

**THE VICEROY OF NEW
SPAIN, VOL. I,
NO.II, MARCH 11,
1913, PP.100-293**

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The viceroy of New Spain, Vol. I, No.II, March 11, 1913, pp.100-293 by Donald E. Smith

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DONALD E. SMITH

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THE VICEROY OF NEW SPAIN

BY
DONALD E. SMITH

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Vol. 1

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BY

DONALD E. SMITH, Ph.D.

*Assistant Professor of History and Geography in the
University of California*

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age of the early conquerors and explorers, after the fashion of Irving and Prescott, or a concentration of interest on the wrongs of the native races, as with Las Casas and Sir Arthur Helps, or even an exclusively economic point of view, such as was so brilliantly held by Alexander von Humboldt. That which is of present urgency is a clear understanding of the general administrative system of the Spaniard in his dominions overseas. At the very outset, any such endeavor to understand what the Spanish colonial government really was, is confronted by the necessity of finding out and stating unambiguously the duties of the viceroy, how they were performed, and what were their historical consequences. One could scarcely devise a more instructive study in comparative institutions than that presented by the somewhat parallel development of the English rule in India and the Spanish rule in America, the whole centering in the office of the viceroy; but our interests are for the present restricted to the narrower view of the viceroy as a colonial officer in New Spain, and only an occasional comparison between him and similar officials of other European colonizing nations can be made.

The reasons for restricting this thesis to a consideration of the viceroy of New Spain in the eighteenth century are fourfold. In the first place, the viceregal office attained to its fullest development in Mexico, or New Spain, rather than in Peru, under the special guidance of the greatest of Spain's experts in colonial affairs, José de Gálvez, Minister General of the Indies (*Ministro Universal de Indias*). In the second place, in the eighteenth century, notably during the last thirty years of it, New Spain shared in those far-reaching reforms of the enlightened despot, Charles III,² which makes its history during that reforming epoch peculiarly important. The transformation which the Spanish colonial system underwent at this time can be studied to best advantage, as far as America is concerned, in the history of the viceroyalty of

² In many ways the clearest statement, in a small compass, of the scope and meaning of the reforms of Charles III in Spain is to be found in the little Stanhope essay, by Joseph Addison. The larger Spanish general histories of this reign, such as the one by Danvila y Collado, and the older work of Ferrer del Río, are very weak on matters relating to America and to the colonies.

Mexico. In the third place, this period, the last third of the eighteenth century, was not only a reforming epoch, when Spain was again one of the great powers of Europe, but it was also the time in Spanish American history which may be called the eve of the war of independence. It is therefore the period when there can be studied to the best advantage those political and social forces which eventually lost for Spain the most splendid colonial empire known at that time, as a consequence of which this era is attractive to the historical student as a period of preparation for the subsequent secession of Spanish America. In the fourth place, as a final reason and one sufficient in itself, the historical materials available on the Pacific Coast, and particularly in the collection belonging to the University of California, are of more value for the great viceroyalty, of which the Pacific Coast was a part, than for the more distant ones of South America. From the point of view of time, also, the documents in the Bancroft Library are much more significant for the eighteenth century than for any other period.

The first question which presents itself in regard to the viceroy of New Spain, let us say in the year 1770, before the new reforms had been inaugurated, is, What was his position in the general scheme of the government of the viceroyalty, and what were his duties with reference, on the one hand, to his superiors in Spain, and on the other, to his subordinates in the dominions over which he was expected to rule?² Any answer to this question must begin with the statement that the viceroy was supposed, as the derivation of his title indicates, to be in the place of the king, to be the king's *alter ego*, to have all the powers and prerogatives which the king would have were he there in person, but subject, of course, to those checks and restrictions on his absolute power which the king had seen fit to throw about him. As was to be expected, these limitations on the exercise by the viceroy

² The best existing account of Spanish institutions as they were in the latter half of the eighteenth century is given by Desdévices du Désert, referred to in the appended bibliographical note. What is said there about the viceroy in Spain, and incidentally in the colonies, is by no means exhaustive, but makes a clear and accurate introduction to the subject. Such a book as the *Historia de Legislación Española*, by Antequera, is satisfactory as far as it goes, but it is too brief.

roy of plenary royal authority were very considerable and varied at different times, but there was left, even at this time of the greatest abasement of the viceregal government, a residuum of powers which made their possessor a real potentate. The viceroy of New Spain was the highest colonial official in all the territory from the Isthmus of Panama on the south, northward to and including New Mexico, Texas and California, and embracing those lands between Louisiana and the Pacific Ocean which now constitute the southwestern portion of the United States. The Spanish islands of the West Indies, the two Floridas, and from 1762 to 1800 Louisiana, together with the region which we call Central America, organized by the Spaniards as the Captaincy-General of Guatemala, were all within the sphere of influence of the viceroy without being directly subordinate to him.⁴ In times of war these neighboring provinces looked to Mexico for military and financial aid, but in ordinary matters of internal and peaceful administration they were practically independent.

The viceroyalty of New Spain proper, therefore, may be said to have extended from Guatemala to Louisiana and Oregon. Over this vast but not very accurately defined territory the viceroy exercised a threefold authority. Just what this authority was and just how it was exercised, the secondary historians have never made clear, but a careful reading of our primary sources makes it possible so to state it that it is intelligible to even our American modes of thought. There is almost never discernible in the duties of a Spanish high official in the colonies that distinction between civil and military, or between executive and judicial functions which are so fundamental with us. This general statement is made at the beginning in order to anticipate those confusions and contradictions which are inevitably encountered by the student who is accustomed only to English in-

⁴ The discussion of the very complicated question of the official relation of the viceroy to the neighboring captains-general is taken up very briefly in a later chapter, as is also the equally perplexing question of territorial divisions. The complicated arrangement regarding the Provincias Internas and the relation of this new territorial circumscription to the rest of the viceroyalty, together with the whole matter of the twelve new intendancies, will be taken up with the other reforms of Gálvez.

stitutions. Taking the viceroy's great variety of functions and separating out and classifying together those that would seem to lend themselves to any sort of classification under familiar terms, a result something like the following is reached:

1. The great variety of duties which are by us commonly termed civil were exercised by the viceroy in his capacity of *gobernador*, or governor. But, as the reader has just been warned, no very fine distinctions between the civil, the military, and the ecclesiastical were observed by the legislators for New Spain, and an endless variety of duties which an American would call civil were performed by the viceroys in other capacities than as governors. However, as chief in a general way of the civil administration, it cannot be a matter of surprise to find the *gobernador* held accountable for the collection of taxes of all kinds, whether for local purposes or for the satisfaction of the rights (*derechos*) of the king of Spain. Naturally, it made no difference from what sources these taxes were derived, whether upon real or personal property, or incomes, or movable goods. Included in the above were the duties of all sorts levied on commerce, exterior and interior, and the tribute or capitation tax paid by both whites and civilized Indians. Under this heading also came the administration of the numerous mines, with its own special code of laws.⁵ With the responsibility for collecting the revenues there went a responsibility for their expenditure, and this covered disbursements of all kinds, whether for local or imperial purposes, such as the subsidies to the mother country and the neighboring colonies, the appropriations for the military and civil service, and the carrying out of public improvements. This appropriation of money for public improvements meant nothing less than the entire direction of the building and maintenance of all public works, from roads, bridges, fortifications, and drainage canals, to the creation of new town sites, public markets,

⁵ For everything relating to the revenue system, recourse should be had in the first instance to vol. iii, chap. 28, of Bancroft's *History of Mexico*, and in the second, for detailed information, to the *Historia General de Real Hacienda*, by Fonseca and Urrutia. The most interesting code of mining laws, known as the *Reales Ordenanzas de la Minería*, contains a complete digest of the laws relating to mines and mining.