

posed him to much odium from the objects of it. But his measures were so just and impartial, that he was supported by public opinion.<sup>36</sup>

Indeed, Vaca de Castro's conduct, from the hour of his arrival in the country, had been such as to command respect, and prove him competent to the difficult post for which he had been selected. Without funds, without troops, he had found the country, on his landing, in a state of anarchy; yet, by courage and address, he had gradually acquired sufficient strength to quell the insurrection. Though no soldier, he had shown undaunted spirit and presence of mind in the hour of action, and made his military preparations with a forecast and discretion that excited the admiration of the most experienced veterans.

If he may be thought to have abused the advantages of victory by cruelty towards the conquered, it must be allowed that he was not influenced by any motives of a personal nature. He was a lawyer, bred in high notions of royal prerogative. Rebellion he looked upon as an unpardonable crime; and, if his austere nature was unrelenting in the exaction of justice, he lived in an iron age, when justice was rarely tempered by mercy.

In his subsequent regulations for the settlement of the country, he showed equal impartiality and wisdom. The colonists were deeply sensible of the benefits of his administration, and afforded the best commentary on his services by petitioning the Court of Castile to continue him in the government of Peru.<sup>37</sup> Unfortunately, such was not the policy of the Crown.

<sup>36</sup> Ibid., ubi supra.—Herrera, Hist. General, dec. 7, lib. 6, cap. 2.

<sup>37</sup> "I así lo escribieron al Rei la Ciudad del Cuzco, la Villa de la Plata, i otras Comunidades, suplicandole, que los dexase por Gobernador à Vaca de Castro, como Persona, que procedia con rectitud, i que ià entendia el Gobierno de aquellos Reinos." Herrera, Ibid., loc. cit.

## CHAPTER VII.

ABUSES BY THE CONQUERORS.—CODE FOR THE COLONIES.—  
GREAT EXCITEMENT IN PERU.—BLASCO NUÑEZ THE  
VICEROY.—HIS SEVERE POLICY.—OPPOSED BY GONZALO  
PIZARRO.

1543-1544.

BEFORE continuing the narrative of events in Peru, we must turn to the mother-country, where important changes were in progress in respect to the administration of the colonies.

Since his accession to the Crown, Charles the Fifth had been chiefly engrossed by the politics of Europe, where a theatre was opened more stimulating to his ambition than could be found in a struggle with the barbarian princes of the New World. In this quarter, therefore, an empire almost unheeded, as it were, had been suffered to grow up, until it had expanded into dimensions greater than those of his European dominions, and destined soon to become far more opulent. A scheme of government had, it is true, been devised, and laws enacted from time to time for the regulation of the colonies. But these laws were often accommodated less to the interests of the colonies themselves, than to those of the parent country; and, when contrived in a better spirit, they were but imperfectly executed; for the voice of authority, however loudly proclaimed at home, too often died away in feeble echoes before it had crossed the waters.

This state of things, and, indeed, the manner in which the Spanish territories in the New World had been originally acquired, were most unfortunate both for the



conquered races and their masters. Had the provinces gained by the Spaniards been the fruit of peaceful acquisition,—of barter and negotiation,—or had their conquest been achieved under the immediate direction of the government, the interests of the natives would have been more carefully protected. From the superior civilization of the Indians in the Spanish American colonies, they still continued after the Conquest to remain on the ground, and to mingle in the same communities with the white men; in this forming an obvious contrast to the condition of our own aborigines, who, shrinking from the contact of civilization, have withdrawn, as the latter has advanced, deeper and deeper into the heart of the wilderness. But the South American Indian was qualified by his previous institutions for a more refined legislation than could be adapted to the wild hunters of the forest; and, had the sovereign been there in person to superintend his conquests, he could never have suffered so large a portion of his vassals to be wantonly sacrificed to the cupidity and cruelty of the handful of adventurers who subdued them.

But, as it was, the affair of reducing the country was committed to the hands of irresponsible individuals, soldiers of fortune, desperate adventurers, who entered on conquest as a game, which they were to play in the most unscrupulous manner, with little care but to win it. Receiving small encouragement from the government, they were indebted to their own valor for success; and the right of conquest, they conceived, extinguished every existing right in the unfortunate natives. The lands, the persons, of the conquered races were parcelled out and appropriated by the victors as the legitimate spoils of victory; and outrages were perpetrated every day, at the contemplation of which humanity shudders.

These outrages, though nowhere perpetrated on so terrific a scale as in the islands, where, in a few years, they had nearly annihilated the native population, were yet of

sufficient magnitude in Peru to call down the vengeance of Heaven on the heads of their authors; and the Indian might feel that this vengeance was not long delayed, when he beheld his oppressors, wrangling over their miserable spoil, and turning their swords against each other. Peru, as already mentioned, was subdued by adventurers, for the most part, of a lower and more ferocious stamp than those who followed the banner of Cortés. The character of the followers partook, in some measure, of that of the leaders in their respective enterprises. It was a sad fatality for the Incas; for the reckless soldiers of Pizarro were better suited to contend with the fierce Aztec than with the more refined and effeminate Peruvian. Intoxicated by the unaccustomed possession of power, and without the least notion of the responsibilities which attached to their situation as masters of the land, they too often abandoned themselves to the indulgence of every whim which cruelty or caprice could dictate. Not unfrequently, says an unsuspecting witness, I have seen the Spaniards, long after the Conquest, amuse themselves by hunting down the natives with bloodhounds for mere sport, or in order to train their dogs to the game!<sup>1</sup> The most unbounded scope was given to licentiousness. The young maiden was torn without remorse from the arms of her family to gratify the passion of her brutal conqueror.<sup>2</sup> The sacred houses of the Virgins of the Sun were broken open and violated, and the cavalier swelled his harem with a troop of Indian girls, making it

<sup>1</sup> "Españoles hai que crian perros carniceros i los avezan á matar Indios, lo qual procuran á las veces por pasatiempo, i ver si lo hacen bien los perros." Relacion que dió el Provisor Morales sobre las cosas que convenian provarse en el Peru, MS.

<sup>2</sup> "Que los Justicias dan cedulas de Anaconas que por otros terminos los hacen esclavos é vivir contra su voluntad, diciendo: Por la presente damos licencia á vos Fulano, para que os podais servir de tal Indio ó de tal India é lo podais tomar é sacar donde quiera que lo hallaredes." Rel. del Provisor Morales, MS.



seem that the Crescent would have been a much more fitting symbol for his banner than the immaculate Cross.<sup>3</sup>

But the dominant passion of the Spaniard was the lust of gold. For this he shrunk from no toil himself, and was merciless in his exactions of labor from his Indian slave. Unfortunately, Peru abounded in mines which too well repaid this labor; and human life was the item of least account in the estimate of the Conquerors. Under his Incas, the Peruvian was never suffered to be idle; but the task imposed on him was always proportioned to his strength. He had his seasons of rest and refreshment, and was well protected against the inclemency of the weather. Every care was shown for his personal safety. But the Spaniards, while they taxed the strength of the native to the utmost, deprived him of the means of repairing it, when exhausted. They suffered the provident arrangements of the Incas to fall into decay. The granaries were emptied; the flocks were wasted in riotous living. They were slaughtered to gratify a mere epicurean whim, and many a llama was destroyed solely for the sake of the brains,—a dainty morsel, much coveted by the Spaniards.<sup>4</sup> So reckless was the spirit of destruction after the Conquest, says Ondegardo, the wise governor of Cuzco, that in four years more of these animals perished than in four hundred, in the times of the Incas.<sup>5</sup> The flocks, once so numerous over the broad table-lands, were now thinned to a scanty number, that sought shelter in the fastnesses of the Andes. The poor Indian, without food, without the warm fleece which furnished him a defence against the cold, now wandered

<sup>3</sup> "Es general el vicio del amancebamiento con Indias, i algunos tienen cantidad dellas como en serrallo." *Ibid.*, MS.

<sup>4</sup> "Muchos Españoles han muerto i matan increíble cantidad de ovejas por comer solo los sesos, hacer pasteles del tuetano i candelas de la grasa. De ai hambre general." *Ibid.*, MS.

<sup>5</sup> "Se puede afirmar que hicieron mas daño los Españoles en solos quatro años que el Inga en quatrocientos." Ondegardo, *Rel. Seg.*, MS.

half-starved and naked over the plateau. Even those who had aided the Spaniards in the conquest fared no better; and many an Inca noble roamed a mendicant over the lands where he once held rule, and if driven, perchance, by his necessities, to purloin something from the superfluity of his conquerors, he expiated it by a miserable death.<sup>6</sup>

It is true, there were good men, missionaries, faithful to their calling, who wrought hard in the spiritual conversion of the native, and who, touched by his misfortunes, would gladly have interposed their arm to shield him from his oppressors.<sup>7</sup> But too often the ecclesiastic became infected by the general spirit of licentiousness; and the religious fraternities, who led a life of easy indulgence on the lands cultivated by their Indian slaves, were apt to think less of

<sup>6</sup> "Ahorá no tienen que comer ni donde sembrar, i así van á hurtallo como solían, delito por que han aorcado á muchos." *Rel. del Provisor Morales*, MS.

This, and some of the preceding citations, as the reader will see, have been taken from the MS. of the Bachelor Luis de Morales, who lived eighteen or twenty years in Cuzco; and, in 1541, about the time of Vaca de Castro's coming to Peru, prepared a Memorial for the government, embracing a hundred and nine chapters. It treats of the condition of the country, and the remedies which suggested themselves to the benevolent mind of its author. The emperor's notes on the margin show that it received attention at court. There is no reason, as far as I am aware, to distrust the testimony of the writer, and Muñoz has made some sensible extracts from it for his inestimable collection.

<sup>7</sup> Father Naharro notices twelve missionaries, some of his own order, whose zealous labors and miracles for the conversion of the Indians he deems worthy of comparison with those of the twelve Apostles of Christianity. It is a pity that history, while it has commemorated the names of so many persecutors of the poor heathen, should have omitted those of their benefactors.

"Tomó su divina Magestad por instrumento 12 solos religiosos pobres, descalzos i desconocidos, 5 del orden de la Merced, 4 de Predicadores, i 3 de San Francisco, obraron lo mismo que los 12 apóstolos en la conversion de todo el universo mundo." Naharro, *Relacion Sumaria*, MS.



the salvation of their souls than of profiting by the labor of their bodies.<sup>8</sup>

Yet still there were not wanting good and wise men in the colonies, who, from time to time, raised the voice of remonstrance against these abuses, and who carried their complaints to the foot of the throne. To the credit of the government, it must also be confessed, that it was solicitous to obtain such information as it could, both from its own officers, and from commissioners deputed expressly for the purpose, whose voluminous communications throw a flood of light on the internal condition of the country, and furnish the best materials for the historian.<sup>9</sup> But it was found much easier to get this information than to profit by it.

<sup>8</sup> "Todos los conventos de Dominicos i Mercenarios tienen repartimientos. Ninguno dellos ha dotrinado un Indio. Procuran sacar dellos quanto pueden, trabajarles en grangerias; con esto i con otras limosnas enriquecen. Mal egemplo. Ademas convendrá no pasen frailes sino precediendo diligente examen de vida i dotrina." (*Relacion de las cosas que S. M. deve proveer para los reynos del Peru, embiada desde los Reyes á la Corte por el Licenciado Martel Santoyo, de quien va firmada en principios de 1542, MS.*) This statement of the licentiate shows a different side of the picture from that above quoted from Father Naharro. Yet they are not irreconcilable. Human nature has both its lights and its shadows.

<sup>9</sup> I have several of these Memorials or *Relaciones*, as they are called, in my possession, drawn up by residents in answer to queries propounded by government. These queries, while their great object is to ascertain the nature of existing abuses, and to invite the suggestion of remedies, are often directed to the laws and usages of the ancient Incas. The responses, therefore, are of great value to the historical inquirer. The most important of these documents in my possession is that by Ondegardo, governor of Cuzco, covering near four hundred folio pages, once forming part of Lord Kingsborough's valuable collection. It is impossible to peruse these elaborate and conscientious reports without a deep conviction of the pains taken by the Crown to ascertain the nature of the abuses in the domestic government of the colonies, and their honest purpose to amend them. Unfortunately, in this laudable purpose they were not often seconded by the colonists themselves.

In 1541, Charles the Fifth, who had been much occupied by the affairs of Germany, revisited his ancestral dominions, where his attention was imperatively called to the state of the colonies. Several memorials in relation to it were laid before him; but no one pressed the matter so strongly on the royal conscience as Las Casas, afterwards Bishop of Chiapa. This good ecclesiastic, whose long life had been devoted to those benevolent labors which gained him the honorable title of Protector of the Indians, had just completed his celebrated treatise on the Destruction of the Indies, the most remarkable record, probably, to be found, of human wickedness, but which, unfortunately, loses much of its effect from the credulity of the writer, and his obvious tendency to exaggerate.

In 1542, Las Casas placed his manuscript in the hands of his royal master. That same year, a council was called at Valladolid, composed chiefly of jurists and theologians, to devise a system of laws for the regulation of the American colonies.

Las Casas appeared before this body, and made an elaborate argument, of which a part only has been given to the public. He there assumes, as a fundamental proposition, that the Indians were by the law of nature free; that, as vassals of the Crown, they had a right to its protection, and should be declared free from that time, without exception and for ever.<sup>10</sup> He sustains this proposition by a great

<sup>10</sup> The perpetual emancipation of the Indians is urged in the most emphatic manner by another bishop, also a Dominican, but bearing certainly very little resemblance to Las Casas. Fray Valverde makes this one of the prominent topics in a communication, already cited, to the government, the general scope of which must be admitted to do more credit to his humanity than some of the passages recorded of him in history.—"A V. M. representarán alla los conquistadores muchos servicios, dandolos por causa para que los dexen servir de los indios como de esclavos: V. M. se los tiene mui bien pagados en los provechos que han avido desta tierra, y no los ha de pagar con hazer á sus vasallos esclavos." Carta de Valverde al Emperador, MS.



variety of arguments, comprehending the substance of most that has been since urged in the same cause by the friends of humanity. He touches on the ground of expediency, showing, that, without the interference of government, the Indian race must be gradually exterminated by the systematic oppression of the Spaniards. In conclusion, he maintains, that, if the Indians, as it was pretended, would not labor unless compelled, the white man would still find it for his interest to cultivate the soil; and that if he should not be able to do so, that circumstance would give him no right over the Indian, since *God does not allow evil that good may come of it.*<sup>11</sup>—This lofty morality, it will be remembered, was from the lips of a Dominican, in the sixteenth century, one of the order that founded the Inquisition, and in the very country where the fiery tribunal was then in most active operation!<sup>12</sup>

The arguments of Las Casas encountered all the opposition naturally to be expected from indifference, selfishness, and bigotry. They were also resisted by some persons of just and benevolent views in his audience, who, while they admitted the general correctness of his reasoning, and felt deep sympathy for the wrongs of the natives, yet doubted whether his scheme of reform was not fraught with greater evils than those it was intended to correct. For Las Casas was the uncompromising friend of freedom. He

<sup>11</sup> "La loi de Dieu défend de faire le mal pour qu'il en résulte du bien." Œuvres de Las Casas, évêque de Chiapa, trad. par Llorente, (Paris, 1822,) tom. I. p. 251.

<sup>12</sup> It is a curious coincidence, that this argument of Las Casas should have been first published—in a translated form, indeed—by a secretary of the Inquisition, Llorente. The original still remains in MS. It is singular that these volumes, containing the views of this great philanthropist on topics of such interest to humanity, should not have been more freely consulted, or at least cited, by those who have since trod in his footsteps. They are an arsenal from which many a serviceable weapon for the good cause might be borrowed.

intrenched himself strongly on the ground of natural right; and, like some of the reformers of our own day, disdained to calculate the consequences of carrying out the principle to its full and unqualified extent. His earnest eloquence, instinct with the generous love of humanity, and fortified by a host of facts, which it was not easy to assail, prevailed over his auditors. The result of their deliberations was a code of ordinances, which, however, far from being limited to the wants of the natives, had particular reference to the European population, and the distractions of the country. It was of general application to all the American colonies. It will be necessary here only to point out some of the provisions having immediate reference to Peru.

The Indians were declared true and loyal vassals of the Crown, and their freedom as such was fully recognized. Yet, to maintain inviolate the guaranty of the government to the Conquerors, it was decided, that those lawfully possessed of slaves might still retain them; but, at the death of the present proprietors, they were to revert to the Crown.

It was provided, however, that slaves, in any event, should be forfeited by all those who had shown themselves unworthy to hold them by neglect or ill-usage; by all public functionaries, or such as had held offices under the government; by ecclesiastics and religious corporations; and lastly,—a sweeping clause,—by all who had taken a criminal part in the feuds of Almagro and Pizarro.

It was further ordered, that the Indians should be moderately taxed; that they should not be compelled to labor where they did not choose, and that where, from particular circumstances, this was made necessary, they should receive a fair compensation. It was also decreed, that, as the *repartimientos* of land were often excessive, they should in such cases be reduced; and that, where proprietors had been guilty of a notorious abuse of their slaves, their estates should be forfeited altogether.



As Peru had always shown a spirit of insubordination, which required a more vigorous interposition of authority than was necessary in the other colonies, it was resolved to send a viceroy to that country, who should display a state, and be armed with powers, that might make him a more fitting representative of the sovereign. He was to be accompanied by a Royal Audience, consisting of four judges, with extensive powers of jurisdiction, both criminal and civil, who, besides a court of justice, should constitute a sort of council to advise with and aid the viceroy. The Audience of Panamá was to be dissolved, and the new tribunal, with the vice-king's court, was to be established at Los Reyes, or Lima, as it now began to be called,—henceforth the metropolis of the Spanish empire on the Pacific.<sup>13</sup>

Such were some of the principal features of this remarkable code, which, touching on the most delicate relations of society, broke up the very foundations of property, and, by a stroke of the pen, as it were, converted a nation of slaves into freemen. It would have required, we may suppose, but little forecast to divine, that in the remote regions of America, and especially in Peru, where the colonists had been hitherto accustomed to unbounded license, a reform, so salutary in essential points, could be enforced thus summarily only at the price of a revolution. Yet the ordinances received the sanction of the emperor that same year, and in November, 1543, were published at Madrid.<sup>14</sup>

No sooner was their import known than it was conveyed by numerous letters to the colonists, from their friends in

<sup>13</sup> The provisions of this celebrated code are to be found, with more or less—generally less—accuracy, in the various contemporary writers. Herrera gives them *in extenso*. Hist. General, dec. 7, lib. 6, cap. 5.

<sup>14</sup> Las Casas pressed the matter home on the royal conscience, by representing that the Papal See conceded the right of conquest to the Spanish sovereigns on the exclusive condition of converting the heathen, and that the Almighty would hold him accountable for the execution of this trust. *Œuvres de Las Casas*, ubi supra.

Spain. The tidings flew like wildfire over the land, from Mexico to Chili. Men were astounded at the prospect of the ruin that awaited them. In Peru, particularly, there was scarcely one that could hope to escape the operation of the law. Few there were who had not taken part, at some time or other, in the civil feuds of Almagro and Pizarro; and still fewer of those that remained that would not be entangled in some one or other of the insidious clauses that seemed spread out, like a web, to ensnare them.

The whole country was thrown into commotion. Men assembled tumultuously in the squares and public places, and, as the regulations were made known, they were received with universal groans and hisses. "Is this the fruit," they cried, "of all our toil? Is it for this that we have poured out our blood like water? Now that we are broken down by hardships and sufferings, to be left at the end of our campaigns as poor as at the beginning! Is this the way government rewards our services in winning for it an empire? The government has done little to aid us in making the conquest, and for what we have we may thank our own good swords; and with these same swords," they continued, warming into menace, "we know how to defend it." Then, stripping up his sleeve, the war-worn veteran bared his arm, or, exposing his naked bosom, pointed to his scars, as the best title to his estates.<sup>15</sup>

<sup>15</sup> Carta de Gonzalo Pizarro a Pedro de Valdivia, MS., desde Los Reyes, 31 de Oct. 1538. Zarate, *Conq. del Peru*, lib. 5, cap. 1.—Herrera, Hist. General, dec. 7, lib. 6, cap. 10, 11.

Benalcazar, in a letter to Charles the Fifth, indulges in a strain of invective against the ordinances, which, by stripping the planters of their Indian slaves, must inevitably reduce the country to beggary. Benalcazar was a conqueror, and one of the most respectable of his caste. His argument is a good specimen of the reasoning of his party on this subject, and presents a decided counterblast to that of Las Casas. Carta de Benalcazar al Emperador, MS., desde Cali, 20 de Diciembre, 1544.