

ORIGINAL ARTICLE

## Half Real: Presence and Absence in Mexico's Juzgado General de Naturales

Bianca Premo

Professor of History, Florida International University, Miami, Florida.

Email: [premob@fiu.edu](mailto:premob@fiu.edu)

An Indigenous petitioner might travel for days to have an audience with the viceroy of New Spain, in the jurisdiction of the special Indian court called the Juzgado General de Naturales. Once in the huge, bustling capital of Mexico City—its population was around 60,000 at the turn of the eighteenth century and at least twice that by 1800—a legal pilgrim would traverse orderly, grid-like streets in the city center, where colonial elites fixated on the unruly presence of Indigenous residents and launched ceaseless segregation schemes over the centuries.<sup>1</sup> With no friends or acquaintances in the big city, perhaps the traveler would lodge at the Real Hospital de San José de los Naturales, which doubled as an inn.<sup>2</sup> The hospital was funded by a tax on Indigenous men set at the amount of a *medio real*, a half real, valued at about 1/16th of a peso. A half real was, in fact, the same quantity levied annually on native men of tributary age in the Viceroyalty of New Spain to support the personnel and functioning of the Juzgado General de Naturales (Figure 1).

From the Real Hospital de San José, petitioners would have approached the *zócalo*, or central plaza, from the west, as depicted in this painting by Cristóbal Villalpando at the turn of the eighteenth century. There, they would have passed by the famed market known as the *Parián*, entering the exceptionally large, open square, which was flanked on the left by the Cathedral. Treading cobblestones constructed over the rubble of the Aztec Great Temple, petitioners would behold the viceregal palace, a sprawling, block-long, rectangular structure.

---

<sup>1</sup> Daniel Nemser, *Infrastructures of Race: Concentration and Biopolitics in Colonial Mexico* (Austin: University of Chicago Press, 2017).

<sup>2</sup> John S. Leiby, "The Royal Indian Hospital of Mexico City, 1553–1680," *The Historian* 57 (1995): 573–80; and James Richard Same, "The Royal Hospital of Saint Joseph of the Indians of Mexico City" (Master's Thesis, Loyola University Chicago, 1969).

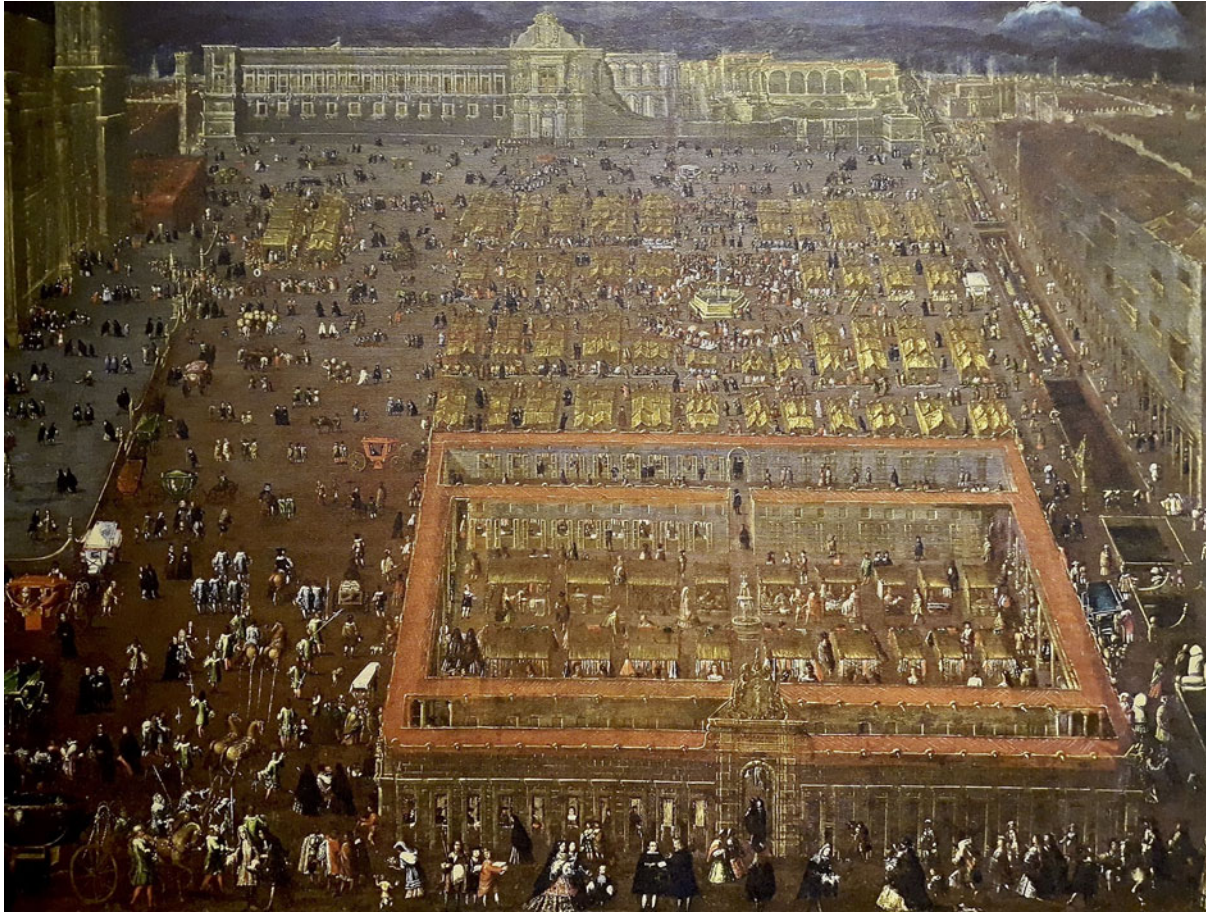


Figure 1. Cristóbal Villalpando, *Vista de la plaza mayor de México*.

As Villalpando's painting illustrates, those who arrived around the turn of the eighteenth century would find only half a palace.<sup>3</sup> The building had been torched in June of 1692 by rioters protesting high grain prices and official corruption. The uprising, though composed of a pretty broad cross-section of Mexico City's population, would later be characterized as an "Indian riot."

This article centers on the materiality of Indigenous legal interactions with the viceroy in this special executive court, the *Juzgado General de Naturales*, which was located, at least ostensibly, inside the palace. The partial destruction of the palace during the riot of 1692—a year that roughly bisected Spanish colonial rule in Mexico—serves as one focal point for exploring the dynamic history of personal encounters and physical space in the viceregal jurisdiction of the court. By surveying the architectural features of the palace and looking for physical presence within the *Juzgado's* operation, the court reveals itself as a space of absence and abstraction as much as pomp and procedure.

Established in 1592, the *Juzgado de Naturales* was a fixture of colonial governance and justice. Based on the tax that funded it, modern historians have dubbed this unique tribunal the "court of the half-real," producing landmark studies about its functioning.<sup>4</sup> The *Juzgado* retrofitted medieval Catholic laws on *personae miserabilis* to a colonial purpose. The petitions and disputes of conquered inhabitants in Spain's American Empire, in particular those involving disputes between native communities or brought against them by Spaniards, could take an express route to royal favor. For Indigenous subjects, these legal disputes were to be gratis, summary and frequently solved by the viceroy's executive decisions in the form of writs.<sup>5</sup> In other words, using the *Juzgado de Naturales*, Indigenous subjects could address legal complaints directly to the king's representative in the colonies without having to go through the exacting formalities of regular civil procedure. In exercising his jurisdiction within the court, the viceroy cooperated with the highest judicial body, the Real Audiencia, whose courtrooms were also housed in the palace, by

<sup>3</sup> Richard Kagan and Fernando Marias date the painting to 1695, but Andrew Konove suggests that it captures the palace's condition at least a decade later; see Richard L. Kagan and Fernando Marias, *Urban Images of the Hispanic World, 1493-1793* (New Haven: Yale University Press, 2000), 163; and Andrew Konove, *Black Market Capital: Urban Politics and the Shadow Economy in Mexico City* (Berkeley: University of California Press, 2018), 27.

<sup>4</sup> Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aids of the Half-Real* (Oakland: University of California Press, 1983); Brian P. Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, CA: Stanford University Press, 2008). For more on the status of miserables, also see Thomas Duve, "Venerables y miserables. Los ancianos y sus derechos en algunas obras jurídicas del S. XVII y XVIII," in *Homenaje a Fernando de Trazegnies Granda*, Vol. 1, ed. Jorge Avendaño Valdés (Lima, n/p: 2009), 367–88.

<sup>5</sup> It's important to note that these viceregal solutions were frequently issued by writs of "amparo," an extension of medieval protections, in which contentious litigation was to be settled by judges in the high court. See Andrés González Lira, *El amparo colonial y el juicio del amparo mexicanos (antecedents novohispanos del juicio del amparo)* (Mexico City: Fondo de Cultura Económica, 1971); Owensby, *Empire of Law*; Rafael Sánchez Vásquez, "Juzgado General de Indios: Paradigma para hacer menos desiguales los desiguales durante la Nueva España," in *Historia y Constitución. Homenaje a José Luis Soberanes Fernández*, vol. 2, ed. Miguel Carbonell and Oscar Cruz Barney (Mexico City: Instituto de Investigaciones Jurídicas, 2015), 447–92.

remanding some of these cases to its authority. Critically, he also competed with this and other judicial bodies by himself issuing executive rulings on native suits, effectively reversing decisions or intervening at lower district levels.

It is logical to assume that the interactions that comprised great deal of the business of the *Juzgado General de Naturales* took place, with the capital city serving as a sort of spatial magnet, drawing Indigenous people from the diverse corners of Mexico to the palace, where they might have a personal encounter with the viceroy, as the king's "living image" in the American colonies.<sup>6</sup> The language of legal documents, including petitions to the viceroy as well as cases remanded to the Audiencia, renders hearings as personal exchanges. Petitioners and litigants "appeared and said" things before judges and magistrates (*parezco y digo, ante*). Legal authorities "saw" them and often required not only a recorded response from opposing parties but also their physical appearance before the judge (*parecer; ocurrir*).

Indeed, most days of the year hearings occurred before very real judges and magistrates who sat on elevated stages called *estrados*, in courtrooms (*salas*) adorned with tapestries, ticking clocks and watchful saintly patrons. And in the palace, the presence of viceregal authority and Indigenous subjects was also embodied in other ways. In the parts of the palace structure that were not filled with dedicated courtrooms, especially the northern part of the building which housed viceregal residences and reception halls, courtiers hustled down halls and Indigenous servant girls were busy making tortillas for the royal retinue.<sup>7</sup> Outside the palace, the viceroy and his wife could be seen around Mexico City, as they processed into the city or hobnobbed with the aristocracy at mass or banquets. Thus, it seems worthwhile to put flesh on the process of colonial law by spotlighting the Indigenous legal experience in petitioning maximum colonial Spanish legal authority right at its heart: the palace. And right at its highest level: the viceroy.

Yet, just as the term "court" referred not to only a space but also to the accumulated effect of royal retinues, hierarchies and proxies, courts of law (*juzgados*) functioned similarly.<sup>8</sup> Beyond gavels and hearings, law in colonial Spanish America flowed through the circulation of texts, which sparked an imagined proximity to royal justice.<sup>9</sup> Petitioners and litigants collaboratively

<sup>6</sup> Alejandro Cañeque, *The King's Living Image: The Culture and Politics of Viceregal Power in Colonial Mexico* (New York: Routledge, 2004); Owensby, *Empire of Law*, 57.

<sup>7</sup> Iván Escamilla González, "Permanence and Change in Mexico's Viceregal Court," in *A Companion to Viceregal Mexico City*, ed. John F. Lopez (London: Brill, 2021), 215–36.

<sup>8</sup> *Ibid.*, 222.

<sup>9</sup> See Sylvia Sellers García's comments on the "space-time continuum" that documents traveled in *Distance and Documents at the Spanish Empire's Periphery* (Stanford: Stanford University Press, 2013). Other works in this vein include Yanna Yannakakis, *The Art of Being In-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham: Duke University Press, 2008); Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham: Duke University Press, 2010); "Making Indigenous Archives: The Quilcaycamayoc of Colonial Cuzco," *Hispanic American Historical Review* 91 (2011): 655–89; Rafael Diego-Fernández Sotel and Víctor Gayol, coords., *El gobierno de la justicia: Conflictos jurisdiccionales en Nueva España, s. XIV-XIX* (Michoacán, 2012); José Carlos de la

created legal texts with writers both sanctioned and unsanctioned, often outside the designated halls of justice, in back-alley drinking establishments, in the houses or street stalls of writers-for-hire, or far away from courts in rural regions, where informal papers would be folded into squares and sent on days' long journeys by mule back to be turned into formal legal documents at courts.<sup>10</sup>

So, while the term “space” is frequently employed metaphorically to discuss justice in the Spanish Empire, it can be surprisingly difficult to discern how physical spaces of law were constituted and used, and how necessary physical presence was to the functioning of viceregal jurisdiction in the *Juzgado General de Naturales*.<sup>11</sup> This not for lack of historical attention to the materialities of the court. Woodrow Borah's study of the court of the half real, for example, covers its procedures and personnel, sometimes in exquisite detail. Rather, it is difficult to peer inside this famed jurisdiction because, in a sense, it was at once both half real and hyper-real. Looking inside Mexico City's palace for the physical and material encounters between Indigenous petitioners and the viceroy allows us to extend the “medio real” into a more poetic metaphor about a court that was, in many ways, a palace made of paper, a place of proxies, and a jurisdiction based on disappearances.

\*\*\*\*

Before the formal creation of the court at the end of the 1500s, the first viceroy of Mexico, Antonio de Mendoza, had emphasized the importance of receiving native petitioners directly, in person and in the palace. His physical proximity to gathering Indigenous subjects was close enough that he warned his successor of the “stench and heat” that they gave off. Despite registering disgust, he persisted in audiences with large contingents because he believed that personal engagement in dispute settlement increased Spanish legitimacy.<sup>12</sup> The 1564 *Codex Osuña*, a native depiction portraying the exploitation of Indigenous labor for the workings of the palace, suggests something of a face-to-face encounter between a native judge and viceroy Luis de Velasco at his “*tecpan* [sic] *calli*.” The term was a Nahuatl rendering of viceregal authority that combined the concept of a palace, a jurisdiction, and a noble lineage. In

---

Puente Luna, “The Many Tongues of the King: Indigenous Language Interpreters and the Making of the Spanish Empire,” *Colonial Latin American Review* 23 (2014): 143–70; José Carlos de la Puente Luna, *Andean Cosmopolitans: Seeking Justice and Reward at the Spanish Royal Court* (Austin: University of Texas Press, 2018); Caroline Cunhill and Luis Miguel Glave, coords., *Las lenguas indígenas en los tribunales de América Latina: Intérpretes, Mediación y justicia* (Bogotá: Institution Colombiano de Antropología e Historia, 2019); and Yanna Yannakakis and Bianca Premo, “A Court of Sticks and Branches: Indian Jurisdiction in Colonial Southern Mexico and Beyond,” *American Historical Review* 124 (2019): 28–55.

<sup>10</sup> Bianca Premo, “Legal Writing, Civil Litigation and Agents in the Spanish Imperial World,” in *The Oxford Research Encyclopedia of Latin American History* (online publication), ed. William H. Beezley, 2017, <https://doi.org/10.1093/acrefore/9780199366439.013.247>; and *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (New York: Oxford University Press, 2017).

<sup>11</sup> Christoph Rosenmüller observes that the “viceregal palace is largely understudied,” *Corruption and Justice in Colonial Mexico, 1650-1755* (New York: Cambridge, 2019), 198.

<sup>12</sup> Borah, *Justice by Insurance*, 69.

this regard, the designation was prescient. Velasco's son, who thirty years later succeeded him as viceroy, became the legal architect of the Juzgado as a unique court in the palace of Mexico City where the viceroy exercised special oversight of native legal complaints (Figure 2).<sup>13</sup>

When Velasco II formalized the court's functioning in 1592, it attracted streams of petitioners from throughout the Viceroyalty of New Spain—some filing duplicate copies of papers related to civil disputes simultaneously before the viceroy and the Audiencia, proliferating papers and legal authority. Others came only to the viceroy, looking for licenses and acts of grace, and still others for writs of “*amparo*,” or executive, summary rulings that would assist them with conflicts taking place at jurisdictions closer to their pueblos. New Spain's viceroys soon realized that the expansion of their authority over native cases would mean, in the words of one, “acting as an ordinary judge” and working incessantly.

Velasco's successors more rigidly formalized the court's personnel structure, and began to limit personal, if not paper, access to their viceregal persons. Several tried to restrict the number of petitioners who could appear in person at the court to no more than two representatives from the pueblos.<sup>14</sup> The idea was that the movement of native petitioners in search of justice had to be fettered and populations fixed in place. When Viceroy Gaspar de Zúñiga y Acevedo, the Conde de Monterrey, fine-tuned the functioning of the court at the turn of the seventeenth century, he fretted to the crown about Indians streaming into the city “so far from their lands” and established a series of gatekeeping measures.

The Conde also signaled his own disappearance from the court. Showing up in person to preside over the judicial business of the Juzgado had, he claimed, diminished the dignity of his office. Receiving petitioners in person had resulted in “a certain loss of decorum in a place that stands in (*thiniente*) for Your Majesty, in seeing public hearings as if [the viceroy] were an ordinary judge over causes of very little importance, overseeing petitions and hearing evidence in suits in front of a lot of people, who [like the petitioners] are also of very ordinary quality, who will notice [only] what they each wish.”<sup>15</sup>

While the viceroy's original presence before Indigenous petitioners might have been a colonial innovation intended to draw authority to his person, the later retreat from public audiences with Indigenous petitioners in the

<sup>13</sup> Cañeque, *The King's Living Image*, 203.

<sup>14</sup> This move mirrored the restrictions on travel for legal business that had been implemented in Peru under its fifth viceroy, Francisco de Toledo. See de la Puente, *Andean Cosmopolitans*, esp. 66–7; Mauricio Novoa, *The Protectors of Indians in the Royal Audience of Lima: History, Careers and Legal Culture, 1575–1775* (Leiden: Brill, 2018). For a comparison of the development of special Indigenous access to Spanish judges in the two regions, see Woodrow Borah, “Juzgado General de Indios del Perú o Juzgado Particular de Indios de el cercado de Lima,” *Revista Chilena de Historia del Derecho* 6 (1970): 129–42.

<sup>15</sup> Archivo General de Indias, Carta del Virrey Gaspar de Zúñiga y Acevedo, conde de Monterrey, Mexico, 24, no. 6, 1598-04-15, f. 12: “alguna quiebra que resultava en el decoro de una lugar Thiniente de VMagd por verle hazer audi[en]c[i]as publicas como a un juez hordinario y sobre causas de muy poca ymportançia proveyendo peticiones y substanciando pleitos a vista de mocha gentes ansi de calidad como hordinaria notando cada uno lo que le parecia.”

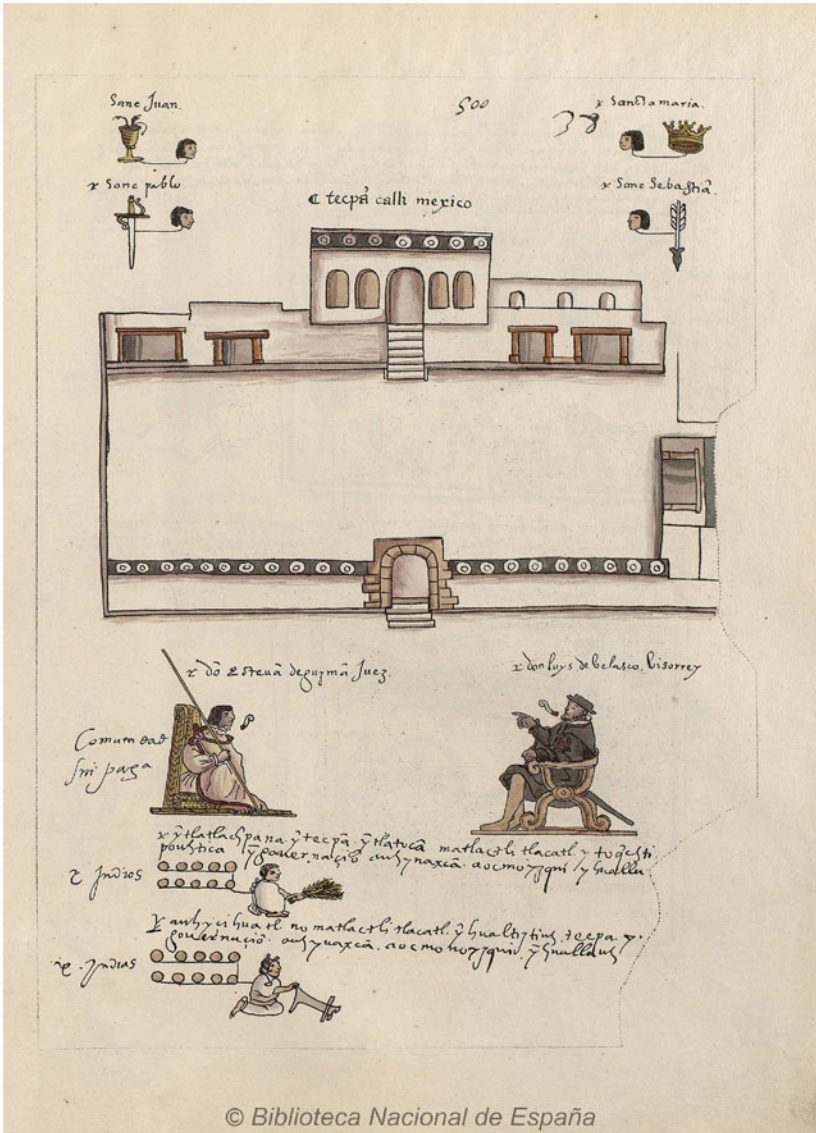


Figure 2. Codex Osuña, 1565. Biblioteca Nacional de España.

Juzgado system tracked with a broader imperial “disappearance” of the king from courtly ceremonies in Spain during the reign of Felipe II (1556–98).<sup>16</sup> The king was not, of course, gone forever; subsequent monarchs varied ritual ideologies, playing peek-a-boo with subjects throughout the centuries. Still, it

<sup>16</sup> Alejandra Osorio, “The King in Lima: Simulacra, Ritual, and Rule in Seventeenth-Century Peru,” *Hispanic American Historical Review* 84 (2004): 447–74.

is worth comparing the Conde de Monterrey's concern with his in-person accessibility to Indigenous subjects with an exchange between Mexico and Madrid a half century later. When in the 1660s the viceroy of New Spain inquired about where to place the main altar in Mexico City's Cathedral, the response from the crown was philosophical, pairing royal and sacred power: "in the palaces of princes the lord should not be seen from the door, for respect increases the greater the diligence required in seeking him."<sup>17</sup>

Over time, the legal process at the Juzgado de Naturales worked to maintain the distance. The growing physical remoteness of viceroy from the time of the Conde de Monterrey on fit within a colonial political ideology that substituted in-person royal favor for legal bureaucracy and access to the royal person for expertise in navigating the labyrinthine halls of justice and its warren of its legal offices. As Borah periodizes it, "by the eighteenth century, as the movement of papers took over in increasing measure, presentation of the petition became more a matter of filing by the Indian agent and examination without the plaintiff's presence." Meetings with the viceroy eventually took place "only in unusual circumstances."<sup>18</sup>

The Conde de Monterrey could perform his early disappearing act because he outsourced much of the work to the *asesor* of the Juzgado, a university-trained magistrate drawn from the Audiencia who served as legal advisor to the court on rotation. But even in-person interactions with this figure became rare. The *asesor* went from making private recommendations in chambers that the viceroy wrote out and signed, to making the recommendations himself in writing, with the viceroy generally merely affixing his own rubric to those papers, behind closed doors. By the later eighteenth century, many of the records related to the Juzgado show no clear signs that the viceroy or even his *asesor* were present or touched the papers with any ink at all.

A great deal of the archive of the Juzgado General de los Naturales was over-processed compared with the *autos*, or individual papers drawn up in various spaces by various hands that accumulated in civil hearings in the Audiencia or before district judges.<sup>19</sup> It is possible that the shift to paperwork actually improved the efficiency and accessibility of royal justice. Just because they did not enter the palace did not render the jurisdiction invalid for Indigenous subjects. Indeed, their legal positions and occasionally even their first-person voices can be recovered from the condensed and summary textual records of the Juzgado. Still, access came at a physical remove and with the result of abstracting the court. For example, many of the Juzgado's records from the 1770s contain executive rulings bearing the viceroy's name but showing only the rubric of the chief notary of the governmental office, who scratched out papers containing decisions in a bare office that was adorned only by a single, wood filing cabinet.<sup>20</sup> At least a couple of times in the

<sup>17</sup> Cañeque, *The King's Living Image*, 36.

<sup>18</sup> Borah, *Justice by Insurance*, 202.

<sup>19</sup> Owensby, *Empire of Law*, esp. 52–53.

<sup>20</sup> On the notary Juan Manuel de Soria and his office, see Victor Gayol, *Labertintos de justicia: Procuradores, escribanos y oficiales de la Real Audiencia de México (1750-1812)*, Volumen I, *Las reglas del*



eighteenth century, the Juzgado went so far as to explicitly forbid Indigenous subjects from personally appearing at the court, as when it required the district magistrate to tell the natives of Tacuba not to travel bringing gifts of fowl to the court for the Christmas holiday, or when another order went out warning defendants in a civil suit from Ixtlahuaca to refrain from bringing “sinister reports” to the palace.<sup>21</sup> Whereas the early viceroys used their physical presence and personal encounters with Indigenous subjects as a source of authority, by the seventeenth and eighteenth century, the logic seemingly had flipped, and they viewed personal interactions as possible channels of corruption or influence.<sup>22</sup>

My review of the series “Indios” in the Archivo General de la Nación of Mexico, which houses thousands of Juzgado General de Naturales records, tells us that the court certainly did call for parties to appear in person at the palace at times.<sup>23</sup> But the patterns are intriguing: of roughly 150 calls that I identified for legal subjects to show up in person in judicial matters (*ocurrir* or *parecer*), the vast majority required that parties appear not in the palace but rather in their pueblos, before local secular or ecclesiastical officials. When parties were called to the capital city to appear in person at the Juzgado proper, they were given a window of a set number of days, usually around 15. These calls generally pertained to cases that were determined to belong to the branch of the Juzgado presided over by the Audiencia. Increasingly in the eighteenth century, the order to appear included an indication that the parties could send adequate legal representation rather than appearing in person.<sup>24</sup> As Yanna Yannakakis shows in her geospatial study of powers of attorney from colonial Oaxaca, a cadre of *apoderados*, or individuals vested by native communities with power of attorney, traveled regularly from rural regions to Mexico City, and the volume of their journeys to seems to have increased over the eighteenth century.<sup>25</sup>

Meanwhile, a veritable army of bureaucratic buffers moved to keep Indigenous petitioners physically, if not textually, at a remove from the palace. The doormen

---

*juego* (Zamora: Colegio de Michoacán, 2007), 67. I have consulted this very office’s records for Teposcolula in the Archivo General de la Nación-México (hereafter AGN-M), Alcaldías Mayores, Teposcolula, and examples of the generic nature of the archive can be found in expedientes 345, 334, 99. Note that a 1717 report revealed that, even when conferring with Audiencia ministers in what was known as the *real acuerdo*, the viceroy had no official sala but crammed into an antechamber to his bedroom; Rosenmüller, *Corruption*, 199.

<sup>21</sup> AGN-M, Indios, 1687, vol. 29, expediente 290 f. 237v, Se ordena a los alcaldes mayores, tenientes y demas [sic] justicias de la ciudad de Mexico procure se remitan a la corte las aves y demás cosas que con motivo de las pascuas de navidad se regalán a los ministros de S. M. Mexico; AGN-M, Indios, 1727, vol. 51, expediente: 159 ffs. 169-170v, El virrey aprueba la elección de oficiales de república de la villa de Ixtlahuaca y sus sujetos, hecha para este año en las personas que se expresan y manda se notifique a los naturales que la contradijeron, que pena de dos meses de carcel no ocurran con informes siniestros, Ixtlahuaca.

<sup>22</sup> Rosenmüller, *Corruption*, esp. 60.

<sup>23</sup> I conducted this search using the AGN-M’s catalog compiled by Linda Arnold.

<sup>24</sup> See, for example, AGN-M, Indios, 1714 vol. 22, exp. 27 35v-36v, “por sí o por sus procuradores” (“themselves or through their procurators”).

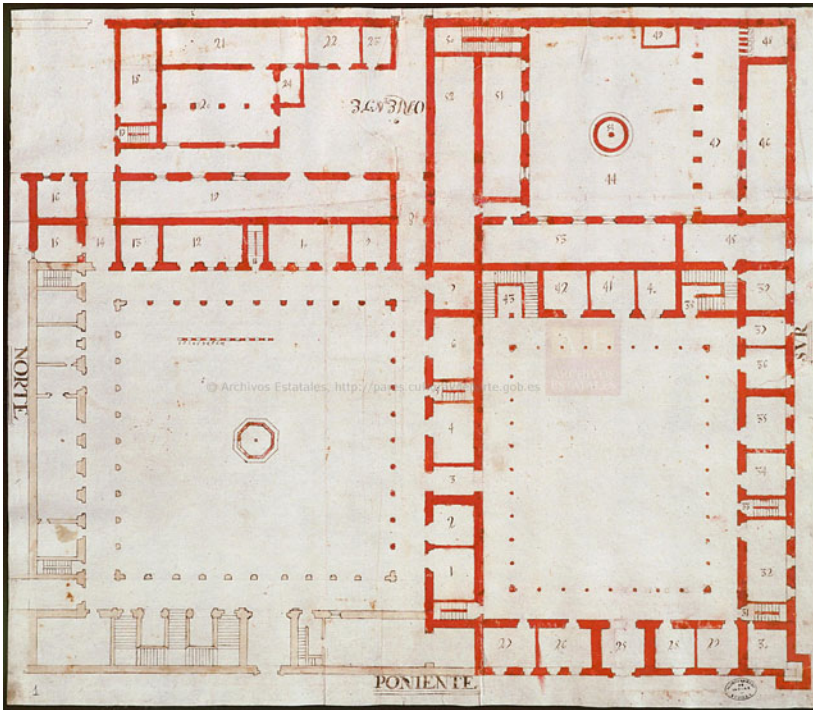
<sup>25</sup> Yanna Yannakakis, *Power of Attorney in Oaxaca: Native People, Legal Culture and Social Networks*. <https://www.powerofattorneynative.com/about-the-project/> (accessed June 9, 2022).

were charged with filtering out all but the court-appointed representatives of Indigenous petitioners, called *solicitadores*. Indeed, the question of whether door-men would receive a salary from the half-real levy on Indigenous tributaries for their work ushering petitioners into the Juzgado was an issue of ongoing controversy, highlighting how important their work must have been in dictating who could enter the palace complex to file a petition or attend a public hearing. Solicitadores were agents of the Juzgado, paid by the medio real funds, working on the clock by setting up their desks in the palace corridors each workday between 8 and 11 in the morning and from lunch to close of business each workday. There, they took the oral complaints of petitioners or collected the pieces of paper that they had brought, turning them by formalizing magic into acceptable legal genres to be vetted—by them—in public audiences in the Juzgado on Monday and Wednesday mornings, and Friday afternoons. If not proficient themselves in Nahuatl or another native language, the solicitadores could call on the service of interpreters who were held in the employ of the medio real.

Whether the parties themselves sought an audience or they sent their representatives, when Indigenous legal pilgrims arrived in Mexico City, their encounter with the Juzgado General de Naturales was likely experienced mostly in the lower floor of the palace structure, a bustling, busy, urban space where coaches sometimes randomly parked, a brusque trade in official paper bearing royal or papal seals took place in *almacenes* lining the lower floor, and where unofficial legal agents stepped over splayed-out drunks and makeshift market stalls to hustle possible petitioners, hawking their literacy in the law by offering to craft their petitions (Figure 3).

At least this was how it was described in 1784, when the Juzgado's *asesor* Eusebio Bentura Breña attempted to put an end to the infiltration of informal or vernacular paper petitions into the court. After insisting that the solicitadores keep regular hours and always sport the ruffled collars (*golillas*) that would distinguish them from rogue writers, he opined that that any Indigenous subject who showed up at the palace with a document written up by an anonymous writer should be questioned about the identity of the author, and the author thrown in jail. This was an impotent move, especially given the fact that royal authorities would rule 3 years later that, both at the Council of Indies in Madrid and in Mexico City, litigants from New Spain had the right to select their own legal representatives. By the time Bentura Breña's book was published, he had to add a footnote acknowledging the royal position on the freedom of litigants to select legal representatives in courts. But he added his own caveat: the Juzgado General de Naturales should remain an exception and native litigants should be restricted to using only the provided legal functionaries (Figure 4).<sup>26</sup>

<sup>26</sup> Eusebio Bonaventura Breña [sic] in *Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta Nueva España*, 1st ed. facsimilar (México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 1981), 201, footnote: "no puedan mezclarse dichos Apoderados, sino que precisamente se han de dirigir los Indios interesados por medio de los Procuradores de esta Real Audiencia o Agentes titulados." On the Madrid ruling, see Víctor Gayol, *Laberintos de Justicia: Procuradores, Escribanos y Oficiales de la Real Audiencia de México (1750-1812)*, Volumen 2, *El juego de las reglas* (Zamora: Colegio de Michoacán, 2007), 405–8; and Premo, *Enlightenment on Trial*, 92–94.

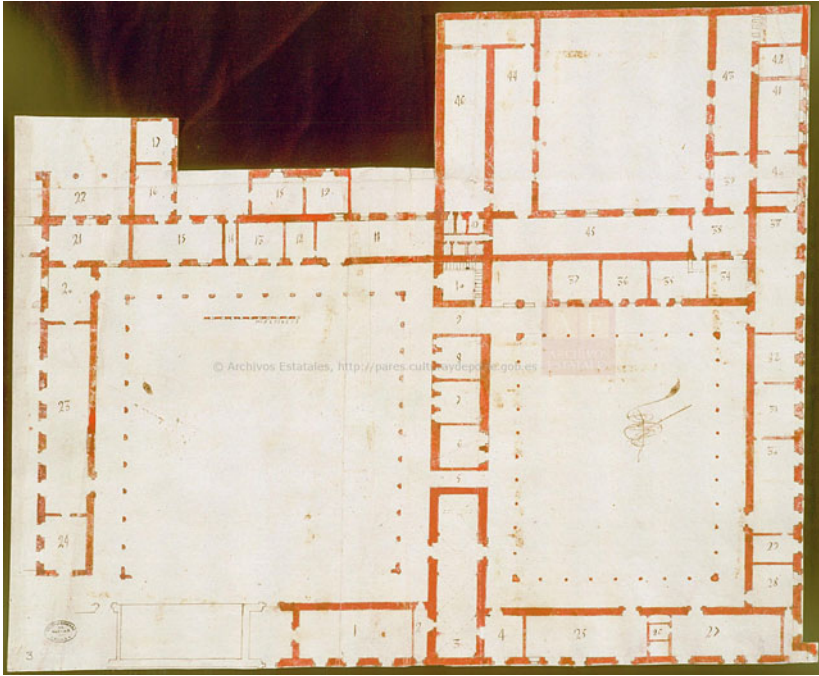


**Figure 3.** Plaza-level entrance, with open courtyard with fountain, and stores selling official sealed paper (*papel sellado*) indicated, in planned reconstruction of the Palace, “Planos...Real Palacio de los Virreyes en la Ciudad de México.” Source: Archivo General de Indias, Mapas y Planos, México, 105, 1709. Used by kind permission of the Archivo General de Indias, Ministerio de Cultura y Deporte, Spain.

It still unclear to me whether the *Juzgado* occupied a permanent, stable physical space inside the palace for any extended period. There are times when sources seem to refer to it as a fixed space, such as when the *solicitadores* of the *Juzgado* were directed to set up tables in the corridors “right outside the” tribunal. Famed Baroque intellectual Carlos de Sigüenza y Góngora also referenced the *Juzgado* in his recounting of the riot of 1692 as he traced the spread of a fire as it roared upward and inward in the palace structure, until it reached what seemed to be the vulnerable heart of the palace: the residences of the viceroy, the royal chapel and the “*juzgado de indios*,” which he located as facing south toward the Plaza del Volador (Figure 5).<sup>27</sup>

Despite these descriptions, in many of the plans of the palace, there is no specific space designated for the *Juzgado* itself, even though rooms are designated for an array of different legal affairs and jurisdictions. For example, a key to the 1709

<sup>27</sup> Carlos Sigüenza Góngora, “Alboroto y motín de los Indios de México,” *500 Años de México en Documentos*, [http://www.biblioteca.tv/artman2/publish/1692\\_316/Alboroto\\_y\\_Mot\\_n\\_de\\_M\\_xico\\_Carlos\\_de\\_Sig\\_enza\\_y\\_G\\_632.shtml](http://www.biblioteca.tv/artman2/publish/1692_316/Alboroto_y_Mot_n_de_M_xico_Carlos_de_Sig_enza_y_G_632.shtml) (accessed November 1, 2020).



**Figure 4.** Second-floor offices and courtrooms in planned reconstruction of the Palace, “Planos... Real Palacio de los Virreyes en la Ciudad de México” Source: Archivo General de Indias, Mapas y Planos, México, 105, 1709. Used by kind permission of the Archivo de Indias, Ministerio de Cultura y Deporte, Spain.

plan shows that the bureaucratic wing of the palace is filled with various offices for the power players of Spanish colonialism and their targets: antechambers for nobles, torture chambers, the sala and scribal office of the Merchants’ Guild, and even offices of the Juzgado for the Property of the Deceased, all of which had a place in the arched halls of the palace. It is possible that the hearings in which the viceroy presided took place in the throned “*sala de acuerdo*,” a tribunal close to his apartments. But what of the “hearings”—the vast majority in the executive channel—in which the viceroy did not appear? What about the volumes of pages that contain not the varied handwriting, folded papers, and marks of movement over space and time that one might find in a civil case but instead only the uniform script of the *escribano* who copied complaints and rulings, one after the next, on running pages, filing them away in his wooden cabinet? Until the end of the eighteenth century, these interactions appear to have taken place in no place.<sup>28</sup>

<sup>28</sup> One eighteenth-century chronicler commented on search for a place for the Juzgado at mid-century when reporting that the viceroy Marqués de Croix (1766–71) converted a theater inside the palace, which once hosted small concerts and other performances, into a combined space for the

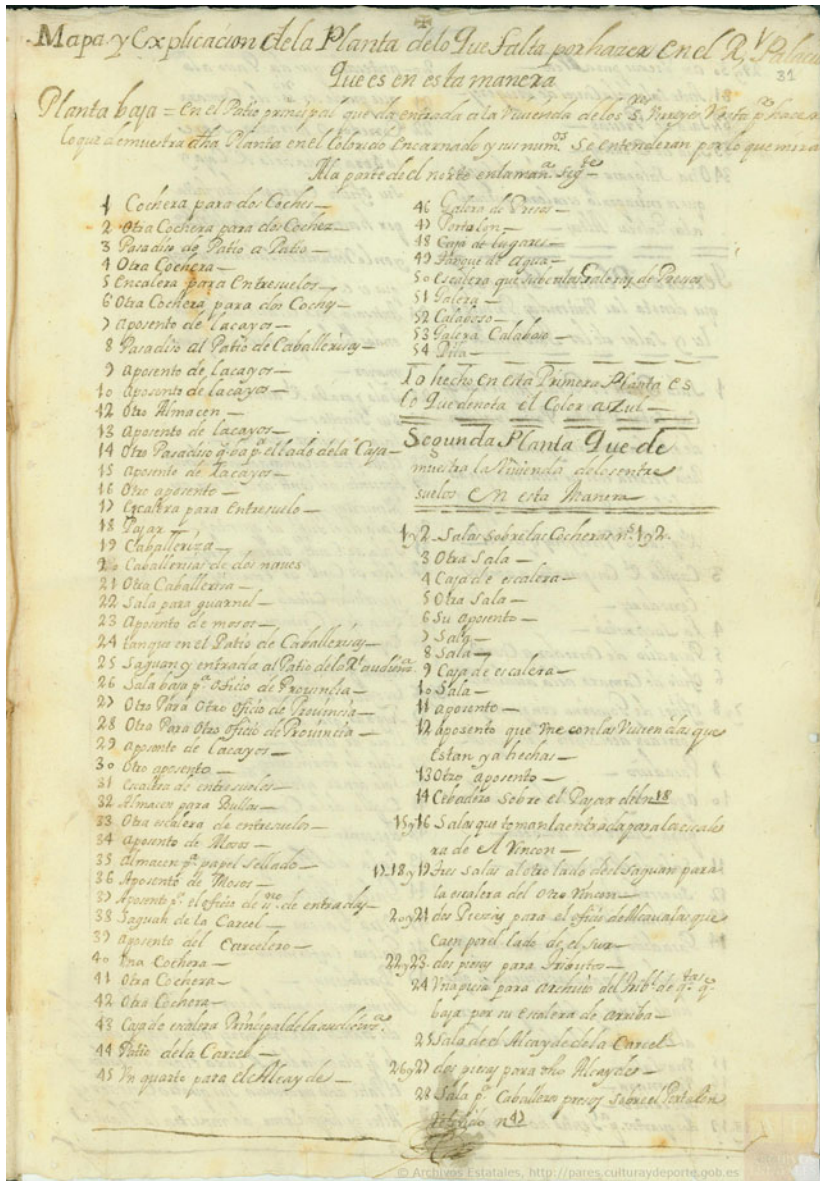


Figure 5. Key to 1709 floor plans for the reconstruction of the Palace, with no indication for any dedicated space for the Juzgado de Naturales, “Planos...Real Palacio de los Virreyes en la Ciudad de México.” Source: Archivo General de Indias, Mapas y Planos, México, 105, 1709. Used by kind permission of the Archivo de Indias, Ministerio de Cultura y Deporte, Spain.

“Juzgado de Indias” [sic] and the tribunal for the merchant’s guild, Diego García Panés, *Diario particular del camino que sigue un virrey de México desde su llegada a Veracruz...*, ed. María Lourdes Díaz-Trechuelo Spínola (Madrid: Centro de Estudios Históricos de Obras Públicas y

\*\*\*\*

Perhaps the disembodiment and dislocation of law that took place as Indigenous petitions ascended to the viceroy means that the Juzgado General de Naturales should be considered not so much in material or physical terms but as part of the realm of colonial political imaginary. The hazy extra-textual life of the Juzgado might not indicate a distance or barrier between the viceroy and Indigenous subject but rather a space for the production of the royal mystique that legitimized colonial rule. Following scholars like Alejandra Osorio, we might conclude that, much like the simulacra of Spanish kings paraded through colonial capital cities, the absences as much as the pageantry of the Juzgado General de Naturales made it not unreal or half-real, but hyper-real.<sup>29</sup>

But blueprints lay a different path for the history of the Juzgado de Naturales after 1692. Many of the palace plans I searched looking for its location were created in a specific context: the palace's reconstruction after the riot left it only half standing. The building plans indicate a desire to better fortify the palace with guard houses and interior turrets, suggesting the response to the riot was for colonial elites to dream of greeting with arms those who entered the palace to conduct legal business (Figure 6).<sup>30</sup>

With this larger trajectory in mind, let us also look again at Villalpando's post-riot painting—the *Vista del zócalo de la Ciudad de México*, of a place where, as piles of papers grew, the viceroy seemingly receded—now from the vantage point of a court that was increasingly buffered and bureaucratized. In the words of literary scholar Anna More, Villalpando's depiction of the square, like the blueprints for the palace's reconstruction, imagined an "order that could develop in the shadow of the crumbling façade of viceregal governance" after the riot.<sup>31</sup> Among the idealized elements in this painting is the size and presentation of the main door, a detail especially obvious when it is compared to later drawings (Figure 7).<sup>32</sup>

Perhaps Villalpando enlarged the door to indicate that, in a post-riot world, the king's colonial subjects still found ample entry to the palace, that there was no blockage to get to the Juzgado and, ultimately, to justice. Along the same lines, perhaps maximizing the door minimized how prominent a role entry to and exclusion from the palace might have figured in the riot itself. On the first day of unrest, a crowd had pushed into the palace courtyard, aiming

---

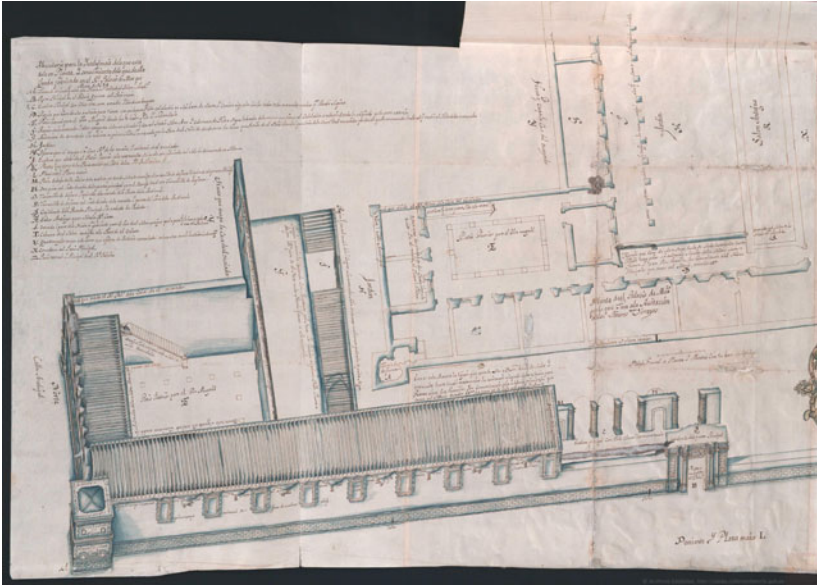
Urbanismo, Ministerio de Obras Públicas, Transportes y Medio Ambiente, Centro de Estudios y Experimentación de Obras Públicas, 1995), 109.

<sup>29</sup> Osorio, "The King in Lima."

<sup>30</sup> Arnaud Exbalin, "Riot in Mexico City: A Challenge to the Colonial Order?" *Urban History* 43 (2016): 215–31. The viceroy seems to have lost some public standing over the course of the eighteenth century, but this seems not to have dissuaded Indigenous subjects from using the Juzgado; Escamilla González, "Permanence," 230.

<sup>31</sup> Anna Herron More, *Baroque Sovereignty: Carlos de Sigüenza y Gongora and the Creole Archive of Colonial Mexico* (Philadelphia: University of Pennsylvania Press, 2013), 202.

<sup>32</sup> "Vista de la Plaza mayor de México, reformada y hermoseedada p[or] disposic[ió]n d[e]l Ex [celentísi]mo S[e]ñor Virrey Conde de Revilla Gigedo en el año de 1793," Archivo General de Indias, Mapas y Planos, México, 446.



**Figure 6.** Planta del Palacio Mayor, 1693. Source: Archivo General de Indias, Mapas y Planos, México, 571. Used by kind permission of the Archivo de Indias, Ministerio de Cultura y Deporte, Spain.

to climb up the stairs toward the upper floor of the palace, where the tribunals and viceregal residences were located. But they were repelled. The next day, rioters—led by fierce, stone-throwing women—came back to the plaza. According to Sigüenza’s account, it was not so much the scuffle in the patio of the palace that marked the turning point of the riot but the “moment the [principal] door was shut.”<sup>33</sup>

In fact, it is worthy of reflection that native petitioners who came for their day in court at the Juzgado General de Naturales generally were not to enter through this main door. Instead, from the time of the Conde de Monterrey on, if they were to have an audience at all, they were to be ushered through a side entrance and up back stairs, known as an *escalera escusada*. Was this special access to the king’s special justice for Indigenous subjects or was this a narrowed channel?

Surely the answer to that question varied among different colonial subjects and changed over time. But in 1692 the answer to a different question can provide us a proxy answer. In the heat of the riot, as the fire tore through the offices of the palace—each tribunal painstakingly enumerated by Sigüenza in his account, each representing a distinct jurisdiction or privilege in colonial law—the flames finally reached a space he called the Juzgado de Indios, engulfing it in smoke. The creole intellectual’s chief concern was not the personnel or space of the court but the flammable documents it contained. Paperwork had come to constitute not only the Juzgado’s archive but its very essence. Beneath the fire, on the street, an official confronted one rioter and asked what he was

<sup>33</sup> Sigüenza Góngora, “Alboroto y motín.”



**Figure 7.** Close-up focused on palace door, Villalpando, *Vista*, shown in Figure 1.



doing. His answer: “I swear to Christ those legal bureaucrats who do nothing but push paper and throw people in workhouses must die.”<sup>34</sup>

**Acknowledgments.** The author thanks Marie Francois, Christoph Rosenmüller, Matthew Mirow, and Gustavo César Machado Cabral, along with the participants in the *Semanário Permanente do Núcleo de Estudos Sobre o Direito na América Portuguesa* for their generous engagement with this article, and thanks the other forum participants for their camaraderie.

**Bianca Premo** is Professor of Latin American History at Florida International University in Miami <premob@fiu.edu>.

---

<sup>34</sup> I harvested this quote from the excellent work on the riot by Natalia Silva Prada, “Estrategias culturales en el tumulto de 1692 en la Ciudad de México: Aportes para la reconstrucción de la historia de la cultura política antigua,” *Historia Mexicana* 53 (2003): 5–63: “que ha de ser [sic] voto de Cristo que todos estos golillas que no sirven más de pedir papel y echar al obraje han de morir.”

**Cite this article:** Bianca Premo, “Half Real: Presence and Absence in Mexico’s Juzgado General de Naturales,” *Law and History Review* (2022): 40, 495–511. <https://doi.org/10.1017/S0738248022000165>