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# The Mesta in New Spain, 1537-1600

Keith Algier

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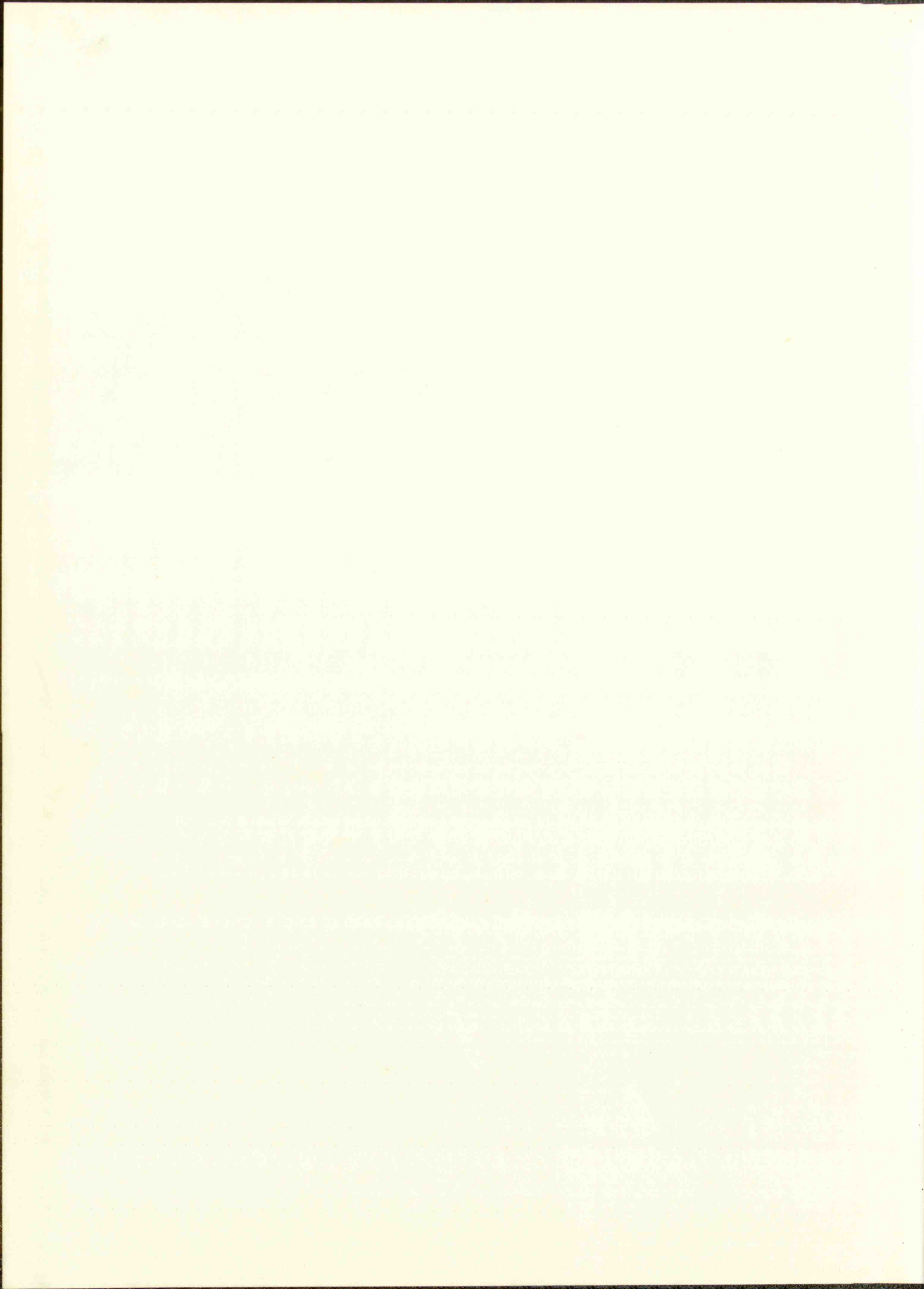
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THE MESTA IN NEW SPAIN

1537-1600

By

Keith Algier

A Thesis

Submitted in Partial Fulfillment of the

Requirements for the Degree of

Master of Arts in History

The University of New Mexico

1963

1911-1912



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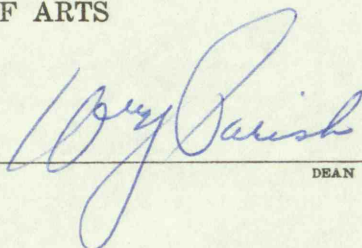
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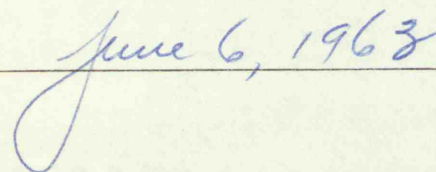
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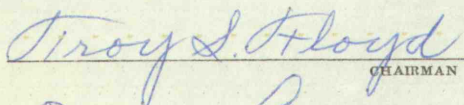
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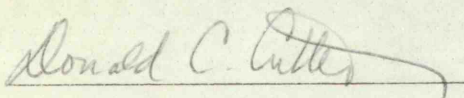
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## INTRODUCTION

One of man's most consistent patterns of behavior is the tendency to associate himself with other individuals who have common interests or needs. Some associations are formed to provide protection for the individual, others are organized for the purposes of worship, and still others take more frivolous forms. Many associations in our own society are designed to promote the economic self-interest of their numbers, and it is with an institution of this type that this study is concerned.

The monarchs of medieval Castile organized and actively encouraged the development of an organization called the Mesta, a body which represented the economically important sheep industry. This action was taken in part to foster the growth of the wool export trade upon which Castile so heavily depended during the Middle Ages. Perhaps an even greater spur for royal patronage was the pressing need by the crown for a counterpoise to be used against certain elements in the country which had managed to subvert royal authority during the centuries of conflict with the Moslems. In any event, the Mesta did become extremely rich and powerful, and it was used as an effective instrument of royal consolidation of power during the latter part of the fifteenth

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century and the early part of the sixteenth.

After the discovery and conquest of New Spain, the early colonists rapidly developed their own livestock industry, and historians have been aware for many years that an organization similar to the Castilian Mesta was introduced into the newly colonized area. The exact nature of the institution and its relation to the parent organization has never been adequately studied, however, and it is the purpose of this paper to trace the development of the Mesta in New Spain during the sixteenth century and attempt to relate it to the Mesta as it existed in Castile at the time of the conquest.

Most Castilian institutions experienced some degree of transformation upon being introduced into the colonies. Some became more vigorous while others were simply not adaptable to conditions encountered in the New World. As a result, many enjoyed a pre-eminence never envisioned for them in Castile while others atrophied and withered away in the new environment. The prime motivation for undertaking an investigation of the Mesta in New Spain was to determine what effect, if any, the environment of New Spain had on the formation of the institution and its evolution during the course of the sixteenth century.

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Dissertations by Kate L. Turabian was used as a guide in

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A Manual for the Study of the History of Spain, 1492-1517

Dissemination of the History of Spain, 1492-1517

matters of form and style. In the case of Spanish language sources, Spanish rules for the capitalization of titles of books and periodicals in the text, as well as in the footnotes and bibliography, were followed. Explanatory footnotes were used only when it was awkward to incorporate pertinent material into the text.

Primary sources were consulted when available and a heavy reliance was placed on the minutes of the Mexico City cabildo. As a result, the study is heavily weighted in favor of the Mexico City area, but since it was the most important city in the colony and the seat of viceregal authority, it was concluded that this approach was warranted. Unpublished materials from the Archivo General de la Nacion in Mexico City and from the Archivo Historico Nacional in Madrid which appear in the study were used through the courtesy of Dr. France V. Scholes.

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## CHAPTER I

### OLD WORLD BACKGROUND

The Mesta was an organization which evolved in Castile during the Middle Ages to deal with problems common to livestock raisers and to meet the threat to an important aspect of traditional pastoral practices posed by agricultural groups in the country. The growth of the institution was fostered by a monarchy eager to use it as a counterpoise to elements in Castile which had become too powerful to permit efficient, centralized government. The crown was also interested in the organization because it provided a convenient source of income. The reasons for the existence of the Mesta and the manner in which it developed can be best understood in terms of the industry it represented, and the following brief survey of Castile's livestock industry will provide a framework within which the organization can be evaluated.

The topography and climate of the Iberian peninsula are conducive to pastoral activities and militate against agricultural pursuits. The surface of the area is dominated by the relatively high and dry Meseta Central, an extensive topographic feature which is bordered on the north, east, and west by mountainous ranges and deep canyons. The plateau, which comprises well over one-half of the peninsula,



has insufficient rainfall to support large scale farming, and the northern part of the peninsula, although it receives adequate rainfall, is too mountainous to make it attractive to agricultural groups.

The turbulent political development of the area during the Middle Ages also rendered agricultural activity difficult. The centuries long struggle with the Moors created an unstable condition that lent itself much more readily to the mobile life of the semi-nomadic herder than to the sedentary existence of the farmer.

Medieval Spain, then, was basically a pastoral country. As in all areas subject to seasonal weather variations, annual migrations were a characteristic feature of the Castilian livestock industry. Transhumancy is known to have been widely practiced as early as the period of Visigothic domination,<sup>1</sup> and it seems reasonable to assume that even the earliest sheep raisers were forced to move their herds from place to place to meet the exigencies of nature.

The first hint of frost in the northern highlands set off a flurry of activity on the part of sheep owners in preparation for the slow march to the warm plains of southern Castile.<sup>2</sup> Animals were ceremoniously daubed with red earth

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<sup>1</sup>Julius Klein, The Mesta: A Study in Spanish Economic History, 1273-1836 (Cambridge: Harvard University Press, 1920), p. 7.

<sup>2</sup>Jean Hippolyte Mariéjol, The Spain of Ferdinand and Isabella, trans. Benjamin Keen (New Brunswick: Rutgers University Press, 1961), p. 219.

has insufficient rainfall in some parts of the country and the northern part of the country is particularly arid. The rainfall is also inadequate in some parts of the country. The rainfall is also inadequate in some parts of the country.

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to protect their precious wool from the elements, and owners applied a mark of some sort which would distinguish their animals from those of all others making the drive. Cows and swine to be used for milk and meat were rounded up, and equipment and foodstuffs that could not be obtained along the way were loaded on pack animals. All sheep of common ownership were gathered into a unit called a cabaña under the supervision of a mayoral, or chief herder, who divided the animals into rebaños of 1,000 each.<sup>1</sup> After last minute instructions were given to herders, the cabana slowly got under way in a cacaphony of bleating sheep accompanied by the whistles and shrill cries of the shepherds.

Many different trails were used during the period of the reconquista, but by 1500 three main routes had been established. León and Logroño were the departure points for the majority of the flocks, and both routes cut through the heart of the high plateau before they dropped off onto the plains of Andalusia and Estremadura. The third route originated at Cuenca, passed through La Mancha, and terminated in the vicinity of Murcia near the Mediterranean coast. Flocks setting out from León and Logroño travelled a distance of approximately 400 miles, while those traversing the shorter Cuenca route journeyed about half this distance.<sup>2</sup>

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<sup>1</sup>Klein, op. cit., p. 24.

<sup>2</sup>Ibid., p. 19.



The middle of April marked the inauguration of the return trip. Inasmuch as the animals had to be sheared at about this time, a series of shearing sheds were conveniently located along migration routes to accommodate the returning flock masters.<sup>1</sup> Sheep could, therefore, be clipped at almost any point along the return trip. By early June the flocks were again contentedly grazing in northern highland summer pastures.

Some of the country through which the migrants passed was under cultivation, and since sheep are notoriously voracious browsers, their passage through these areas had much the same effect that an invasion of locusts would have had. The intrusion of the migrants was naturally resented, and a bitter antagonism developed between pastoral interests and the agriculturists who lived along the migration routes. Farm owners repeatedly complained to the crown about livestock depredations to cultivated fields and to town commons. It did them little good, however, because the livestock industry enjoyed the patronage of almost every Castilian monarch who ruled during the Middle Ages.<sup>2</sup>

Friction was reduced to some extent by the appearance of the cañada. This device, a right-of-way reserved for the exclusive use of migratory flocks, theoretically not only protected farmers from the ravages of passing livestock but also ensured

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<sup>1</sup>Ibid., p. 29.

<sup>2</sup>Charles E. Chapman, A History of Spain (New York: The MacMillan Company, 1938), pp. 104-105.



the free passage of the migrants. Although the term *cañada* was generally applied to any route used by transhumantes, it legally referred to only those passageways adjoining cultivated areas.<sup>1</sup> Cañadas de hojas were temporary and ill-defined trails running across those portions of farms which were temporarily left fallow. This arrangement not only allowed access for the migrants but also operated to provide fertilization for the fields. In uncultivated areas the flocks followed any route that suited the fancy of the *mayoral*.<sup>2</sup>

Livestock were permitted to graze and water at any place on the public domain, and herders were allowed to cut trees as needed for firewood. The only constraint placed on the migrants was an obligation to compensate for damage to farm lands or to local communal pastures caused by their flocks. By one means or another, however, livestock owners generally managed to escape accountability.<sup>3</sup>

The clash of agricultural interests with migrant livestock men initially motivated municipalities to devise ways and means to bar sheep from their jurisdictional limits. Heavy fines were levied for damage to fields, and high tolls were exacted from migrant owners for every conceivable reason. Despite extreme punitive measures, sheep continued to come, and, in fact, increased as the livestock industry grew.

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<sup>1</sup>Klein, op. cit., p. 18.

<sup>2</sup>Ibid., p. 21.

<sup>3</sup>Mariejol, op. cit., p. 220.

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As a result, many towns began to see the migrants in a different light. They were viewed as an excellent source of possible income with which to supplement meagre municipal revenues rather than as a nuisance to be extirpated.

The montazgo was the levy most frequently imposed on migratory sheep owners by local officials.<sup>1</sup> This impost was originally a fee charged by the owners of wooded pasture lands for access privileges, but it eventually evolved into a fixed charge levied for permission to enter onto municipal lands. By the end of the thirteenth century, montazgo was a term applied to almost every levy made on migratory sheep.

Sheepmen were, by and large, allowed free access to royal montes<sup>2</sup> until the twelfth century when the crown started to press for payment of fees for this privilege. By this time, however, the crown had divested itself of the majority of lands of this type by grants to towns, monasteries, and nobles as rewards for services rendered during the reconquista. As a result, even after the government started to exercise this prerogative, it realized very little revenue therefrom.<sup>3</sup> The only other significant tax applied to migrant stock was the portazgo. This impost was an assessment which owners of migrant flocks were required to pay for the privilege of using royal roads and gates. The

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<sup>1</sup>Ibid., pp. 210-12.

<sup>2</sup>The term montes refers to rolling country with scattered trees.

<sup>3</sup>Klein, op. cit., p. 168.



crown, as lord of the realm, should have collected the portazgo, but the vicissitudes of the reconquista resulted in an alienation of this privilege, again in favor of towns, monasteries, and nobles.<sup>1</sup>

The increase in transhumancy made possible by the relative stability of a large portion of the peninsula in the thirteenth century prompted a clarification of the contradictory maze of taxes and exemptions. A code promulgated in 1253 at the instigation of sheep raisers in Santiago de Compostela limited the collection of the montazgo to one assessment in any one jurisdiction. The Code of Santiago de Compostela was not limited in application to flocks from that area but applied to all migratory flocks. In addition, the Partidas, a large body of general laws enacted over a period of time from 1256 through 1263, regulated the granting of privileges and exemptions. Efforts were made at this same time to codify the multitudinous local tolls.<sup>2</sup>

In characteristic fashion, the crown continued to grant taxation privileges and exemptions to various entities under the press of practical considerations at the same time that it was enacting legislation to remove the very same evils. The sovereign consequently often found himself in the position of having to make a decision on contradictory grants, and he usually found it politically expedient to assure the complaining party that the offending document

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<sup>1</sup>Ibid., pp. 164-65.

<sup>2</sup>Ibid., p. 179.



was invalid.<sup>1</sup> This did not clarify the situation but rather added fuel to the fire of antipathy already existing between the migratory flock owners and local interests.

Direct royal taxation of the sheep industry, other than the seldom collected montazgo and portazgo, was practically non-existent prior to 1270 when the servicio de ganado was imposed on all migratory livestock. The new tax was originally collected in the form of an extraordinary subsidy levied on sheep owners, but it was repeated year after year until it was eventually accepted as a normal tax levy.<sup>2</sup> By 1300 collection of the tax had been systemized by the establishment of at least one toll gate on each cañada. The impost was collected on all flocks as they made their way south, but they were not taxed on the return trip.

In 1343 the crown further centralized taxation power when it assumed the right to collect all montazgos. The servicio de ganado and the montazgo were placed under a single administrative body and combined under the name of servicio y montazgo. Several of the more powerful towns strenuously objected to loss of the montazgo, and in a few cases the right to collect the tax was restored.<sup>3</sup> Much of the income from the servicio y montazgo was pledged to the Order of Santiago to satisfy obligations previously con-

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<sup>1</sup>Ibid., pp. 171-73.

<sup>2</sup>Ibid., p. 261.

<sup>3</sup>Ibid., p. 263.



tracted to that order.<sup>1</sup>

Centralization of sheep industry taxation was merely one aspect of an over-all trend toward strong centralized government which evolved in Castile during the thirteenth and fourteenth centuries. During the reconquista the Castilian kings had found it necessary to grant a number of concessions inimical to the welfare of the crown in order to garner support for the prolonged warfare with the Moors. As the Moslems were gradually pushed southward, large tracts of land became available for settlement, and much of it was given to various ecclesiastical organizations and to loyal nobles.<sup>2</sup>

As stability was restored to the countryside, settlements were established, and the crown subsequently granted hundreds of townships to the new municipalities. As a result, towns had become a dominant factor in the political balance of Castile by the end of the thirteenth century and were being used by the crown to combat the increased power of church and nobility.<sup>3</sup> The revival of maritime trade that accompanied the Crusades brought cities in Castile, as elsewhere in Europe, additional influence and power, and the crown was forced to find a new force to counteract the municipalities.

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<sup>1</sup>Ibid., p. 263.

<sup>2</sup>Charles Petrie, The Spanish Royal House (London: Geoffrey Bles, 1958), p. 11.

<sup>3</sup>William C. Atkinson, A History of Spain and Portugal (Baltimore: Penguin Books, Inc., 1960), p. 63.



By the middle of the thirteenth century, wool had become the decisive element in Castile's exports, and the crown consequently fostered the growth of the sheep industry. In this way the central government not only increased its revenues but also gained an ally in its struggle to increase royal power. Cities, noble houses, and religious institutions found that the immunities and privileges which they had traditionally enjoyed were seriously curbed by the crown and the powerful sheep interests.<sup>1</sup>

A decrease in the power of the Castilian monarchy was reflected in a general alienation of royal sheep tolls during the fifteenth century. During the reign of Henry IV (1454-74), for example, extensive encroachments were made on royal control of taxation of the sheep industry, and when Isabella ascended the throne in 1474, the treasury was depleted. One of her first acts was to issue a series of decrees reserving to the crown the exclusive right to collect the servicio y montazgo. Other measures taken by Isabella included a systematization of toll gates to ensure honest and efficient collection of the tax. Sheep owners were protected by a provision limiting the collection of the impost to once a year and an order that removed all toll gates along the migration routes that did not collect the toll for the account of the royal treasury.<sup>2</sup>

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<sup>1</sup>Ramón Carande, Carlos V y sus banqueros: La vida económica de España en una fase de su hegemonía, 1516-1536 (Madrid: Revista Occidente, 1943), p. 53.

<sup>2</sup>Klein, op. cit., p. 270.



A new money raising device was introduced in 1518 when Charles I asked sheepmen for a loan of 3,500,000 maravedís--a sum equal to more than half the amount derived from the servicio y montazgo in that year. The loan was never repaid, and an additional 30,000,000 maravedís were obtained by the same method during the next thirty years.<sup>1</sup>

When Charles was made Holy Roman Emperor in 1519, the royal treasury was subjected to new stresses. Tax measures were vigorously enforced and new financial burdens were imposed on migrant sheep owners. The crown began to assert its ancient privilege, heretofore ignored, of collecting the proceeds from unclaimed strays, and it established new collection points for the servicio y montazgo. Livestock owners complained but their protests were ignored. In 1549 revenues from sheep taxes were twice the amount they had been in 1513 despite a slight drop in the number of migrant sheep during the same period.<sup>2</sup>

Discussion of the Castilian livestock industry has been limited to sheep up to this point because they constituted the most important element. There was, nonetheless, a well organized cattle industry flourishing in the Iberian Peninsula dating back many centuries prior to the discovery of the New World. Small dairy and beef herds were raised

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<sup>1</sup>Roger Bigelow Merriman, The Rise of the Spanish Empire in the Old World and in the New (4 Vols.; New York: The Macmillan Company, 1918-1943), II, 140.

<sup>2</sup>Klein, op. cit., p. 279.

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in the grassy valleys of the Meseta Central as an adjunct to manorial crop agriculture. There were also a number of small farms devoted exclusively to dairy and beef cows. In both instances, the cattle raised were of a docile, light colored strain admirably suited to dairy, draft, and beef purposes.<sup>1</sup>

Cattle enterprises more typical of those later found in New Spain evolved in Castile as a result of the frontier conditions produced by the centuries of warfare with the Moors. Life on the fluctuating battle line between Moslem and Christian was, as indicated previously, hardly conducive to sedentary occupations, and many farmers were forced to turn to the more mobile and less demanding business of raising livestock. As the Moors were pushed south out of the humid northern highlands and onto the semi-arid lands of the southern part of the meseta, it was found that cattle were comfortably adaptable to the newly occupied lands. Men who had spent the greater part of their adult lives engaged in the bitter but exciting sport of fighting the infidel found themselves infinitely more at home on the broad expanse of a cattle range than they did behind a plow.

The reconquista was also responsible for the evolution of a new breed of cattle in Castile. Loose herding methods were often practiced in areas subject to constant attack, and dairy and beef herds were often allowed to roam

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<sup>1</sup>Charles Julian Bishko, "The Peninsular Background of Latin American Cattle Ranching," Hispanic American Historical Review, XXXII (November, 1952), 494.



evolved after the reconquista was much larger than any of the early dairy ranches. Although there were many ranches which grazed less than 100 cattle, some ranchers had herds numbering 1,000 and more.<sup>1</sup> The wild nature of the animals called for extensive grazing areas, and this type of operation was probably the forerunner of the estancia as it developed in New Spain.

It is traditionally held that most practices associated with cattle raising in our own country originated in Mexico, but almost all important aspects of cattle ranch operations existed in Castile long before the first cow was turned out to graze in the pasture lands of New Spain. The use of extensive grazing lands led to the perfection of long distance grazing techniques which in turn called for the use of the horse. The roundup and subsequent branding of calves in the spring as well as the cutting-out of animals for sale in the fall were both well established Iberian practices. The problem of rustling was also present in Castile, and the charters of many towns called for penalties for cattle thefts and brand alterations.<sup>2</sup>

Even the colorful vaguero attire found its inspiration in the mother country. The typical broad-brimmed and low-crowned hat, bolero jacket, and tight fitting breeches were all traditionally part and parcel of Spanish ranch life.

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<sup>1</sup>Ibid., p. 501.

<sup>2</sup>Ibid., p. 508.



freely over the countryside. In time these animals cross-bred with the fierce Bos Taurus Ibericus which had roamed the peninsula in a wild state for centuries.<sup>1</sup> The result was a hardy and intractable animal unsuited for draft or dairy purposes but valuable for hides and beef. This strain was destined to become the progenitor of the longhorn cattle which later populated the semi-arid areas of Mexico and the United States.

A multiple pasturage system prevailed in most cattle raising districts. Many owners grazed their herds on extensive municipal pastures under the supervision of town officials. In other cases, royal pasture lands were given to towns, to nobles, and to ecclesiastical organizations who in turn often rented unutilized portions of their grants to cattle raisers.<sup>2</sup> There is evidence, however, that large individual operators were also able to obtain extensive ranges by usurpation, grant, or purchase. Ferdinand III, for example, made many grants to cattle men in Andalusia after the conquest of that area. As a result, the Guadalquivir Valley became the one area in Spain in which cattle were predominant over sheep.<sup>3</sup>

Cattle ranches in Spain did not compare in size with those later established in New Spain, but the type that

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<sup>1</sup>Ibid., p. 499.

<sup>2</sup>Ibid., pp. 511-12.

<sup>3</sup>Ibid.



Boots and spurs are also known to have been used by almost all horsemen in Spain. However, it has not been definitely established that the lariat was used.

There seems to have been a limited amount of migration practiced by cattle owners. Although most cattle drives involving herds from Andalusia merely meant a move from the lowlands to neighboring highland areas in the summertime, a number of ranchers from the southern portion of the Meseta Central moved their herds south into Andalusia for the winter. They used the same *cañadas* as did sheep owners and were subject to the same tolls and regulations.<sup>1</sup>

In the sixth century, sheep owners of certain Castilian towns began to hold meetings several times a year to redistribute stray stock, and this appears to have been the first organized attempt on the part of livestock owners to band together for the purpose of solving their common problems. Attendance was compulsory for the owners of both migratory and sedentary sheep bands, and municipal officials could, therefore, conveniently administer provisions in town charters relating to the livestock industry. By the end of the twelfth century, the jurisdiction of the larger cities often encompassed as many as seventy towns, and attendance at meetings often ran into the thousands. Voting on matters coming before the body was in most cases restricted to owners of fifty or more animals, but no distinction was made between

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<sup>1</sup>Ibid., p. 509.



the sexes. Women who met ownership qualifications had an equal vote with male members.<sup>1</sup>

Although the original purpose of the gatherings appears to have been to dispose of strays, other matters of common interest were eventually considered. The brands of each owner, for example, were recorded by local municipal officers, and cases involving branding infractions were adjudicated.<sup>2</sup> Town officials had jurisdiction over migratory flocks only when they were within municipal boundaries.

There were no codified regulations pertaining to migrations until the thirteenth century when, in 1273, Alfonso XI called all Castilian sheep owners to a meeting for the purpose of creating a national livestock raisers' association. The new body was known as the Mesta, and it was granted a charter which, among other things, defined and attempted to regulate migratory practices.<sup>3</sup> It is significant that over half of the provisions included in the charter dealt with tax assessment and collection.<sup>4</sup> The primary purpose of these measures seems to have been to restrict the taxation powers of the cities.

Other provisions included arrangements for three yearly meetings at which strays, or mesteños, could be returned to their rightful owners. Membership in the organi-

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<sup>1</sup>Klein, op. cit., pp. 9-10.

<sup>2</sup>Ibid., pp. 10-11.

<sup>3</sup>Ibid., p. 12.

<sup>4</sup>Ibid., p. 176.

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zation was automatic with the payment of *servicio y montazgo*, and since all migratory flock owners were subject to payment of the tax, Mesta membership was theoretically composed of all migrant flock owners. Dues were assessed on the basis of the number of sheep owned. Ordinary shepherds were not members of the organization in the sense that they participated in deliberations of the body, but they were afforded protection by the organization in various ways.<sup>1</sup>

Castile was divided into four districts for administrative purposes, and an alcalde de mesta was elected by the membership of each district to oversee the disposal of strays and settle disputes between members. This official also administered laws enacted to regulate relations between Mesta members. The membership had the right to appeal decisions handed down by alcaldes de mesta to the alcalde de apelación, a royal appointee, who held a court of appeals at each Mesta session.<sup>2</sup>

As the power and influence of the Mesta increased, the alcalde de mesta gradually pre-empted from municipal officials the right to dispose of non-migratory *mesteños* from municipal officials.<sup>3</sup> This action increased the tension between the municipalities and migrant pastoral interests, and from the time that the Mesta was formed, most municipal and

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<sup>1</sup>Ibid., p. 55.

<sup>2</sup>Ibid., p. 55.

<sup>3</sup>Ibid., p. 13.



agricultural hostility was diverted from herders and mayors to Mesta officials.

Another Mesta functionary, even more odious to local officials, was the entregador. An itinerant judicial and administrative officer, the entregador's chief duty was to keep the cañadas open and to restrain farmers from encroaching upon the rights-of-way. He was also charged with seeing that communal pastures remained unfenced and with protecting shepherds from abuse at the hands of municipal officials.<sup>1</sup> Almost all contacts between the Mesta and the general public were through the entregador, and he consequently became the Mesta to most people.

Unfortunately most relations between the entregador and the public were not of a nature that created good will, and he was generally considered to be the most thoroughly detested royal official in Castile. One of the most consistent complaints against the entregadores was the diligence with which they enforced regulations pertaining to the enclosure of common pasture lands. Up until the time of the Catholic Kings, these lands were reserved for the exclusive use of local flocks. In the first decade of the sixteenth century, the entregadores, with royal sanction, began to restrict the fencing of these lands so that migratory flocks could avail themselves of their use. Infractions

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<sup>1</sup>Merriman, op. cit., II, 139.

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were punished with heavy fines.<sup>1</sup> This action not only limited use of town communal pastures by local flocks but also deprived local magistrates of revenues which they might otherwise have collected.

Another source of friction was the matter of enforcing regulations relating to cañadas. Inasmuch as they were used only twice a year, there was a natural tendency for adjoining land owners to plant a few rows of wheat or barley in the rights-of-way. This practice was contrary to law, and the entregadores continually traversed the sheep trails for evidence of this type of encroachment.<sup>2</sup>

The alcalde entregador mayor was an official appointed by the crown as a reward for loyal service. He had the authority to appoint entregadores but had no jurisdiction over their activities. The crown supervised the entregadores until 1500 when the position of president was created. This position was always filled by the senior member of the Council of Castile, and his primary importance to the organization was his close association with the crown. His dual position undoubtedly made him the most influential Castilian public official. He was responsible for the supervision of entregadores and sat in judgment at hearings concerned with charges brought against Mesta officials.<sup>3</sup>

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<sup>1</sup>Mariejol, op. cit., p. 220.

<sup>2</sup>Chapman, op. cit., p. 81.

<sup>3</sup>Merriman, op. cit., II, 138.



The lower echelon of Mesta officialdom was made up of officials called contadores and receptores who handled the finances of the organization. Most of the Mesta's income was derived from the sale of strays, but membership dues and fines levied by the entregadores also contributed to its financial stability.<sup>1</sup>

In 1500 meetings were reduced in number from three to two times annually. The summer meeting was normally held in one of the northern Castilian towns of Soria, Segovia, Cuenca, or in León. When wintering their stock in the south, the stockmen met in Villanueva de la Serena, Bon Benito, Surruela, Guadalupe, Talavera, or Montalbán. A quorum consisted of forty members but attendance usually approached three hundred. Policy matters were set by a council composed of one delegate from each of the four Mesta districts, but members from each district instructed their respective delegates how to vote. Although all members had an equal vote in the preliminary deliberations, the larger sheep owners tended to dominate the proceedings as a result of their greater prestige.<sup>2</sup>

Cattle owners did not have a national organization of their own. Some cattlemen, those who found it necessary to use canadas, were members of the Mesta, but the majority fell under the jurisdiction of the city council of the area

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<sup>1</sup>Klein, op. cit., p. 81.

<sup>2</sup>Ibid., pp. 49-50.



in which their cattle grazed. Several Andalusian towns had local Mestas which operated under the supervision of municipal councils. Local units were not connected with the national Mesta in any way.<sup>1</sup>

The first quarter of the sixteenth century witnessed the climax of Mesta development. It became a powerful and privileged body equal to the task of dealing with its enemies along migration routes, and its influence was felt in other quarters as well. The increased wealth and prestige of its membership prompted the crown to enlist its aid in the struggle to dominate the Cortes, the nobility, and the municipalities.<sup>2</sup>

It should be apparent from the foregoing discussion of the Mesta that it was for all intents and purposes a national institution.<sup>3</sup> Royal control was exercised through the president of the Mesta who was also the chief adviser to the crown. Although Mesta members enjoyed a privileged position in Castile, they paid dearly for the royal patronage that made it possible. Livestock owners not only had to pay an exorbitant toll to the crown every time they made a migration, but they were also subject to forced loans when the king found himself in financial trouble.

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<sup>1</sup>Bishko, op. cit., p. 503.

<sup>2</sup>Merriman, op. cit., II, 140.

<sup>3</sup>The crown was identified with the organization to the extent that the collective herds of Mesta members were referred to as la cabana real. Carande, op. cit., p. 53.

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## CHAPTER II

### NEW WORLD BACKGROUND

The conquest of New Spain was accomplished by a band of Spanish adventurers who undoubtedly felt very much at home in their new environment. There are significant differences between Mexico and the Iberian Peninsula, but some rather striking similarities made it easy for the new arrivals to adapt the land to uses very much like those in existence in the mother country. Any attempt to describe the geography of Mexico is complicated by sharp extremes in its topography, climate, and flora. Torrid lowlands, temperate plateaus, and snow-covered peaks are juxtaposed in an almost unbelievable panorama of spectacular beauty. Vegetative cover ranges from sparse clumps of cactus and mesquite to dense tropical forests.

The topography of Mexico, like that of Spain, is dominated by a large elevated plateau. One of the most magnificent volcanic belts in the world chokes off the southward extension of the plateau with a series of symmetrical volcanic cones, while in the north it gradually fades off into the United States. The southern portion of the plateau is the heart of Mexico today as it was during the



sixteenth century. This portion of the country, usually referred to as the central plateau, is a diverse land and is far from level. Lesser ranges and spurs extend out from the major ranges creating a number of intermont basins and valleys, and it is in these basins that the livestock industry first flourished in New Spain.

Although the great longitudinal extension of the country conditions climate to some extent, it is primarily influenced by elevation, and this phenomenon is reflected in traditional geographic classifications. The tierra caliente, for example, includes areas with elevations ranging from sea level to 3,000 feet, and is a zone that embraces the eastern and western coastal areas, the Yucatán Peninsula, the state of Tabasco, and the Isthmus of Tehuantepec. Temperatures rarely fall below 60° F. and often reach 115° F.<sup>1</sup>

The term tierra templada is used to designate that part of Mexico which has elevations ranging from 3,000 to 5,000 feet. It comprises most of the present day states of Coahuila, Nuevo León, and San Luis Potosí. It also takes in a small part of Veracruz plus portions of Guerrero, Jalisco, Sinaloa, and Sonora. The mean annual temperature of this zone is 75° F., but there are many variations in the high and low extremes as well as from place to place.<sup>2</sup> Most of the area that falls within the scope of this paper

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<sup>1</sup>"Mexico," Encyclopaedia Britannica, 22nd ed., XV, 377.

<sup>2</sup>Ibid., p. 379.



is included in the tierra fría zone which encompasses lands with elevations ranging from 5,500 to 9,000 feet. The tierra fría, despite its name, experiences few extremes of cold or heat, although slight frosts do occasionally occur in the higher elevations. The warmest months are April and May and the coldest are December and January.<sup>1</sup>

Like Spain, Mexico is essentially an arid country except for the coastal lowlands areas. The northern part of the plateau is extremely dry but it shades off into semi-aridity at about the latitude of San Luis Potosí. The central plateau averages twenty-five inches of rainfall per year, but almost all of it falls during the summer months. Consequently the inhabitants of this area normally think of seasonal variations in terms of wet and dry.

Topographic and climatic diversity result in an astonishing variety of plant life. The flora of the arid northern portion of the plateau is characterized by yucca trees, mesquite bushes, and hundreds of species of xerophytic shrubs.<sup>2</sup> The tierra caliente, on the other hand, has an exuberant tropical type of vegetation which in some places takes the form of impenetrable jungle. The central plateau contains oak trees and other broad leaf species on mountain slopes and hillsides, and many valleys in this

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<sup>1</sup>Preston E. James, Latin America (New York: The Odyssey Press, 1942), p. 608.

<sup>2</sup>Mexico, op. cit., p. 381.

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region have an excellent grass cover capable of sustaining fairly extensive livestock grazing.

Four of the intermont basins of the central plateau deserve mention. The Basin of Mexico, in which Mexico City is located, is an irregularly shaped depression thirty miles long and fifty miles wide with an average elevation of 7,500 feet. The Basin of Puebla lies directly to the southeast. It is not quite as large as the Basin of Mexico but its more dependable rainfall makes it a better agricultural area. Both valleys contain nutritious grasses suitable for grazing.<sup>1</sup>

The Basin of Toluca, forty miles west of Mexico City, has an average elevation of 8,600 feet. Inasmuch as the center of the basin is swampy, settlements are restricted to the lower slopes of the bordering hills. The largest of the basins, Guanajuato, is situated just northwest of the Basin of Mexico, and although it was originally settled by silver miners, it also became an important stock raising center during the latter part of the sixteenth century.<sup>2</sup>

The men who invaded, conquered, and settled down in this delightful new land were of a people who had experienced centuries of almost incessant struggle and strife. The Spanish contest with the Moslems began as soon as the infidel attempted to extend his domination over the Iberian Penin-

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<sup>1</sup>James, op. cit., pp. 655-56.

<sup>2</sup>Ibid., p. 657.



sula in 711 and continued intermittently until the Spanish recaptured Granada in 1492. If the Castilians and the Aragonese were not fighting their common enemy, they were engaged in battle with one another over recently reconquered lands. The irregular periods of relative stability were never long enough in duration nor did they occur frequently enough to soften the steel-like quality of the Spanish character which had been forged during the centuries of internecine warfare. The average sixteenth-century Spaniard was hard, merciless, bold, enterprising, and arrogant. He was also extraordinarily well equipped for the seemingly insuperable task of conquering large portions of two continents.

Medieval Spain retained chivalric notions long after they had died out in other parts of Europe. The Spaniard was singularly imbued with the concepts of pride and honor. He was proud of himself as an individual; he was proud of being the subject of powerful Spanish monarchs. During the reconquista he felt himself to be part of an elite among the conquered Moors, and this attitude was easily transferred to the Indians whom he conquered in the New World.

Pride found expression in the veneration of outward symbols of prestige such as titles, decorations, and gaudy uniforms. A less happy manifestation of this attitude was the prevalent disdain for any activity that smacked of manual labor. No self-respecting Spaniard dared put his

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hands to any menial task as this degraded one to the level of a lowly Moor or peasant. As a result, rewards granted to individual soldiers for outstanding service during the reconquista were often in the form of titles of nobility. This honor carried an exemption from any form of physical labor. The majority of grants of this nature were for the rank of hidalgo, the lowest title of nobility.<sup>1</sup>

The men who transformed the social and economic fabric of a large segment of present day Latin America in a few short decades came largely from the provinces of Estremadura and Andalusia. Since these two areas were two of the last to be wrested from the Moslems, the termination of hostilities found thousands of soldiers set adrift there.<sup>2</sup> Some went to Italy to participate in the Italian adventure of Charles V, but many loitered around the cities of southern Spain waiting for something to happen. Reports of the discovery of a rich new land to the west seemed to offer the excitement and adventure for which they were waiting.

Not all the conquistadores and early immigrants to New Spain were military men. The new area also attracted carpenters, shepherds, blacksmiths, gamblers, and vagabonds.

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<sup>1</sup>William Lytle Schurz, This New World: The Civilization of Latin America (New York: E. P. Dutton & Co., Inc., 1954), p. 102.

<sup>2</sup>Louis Bertrand and Charles Petrie, The History of Spain (2nd ed. rev.; New York: The Macmillan Company, 1952), p. 189.

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With few exceptions they were nobodies--rootless restless adventurers of obscure origin.<sup>1</sup> A very few were of noble birth but who had been denied a patrimony by the tyranny of primogeniture. Despite diverse origins, however, all immigrants to New Spain had at least one thing in common. They were all looking for a land that offered an opportunity to improve one's economic and social status.<sup>2</sup>

Although practically all of the early immigrants were of the popular classes, many of them invented titles of nobility after they arrived in New Spain. Comparing themselves with the aborigines, they felt that at the very least they rated the title of hidalgo. With hidalguía established one could naturally expect better treatment from royal officials as well as more liberal grants of Indians and lands.<sup>3</sup>

The self-styled hidalgos were a difficult lot to govern. They had been seduced by tales of the fabulous riches which were to be had in the New World, and dissatisfaction set in when they found that conditions were not nearly so favorable as they had been led to believe. Even the soldiers who took an active part in the conquest of Tenochtitlán were disappointed in the booty which they were given. After the king's fifth and the officers' share had

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<sup>1</sup>Norman F. Martín, Los vagabundos en la Nueva España: Siglo XVI (México: Editorial Jus., 1957), pp. 4-6.

<sup>2</sup>Ibid., p. 8.

<sup>3</sup>Ibid.

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been deducted, the amount left for the common soldiers was so small that a number of the conquistadores did not bother to collect what was coming to them.<sup>1</sup>

Feeling as they did about manual labor, the Spaniards refused to sustain themselves by their own efforts. Indians provided sustenance for most of them, and with no need to work, the immigrant found himself with little to occupy his time. Gambling, carousing, and fighting consequently became major diversions.<sup>2</sup> In short the European element that initially populated New Spain constituted an unstable and unsettled society. The Spanish mentality was unsuited to sedentary farm life or to any painful employment that called for manual labor. Fortunately the newly won country was, as previously indicated, similar to Spain in many respects. The vast uncultivated and semi-arid plateau had much the same appearance as the Meseta Central of Castile. Hernán Cortés remarked in a letter addressed to Charles V that the lands he had subjugated bore a distinct similarity to those of Spain in fertility, size, and climate.<sup>3</sup> It was natural, then, that a number of the early colonists turned to livestock raising.

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<sup>1</sup>Bernal Díaz del Castillo, The Discovery and Conquest of Mexico: 1517-1521, trans. and ed. A. P. Maudsley (London: George Routledge & Sons, Ltd., 1928), p. 342.

<sup>2</sup>Martín, op. cit., p. 11.

<sup>3</sup>Fernando Cortés: His Five Letters of Relation to the Emperor Charles V, trans. and ed. Francis Augustus MacNutt (2 vols.; Cleveland: The Arthur Clark Company, 1908), I, 332.



The semi-nomadic life of livestock ranching appealed to their military nature, and it was not tainted with the stigma of manual labor. It was an enterprise that required little more to become established than a few head of stock. Large tracts of grazing lands were readily available, and Indians could be easily trained as herders. With luck one could become a señor de ganado within a few years time.

Since the aborigines had no sheep or cattle that the early colonists could appropriate, the erstwhile livestock rancher had to look elsewhere for animals with which to start his herd. A lively pastoral industry had evolved on the islands of Española and Cuba prior to the conquest of New Spain, but island officials viewed the establishment of a livestock industry on the mainland as a threat to their own economic well being. In an effort to preserve their monopoly, both islands placed an embargo on any animal that could be used for breeding purposes.<sup>1</sup>

The restriction apparently was not strictly enforced because a few hogs and cattle were brought into New Spain in the years immediately following the fall of Tenochtitlán. Swine multiplied rapidly and became the chief source of meat for the colonists during the first few decades of colonization. It was found that pigs thrived on maize, which was

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<sup>1</sup>Hubert Howe Bancroft, History of Mexico (6 vols.; San Francisco: A. L. Bancroft & Co., 1883-1888), II, 133.

The semi-nomadic life of the Indians

to their military culture and to their sense of duty. The Indians of the Amazon basin were not so much nomadic as they were mobile. They moved from place to place in search of better hunting grounds, or to escape the attacks of neighboring tribes. Their life was one of constant movement, and they were always ready to leave their temporary dwellings at a moment's notice. The Indians of the Amazon basin were not so much nomadic as they were mobile. They moved from place to place in search of better hunting grounds, or to escape the attacks of neighboring tribes. Their life was one of constant movement, and they were always ready to leave their temporary dwellings at a moment's notice.

Robert Howe, Jr., and A. L. ...

available as tribute from the Indians.<sup>1</sup> Cattle fared less well during the early years, not multiplying as rapidly as hogs nor being smuggled out of Española and Cuba in such large numbers. Consequently the former were utilized almost exclusively as draft animals, and the inhabitants of New Spain were forced to rely on pork for their meat supply.

The aforementioned embargo was in the form of a regulation requiring an export license for livestock which could be used for breeding purposes. When residents of New Spain applied for licenses to ship horses, cows, pigs, or sheep from the islands, permission was almost invariably denied. Mexico City officials, resenting this attitude, dispatched a representative to Spain in 1525 to lodge a protest at court. As a result, a royal cedula was issued on November 24, 1525, which enjoined Española officials from taking any action which might impede the exportation of livestock from the islands to New Spain.<sup>2</sup>

With this barrier removed sheep, cattle, and horses were freely imported to provide the nucleus for the important livestock industry which later developed in New Spain. All types of stock subsequently multiplied at an astonishing

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<sup>1</sup>Francois Chevalier, La formación de los grandes latifundios en México, trans. Antonio Alatorre ("Problemas agrícolas e industriales de México," Vol. VII, num. 1; México: Taller Gráfica Popular, 1956), p. 71.

<sup>2</sup>Actas de cabildo de la ciudad de México (100 vols.; México: Ignacio Bejarano, 1889-1911), II, 218.



rate. As early as 1555 the Matalcingo area in the Toluca valley, for example, was the site of sixty estancias which reportedly contained about 150,000 head of horses and cattle.<sup>1</sup> Sheep increased even more rapidly. There were more than 200,000 sheep and lambs in the immediate vicinity of Querétaro in 1579<sup>2</sup> and approximately 200,000 sheep and 100,000 cattle in a thirty-mile square area centering around the town of San Juan del Río by the same date.<sup>3</sup> It has been estimated by one authority that there were approximately 8,000,000 sheep and 1,288,000 cattle in New Spain by the year 1620.<sup>4</sup>

Livestock raising was not restricted to the high plateau country. The Caribbean Gulf coastal lowland areas of Veracruz and Panuco were also pastoral centers, but the ranches in this region were on a much smaller scale than those of the highland areas. Nevertheless English corsairs, travellers, and immigrants frequently commented on the herds of stock seen grazing in coastal pasture lands.<sup>5</sup>

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<sup>1</sup>Vasco de Puga, Provisiones, cédulas instrucciones de su magestad . . . para esta Nueva España . . . 1525-1563 (2 vols.; Mexico: José Sandoval, 1879), II, 244-45.

<sup>2</sup>Chevalier, op. cit., p. 79.

<sup>3</sup>Richard J. Morrissey, "The Northward Expansion of Cattle Ranching in New Spain, 1550-1660," Agricultural History, XXV (July, 1951), 118.

<sup>4</sup>Lesley Bird Simpson, Exploitation of Land in Central Mexico in the Sixteenth Century ("Ibero-Americana," no. 36; Berkeley and Los Angeles: University of California Press, 1951). These figures were taken from a graph facing the title page of this volume.

<sup>5</sup>Chevalier, op. cit., p. 78.



The price structure of beef in Mexico City clearly reflects the growth of the cattle industry. In 1532 the current price of an arrelde<sup>1</sup> of beef was 70 maravedís. Six years later the value had dropped to 17 maravedís, and the market continued to a low of 4 maravedís in 1541.<sup>2</sup> In the short span of nine years the price of beef therefore decreased by almost 2,000%.

The question of the utilization of such vast numbers of sheep and cattle is not easily answered, but it is clear that meat was the one cheap food available to Europeans in New Spain. The average meat consumption in Mexico City was ten times that of any comparably sized city in Castile. In 1574, 16,000 beeves and 120,000 sheep were slaughtered in New Spain's principal city.<sup>3</sup> This is still a small percentage of the total number raised annually, however, and a definitive explanation must be sought elsewhere.

Indian depredations and attacks by wild animals accounted for a fairly large number of animals killed each year, but far more important was the slaughter of cattle to meet the heavy demand for hides both from domestic mine operators and from European importers. The high value of hides is suggested by the fact that in 1575 a hide was worth almost one-half the value of a steer on the hoof.<sup>4</sup>

<sup>1</sup>One arrelde is equivalent of 4.04 pounds.

<sup>2</sup>Chevalier, op. cit., pp. 70-71, 76-77.

<sup>3</sup>Ibid., p. 87.

<sup>4</sup>Ibid.

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The disproportionate worth of hides led many estancia owners to slaughter thousands of cows for their hides and prompted rustling on a rather large scale.<sup>1</sup> High European demand for cow hides is reflected in export figures which show that 74,350 hides were shipped from New Spain to Seville in 1587 and 150,000 in 1598.<sup>2</sup>

As indicated above, there were many more sheep than cattle in New Spain. Sheep were primarily valuable for their wool, and an indigenous woolen mill industry developed in the Mexico City and Puebla areas. By 1571 there were eighty obrajes<sup>3</sup> operating in the country, and by the end of the century this number had increased to 120. Because of the importance of wool to the economy of the mother country, there were no exports of this commodity to Spain, but some woolen products made in New Spain were sold in Guatemala and Peru. The home market, however, absorbed by far the largest share of woolen production due to an ever increasing demand for woolen garments and blankets by the Indian population.<sup>4</sup>

The rapid multiplication of stock naturally affected

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid., p. 88.

<sup>3</sup>Obrajes utilized Indian laborers, often under a system of debt peonage, who were subjected to scandalous working conditions. Various ordinances were passed throughout the colonial period which were designed to ameliorate the plight of the obraje workers, but little real progress was made in this direction.

<sup>4</sup>Chevalier, loc. cit.



the price of live animals as well as the price of slaughtered beef or mutton. On March 5, 1528 Hernando Alonso purchased forty yearling calves and 190 lambs for 1,730 pesos from Hernán Cortés.<sup>1</sup> Lambs at this time were selling for 4 pesos per head,<sup>2</sup> and the yearlings therefore cost Alonso 25 pesos each. By the middle of the century, yearling calves could be purchased for 3 pesos per head.<sup>3</sup>

Low prices meant a low margin of profit and profitable ranching was consequently possible only on a large scale. This in turn tended to favor the formation of large land holdings. The crown, aware of this tendency, asked the second audiencia in 1530 to look into the matter of private land holdings. Audiencia President Ramírez de Fuenleal subsequently reported that it would be in the best interest of the crown to make all pastures communal, and in 1532 a cedula was issued which declared that all pastures in the Valley of Oaxaca were to be communal. Several years later Mexico City and Puebla were also ordered to institute the concept of communal pastures in their respective jurisdictions.<sup>4</sup>

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<sup>1</sup>Millares A. Carlo and J. I. Mantecón (eds.), Indice y extractos de los protocolos del archivo de notarios de México D.F. (2 vols.; México: Colegio de México, 1945), I, 253.

<sup>2</sup>Ibid., I, 267, 270. The price of four pesos is taken from two contracts of sale involving sheep; one dated April 4, 1528 and the other dated April 16, 1528.

<sup>3</sup>Chevalier, op. cit., p. 77.

<sup>4</sup>Ibid., p. 73.



The process of creating private pasture lands had long since been initiated, however, by the cabildo<sup>1</sup> of Mexico City. As early as January 7, 1527 it had granted an estancia to Alonso Dávalo for the purpose of raising hogs.<sup>2</sup> A week later another party was given permission to keep his sheep on an estancia nine miles outside Mexico City.<sup>3</sup> Four additional grants of similar character were made in 1527.<sup>4</sup> The cabildo continued to allot estancias until 1538.

Although the grants did not actually convey title to the lands involved, once livestock owners moved their stock onto pasture lands they considered them to be private property. New Spain's first viceroy, Antonio de Mendoza, recognized that the tradition of private ownership had become too firmly entrenched to attempt to implement the communal pasture policy. He did, however, place a prohibition on the granting of pasture lands by the cabildo of Mexico City and made this a function of the viceroy's office. A number of the grants made by Mendoza merely confirmed

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<sup>1</sup>The cabildo was, and still is in some Spanish American countries, the institution responsible for local government. Its two most important officials were called alcaldes ordinarios and regidores.

<sup>2</sup>Actas de cabildo, I, 116.

<sup>3</sup>Ibid., I, 117.

<sup>4</sup>Ibid., I, 136, 139, 142, 151. It is interesting that several of these grants were made to regidores, the cabildo officials responsible for making the grants.

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title to lands previously conveyed by the cabildo or which had been occupied by stock raisers without authorization of any kind.<sup>1</sup>

As early as 1536 Mendoza took steps to bring some semblance of order into the system of granting lands by enacting legislation which specified the size of estancias according to the type of land use. Grants of lands to be used for ganado mayor<sup>2</sup> were to contain 1,750 hectares<sup>3</sup> while ganado menor sites were set at 780 hectares. The same regulations stipulated that the former were to be separated from one another by at least one league<sup>4</sup> and the latter by at least one-half league.<sup>5</sup>

Estancia owners normally did not live on the premises. They seemed to prefer the larger urban centers such as Mexico City and Puebla to the wild desolation of the large cattle or sheep ranch. Day to day operations were left to a mayordomo who supervised the activities of herders or vaqueros and looked after the general welfare of animals left under his care. They were usually hired for fixed

<sup>1</sup>Chevalier, op. cit., p. 75.

<sup>2</sup>Ganado mayor is a generic term used to identify horses and cattle. The term ganado menor refers to smaller animals such as sheep, hogs, and goats.

<sup>3</sup>One hectare is equivalent to 2.48 acres.

<sup>4</sup>One league is equivalent to three miles.

<sup>5</sup>Simpson, op. cit., p. 17.

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2. J. J. J.  
3. J. J. J.  
4. J. J. J.  
5. J. J. J.

terms of service but conditions of employment varied considerably. Some were paid a straight salary as in the case of Francisco Gonzales who signed a contract on October 26, 1525 with estancia owner Pedro Sánchez Parfán. The agreement called for Gonzales to work for a period of one year in return for a salary of 90 pesos.<sup>1</sup>

Some mayordomos agreed to work for a percentage of the increase in livestock during the term of employment, and others were willing to serve for the privilege of grazing animals on estancia lands. Gonzalo Hernández, for example, made an agreement on March 14, 1527 to serve as mayordomo for Gonzalo Rodríguez for one-fourth the increase in the number of hogs during his period of service.<sup>2</sup> Francisco Hernández, on the other hand, agreed to go to work on the estancia of Pedro de Sosa on December 15, 1537 with the understanding that he would perform the functions of mayordomo for one year for board and room and the right to graze his father's cattle on estancia lands.<sup>3</sup>

As the sixteenth century drew to a close, ranch owners found it increasingly difficult to hire capable mayordomos as evidenced by a report drawn up for the Council

<sup>1</sup>Carlo and Mantecón, op. cit., I, 36.

<sup>2</sup>Ibid., I, 121, 122.

<sup>3</sup>Ibid., II, 163.

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of the Indies by Gonzalo Gómez de Cervantes in 1599.<sup>1</sup> Gómez reported that the lack of competent estancia administrators was seriously hampering the agricultural sector of New Spain's economy. It was his impression that there were probably a sufficient number of qualified persons to fill the positions but that it was difficult to interest them in going to work on estancias. He observed that most immigrants to the New World did not come to work. Ambition in most cases seemed to him to be limited to the acquisition of enough money to open a tavern or an inn. Gómez recommended that legislation be enacted to restrict the ownership of taverns to old men and to force young unmarried men to follow agricultural pursuits.

Herders and vaqueros were even more of a problem for estancia owners. Indians were commonly employed in these capacities but more often than not they worked only long enough to earn a few pesos.<sup>2</sup> Another factor affecting the labor force was the depopulation of New Spain during the sixteenth century. The native population was decimated by pestilence of various kinds and by the extremely heavy labor demands imposed on them by their Spanish masters. One

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<sup>1</sup>Gómez de Cervantes, La vida económica y social de Nueva España al finalizar el siglo XVI, ed. A. M. Carreño ("Biblioteca histórica Mexicana de obras inéditas," vol. XIX; México: José Porrúa e Hijos, 1944), p. 101. Gómez was commissioned to make a general survey of conditions in New Spain by an oidor of the Council of the Indies. He was an alcalde de mesta for Mexico City in 1590 and served as governor for the Province of Tlaxcala from 1595 to 1598.

<sup>2</sup>Silvio Zavala (ed.), Ordenanzas del trabajo: Siglos XVI y XVII (México: Editorial "Elede," S.A., 1947), pp. 29-30.

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authority estimates that the Indian population declined from 11,000,000 at the time of the conquest to about 4,500,000 in 1563.<sup>1</sup>

A viceregal decree issued by Viceroy Martín Enríquez on May 30, 1578 suggests the acute nature of the labor problem. Indian pueblos situated near estancias and those located in areas where livestock customarily wintered were ordered to supply herders on an individual voluntary basis to any rancher who requested assistance. The decree called upon employers of Indian herders to pay them a decent wage and to provide them with adequate food and shelter.<sup>2</sup> The efficacy of vague dictates of this type is open to question and the shortage continued throughout the sixteenth century.

Many Indians were more directly involved in livestock ranching. A few caciques raised cattle, but since most Indians were primarily agriculturists, they were much more interested in owning sheep than cattle.<sup>3</sup> The former tended to be less harmful to crops, and sheep raising could therefore be carried on as an adjunct to farming.

The actual number of sheep owned by individual Indians and Indian communities is difficult to ascertain

<sup>1</sup>Sherburne F. Cook and Lesley Bird Simpson, The Population of Central Mexico in the Sixteenth Century ("Ibero-Americana" No. 31; Berkeley and Los Angeles: University of California Press, 1948), p. 46.

<sup>2</sup>Zavala, loc. cit.

<sup>3</sup>Charles Gibson, Tlaxcala in the Sixteenth Century (New Haven: Yale University Press, 1932), p. 150.



with any degree of accuracy, but the number of land grants made to Indians is known. Since each grant specified precisely what use was to be made of the land in question, including the number of animals which were to be allowed to graze thereon, it is possible to arrive at an estimate of the amount of stock which they ideally might have contained. Up to 1620 a total of 1249 grants for sheep and cattle estancias had been made. If each one had been utilized to its maximum capacity, there would have been 1,300,000 sheep and several thousand cattle subject to Indian ownership in that particular year.<sup>1</sup>

The reliability of this figure can be challenged on the basis that every grant probably was not fully utilized. It nonetheless can be reasonably concluded that a considerable number of Indians were actively engaged in livestock ranching and that they collectively owned approximately 1,000,000 head of stock. The grants included lands in almost all parts of New Spain, but the largest concentration of Indian ranching was apparently in the Puebla area because the majority of the aforementioned grants covered lands in that general vicinity.<sup>2</sup>

By the middle of the sixteenth century, there were indications that the astounding rate of livestock multipli-

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<sup>1</sup>Simpson, *op. cit.*, pp. 29-87. This information was compiled from a series of tables which list the number and location of grants made to Indians through the year 1620.

<sup>2</sup>Ibid.

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cation was abating in the Mexico City area. In 1551 Viceroy Luis de Velasco I ordered the Mexico City cabildo to take immediate steps to prevent the slaughter of female animals, and on April 8, 1551 that body passed an ordinance prohibiting the practice under penalty of confiscation of all carcasses killed contrary to the ordinance as well as the payment of a fine of 50 pesos for each offense.<sup>2</sup> The problem had apparently grown acute by 1570 because in that year the cabildo asked the viceroy to issue a decree making it unlawful to sell meat to Indians.<sup>1</sup>

Several reasons have been suggested above for the rapid diminution of herds. The wholesale slaughter of cattle for hides and the abnormal consumption of meat by both Europeans and Indians were certainly contributing factors, but the basic cause is best explained by the abrupt change in land use made by the Spaniard. The introduction of hundreds of thousands of sheep, cattle, and horses onto lands which previously had been subjected to only the browsing of deer and other wild animals had a devastating effect on the ecological balance of the region. Conservation practices were unknown, and overgrazing exposed large areas to denudation by protracted dry spells followed by torrential rains.<sup>2</sup> As pasturage became depleted in the central plateau region, ranchers were forced to move their

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<sup>1</sup>Chevalier, op. cit., p. 84.

<sup>2</sup>Simpson, op. cit., p. 23.

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herds and flocks into surrounding areas, particularly to the north, and by the end of the sixteenth century, the newer livestock centers were experiencing the same problem.<sup>1</sup>

Another factor may have been the large number of animals lost to rustlers. This normally, however, merely involved a change in ownership and was therefore more significant as a problem for ranch owners than for the country as a whole. Loose herding practices and the strong demand for hides subjected herds to depredations not only by Indians but also by the thousands of rootless Spanish vagabonds who wandered about through the width and breadth of New Spain during the latter part of the sixteenth century. The situation was aggravated by the fact that ranchers were often forced to rely on this element of the population for a labor supply during busy periods. Once their terms of employment were completed, the wanderers frequently drove off part of their former employer's herds.<sup>2</sup>

The first century of New Spain's occupation by the Spaniard witnessed a fundamental change in the economic life of the area. The new arrivals brought a heritage to the new land, very much like the Iberian Peninsula, that included a background of many centuries of stockraising, and they wasted little time in introducing the animals necessary for pastoral pursuits. Swine initially constituted

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<sup>1</sup>Chevalier, op. cit., p. 84.

<sup>2</sup>Ibid., pp. 91-92.

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<sup>1</sup>Chaveller, ...  
<sup>2</sup>Idole, ...

the basis for the incipient livestock industry, but sheep and cattle soon became much more important. Concomitant with the development of livestock raising was the formation of a system of private landholding. Initiated by the Mexico City cabildo, the granting of pasture lands fell under the purview of the viceroy shortly after the arrival in New Spain of Antonio de Mendoza. Despite royal directives to the contrary, he continued the policy of granting lands to stock raisers. He did, however, enact legislation designed to standardize grants and prevent abuses arising therefrom.

Although livestock flourished in New Spain, ranchers were faced with a number of difficult problems. They found it extremely hard to hire and keep competent foremen and herders, and despite studies and legislation to remedy the labor shortage, this condition persisted throughout the sixteenth century. The labor shortage was in turn partially responsible for the rustling problem which plagued ranch owners during this period. Overgrazing, however, was the livestock men's most serious single problem, and long before the end of the sixteenth century the decline of the livestock industry, at least in the central plateau area, was reflected by Mexico City's difficulty in providing an adequate meat supply for its inhabitants.

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and cattle soon became the main source of wealth for the landowners

with the development of the mining industry and the discovery of gold

of a system of private land ownership. The first step was the

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Spain of Antonio de Mendoza, Viceroy of New Spain, in 1563.

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### CHAPTER III

#### THE INTRODUCTION OF THE MESTA INTO NEW SPAIN

It was demonstrated in Chapter I that the Castilian Mesta was a national organization directly controlled and protected by the crown. The Mesta in New Spain assumed an entirely different character both in form and purpose. The extant literature on the subject does not, however, reflect the fundamental change that attended the institution's journey from the Iberian Peninsula to the New World.

Most general Latin American histories, if they mention the Mesta in New Spain at all, make only casual reference to the organization without drawing any distinction between it and the parent institution. One of the leading authorities on the colonial period of Spanish American history, C. H. Haring, makes the statement in The Spanish Empire in America that the ". . . Real corporación de la mesta, which played so important a role in the history of medieval Spain . . . was also introduced into the colonies."<sup>1</sup>

The only study in English devoted to the topic is an article entitled "Ordinances of the Mesta in New Spain:

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<sup>1</sup>C. H. Haring, The Spanish Empire in America (New York: Oxford University Press, 1947), p. 256.



1537" written by William H. Dusenberry.<sup>1</sup> As the title of his article implies, the author discusses the import of certain regulations enacted to regulate the colony's burgeoning livestock industry. Dusenberry does not point to any significant difference in the Mesta as it was organized in New Spain and the Castilian Mesta, and he does not, of course, make any attempt to trace the development of the institution after it was introduced into the colony.

The most comprehensive published treatment of the subject is an article by José Miranda which appeared in the June, 1944 issue of Revista de historia de América.<sup>2</sup> This study reflects an awareness that the institution assumed a new form in New Spain in response to new environmental conditions, but it fails to isolate the precise nature of the change. While Miranda is aware that the impetus for organizing the new livestock grower's association did not come from the crown but rather from the cabildo of Mexico City, he does not recognize that a fundamental transformation from a royal to a municipal institution took place.

In reality the transplanted organization sustained a very profound change from a national organization with far-reaching influence and extensive fiscal responsibilities, to a local body primarily concerned with the mundane problems of livestock ranchers. Its evolution can be traced

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<sup>1</sup>William H. Dusenberry, "Ordinances of the Mesta in New Spain: 1537," The Americas, IV (January, 1948), 445-50.

<sup>2</sup>José Miranda, "Notas sobre la introducción de la mesta en la Nueva España," Revista de historia de América, No. 17 (June, 1944), 1-26.



from an embryo of several simple ordinances enacted by the Mexico City cabildo and designed to control livestock nuisances, to a formal institution with a complex set of ordinances governing almost every aspect of stock raising.

The first regulations pertaining to the livestock industry reflected the initial importance of swine to the early inhabitants of the colony. On October 27, 1525 the cabildo of Mexico City enacted an ordinance that called upon all persons raising hogs in the city<sup>1</sup> to remove them within fifteen days. Failure to do so subjected offenders to the loss of one-fifth of any animals remaining after the expiration of the time limit.<sup>2</sup> A subsequent regulation passed on February 27, 1526 obliged swine owners who allowed their animals to feed in fields on the outskirts of the city to remove them immediately. Failure to comply within three days was punishable with a fine and the loss of any stock remaining in the fields after the prescribed time limit had expired.<sup>3</sup>

Municipal officials apparently were unable to enforce the proscription against hog raising in the city because a regulation enacted on April 13, 1526 permitted the practice provided animals were kept in the house. The same act made it unlawful to drive hogs through the streets of

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<sup>1</sup>The territorial jurisdiction of Mexico City was not defined until 1539 when it was fixed at a radius of forty-five miles. See Actas de cabildo, IV, 207-209.

<sup>2</sup>Ibid., I, 58.

<sup>3</sup>Ibid., I, 79.



The city.<sup>1</sup> Enforcement must have again proved difficult because the same prohibition appeared in a regulation dated September 18 of the same year in which citizens of the city were given permission to kill any hogs found in the streets after September 21.<sup>2</sup>

No additional legislation pertaining to swine was passed by the cabildo until January 22, 1528 when the owners of pigs were once again warned that they must not allow their stock to wander about the city. Recognizing the necessity for occasionally moving animals, the regulation provided that they could be driven through the streets from dusk until dawn. The same ordinance forbade the sale of swine in the plaza, restricting transactions of this type to the immediate vicinity of the slaughterhouse.<sup>3</sup>

Other legislation relating to livestock passed by the municipal council of Mexico City during the first decade of colonization concerned the use of mules by inhabitants of the city. On January 12, 1526 the cabildo outlawed the use of mules and directed mule owners to sell their animals and replace them with horses. Anyone who also owned a horse, however, was exempted from the ordinance and could continue the ownership of mules as long as horses were also in his possession.<sup>4</sup>

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<sup>1</sup>Ibid., I, 82.

<sup>2</sup>Ibid., I, 106.

<sup>3</sup>Ibid., I, 158.

<sup>4</sup>Ibid., I, 72.

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Inasmuch as mules played an important part in the rudimentary transportation system of the country, the proscription of their use makes sense only from the standpoint that individuals were being constrained from the personal use of mules for riding purposes. An important part of Spain's heritage was the long tradition of the "hombre a caballo," and there is, in fact, an ancient Castilian law requiring caballeros to ride on horseback as demanded by established custom.<sup>1</sup> It is reasonable to conclude that officials in New Spain viewed the use of mules as riding animals as compromising the Spanish tradition of male virility.

Cattle, sheep, and horses fell under the legislative scrutiny of the Mexico City cabildo on June 16, 1529 with a set of ordinances that regulated branding practices and set up a procedure for the disposal of mesteños.<sup>2</sup> All livestock owners operating within the jurisdiction of the city were required to devise or adopt a symbol to serve as a distinguishing mark for their respective herds. To preclude the possibility of duplicate brands, each livestock owner was obliged to file his symbol with the city escribano who was to enter it in a brand book as a matter of public record. All stock owners were directed to brand their stock within eight days of the enactment of the regulations subject to

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<sup>1</sup>Merriman, op. cit., II, 203.

<sup>2</sup>Actas de cabildo, II, 1.



a fine of 20 pesos de oro común.<sup>1</sup>

The same set of regulations called for the creation of two officials with duties similar to those of the Castilian *alcalde de mesta*. The two *regidores* with the longest terms of service in the *cabildo* were designated as jueces de mesta, and they were given the responsibility for convening livestock owners twice a year for the purpose of redistributing stray stock. One meeting was scheduled for June 29th and the other for December 28th. Meeting sites were left to the discretion of the *jueces de mesta*.<sup>2</sup>

It is not certain that this early attempt to organize a livestock owner's association in New Spain was actually implemented because the *cabildo* minutes make no further mention of the *jueces de mesta* nor do they refer to any meetings held as prescribed by the aforementioned ordinances. There were, however, additional measures governing livestock raising passed by Mexico City's municipal council prior to the actual formation of the *Mesta*.

In addition to more, and one suspects futile, prohibitions against driving hogs through the streets of the city,<sup>3</sup> branding practices were more precisely defined. On March 21, 1532 the *cabildo* forbade the practice of identify-

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<sup>1</sup>The basic unit of exchange in New Spain was the *maravedí*. The *peso de oro común* was worth 300 *maravedís* and the *peso de oro de minas* was equal in value to 450 *maravedís*.

<sup>2</sup>Actas de cabildo, II, 1-2.

<sup>3</sup>Ibid., II, 21.

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ing stock by clipping their ears.<sup>1</sup> This measure was prompted by the tendency on the part of unscrupulous individuals to cut away that portion of the ear on which the owner's mark was incised and thereafter impose their own brands.

The medieval guild concept of monopoly, in the form of a regulation restricting the ownership of estancias, was introduced several years later. At the instigation of established ranchers, the municipal council of Mexico City passed an ordinance on January 19, 1537 which forbade the ownership of estancias by estancia employees during periods of employment and for intervals of one year thereafter.<sup>2</sup> This action was deemed necessary because estancia employees made a practice of obtaining lands adjoining those of legitimate livestock ranchers for the express purpose of restricting the land available to them for grazing purposes. When ranchers found that surrounding lands were not open to their animals, they often found it necessary to purchase the property of the speculators.

Carnicerías, or butcher shops, did not fall under the jurisdiction of the Castilian Mesta presumably because the latter was a national institution which did not normally concern itself with purely local matters. Carnicerías did, however, eventually fall under the purview of New Spain's Mesta in an indirect way, and it will therefore be of interest

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<sup>1</sup>Ibid., II, 174.

<sup>2</sup>Ibid., IV, 67.

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to examine early legislation passed by the cabildo relative to this segment of the country's economic life.

Carnicerías were operated by individuals but they were closely supervised by the cabildo. Early in December of each year a proclamation was made calling for bids from persons interested in selling meat to the inhabitants of the city for the succeeding year. Bids were let to the parties offering to sell the several kinds of meat at the most favorable prices. The contractor, or obligado as he was called, was required to post a bond to guarantee fulfillment of his contract with the city, and he had to agree to maintain honest weights and measurements.<sup>1</sup>

Regulations passed by the Mexico City cabildo on May 7, 1527 will serve to illustrate the strict control exercised by that body over the retail meat trade.<sup>2</sup> Obligados were required to transport carcasses from the slaughter houses to the carnicerías via the most direct route in a manner which would best ensure arrival in a sanitary state. The obligado was required to hang the meat on hooks as soon as it was delivered and cover it with a clean cloth to prevent contamination by flies.

Retail practices were also minutely prescribed. As a sanitary precaution, meat cutters were required to wear

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<sup>1</sup>William H. Dusenberry, "The Regulation of the Meat Supply in New Spain," The Hispanic American Historical Review, XXVIII (February, 1948), 39.

<sup>2</sup>Actas de cabildo, I, 131.



large, clean aprons, and they were prohibited from placing meat on the carniceria counter until after it had been sold. The sale of meat more than three days old was made unlawful, and the obligado was obliged to save the choicest cuts of meat for the governor and his assistants and reserve the second best cuts for municipal council members.<sup>1</sup>

Up to the year 1537, then, the cabildo of Mexico City had passed a sizable body of legislation designed to regulate the livestock industry and had furthermore attempted to create a means whereby stray stock could be redistributed. It was apparently found that these measures were inadequate to deal with the rapidly growing business of stock raising because in 1537 the municipal council enacted seventeen ordinances which codified previous legislation and created an administrative body to manage the affairs of the Mesta organization which they brought into being.<sup>2</sup> The viceroy confirmed the ordinances on January 1, 1538, and the body's first officials were also chosen on that date. The Mesta was formally institutionalized by royal approval of the ordinances on April 4, 1542.

An important distinction can be observed between New Spain's Mesta and the Castilian Mesta by comparing the means

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid., IV, 313-15. Although the ordinances were enacted sometime during the year 1537, they first appear in the minutes of the cabildo on November 14, 1542 in an entry which reproduced the royal letter approving them. The ordinances are incorporated in this letter.

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by which they came into existence. The crown's financial interest in promoting Castile's wool trade prompted it to play an active part in organizing the nation's sheep raisers. In New Spain, on the other hand, the crown had no direct financial interest in this segment of the colony's economy because almost all of the country's wool production was absorbed by domestic obrajes.<sup>1</sup> The initiative for forming the Mesta came from the cabildo of Mexico City rather than from the crown.

This interpretation can be questioned on the grounds that Viceroy Mendoza may have provided the impetus for formation of the organization. This contention is lent credence by the following statement which appeared in the letter to the Mexico City cabildo granting royal approval for the Ordinances of 1537: ". . . we acknowledge your letter of July 26, 1541 in which you state that Don Antonio de Mendoza, our viceroy. . . has seen the importance of forming a mesta . . . ." <sup>2</sup> In addition it is known that an oidor attached to the audiencia in Mexico City drafted the ordinances.<sup>3</sup>

It seems reasonable to assume, however, that the cabildo cited Mendoza's recognition of the need for a Mesta in order to obtain royal approval. The oidor's role in

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<sup>1</sup>Chevalier, op. cit., p. 88.

<sup>2</sup>Actas de cabildo, IV, 313.

<sup>3</sup>Miranda, op. cit., p. 7.

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drawing up the ordinances can be easily explained by the fact that he was the viceroy's representative in the cabildo,<sup>1</sup> and as an oidor he would have been the cabildo's logical choice for a task of this nature.

That the cabildo was generally regarded by contemporaries as being responsible for drawing up the ordinances is demonstrated by the introduction to the Mesta Ordinances of 1574<sup>2</sup> which carries a statement to this effect.<sup>3</sup> This conclusion is reinforced by the fact that, as pointed out above, the letter from the crown approving the ordinances was directed to the Mexico City municipal council.

The Ordinances of 1537 specified that membership in the Mesta was mandatory for all persons who owned 300 or more head of ganado menor or 20 or more head of ganado mayor.<sup>4</sup> Alcaldes de mesta, officials who combined administrative tasks with judicial functions, were designated as the new organizations' principal officials. They were elected on New Year's day of each year by the Mexico City council for a term of one year and were thereafter prohibited from holding the office for a period of one year.<sup>5</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>The Mesta Ordinances of 1574 will be taken up in some detail below.

<sup>3</sup>Archivo General de la Nación, México (hereinafter cited as AGN), Reales cédulas duplicados, Vol. III.

<sup>4</sup>Ordinance IX, p. 314.

<sup>5</sup>Ordinance XIV, p. 314.

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The regulations specified that individuals chosen as *alcaldes de mesta* had to be experienced livestock ranchers, but in practice outgoing *alcaldes ordinarios* from the *cabildo* almost invariably filled the posts. Since it is highly unlikely that all *alcaldes ordinarios* were also stock owners, it is fairly obvious that this particular prerequisite was not strictly observed. When on Mesta business, *alcaldes* were authorized to name alguaciles to assist them in enforcing Mesta regulations. Both *alcaldes de mesta* and *alguaciles* were authorized to carry varas de justicia<sup>1</sup> when engaged in Mesta affairs.<sup>2</sup>

The only other official created by the ordinances was a *mayordomo* who was charged with seeing that fines levied by the *alcaldes de mesta* were collected. The actual collection of fines was farmed out to an arrendedor, but the *mayordomo* was responsible for making certain that there were no irregularities in collections. He was also required to make himself available for any other jobs that the membership saw fit to impose upon him.<sup>3</sup>

Mesta meetings were to be held on February 16th and on an unspecified date in late August. Tepeapulco was designated as the site for the winter meeting, and summer

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<sup>1</sup>The *vara de justicia* was a staff which symbolized judicial authority and was highly prized as a status symbol.

<sup>2</sup>Ordinance XVII, p. 315.

<sup>3</sup>Ordinance XI, p. 314.

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sessions were to be held near Matalcingo.<sup>1</sup> All members were required to attend the semi-annual meetings, but it was permissible to send substitutes if unavoidable circumstances prevented attendance. Meetings were announced by proclamations which gave the date and location of the meeting, and the ordinances specified that proclamations were to be made in Mexico City, Puebla, and other livestock centers.<sup>2</sup>

The February meeting was the occasion for a general review of the actions of the retiring *alcaldes*. The pesquisa was conducted by the newly chosen *alcaldes*, and its primary purpose was to determine if penalties assessed during the twelve preceding months had been equitably imposed. Other matters reviewed included a check on the number of stock thefts punished and an accounting of Mesta funds. When the outgoing *alcaldes* turned their offices over to their successors, they were required to furnish an inventory of the organization's assets.<sup>3</sup>

The most important reason for holding the semi-annual meetings was to enable the owners of stray livestock to recover their animals. Subject to the payment of a heavy fine, members were required to bring all stray animals which had by one means or another become mixed in with their own stock. When the *mesteños* were delivered, they were placed in a

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<sup>1</sup>Ordinance II, p. 314.

<sup>2</sup>Ordinance IV, p. 314.

<sup>3</sup>Ordinance X, p. 314.



corral, and as soon as the membership convened, redistribution was effected by the *alcaldes de mesta*. Individuals who returned strays were entitled to compensation, a sum set by the *alcaldes*, for feeding and caring for the animals.<sup>1</sup>

Unclaimed strays were deposited with a responsible party, and public proclamations describing the animals were made in Mexico City and in the area in which they were found. Animals unclaimed from one meeting to the next were sold and the funds derived from the sales applied to the royal treasury.<sup>2</sup> In 1548, however, the crown granted one-half of all unclaimed strays to the Colegio de los Niños de la Doctrina de la Cristiana, located in Mexico City, for a period of ten years.<sup>3</sup> Irregularities in the handling of funds is suggested by a royal cedula issued four years later in which it was pointed out that the school had received no funds pursuant to the grant. Mesta officials were directed to look into the matter and make restitution to the school.<sup>4</sup>

General council meetings at which *alcaldes* adjudicated disputes between members and assessed fines for infractions of Mesta regulations were held at least once during each session. The council, a body composed of the entire membership, was authorized to enact ordinances to meet

<sup>1</sup>Ordinance IV, p. 314.

<sup>2</sup>Ordinance XIII, p. 314.

<sup>3</sup>Puga, op. cit., II, 191-93.

<sup>4</sup>Ibid., II, 193-94.

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situations that called for additional legislation, but regulations passed by the organization took effect only after approval by the viceroy and after public proclamations in Mexico City and other major livestock centers.<sup>1</sup>

The only other important area covered by the ordinances reflected the seriousness of the rustling problem. Duplicate brands were prohibited and ear clipping was again forbidden. In addition, the general council was authorized to settle branding disputes between members. If it was determined that two persons were using the same brand, the council had to decide which party would be allowed to continue using the disputed symbol and assign a different one to the other individual.<sup>2</sup>

It is clear from the foregoing that the Ordinances of 1537 added little in the way of new legislation. They were of significance primarily because they formally established a livestock grower's association in New Spain. It is equally clear that the Mesta in New Spain and the Mesta in Castile had very little in common with each other except for the fact that both represented livestock interests. In general, it can be concluded that the latter was primarily a protective association whose most important function was to facilitate the free movement of migrant flocks, while the former was organized primarily to aid ranchers in

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<sup>1</sup>Ordinance XII, p. 314.

<sup>2</sup>Ordinance VII, p. 314.



recovering stray stock and in helping them combat the ever increasing amount of rustling.

The difference in the hierarchy of the two organizations is illustrative of the differences between them. The fact that crown appointed officials, the president and the entregador, were not included in the New Spain version of the institution reflects the lack of direct royal interest, as well as a different set of problems facing livestock men in the two areas. Cañadas were an absolute necessity in Castile due to the existence of cultivated lands along migration routes. Fields not only had to be protected, but the free passage of sheep also had to be guaranteed. In New Spain, on the other hand, there was a relatively small amount of land under cultivation in proportion to the amount of land available, and a good part of this was worked by Indians. Although they often took advantage of the fact that royal officials listened to their problems with a sympathetic ear, the aborigines did not present nearly as serious a threat to the free passage of migratory herds as had the farmers and municipalities in Spain.<sup>1</sup> Cañadas were therefore not a necessity in the colony, and since the chief function of the entregadores was to maintain the rights-of-way, there was no need to include this official in the organization's hierarchy.

It is also possible that cabildo members were anxious

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<sup>1</sup>Chevalier, op. cit., p. 79.

receiving any attack and in helping them combat the ever increasing amount of rustling.

The difference in the hierarchy of the two organizations is indicative of the difference between them. The fact that crown appointed officials, the president and the entree, were not included in the New Spain version of the institution reflects the lack of direct royal interest, as well as a different set of problems facing livestock men in the two areas. Cattle were an absolute necessity in cattle due to the existence of cultivated lands along migration routes. Fields not only had to be protected, but the free passage of sheep also had to be guaranteed. In New Spain, on the other hand, there was a relatively small amount of land under cultivation in proportion to the amount of land available, and a good part of this was worked by Indians. Although they often took advantage of the fact that royal officials listened to their problems with a sympathetic ear, the nobles did not present nearly as serious a threat to the free passage of migratory herds as had the farmers and municipalities in Spain.<sup>1</sup> Cattle were therefore not a necessity in the colony, and since the chief function of the entrepreneur was to maintain the rights-of-way, there was no need to include this official in the organization a hierarchy.

It is also possible that cattle men were anxious

to avoid the antagonisms that had grown up between Castilian municipal officials and the entregadores. The rigid enforcement of laws pertaining to cañadas and communal pastures by the latter, as well as their infringement on local prerogatives, was deeply resented by local Castilian officials. Prior to the reign of Isabella, for example, a local *alcalde ordinario* usually accompanied entregadores on inspection trips and sat with them at hearings held to adjudicate infractions of Mesta regulations. Although the *alcalde* did not have an equal voice in the findings, he was often able to make certain that local fueros and customs were honored. As the Mesta grew in prestige and strength, the presence of local officials on inspection trips and at hearings came to be generally disregarded. The gravity of the situation and the extent of the antipathy that existed between the two groups is indicated by the fact that the actions of entregadores were cited by participants in the Comunero Revolt of 1520 as a factor in the discontent that brought on the rebellion.<sup>1</sup>

The absence of a president in the colonial institution is explained by a lack of royal interest. The president's most important function was as an intermediary between the crown and the Mesta, and since the king exercised no direct control over the organization in New Spain, there was no real need to have a president in the hierarchy.

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<sup>1</sup>Klein, op. cit., p. 104.

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If the Mesta in New Spain can be said to have been patterned after the Castilian Mesta at all, it was in the creation of the position of *alcalde de mesta*. This official performed judicial functions and was responsible for redistributing stray livestock. These same duties were assigned to the *alcalde de mesta* in the colonial version of the institution.

It is possible, however, that New Spain's Mesta did not draw upon the Castilian Mesta for its inspiration. It was pointed out in Chapter I that most cattle raisers did not belong to the national Mesta but rather were regulated by local *cabildos* or by Mesta organizations subordinate to town councils. An examination of Mesta ordinances enacted in 1520 for the city of Granada reveals some striking similarities to the Ordinances of 1537.<sup>1</sup>

The Granada ordinances, like the Ordinances of 1537, were formulated by local municipal officials and were confirmed by the king. The Granada *cabildo* was authorized to name two *alcaldes de mesta* for two year terms, and the *alcaldes* were made responsible for enforcing the regulations enacted for the organization and for settling disputes between members. They were also obliged to preside over semi-annual meetings held for the purpose of returning stray animals to their rightful owners. Failure to deliver *mesteños* was punishable by a heavy fine. Members were

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<sup>1</sup>*Ibid.*, pp. 364-67. Extracts from the Granada ordinances are included in this work as Appendix "B."

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required to brand their stock and brand altering was declared to be unlawful. One of the most significant features of the ordinances was a section which provided that the local organization had no connection with the national Mesta and was not subject to its jurisdiction or regulations.

The most important point of similarity between the Granada Mesta and the Mexico City Mesta was an intimate connection with their respective cabildos. In both cases, the municipal council chose the *alcaldes de mesta*. The exact relationship of the livestock raiser's association of Granada to the cabildo is not apparent from the ordinances other than that the city *escribana* also acted as the organization's secretary. In the case of Mexico City, it can be conclusively demonstrated that the Mesta was an organ of city government and was subordinate to the cabildo.

This relationship is suggested by the fact that *ex-officio* cabildo members automatically succeeded to the highest ranking post in the Mesta hierarchy, and it is confirmed by an entry in the cabildo minutes on July 13, 1545.<sup>1</sup> On that date Bernardino Albórniz, a regidor, registered a complaint with the municipal body to the effect that the *alcaldes de mesta* had become lax in their duties. He stated that they had not punished a single theft since taking office in January and that they furthermore had not held the prescribed winter meeting. Albórniz recommended that the cabildo

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<sup>1</sup>Actas de cabildo, V, 100.

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order the alcaides to perform responsibly their specified duties.

In view of the benefit the royal house derived from its control of the Castilian Mesta, its willingness to allow the Mesta in New Spain to be a municipal institution is difficult to comprehend. It has already been demonstrated that the crown displayed scant interest in the colonial organization because wool was not an export commodity in the country's economy. As a result, while the crown was the active motivating force behind the organization of stock raisers in Castile, it merely sanctioned the formation of a like body in New Spain. Sustenance was a difficult problem in the Indies, and since the livestock industry furnished the one relatively inexpensive item in the diet of Europeans, the crown was perhaps content, at least during the early years of colonization, to allow the organization to work out its problems with a minimum of interference from royal officials.

Another factor may have been the influence of Viceroy Mendoza. New Spain's first viceroy was extremely interested in promoting all aspects of the colony's economy, and he was particularly anxious to encourage the growth of the livestock industry. His attitude can be attributed to a combination of self-interest and a sincere regard for the economic welfare of the country. His self-interest can be traced to the fact that he had one of the most extensive livestock ranch complexes in the realm. His holdings included a ranch in

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the Matalcingo Valley, five in Michoacán, several near Veracruz, and two in the vicinity of Tecamachalco.<sup>1</sup>

New Spain's Mesta was organized to deal with problems confronting the new colony's ranchers. The rapid proliferation of livestock dictated the formation of a body to aid stock owners and maintain control over their immense herds. This problem was aggravated by a shortage of competent and trustworthy herders, a condition which not only militated against close supervision of herds but also left them easy prey to the lawless rural element.

The fact that cattle, less tractable than sheep, were more numerous in the colony than in the mother country meant that the matter of controlling herds was much more pressing in New Spain than it had been in Castile. Cabildo officials who were charged with the task of formulating ordinances to govern the new organization undoubtedly realized that local organizations, such as the Granada Mesta, with their emphasis on branding regulations met the needs of New Spain's livestock raisers much more satisfactorily than did the national organization. It therefore seems reasonable to conclude that Castile's local Mestas provided the pattern for New Spain's Mesta.

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<sup>1</sup>Arthur Scott Aiton, Antonio Mendoza: First Viceroy of New Spain (Durham: Duke University Press, 1927), p. 48.



## CHAPTER IV

### THE EVOLUTION OF THE MESTA DURING THE SIXTEENTH CENTURY

The only Mesta organization envisioned by the Ordinances of 1537 was one located in Mexico City. Only that city was authorized to elect *alcaldes de mesta*, and Mexico City Mesta officials were obliged to hold meetings for all livestock owners in the realm as indicated by the previously cited ordinance which required that meeting dates and locations be announced by proclamations in all of the country's livestock centers.<sup>1</sup>

The Mesta in New Spain can be traced from a relatively simple organization in Mexico City with a hierarchy of three officials to a group of separate and independent local bodies situated in the major livestock centers of the country. The territorial expansion of the stock raiser's association is reflected in ordinances passed by local Mesta organizations and in a general codification of regulations governing the activities of stock ranchers enacted in 1574. At the same time, however, a general deterioration of the institution took place as the crown gradually assumed many

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<sup>1</sup>Ordinance I, p. 314.



of the prerogatives originally granted it.

The first city other than Mexico City to form its own Mesta was Puebla. In 1541 the Puebla cabildo sent Bartolomé Zarote to Spain to, among other things, request permission for this privilege.<sup>1</sup> Without waiting for royal approval, the city held its first meeting in the same year.<sup>2</sup> It will be recalled that the Ordinances of 1537, which were not approved until 1542, did not mention a separate organization for Puebla, and it is therefore presumed that the viceroy sanctioned the Puebla Mesta in 1541 and that royal approval was forthcoming sometime after 1542.

To obviate the necessity for Oaxaca livestock men to travel to the Mexico City area for Mesta meetings, a vice-regal decree dated June 22, 1543 authorized a separate organization for the Oaxaca area.<sup>3</sup> It granted to the town of Oaxaca the right to elect two *alcaldes de mesta* who were directed to hold periodic meetings for the purpose of redistributing stray stock. These officials were specifically charged with enforcing the provisions of the Ordinances of 1537.

It is known that the towns of Michoacán and Guayan-gareo each had their own Mesta bodies by the year 1563. On

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<sup>1</sup>Francisco R. de los Ríos Arce, Puebla de los Angeles y la orden Dominicana (Puebla: Imprenta Librería y Papelería "El Escrito," 1910), p. 97.

<sup>2</sup>Chevalier, op. cit., p. 72.

<sup>3</sup>AGN, Mercedes, vol. II, exp. 260.



July 1st of that year a viceregal decree suppressed the latter town's organization because elections held for the post of *alcalde de mesta* had in the past been the cause of disorders.<sup>1</sup> Guayangareo municipal officials were prohibited from assuming the prerogatives of *alcaldes de mesta*, and Michoacán Mesta officials were given the responsibility for holding meetings in the Guayangareo area. The decree suggests that all Mesta organizations did not necessarily follow the lead of Mexico City in naming outgoing *alcaldes ordinarios* as *alcaldes de mesta*.

Both of the above cited decrees re-enforce the thesis that the Mesta in New Spain was a local organization subordinate to the *cabildo* of the town which they represented. The decree relating to Oaxaca, for example, mentions that approval was being granted in response to a request made by the city, and the action contemplated by the decree that suppressed the Guayangareo body was prompted by a petition presented to the viceroy by Antonio Cristóbal Pérez in the name of the city of Michoacán.

The municipal character of the Mesta in New Spain can also be deduced from the contents of a set of twelve ordinances enacted by the Puebla Mesta in 1556.<sup>1</sup> These regulations were formulated at a meeting held in Napaluca<sup>2</sup> on

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<sup>1</sup>These ordinances, still unpublished, are in Archivo Histórico Nacional, Madrid (hereinafter cited as AHN), Cartas de Indias, Caja 2, num. 52.

<sup>2</sup>Napaluca is situated thirty-five miles northeast of Puebla.



September 8 of that year. Fernando de Villanueva, who is identified as an *alcalde de mesta* for the city and diocese of Puebla, presided at the meeting. The fact that he represented not only the city of Puebla but also the entire diocese of Puebla represents a continuation of a trend observed in the case of Michoacán. The major cities in each area seemed to be extending the influence of their respective Mesta organizations over areas larger than those under their jurisdictions.

The ordinances provided for only one annual meeting which was to be held at Napaluca from June 24th to July 25th. June 29th was set aside as the date on which *mesteños* were to be redistributed, and attendance at this session was made mandatory for all members. Failure to bring all stray stock to the meeting subjected members to a fine of 1 peso de oro común for each animal not declared.<sup>1</sup>

Puebla *alcaldes de mesta* were directed to visit the towns of Napaluca, Tlaxcala, Tepeaca, Guexocingo, Cholula, Tecamachalco, and Cachula<sup>2</sup> periodically during the winter pasture season.<sup>3</sup> The purpose of the inspection trips is not mentioned in the ordinances, but the *alcaldes* presumably were to make themselves available to settle disputes over pasture lands between members and to check on livestock damage to Indian fields. It is also possible that they

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<sup>1</sup>Ordinance III.

<sup>2</sup>These towns were all situated in the valley of Puebla.

<sup>3</sup>Ordinance II.



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were supposed to make certain that Indians received just compensation for depredations committed by animals. When occupied with Mesta affairs, *alcaldes* were authorized to collect a salary of 2 pesos per day.<sup>1</sup>

When approving the ordinances, however, Viceroy Velasco I modified the regulation providing for visitations by *alcaldes* by restricting them to the immediate vicinity of Napaluca. *Alcaldes mayores* were given the responsibility for checking the remainder of the above-named towns.<sup>2</sup> No reason was offered by the viceroy for this limitation on the authority of the *alcaldes de mesta*, but since *alcaldes mayores* were royal officials, it can perhaps be concluded that this action was one of the many steps taken by the crown in the last half of the sixteenth century to centralize royal authority.

Other Mesta officials created by the ordinances included a *mayordomo*, a procurador, and an *escribano*.<sup>3</sup> The method used to choose the *escribano* is not prescribed, but the other two officials were to be chosen by the general membership on June 29th of each year. Service, once chosen, was obligatory subject to a fine of 50 pesos de oro de minas.<sup>4</sup> Duties were not spelled out in the ordinances, but

<sup>1</sup>Ordinance XI.

<sup>2</sup>See confirmación to the Puebla Ordinances of 1556 in AHN, *Cartas de Indias*, caja 2, num. 52.

<sup>3</sup>Ordinance VI.

<sup>4</sup>Ordinance V.



the mayordomo undoubtedly performed tasks similar to those set out in the Ordinances of 1537. The procurador presumably represented the organization in its relations with the viceroy and the audiencia, and the escribano probably kept the minutes of Mesta meetings and acted as a notary for the organization.

Other ordinances dealt with the labor problem, refined branding procedures, and tried to limit the ownership of livestock to established estancia owners. Ordinance VII pointed out that a critical shortage of herders existed and that the condition was being aggravated by ranchers who hired employees away from fellow livestock men. This practice was prohibited, and estancia employees were forbidden to leave their places of employment prior to completion of their contracts. Offenders were warned that they would be hunted down to be returned to their former employers and would be liable for the expenses incurred in their apprehension.

Estancia proprietors were cautioned by the same ordinance to make certain that prospective employees had complied with the terms of previous contracts. Any person who lured an employee away from another or who hired anyone who had not served out his contracted term of employment, subjected himself to a fine of 20 pesos de oro de minas. Another ordinance made it unlawful for employers to remove Indians from their home villages to serve on estancias.<sup>1</sup>

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<sup>1</sup>Ordinance VIII.



Monopolistic tendencies can be detected in a regulation that forbade the ownership of 100 or more head of stock by persons who did not own a ranch or who did not have written permission to graze their animals on the estancia of another.<sup>1</sup> Infractions were punishable by the confiscation of any stock purchased contrary to the terms of the provision, and offenders were also made liable for the payment of a fine.

The framers of the ordinances also addressed themselves to the problem of combating livestock thefts. Re-branding stock or branding another's animals was prohibited, and it was made unlawful for two or more persons to use the same brand.<sup>2</sup> In the event of duplicate brands, the party who had used the brand for the longest period of time was to be allowed to continue its use. If the other person persisted in using the disputed symbol, he subjected himself to the loss of all animals found carrying it.<sup>3</sup>

Perhaps even more important from the standpoint of suppressing rustling was a regulation that prohibited the purchase of stock from anyone other than a legitimate and established livestock raiser. To make certain that this provision was observed, all livestock purchases had to be registered with an alcalde de mesta.<sup>4</sup>

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<sup>1</sup>Ordinance IX.

<sup>2</sup>Ordinance V.

<sup>3</sup>Ordinance VI.

<sup>4</sup>Ordinance XII.



The always important matter of financing the organization was dealt with by a measure which set up a system whereby the membership decided on June 29th of each year how much money would be needed for operations for the next twelve months. At the same time each member was to be told how much he would be expected to contribute.<sup>1</sup> Although the basis for the assessment was not specified, it was no doubt based on the number of livestock that each owned.

Inasmuch as the Puebla ordinances did not touch upon such basic matters as the method for electing *alcaldes de mesta*, the exact procedure for redistributing *mesteños*, and the basis for membership, it is apparent that they were intended merely to supplement the Ordinances of 1537. It is interesting that two of the rancher's most persistent problems, rustling and the labor shortage, are emphasized in the ordinances. It is possible to observe in them the monopolistic sentiment first noticed in early legislation enacted by the *cabildo* of Mexico City. The hierarchy of Puebla's *Mesta*, with several minor additions, remained much the same as that established by the Mexico City *Mesta*.

Four years later a new set of ordinances, which made some rather important organizational changes and introduced financial reforms, was drawn up by the same body.<sup>2</sup> The most significant hierarchical change was the creation of a

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<sup>1</sup>Ordinance XI.

<sup>2</sup>These ordinances, still unpublished, are in AHN, *Cartas de Indias*, Caja 2, num. 52.



council to act in an administrative and policy making capacity.<sup>1</sup> The council was made up of six members elected by the general membership, and its function was to supervise the general affairs of the organization. It was, however, obligated to determine the consensus by consulting with individual members before taking action on important matters.

The council members, acting in concert with the two *alcaldes de mesta*, were given the responsibility for choosing *mayordomos* and *procuradores*.<sup>2</sup> They were also authorized to create a new official. Two veedores were appointed for terms of one year by the council, and these officials were required to commit the brands of each member to memory to enable them to pick out strays in the possession of persons who failed to attend Mesta meetings. They were authorized to confiscate any such stock and deliver it to Napaluca for return to rightful owners. All actions of this nature had to be reported to one of the *alcaldes de mesta* so that individuals who had not returned strays could be punished.<sup>3</sup>

The most important duty of the council appears to have been to impose some measure of responsible control over the financial affairs of the organization. It was given the power to pay salaries to Mesta officials and was authorized to supervise the collection and disbursement of

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<sup>1</sup>Ordinance IV.

<sup>2</sup>Ibid.

<sup>3</sup>Ordinance VII.



all funds.<sup>1</sup> An additional step in establishing control over fiscal matters was taken in the form of an ordinance that provided for the purchase of a leather-bound book in which the mayordomo was required to keep a record of each expenditure and receipt. The book was to be kept, along with Mesta funds, in a metal box which could be opened only by keys held by the escribano, the procurador, the mayordomo, and one of the alcaldes de mesta. To preclude the possibility of chicanery, each of the four key holders were required to attest to every entry made in the book.<sup>2</sup>

The growth of the Puebla Mesta is reflected in a provision included in its second set of ordinances that called for the construction of a building in which members could be housed while attending meetings.<sup>3</sup> The same ordinance authorized the purchase of a tract of land far enough removed from the town of Napaluca to preclude livestock damage to Indian fields. In addition to sleeping quarters, the building plan also called for a room in which alcaldes could conduct their business. This room was to contain a large table on which alcaldes were required to keep pertinent royal cédulas, viceregal decrees, and Mesta regulations.<sup>4</sup>

The problem of redistributing stray stock was reflected in the creation of the veedores discussed above.

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<sup>1</sup>Ordinance IV.

<sup>2</sup>Ordinance III.

<sup>3</sup>Ordinance I.

<sup>4</sup>Ordinance VI.



The new ordinances also made another refinement in the procedure with a regulation that admonished stock men to keep stray ewes ready to lamb, separated from the remainder of strays brought to the meeting so that new-born lambs could be given to the mother's owner.<sup>1</sup>

That the Puebla Mesta chose their alcaldes in a manner similar to that employed by Mexico City is suggested by a regulation which provided that if one of the alcaldes was not a livestock man, the other one should make it a point to attend the June 29th session.<sup>2</sup> Since most of the organization's important business was conducted on that date, it was probably felt that the stock man's presence was mandatory. It would therefore appear that Puebla, like Mexico City, did not strictly adhere to the requirement that alcaldes de mesta be livestock men.

The two sets of Puebla ordinances are interesting from several standpoints. It is clear for instance, that they envisioned, as did the Ordinances of 1537, an organization primarily designed to facilitate the return of stray stock to their rightful owners and to help ranchers cope with livestock thefts. The appearance of the veedor in the Mesta hierarchy and the emphasis placed on branding regulations testify to the persistence of these problems. One of the more significant aspects of the ordinances is that, despite the fact that Puebla was a sheep raising center, there

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<sup>1</sup>Ordinance XII.

<sup>2</sup>Ordinance IX.



is no mention of cañadas. This indicates that there was no pressing need to keep migration routes open.

The ordinances also reveal that the position of *alcalde de mesta* was gradually being subverted. The fact that *alcaldes mayores* assumed a portion of their duties coupled with the assumption of administrative and fiscal responsibilities by the six-man council suggests that there occurred a royal encroachment on the powers of the *alcaldes* on the one hand and a dilution of their authority by their own organization on the other.

In general the two sets of ordinances reveal that the practical necessities of regulating the rapidly expanding livestock industry dictated the creation of new positions and a more precise definition of the duties of existing officials. The basic character of the organization, however, did not change from that established by the Ordinances of 1537. It was still a municipal body whose primary function was to provide a means to protect its members' herds.

Shortly after the formal institutionalization of the Mesta in New Spain, the organization took on the added task of policing rural areas. The first hint of its expanded responsibility appears in the previously cited viceregal decree which authorized the Oaxaca Mesta. In it Oaxaca *alcaldes* were instructed to enforce not only Mesta ordinances but also those pertaining to the Hermandad.<sup>1</sup> The first

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<sup>1</sup>AGN, Mercedes, vol. II, exp. 260.

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reference to the Hermandad in the Mexico City cabildo minutes occurred on January 1, 1554 when outgoing *alcaldes ordinarios* were chosen to fill the post of alcalde de hermandad rather than that of *alcalde de mesta*.<sup>1</sup> This procedure was repeated in the elections of 1553<sup>2</sup> and 1556,<sup>3</sup> but in 1557 the retiring *alcaldes ordinarios* were chosen as *alcaldes de hermandad y mesta*.<sup>4</sup> This practice was followed for the next seven years. In 1564 *alcaldes ordinarios* once again succeeded to the position of *alcalde de mesta*.<sup>5</sup>

The curious fusion of two separate Castilian institutions can probably be best understood in terms of the history of the Hermandad in Castile. When Isabella assumed the throne of Castile, the country was in a state of turmoil and chaos due to an unhappy combination of circumstances. The centuries of disorder which characterized the reconquista and a series of weak monarchs immediately preceding the reign of Isabella had virtually prostrated the country. The Hermandad, a law enforcement agency charged with preventing and punishing crimes in rural districts, had been in existence for many years prior to Isabella's rule, but its effectiveness was practically nil until it was reorganized by Isabella in 1465. In a determined effort to restore peace and order to the countryside, the towns of Castile, Asturias,

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<sup>1</sup>Actas de cabildo, III, 124.

<sup>2</sup>Ibid., III, 159.

<sup>3</sup>Ibid., III, 207.

<sup>4</sup>Ibid., III, 248.

<sup>5</sup>Ibid., IV, 168.



Leon, and Galicia were each designated as seats of authority for *alcaldes de hermandad*. Each *alcalde* divided the areas under his jurisdiction into eight sub-districts and placed them under deputies. Policy was set and day to day operations were supervised by a junta composed of the *alcaldes* from each district.<sup>1</sup>

The organization was granted a new charter in 1476 which brought it under strict royal supervision and granted it more extensive enforcement powers. It was given complete jurisdiction over the crimes of robbery, arson, rape, and treason and was authorized to punish summarily offenders. With the power to try, convict, and execute criminals suspected of these crimes, capture by the *Hermandad* was tantamount to execution. The measures devised by the organization were so effective that by 1498 rural Castile enjoyed a relative amount of stability and peace, and, as a result, the influence and power of the *Hermandad* declined rapidly during the early part of the sixteenth century.<sup>2</sup>

There was a patent need for an organization of this type in New Spain. The character of the Spanish element was discussed in Chapter II, and it was concluded that, by and large, they were a rather shiftless lot. Once they found that it was impossible to enrich themselves overnight, many turned to a life of vagrancy. Life was easy and often

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<sup>1</sup>Merriman, *op. cit.*, II, 99.

<sup>2</sup>*Ibid.*, II, 101-103.

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pleasant for a vagabond in New Spain. There were any number of Indian villages where one could obtain sustenance, lodging, and female companionship merely by asserting one's rights as a Spaniard.<sup>1</sup>

The problem was serious enough to prompt the crown to enact legislation to reduce some of the evil consequences of vagrancy. A cedula dated August 28, 1552 deprecated the actions of Spaniards, mestizos, and mulattoes who were accustomed to making friends with Indian chiefs for the purposes of obtaining Indian women. This practice, as well as injustices perpetrated against Indians, was prohibited, and the Mexico City audiencia was instructed to take steps to enforce the edict.<sup>2</sup>

As indicated by this cedula, vagabondage was not restricted to Spaniards. When the issue from unions of Spanish men and Indian women reached adulthood, they were usually relegated to an inferior economic and social status. Finding that they fit into neither the Spanish nor the Indian pattern of life, large numbers of these mestizos drifted aimlessly about the countryside.<sup>3</sup> Many Indians, rebelling from the harsh labor demands imposed upon them by their Spanish masters, often slipped off into the mountains to escape their deadly daily toil. A smaller element of the

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<sup>1</sup>Martín, op. cit., p. 36.

<sup>2</sup>Puga, op. cit., II, 178-79.

<sup>3</sup>Martín, op. cit., p. 97.



total population also contributed to the vagrancy problem. In the year 1570, for example, more than 2,000 Negro slaves escaped from their owners and found security among the ranks of the vagabonds.<sup>1</sup>

A royal cedula issued in 1558 complained that too many persons in New Spain had neither home nor occupation. Viceroy Velasco I was directed to place homeless and jobless individuals in three towns to be established for the express purpose of rehabilitating vagabonds. The new villages were to be located in areas suitable for farming, and the crown stipulated that it would provide seeds, livestock, food, and other supplies to help the towns become agricultural centers.<sup>2</sup>

The city of Puebla owes its existence to an experiment along these lines. In the spring of 1531 the second audiencia granted modest sized plots of land to twenty-three vagabonds who had expressed an interest in settling down as farmers. The project was so successful that the settlement was honored with the title of city on March 28, 1532 and was granted an exemption from the payment of certain taxes.<sup>3</sup> The success in rehabilitating vagrants by this means undoubtedly was responsible for the plan outlined in the aforementioned cedula.

The attempt to combine the Mesta and the Hermandad

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<sup>1</sup>Ibid., pp. 120-21.

<sup>2</sup>Puga, op. cit., II, 319-20.

<sup>3</sup>Martín, op. cit., pp. 50-51.



was obviously another measure adopted to combat the evils resulting from the activities of large numbers of vagrants in New Spain. Giving *alcaldes de mesta* the responsibility for preserving order in rural areas would be logically consistent with their position as a judicial official for the Mesta who traversed rural areas to dispense justice to stock owners.

Actually the need for a *Hermandad* in New Spain was felt as early as 1541. The city of Puebla, at the same time that it requested permission to organize a Mesta, asked that the crown institute the *Hermandad* in New Spain.<sup>1</sup> In 1543 a *cedula* was issued which called upon *alcaldes ordinarios* in all of New Spain's towns and villages also to act as *alcaldes de hermandad* and enforce *Hermandad* ordinances.<sup>2</sup> Whether this edict was in response to the request made by Puebla's *procurador* is not known, but in any event it turned out to be at best a stop-gap measure as was the attempt to solve the problem by combining the Mesta and the *Hermandad*. Vagrancy remained a serious problem throughout the sixteenth century as evidenced by another *cedula* issued on December 3, 1595 which again authorized the formation of an *Hermandad* in Mexico City. This action was taken in response to a petition presented by Cristobal de Ontiveros who complained that the officials responsible for maintaining order in rural areas

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<sup>1</sup>H. de los Ríos Arce, Francisco, loc. cit.

<sup>2</sup>Puga, op. cit., I, 482-84.

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were unable to deal effectively with the increasingly serious matter of rustling in particular and the general problem of disorders in rural areas.<sup>1</sup> This measure apparently also failed because in 1631 the crown again authorized a *Hernandad* for the colony.<sup>2</sup>

In 1574 the *Mesta* in New Spain was given an elaborate new code consisting of eighty-three ordinances which incorporated many features of both the Mexico City and Puebla *Mestas* and codified previously enacted legislation relating to livestock ranching.<sup>3</sup> The new ordinances formally extended the organization to all of New Spain, made certain minor organizational changes, included regulations designed to protect Indian fields, and attempted to institute the means by which the inhabitants of New Spain could be assured an adequate meat supply. By far the largest single area covered by the ordinances, however, was the matter of protecting the herds of *Mesta* members.

Recognizing the need for *Mesta* organizations in all of the country's livestock raising areas, each bishopric<sup>4</sup> was authorized to elect *alcaldes de mesta*. Meeting sites

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<sup>1</sup>Actas de cabildo, XIV, 151-52.

<sup>2</sup>Martín, op. cit., p. 70.

<sup>3</sup>The text of these ordinances has been published in Eusebio Belena, Recopilación sumaria de todos los autos acordados de las real audiencia y sala del crimen de esta Nueva España (2 vols. México: Felipe y Zuñiga y Ontiveros, 1787), I, 2nd fol., 27-54.

<sup>4</sup>In 1574 there were six bishoprics in New Spain: Mexico, Puebla, Oaxaca, Michoacan, Guadalajara, and Yucatan. There is no evidence that, during the period covered by this study, *Mestas* were formed in the latter two bishoprics.



for the Mexico City body were specified, but dates and locations of gatherings for other bishoprics were left to the discretion of local Mesta officials.<sup>1</sup>

Although *alcaldes de mesta* were specifically directed to mete out justice to all who petitioned for it at meetings and were instructed to visit each *estancia* sometime during the period that the Mesta was in session, the redistribution of livestock was still their most important function. Redistribution was to be effected in the same manner as set out in the Ordinances of 1537,<sup>2</sup> but a new procedure was instituted for the disposal of unclaimed stock. Proclamations describing them were to be made on the final three days of each session, and if this did not bring owners forward, the animals were sold. Descriptions of all *mesteños* sold in this manner were entered in a book maintained by the *mayordomo* along with the amount received for each. Provided the owner of an animal sold pursuant to this regulation appeared within one year of the date of sale and could prove ownership, he was entitled to the funds derived from the transaction. Otherwise this money was shared in equal proportions by the crown and the Mesta organization which had handled the sale.<sup>3</sup> This ordinance was presumably promoted by the expense and inconvenience incidental to maintaining

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<sup>1</sup>Ordinance I, p. 27.

<sup>2</sup>Ordinance V, p. 29.

<sup>3</sup>Ordinance X, p. 31.

# DECLASSIFICATION

For the purpose of this document, the term "declassification" refers to the process of removing the classification marking from a document, which is no longer required for security reasons. This process is typically performed by a designated authority, such as the National Archives and Records Administration (NARA), or by the originating agency, if it has the necessary authority. The declassification process involves a thorough review of the document to determine its current status and the appropriate classification marking to be applied. This review is based on the document's content, its age, and the current security requirements. Once the document has been reviewed and deemed suitable for declassification, the classification marking is removed, and the document is made available to the public. This process is essential for ensuring that the public has access to information that is no longer classified, while also maintaining the security of the information that remains classified.

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DATE: 10/10/2010

unclaimed stock from one meeting to the next. Royal participation in fines perhaps reflected a general trend of increased taxation experienced by Spain's colonies during the reign of Philip II.

The Ordinances of 1574 included a number of general regulations designed to minimize livestock thefts and a rather complete set of branding regulations. One ordinance, for example, reflects a conviction that thefts could be reduced by limiting the ownership of stock to established estancia owners.<sup>1</sup> In what would appear to be a contradiction, another regulation forbade the practice of allowing estancia employees to graze stock on the premises of their employers.<sup>2</sup> In a measure which attempted to remove the temptation to drive off their employer's stock for the purpose of establishing themselves in the ranching business, estancia employees were prohibited from owning estancias for a period of four years following termination of employment.<sup>3</sup> One suspects that these particular ordinances may have, at least in part, been motivated by the same monopolistic sentiment observed in previous legislation.

Another reflection of exclusionism is found in an ordinance which changed membership requirements. Whereas under the Ordinances of 1537 membership was obligatory with the ownership of 300 ganado menor or 20 ganado mayor, the

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<sup>1</sup>Ordinance XX, pp. 34-35.

<sup>2</sup>Ordinance XXXVII, p. 41.

<sup>3</sup>Ordinance LIII, p. 49.



Ordinances of 1574 specified that one had to own an estancia and possess at least 3,000 ganado menor or 2,000 ganado mayor to qualify as a member.<sup>1</sup> There may also have been a practical reason for restricting membership in this manner. Despite the stabilization of livestock industry expansion, herds were still very large, and there were probably very few legitimate ranchers with herds smaller than those prescribed for membership.

General measures enacted to help ranchers protect their herds included a provision which barred Indian, mulatto, and Negro estancia employees from using horses without the express permission of the estancia owner for whom they worked.<sup>2</sup> It was hoped that a limitation on the use of riding animals would discourage raids on the herds of neighboring estancias. Another ordinance in the new code intended to discourage rustling outlawed the sale of tallow and hides by anyone other than the owner of the animal from which they had been derived. To make certain that this proscription was observed, buyers of these commodities were required to report all purchases to the judicial official closest to the point of purchase and show him appropriate bills of sale.<sup>3</sup>

In another approach to the problem, livestock ranchers were forced to maintain a close check on their herds.

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<sup>1</sup>Ordinance II, p. 23. <sup>2</sup>Ordinance LVI, pp. 50-51.

<sup>3</sup>Ordinance LVII, p. 51.



Cattle owners were required to round up all of their stock at least once a week during the period from June 24th to December 15th.<sup>1</sup> Before proceeding with a roundup, it was necessary to notify the owners of the four closest estancias so that they might have an opportunity to participate in the acquisition of any wild animals found during the course of the operation. All animals for which ownership could not be determined were divided among the participants in proportion to the number of their own cattle recovered. Any proprietor who failed to respond to an invitation to join his neighbors, forfeited his right to any animals found during that particular roundup.<sup>2</sup>

That the many vagabonds who plagued New Spain in the sixteenth century were viewed as a threat to the security of livestock herds is suggested by a provision that restricted the stay of vagrants on estancias to a three day period. They were also prohibited from visiting any estancia more than once every six months, and estancia owners who allowed vagrants to live on their premises made themselves subject to a fine of 20 pesos de oro de minas.<sup>3</sup> Proprietors were also admonished not to harbor runaway slaves.<sup>4</sup>

Many estancia owners were accustomed to entrust the care of ranches to mestizos, Indians, or Negroes to avoid paying the high wages customarily demanded by persons of

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<sup>1</sup>Ordinance XVIII, p. 34.    <sup>2</sup>Ordinance XIX, p. 34.

<sup>3</sup>Ordinance LXII, p. 53.    <sup>4</sup>Ordinance XLI, pp. 41-42.



Spanish birth. As a result there was a decided lack of authority and discipline on many estancias. To reduce the possibility of thefts by this lawless element, the Ordinance of 1574 required estancia proprietors to employ at least one Spanish foreman for every 2,000 head of ganado mayor. Mesta officials were obliged periodically to check ranches in their respective jurisdictions to make certain that this requirement was being observed. If they found any estancias that did not have the specified number of Spaniards, the alcaldes were authorized to staff them with the required number and force the owners to pay their salaries.<sup>1</sup>

The new ordinances minutely prescribed branding practices as another means of coping with the rustling problem. Branding regulations included in the Ordinances of 1537 were repeated,<sup>2</sup> restrictions were placed on the ownership of branding irons, and branding methods were more precisely defined. The ownership of branding irons by any estancia employee was expressly prohibited,<sup>3</sup> and it was made unlawful for blacksmiths to make branding irons for any person other than the owner of a registered brand.<sup>4</sup> It was also declared to be illegal for the owner of an estancia to leave his branding iron in the possession of his foreman unless he happened to be a Spaniard.<sup>5</sup>

The extent of control imposed on livestock men in

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<sup>1</sup>Ordinance XV, p. 33.      <sup>2</sup>Ordinance VI, p. 30.

<sup>3</sup>Ordinance XXIII, p. 36.      <sup>4</sup>Ordinance LXXII, p. 56.

<sup>5</sup>Ordinance LXXIV, p. 57.



the matter of branding is revealed by an ordinance that specified the way in which recovered stolen stock could be rebranded in the event they had been branded by thieves. The owner was allowed to place his brand over that of the thieves only if a law enforcement official were present. If no law officer were available, however, the job could be done before three witnesses. In any case, it was mandatory that a justice be notified that the animals had been recovered and rebranded.<sup>1</sup>

There were also a number of miscellaneous provisions in the new code which dealt with the rustling problem. Ranchers who wished to move stock for a distance of more than six miles were required to procure a license to do so,<sup>2</sup> livestock purchases were declared to be illegal without a bill of sale from the owner of the animals involved,<sup>3</sup> and yearlings bought by farmers and carreteros to be used as draft animals had to be registered with a judicial official.<sup>4</sup>

To control thefts by Indians, the ordinances called for the appointment of an Indian alguacil for each village located near livestock centers. These officials were given the responsibility for reporting thefts committed by inhabitants of their villages. In addition, Indian sheep raisers were forbidden to cut the tails of their animals. Spanish sheep raisers made it a practice to remove the tails

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<sup>1</sup>Ordinance LII, p. 47.

<sup>2</sup>Ordinance XXI, p. 35.

<sup>3</sup>Ordinance XXXI, p. 39.

<sup>4</sup>Ordinance LIV, p. 49.



of their animals, and therefore any sheep without tails found in the possession of Indians were presumed to have been stolen.<sup>1</sup>

On the other hand, Indians were afforded a certain amount of protection for their fields by the Ordinances of 1574. The invasion of New Spain's countryside by hundreds of thousands of cattle and sheep naturally created a serious problem for the rural Indian population of the country. Recognition of the problem by the crown is reflected in a cedula issued on March 24, 1550 which directed the viceroy to make certain that future grants of estancias were far enough removed from Indian fields and pueblos to preclude possibility of damage to crops by livestock.<sup>2</sup>

The plight of the inhabitants of Tlaxcala became so critical that they complained directly to the king about incursions onto their hereditary lands by livestock men. Viceroy Velasco I was subsequently instructed to remove all estancias from the Tlaxcala area, and in January of 1551 he issued a decree which prohibited the settlement of Spaniards in the Tlaxcala area. He did not, however, attempt to remove estancias already established. The Indians apparently lodged a second protest because in August of 1552 the crown again ordered the viceroy to effect the evacuation of livestock ranchers from the immediate vicinity of Tlaxcala. As

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<sup>1</sup>Ordinance LXXVII, pp. 58-59.

<sup>2</sup>Puga, op. cit., II, 77-78.

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a result, the ranchers, with one exception were forced to abandon the valley in 1553.<sup>1</sup> This action must not have had any lasting effect because the residents of Tlaxcala wrote another letter to the king on March 1, 1562 in which they bitterly complained that livestock belonging to Spaniards were again devastating fields.<sup>2</sup>

The new ordinance provided additional legislation along the lines of the above-mentioned cedula of March 24, 1550. Livestock owners whose animals were responsible for knocking down fences to graze in crop lands were not only required to restore damaged fences but also were made liable for the payment of a fine of 1 peso de oro común for each animal found in Indian fields.<sup>3</sup> Another measure possibly intended to ease the plight of Indian farmers was an ordinance which instructed *alcaldes de mesta* to establish *cañadas* in areas where they were needed.<sup>4</sup> The fact that the same ordinance also directed the *alcaldes* to mark water holes along the right-of-way leads one to believe that *cañadas* were introduced more for the convenience of livestock men than for the protection of Indian crops. There is evidence that *cañadas* did not gain wide acceptance and Indians therefore probably did not derive much benefit from this provision.<sup>5</sup>

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<sup>1</sup>Gibson, *op. cit.*, p. 82.

<sup>2</sup>*Cartas de Indias* (Madrid: Ministerio de Fomento, 1877), p. 404.

<sup>3</sup>Ordinance XIII, p. 32.      <sup>4</sup>Ordinance XXXVI, p. 79.

<sup>5</sup>Chevalier, *op. cit.*, p. 79.

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The most important regulation relating to the protection of Indian lands was one which prohibited the movement of livestock to winter pasture lands before December 1st and established March 1st as the earliest date on which the return trip could be commenced. In those areas in which harvests were customarily completed before December 1st, however, migrations could be started earlier provided permission were obtained from *alcaldes ordinarios* along the way. Enforcement officials were warned that they were not merely to collect fines for violations of this ordinance and allow the migrant herds to proceed on their way without first checking for any damage they might have caused. If it were determined that fields had been trampled, damages were to be assessed and collected for the account of the owners of the crop lands involved.<sup>1</sup>

A more serious problem for the country as a whole was that of maintaining an adequate meat supply for its inhabitants. If the price of beef in Mexico City can again be used as a reliable guide, it is apparent that the beef glut experienced by New Spain at mid-century had become an acute shortage by the 1570's. The price of an *arrelde* of beef for several decades prior to 1570 had hovered around 6 maravedís, but within a few years after that date it had risen to 9 maravedís.<sup>2</sup> In any event, the shortage had apparently grown to alarming proportions by 1574 judging from

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<sup>1</sup>Ordinance L, pp. 46-47.

<sup>2</sup>Chevalier, op. cit., pp. 86-87.



the amount of legislation regulating the slaughter and sale of meat included in the ordinances.

The slaughter of female animals was again prohibited in an interesting regulation which reviewed the causes which had operated to reduce the size of livestock herds. Indian depredations and attacks by wild dogs were cited as important causes, but the basic factor was recognized as being the wholesale slaughter of cattle for their hides. The ordinance consequently forbade the killing of cattle for their hides, and law enforcement officers were cautioned that their honest application of this law would be reviewed when <sup>1</sup>pesquisas were held. Recalling the large number of hides shipped from New Spain after 1574, it is obvious that enforcement was lax.

To combat the menace to livestock posed by wild dogs, ranchers were forbidden to keep dogs on estancias except for sheep dogs, which were limited to 3 for each 1,000 head of sheep.<sup>2</sup> Indians who lived within fifteen miles of an estancia or within three miles of an area utilized for winter pasture lands were likewise prohibited from owning dogs.<sup>3</sup>

It was declared to be illegal for any estancia employee to kill stock without permission from his employer, who in turn had to obtain a license from a royal official. To make certain that this proscription was observed, all

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<sup>1</sup>Ordinance LXXX, p. 60. <sup>2</sup>Ordinance XLII, p. 42.

<sup>3</sup>Ordinance XLIII, p. 42.



slaughtered animals had to be shown to the local *carnicería* *veedor*.<sup>1</sup> The only exception allowed applied to animals killed for consumption on *estancia* premises.<sup>2</sup>

*Carnicerías* in Indian pueblos were again outlawed, and the sale of meat to Indians was prohibited without special permission from the viceroy.<sup>3</sup> It is known that many Indian pueblos were still selling meat in 1580,<sup>4</sup> and it can therefore be assumed either that the ordinance was observed more in the breach than in the observance or that the viceroy issued licenses to Indian pueblos indiscriminately.

*Carnicería* retail practices did not receive the detailed treatment in the Ordinances of 1574 that they did in the previously cited Mexico City *cabildo* regulations pertaining to this topic. One regulation, however, did prohibit the sale of meat except in a licensed *carnicería*,<sup>5</sup> and the sale of meat without first being weighed was declared to be unlawful.<sup>6</sup> The only other restriction placed on the operators of *carnicerías* by the new code was a limitation on the number of enterprises in which one could engage. *Carnicería* *obligados* were forbidden to own, or have

<sup>1</sup>Ordinance XVI, pp. 33-34.

<sup>2</sup>Not to be confused with the *veedor* created for the Puebla Mesta. The *carnicería* *veedor* will be discussed below.

<sup>3</sup>Ordinance LXIV, pp. 53-54.

<sup>4</sup>Chevalier, *op. cit.*, p. 85.

<sup>5</sup>Ordinance XXXV, p. 40.

<sup>6</sup>Ordinance XXIV, p. 37.

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Slaughtering practices, however, were closely regulated. Each *carnicería* was required to hire at least one *veedor* who, as a royal official, was supposed to suppress illegal slaughtering. Although this officer was appointed by the viceroy, his wages were paid by the *obligado* to whom he was assigned. The *veedor* was required to maintain a book in which he kept a record of all animals, identified by description and brand, killed for the *carnicerías*. An additional responsibility was that of verifying that stock acquired by the *carnicería* had been legally purchased.<sup>2</sup>

The *veedor* was obliged to witness personally the slaughter of animals, but if for some reason he was unable to be present, the *obligado* was required to save the hides of all animals killed in his absence so that their brands could be later entered in the book. The royal official had to submit an annual report to the local *cabildo* which listed the animals slaughtered during the preceding twelve months. After checking the list against its own records for accuracy, the *cabildo* was required to forward it to the viceroy.<sup>3</sup>

The position of *veedor* was considered to be so vulnerable to corruption that appointees to the post had to furnish a bond to guarantee the honest performance of their duties. As an additional safeguard, a representative of the

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<sup>1</sup>Ordinance XXXIV, p. 40.    <sup>2</sup>Ordinance XXVI, pp. 37-38.

<sup>3</sup>Ordinance XXVI, pp. 37-38.



local alcalde mayor was required also to witness and attest<sup>1</sup> to the slaughter of animals.

The Ordinances of 1574 also included regulations which attempted to control the movement of stock to carnicerías. Obligados were warned that they must register all animals scheduled for delivery to their places of business. A number of inspection stations were established for this purpose along routes customarily used for cattle drives.<sup>2</sup> One of the most important of the check points was located at San Juan del Río, a village situated forty miles northwest of Mexico City on the road to the important livestock center of Querétaro.<sup>3</sup> The station was staffed with two royal officials whose duty it was to prevent illegally acquired stock from entering the city. They maintained a book which contained the brands of all ranchers in the area, and before herds were allowed through the check point, bills of sale were checked against the brand book to make certain that brands corresponded with the names of sellers of the animals.<sup>4</sup>

Although minor organizational changes such as the creation of Indian alguaciles were embodied in the new code, in general the Mesta hierarchy envisioned by the Ordinances of 1574 was much the same as that established by the ordinances enacted by the Mexico City cabildo in 1537. The

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<sup>1</sup>Ordinance XXVI, pp. 37-38. <sup>2</sup>Ordinance LXV, p. 54.

<sup>3</sup>Morrissey, op. cit., p. 120. <sup>4</sup>Ibid.

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pre-eminent position of the alcalde de mesta in the organization was maintained, and he was again empowered to choose an alguacil as an enforcement officer.<sup>1</sup> Provision was also again made for a mayordomo whose duties remained unchanged,<sup>2</sup> and all officials, as before, were required to submit to a pesquisa following completion of their periods of service.<sup>3</sup>

A provision which suggests that there may have been financial chicanery on the part of some officials made it obligatory that alcaldes de mesta carry account books with them when on Mesta business. The books were to be used to record every fine levied during an individual's term of office, and they had to be made available for inspection by any member who asked to examine them.<sup>4</sup>

One of the most significant changes which the Ordinances of 1574 made in the Mesta involved the position of alcalde de mesta. The judicial competence of these officials was restricted to those periods of time when the organization which he represented was in session. The ordinance that carried this limitation on the authority of the alcaldes provided that regular law enforcement officials would have jurisdiction over matters covered by the Mesta code during the remainder of the year.<sup>5</sup>

The reduction in the power and influence of the al-

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<sup>1</sup>Ordinance III, p. 29.

<sup>2</sup>Ordinance VIII, p. 31.

<sup>3</sup>Ordinance XI, p. 32.

<sup>4</sup>Ordinance XXVIII, p. 38.

<sup>5</sup>Ordinance II, p. 28.

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caldes is also reflected in a provision that restricted their right to carry the vara de justicia. Although they were permitted to carry the staff throughout the year in the city in which they resided, they could carry them outside the city only when the Mesta was in session.<sup>1</sup> A viceregal decree issued on December 10, 1579 further restricted the use of the highly prized vara by forbidding Mesta officials to display them at any times other than those days when the Mesta was meeting.<sup>2</sup>

A measure that must have seriously hampered the efficient operation of Mesta bodies limited their participation in fines levied for infractions of Mesta regulations. The organization in whose district a fine was imposed was required to share it in equal parts with the crown, the judge, and the informer.<sup>3</sup> As in the case of the vara de justicia, the viceroy later imposed a more severe restriction. A decree issued on May 18, 1575 provided that Mesta organizations could participate in only those fines levied during Mesta meetings. Funds derived from Mesta infractions during the remainder of the year were to be shared annually by the crown, the judge, and the Hospital de San Juan de Ulua.<sup>4</sup>

In searching for reasons to account for the diminution of the power and authority of the *alcaldes de mesta* and

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<sup>1</sup>Ordinance III, p. 29.

<sup>2</sup>Beleña, *op. cit.*, I, 2nd fol., 65.

<sup>3</sup>Ordinance XXIX, p. 38-39. <sup>4</sup>Beleña, *loc. cit.*



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of the institution which they represented, evidence can be cited which suggests that some of the chief Mesta officials performed their duties in an indifferent manner. It was noted in Chapter III that a Mexico City cabildo member felt that it was necessary to introduce a resolution to force *alcaldes* to hold their winter meeting and to demand that they do their jobs more expeditiously.

On April 18, 1572 another official of the same body complained that *alcaldes de mesta* had become remiss in checking the brands of livestock entering the city bound for *carnicerías*.<sup>1</sup> As a result, the municipal council appointed a *regidor* to perform this task. Viceregal disapproval of the quality of the performance of these officials in general was expressed when a cabildo representative asked why *alcaldes de mesta* had been deprived of the right to carry the *vara de justicia*. The viceroy replied that he had taken the action because the Mesta officials simply had not been properly discharging their obligations.<sup>2</sup>

The fact that the post of *alcalde de mesta* was, at least in Mexico City, filled by outgoing *alcaldes ordinarios* rather than by persons specifically qualified to deal with problems incidental to livestock raising perhaps accounts for their apparent inadequacy. While there must obviously have been some qualified persons who succeeded to the position, the chance that even a majority of the individuals who held

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<sup>1</sup>Actas de cabildo, VII, 22.

<sup>2</sup>Ibid., IX, 184.



the office had the background and experience necessary for vigorous and effective prosecution of their prescribed duties is slight.

The decline of the Mesta in the last half of the sixteenth century was, however, due to a more compelling reason. Viceregal action in restricting the activities of the Puebla *alcaldes* to the immediate vicinity of Napaluca represents the beginning of a trend of royal encroachment on matters originally envisioned as being under the purview of the Mesta. Royal action in transferring to royal officials a portion of the jurisdiction granted to the *alcaldes* by the Ordinances of 1537 would appear to have been a continuation of this trend as would the deprivation of Mesta organizations' share in fines levied for Mesta code infractions.

That this was a conscious effort on the part of royal officials is indicated by an entry in the minutes of the Mexico City *cabildo* on November 21, 1572. On that date Luis Juárez de Peralta registered a complaint that he, as an *alcalde de mesta*, was not being shown proper respect by officers of the crown.<sup>1</sup> He requested that his complaint be taken up with the *audiencia*. Six months later Pedro Muñoz de Chávez reported to the *cabildo* that on a recent trip to Guanajuato, he was obstructed in the performance of his duties as an *alcalde de mesta* by *Alcalde Mayor* Juan Sarmiento. He was particularly incensed that Sarmiento had

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<sup>1</sup>Ibid., VIII, 41.

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had the temerity to imprison him.<sup>1</sup>

Increased royal involvement in Mesta affairs can be deduced from an entry in the Mexico City cabildo minutes dated several months before the Ordinances of 1574 were promulgated. On August 21, 1573 a cabildo official made a report to the council that he had heard a rumor that the viceroy was preparing a new set of regulations for the Mesta. He recommended that the cabildo name a representative to discuss the matter with the viceroy.<sup>2</sup> It is therefore obvious that the king's representative had not even consulted the Mexico City municipal council about the new code.

Royal interference in Mesta matters did not, oddly enough, represent control of the organization by the crown but rather an increased amount of control over the industry which the Mesta represented. Mesta officials were still chosen by organs of municipal government under the provisions of the Ordinances of 1574, and there is nothing in them to suggest that the crown was interested in supervising the activities of Mesta officials. The net effect of the code on Mesta organizations was to reduce the power and influence of Mesta officials in favor of royal officials. The fact that the code was drawn up under the auspices of Viceroy Martín Enríquez, one of the strongest of New Spain's strong sixteenth-century viceroys and an ardent exponent of the centralization of royal power undertaken during the reign

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<sup>1</sup>Ibid., VIII, 61.      <sup>2</sup>Ibid., VIII, 71.



of Philip II, leads one to the conclusion that the evolution of the Mesta was a reflection of a general process of royal consolidation of colonial control which occurred during this period.



## SUMMARY AND CONCLUSIONS

Although New Spain had no indigenous livestock industry, Spanish colonists introduced hogs, sheep, and cattle within a few years after the conquest was completed. Livestock quickly became a major factor in the economy of the colony, but the extremely rapid rate at which livestock multiplied was a mixed blessing because two of the most persistent problems which plagued ranchers were a direct consequence of this phenomenon. Stock raisers found it virtually impossible to hire and retain a sufficient number of ranch personnel to maintain their immense herds in an adequate state of surveillance. The result was an annual loss of large numbers of animals to rustlers. The labor shortage also meant that herds were permitted to wander about untended, and many either became mixed in with the herds of other owners or reverted to a wild state. It was therefore essential that measures be found to combat rustling and some means be devised to effect the redistribution of stray stock.

Rustling and stray livestock were also problems in Castile, but they were of a more serious nature in New Spain not only because the industry expanded too rapidly for its own good but also because cattle were relatively more important in the colony. Cattle range over much larger areas than do sheep, and the matter of controlling and protecting

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stock was therefore much more difficult in New Spain than in the mother country.

While migrations were practiced in the colony, the matter of maintaining migration routes does not appear to have been a matter for concern. Cañadas are not even mentioned in any of the Mesta ordinances except for an almost casual reference to them in the Ordinances of 1574. Of a total of eighty-three provisions, only one dealt with this topic, and it did not call for the creation of a separate official to make certain that rights-of-way were kept open nor did it call on alcaldes to maintain them. In Castile, on the other hand, the problem of keeping canadas open was of overriding importance, and most Mesta activities were associated with maintaining rights-of-way. Other discernible differences in the two areas include the vexatious problem of Indian relations and the matter of providing sustenance for the colonists.

It is obvious, then, that the organizations which were formed to represent livestock interests in New Spain and in Castile were of necessity designed to serve different ends. Castile's Mesta was primarily a protective association concerned with the unobstructed passage of sheep to and from winter pasture lands while New Spain's Mesta was established to enable livestock men to maintain close control over their large herds. It is not surprising, therefore, that the two organizations assumed different characters.

Few parallels can be drawn between their administrative



structures. The hierarchy of the Castilian Mesta was dominated by its president, and the most important lower echelon official was the entregador. Neither of these offices were created in New Spain. The only basis for comparing the hierarchies of the two institutions was the existence in both of *alcaldes de mesta*. While this official played a minor role in the affairs of the Castilian Mesta, he was the organization's most prominent official in New Spain. There were also functional differences in that the duties of *alcaldes de mesta* in the colony were less specialized than in Castile. In the mother country they acted as judges in matters pertaining to livestock, but in the colony they were administrators as well as judges and assumed, for a time, the added responsibility for policing rural areas.

The formation of the Castilian Mesta was instigated by the crown, and it was beholden to the king for the influence and power that it eventually attained. The latter part of the fifteenth century witnessed a determined effort on the part of Castilian monarchs to expand their own power and authority at the expense of the towns, the church, and the nobility. The Mesta was used by the crown as one of the means to achieve this end, and Mesta members were often called upon to replenish the royal coffers. In return, the stock raiser's association received royal aid in their struggle against traditional enemies along migration routes.

The Mesta was introduced into New Spain, on the other hand, by the *cabildo* of Mexico City, and while the

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Castilian Mesta was a national organization, the colonial body was never anything more, at least during the sixteenth century, than a decentralized group of local organizations with no formal connection with one another. Absence of royal interest in New Spain's Mesta can probably be attributed to the fact that the crown had neither direct nor indirect financial interest in it. When royal officials did take an interest in affairs which would seem to have properly fallen under the purview of the Mesta, it was not to control the organization but rather to exercise control over the livestock industry itself. Motivation for royal intervention would seem to turn on concern for providing an adequate meat supply for the inhabitants of the country. The Ordinances of 1574 bear testimony to the seriousness of the problem and the extent of royal control imposed on the meat industry.

Royal patronage made the Castilian Mesta one of the most influential institutions in the realm. It is difficult to determine how much influence, if any, that the various Mesta organizations exerted in New Spain. Since it was merely a branch of local government, it is hardly likely that it played a very significant political role on a viceregal level. There is no evidence that royal officials attempted to foster its growth to assist the crown to consolidate royal authority in New Spain. The Ordinances of 1574, on the contrary, greatly diminished the judicial competence of the institution. Nor is there any indication that stock owners

Conditioned reflexes are a very important part of the nervous system. They are formed as a result of the interaction of the external environment with the internal organs. The process of conditioning is a very complex one, involving many factors. It is the basis of many of our daily activities, such as learning to walk, talk, and read. The study of conditioned reflexes is a branch of psychology known as behaviorism. It was first developed by the Russian physiologist Ivan Pavlov. He discovered that dogs could be conditioned to salivate at the sound of a bell. This was done by ringing the bell every time the dog was given food. After a few days, the dog would salivate at the sound of the bell alone. This is a classic example of a conditioned reflex. The bell is the conditioned stimulus, and the salivation is the conditioned response. The food is the unconditioned stimulus, and the salivation is the unconditioned response. The process of conditioning is a very important part of the nervous system. It is the basis of many of our daily activities, such as learning to walk, talk, and read. The study of conditioned reflexes is a branch of psychology known as behaviorism. It was first developed by the Russian physiologist Ivan Pavlov. He discovered that dogs could be conditioned to salivate at the sound of a bell. This was done by ringing the bell every time the dog was given food. After a few days, the dog would salivate at the sound of the bell alone. This is a classic example of a conditioned reflex. The bell is the conditioned stimulus, and the salivation is the conditioned response. The food is the unconditioned stimulus, and the salivation is the unconditioned response.

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were used to support the royal treasury. An interesting point of contrast can be made in this regard. More than one-half of the provisions, as was pointed out in Chapter I, included in the Mesta Charter of 1273 dealt with tax measures, but taxation is not even mentioned in any of New Spain's Mesta codes.

It is obviously much easier to draw contrasts than make comparisons between the two institutions, and three fundamental distinctions can be made. They were formed for different purposes, and they bore slight organizational resemblance to each other. Even more important, the one was a powerful national organization while the other was an innocuous appendage of municipal government with little influence in national political affairs.



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