said Island, as the King my Lord has commanded in one of his decrees, so that the said friars may teach them to read and write, and all the other things of our Holy Catholic Faith; and they shall keep them for four years and then return them to the persons who have them in encomienda, so that these sons of chiefs may teach the said Indians, for the Indians will accept it more readily from them; and if the said chiefs should have two sons they shall give one to the said friars, and the other we command shall be the one who is to be taught by the person who has him in encomienda.

#### **XVIII**

Also, we order and command that no pregnant woman, after the fourth month, shall be sent to the mines, or made to plant hillocks, but shall be kept on the estates and utilized in household tasks, such as making bread, cooking, and weeding; and after she bears her child she shall nurse it until it is three years old, and in all this time she shall not be sent to the mines, or made to plant hillocks, or used in anything else that will harm the infant, on pain that the person who has Indians in encomienda and fails to obey this shall, for the first offense, incur the penalty of six gold pesos, distributed as prescribed above, and for the second offense the woman and her infant shall be taken from him, and for the third, the woman and her husband and six other Indians.

#### **XIX**

Also, we order and command that all those on the said Island who have Indians in encomienda, now or in the future, shall be obliged to give to each of them a hammock in which to sleep continually; and they shall not allow them to sleep on the ground, as hitherto they have been doing; and they shall give them this hammock within the twelve months immediately following their receiving the said Indians in encomienda. And we command our visitors carefully to observe whether each Indian has the said hammock, and to urge the said persons who have them in encomienda, if they have not already supplied hammocks, to do so within the said following twelve months, [on pain that the person who fails to obey the aforesaid shall incur the penalty of . . . pesos], and this

penalty we command you, our said Admiral and judges, to execute on the person who incurs it.

And since it is said that when anything is given to an Indian he immediately wishes to exchange it for something else, we command that the said Indians be admonished by the visitors that they are not to exchange the said hammocks for other things, and if they do exchange them, we command the said visitors to punish the Indians who do so and to void the exchanges they have made.

## **XX**

Also, we order and command that, in order that henceforth the Indians may have wherewith the better to clothe and adorn themselves, the person who has them in encomienda shall give to each of them a gold peso every year, which he shall be obliged to give them in wearing apparel, in the sight of and with the consent of our visitor, and this gold peso shall be understood to be in addition to the said hammock that we commanded above to be given to each of them. And since it is just that the said chiefs and their wives should be better dressed and better treated than the other Indians, we command that one real be deducted from the gold peso to be paid to the latter, and that with this said real the said visitor shall have clothing purchased for the said chiefs and their wives; and we command you, our said Admiral, judges, and officers, to have special care to see that this article is observed, obeyed, and fulfilled.

## **XXI**

Also, in order that each one may employ only the Indians he has in encomienda, and that no one may employ those belonging to another, we order and command that no person or persons shall employ an Indian belonging to another, or receive him in his house or estate or mine, or anywhere; but if an Indian should be traveling from one place to another, we permit him to be detained for one night on an estate, provided that immediately on the following morning he is sent forth to go and serve his master; and we command that the person who fails to obey this, and detains an Indian not given to him in encomienda, shall incur the penalty of the loss of one Indian of his own for every Indian of another he thus detains; and the said Indian shall be given to the accuser and the other returned to his master; and if the said person has no Indians he shall suffer the penalty, for the first offense, of six gold castellanos; for the second, twelve; and for the third the penalty shall be doubled again and distributed in the prescribed manner; and if he has no Indians or money the penalty shall be commuted to one hundred lashes.

## **XXII**

Also, we order and command that, in order that the chiefs may the more easily have people to serve them in their personal needs (provided that the Indians of the said chiefs are distributed among more than one person), if a chief has forty subjects two of them shall be given to him for his service; if he has seventy he shall be given three; if a hundred, four; from a hundred to a hundred and fifty, six; and from that point onward, even though he should have more subjects, he shall not be given more; and these said Indians who are to serve him shall be chosen by the said chief, provided they are man and wife and child; and we command that the said Indians shall be chosen from among those belonging to the person who has the largest share of the subjects of the said chief in encomienda. And we command that they [the said chiefs] shall be well treated and not forced to work save at light tasks, so that they may be occupied and not idle, thus



avoiding the difficulties that might arise from idleness. And we command our visitors to look carefully after the said chiefs and Indians, and to feed them well and teach them the things of our Holy Faith better than they teach the others, because [the said chiefs] will be able to indoctrinate the other Indians, who will accept it more readily from them.

### **XXIII**

Also, we order and command that all persons who have in encomienda Indians of the said Island of Española, as well as those brought from other islands, shall be obliged to give an accounting to the visitors, within ten days, of those who die and those who are born; and we command that the said visitors shall be obliged to keep a book in which to enter every person who has Indians in encomienda, and the Indians that each one has, with their names, so that those who are born may be entered, and those who die removed, and the visitor have continually a complete record of the increase or decrease of the said Indians, on pain of two pesos gold for each offense, levied against each of the said settlers who fails to do so; and this penalty shall be divided among the treasury and the accuser and the judge who sentences him; and the visitors shall be obliged to bring to each founding [i.e. smelting of gold] an account of all the aforesaid and give it to our [treasury] officers there, so that they may know how much the Indians have increased or decreased between one founding and the next, and they shall so inform us when they remit us the gold that falls to our share in the said founding.

### **XXIV**

Also, we order and command that no person or persons shall dare to beat any Indians with sticks, or whip him, or call him dog, or address him by any name other than his proper name alone; and if an Indian should deserve to be punished for something he has done, the said person having him in charge shall bring him to the visitor for punishment, on pain that the person who violates this article shall pay, for every time he beats or whips an Indian or Indians, five pesos gold; and if he should call an Indian dog, or address him by any name other than his own, he shall pay one gold peso, to be distributed in the manner stated.

### **XXV**

Also, since we have been informed that many persons having Indians in encomienda employ them in commerce or trade, thereby disserving us, we order and command that each person having Indians in encomienda shall be obliged to bring the third part of them to the mines to extract gold, or more than the third part if he so desires, on pain that if he fails to observe this he shall incur a penalty of three gold pesos for each Indian lacking in the said third part to be sent to the mines; but we permit the residents of La Sabana and Villanueva de Yaquimo to be excused from bringing Indians to the mines, because of their remoteness; but we command them to employ the said Indians in the manufacture of hammocks and cotton shirts, in raising pigs, and in other activities profitable to the community. And whereas I have learned that when the Indians are removed to the estates of the settlers it is necessary to employ some of them at once in the erection of lodges, and in other tasks that the settlers will indicate to them as required for their estates, and because of which they will not immediately be able to send the third part to the mines, I command you the said Admiral, judges, and officers, forthwith to fix for all this the period you think should be allowed, making it as brief as possible.

### **XXVI**

Also, we order and command that those who have Indians [in encomienda], but whose estates are so remote from the mines that they cannot supply provisions for the said Indians [being sent thither], shall combine their Indians with those of others who have estates in the vicinity, in order to supply provisions for the said Indians, one person supplying the provisions and the other the Indians, provided that the master of the Indians [being sent to the mines] sends along with them a miner who will see to it that they do not lack necessities; and the aforesaid shall not be done through a third party, or in any way other than that prescribed, under the penalty stated above.

#### **XXVII**

Also, since many Indians have been brought, and are daily being brought, from the neighboring islands, we order and command that these said Indians be indoctrinated in and taught the things of the Faith, in the form and manner that we have commanded to be observed with the other Indians of the said Island; also, that they shall be inspected by the said visitors, unless they are slaves, for these may be treated by their owner as he pleases; but we command that they shall not be treated with that rigor and harshness with which other slaves are customarily treated, but rather with much love and gentleness, in order the better to incline them to the things of our Faith.

#### **XXVIII**

Also, we order and command that each and every time any person vacates the Indians he has in encomienda, either by death or for some other reason for which he may deserve to lose them, the person to whom we grant the said estate in encomienda shall be obliged to purchase it from the one who has vacated the said Indians, or from his heirs, and it shall be appraised under oath by two persons who are acquainted with it, to be named by you, the said Admiral, judges, and officers; and the said owner shall be obliged to sell it at their appraisal, so that the said Indians do not have to change their residence, because the persons to whom they are given [in encomienda] must be residents of the community to which the said Indians were allotted.

#### **XXIX**

Also, we order and command that in each community of the said Island there shall be two visitors in charge of inspecting the whole community, together with its mines and estates, its shepherds and swineherds, and they shall ascertain how the Indians are being taught in the things of our Faith, and how their persons are being treated, and how they are being maintained, and how they or the persons who have them in charge are obeying and fulfilling these our ordinances, and all the other things that each of them is obliged to do; and we command them to have particular care in all this, and we charge their consciences with it.

#### **XXX**

Also, we order and command that the said visitors shall be selected and named by you, the said Admiral, judges, and officers, in the form and manner you think best, provided they are selected from among the oldest inhabitants of the communities in which they are to serve; and we command that they shall be given and assigned some Indians in encomienda, in addition to those given them for their responsibility and work in the use and exercise of the said office; and these Indians shall be chosen by you, the said Admiral, judges, and officers; and it is our will that if the said visitors should become negligent in enforcing the said ordinances, or if any of them fail to carry out the

aforesaid, especially in the matter of subsistence and hammocks, their own Indians that they have in encomienda shall on that account be removed from them.

**XXXI**

Also, we order and command that the said visitors shall be obliged twice a year to inspect all the places where there are Indians of their charge, once at the beginning of the year, and again at the middle; and we command that one of them alone shall not make the inspection both times, but each one once, so that each may know what the other is doing and so that everything may be done with the necessary care and diligence.

**XXXII**

Also, we order and command that no visitor shall bring to his house or estate any lost or runaway Indians he finds in the estates or elsewhere, but that immediately upon finding them he shall deposit them with a person of good conscience whom he shall select; but first he shall endeavor to discover who their master is, and when he has done so he shall deliver the Indians to him at once; otherwise, they shall be deposited as prescribed until the said master is found, on pain that the visitor who is discovered with an Indian in his possession or in his house shall lose an Indian of his own, to be given to his accuser, and the said runaway Indian taken by the visitor shall be restored to his master.

**XXXIII**

Also, we order and command that the said visitors shall be obliged to have and keep in their possession a copy of these our ordinances, signed by the said Admiral, judges, and officers, together with the instructions that we command you, the said Admiral, judges and officers, to give them, by which they may the better know what they must do, observe, and obey; and upon the visitor who fails to obey, the aforesaid penalties shall be executed.

**XXXIV**

Also, we order and command that you, the said Admiral, judges, and officers, shall inquire once every two years into the way in which the said visitors are fulfilling their duties, and you shall have their residencias [appraisals of performance in office] taken, in which it shall be ascertained how they have enforced these ordinances, each according to his obligation. And we command that the said visitors shall be obliged, at the time of their residencias, to give you, the said Admiral, judges, and officers, a very complete accounting of all the Indians and their number, each reporting for the place in his charge, and how many have been born and how many have died in those two years, so that the said Admiral, judges, and officers may send us an accounting of it all, which shall be signed by you and the visitors, to the end that I may be well informed of everything.

**XXXV**

Also, we order and command that no inhabitant or resident of the said communities of the said Island of Española, or of any other island, shall have in encomienda, by grant or otherwise, more than a hundred and fifty Indians, or fewer than forty.

Therefore, I command you, our said Admirai, judges, and officers, and each and every one of you, present and future, and all other persons whatsoever to whom the contents of these ordinances may apply, to consider the ordinances incorporated above and those others mentioned, and to observe and obey them, and to have them observed and obeyed and executed completely, each according to its contents; and you shall execute and cause to be executed the penalties upon such as incur them; and also, you shall observe and obey the said ordinances yourselves, according to the manner and form prescribed

therein, under the penalties stated. Moreover, in case of disobedience, you shall incur the loss of the Indians you have in encomienda, and they shall be considered vacated, so that we may assign them to whomsoever we please; and you shall not act counter to their tenor and form, nor shall you permit them to be violated at any time or in any way. And if, in order to fulfill and execute the aforesaid, you should have need of favor and aid, I hereby command all town councils, justices, regidores, knights, squires, officers, and citizens of the said Island of Española to render you such favor and aid as you shall demand of them, under whatever penalties that you in our name shall impose, which by these presents I impose and consider imposed; and I hereby give you authority to execute them upon all those who fail to obey you.

Also, so that this my letter may be brought to the attention of all, and that none may plead ignorance of it, I command that it be read in the squares and markets and other customary places of the said Island of Española by the public crier, in the presence of a notary and witnesses, none of whom shall disobey it in any way, on pain of my displeasure and 50,000 maravedís for my treasury [272 maravedís = 1 peso = 1 ounce of silver], to be levied against each offender. Moreover, I command him who shows them this my letter to cite them to appear before me at my court, wherever I may be, within one hundred days of the time they are cited, under the said penalty; and, also under the same penalty, I command any notary who should be called upon to do so, to give testimony thereof signed with his rubric, so that I may know how my command is being observed.

Done in this City of Burgos, December 27, 1512.

I, THE KING

I, LOPE CONCHILLOS, Secretary to the Queen, our Mistress

THE BISHOP OF PALENCIA-Count [of Pernia]

### **Amendments**

Doña Juana, by the Grace of God Queen of Castile, León, Granada, Toledo, Galicia, Sevilla, Córdoba, Murcia, Jaén, the Algarbes, Algeciras, Gibraltar, the Canary Islands, and the Indies, Islands, and Mainland of the Ocean Sea; Princess of Aragón, the Two Sicilies, and Jerusalem; Archduchess of Austria; Duchess of Austria, Burgundy, and Brabant; Countess of Flanders and Tyrol; Lady of Biscay, Molina, etc.

To you, the Alcalde Mayor and constables of the Island of San Juan, which is in the Indies of the Ocean Sea, and to our officers of the said Island, and to all other justices and officers of it whatsoever, present and future, and to the town councils, justices, regidores, knights, squires, officers and citizens of the said Island, its town and villages, and to any other persons whatsoever to whom what is contained in this my letter may apply in any way, and to each every one of the:

Know, that the King, my Lord and Father, and I, seeing how necessary it was for the service of God Our Lord, and ours, and for the salvation of souls and the increase and good treatment of the Indians of the said Island, as well as for its citizens, consulted prelates and religious and certain members of our Council, which we convened for the purpose, after which we commanded that certain ordinances be drawn up by which the said Indians were to be indoctrinated and taught and brought to the knowledge of our

Holy Catholic Faith, and by which the said Indians were to be well treated and reduced to settlements, as is explained at greater length in the said ordinances.

Thereupon the King, my Lord and Father, and I were informed that, although the said ordinances were very useful, profitable, and necessary, as well as fitting, it was said that some of them had need of further elucidation and modification. Therefore, since it has always been our intent, desire, and will, to have greater regard for the salvation of souls and the indoctrination and good treatment of the said Indians than for any other consideration, we commanded several prelates and religious of the Order of St. Dominic, and several members of our Council, and preachers and learned men of good life and conscience, very prudent and zealous in the service of our Lord, to consider the said ordinances and amend them, add to them or reduce them, and modify them as might be necessary. Therefore, having considered the said ordinances and listened to the religious who have knowledge of the affairs of the said Island and the conditions and habits of the said Indians, they, together with other prelates and members of our Council, amended and modified the said ordinances as follows.

### **I**

First, we order and command that Indian women married to Indian men who have been given in encomienda shall not be forced to go and come and serve with their husbands, at the mines or elsewhere, unless it is by their own free will, or unless their husbands wish to take them; but the said wives shall be obliged to work on their own land or on that of their husbands, or on the lands of the Spaniards, who shall pay them the wages agreed upon with them or with the husbands; but if the said wives should be pregnant we command that the ordinances we issued covering this situation be observed, on pain that he who does the contrary shall, besides suffering the penalty prescribed in the said ordinance, lose the Indian woman whom he thus forces to work, as well as her husband and children, who shall be given in encomienda to others.

### **II**

Also we order and command that Indian children under fourteen years of age shall not be compelled to work at [adults'] tasks until they have attained the said age or more; but they shall be compelled to work at, and serve in, tasks proper to children, such as weeding the fields and the like, on their parents' estates (if they have parents); and those above the age of fourteen shall be under the authority of their parents until they are of age and married. Those who have neither father nor mother, we command shall be given in encomienda by the person who has our authority to do so, and he shall give them in charge to persons of good conscience who shall see that they are taught and indoctrinated in the things of our Holy Faith, and employ them on their estates in tasks set by our appellate judges, in which they can work without endangering their health, provided that they [the encomenderos] feed them and pay them their proper wages at the rate fixed by our said judges, and provided that they [the encomenderos] do not prevent their attendance at Christian doctrine at the appointed time. And if any of the said boys should wish to learn a trade, they may freely do so, and they may not be compelled to serve in, or work at, anything else while they are learning the said trade.

### **III**

Also, we order and command that unmarried Indian women who are under the authority of their parents, mothers or fathers, shall work with them on their lands, or on the lands of

others by agreement with their parents; and those not under the authority of their fathers and mothers shall, to prevent their becoming vagabonds and bad women, and to keep them from vice and teach them the [Christian] doctrine, be constrained to be with the other women and work on their estates, if they have such; otherwise, they shall work on the estates of the Indians and others, who shall pay them their wages at the rate they pay the others who work for them.

#### **IV**

Also, we order and command that within two years [of publication of this ordinance] the men and women shall go about clad.

And whereas it may so happen that in the course of time, what with their indoctrination and association with Christians, the Indians will become so apt and ready to become Christians, and so civilized and educated, that they will be capable of governing themselves and leading the kind of life that the said Christians lead there, we declare and command and say that it is our will that those Indians who thus become competent to live by themselves, under the direction and control of our said judges of the said Island, present or future, shall be allowed to live by themselves and shall be obliged to serve [only] in those things in which our vassals in Spain are accustomed to serve, so that they may serve and pay the tribute which they [our vassals] are accustomed to pay to their princes.

[Then follows a long and detailed injunction to the Admiral and all lesser officials in the Indies to obey and enforce the Laws of 1512 and the amendments.]

Given in the City of Valladolid, July 28, 1513.

I, THE KING

I, LOPE CONCHILLOS, Secretary to our Mistress, the Queen, caused this to be inscribed, by Order of the King her Father registered:

LICENTIATUS JIMENEZ.

THE BISHOP OF PALENCIA --

Count [of Pernia]

CASTANEDA, Chancellor.