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THE SPANISH PETITION SYSTEM, HOSPITAL/ITY, AND THE FORMATION OF A MULATO COMMUNITY IN SIXTEENTH-CENTURY MEXICO

ABSTRACT: In 1568, a group of Mexican *mulatos* unsuccessfully petitioned the Spanish crown for a license to build a hospital. The mulatos' petition, however, is an important document that speaks to the legal avenues Afro-Mexicans explored in the mid sixteenth century in their attempts to improve their social position. Through an analysis of how the petition process played out, this article demonstrates how that process epitomized the growing limits placed on Afro-Mexican autonomy by colonial administrators. I contend that this case attests to the difficulties Afro-Mexicans continually encountered in their efforts to establish safety nets through such institutions as hospitals and *cofradías*, following the example of other colonial subjects. Over time, however, the mulatos' attempts to institutionalize their privileges as permanent fixtures of colonial society, for example, in petitioning to establish a hospital, intensified the opposition of local royal authorities. I also argue that the petition reveals a Mexican mulato community taking form as a common goal brought the mulatos together, setting in motion a process of community-building through petitioning. Finally, the petition process allows us to see how mulato-ness was understood at the time, broadening our understanding of the category at the time as well as its transformations. The article thus contributes to the study of Afro-Mexicans' use of the Spanish legal system in the mid sixteenth century, as well as their engagement with the Spanish petition system, two topics that have received little scholarly attention.

KEYWORDS: Spanish petition system, colonial hospitals, Afro-Mexico, cofradías, mulatos, black militias

On March 5, 1568, Juan Bautista, a mulato tailor, appeared before the royal tribunal (*audiencia*) in Mexico City. Juan was there to present a petition on his own behalf and that "of the other mulatos" of the city and surrounding area for land and a royal license to build a hospital dedicated to the care of members of this social group, as, allegedly, none of the three

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hospitals in the city would admit them.[1] Between March 7 and March 17, five nonblack witnesses, including the highest ranking military officer in the viceroyalty, appeared before the high court to support the mulatos' entreaty (see Table 1).

On March 29, a court scribe copied the petition, and the copy was sent to the Council of the Indies in Madrid. After its arrival in Madrid, probably around September or October, the petition was entrusted to a defender of the poor (*procurador de pobres*), Juan de la Peña, who presented it to Philip II at El Escorial.[2]

On November 4 of the same year, the monarch asked the audiencia, which was administering the viceroyalty in sede vacante, to inform him as to "whether it would be convenient that the said hospital be built."[3] Since a new viceroy, Martín Enríquez (r. 1568–80), was named just a day after Philip II signed this decree (*cédula*), the audiencia seemed to have left the matter to Enríquez. (The king's cédulas about the mulatos' petition and Enríquez's appointment likely arrived in Mexico City around the same time.) On June 2, 1569, after not hearing from the audiencia or the viceroy for six months, the king asked Enríquez to give his view.[4] Seventeen months later, Enríquez had not addressed the issue, so the sovereign inquired about it again, on November 2, 1570.[5] These cédulas evidence both the mulatos' correspondence with the protector de la Peña and the sustained behind-the-scenes efforts of the latter on the mulatos' behalf.[6] Enríquez, indeed, did not address the matter until his 1572 annual report, in which he asked the monarch not to allow the mulatos to build the hospital.[7] The viceroy's logic was that he did not want to see "black

1. Juan Bautista: "por mi y en nombre de los demas mulatos": "Ynformaçion recibida en la Audiencia Real de la Nueva España a pedimiento de çiertos mulatos para ocurrir con ella ante su magestad," 1568, Archivo General de Indias [hereafter AGI], México 98, probanza, fol. 1r. All translations are my own unless otherwise noted.

2. On the Spanish empire's use of defenders of the poor, see for example Caroline Cunill and Francisco Quijano, "'Que nosotros quedemos en aquella figura como nuestra lealtad y servicios merecen': cadenas de representación en el Imperio hispánico," *Nuevo Mundo Mundos Nuevos* (2020), https://journals.openedition.org/nuevomundo/79325, accessed April 26, 2021.

3. Philip II: "si convendra que se haga y edifique el dicho hospital": "Real cédula a la Audiencia y a el arzobispo de México para que en la solicitud de los mulatos de Nueva España, hijos de negros e indias o de españoles y negras, que piden licencia y ayuda para hacer un hospital donde sean curados y fundarlo junto a la iglesia de San Hipólito, en unos solares al lado de la ermita de los Mártires, les proporcionen sitio en dichos solares sin perjuicio de tercero y el favor y ayuda necesarios," November 4, 1568, AGI, México 1089:5, fol. 260v.

4. Philip II, "Real cédula a Martín Enríquez, virrey de Nueva España, y a la Audiencia de México para que provean lo que convenga en la solicitud de los mulatos de México que piden un sitio, con estancias y propios, para fundar un hospital, pues los que hay en México son para españoles o para los indios," June 2, 1569, AGI, México 1089:5, fols. 347v-348v.

5. Philip II, "Real cédula al virrey de Nueva España y presidente de la Audiencia de México para que informen sobre la solicitud de los mulatos de Nueva España que piden ayuda para la fundación y edificación de un hospital," November 2, 1570, AGI, México 1090:6, fol. 181r.

6. Juan de la Peña: "en nombre de çiertos vezinos mulatos": AGI, México 98, petition, fol. 1r.

7. Martín Enríquez, "Carta del virrey Martín Enríquez," April 28, 1572, AGI, México 19:82.

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TABLE 1
Witnesses on the Mulatos' Behalf

Name	Age	Years Familiar with Petitioners
Juan Méndez	24	*not given*
Juan de Gerómino	±22	±8
Diego de Coronel	±31	>14
Juan Cordaz	23	6
Juan García	>20	1
Francisco Velasco	>50	±8

Source: "Ynformaçion recibida en la Audiencia Real de la Nueva España a pedimiento de çiertos mulatos para ocurrir con ella ante su magestad," 1568, AGI, México 98, probanza, fols. 2v–8v.
The symbol ± indicates that the number is approximate.

gatherings," for, allegedly, they were "very difficult to disband," and this, by implication, constituted an existential threat to Spanish rule.[8]

The mulatos' petition is, on one hand, an important document that speaks to the legal avenues Afro-descendants explored in the mid-sixteenth century in their attempts to improve their social position. In this respect, the request for land and license for a hospital was a strategic one, as a hospital would serve as a medico-religious space and thus appeal to the crown's desire to have institutions in which the Afro-Mexican population, especially the those born free and those who had been manumitted, could be indoctrinated. Indeed, Philip II, pointing out in his 1568 cédula that moribund mulatos would receive confession, the Eucharist, and extreme unction, told the audiencia, "As you see, if the said hospital were to be built it would bring a great deal of good to the said mulatos."[9] (Philip II's several cédulas reflect the monarch's paternalistic desire that poor subjects be cared for.) Additionally, the hospital would serve the mulatos, as patrons, as a space of religious and socioeconomic prestige.

On the other hand, the petition's outcome speaks to the growing limits placed on Afro-Mexican autonomy in the mid sixteenth century by colonial administrators like Enríquez. Indeed, when compared with previous generations, the mulatos' petition shows how the institutionalization of their privileges as permanent fixtures of colonial society proved a step too far for local royal authorities. The document also speaks to how Afro-Mexican creole communities in New Spain,

8. Enríquez: "ni en estos ni en otros nunca querria ver juntas, desbaratar las dichas tiene mas dificultad": AGI, México 19:82, fol. 2r.

9. Philip II: "como veys de hazerse el dicho ospital se seguira mucho bien a los dichos mulatos": AGI, México 1089:5, fol. 260v.

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especially the mulato one, took shape. A common goal brought the mulatos together and a process of community-building through petitioning ensued. In this article, I turn to the mulatos' petition to analyze these factors, as well as to show how the mulatos leveraged their role in helping to quell one of New Spain's most infamous episodes—the supposed 1566 Ávila-Cortés conspiracy—in their favor for this petition and eventual royal concessions.

Finally, the petition allows us to see how mulato status was understood at the time. The term '*mulato*' emerged in the Iberian peninsula in the early fifteenth century, displacing the term *loro*, previously used to designate the offspring of Christian Iberians and Africans or black Iberians.[10] In the Americas, the term was broadened to include both individuals of black-Spanish and black-indigenous parentage. In his study of 30 Inquisition cases against mulatos tried between 1545 and 1599 in New Spain, for example, Robert C. Schwaller found that of the 18 who gave their parents' race, 13 were the children of *negros* and *indias*.[11] If these designations were chosen by mulatos themselves, this tendency may suggest that mulatos may have sought the protections afforded natives, especially in an increasingly antiblack world.

The term black (*negro*) at the time meant a person of unmixed African descent, while "mulato" referred to their mixed offspring. Thus, following Robert C. Schwaller's usage, when talking about the two groups together I will use the terms 'Afro-Mexican,' and 'Afro-descendant' for anyone of African descent, whether mixed or black, and whether born in Africa, Iberia, or on the American continent. 'Creole' refers to individuals born in the Americas, both black and Spanish, and the communities and culture they created.

In justifying their request with their militia service, the mulatos were following the long-standing custom of *probanzas de méritos*, through which conquistadors petitioned the king for rewards, usually land, an *encomienda*, a pension, or some combination of these. "Black conquistadors" like Juan Garrido, as noted below, made use of this strategy.[12] Like conquistadors, the mulatos hoped that their role in aiding the preservation of Spanish rule from a perceived threat would be rewarded. In this respect, Juan Bautista emerges as a pioneer in merit

10. The term itself may have come from the Arabic term *muwallad*, which designated persons of Christian-Muslim descent, and not from the Spanish *mula* (mule), as is generally believed. See for example Jack D. Forbes, *Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples* (Urbana: University of Illinois Press, 1993), 140–147.

11. Robert C. Schwaller, *"Géneros de Gente" in Early Colonial Mexico: Defining Racial Difference* (Norman: University of Oklahoma Press, 2016), 115–116.

12. Juan Garrido, "Probanza de Juan Garrido, negro, vecino de la ciudad de México," September 7, 1538, AGI, México 204. Like the mulatos, Garrido was not granted the pension he sought. See Matthew Restall, "Black Conquistadors: Armed Africans in Early Spanish America," *The Americas* 57:2 (2000): 171–205.

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claims based on service to the crown (claims for *méritos y servicios*), petitioning the king again in 1583 on his own and the mulatos' behalf, this time for a tax exemption. Like future generations of Afro-Mexican militiamen, Juan Bautista once more leveraged his group's militia service for this royal concession (*gracia*).

Afro-descendants' use of the Spanish legal system in the early Americas has received significant attention in the last two decades. Scholars such as Herman L. Bennett and Michelle A. McKinley have shown how both enslaved and free Afro-descendants (free-born or freed) sought relief in the courts for a whole host of issues in the late sixteenth and seventeenth centuries.[13] Bennett has called this strategic engagement with the local courts "Afro-creole legal consciousness." More recently, Chloe Ireton has demonstrated how Afro-descendants used the Spanish empire's legal apparatus to claim Old Christian blood and its attendant privileges (such as *vecindad* and *naturaleza*) and to challenge slavery in the early decades of the sixteenth century.[14] What has been missing from the scholarship is an analysis of the period in which these early sixteenth century legal strategies first came into use among the American-born Afro-Mexican population. The mulatos' petition and other related documents discussed here elucidate this transformative moment. This article can thus illuminate how Afro-creole communities took shape through collective petitioning.

The mulatos' petition of 1568 has been mentioned by several scholars, but not studied in depth. Nicole von Germeten, for example, sees it as an early example of Afro-Mexicans' attempts to establish charitable institutions before they organized as lay Catholic associations (*cofradías*).[15] Although the audiencia document does not mention it, Enríquez's report stated that the mulatos intended to establish the hospital "with a *cofradía*."[16] Below, I will argue that Enríquez's report and other related documents demonstrate the difficulties

13. Herman L. Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570–1640* (Bloomington: Indiana University Press, 2003); Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700* (Cambridge University Press, 2016). Other important works include Rachel Sarah O'Toole, *Bound Lives: Africans, Indians and the Making of Race in Colonial Peru* (Pittsburgh: University of Pittsburgh Press, 2012); Sherwin K. Bryant, *Rivers of Gold, Lives of Bondage: Governing through Slavery in Colonial Quito* (Chapel Hill: University of Carolina Press, 2014); Ricardo Raúl Salazar Rey, *Mastering the Law: Slavery and Freedom in the Legal Ecology of the Spanish Empire* (Tuscaloosa: University of Alabama Press, 2020); and Erika Edwards, *Hiding in Plain Sight: Black Women, the Law, and the Making of a White Argentine Republic* (Tuscaloosa: University of Alabama Press, 2020).

14. Chloe Ireton, "'They Are Blacks of the Caste of Black Christians': Old Christian Black Blood in the Sixteenth- and Early Seventeenth-Century Iberian Atlantic," *Hispanic American Historical Review* 97:4 (2017): 579–612; "Black Africans' Freedom Litigation Suits to Define Just War and Just Slavery in the Early Spanish Empire," *Renaissance Quarterly* 73:4 (2020): 1277–1319.

15. Nicole von Germeten, *Black Blood Brothers: Confraternities and Social Mobility for Afro-Mexicans* (Gainesville: University Press of Florida, 2006), 84.

16. Enríquez: "aviendo cofradía": AGI, México 19:82, fol. 2r.

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Afro-Mexicans encountered in their efforts to establish and keep these institutions in the mid sixteenth century and beyond. More recently, Adrian Masters cites the petition in his discussion of what he calls "caste legislation," as an example of how crown legislation imitated the language of American petitions, particularly when it came to categories of human difference, such as those found among the *castas*.[17] De la Peña then most likely took this information from correspondence with Juan Bautista that has not survived.

Afro-descendants' dealings with the Council of the Indies have not been widely studied. Far more has been written about Spanish and, more recently, indigenous petitioners.[18] The mulatos' petition and other documents discussed here show how Afro-descendants sought relief directly from the monarch through the Spanish petition system. It thus expands our understanding of the varied avenues they pursued in their efforts to improve their social standing.

INSIDE THE DOCUMENTS

The file of the mulatos' petition at the Archive of the Indies in Seville consists of two documents: de la Peña's presentation letter to the king, which constitutes the petition proper, and the audiencia document (the *probanza*). The probanza itself has two parts: Juan Bautista's request for the probanza to be made and the witnesses' testimony (the *interrogatorio*).[19] These three documents differ from each other significantly and also complement each other in important ways. For example, de la Peña offers a great deal of information not contained in the probanza, such as the petitioners' legal status as free and the description of the mulatos as "the children of black men and Indian women and Spanish men and black women."[20]

For his part, Juan Bautista claimed to represent "six thousand" mulatos, a claim none of the witnesses supported.[21] Yet, they did not refute it. Population statistics offered below suggest Juan Bautista was exaggerating. Finally, the witness testimonies provide us information about the mulatos' role in helping

17. Adrian Masters, "A Thousand Invisible Architects: Vassals, the Petition and Response System, and the Creation of Spanish Caste Legislation," *Hispanic American Historical Review* 98:3 (2018): 400. Robert C. Schwaller argues in *"Géneros de Gente"* (7) that the *casta* system did not emerge until the seventeenth century.

18. See for example two works by Caroline Cunill, "Philip II and Indigenous Access to Royal Justice: Considering the Process of Decision-Making in the Spanish Empire," *Colonial Latin American Review* 24:4 (2015): 505–524, and "El uso indígena de las probanzas de méritos y servicios: su dimensión política (Yucatán, siglo XVI)," *Signos Históricos* 16:32 (2014): 14–47.

19. On the Spanish petition system, see for example Masters, "A Thousand Invisible Architects."

20. Juan de la Peña: "por ser gente libre e no esclavos"; "hijos de negros y de yndias e de españoles e negras": AGI, México 98, petition, fol. 1r.

21. AGI, México 98, probanza, fol. 1r.

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quell the alleged Ávila-Cortés conspiracy not offered elsewhere. Other related documents, such as Viceroy Enríquez's 1572 report, in which he asked the monarch not to allow the mulatos to build the hospital, provide further information, such as the fact the mulatos may have intended to establish a cofradía together with the hospital, as noted above.

In 1524, Charles V established the Council of the Indies to help him administer the crown's vast new territories in the Americas. The council advised the king on everything related to the region. Ministers ordered inquiries, sometimes composed decrees for the king to sign, and attended to the entreaties of colonial administrators and private citizens (*vasallos*), like that of the mulatos. Not wanting to inconvenience his colonial administrators, the sovereign and the council sought the views of colonial officials (especially viceroys) before deciding on private citizens' requests, as they did with the mulatos' petition. The monarch and the council normally deferred to colonial officials. Thus, colonial administrators often determined how the king and the council decided certain requests, like the mulatos' entreaty. Compared with private citizens, colonial officials had a higher success rate. For example, Philip II granted Viceroy Enríquez a royal decree (*real cédula*) in 1575 banning the processions of Afro-Mexican cofradías, although the crown generally favored Afro-descendant cofradías.[22]

As in the Americas, the council appointed defenders of the poor to represent those who could not travel to Madrid to present their case or could not afford to hire someone to do so.[23] As "poor and in need," as one witness, Juan de Gerónimo, put it, the mulato satisfied this requirement.[24] Although no written evidence has survived, it is very likely that Juan Bautista corresponded with de la Peña, either directly or through one of the witnesses, don Francisco Velasco, who Juan Bautista empowered to represent his cause—just as the mulatos had empowered Juan Bautista to represent their case.[25] Juan Baustista made the petition with the audiencia because the mulatos needed a competent colonial authority to certify the document, for the audiencia was the only colonial body empowered to make the *interrogatorio*. Moreover, the Council of the Indies

22. Philip II, "Real cédula a Martín Enríquez, virrey de la Nueva España, para que prohíba la proesión e disciplina de la cofradía de los negros de la ciudad de México, por los inconvenientes que genera," May 15, 1575, AGI, México 1090. On the crown's support of black cofradías, see Karen B. Graubart, "'*So color de una cofradía*': Catholic Confraternities and the Development of Afro-Peruvian Ethnicities in Early Colonial Peru," *Slavery and Abolition* 33:1 (2012): 43–64. On the Council of the Indies, see Ernest Schäfer, *El Consejo Real y Supremo de las Indias, su historia, organización y labor administrativa hasta la terminación de la Casa de Austria*, 2 vols. (Seville: M. Carmona, 1935–47).

23. Schäfer, *El Consejo Real y Supremo de las Indias*, 1:75–76.

24. Juan de Gerónimo: "pobres y necesitados": AGI, México 98, probanza, fol. 4v. See Cunill, "Philip II and Indigenous Access to Royal Justice."

25. AGI, México 98, petition, 1.

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required that American petitions be vetted by the local audiencias. In this manner, as noted above, the mulatos were following the precedents set by their black forebears, like Garrido, who petitioned Charles V for a pension in 1538.[26] Other "black conquistadors" petitioned the sovereign and engaged with the council.

THE FORMATION OF A MULATO COMMUNITY

As noted above, in the petition Juan Bautista stated that he represented 6,000 mulatos: "we are many and in quantity six thousand."[27] This number, however, contradicts the known estimates for the period. In 1920, for example, the historian Germán Setién Latorre put the number of mulatos at 1,495 in 1570, with 1,050 of them residing in the Archbishopric of Mexico (Mexico City and vicinity), basing those figures on three mid-sixteenth-century censuses.[28] These are more or less the numbers subsequent historians have proposed. Gonzalo Aguirre Beltrán, for instance, put the number at 2,437, with 1,992 in the Archbishopric of Mexico.[29] While not parsing out mulatos, Herman L. Bennett puts the American-born Afro-Mexican population in 1570 at 2,437, of which he argues most were free-born or freed mulatos.[30] It seems then that Juan Bautista was exaggerating. All the witnesses, for their part, said they did not know "exactly how many" mulatos there were in Mexico City and its environs.[31]

Based on the same censuses Latorre relied on, scholars put the total Mexican population in 1570 as somewhere between 7,000 and 15,000 Europeans and around 20,000 Africans and Mexican-born blacks, 3.5 million natives, 2,500 mestizos, and 2,500 mixed-race Afro-Mexicans.[32] As scholars have noted, the European and Afro-Mexican populations were mostly male, although the crown had ordered that for every male African a female be enslaved.[33] Ben

26. AGI, México 204. See Restall, "Black Conquistadors."

27. Juan Bautista: "somos muchos y en cantidad de seys myll." AGI, México 98, probanza, 1r.

28. Germán Setién Latorre, "Censos de la población del Virreinato de Nueva España en el siglo XVI," *Boletín del Centro de Estudios Americanistas de Sevilla de Indias* 7:36–37 (1920): 44–66.

29. Gonzalo Aguirre Beltrán, *La población negra de México: estudio etnohistórico,* reprint (Xalapa: Univeridad Veracruzana, [1946] 1989), 209. See also Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570–1650*, reprint (Cambridge: Harvard University Press, [1976] 2013), 40.

30. Bennett, *Africans in Colonial Mexico*, 23.

31. Examples include Juan de Gerónimo: "no sabe al justo los que son"; Diego Coronel: "no sabe la cantidad al justo"; and Juan García: "no sabe que tanta cantidad ay dellos": AGI, México 98, probanza, fols. 4r. 5r, 7r.

32. Latorre, "Censos de la población del Virreinato de Nueva España"; Aguirre Beltrán, *La población negra de México*, 210; Palmer, *Slaves of the White God, 40*. Von Germeten summarizes the debate around these figures in *Black Blood Brothers*, 73.

33. See Manuel Lucena Salmoral, *Regulación de la esclavitud negra en las colonias de América Española (1503–1886): documentos para su estudio* (Alcalá: Universidad de Alcalá, 2000), 33–34.

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Vinson III, for example, notes that only one third of all Spaniards who migrated to New Spain in the 1560s and 1570s were women—about 1,165 if we follow Susan M. Socolow's calculations.[34] As for the incoming black population, Lourdes Mondragón Barrios's analysis of slave sales shows that most enslaved blacks sold in New Spain between 1553 and 1587 were males.[35]

Given these demographics, Africans and Mexican-born blacks had myriad opportunities for forging intimate relations with indigenous women. Indeed, early colonial authorities constantly complained to the Council of the Indies that blacks lived among the natives.[36] These relations reflect the relationships blacks and natives began to develop during the conquest, as they fought side by side with the Spanish invading forces.[37]

De la Peña for his part stated only that "in the said New Spain there is a great number of mulatos."[38] Could Juan Bautista's claim suggest that the number was somewhere between 2,000 and 6,000? If Juan Bautista, who was half-black and half-Spanish, understood mulato-ness the same way de la Peña did (as "children of blacks and indigenous women and of Spaniards and black women"), and historians have counted only the half-black/half-Spanish population as mulatos, Juan's figure could invite a reconsideration of the above numbers.[39] However, what is important here is to read Juan's stated figure as a rhetorical device meant to emphasize what the witnesses and de la Peña stated: that the mulatos were many. This rhetorical use of population statistics was common in the Spanish of the time. For example, Las Casas used "millions"

34. Ben Vinson III, *Before Mestizaje: The Frontiers of Race and Caste in Colonial Mexico* (Cambridge: Cambridge University Press, 2018), 5; Susan M. Socolow, *The Women of Colonial Latin America* (New York: Cambridge University Press, 2015), 52–55. See also Karen Vieira Powers, *Women in the Crucible of Conquest: The Gendered Genesis of Spanish American Society, 1500–1600* (Albuquerque: University of New Mexico Press, 2005), esp. 68–141; and Allyson M. Poska, *Gendered Crossings: Women and Migration in the Spanish Empire* (Albuquerque: University of New Mexico Press, 2016), 2–3. Vieira Powers calls mestizaje, "perhaps the most formative sociocultural process of Latin America's history" (68), but like so many others, neglects Afro-descendants' role in this process.

35. Lourdes Mondragón Barrios, *Esclavos africanos en la Ciudad de México: el servicio doméstico durante el siglo XVI* (Mexico City: Euram, 1999), 36–39. In her study of black women in colonial Mexico City, which focuses on the seventeenth and eighteenth centuries, María Elisa Velázquez Gutiérrez does not offer any figures for the sixteenth century, other than those of Aguirre Beltrán discussed here: *Mujeres de origen africano en la capital novohispana, siglos XVII y XVIII* (Mexico City: INAH/UNAM, 2006), 30.

36. See Lucena Salmoral, *Regulación de la esclavitud negra*, 21–148.

37. See Matthew Restall, "Black Conquistadors"; Elena F. Sifford, "Mexican Manuscripts and the First Images of Africans in the Americas," *Ethnohistory* 66:2 (2019): 223–248; Matthew Restall, ed., *Beyond Black and Red: African-Native Relations in Colonial Latin America* (Albuquerque: University of New Mexico Press, 2005); and Pat Carroll, "Black Aliens and Black Natives in New Spain's Indigenous Communities," in *Black Mexico: Race and Society from Colonial to Modern Times*, Ben Vinson III and Matthew Restall, eds. (Albuquerque: University of New Mexico Press, 2009), 72–95.

38. Juan de la Peña: "en la dicha Nueva España ay cantidad de mulatos": AGI, México 98, petition, fol. 1r.

39. As I discuss here, in 1583, Juan presented another petition to Philip II wherein he claimed to be the son of the conquistador Gaspar Rubio de Cardona and a black woman named Catalina Martín, both from Valencia: "Informaçion fecha a pedimiento de Juan Bautista de Cardona sobre çierto tributo que se le pide," 1583, AGI, Indiferente General, 1233. An exception from the quantification of Mexican mulatos as only half-black and half-Spanish is Schwaller, *"Géneros de Gente,"* 111–146.

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(*cuentos*) in the *Brevísima* to stress the vastness of the native population of the Caribbean.[40]

All the other demographic information in the petition file comes from de la Peña's cover letter. He wrote, for example, that the mulatos worked in manual labor (*offiçios de todas artes*) and cattle ranching (*vaquería*).[41] It is not hard to imagine manual labor being the mulatos' main occupations. Indeed, Juan Bautista described the group as poor.[42] As for cattle ranching, this too was a common trade among Afro-Mexicans. Indeed, Andrew Sluyter has proposed that Afro-descendants helped establish cattle ranching in New Spain, contributing the practices of throwing the lasso and fencing in cattle to protect them and the crops.[43] Sluyter cites the examples of Juan el Negro and Benito el Negro, two "black conquistadors" who were given haciendas for cattle ranching for their role in the conquest. Indeed, when Philip II sought to collect tax from free-born or freed Afro-descendants in the Americas in 1573, the *relación* stated that the reason for establishing such taxes was that blacks and mulatos had "many *ranchos* and own their land."[44] As this relación suggests, Juan Bautista's generation represented the children of these original black cattle ranchers. In this respect, the outcome of the mulatos' petition of 1568 bears a stark difference: while previous generations of Afro-Mexicans were successful in gaining individual concessions, local officials seemed reluctant to make group ones.

The mulatos' socioeconomic status as manual laborers and cattle ranchers suggests that they chose Juan Bautista as their representative for his urbanity, that is, his ability to navigate the city's legal apparatus with relative ease.[45] Indeed, this would not be the only time Juan Bautista acted as the mulatos' representative, for, as noted above, his 1583 petition to the king was made, again, on his own and the mulatos' behalf. This time they were seeking to be exempted from taxes.[46] As in their 1568 petition, in 1583 the mulatos also promoted their assistance in quelling the alleged Ávila-Cortés conspiracy to gain leverage for this request. In other words, Juan Bautista argued that he and the other

40. On legal rhetoric by indigenous subjects petitioning the monarch and the Council of the Indies, see Brian Philip Owensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford: Stanford University Press, 2011), 49–89.

41. AGI, México 98, petition, fol. 1r.

42. Juan Bautista: "los mas son pobres": AGI, México 98, probanza, 1r.

43. Andrew Sluyter, *Black Ranching Frontiers: African Cattle Herders of the Atlantic World, 1500–1900* (New Haven: Yale University Press, 2012), 19–60.

44. Philip II: "tienen muchas granjerias y tienen sus tierras": "Relación de los derechos que se pueden acrescentar y cobrar en las Yndias," 1573, AGI, México 99, fol. 1r.

45. See Bennett, *Africans in Colonial Mexico*.

46. AGI, Indiferente General, 1233. On black tribute during the colonial period, see Norah L. A. Gharala, *Taxing Blackness: Free Afromexican Tribute in Bourbon New Spain* (Tuscaloosa: University of Alabama Press, 2019). Chapter 3 provides a historical overview of Afro-Mexican tribute before 1763.

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mulatos should be exempted from taxes for their role in helping suppress the supposed rebellion.

De la Peña's description of the mulatos as the "children of blacks and indigenous women and of Spaniards and black women" is also significant. His meshing of half-black, half-Spanish mulatos with half-black, half-indigenous ones reflects not only the fluid understanding of the term at the time but also the tendency that would persist in New Spain throughout the colonial period.[47]

De la Peña characterized the mulatos in ways that were likely correct. He describes them as *vezinos*, *naturales*, and *gente libre*.[48] These three factors—birth (*naturaleza*), freedom (*libertad*) and residency (*vecindad*)—constituted the fundamentals of Spanish citizenship, in its fullest sense.[49] Any free person in good standing in the Spanish empire enjoyed this status and had a right to its attendant privileges. And while the mulato children of enslaved black women and Spaniards would inherit their mother's status, those of free-born or freed black and indigenous women would be free-born. Finally, Juan Bautista's 1583 petition confirms that (at least by 1583) the mulatos were free—otherwise they would have not owed taxes. In 1568, moreover, the mulatos relied on an implicit understanding of their freedom to make their petition.[50] Indeed, in processing the petition the audiencia recognized this.

Yet, despite legally enjoying the status of free subjects, the mulatos belonged to a group that was increasingly stigmatized in the colonial world. As Schwaller has noted elsewhere, by the mid sixteenth century blackness was associated with criminality, disloyalty, and dishonor.[51] So, the mulatos sought to build a hospital for themselves because their world was increasingly inhospitable.

47. The terms *zambo* and *zambaigo* used in other American latitudes for this population were not used in New Spain. Robert C. Schwaller, *"Géneros de Gente"* 46–47. Frederick P. Bowser stated that '*mulato*' was used for Mexican Afro-mestizos up to 1650, but my experience has been that it was used throughout the colonial period, even for the children of Asians and blacks, and that *zambo* or *zambaigo* was never used. Bowser, *The African Slave in Colonial Peru, 1524–1650* (Stanford: Stanford University Press, 1974), 383–384 n19. On Asians in New Spain, see Tatiana Seijas, *Asian Slaves in Colonial Mexico: From Chinos to Indians* (Cambridge: Cambridge University Press, 2015). On categories of human difference in sixteenth-century New Spain, see Schwaller, *"Géneros de Gente."*

48. AGI, México 98, petition, fol. 1r.

49. See for example Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven: Yale University Press, 2003). Freedom was not a prerequisite to petition the crown or seek relief in the courts. See Bennett, *Africans in Colonial Mexico*; and McKinley, *Fractional Freedoms*.

50. On Afrodescendants' strategic use of *vecindad* in the sixteenth centtury, see Ireton, "'They Are Blacks of the Caste of Black Christians'"; Pablo F. Gómez, *The Experiential Caribbean: Creating Knowledge and Healing in the Early Modern Atlantic* (Chapel Hill: University of North Carolina Press, 2017); Karen B. Graubart, "Los lazos que unen: dueñas negras de esclavos negros en Lima, ss. XVI–XVII," *Revista Nueva Corónica* 2 (2013): 625–640; and David Wheat, *Atlantic Africa and the Spanish Caribbean, 1570–1640* (Chapel Hill: University of Carolina Press, 2018), 166–180, 207–215.

51. Robert C. Schwaller, "'For Honor and Defence': Race and the Right to Bear Arms in Early Colonial Mexico," *Colonial Latin American Review* 21:2 (2012): 240.

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Indeed, the mulatos insisted that they needed their own hospital because the others in the city would not admit them, a claim generally supported by the witnesses.[52] Enríquez's rationale for denying the mulatos' petition makes clear that he saw them as a suspect group. In the end, then, the mulatos' perceived socio-racial stain trumped their theoretical citizenship.[53] Yet, despite this significant setback, the 1568 and 1583 documents cited above show a mulato community coming together through petitioning in a joint effort to ameliorate their colonial condition.

THE MULATOS AND THE ALLEGED ÁVILA-CORTÉS CONSPIRACY

A key moment in the formation of the mulato community seems to have been their role in helping crush the supposed Ávila-Cortés conspiracy. Briefly, the New Laws of 1542 provided for a gradual end to the encomienda system by halting the granting of new encomiendas and declaring them non-hereditary.[54] This measure was met with resistance by the *encomenderos,* many of whom—especially those born in the Americas, like Martín Cortés (1532–89), Hernán Cortés' heir—had inherited their encomiendas. In Perú, it led to the Great Encomendero Rebellion (1544–48).

Martín grew up in Spain, from where he had managed his inheritance, but returned to Mexico in 1562 to manage his estate in person. He returned to Mexico at a volatile moment. Since the promulgation of the New Laws, tensions had grown between crown officials, who were charged with enforcing the encomienda provision, and the encomenderos, many of whom were now creoles. Things got muddier when the viceroy Luis de Velasco, the elder (appointed 1550), the highest royal authority in the land, suddenly died in office in 1564. For two years, the audiencia administered the viceroyalty as it normally did in sede vacante. However, in the absence of the strong figure of the viceroy, the audiencia always feared instability would lead some to take advantage of the situation and try to overthrow Spanish rule.

As Martín was Cortés's heir and holder of the highest noble title in the land (Marqués del Valle), Mexican encomenderos, who were trying to have the law

52. Juan de la Peña: "no tienen hospital donde se curar de sus enfermedades e sean amparados porque de tres hospitales que ay en aquella tierra y çiudad de mexico en ninguno los admiten sino son españoles o yndios que tambien tienen su hospital por sy y en ninguno son admitidos y asy se mueren sin ser curados e sin sacramentos": AGI, México 98, petition, fol. 1r.

53. In using the term "socio-racial," I follow Robert C. Schwaller's understanding that "during the sixteenth century categories of human difference had begun to undergo a process of racialization." Schwaller, *"Géneros de Gente,"* 6.

54. *Recopilación de leyes de los reynos de las Indias mandadas imprimir y publicar por la Magestad Católica del rey Don Carlos III, Nuestro Señor,* reprint (Madrid: Viuda de D. Juanquín Ibarra, [1681] 1791), libro 6, título 9.

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nullified, chose him as their intermediary with the audiencia and the crown.[55] Tensions between royal authorities and the encomenderos were running high when Alonso Ávila, who had also inherited his encomienda, hosted a masquerade in Martín's honor in February 1566.[56] Fearing a rebellion, the audiencia arrested Alonso, his brother, Gil Ávila, Martín, Martín's mestizo brother (also named Martín Cortés; ca. 1523–95), and 85 others. After a speedy trial, all were found guilty of treason.[57] The Ávila brothers were sentenced to death and hanged on August 3, 1566, while Martín was dispossessed of his jurisdiction and patrimony, which passed into the royal coffers.[58] But as a noble, Martín, along with his same-named brother, was allowed to go to Spain to plead his case with Philip II, eventually prevailing in having the judgment reversed. Yet neither of the two Cortés brothers ever returned to New Spain.

New Spain's highest military officer, don Francisco de Velasco (none other than the late viceroy's brother), learned of the supposed plot a day or two after the masquerade from his nephew, the future viceroy Luis de Velasco, the younger (r. 1590–95, 1607–11), and the former's lieutenant (*maestre de cuadra*), Sancho Sánchez de Muñón. In his testimony, don Francisco stated that a certain mulato named Juan del Hierro, who was a servant (*criado*) of Sánchez de Muñón, along with "other mulatos," volunteered to "serve his majesty" (Philip II) after learning of the supposed plot.[59] The witnesses stated that the mulatos guarded the city "day and night" with "great care and diligence and all solicitude."[60] In a world where blackness was associated with disloyalty, revolt, and dishonor, the mulatos made the strategic decision to make a public show of their loyalty and honor by volunteering to guard the city.[61] Indeed, as one

55. See Shirley Cushing Flint, "Treason or Travesty: The Martín Cortés Conspiracy Reexamined," *Sixteenth Century Journal* 39:1 (2008): 23–44.

56. Cushing Flint, "Treason or Travesty," 27.

57. Francisco de Sande, "Proceso contra Martín Cortés," 1566, AGI, Patronato 208. Contemporary accounts of these events are found in Juan Suárez de Peralta, *Tratado del descubrimiento de las Yndias y su conquista (transcripción del manuscrito de 1589)*, Giorgio Sabino Antonio Perissinotto, ed. (Madrid: Alianza Editorial, [1589] 1990); and *La conjuración de Martín Cortés y otros temas*, Agustín Yáñez, ed., reprint (Mexico City: UNAM, [1589] 1994).

58. Real Audiencia de México, "Secuestro de bienes de Martín Cortés," 1567, AGI, Patronato 17; Real Audiencia de México, "Condena de Martín Cortés, culpado en la rebelión de México," March 3, 1573, AGI, Patronato 171:1:20.

59. Don Francisco Velasco: "dixo querer hazer servicios de su magestad y que el trazia a serbir en ello que se ofreçia el y otra mas cantidad de mulatos para servir en lo que ofreçiese": AGI, México 98, probanza, fol. 8r. On the Velasco clan, see for example John F. Schwaller, "The Early Life of Luis de Velasco, the Younger: The Future Viceroy As Boy and Young Man," *Estudios de Historia Novohispana* 29 (2003): 17–47; and Rafael Sánchez Domingo, *El régimen señorial en Castilla Vieja: la casa de los Velasco* (Burgos: Universidad de Burgos, 1999). As John F. Schwaller notes in "The Early Life of Luis de Velasco, the Younger" (42), Luis de Velasco, the younger, was the principal witness in the case against adherents of Ávila and Córtes.

60. Juan Méndez: "la qual guardia fizieron con mucho cuidado y deligencia y toda solcitud": AGI, México 98, probanza, fol. 3v. Also Juan de Gerónimo: AGI, México 98, probanza, 4r.

61. See Schwaller, "'For Honor and Defence,'" 240.

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witness, Juan de Cordaz, put it, the mulatos showed themselves to be "dutiful and loyal subjects of his majesty."[62]

This militia service may have been the principal factor that moved the mulatos to petition for the hospital. In the petition, Juan Bautista asked the audiencia to ask the witnesses only to vouch for three things. First, that there were 6,000 mulatos in New Spain (we have seen how that played out). The next was to confirm that "more than sixty mulato men offered themselves to the service of his majesty and don Francisco Velasco . . . when the Marquis of the Valley and his brothers [*sic*] were arrested and that they did their rounds and vigils with great care."[63] As we have seen, the witnesses resoundingly confirmed this. This, in fact, is the only question asked of don Francisco Velasco by the oidor Perdro Farfán, who presided over the interrogatorio.[64]

This would not be the last time the mulatos tried to leverage this militia service for royal concessions. As noted above, Juan Bautista, using the militia service as his principal rationale, petitioned the king in 1583 to exempt him and the other mulatos who had guarded the city from revenue taxes. Before Juan Bautista, Juan de Llerena, who had served with the other mulatos in 1566, had made the same request, in 1578.[65] The fact that mulatos later sought tax exemptions may point to their constitution as a corporate group, such as a cofradía, which at the time could be as much a commercial body as it was religious, even after the hospital was denied them. Only corporate groups that engaged in commerce sought exemptions from tribute, especially during the early years of the Spanish tribute system in the Americas.[66] But if that was not the case, the mulatos would be the first known group to make such claims on a non-commercial basis.

In leveraging their militia service for tax exemptions, the mulatos set a precedent that would benefit future generations, as Vinson has shown in his study of Afro-Mexican militias in the eighteenth century.[67] They may have also set a

62. Juan de Cordaz: "mostrando ser servidores y leales vasallos de su magestad": AGI, México 98, probanza, 6v.

63. Juan Bautista: "con mas de sesenta hombre mulatos fueron a ofrecerse al servicio de su magestad y a don francisco de velasco . . . quando prendieron al marques del valle y sus hermanos [*sic*] y asi hizieron su ronda y vela con mucho cuidado," AGI, México 98, probanza, 1v.

64. AGI, México 98, probanza, fols. 2r, 8r.

65. Juan de Llerena, "Petición de Juan de Llerena, mulato, vecino de la ciudad de México," 1578, AGI, México 102.

66. See Robert S. Smith, "Sales Taxes in New Spain, 1575–1770," *Hispanic American Historical Review* 28:1 (1948): 2–37; Tim Connell, "New Spain and the Tribute System in the 16th Century, Diego Ramírez, and Jerónimo de Valderrama: Justo Juez and Azote de Indios," *Ibero-Amerikanisches Archiv* 4:2 (1978): 161–170; and Ross Hassig, *Trade, Tribute, and Transportation: The Sixteenth-Century Political Economy of the Valley of Mexico* (Norman: University of Oklahoma Press, 1993).

67. Ben Vinson III, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico* (Stanford: Stanford University Press, 2001), 132–172. See also Gharala, *Taxing Blackness*, 112–113.

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demographic precedent, as Afro-Mexican militias would be made up mostly of mulatos.[68] Moreover, some of the mulatos, such as del Hierro, may have been permanent militiamen, for as Vinson notes, "since the 1550s, free-colored forces had figured prominently in the colony's military defense scheme, being posted in key strategic locations."[69] As the seat of colonial power, Mexico City was such a strategic location. As Vinson and Matthew Restall have noted elsewhere, the integration of local militias resulted from Philip II's 1540 law requiring localities to provide for their own defense.[70] Thus, Juan Bautista emerges as a pioneer of the process of seeking the exemptions (*gracias*) Afro-descendants would ask for and obtain for their services (*servicios*) to the crown.[71] This may suggest that the community the mulatos sought to form, or had already formed, was one strongly based on the bonds developed during their militia service.

HOSPITALS AS SITES OF RELIGIOUS AND SOCIOECONOMIC PRESTIGE

The third thing Juan Bautista asked the witnesses to endorse was that "God, Our Lord, would be served [if the hospital was built], because [the mulatos] would be cared for and indoctrinated in the things of our Catholic faith."[72] The witnesses not only resoundingly supported this claim, but repeatedly emphasized the mulatos' religious piety, noting that "many apply themselves to learning virtuous works and exercises."[73] De la Peña summarized this: "They intend to build a hospital where they receive both care and the sacraments, so as to die a Christian death."[74] This language is repeated almost verbatim in Philip II's 1568 cédula: "They intend to build a hospital where those who fall ill can be cared for."[75] In a world that associated blackness with paganism and suspected the authenticity of Afro-Mexicans' Catholicism, the mulatos sought to reassure the crown that the hospital would not become a safe haven for non-Christian practices.[76]

68. Vinson III, *Bearing Arms for His Majesty*, 7–45.

69. Vinson III, *Bearing Arms for His Majesty*, 2.

70. Vinson and Restall, "Black Soldiers, Native Soldiers: Meaning of Military Service in the Spanish American Colonies," in *Beyond Black and Red*, 15–52.

71. On Afro-Mexican militiamen's legal privileges, see Vinson, *Bearing Arms for His Majesty*, 173–198.

72. Juan Bautista: "sera dios nuestro señor servido dello porque en el [hospital] seran curados e yndustriados en las cosas de nuestra sancta fe catolica": AGI, México 98, probanza, 2r.

73. Juan Méndez: "muchos dellos se aplican a aprender ofiçios y ecerçiçios virtuosos": AGI, México 98, probanza, fols. 3v. Also Diego Coronel: AGI, México 98, probanza, 4v.

74. Juan de la Peña: "tienen devoçion de hazer un hospital donde se recojan asy se curar como rrecibir los sanctos sacramentos e morir como cristianos": AGI, México 98, petition, 1r.

75. Philip II: "tienen devoçion de hazer un hospital donde los que enfermen sean curados": AGI, México 1089:5, fol. 260v.

76. On colonial administrators' suspicion of the genuineness of Afrodescendants' Catholicism, see Graubart, "'*So color de una cofradía*'"; Miguel A. Valerio, "'That There Be No Black Brotherhood': The Failed Suppression of Afro-Mexican Confraternities, 1568–1612," *Slavery & Abolition* 42:2 (2021): 293–314.

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All the witnesses, except Juan García, likewise supported Juan Bautista's claim that the hospitals in Mexico City (one for Spaniards, two for the indigenous population) would not admit mulatos.[77] Even if a hospital in Mexico City were to admit Afro-Mexicans, the mulatos' intent was to establish a hospital over which they would have control. In fact, the mulatos who submitted the 1568 petition were not the only Afro-Mexican group seeking such an arrangement. According to Enríquez's 1572 report, another black group had also asked him for a license to build a hospital, but he had denied them: "I did not want to allow another hospital some blacks wanted to build."[78]

Enríquez's denial underscores the difficulty Afro-Mexican communities faced in the mid sixteenth century in their efforts to establish communal charitable institutions. Enríquez, instead, suggested that "masters" should be responsible for caring for sick blacks.[79] Not only did slaveowners often abandon ill slaves, but the free-born and freed Afro-Mexican population was not included in their protection. Indeed, at a time when Afro-Mexicans lacked a safety net, and many were rendered disabled by common illnesses and old age, the need for shelter and some minimal care must have been great. This in no small measure must have been what motivated the mulatos to ask for a hospital.

If a hospital in Mexico City did indeed admit Afro-Mexicans, the mulatos may have wanted their own hospital so it could double as an inn, as many colonial hospitals did.[80] As cattle ranchers who lived in the outskirts of Mexico City, many of the mulatos may have needed a place to stay when they ventured into the city, to sell beef, for example. This likely second aim may have been another contributing factor to Enríquez's opposition to the project and would further underscore the limit colonial authorities sought to place on the Afro-Mexican population.

According to de la Peña, the mulatos asked for the land next to the church of San Hipólito, the city's patron saint. This land, it seems, had already been given by the audiencia to the conquistador Bernardino Álvarez in 1567 for a hospital for "mad paupers" (*pobres dementes*).[81] Were the mulatos unaware of this? It is possible they knew about it, for Juan Bautista himself does not mention any specific location in his statement. Instead, the lots next to the church of San Hipólito appear only in

77. Juan Bautista: "quando adoleçen y les çubçeden algunas enfermedades no tienen donde yrse a curar por no los querer recoxer los hospitales que en esta dicha çiudad ay porque tienen solamente de recoger en ellos españoles e yndios": AGI, México 98, probanza, fol. 1r.

78. Enríquez: "tanpoco e querido venir en otro ospital que querian hazer para negros": AGI, México 19:82, fol. 2r.

79. Enríquez: "que los negros los curen sus amos": AGI, México 19:82, fol. 2r.

80. See for example John S. Leiby, "The Royal Indian Hospital of Mexico City, 1553–1680," *The Historian* 57:3 (1995): 573–580.

81. See Christina Ramos, "Caring for *Pobres Dementes*: Madness, Colonization, and the Hospital of San Hipólito in Mexico City, 1567–1700," *The Americas* 77:4 (2020): 539–571.

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de la Peña's summary and Philip II's *cédulas*. But the location seems to be immaterial here, for that is not the reason Enríquez gave for not wanting the hospital built. Land was nonetheless a limited resource for the city's growing population, and administrators like Enríquez would have thought it should go to Spaniards and Spanish creoles, not to people he considered non-Spaniards, even though they legally and culturally were.

It might be worth asking what the mulatos' hospital would have looked like. As Juan Bautista states, and the related documents echo, the hospital would have been, as hospitals were at the time in the Spanish empire, a medico-religious institution. Yet none of these documents tell us what care would look like. As scholars have shown, in the sixteenth century, as in previous centuries, a hospital was a place of hospitality (*hospitalidad*), that is, "charitable service to the sick and poor."[82] As scholars have further shown, in the institutions called *hospitales* this charitable service consisted of providing a bed, meals, and religious comfort, possibly with an occasional visit from a physician-barber.[83] Care was often administered by lay women. If the mulatos intended to establish a cofradía to administer the hospital, as Enríquez states and as many hospital founders in the Spanish empire did, care would have been provided by the cofradía's female members, if any had been admitted to the cofradía; otherwise, the mulatos would have hired black, mulata, or indigenous female nurses.

These types of spaces met essential needs in the sixteenth century, so much so that in 1541 Charles V ordered "that hospitals be built in all the towns of Spaniards and Indians."[84] Most of the New World's hospitals, however, were not built by the crown, but rather by conquistadors like Álvarez, and Hernán Cortés himself.[85] The crown made no provision for hospitals for Afro-descendants because that population was not considered a significant constituency. However, the abolition of indigenous slavery in the New Laws of 1542 would exponentially increase the region's Afro-descendant presence. The mulatos' petition and the efforts of the other black group that sought to establish a hospital, mentioned by Enríquez in his 1572 report, underscore how Afro-Mexicans sought to remedy this oversight.

82. Ramos, "Caring for *Pobres Dementes*," 544.

83. See for example Josefina Muriel, *Hospitales de la Nueva España* (1956, reprint: Mexico City: UNAM, 1990); Pablo F. Gómez, "Hospitals and Public Health in the Sixteenth-Century Spanish Caribbean," in *The Spanish Caribbean and the Atlantic World in the Long Sixteenth Century*, Ida Altman and David Wheat, eds. (Lincoln : University of Nebraska Press, 2019), 211–234; Guenter B. Risse, "Shelter and Care for Natives and Colonists: Hospitals in Sixteenth-Century New Sapin," in *Searching for the Secrets of Nature: The Life and Works of Dr. Francisco Hernández*, Simon Varey, Rafael Chabrán, and Dora B. Weiner, eds. (Stanford: Stanford University Press, 2000), 65–81; and Gabriel Ramos, "Indian Hospitals and Government in the Colonial Andes," *Medical History* 57:2 (2013): 186–205. An example of a hospital's constitution is found in AGI, Lima 123 (June 13, 1574).

84. Charles V: "que se funden hospitales en todos los pueblos de Españoles é Indios": "Que se funden hospitales en todos los pueblos de Españoles é Indios," 1541, *Recopilación de leyes*, libro l, título 4, ley 1.

85. See Muriel, *Hospitales de la Nueva España*.

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As a charitable service founded and supported by patrons' economic endowments, a hospital served as a space of both religious and socioeconomic prestige. Patrons were seen as virtuous Christians fulfilling the gospel mandate to care for the sick.[86] Hospital patronage also marked the patrons as economically empowered individuals or groups. The mulatos hoped to show themselves as such by making a public statement as an economically empowered class of cattle ranchers and manual laborers, for as Phillip II stated in the 1568 cédula, the mulatos, though described as poor and in need, would finance the construction of the hospital "from their own estates."[87]

ENRÍQUEZ'S OPPOSITION

Enríquez did not want to allow spaces where Afro-Mexicans could gather, even hospitals and cofradías, because he feared they would use them to plot revolts.[88] In his 1572 report, Enríquez stated that "on any occasion more than two thousand blacks gather together."[89] In his outgoing report to his successor, Lorenzo Suárez (r. 1580–83), Enríquez stated his opinion more bluntly: "Blacks are one of the things with which one must have more particular caution in this land."[90] Ironically, in 1575, Enríquez granted the mulato Rodrigo de Mercado, a native of Puebla, the right to bear arms, a privilege the crown had denied to Afro-descendants throughout the sixteenth century.[91] Although the crown, the Council of the Indies, and viceroys granted exceptions on a case-by-case basis, local authorities were reluctant to make such concessions to groups. In the end, however, the urban uprisings colonial administrators perennially feared never materialized, except in their paranoia.[92]

As he made clear, Enríquez was opposed not only to establishing hospitals as Afro-Mexican institutions but also to establishing cofradías. In his 1572 report, for example, he complained: "For some time, the blacks of this city have had a confraternity and met among themselves and made processions of penitents of

86. Matthews, 25:35–36: "For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me": *New American Bible*.

87. Philip II: "gastando para ello de sus propias haciendas": AGI, México 1089:5, 260v.

88. See Joan Cameron Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century* (Albuquerque: University of New Mexico Press, 2007), 6.

89. Enríquez: "con cualquier ocasion destas se juntan dos mill negros y de ay arriba": AGI, México 19:82, fol. 2r.

90. Enríquez: "los negros es una de las cosas con que a se de tener mas particular cuenta en esta tierra": Martín Enríquez, "Carta del virrey Martín Enríquez," October 18, 1579, AGI, México 20:29, fol. 2r.

91. Rodrigo too leveraged his militia service in petitioning for a license to carry a sword: "Petición de Rodrigo de Mercado," 1575, Archivo General de la Nación [hereafter AGN], General de Parte 1:63. See Schwaller, "'For Honor and Defence'"; and Lucena Salmoral, *Regulación de la esclavitud negra*, 43–88.

92. See María Elena Martínez, "The Black Blood of New Spain: *Limpieza de Sangre*, Racial Violence, and Gendered Power in Early Colonial Mexico," *William and Mary Quarterly* 61:3 (2004): 479–520.

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their own accord, like the other confraternities in the city; and this and the other things of this nature have been becoming more frequent and seem to bring inconveniences."[93]

Von Germeten has identified this cofradía as that of Saint Nicolás of Mount Calvary, made up of both blacks and mulatos, about which the Mexico City archbishop's secretary complained in 1601, for having established "a penitent confraternity which came out in procession on Maundy Thursday with its standard, and flagellating themselves without having permission from the bishop or a minister in his name."[94] In 1699, this same cofradía, which had its chapel in the city's Augustinian monastery, was accused before the Inquisition, once more for presumably existing without ecclesiastical approval.[95] The inquisitor, however, found nothing wrong with the cofradía's practices, stating that "their practices are not heretical, nor come close to heresy, but rather an indiscrete devotion."[96] These documents underscore, on one hand, a sustained effort on the part of the secular Church and colonial administrators to suppress Afro-Mexican cofradías, and on the other, how Afro-Mexicans found ways to preserve these institutions, thanks to the support of religious orders and later, prelates such as Francisco de Aguiar y Seijas (r. 1679–98) in Mexico City and Juan de Palafox y Mendoza (r. 1640–55) in Puebla.[97]

Like Enríquez, other colonial officials thought Afro-Mexican cofradías constituted subversive spaces of criminality. For example, in 1598, Guillén Brondat, a member of the city council (*regidor*) and the city's chief solicitor (*procurador mayor*), complained that Afro-Mexicans ordinarily committed two sets of "abuses" (*abusos*). One was carrying "butcher knives" (*cuchillos carniceros*), a practice that would align with their cattle ranching. The other was that they "meet under the guise of confraternities in the monasteries of Santo Domingo and San Agustin, and hospitals of Our Lady of Conception, and the

93. Enríquez: "Aqui a dias que los negros tenian una cofradia y se juntavan y hazian por si su procesion de diciplinantes como los demas y esto como las otras cosas desta calidad a ydo siempre en crecimiento y siempre dando y tomando que parecia que traya incoveniente": AGI, México 19:82, fol. 1v.

94. Luis de Quiroz: "una cofradia de disciplina con la cual salieron el juebes santo . . . asotandose en forma de prosesion . . . llevando estandarte . . . sin tener para ello licencia del prelado ni de ministro de su nombre": "Contra algunos mulatos que han fundado cofradia y salido en procesion sin licencia," 1601, AGN, Bienes Nacionales 810:28, fol. 1r. See von Germeten, *Black Blood Brothers*, 85.

95. Mexicna Inquisition, "El señor fiscal del Santo Oficio contra Ysidro de Peralta," 1699, Huntington Library [hereafter HL], Mexican Inquisition Papers, Series II, Box 6, HM35168. Elsewhere I have argued that the religious orders founded and supported Afro-Mexican cofradías under their canonical prerogative: Valerio, "'That There Be No Black Brotherhood.'"

96. Inquisitor: "no resulta cosa de heregia, ni sabor de ella, y que solo pareze haver sido una devoçion yndiscreta": Mexican Inquisition, "Autos contra diferentes personas que formavan nueba religion de san Agustin," 1702, HL, Mexican Inquisition Papers, Series II, Box 6, HM35169, s/fol. See Valerio, "'That There Be No Black Brotherhood.'"

97. Valerio, "'That There Be No Black Brotherhood.'" On these prelates' support of Afro-Mexican confraternities, see von Germeten, *Black Blood Brothers*, 15–17; and Pablo Miguel Sierra Silva, *Urban Slavery in Colonial Mexico: Puebla de Los Ángeles, 1531–1706* (Cambridge: Cambridge University Press, 2019), 170–174.

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Helpless. And for this they have a box, which they call the treasury, with three keys. And they have their treasurer, majordomo, secretary, and prior. In this box they gather great sums of gold pesos stolen from their masters and other residents of this city."[98]

Brondat's complaint and the others cited above show that colonial officials' suspicion of Afro-Mexican cofradías did not end with Enríquez's time in office. Indeed, this suspicion would have dire consequences for Afro-Mexicans in 1612, when 35 Afro-Mexicans, many if not all of them cofradía members, were hanged and quartered and their heads put on display at the city's entrance for supposedly plotting to killing all the Spanish men, rape the Spanish women, and enslave the native population in the "African" kingdom they would establish.[99]

Like Brondat, Enríquez in his 1572 report excludes Afro-Mexicans from the rights of free subjects, because he did not want them to behave "like the other confraternities in the city." As noted above, in 1575, Enríquez tried to deal a fatal blow to Afro-Mexicans' attempts to establish cofradías: he procured a cédula from Philip II banning the processions of Afro-Mexican cofradías "for the inconveniences they bring."[100]

Afro-descendants' cofradías emerged in late medieval Iberia, as the Iberian-born children of sub-Saharan Africans enslaved through the Muslim trans-Saharan slave trade during the eighth through fifteenth centuries immersed themselves in Christianity.[101] The first such cofradía is believed to have been founded in the last decade of the fourteenth century by Seville's archbishop, Gonzalo Mena Roelas (r. 1393–1401).[102] On March 20, 1455, John II of Navarre

98. Brondat: "tienen otro abuso que es aver hecho juntas y conciliabulos so color de una cofradía en el convento de Santo Domingo San Agustin Ospital de Nuestra Señora y desamparados y para esto tienen su caxa que llaman del tesoro con tres llaves y su tesorero mayordomo escribano prioste y allí juntan suma y cantidad de pesos de oro rrobando a sus amos y a los vezinos desta dicha ciudad": *Actas del cabildo de la Ciudad de México*, vol. 14, Ignacio Bejarano, ed. (1521–1821; first edition; Mexico City: Aguilar e Hijos, 1889–1911), 115. For an identical accusation against Afro-Limeños, see Graubart, "'*So color de una cofradía*.'"

99. "Relacion del alçamiento que negros y mulatos libres y cautivos de la Ciudad de Mexico de la Nueva España pretendieron hazer contras los españoles por Quaresma del año de 1612, y del castigo que se hizo de los caveças y culpados," 1612, Biblioteca Nacional de España [hereafter BNE], MS 2010, fols. 158–164; Domingo Chimalpahin, *Annals of His Time*, James Lockhart, Susan Schroeder, and Doris Namala, eds. (Stanford: Stanford University Press, 2006), 219–223. See Martínez, "The Black Blood of New Spain"; and Daniel Nemser, "Triangulating Blackness: Mexico City, 1612," *Mexican Studies* 33:3 (2017): 344–366.

100. Philip II: "por los incovenientes que genera": AGI, México 1090, fol. 42v.

101. See Aurelia Martín Casares and Christine Delaigue, "The Evangelization of Freed and Slave Black Africans in Renaissance Spain: Baptism, Marriage, and Ethnic Brotherhoods," *History of Religions* 52:3 (2013): 214–235; and Erin K. Rowe, *Black Saints in Early Modern Global Catholicism* (Cambridge: Cambridge University Press, 2019), 46–86.

102. See Isidro Moreno, *La antigua hermandad de los negros de Sevilla: etnicidad, poder y sociedad en 600 años de historia* (Seville: University of Seville, 1997), 23–56; and Carmen Fracchia, *"Black but Human": Slavery and the Visual Arts in Hapsburg Spain, 1480–1700* (Oxford: Oxford University Press, 2019), 48–55.

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approved the proposed constitution of a cofradía of "freed Christian blacks" from the parish church of Sanct Jaume in Barcelona.[103] In 1472, freed Afro-descendants in Valencia also received endorsement of their rules.[104] And it is believed that a black *irmandade* (one Portuguese term for cofradía; literally, brotherhood) existed in Lisbon from the mid fifteenth century.[105]

Care for the sick was a central concern of Afro-descendant cofradías from the start, underscoring the precarity in which Afro-Iberians found themselves, as would their American descendants. Archbishop Mena Roelas's cofradía was founded to care for ill Afro-Sevillanos. Like other Afro-descendant cofradías, Sanct Jaume enthroned this principle in its constitution: "It shall be a statute of this confraternity that if any member falls into poverty through illness or loss of goods or any other manner, the board shall provide for their sustenance, medicine, or any other need."[106]

Scholars have argued that the Iberian crown supported cofradía as a means of incorporating Africans and Afro-Iberians into Iberian society, and that this precedent was followed in the Americas.[107] In contrast, Enríquez's 1572 report and the other documents cited above illustrate how authorities' attitudes toward them differed in the Americas. What was the inconvenience Enríquez found Afro-Mexican cofradías caused? As his 1572 report states, and von Germeten has discussed, many Afro-Mexican cofradías were penitent societies whose members would walk in processions through the streets of Mexican cities and towns during Holy Week, flagellating themselves, for which reason they were known as "blood brotherhoods" (*cofradías de sangre*).[108] But as Enríquez himself stated, Afro-Mexicans did not differ from other free subjects of the Spanish empire in this practice, which they learned from Spaniards in the first place. So, was the "inconvenience" Enríquez saw in Afro-Mexicans' confraternal practices and desires to establish hospitals the fact that they were

103. John II of Navarre: "christianos nigros libertate donatos": "Ordenanzas de la cofradía de los cristianos negros de Barcelona," March 20, 1455, Archivo General de la Corona de Aragon [hereafter, AGCA], R. 3298, fol. 3r.

104. Confraternity of St. Jaume: "Item sia ordinacio de la confraria que si algun confrare o confraressa vendra a pobressa o fretura per malaties o perdues o en altra qualsevol manera que los prohomens de la dita confraria e caxa segons llur bon vijares a aquell o aquella la dita fretura sostendra axi en provisio de son menjar com en necessitats de metges et de medecines com en totes alters coses a ell o a ella necesaries": AGCA, R. 3298, fol. 3r.

105. See Didier Lahon, "Da redução da alteridade a consagração da diferença: as irmandades negras em Portugal (séculos XVI–XVIII)," *Projeto História* 44 (2012): 53–83; and Cécile Fromont, "Dancing for The King of Congo from Early Modern Central Africa to Slavery-Era Brazil," *Colonial Latin American Review* 22:2 (2013): 184–208.

106. John II of Navarre, "Fundación de la cofradía de los negros libertos de la ciudad de Valencia," 1572, AGCA, R. 3512, fols. 217–218. See Debra Blumenthal, "'La Casa dels Negres': Black African Solidarity in Late Medieval Valencia," in *Black Africans in Renaissance Europe*, Thomas F. Earle and Kate J. P. Lowe, eds. (Cambridge: Cambridge University Press, 2010), 225–246.

107. See Graubart, "'*So color de una cofradía*'"; Moreno, "Plurietnicidad, fiestas y poder: cofradías y fiestas andaluzas de negros como modelo para la América colonial," in *El mundo festivo en España y América*, Antonio Garrido Aranda, ed. (Córdoba: University of Córdoba, 2005), 169–188.

108. Von Germeten, *Black Blood Brothers*, 23–37.

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behaving like other free subjects, which in Enríquez's eyes meant only Spaniards? Perhaps Enríquez and others were afraid that the self-whipping carried veiled messages about the brutalities of bondage and centered enslaved people as Christ. In any event, opposition to black cofradías seems to point to paradoxical objectives: a desire to have blacks follow Catholicism, not as free subjects but as helpless slaves—a paradox cofradías de sangre may have uncannily played with.

In the end, then, Enríquez denied the mulatos their request for two reasons: first because he feared the hospital would serve as a breeding ground for revolt, and second because he did not consider them full subjects with the right to have a place to care for each other in time of illness, express their Catholic faith, perform devotions, or socialize. In other words, Enríquez might have also read the mulatos' request as establishing a kind of legal presence and set of privileges like those the indigenous and Spanish populations enjoyed and to which he clearly thought Afro-Mexicans were not entitled, regardless of status, that is, enslaved, free-born, or freed. Enríquez's position foreshadowed the tumultuous period between 1608 and 1612, when, during another sede vacante, mentioned above, Afro-descendants in Mexico City were falsely accused of a conspiracy.[109] It thus becomes ironic in hindsight that the mulatos helped quell the supposed 1566 conspiracy.

CONCLUSION

Afro-Mexicans would never be allowed to establish a hospital. Pedro López, a Spanish doctor, was physician to the Dominicans in Mexico City, who in turn were known for their ministry to the city's Afro-Mexican population. In 1582, López founded a short-lived hospital for "three groups that no hospital wanted to cure, which are mestizos, mulattos, and blacks, free or slave."[110] Moreover, a cofradía whose existence was first mentioned in Brondat's 1598 complaint, Our Lady of Conception, would care for Afro-Mexicans in the hospital of that name, which was founded by the elder Cortés for the native population shortly after the fall of Tenochtitlan.[111] In Lima, by contrast, the city council built a

109. Luis López de Azoca, "Carta de López de Azoca, alcalde del crimen de la Audiencia de México," February 28, 1609, AGI, México 73:1:4; "Relacion del alçamiento," BNE, MS 2010, fols. 158–164. See Martínez, "The Black Blood of New Spain."

110. Pedro López: "tres generos de gentes que ningun hospital las querran curar que son mestizos mulatos y negros libres o esclavos": "Testamento del doctor Pedro López," February 14, 1596, AGN, Tierras 3556:4, fol. 38r. See Luis Martínez Ferrer, "Pedro López y los negros y mulatos de la ciudad de México (1582–1597)," in *Socialización y religiosidad del médico Pedro López (1527–1597): de Dueñas (Castilla) a la ciudad de México*, Martínez Ferrer and María Luisa Rodríguez-Sala, eds. (Mexico City: UNAM, 2013), 179–216. On the Dominicans' work with Mexico City's black population, see Valerio, "'That There Be No Black Brotherhood.'"

111. Archdiocese of Mexico, "Memorial de todas las cofradías de españoles, mulatos e indios," 1706, AGN, Bienes Nacionales 574:2. See von Germeten, *Black Blood Brothers*, 84, 90; and Muriel, *Hospitales de la Nueva España*, 37–49.

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hospital for enslaved Afro-descendants in 1633, so they would not contaminate the Spanish and indigenous populations in the city's old hospitals, and a group of mulato Afro-Limeños founded their own hospital in 1661.[112]

The mulatos' petition shows a community taking shape. A desire to improve their social position may have brought this community together for the first time. With a common goal, they formed a new community with shared aims. As a community, they tried to improve their collective social standing by appealing to the sovereign for relief, leveraging their militia service in their favor. In the end, however, the limits Enríquez sought to place on Afro-Mexican autonomy thwarted these efforts. From then on, the mulatos may have sought to improve their social standing through militia service and cofradías.

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112. See Nancy E. van Deusen, "The 'Alienated' Body: Slaves and Castas in the Hospital de San Bartolomé in Lima, 1680 to 1700," *The Americas* 56:1 (1999): 1–30.

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