

Marriage and Community in New Spain, 1550-1580:

The Bigamy Cases of Gabriel Carrasco, Francisco González, and Luisa de Abrego

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Liberal Arts
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College of Arts and Sciences
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Date of Approval:
June 27, 2019

Keywords: Inquisition, Florida, colonial Mexico, sixteenth century, *vecino*, *vida maridable*, Luna expedition, St. Augustine

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Acknowledgements

I am not from Florida, nor had I ever visited the state before I moved to St. Petersburg for a master's degree in Florida Studies. The program was more rewarding than I could have imagined, and I am indebted to my communities, both near and far, for seeing me through. Thank you first and foremost to my graduate advisor, Dr. J. Michael Francis, for giving me the tools and exceptional opportunities to advance my research skills, and for outstanding support each step of the way. Committee members Dr. Frances Ramos and Dr. Adrian O'Connor offered thoughtful feedback and support throughout the writing process, and I am so grateful for their input. I must also recognize my undergraduate advisor, Dr. Rafaela Acevedo-Field, whose work on the Inquisition in Mexico had an obvious influence on my life. I would not be in this field without her.

To friends and family who cheered me on, thank you. Special thanks go to my parents, who always taught me to be curious about the world around me and who consistently support my professional aspirations. I would also like to thank my peers Rachel Sanderson, Trevor Bryant, Leah Hart, Amy Anderson, and Morgan Greig for their friendship and undying enthusiasm for Florida's colonial history. A heartfelt thank you goes to my friend Bri Anne Smith for her tireless editing and feedback, and to my cousin, Sarah Pratt, for her listening ear and encouragement, especially in the last few months of thesis work. Lastly, these acknowledgements would be incomplete without mentioning the Tampa Bay Salsa-Bachata dance community, for keeping my life balanced and for always making me feel welcome in Florida.

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Abstract

Gabriel Carrasco, Francisco González, and Luisa de Abrego each faced the charge of bigamy within one decade of each other in Mexico City, between 1565 and 1575. Together, their cases tell a micro-history of bigamy, marriage, and community in New Spain and on its frontiers, one that illustrates the centrality of community. Historians have pointed to the importance of studying community in bigamy cases, and more broadly to the connections between community and marriage. However, a close reading of these three cases takes the connection further and brings together disparate conclusions about why and how bigamy took place. First and foremost, a desire for community membership played a critical, if not principal, role in each individual's motivations to marry. All three moved between numerous locations, living both in the centers and peripheries of empire in New Spain. As they transitioned between places, they sought membership in their communities, and marriage was one critical way that they integrated into the communities they desired. Moreover, community informed how each individual negotiated the legitimacy of their marriages, throughout their lives and before the court. Their communities also played a role in either condemning or condoning their decisions, ultimately influencing the outcome of each trial. Community infused every element of these three cases, showing that marriage, and what made it functionally legitimate or illegitimate, depended on the people involved and the processes of negotiation at play.

Chapter One: Introduction

Luisa de Abrego was nineteen when she contracted her second marriage on the shores of St. Augustine, Florida in 1565. She was a black domestic servant from Seville, and four years earlier had wed in her employer's home, without a priest or a single witness. This first husband soon abandoned her for another woman, and within a few years Luisa left on an expedition to Florida, where she married a Segovian soldier named Miguel Rodriguez. Nearly ten years later, while living with Miguel in Mexico City, rumors of her first marriage in Spain were brought before the Inquisition.¹

That same month, Francisco González was condemned and punished for committing bigamy. His inquisitorial trial had begun a year-and-a-half earlier and involved not two, but as many as five marriages. Francisco was from Spain, and like Luisa, had married there around the age of fifteen before travelling across the Atlantic. In Mexico he married a woman named Leonor Juárez, but after leaving on an expedition to Florida in 1559, he returned and was falsely told that his wife had died, after which he attempted to marry, not once or twice, but three more times.²

¹ AGN Inq. vol. 103, exp. 6, fols. 255-274. All information about Luisa and her case comes from this citation unless otherwise noted.

² AGN Inq. vol. 96, exp. s/n, fols. 1-136. All information about Francisco and his case comes from this citation unless otherwise noted.

The same 1559 expedition to Florida that separated Francisco from Leonor brought together fifteen-year-old Gabriel Carrasco and a Mexican-Indian woman named María. Gabriel, a *mestizo* (of Spanish and Indian parentage), was born in New Spain, and when he chose to leave for Florida, he decided to bring María with him as his concubine, or perhaps his wife. When he married someone else five years later in Mexico City, this distinction between concubine and wife became critical. He was imprisoned on the accusation of bigamy in 1565, the same year that Luisa entered into her second marriage with Miguel in St. Augustine, Florida.³

Gabriel, Francisco, and Luisa all faced the charge of bigamy within one decade of each other, at a time when the institutional, legal, and religious landscape in New Spain was in transition. Together, their cases tell a micro-history of bigamy, marriage, and community in New Spain and on its frontiers, one that illustrates the centrality of community. Historians have pointed to the importance of studying community in bigamy cases, and more broadly to the connections between community and marriage. However, a close reading of these three cases takes the connection further and brings together disparate conclusions about why and how bigamy took place. First and foremost, a desire for community membership played a critical, if not principal role in each individual's motivations to marry. All three moved between numerous locations, living both in the centers and peripheries of empire in New Spain. As they transitioned between places, they sought membership in their communities, and marriage was one critical way that they integrated into the communities they desired. Moreover, community informed how each individual negotiated the legitimacy of their marriages, throughout their lives and

³ AGN Inq. vol. 27, exp. s/n, fols. 1-109. All information about Gabriel and his case comes from this citation unless otherwise noted.

before the court. Their communities also played a role in either condemning or condoning their decisions, ultimately influencing the outcome of each trial. Community infused every element of these three cases, showing that marriage, and what made it functionally legitimate or illegitimate, depended on the people involved and the processes of negotiation at play.

Historiography: Bigamy and Community

Bigamy was a legal term used to describe the crime of marrying again while a previous spouse still lived. This did not involve living with more than one spouse at the same time, but rather marrying once, leaving that spouse, and then marrying a second (or third, or fourth) time. It was a familiar scenario in a world where marriage commitments were nearly permanent and difficult to annul.⁴ In the bustling world of Spain's colonial empire, with much travel across long distances, such a crime was unexceptional. Those with highly mobile occupations, such as soldiers, and emigrants who travelled without their spouse, were at risk of being gone so long that either their previous spouse remarried, or they themselves found reason to do so.

Though bigamy was a common crime, there was a greater risk in choosing to marry again than there was in simply living in concubinage with a new partner. In light of that, the question of why people chose to commit bigamy is an important one. While

⁴ Marriage was indissoluble in the Catholic Church. There were only two exceptions that permitted dissolution of a marriage: first was the Pauline Privilege which allowed a Christian to divorce a non-Christian. The second exception was for instances where one member of a couple wished to enter a religious order. If the marriage was never consummated, then the marriage could be dissolved to allow that individual to enter a religious order. Other than that, the only way a valid marriage was dissolved was through the death of a spouse. Annulment, on the other hand, is not the dissolution of a marriage but instead the declaration that the marriage was never valid to begin with. Impediments to a valid marriage included certain degrees of consanguinity, and after the Council of Trent, that absence of a priest and witnesses. For more on the history of divorce, see Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988), 1-39.

individual motivations are always problematic terrain for historians, historians have developed some ideas regarding what might motivate bigamists more generally. Historians who write about bigamy, or use bigamy cases in their work, have identified the significance of community and social ties to people's decisions to marry. Richard Boyer, who wrote the most comprehensive book to date on bigamy in colonial Mexico, argues that many bigamists chose to remarry in an effort to fit in with their community. He takes issue with the idea that bigamists were rebellious types, arguing instead that they were more or less ordinary people who “wanted to settle down” and who were “acting according to the basic rules of their society.”⁵ Beatrice Gottlieb reached a similar conclusion several years earlier in her work on clandestine marriage in fifteenth and sixteenth century France. It was notable, Gottlieb argued, that bigamists chose public marriages that involved proper procedures to contract their new unions, as opposed to clandestine marriage.⁶ For many bigamists, it appears that choosing to marry again was a question of abiding by, rather than transgressing, social norms.

Allyson Poska, too, hints towards connections between bigamy and community in her study on female bigamists from Galicia, Spain. She explains that “communities were often complicit in hiding bigamous relationships” and that “bigamy probably only came to light only when the new relationship offended the bigamist’s legitimate spouse or disturbed the community.”⁷ This observation is relevant to the cases of Gabriel, Francisco, and Luisa, and this thesis traces the ways in which their communities policed

⁵ Richard Boyer, *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico* (Albuquerque: University of New Mexico Press, 1995), 32.

⁶ Beatrice Gottlieb, “The Meaning of Clandestine Marriage,” in *Family and Sexuality in French History*, ed. Robert Wheaton and Tamara K Hareven (Philadelphia: University of Pennsylvania Press, 1980), 67.

⁷ Allyson M. Poska, “When Bigamy is the Charge,” in *Women in the Inquisition: Spain and the New World*, ed. Mary E. Giles (Baltimore: Johns Hopkins University Press), 190.

or protected their actions. It also plays off of Poska's observation by showing how disturbances in these individuals' communities could prompt their decisions to enter into bigamous marriages in the first place.

Historians have also shown that bigamists were highly mobile people, often with mobile occupations, and that this mobility facilitated their decision to commit bigamy.⁸ Being mobile, at the very least, figured into many individuals' decisions to enter into bigamous marriages, since physical distance made it much easier to keep a previous marriage secret. Poska points to the initial disruption that led many women to commit bigamy: the departure of their spouse. Numerous wives of soldiering husbands, left behind in Galicia, were faced with the difficult decision of choosing to remarry or not.⁹ Poska calls attention to the role of mobile occupations in these cases, and the importance of certifying the death of a spouse. Similar scenarios played out for many conquistadors and settlers who travelled to Spanish America, leaving their spouses behind with the promise to reunite later. One such conquistador was Francisco de Ulloa, the topic of a study on bigamy by Noble David Cook and Alexandra Parma Cook.¹⁰ While living in Peru, Ulloa received notice of his wife's death and chose to remarry. Soon, he found himself in a long legal battle. His case is symbolic of the role of travel and long distances in bigamy narratives, and the importance of certifying a spouse's death before marrying again.

⁸ In Richard Boyer's sample of bigamists, most were unskilled or semi-skilled workers. Boyer draws connections between these occupations, mobility, and bigamy, since patronage-based work involved moving from one employer to another. Allyson Poska also points out the connection between occupation and bigamy, stating that the mobility of soldiers or artisans often facilitated bigamy. Boyer, *Lives*, 4, 124; Poska, "When Bigamy is the Charge," 198.

⁹ Poska, "When Bigamy is the Charge," 189-205.

¹⁰ Alexandra Parma Cook and Noble David Cook, *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy*. (Durham: Duke University Press, 1991).

However, mobility also meant moving between numerous different communities. Boyer's work implies a connection between mobility and his argument that bigamists were trying to fit into their communities. However, this thesis takes the connection a step further by tracing how Gabriel, Francisco, and Luisa established themselves in each new place they moved to. Each of these individuals entered into a bigamous marriage following a significant move, a move that not only offered physical distance from a past life, but one that also meant they had to integrate themselves into a new community. Marriage was one critical way that they claimed membership in their new communities.

While there are relatively few books written exclusively on bigamy, numerous scholars incorporate bigamy cases into their research. Those who do so, like Robert Schwaller, Herman Bennett, Martin Nesvig, and Jane Mangan, often conclude that community and social ties are an essential part of understanding the decisions that people made about their personal lives. Schwaller summarizes this conclusion well when he states, "only by understanding how colonial subjects formed communities and navigated social ties can we fully understand the dynamics of marriage in the colonial period."¹¹ In one bigamy case that Schwaller analyzes, he observes that each marriage within the case "occurred in a slightly different social and cultural space."¹² Schwaller's astute observations echo Bennett's approach to marriage records and bigamy cases, an approach that emphasizes the importance of community formation in people's motivations to marry.¹³ Bennett states that tracking community formation "illuminates how individuals

¹¹ Robert C Schwaller, *Géneros de Gente in Early Colonial Mexico: Defining Racial Difference* (Norman: University of Oklahoma Press, 2016), 183.

¹² *Ibid.*, 147.

¹³ Herman L Bennett, *Colonial Blackness: A History of Afro-Mexico* (Bloomington: Indiana University Press, 2011).

mediated their social experiences through friends and family, sex and marriage, orthodoxy and sin, thereby affording us a new horizon from which we can conceive of and write about the earliest black experience.”¹⁴

Nesvig’s work on Michoacán in New Spain, though it does not focus on marriage, also dives deeply into the process of community formation, and he argues that such formation happened at a highly local level.¹⁵ In other words, understanding people’s behavior has perhaps less to do with social abstractions and institutions, and more to do with individuals’ immediate, local surroundings. This includes the ways in which people manipulated and negotiated existing institutions to suit their particular contexts, a theme that Mangan also explores in her study of transatlantic relationships. She states that “In their roles as parents or spouses, individuals used laws and decrees in their interest when possible, yet they also demonstrated an ability to negotiate between prescription and practice to nurture relationships.”¹⁶ Nesvig demonstrates that this was certainly true in Michoacán, and it was also true for the bigamists Gabriel, Francisco, and Luisa.

Part of understanding bigamy cases, then, requires a close look at the processes of negotiation and the communities involved. Each individual had to negotiate the meaning of their marriages and their place within new communities. But what exactly does community mean? Social anthropologist Anthony Cohen provides a useful starting point for engaging the idea. Cohen begins by describing the scope, stating that community is “that entity to which one belongs, greater than kinship but more immediately than the

¹⁴ Ibid., 3.

¹⁵ Martin Austin Nesvig, *Promiscuous Power: An Unorthodox History of New Spain* (Austin: University of Texas Press, 2018).

¹⁶ Jane E Mangan, *Transatlantic Obligations: Creating the Bonds of Family in Conquest-Era Peru and Spain* (Oxford: Oxford University Press, 2016), 3-4.

abstraction we call ‘society’.”¹⁷ But, instead of trying to fully define the term, Cohen asks “what does it appear to mean to its members?”¹⁸ In part, his idea is that communities are continuously created and recreated by the people within them, rather than imposed from above or determined by a broader culture. These observations are similar to those offered by Schwaller, Nesvig, Bennett, and Mangan, among others. This thesis draws upon Cohen’s description to point to the processes of negotiation involved, and the importance of evaluating community from the perspective of those within it, as something built from the bottom-up.

Still, the term community remains broad and, in many ways, defies definition. On the one hand, this thesis is concerned with immediate, local communities. The friends, families, co-workers, and religious authorities involved in the lives of Gabriel, Francisco, and Luisa. However, this thesis also takes into account the broader context and engages macro-level conceptions of community, including the role of a community’s location, and the use of the terms *natural* (native) and *vecino* (citizen), terms that indicated varying degrees of community membership. Each narrative is also inseparable from the relationship between racial and ethnic categories and community, which is discussed in greater depth in chapter one.

One of the themes that runs through all three cases is the contrast between the centers and peripheries of empire, or the metropole of Mexico City and the frontier, or fringes of New Spain. Not only did all three individuals travel to the outskirts of empire within present-day Mexico, but they also travelled to Florida; a periphery even more

¹⁷ Anthony P Cohen, *The Symbolic Construction of Community* (London: Ellis Horwood Ltd. and Tavistock Publications Ltd., 1985), 15.

¹⁸ *Ibid.*, 20.

fringe than the mining towns of the north where Francisco and Luisa lived, or the southern region of Chiapas, where Gabriel made his home for a time. These cases raise the question: how did physical, and administrative distance from Mexico City, and from the Inquisition, affect these individuals' decisions to marry, and, what role did such distance play, or not play, in their being caught?¹⁹

The cases of Gabriel, Francisco, and Luisa demonstrate that distance from Mexico City did not necessarily translate to impunity. How a community responded to crime differed from location to location, based on the people involved and who wielded power. At the same time, Luisa's case affirms that proximity to the Inquisition's tribunal did have an impact. The legal consequences of her actions became all the more real, and visible, living in Mexico City, a stark contrast to the frontier zone of Florida where her bigamous marriage took place.

Another avenue of analysis, provided especially in court proceedings, comes from tracing the use of the terms *vecino* and *natural*. In court proceedings, the accused and witnesses were asked to introduce themselves, at which point they offered their name, where they were from (here is where *vecino* or *natural* was used), their age, and sometimes a racial or ethnic description. Throughout court documents, individuals were

¹⁹ Historians Solange Alberro and Martin Nesvig both use the term "refuge" to describe frontier zones where the Church and Crown had weak control over the lives of the inhabitants, borrowing from Gonzalo Aguirre Beltrán and Deward E. Walker, *Regions of Refuge*, The Society for Applied Anthropology Monograph Series, monograph no.12 (Washington: Society for Applied Anthropology, 1979). Nesvig describes Michoacán as a "refuge from imperial oversight, from juridical control, and from formal Catholicism" (Nesvig, *Promiscuous Power*, 3). Alberro speaks to similar themes, but in the context of Zacatecas. She writes that Zacatecas had "the vigorous personality of a frontier zone, or that of a refuge." Solange Alberro, *Inquisición y sociedad en México, 1571-1700* (México D.F.: Fondo de Cultura Económica, 1988), 408. Both authors argue that physical distance played a role in creating refuges from imperial oversight. This conclusion is similar to one reached by Amy Turner-Bushnell, who concludes that, all else being equal, "the more remote the periphery, the weaker the grasp of central authority." Amy Turner Bushnell, "Gates, Patterns, and Peripheries: The Field of Frontier in Latin America," in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, ed. Christine Daniels and Michael V. Kennedy (New York: Routledge, 2002), 17.

also described by others. Because of this, historians can trace how individuals described themselves versus how they were described by others and by the court.

Tamar Herzog gives a history of the terms *vecino* and *natural*. She argues that early modern communities were formed primarily by individuals exercising their rights as members of a community, and that the inverse was true as well: individuals became a part of a community by exercising their rights.²⁰ In Spanish, individuals could use a number of terms to describe their relationship to a place, the most common descriptors being *natural*, *vecino*, *residente* (resident), or *estante* (visitor). In the sixteenth century, *natural* referred mostly to an individual's place of origin. For example, one of the three bigamists, Francisco, identified as a *natural* of San Martin del Castañar in Salamanca, Spain, where his parents were from and likely where he was born.²¹ While he referred to a specific city, by claiming *naturaleza* (nativeness) Francisco was also claiming membership in the broader Spanish kingdom. In her study of the concept, Herzog states that *naturaleza* denoted one's relationship with the community of the kingdom, and that the lack of such designation implied that the individual was a foreigner.²² A Spaniard could never claim to be a *natural* of anywhere in New Spain, since he or she was not originally from there. In the sixteenth century, in theory, those who could claim *naturaleza* in New Spain were *indios* (Indians) from the region.²³ When an individual was neither a *natural* nor *vecino* of a place, but was just temporarily living there or

²⁰ See Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (Cambridge, Mass: Harvard University Press, 2003); Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge, Massachusetts: Harvard University Press, 2015).

²¹ AGN, Inq. vol. 96, fol. 31r.

²² Herzog, *Defining Nations*, 6.

²³ This does not mean that mestizos did not claim *naturaleza*. However, Herzog does state that American-born Spanish men did not claim *naturaleza* in the Americas, but instead *vecindad*. *Ibid.*, 6-7.

passing through, the descriptor *residente* or *estante* was used, meaning that they were either just residing in, or staying in a certain place. All three of the bigamists of this thesis claimed *vecindad* (citizenship) in different cities in New Spain, and two of them claimed *naturaleza* of somewhere in Spain. The mestizo, Gabriel, was caught between these definitions and did not claim any form of *naturaleza*.

The term *vecindad* originated in the eleventh and twelfth centuries in Castile during reconquest and was used to refer to those who left their homes to resettle in areas taken from Muslims.²⁴ In the sixteenth century, the term maintained its use insofar as it described people who left their place of origin and made their homes elsewhere. Herzog adds that the term “came to imply a wide range of fiscal, economic, political, social and symbolic benefits in return for the fulfillment of certain duties.”²⁵ While these duties were never well-defined and varied considerably, they could include taxes, helping with public works or joining the local militia, and implied that the individual lived in that community. Privileges enjoyed by vecinos could include voting, holding elected office, or access to commercial advantages. One less tangible privilege was the social distinction that the term awarded; *vecindad* denoted belonging to a “civilized” community.²⁶ Schwaller affirms this conclusion, stating that “the acquisition of *vecindad* represented an important marker of social standing, one that might mitigate other less mutable markers of difference.”²⁷ This was especially true in the sixteenth century, when indios, mestizos, *mulatos* (of indigenous and African, or European and African parentage), and blacks

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Schwaller, *Géneros*, 25.

could claim *vecindad*.²⁸ Over time, however, *vecindad* became increasingly tied to “Spanishness,” so that by the late seventeenth century, citizenship in Spanish American communities was far more exclusive, and for Spanish individuals only.²⁹ At the same time, the distinction became more about social status and less about actual privileges and duties.³⁰ Herzog states that, by the start of the seventeenth century, “Spanish American communities no longer maintained a discriminatory regime that clearly distinguished between the rights of citizens and noncitizens.”³¹

Gabriel, Francisco, and Luisa lived before these transitions were in effect, but nonetheless experienced an earlier transition, when the informal system of citizenship was being transplanted in New Spain and where the diverse population adapted the system to their own needs.³² Claiming *vecindad* was an important way that Gabriel, Francisco, and Luisa distinguished themselves within their communities. Each individual faced different barriers to membership within the Spanish community in New Spain, but each individual overcame those barriers to some extent, and marriage was one key way that they did so. Community membership, and the benefits that came with it, was an important motivator in their decisions to marry and remarry.

Negotiating Marriage: Norms Embraced, Modified, and Evaded

Beyond negotiating their place within community, Gabriel, Francisco, and Luisa also had to negotiate the legitimacy of their marriages, throughout their lives and before the court. Amy Turner Bushnell, speaking of premodern societies, states that “at every

²⁸ Herzog, *Defining Nations*, 53; Dana Velasco Murillo, *Urban Indians in a Silver City: Zacatecas, Mexico, 1546-1810* (Stanford: Stanford University Press, 2016). Velasco Murillo’s work discusses how indios in Zacatecas claimed *vecindad* and shows that the term, in the sixteenth century, was not limited to Spaniards.

²⁹ Herzog, *Defining Nations*, 53-54.

³⁰ *Ibid*, 55.

³¹ *Ibid*.

³² See Velasco Murillo, *Urban Indians*.

level of the social hierarchy and in every relationship, negotiation was a continuous process, shaping and reshaping the customary.”³³ This rings true for marriage, which was an institution built and rebuilt by both law and custom. Because both laws and customs could vary from place to place and over time, it is difficult to speak about Catholic marriage in a broad sense. This is especially true in the sixteenth century, when Catholic marriage transitioned from laws established in the medieval period, to the laws set forth by the Council of Trent. David D’Avray points to the inconsistency surrounding the regulation of marriage during the medieval period and the time that lapsed between the doctrinal formation of ideas surrounding marriage, the codification of those ideas, and the actual practice of those legal codes.³⁴ Similar observations are made about the Council of Trent; simply that those reforms, too, took time to implement, and were not uniformly applied across Catholic communities.³⁵ Mónica Ghirardi and Antonio Irigoyen López summarize the situation well when they state: “the institution of marriage has been synonymous with conflict: more often than not problematic, despite the attempts by the Council of Trent to clarify the situation. This was the instability that transferred to colonial America through Spanish conquest.”³⁶

Marriage, then, must be understood in light of theological, legal, and social complexities, some of which are outside the scope of this thesis, and others of which will

³³ Turner-Bushnell, “Field of Frontier,” 17.

³⁴ David D’Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005).

³⁵ Mangan, *Transatlantic Obligations*, 74; Mónica Ghirardi and Antonio Irigoyen López, “El Matrimonio, El Concilio de Trento e Hispanoamérica,” *Revista de Indias* 69, no. 246 (2009): 245-247. John Bossy concludes that by the end of the seventeenth century, at least in western Europe, the Council of Trent “was being all but universally observed.” He notes that the implementation of the Church’s definition of marriage was faster than in the medieval period because bishops “were far better equipped to enforce a code of uniform parochial practice.” John Bossy, “The Counter-Reformation and the People of Catholic Europe,” *Past & Present*, no. 47 (May 1970): 53.

³⁶ Ghirardi and López, “El Concilio de Trento,” 242. Translation my own.

be touched upon in the following pages. Importantly, though, the complexity of marriage, and the inconsistencies in its regulation, gave ordinary people and their communities room to make their own case for a marriage being legitimate or not. In terms of the wedding, people could draw upon the lengthy and numerous procedures involved. If not all of the procedures took place, they could shed doubt on whether or not the marriage ever truly occurred. After the wedding, avenues that people could use to modify the legitimacy of their marriages included, but were not limited to, the idea of *vida maridable* (married life), the act of consummation, and also maltreatment such as abandonment or abuse. Gabriel, Francisco, and Luisa all drew upon some combination of these factors to understand their own marriages and to defend themselves in court. Their negotiation of the meaning of marriage was all the more complex, however, because the Church had just published a new series of canons and reforms regarding the sacrament, and so they, and the religious authorities they consulted, had to navigate the transition.

The Council of Trent

In 1563, the Council of Trent came to a close, concluding eighteen years of theological deliberation. There were twenty-five different sessions that produced a series of canons and decrees.³⁷ The sessions were a response to doctrinal threats from the Protestant Reformation and reflected the growing conservatism of the Church.³⁸ Discussions on matrimony culminated on 11 November 1563 with the publication of twelve canons and ten decrees.³⁹ These reforms provided the Church and its agents with

³⁷ Rev. H.J. Schroeder, O.P., trans., *Canons and Decrees of the Council of Trent* (Rockford, Ill: Tan Books and Publishers, 1978).

³⁸ Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988), 32. Nesvig, *Ideology and Inquisition*, 143.

³⁹ Christian E. Brugger, *The Indissolubility of Marriage and the Council of Trent* (Washington, D.C: Catholic University of America Press, 2017), 90.

new and revised laws that offered much-needed clarification of the Church's positions on marriage.

Prior to the Council of Trent, standards of Catholic marriage were rooted in the Fourth Lateran Council, led by Pope Innocent III in the early thirteenth century. By that time, marriage fell under the exclusive jurisdiction of the Church.⁴⁰ The Fourth Lateran Council closed loopholes to annulment and, therefore, more strictly enforced both monogamy and the indissolubility of marriage.⁴¹ Innocent III took the idea of indissolubility of marriage and made it practice. At the same time, he reinforced that free consent to marry between two individuals of age was the essence of a binding marriage.⁴² Marriage was a sacrament that two individuals conferred upon themselves, the presence of a priest was not essential.⁴³ This affirmed that clandestine marriages (those performed without a priest, or without any witnesses) were valid in the eyes of the Church.⁴⁴ Lastly, the Fourth Lateran Council mandated that marriages involve the reading of the banns, which was a process by which the marriage was announced to the community three separate times in order to give time for the public to raise any impediments.⁴⁵ Not fulfilling this requirement, however, did not invalidate a marriage.

The Council of Trent affirmed and strengthened the Church's stance on the indissolubility of marriage; it reinforced the required reading of the banns, while adding exceptions and new regulations to the process; and, it invalidated all future clandestine marriages, mandating that only those marriages performed in front of a priest and at least

⁴⁰ D'Avray, *Medieval Marriage*, 93. Starting in the twelfth century, marriage fell under the exclusive jurisdiction of the Church, which coincided with the development of a system of ecclesiastical courts.

⁴¹ *Ibid.*, 74; 104.

⁴² Lawrence Stone, *Road to Divorce: England 1530-1987* (Oxford: Clarendon, 1990), 52.

⁴³ D'Avray, *Medieval Marriage*, 105.

⁴⁴ Gottlieb, "Clandestine," 50.

⁴⁵ *Ibid.*

two witnesses were valid.⁴⁶ Among these were other reforms; of particular relevance to bigamy cases are canon five, and decrees seven and eight.

Canon five declared that the voluntary absence of a spouse did not dissolve a marriage. For this reason, it was crucial to certify the death of a spouse before entering into another marriage. As early as the twelfth century, canon law required proof of death in order for women to remarry after a husband's long absence, no matter how long he had been gone.⁴⁷ The canons of the Council of Trent and the past laws they reinforced played an important role in numerous bigamy cases. Some bigamists intentionally and falsely claimed that their spouse was dead, and others received faulty information and genuinely thought they were free to remarry.⁴⁸ Either way, the indissolubility of marriage to a living spouse was enforced.

The twelve canons on marriage were followed by a series of decrees. The seventh of these directly related to bigamy, and warned priests to be especially cautious with vagrant types whose mobility allowed them to marry multiple times.⁴⁹ The Council of Trent, while reiterating the criminality of bigamy, put the onus on religious officials to prevent bigamous marriages. Later, in 1575, New Spain's inquisitors echoed this

⁴⁶ Schroeder, *Canons and Decrees*, 180-185. Canon seven took the strictest stance on the indissolubility of marriage up until that point, concluding that marriage was indissoluble even in cases of adultery for both men and women. Separation due to adultery was permissible, but never remarriage as long as the spouse still lived. In the first decree, the Council laid out exceptions to the reading of the banns, which were put in place for couples who faced potential interference from their families or communities. In such cases, the ordinary could dispense of the banns, or only read the banns once instead of three times, or read them only after a marriage ceremony, but before consummation. This same decree was the one to also invalidate future clandestine marriages.

⁴⁷ Sara McDougall, "Bigamy: A Male Crime in Medieval Europe?" *Gender and History* 22, no. 2 (2010): 432.

⁴⁸ For example, María Sotomayor left her husband in Spain while he was alive, then claimed she got news that he was dead while she was in Mexico so that she could marry a second time. She faced an inquisitorial trial between 1538-1540, and she was ultimately punished for her crime and forced to return to Spain. Her case is translated in John F. Chuchiak IV, *The Inquisition in New Spain, 1536-1820* (Baltimore: The Johns Hopkins University Press, 2012), 219-227.

⁴⁹ Schroeder, *Canons and Decrees*, 188.

message. They wrote to Madrid stating that, in the bigamy cases they prosecuted, they found that bigamy occurred due to the “little care that the bishops and their clergy take in giving marriage licenses to men they do not know without any more information than their own personal declarations that they are single and unmarried, without any proof of another witness.”⁵⁰ In a separate letter that same year, the inquisitors wrote that most bigamists they encountered were not heretics.⁵¹ The inquisitor Moya de Contreras repeated a similar sentiment when he stated that bigamy cases did not require the consultation of theologians.⁵² That New Spain’s tribunal prosecuted ninety cases in its first decade of existence reflects the efforts of the Inquisition to bring more order to marriage practices in New Spain, which echoed the reforms put forward by the Council of Trent.⁵³

The eighth Tridentine decree about marriage is also important for bigamy cases. It treated the issue of *amancebamiento*, or concubinage. Living in *amancebamiento* broadly referred to a nonmarital sexual relationship, and was often used to describe couples who lived together as if they were husband and wife, but without being married.⁵⁴ The eighth decree reiterated the Church’s disapproval of the practice, and laid out a plan for punishing those who persisted in the crime. However, there was a wide gap between prescription and practice. In practice, concubinage existed throughout Europe and was all the more common in the Americas, where it was a relatively accepted social practice,

⁵⁰ Translation not my own, found in Chuchiak, *Inquisition in New Spain*, 218. He cites: *Carta de los inquisidores al Consejo de Inquisición sobre el delito de bigamia y su causa*, 22 de Mayo, 1575, AHN, Sección de Inquisición, libro 1066, fols. 297r-298v; libro 1047, fol. 383r-v.

⁵¹ Ibid.

⁵² Nesvig, *Ideology and Inquisition*, 143.

⁵³ Ibid. In Nesvig’s discussion on bigamy, he states that the increase in prosecution of bigamy cases stemmed from Trent and the increasing conservatism in the church.

⁵⁴ Schwaller, *Géneros de Gente*, 175.

sometimes tolerated and sometimes condemned by officials.⁵⁵ Among Spaniards as well as Indians, there were high rates of illegitimacy that persisted throughout the colonial period in New Spain, testifying to the prevalence of illicit sexual relationships.⁵⁶ Moreover, concubinage, along with polygamy and divorce, were permissible Indian marriage practices in central Mexico, and these practices persisted despite Spain's attempt to enforce Catholic notions of marriage.⁵⁷

The application of the canons and reforms put forward by the Council of Trent, then, is its own history. Such changes took time to implement and were applied unevenly across Spain and its empire. It was within this complex cultural and legal context, while marriage was being reformed from the top, that Gabriel, Francisco, and Luisa had to navigate their marriage choices. This thesis takes a close look at how they did so, by analyzing what social, institutional, and local norms they embraced, modified, and evaded in order to negotiate the meaning of marriage. The following are a few key norms that appear consistently across all three cases.

Wedding Procedure and Ritual

At its most basic doctrinal level, before the Council of Trent, a Catholic wedding required nothing more than the mere consent to marry between two individuals.⁵⁸ The Church, however, enacted laws to ensure that only proper marriages took place, and in

⁵⁵ Fernanda Molina, "'Casadas dos veces': Mujeres e inquisidores ante el delito de bigamia femenina en el Virreinato del Perú (siglos XVI-XVII)," *Memoria Americana* 25, no. 1 (2017): 42.

⁵⁶ Stuart B Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven, Conn.: Yale University Press, 2010), 131-132.

⁵⁷ Indians far outnumbered Europeans in sixteenth-century New Spain, including in many administrative centers where European presence was the highest. Legislation from the Crown in 1530 sought to eliminate these non-Christian marriage customs by punishing converted Indians who entered into polygamous, or bigamous relationships, and in 1551 the Crown extended this regulation to all Indians. For more, see: Sarah Cline, "The Spiritual Conquest Reexamined: Baptism and Christian Marriage in Early Sixteenth-Century Mexico," *The Hispanic American Historical Review* 73, no. 3 (1993): 476.

⁵⁸ Beatrice Gottlieb, "Clandestine," 50.

reality most weddings abided by some mixture of ecclesiastical and customary law, and could vary significantly from place to place.⁵⁹ The Church respected a community's right to uphold its own customary practices in conjunction with the laws of the Church, and the Council of Trent reinforced this respect.⁶⁰ Because of this, it is difficult to discuss Catholic weddings uniformly. The process of being wed took time. It was locally specific and malleable, and this gave people room to modify, or manipulate the process in order to construct their own definitions of legitimate marriage.

A proper Catholic marriage was just as much a community event as it was an institutional one. It was customary, but not required, to name *padrinos*, or marriage sponsors, one male and one female. Choosing honorable marriage sponsors was one way of forming useful ties within a community.⁶¹ It was also a way of strengthening kinship and social networks.⁶² One of the most important ecclesiastical laws regarding marriage required the reading of the banns, also referred to as *amonestaciones*.⁶³ This allowed a community to voice any impediments to the marriage, which included knowledge that one of the individuals was already married, or that the marriage would fall within prohibited degrees of consanguinity or affinity. The reforms of the Council of Trent reinforced this practice, making it law, with a few exceptions.⁶⁴ If no barriers arose, a priest could then perform a marriage ceremony with witnesses, grant the couple a license, and record the marriage in a parish register. One element of this process was the *velación*,

⁵⁹ Ibid.

⁶⁰ Ibid., 51. The Council of Trent, in its decree regarding clandestine marriage, added that "If any provinces have in this matter other laudable customs and ceremonies in addition to the aforesaid, the holy council wishes earnestly that they be by all means retained." Schroeder, *Canons and Decrees*, 185.

⁶¹ George M. Foster, "Cofradía and Compadrazgo in Spain and Spanish America," *Southwestern Journal of Anthropology* 9, no. 1 (1953): 3-4.

⁶² Ibid. Also see Bennett, *Colonial Blackness*, 82.

⁶³ Gottlieb, "Clandestine," 51; Seed, *Love, Honor, and Obey*, 76; Boyer, *Lives*, 80.

⁶⁴ Schroeder, *Canons and Decrees*, 183-184.

or veiling ceremony, which usually took place right after the marriage and as a part of the nuptial mass.⁶⁵ This ritual comes up repeatedly in the following cases as an essential part of matrimony, and Francisco used the lack of this ceremony to claim that one of his marriages was incomplete.

After the wedding: Vida Maridable, Consummation, and Abandonment

Marriage, however, involved much more than just the ritual and ceremony of a wedding. *Vida maridable*, or married life, was a commonly used term to refer to the obligations that followed. Jane Mangan explains that the sixteenth century use of the phrase “refers to a man and woman making a home together as husband and wife, and meeting social, economic, and sexual obligations to one another.”⁶⁶ The concept of *vida maridable* gained increasing importance as the Spanish empire expanded and as the Church sought to regulate marriage and family more closely. Starting in 1528, the Crown issued royal decrees ordering that married men in the New World who were separated from their wives, and therefore not living in *vida maridable*, either bring their wives to the New World or return to Spain. Similar decrees were reissued throughout the first half of the sixteenth century.⁶⁷ The term *vida maridable* is used repeatedly in all three cases and was an important way that bigamists could distinguish between legitimate and illegitimate marriage. Luisa’s case, however, stands apart from the others, because she did not strategically use *vida maridable* in the same way that Gabriel and Francisco did.

⁶⁵ Being veiled “refers to the act performed after the nuptial benediction whereby a piece of white gauze is thrown over the married couple.” Parma Cook and Cook, *Good Faith*, 54.

⁶⁶ Mangan, *Transatlantic Obligations*, 71.

⁶⁷ *Ibid.*, 75-79. In a 1544 cédula regarding *vida maridable*, the mandate included an explicit connection between *vecindad* and *vida maridable*, wherein the Crown complained that Spaniards (in Peru) did not live “with their wives and children like true vecinos.” In this cédula, men were pressured to live in *vida maridable* so that they could contribute to their community as a good citizen, and an explicit connection was made between *vida maridable* and *vecindad*. *Ibid.*, 76. Text of cédula translated by Mangan.

Instead, Luisa drew more heavily upon other circumstances: the act of consummation and abandonment.

Consummating a marriage was an important step, in part because it completed the symbolism of a marriage as the union between Christ and the Church. Theologically, there were debates in the medieval period about whether a marriage was made complete by words of consent, or by consummation.⁶⁸ Ultimately, an unconsummated marriage was still legitimate, and the breaking of such bond required dissolution of the marriage (meaning that the marriage bond existed) rather than annulment (meaning that the marriage was invalid to begin with).⁶⁹ Pope Alexander III in the twelfth century set a precedent for dissolving unconsummated marriages as long as one or both partners entered the religious life afterwards, but by the fifteenth century and into the early modern period, the pope had the power to dissolve unconsummated marriages at his own discretion.⁷⁰ The Council of Trent did not offer any clarification on the matter. Overall, while lack of consummation did not invalidate a marriage, it did make the marriage problematic, in part because the couple was not participating in *vida maridable*. Because there was some grey area, theologically and legally, drawing attention to the lack of consummation was one way that bigamists could shed doubt on the completion of their marriages. At the very least, it made the marriage symbolically incomplete.

⁶⁸ Ghirardi and López, “El Concilio de Trento,” 242-243.

⁶⁹ D’Avray, *Medieval Marriage*, 188. This applies to marriages unconsummated for reasons other than impotence. There were a number of reasons why marriages contracted were left unconsummated, and D’Avray’s evidence from the medieval period demonstrates that a time gap between consent to marry and consummation was not unusual.

⁷⁰ *Ibid.*, 195-197.

Maltreatment was another mitigating factor, and one that is, for the most part, beyond the scope of this thesis.⁷¹ However, abandonment did play an important part in Luisa's case, and in some ways, in the cases of Gabriel and Francisco as well, who abandoned wives themselves. Abandonment did not invalidate a marriage, but it certainly complicated it logistically because the couple was no longer living in *vida maridable*. Without certification of a spouse's death, an abandoned spouse could not remarry, one of the leading scenarios that led to bigamy. Legally, it was clear that the marriage was legitimate, but socially the situation was much more ambiguous.

In part, this thesis tracks what Gabriel, Francisco, and Luisa appeared to know about correct marriage practices, and how their understanding of legitimate marriage changed over time and place. Marriage was a malleable institution, even within the life of one individual. Gabriel, Francisco, and Luisa adapted the meaning of marriage to new contexts by embracing, modifying, and evading the social and religious norms outlined above, and their communities were involved in the same processes of negotiation. Such negotiation was made all the more complex by their historical context. The Council of Trent provided religious officials with a new set of canon laws to interpret and enforce, laws that were only complicated by a colonial context where vast distances separated families and communities, subject from Crown, and where new communities were being formed. Together the stories of Gabriel, Francisco, and Luisa map a larger narrative of an empire in transition, and the people lost in the confusion and contradictions that such

⁷¹ For more on maltreatment, specifically violence and *mala vida*, see: Samantha Rose, "Marriage, bigamy, and the Inquisition: Power and Gender Relations in Seventeenth-Century New Spain" (master's report, University of Texas at Austin, 2016); Alfredo Martín García, "Divorce and Abuse in 16th, 17th and 18th Century Spain," *Social Exclusion and Gender-Based Violence* 161 (December 2014): 184–94.

transition created. The Spanish Inquisition, too, underwent a significant transition during their lifetimes, one that had a profound effect on the lives of each individual.

The Spanish Inquisition

Marrying again while one's spouse was still alive was a punishable offense, tried in ecclesiastical and various criminal courts as early as the thirteenth century.⁷² Offenders could face fines and public humiliation. Over the course of the sixteenth century, the Spanish Inquisition laid juridical claim to the crime, calling it a crime against the sacrament of marriage and, therefore, heretical.⁷³ The Spanish Inquisition, founded in 1478, was charged with rooting out heresy among the subjects of the kingdom of Spain.⁷⁴ Initially, inquisitors focused on major heresies: practicing Judaism, Islam, Protestantism, or mysticism. Throughout the course of the sixteenth century, inquisitors shifted their focus to include lesser offenses in an effort to correct unorthodox beliefs among Christians. These offenses included blasphemy, superstition, bigamy, and various heretical statements.⁷⁵

The Spanish Inquisition was a network of tribunals under the authority of the General Council, known as the *Suprema*, which fell under the authority of the Spanish Crown.⁷⁶ While there were other inquisitions in Spain and Europe before 1478, the Spanish Inquisition was the first to be held under the authority of the Crown rather than the papacy, giving the institution intimate ties to the interests of Spain. The Crown appointed one General Inquisitor, who then appointed inquisitors in tribunals across

⁷² McDougall, "A Male Crime," 433.

⁷³ Allyson M. Poska, "When Bigamy is the Charge," 191.

⁷⁴ For a general history of the Spanish Inquisition, see Henry Kamen, *The Spanish Inquisition: A Historical Revision* (New Haven: Yale University Press, 1998).

⁷⁵ Boyer, *Lives*, 17.

⁷⁶ Nesvig, *Ideology and Inquisition*, 26

Spain and the New World.⁷⁷ There were only three tribunals in the Americas, one each in Mexico City (1571), Lima (1571), and Cartagena (1610).

When a tribunal for the Inquisition was established in Mexico City, it came with an established set of instructions and standards, bringing an organization to inquisitorial activity that did not previously exist in New Spain. The tribunal in Mexico City typically had two to three inquisitors, who acted as judges and investigators in their cases. They participated in collecting evidence against the accused; however, it was the *fiscal*, the Inquisition's salaried prosecutor, who was in charge of presenting the accusations in accordance with the instructions of the Holy Office. The *fiscal*, however, could not act as a judge. Inquisitors had the help of numerous theologians and doctors in canon and civil law. They also had the input of one *ordinario*, a representative of the bishop and a chief ecclesiastical judge who voted in the final decisions and oversaw all use of torture. Final decisions were composed of votes from the inquisitors, their *consultores* (councilors), and the *ordinario*.⁷⁸

The Inquisition had two primary avenues for communicating their conclusions on heresy and encouraging denunciations: edicts of faith and *autos de fé*, or acts of faith. An edict of faith was a publication that was read from a pulpit and by a town crier, explaining all of the crimes that fell within the purview of the Inquisition. These declarations obligated those who committed said crimes, or knew about others who had done so, to come forward and confess. The first edict of faith, held in Mexico City in

⁷⁷ Ibid.

⁷⁸ All of these details on the structure of New Spain's tribunal come from: Chuchiak, *Inquisition in New Spain*, 12-26. There were numerous other positions, salaried and unsalaried, that kept the tribunal running. Of particular importance were the *familiars*, a group of at least twelve elite constables who served as inquisitorial militiamen, and *comissarios*, appointed representatives of the Inquisition in various provinces throughout New Spain. *Comissarios* could begin investigations and were in charge of publishing edicts of faith in their respective locales.

1571, mandated that everyone over twelve be present, under penalty of excommunication.⁷⁹ *Autos de fé* were less regular events, but when they occurred, they made a public spectacle of condemned criminals sentenced to appear. The crimes of the guilty were read aloud, and they were processed through the streets. Attending the event was mandatory, and also served to encourage self-denunciations and the denunciations of others.⁸⁰ Edicts of faith and *autos de fé* were two very public activities of an otherwise secretive court.

Perhaps one of the most important elements of an inquisitorial trial was its secrecy. Everyone involved was sworn to secrecy, though the oath was not always kept. Still, this meant that the accused knew hardly anything about their own trial, and had little opportunity for legal defense.⁸¹ Mexico City's tribunal did provide a defense attorney for the accused, but the accused and their attorney could only communicate a limited number of times and in the presence of an inquisitor and notary, diminishing the utility of the legal help.⁸² While the Inquisition held itself to high standards of proof in order to merit a conviction, the lack of legal resources for the defendant due to the secrecy of the trial counteracted access to a fair trial.⁸³

Importantly though, inquisition trials took place before the formal establishment of tribunals in the New World, and with less attachment to the rules set forth by the *Suprema* in Spain. In the absence of a tribunal, bishops held inquisitorial authority, and by special papal legislation, mendicant friars in Spanish America could carry out duties

⁷⁹ Ibid., 107.

⁸⁰ Ibid., 150-151.

⁸¹ Ibid., 30-31.

⁸² Ibid., 18.

⁸³ Ibid., 32-33. For a history of New Spain's Inquisition in the sixteenth century, see: Richard E Greenleaf, *The Mexican Inquisition of the Sixteenth Century* (Albuquerque: University of New Mexico Press, 1969).

typically reserved for bishops.⁸⁴ Some friars either took up inquisitorial authority of their own accord or were commissioned by the *Suprema*. In 1536, the Franciscan bishop, Juan de Zumárraga, was granted inquisitorial authority by the Crown over the diocese of Mexico, and between 1536 and 1541 he brought 120 cases to completion. Of the 120, eighteen were bigamy cases.⁸⁵ In 1541, Zumárraga's authority was stripped away, and inquisitorial activity declined until 1554, when the archbishop of Mexico, Alonso de Montúfar, initiated an active apostolic and archdiocesan inquisition.⁸⁶ He delegated his authority to a group of theologians who conducted trials up until the establishment of the formal tribunal of the Holy Office in 1571. Under Montúfar, bigamy was the second most frequent category of crimes prosecuted, comprising 21 percent of the total caseload at twenty-six cases.⁸⁷ After 1571, prosecution of bigamy cases only increased, and was at its height between 1571 and 1579, when ninety cases of bigamy were brought before Mexico's inquisitors, accounting for 31.4 percent of all inquisition cases conducted by the tribunal during that decade.⁸⁸ In the following decade, the number of bigamy cases dropped to twenty-nine, but still remained the most frequent charge.⁸⁹

Together, the cases of Gabriel, Francisco, and Luisa straddle the transition from the Montúfar Inquisition to New Spain's established tribunal. Gabriel's case took place in

⁸⁴ Nesvig, *Ideology and Inquisition*, 105.

⁸⁵ *Ibid.*, 107-110. Bigamy was tried by the Spanish inquisition at even the earliest stages of colonization in Mexico. The earliest known inquisitorial proceeding in Mexico was a bigamy trial held in 1522, though the case itself no longer exists. See *Ibid.*, 105.

⁸⁶ *Ibid.*, 110.

⁸⁷ *Ibid.*, 111. The most frequent accusation was propositions, at 38 cases.

⁸⁸ *Ibid.*, 138.

⁸⁹ See *Ibid.*, 168-171. In last decade of the sixteenth century, bigamy trials dropped to just 5.5% of total caseload, at 17 cases total. Another 17 cases were prosecuted between 1600-1609 (13% of caseload). The next decade, bigamy once again became the most frequent accusation, making up 26.5% of cases between 1610-1619. In the 1620s only 4 bigamy cases were completed, and then in the 1630s it once again became the most frequent accusation.

its entirety prior to the tribunal's establishment, between 1565-1567. His judge was the inquisitor ordinary Rodrigo Barbosa, who acted as inquisitor in numerous trials under the authority of Archbishop Montúfar. Francisco's bigamy trial also began in the 1560s, but it started in a municipal court. Within the first year of the establishment of the Holy Office in Mexico, Francisco's case resurfaced, and he was tried once again, but this time under the new inquisitor general, Pedro Moya de Contreras. Luisa's case, which began in 1574 and ended in 1576, is the only one of the three that was conducted entirely under the new tribunal in Mexico City. Her judge was the inquisitor Alonso Hernández de Bonilla.

That these three cases fall neatly around the establishment of the Inquisition's tribunal in New Spain calls attention to the broader context in which Luisa, Francisco, and Gabriel lived: a world in transition. Spain's control over New Spain, and how it implemented that control, was uneven, contested, and negotiable. Technically, the Inquisition's tribunal in Mexico City had jurisdiction over a territory of about three million square kilometers, though in reality its sphere of influence was much smaller.⁹⁰ For those within the grasp of the Inquisition, the establishment of a formal tribunal had an impact on their world. The presence of the Inquisition, felt through its edicts of faith and *autos de fé*, was all the more real to those living in and around Mexico City during and after 1571. The cases of Gabriel, Francisco, and Luisa all occurred around a moment during which a new line of authority was being developed and tested. Gabriel was fortunate that his case was completed before 1571; Francisco and Luisa would not be so lucky.

Collectively, their stories are three plot points that bridge the transition from New

⁹⁰ Alberro, *Inquisición y sociedad en México*, 23. For comparison, all sixteen tribunals in Spain covered just 500 thousand square kilometers.

Spain's archdiocesan Inquisition to its established tribunal, founded in 1571. Each plot point helps to tell the story of this transition, but from the perspective of three rather different individuals. None of them were especially elite: Luisa was a domestic servant, Francisco, a shoemaker, and Gabriel, a locksmith. Each came from different racial and ethnic backgrounds, Francisco was a Spaniard, Luisa was a black Spanish woman, and Gabriel was a mestizo. Though Mexico City played an important role in the lives of all three, each individual also lived in different areas throughout New Spain. Francisco lived primarily in Toluca, just southwest of Mexico City, but also traveled to the fringes of the empire in the northwest, near Zacatecas, where Luisa lived for a time. Gabriel was the only one of the three who was born in New Spain. He was from Michoacán but lived for a few years in Chiapas and travelled through Oaxaca. All three joined expeditions to Florida. Together, they show that it is difficult to speak of the "ordinary" member of society in New Spain, but at the same time they were certainly among those individuals who did not produce as much historical documentation as the elite. It is only because they were among the few to face the Inquisition that we can know much about their lives today. Their stories are kept secure in worn-out Inquisition records, bundled into neat cases adorned with their own title pages elegantly written in the same professional script.

Methodology

Inquisition records are widely recognized for their utility to social and cultural historians. While all of the material is mediated through the apparatus of a court and its inquisitors, translators, and scribes, the material nonetheless provides a window into the private and personal and is used by historians as a unique means of gaining greater insight into all levels of society. Nonetheless, those giving testimony or confessions

before the court did so under some level of duress, and individuals crafted the narratives that they presented to the court in order to garner a favorable resolution. Therefore, any analysis of Inquisition documents must take into account who is speaking and when, under what duress and with what potential motivations. At the same time, the very situation of the accused or a witness presenting themselves before the court communicates how that individual wished to present themselves, a story that holds value in and of itself.⁹¹

The following three case-studies, outlined in chronological order, bring into focus the details of Gabriel's, Francisco's, and Luisa's marriage choices, the particulars of their own persons and communities, and the nuances of their motivations, in an effort to tell their most complete story, however convoluted it may be. Each case was fully transcribed by the author to facilitate a close reading of the material. From the tangles of their testimonies one can begin to weave a clearer story of marriage and community in New Spain between 1550 and 1580.

⁹¹ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1995).

Chapter Two: Gabriel Carrasco

...in the Ciudad Real de Chiapa, 30 October 1565... don Francisco Rodríguez de Villafuerte, precentor and provisor... called María Yndia, wife of Graviel Carrasco, to appear to take her confession...

What is your name?

My name is María

Where are you from?

I am a native of Mexico

Do you know Graviel Carrasco, mestizo?

Yes, I know him; he is my husband. We were married and veiled about six years ago by the hand of a father of the order of St. Francis, in the town of Xalapa, fifteen leagues from Veracruz. From there, we set out for Florida and arrived in Havana where my husband became sick. By command of the Captain Sotelo, we returned to Campeche from Havana, and from there travelled here, to the Ciudad Real de Chiapa. I made married life (vida maridable) with him in this city, as everyone knows, and during that time had three children, two male and one female. After Graviel left this city, he wrote to the vecinos here to take care of me, and in the same way, he wrote letters to me as his wife. This is the truth.

...all of this was declared through the interpreter Juan Martín... being read her statement, she ratified it... and it was signed by the provisor and the said interpreter...⁹²

⁹² Testimony of María, AGN Inq. vol. 27, exp. s/n, fols. 59v-60r. I took the liberty of translating the statement into first person. The original statement, like most witness testimony, was recorded in the third person. María's statement, then, was the product of her translated words, which were then recorded by the scribe in third person. My own translation of the text is not meant to offer the actual words spoken by María, but simply the general idea of her statement. Unfortunately, this is the closest we can get to hearing from María directly.

María's testimony, along with affirmation from two other women in the same town that she and Graviel (Gabriel) were married, was the most damning evidence against twenty-one-year-old Gabriel Carrasco.⁹³ Exactly three months before María's confession was taken in Chiapas, her alleged husband was accused of bigamy and imprisoned in Mexico City. Gabriel had left María only a year or two earlier, and had entered into two subsequent marriages, first with a mestiza named Leonor de Guecho. Gabriel and Leonor had met in Oaxaca, married in Mexico City, and moved to Michoacán, where she passed away. Widowed, Gabriel quickly remarried another mestiza, Francisca de Vargas, also in Mexico City. That same year, in 1565, he was denounced by Juan Vellerino, an *alguacil* (bailiff) and *fiscal* (prosecutor) of the archdiocese. His judge was the *provisor* (chief ecclesiastical judge of the archdiocese) and inquisitor ordinary Rodrigo Barbosa.⁹⁴

The testimony from Chiapas was a pivotal point in Gabriel's legal battle, which spanned three years and involved two separate trials. The first trial, beginning with his imprisonment on 30 July 1565, lasted less than four months. In November of that same year, Gabriel was absolved by the judge Barbosa because Vellerino failed to present his witness testimony in time; María's statement from Ciudad Real de Chiapa had yet to reach Mexico City. However, Vellerino persisted. The testimony from Chiapa eventually

⁹³ Testimonies of doña Catalina Mazariego and Ana de Olmedo, AGN Inq. vol. 27, exp. s/n, fols. 60r-v. Doña Catalina Mazariego stated that María was *encomendada* in her home while Gabriel was away in Guatemala for four months, while the other witness, Ana de Olmedo, stated that both Gabriel and María lived in doña Catalina's house for four months. Either way, both testify that the couple called one another husband and wife.

⁹⁴ Nesvig, *Promiscuous Power*, 97, 261. Between 1563 and 1568, Rodrigo Barbosa served as inquisitor ordinary for at least forty-eight trials. He was later appointed one of the first censors of the formal tribunal following its establishment in 1571. Like many of the theologians who served under the Montúfar Inquisition, he held a degree in theology from the University of Salamanca. His doctorate came from either Salamanca or Mexico.

arrived, and in April of 1566 Vellerino presented it to the court and petitioned for a letter demanding that Gabriel be imprisoned once again. By early October 1566, the accused bigamist was back in the prison of the archdiocese.

Gabriel was a mestizo from Michoacán, a region to the west of Mexico City, and his ideas of marriage were rooted in his New World context. He comfortably chose both *amancebamiento* and Catholic marriage at different points in his life and demonstrated an ability to move between indigenous and Spanish worlds. Each marriage after María brought Gabriel closer to home and reconnected him to his community both in Mexico City and Michoacán. He lived in a society that both condemned and condoned his actions, but concern over following the law (not living in *amancebamiento*) does not appear in his case as a motivator. Instead, a close reading of Gabriel's case suggests that he was concerned with membership in the Spanish community and chose to marry again in order to achieve that.

Gabriel's entire case takes place before the 1571 establishment of New Spain's tribunal. His case highlights the transition from the Montúfar Inquisition to the established tribunal and serves as a point of contrast to the cases of Francisco and Luisa. Still, Gabriel was not thinking about the coming of the Holy Office to Mexico City when he was imprisoned in 1565. He faced the court before him and used the legal tools he knew to maneuver his trial.

An Inquisition Trial?

Although his trial falls under the archdiocesan Montúfar Inquisition, the proceedings resembled an accusatorial method much more than an inquisitorial one. John Chuchiak explains the difference: "in the inquisitorial system there was no accuser, and

the judge, instead of remaining impartial, investigated and prosecuted the crimes of the suspect,” whereas in the accusatorial method the judge was an “impartial arbiter between the accuser and the accused.”⁹⁵ Gabriel’s judge, Barbosa, acted more as an arbiter between Gabriel and Vellerino than as an inquisitor. It was Vellerino’s failure to effectively conduct the investigation against Gabriel that ended the case.

The proceedings in Gabriel's case are lengthy and include far more legal correspondence between the accused and the court than was permitted in inquisitional cases conducted by the formal tribunal. Gabriel began by explaining to the court that he was a minor, and therefore required legal representation. The court granted his request and appointed a *curador* (legal representative) in each trial, individuals whom Gabriel himself named. He was also literate, and some of the legal correspondence was written in his own hand. In addition, Gabriel was successful in securing a work release from prison in order to pay the costs of the trial. He began requesting this release just days into his imprisonment, and he persisted with the request in his second trial. Two months into the subsequent proceedings he had secured *fiadores*, people who took personal financial responsibility if Gabriel abused the release and tried to flee. Barbosa granted his request, despite the fact that Gabriel had attempted a prison escape in his first trial.⁹⁶

This type of legal maneuvering was not so easily allowed under the new tribunal. Prisoners of the Inquisition in Mexico City after 1571 did not have the luxury of defending themselves in the ways that Gabriel did pre-1571, largely because the trials

⁹⁵ Chuchiak, *The Inquisition in New Spain*, 1.

⁹⁶ AGN Inq., vol. 27, exp. s/n, fols. 17r-19v. Gabriel escaped on the eve of San Hipólito, together with a man named Francisco de Uharco. Gabriel testified that Uharco kept calling to him in the middle of the night, and so he got up to see what he wanted. Uharco showed Gabriel the hole he had dug, and the two escaped and went to a home. According to another prisoner who heard about their escape, the two went to the home of Francisca de Vargas, Gabriel’s wife, where they hid under a mattress. They were captured by Vellerino and imprisoned again within a few days.

under the Spanish Inquisition were far more secretive, and prisoners had extremely limited knowledge of their own case. Not only were the legal strategies available to prisoners different, but the outcomes too. Between 1571 and 1700, only 2.7 percent of individuals were absolved in New Spain's Holy Office.⁹⁷ Had Gabriel been re-tried under the new tribunal, it is likely that he would have faced some form of punishment.

The Crux of the Case

By the age of fifteen, Gabriel was on the east coast of Mexico, in the town of Xalapa, preparing to depart on an expedition to Florida led by Captain Tristán de Luna y Arellano.⁹⁸ Prior to that, he was in Mexico City where he met María, who was working in the city as a domestic servant. Gabriel took María with him to Xalapa with the intention of bringing her to Florida.⁹⁹ Witnesses on both sides of the case, however, made it clear that single women were not allowed on the expedition. One witness stated that “it is true that single women, indias, mestizas, and *españolas* were brought by soldiers on the *jornada*. The soldiers said among themselves that these women were their wives, so that they would not be taken away.”¹⁰⁰ Another witness made a similar statement, saying that the soldiers brought their *mancebas* (concubines) with them and only claimed them as wives so that they could go and receive the double ration allotted to married couples.¹⁰¹

⁹⁷ Chuchiak, *Inquisition in New Spain*, 49. That is among completed cases that arrived at a final sentence.

⁹⁸ The expedition left from Veracruz on 11 June 1559 with about 1,500 members. This included 500 soldiers and 200 Aztec warriors and craftsmen, as well as servants, slaves, wives, and children. Luna's orders were to trace an overland route from Mexico to the Atlantic, and to establish settlements to help lay claim to Florida and ward off French intrusion. Their first settlement at present-day Pensacola Bay lasted just five weeks before the expedition's fleet and food supplies were destroyed by a hurricane. Attempts to keep the expedition alive lasted until August of 1561. During the two years in-between, some evacuated and returned to Mexico, while others continued the effort. See John Worth, “The Luna Expedition: An Overview from the Documents,” presented at the Society for Historical Archaeology, Fort Worth, TX., 2017; and Herbert Ingram Priestley, *The Luna Papers, 1559-1561* (Tuscaloosa: University of Alabama Press, 2010).

⁹⁹ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 7r.

¹⁰⁰ Testimony of Cristóbal de San Martín, AGN Inq., vol. 27, exp. s/n, fols. 50r-55r.

¹⁰¹ Testimony of Gaspar de Henero, AGN Inq., vol. 27, exp. s/n, fols. 50r-55r. On 12 May 1559, the

In describing these women, witnesses throughout the case either used the term *manceba* or *criada* (servant). Almost all of the witnesses, including two women who went on the expedition as the legitimate wives of soldiers, confirmed that numerous soldiers participated in the deception.

Gabriel made no hesitation admitting that this was what he did with María: he claimed María as his wife in order to bring her along but was adamant that the two never married. Whether or not he simply claimed María as his wife, or actually contracted a marriage with her in Xalapa, was at the crux of the legal dispute. Eight witnesses testified that if Gabriel and María had in fact married, they would have known because they were good friends of Gabriel. Two of the witnesses testified that they considered María to be his *criada*, not his wife. Vellerino provided four witnesses who testified to the contrary: two who claimed to be present at the wedding, one who simply heard that they were married, and lastly the *contador* (accountant), who gave Gabriel and María their rations. Of these four, three were questioned the same day that Gabriel was imprisoned, suggesting that those three had something to do with his arrest. This is unsurprising, considering that there was bad blood between Gabriel and two of them, the same (and only) two who offered first-hand testimony of the marriage.¹⁰²

viceroy Luis de Velasco wrote to Luna, asking for a muster-roll of the soldiers and horses in Xalapa. In the request, Velasco said he had heard that the soldiers were bringing many mestizos, *mulatos*, and Indians with them, and warned Luna to not allow too many of these individuals to go, since they would only “put the camp in confusion and eat up supplies.” Priestly, *The Luna Papers*, 54-55.

¹⁰² Gabriel’s lawyer provided witnesses to testify to their enmity. It appears that the two eyewitnesses to Gabriel’s alleged marriage, a Pedro and an Antonio, were good friends with one another and lived in the same house together in Florida. While in Florida, Gabriel went to their home to see a woman who was staying there. Pedro and Gabriel got in a big fight and exchanged ugly and injurious words. Witness Cristóbal de San Martín stated that the conflict between the two individuals was “por amor de una muger que el dicho pedro lorencio tenia en su casa depositada (for the love of a woman who was staying in Pedro Lorenzo’s house).” Testimonies of Francisco Valca de Herrera and Cristóbal de San Martín, AGN Inq., vol. 27, exp. s/n, fols. 38r-40r.

The case, then, came to hinge on María's testimony, and Vellerino's ability to provide a more robust *probanza* (presentation of evidence). He managed to provide one more witness from the Ciudad Real de Chiapa who testified to the couple's married life before the trial came to an end. Vellerino's last request was for more time in order to ratify the testimony of an eye-witness, a request that was denied, and a month later Gabriel was set free.

From the beginning, Gabriel's case revolved around community. It was his community of soldiers preparing to depart that showed Gabriel that his relationship with María was socially acceptable, and that it was okay to lie in order to bring her on board, even if illegal. Some of these same peers came to his defense in Mexico City six years later, while others went on the attack. The involvement of his communities, from start to finish in his trial, sets the stage for Gabriel's own decisions. He adjusted his choices to fit his communities, and he relied on community support to defend himself in court.

Gabriel's Background

Like his father, Gabriel was called, and called himself, a vecino of Michoacán. Using other details from Gabriel's case, it becomes clear that he was referring to the city of Guayangareo, also known as Valladolid, and also known at times as the city of Michoacán.¹⁰³ Today, it is the city of Morelia. Michoacán did not become a part of New Spain until 1533, and a diocese was not formed until 1538.¹⁰⁴ Gabriel was likely born there in 1544. Initial Spanish incursions into the region starting in the 1520s and led by the ill-reputed Nuño de Gúzman traumatized the region and left it in sociopolitical

¹⁰³ AGN Inq., vol. 27, exp. s/n, fols. 23v; 63r. The letter requesting Gabriel's imprisonment hired someone to look for him first in Guayangareo, and then anywhere else necessary. Moreover, Leonor's final will and testament was written in Guayangareo, and it referred to Gabriel as vecino of the city.

¹⁰⁴ Nesvig, *Promiscuous Power*, 15-16.

ruin.¹⁰⁵ In its first few decades under Spanish claim, Michoacán was dominated by Spanish *encomenderos*, individuals who were granted indigenous labor and tribute.¹⁰⁶ Despite Spanish claims to the region, there was little actual representation of Spanish administration, which contributed to what Nesvig describes as a “corporatist and privatized form of governance.”¹⁰⁷ He characterizes Michoacán as a region dominated by local power and politics, with tenuous imperial oversight and control.

Gabriel’s hometown of Guayangareo was founded in 1541 by a small group of Spanish settlers in a defiant move against Michoacán’s bishop, Vasco de Quiroga.¹⁰⁸ It was one of two cities vying for supremacy in the 1540s and beyond. Quiroga, against the orders of the viceroy Mendoza, had moved the cathedral see from Tzintzuntzan to Pátzcuaro, and in the process upset the viceroy, the mendicants, and many *encomenderos*.¹⁰⁹ The 1541 establishment of Guayangareo, and its claim as the city of Michoacán (it was called such by the viceroy himself), threatened Quiroga’s attempts to make Pátzcuaro the administrative center of the diocese, and deepened political factions.¹¹⁰ However, the Guayangareo settlers had the viceroy on their side, who supported numerous construction projects, especially for Franciscan and Augustinian monasteries. In Michoacán, friars and *encomenderos* relied on one another for their own economic and political gain. By 1554, there was no cathedral church in the diocese, but thirty monasteries, some particularly elaborate.¹¹¹ This construction was possible due to

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., 15-47.

¹⁰⁷ Ibid., 18.

¹⁰⁸ Ibid., 54.

¹⁰⁹ Ibid.

¹¹⁰ Ibid., 55.

¹¹¹ Ibid., 66.

repartimientos (forced labor arrangements) from the Crown.¹¹²

It is into this political, economic, and religious battleground that Gabriel was born, the son of a Spaniard and an unnamed Indian woman. Unlike many mestizos who were not recognized by their Spanish fathers, Gabriel was given the last name Carrasco and maintained social ties to his family.¹¹³ Being the son of a *vecino* in Michoacán, and himself a *vecino*, Gabriel had a claim to membership in a community in New Spain from birth, unlike the bigamists Francisco and Luisa. However, his was a community in early stages of formation, with numerous complexities to maneuver.

As previously discussed, being a *vecino* implied that the individual held certain duties and rights within their community, born from the Spanish notion of community membership. By claiming *vecindad*, Gabriel perhaps hoped to claim some of the benefits associated with that membership. However, Guayangareo was politically and socially competitive, especially as the city fought for supremacy over Pátzcuaro. Gabriel's community was ruled by Spanish *encomenderos* and wealthy friars, and he was neither.¹¹⁴ Perhaps Gabriel sought new opportunity when he decided to embark on an expedition to Florida at the age of fifteen.¹¹⁵ It is difficult to say what skills he brought

¹¹² Ibid., 57.

¹¹³ Joanne Rappaport, *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada* (Durham, Conn.: Duke University Press, 2014), 11. Rappaport explains: "Many mestizos of the first generation after the Spanish invasion were not recognized by their Spanish fathers, and they often occupied lowly positions in the colonial status hierarchy as servants or laborers. These individuals are frequently identified in the documents as, for example, 'Inés Mestiza' or 'Juan Mestizo,' as though 'mestizo' were a surname."

¹¹⁴ While his father was a Spanish *vecino* in the city, his occupation is unknown, and his name—Pedro de Carrasco—does not appear among the influential *encomenderos* mentioned by Martin Nesvig. His father does not appear in a quick search of the AGN's catalogues either.

¹¹⁵ There are numerous reasons why people participated in Spanish expeditions. Gabriel's case appears in Schwaller's work, and Schwaller suggests that Gabriel went to Florida to seek his fortune (Schwaller, *Géneros de Gente*, 190). However, historians also note that people joined expeditions due to kinship ties. One of the witnesses in Gabriel's case, Juan Cordero, had known Gabriel since birth. While Cordero did not leave for Florida, he was involved with the preparations for the expedition. Gabriel also knew at least three other members of the Florida expedition between one to two years prior to the 1559 departure. For

with him, but by the time of his imprisonment in Mexico City, Gabriel had developed skills as both a blacksmith and locksmith.

Gabriel, Mestizo?

Before the court, Gabriel emphasized his Spanish background, both in his claim to *vecindad*, and in his omission of the term *mestizo*. In the sixteenth century, especially in legal documents, people grouped one another, and themselves, into a number of racial and ethnic categories. Robert Schwaller calls these *géneros de gente*, or genres of people, as a way to distinguish these categories from modern notions of race.¹¹⁶ These *géneros* were principally *indio*, *español* (Spaniard), *negro* (black), *mestizo*, and *mulato*.

These categories of difference were fluid and negotiable, and the category of *mestizo* was especially so.¹¹⁷ It could be applied to a wide range of people with mixed European and Indian ancestry. Gabriel was consistently described by the court and by his accuser, Vellerino, as a *mestizo*, but that does not mean he was identified that way throughout his life. Joanne Rappaport calls the racial and ethnic qualifier a “disappearing category,” meaning that “they [mestizos] could disappear from the legal record and emerge again under a different designation.”¹¹⁸ Depending on the socioeconomic status of the individual, and who was doing the naming, a *mestizo* could also appear in documents as a Spaniard, or an Indian, or appear without any racial or ethnic category.

more on the role of kinship ties, see Ida Altman, *Emigrants and Society: Extremadura and America in the Sixteenth Century*, 1989. Expeditions also recruited from specific places. Numerous soldiers on the Luna expedition were recruited from Mexico City; however, it is unclear where the captain Sotelo, Gabriel’s captain, recruited from. Priestly, *The Luna Papers*, xxviii-xxxi.

¹¹⁶ In particular, this phrase stands in contrast to the system of *castas*, which did not develop in Spanish America until the mid seventeenth-century.

¹¹⁷ Rappaport, *Disappearing Mestizo*, 10. While all racial or ethnic identifiers were fluid and dynamic, *mestizo* was all the more so, because *mestizo* did not characterize a group of people in the same way as categories like Spaniard or Indian, which held specific legal meaning.

¹¹⁸ *Ibid.*, 10.

This is evident in Gabriel's own case. His second wife, Leonor, was not described by Gabriel as a mestiza, yet her final will and testament reveals that she was the daughter of a Spaniard and an Indian woman. Her will and testament does not refer to her as a mestiza either. Leonor would fall into a category that Schwaller calls "tacit *españoles*." By this, Schwaller refers to those who, despite knowledge of their mixed ancestry, were not ascribed a *género* and instead, by implication, were accepted into the broader *género* of *españoles*. This could be due to their socioeconomic status, parentage, and familiarity with Spanish society.

In the early colonial period, this was an important distinction to make because the term mestizo was, in Rappaport's words, a "category of exclusion."¹¹⁹ There was an assumption that most mestizos were illegitimate children. Their mixed birth threatened both the purity of Spanish bloodlines (*limpieza de sangre*) and attempts at colonizing and Christianizing Indians, since mestizos were thought to corrupt that process.¹²⁰ In the second-half of the sixteenth century, mestizos were also associated with rebellion.¹²¹ Calling someone a mestizo drew upon these negative connotations and could be used to exclude someone from certain privileges reserved for only Spaniards or Indians.

Gabriel never referred to himself as mestizo. When he was given the opportunity to state his name, age, and where he was from, he called himself "Gabriel Carrasco *el mozo* (young lad)."¹²² Similarly, neither of his two lawyers ever called him mestizo.¹²³

¹¹⁹ Ibid., 13-15.

¹²⁰ Ibid., 14. For more on *limpieza de sangre*, see María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford: Stanford University Press, 2008).

¹²¹ Rappaport, *Disappearing Mestizo*, 15.

¹²² Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6r.

¹²³ The only time that Gabriel's lawyers used the term mestizo was in reference to the individual who persuaded Gabriel to escape prison with him, somebody his lawyer wanted to portray in a negative light. AGN Inq. vol. 27, exp. s/n, fols. 20r-21v.

Instead, they also emphasized his young age and called him *mi menor* (my minor), which was important for legal purposes.¹²⁴ Not a single witness who supported his defense called him mestizo either. Many of these individuals had known Gabriel for some time and considered him a friend. Those close to him were either intentional about not using the term, or, they simply did not think of using the term, and instead accepted Gabriel as tacitly *español*.

In contrast, the judge Barbosa, the notary, and Gabriel's accuser Vellerino, consistently used the qualifier mestizo, and some of their witnesses did too. By calling Gabriel mestizo, the court may have been drawing upon the notion that he was a poor example to the Indian community for his *amancebamiento* with María.¹²⁵ That the prosecuting side of the case called Gabriel a mestizo, while Gabriel's side did not, demonstrates that the term, or lack thereof, was being used as a legal tool by both sides. Gabriel's membership within the Spanish community was being debated and contested throughout his trial.

It is unsurprising then, that Gabriel and his lawyers emphasized his Spanish bloodline. Categories of race and ethnicity at the time had as much, if not more to do with parentage as with skin color.¹²⁶ In the *probanza* put forward for Gabriel's defense in his first trial, witnesses were asked to confirm that Gabriel was a good Christian and that he was the son of Pedro Carrasco, a *cristiano viejo* (old Christian).¹²⁷ Gabriel never made

¹²⁴ AGN Inq., vol. 27, exp. s/n, fol. 15r. Gabriel explained that he was a minor because he was younger than 25 and older than 14.

¹²⁵ AGN Inq., vol. 27, exp. s/n, fol. 20v. Gabriel made a prison escape but was soon re-captured. He was punished with 100 lashes.

¹²⁶ Rappaport, 18.

¹²⁷ The term *cristiano viejo* referred to those with "pure" Christian ancestry (*limpieza de sangre*). It was part of a hierarchical system that categorized members of society based on their lineage and religion. For more, see Martínez, *Genealogical Fictions*, 25-30.

any reference to his mother, but because he was called a mestizo by the court and his mother was never named, the assumption is that his mother was an indigenous woman and that he was an illegitimate child. Oddly enough, one of the witnesses, a thirty-year-old man named Juan Cordero, said he had known Gabriel since birth and stated that Gabriel was the son of honorable parents, both *crístianos viejos*.¹²⁸ This testimony is confusing, since it is clear that his mother was not a *crístiana vieja*, but perhaps Cordero was referring to a Spanish wife of Pedro Carrasco's and simply assumed that Gabriel was their legitimate son, or maybe he forgot the details of Gabriel's family but generally considered him to be the son of good Christians. Whatever the reason, the error demonstrates that Cordero held Gabriel in high regard and of good Christian parentage.

Having honorable parents could minimize the negative implications of one's mestizo identity, and it appears that Gabriel utilized that distinction. By emphasizing his Spanish background and not using the descriptor mestizo, Gabriel became a "tacit *español*," and was accepted by some as an implied part of the Spanish *género*. While these decisions were likely a part of his legal strategy, they also reflect his ability to claim membership in a Spanish community, a membership that was affirmed by numerous witnesses.

Gabriel and Indian Communities

Though it is evident that Gabriel could pass as a "tacit *español*," he remained socially flexible, and could move between Spanish and Indian worlds. As a vecino of Michoacán, Gabriel would have been familiar with indigenous communities and languages. Population studies for the cities of Guayangareo and Pátzcuaro in Michoacán

¹²⁸ Testimony of Juan Cordero, AGN Inq. vol. 27, exp. s/n, fol. 50r.

in the 1570s estimate that there were 200 Spanish families and 100,000 indigenous residents.¹²⁹ While there was a growing Spanish presence in the region, and his hometown was a Spanish administrative center, Gabriel lived in an indigenous world.

This familiarity with indigenous cultures and languages is evident in his choice to live with María, who required a translator to give her testimony. Gabriel also chose to move to Chiapa with her where, according to one witness, Gabriel worked as a blacksmith in the area's Indian pueblo.¹³⁰ Gabriel's case provides some useful hints that show how he navigated between the Spanish and Indian communities in Chiapa.

In 1542, Chiapas was made a diocese, and within that diocese, Ciudad Real, present-day San Cristóbal de las Casas, was the only Spanish town.¹³¹ By the 1570s it was reported to have seventy-five vecinos, forty-seven of them *encomenderos*. Within the diocese were also forty Indian towns.¹³² Gabriel lived there for just a few years in the early 1560s. When Gabriel explained to the court how he left María, he said that he left her and the children with “*las indias mexicanas que están poblados junto a la dicha ciudad* (the Mexican Indian women who live next to the city).”¹³³ This explanation implies that there was a separation between Spanish and Indian communities within the immediate area, a normal structure for colonial cities established by Spaniards.¹³⁴

However, while Francisco worked and likely lived in the Indian pueblo, he also had ties

¹²⁹ Nesvig, 12.

¹³⁰ Testimony of Antonio Rodriguez, AGN Inq. vol. 27, exp. s/n, fol. 100v-101r.

¹³¹ Oakah L. Jones, *Guatemala in the Spanish Colonial Period* (Norman, OK.: University of Oklahoma Press, 1994), 63.

¹³² *Ibid.*

¹³³ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6r.

¹³⁴ Administratively, New Spain was divided into the *republica de indios* (Indian republic) and the *republica de españoles* (Spanish republic). This administrative division manifested itself in cities, which were divided into Spanish and Indian spheres, though these boundaries were often crossed. Velasco Murillo, *Urban Indians in a Silver City*, 57.

to the Spanish community in Ciudad Real de Chiapa. One of the witnesses, whose testimony accompanied that of María's, was a woman named doña Catalina de Mazariegos, identified as literate, and likely Spanish or a "tacit *española*." Doña Catalina testified that Gabriel had left María *encomendada* (under her care) for four months while he went to Guatemala.¹³⁵ Moreover, it appears he had connections to the city's vecinos, since María claimed that he wrote to the vecinos asking them to take care of her.¹³⁶ However, Gabriel never called himself a vecino of the city, nor was he referred to as a vecino by others. He may have operated within both the Spanish and Indian communities, but he was likely limited in his ability to participate as a full member of the city, a city of over forty *encomenderos* and nearly eighty vecinos. Gabriel was neither an *encomendero* nor a vecino, and so his access to community privileges was limited.

Gabriel and Naturaleza

As an American-born mestizo, Gabriel faced a dilemma when it came to the concepts of *vecindad* and *naturaleza*. Despite the fact that Michoacán was his birthplace, Gabriel did not claim *naturaleza* as an indigenous person could, or perhaps he did not want to, because that would undermine his claim to membership in a Spanish community. This makes sense, considering that American-born Spanish men did not claim *naturaleza*, but only *vecindad* of the places they considered hometowns.¹³⁷ Effectively, this meant that some individuals did not have any claim to any form of *naturaleza* in sixteenth-century New Spain. American-born Spaniards and mestizos who used the term vecino as a descriptor of their birthplace were therefore conflating *vecindad* and *naturaleza*, and in

¹³⁵ Testimony of doña Catalina de Mazariegos, AGN Inq. vol. 27, exp. s/n, fol. 60v.

¹³⁶ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 7r.

¹³⁷ Rappaport, *Disappearing Mestizo*, 9.

the process complicating what vecino could mean in their New World context.

This is further complicated by the fact that, in the sixteenth century, people did not call themselves vecinos of multiple places at the same time. In written documentation, someone was a vecino of one place at a time. For example, Francisco González, the subject of the next chapter, was a vecino in Toluca, but he left Toluca and sought to claim *vecindad* in Nombre de Dios. However, had he achieved *vecindad* there, he would not have identified as a vecino of both Toluca and Nombre de Dios before the court. He would have exchanged *vecindad* in one place, for *vecindad* in another. This must have been in part due to the implication that vecinos lived in the place where they were a vecino—like *vida maridable*, the term obligated physical presence.¹³⁸ In contrast, someone could describe themselves in terms of both *naturaleza* and *vecindad* at the same time. Luisa, for example, was a natural of Sevilla *and* a vecina of Mexico City. Becoming a vecina of Mexico City did not diminish her claim to *naturaleza* in Spain.

If Gabriel wanted to become a vecino of a new city, say Ciudad Real de Chiapa or Mexico City (where his last two marriages took place), he would face the dilemma of how to do so, and at the same time keep his connection to his hometown, his place of birth. He could be an *estante* or *residente* of those places, but the terms did not imply the same privileges as vecino.¹³⁹

Perhaps, then, in the absence of being able to claim *naturaleza* in New Spain, the descriptor vecino became all the more powerful and binding. Gabriel's membership in a

¹³⁸ Herzog, *Defining Nations*, 6-7.

¹³⁹ Privileges could include voting, holding elected office, or access to commercial advantages, as well as social distinction. *Ibid.*

community, and the privileges that came with it, were firmly rooted in Michoacán. Could this be why he left María and began to make his way north?

Returning Home

After his departure from Chiapas, Gabriel travelled to Oaxaca, where he met Leonor de Guecho. He told his confessor there, a Dominican friar, that he wanted to marry her, and when the friar asked if he was single or married, he said he was single.¹⁴⁰ However, Gabriel and Leonor did not marry in Oaxaca. Their marriage took place in Mexico City, but they did not stay there either. Leonor's final will and testament, which is provided in the case documentation, was taken in Guayangareo, Michoacán.¹⁴¹

It appears, then, that Gabriel left Chiapas with some intention to return home, or at least that he developed this intention along the way. In Guayangareo, he had close family ties that he did not have in Chiapas. His father, Pedro, wrote to him during his trial, referring to him as his *deseado hijo* (dear son). He ended the letter by stating that he and Gabriel's two sisters and brother had great desire to see him, and concluded with a plea to God for his son.¹⁴² This intimate glimpse into Gabriel's family and the display of affection show that he maintained deep connections to his home in Michoacán, where he not only had a father who cared for him, but siblings too.

In addition to his family, witness testimony reveals that he had a network of social ties in Mexico City. One witness who called himself a vecino of Mexico City stated that he had known Gabriel since birth.¹⁴³ Five of eight witnesses in his defense were vecinos in Mexico City, two were *estantes*, and the last witness did not specify, but stated that she

¹⁴⁰ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6v.

¹⁴¹ Final Will and Testament of Leonor de Guecho, AGN Inq. vol. 27, exp. s/n, fol. 23r-24v.

¹⁴² Letter to Gabriel Carrasco, AGN Inq., vol. 27, exp. s/n, fols. 77r-v.

¹⁴³ Testimony of Juan Cordero, AGN Inq. vol. 27, exp. s/n, fol. 50r.

lived among Indians in the city. Most of these individuals participated in the expedition to Florida or were part of the preparation to go. Five of the six male witnesses were literate as well. None of the eight were assigned to any racial or ethnic category. They were likely Spaniards, though it is very possible some, like Gabriel, were “tacit *españoles*” of Spanish and Indian heritage. Not only did he have community in Mexico City and Michoacán, but he had ties to literate Spanish (or tacitly Spanish) vecinos.

Beyond the witnesses, Gabriel’s case also revealed that he had a support network within the region. Gabriel named both of his *curadores*, asking Barbosa to confirm them as his legal representation.¹⁴⁴ Moreover, in his efforts to secure a work release from prison, he called on three *fiadores*, people who, of their own free-will, took on personal and financial responsibility in the case that Gabriel chose to flee.¹⁴⁵ Between his family, his community of Florida expeditionaries, and his legal help, it is clear that Gabriel had advantageous social ties in Mexico City and in Michoacán, ties that perhaps drew him back to these places.

Vida Maridable

Why, then, did Gabriel choose to marry so soon after leaving Chiapas? He essentially lived a married life with María before he moved, and he did not leave with the intention of abandoning her entirely. Gabriel confessed that he wrote letters to María, in which he begged her to look after the children and stated he would go see her and his kids.¹⁴⁶ María’s own statement confirms this.¹⁴⁷ It does not appear that he wanted to

¹⁴⁴ AGN Inq. vol. 27, exp. s/n, fol. 15r; 68r-69r. His first *curador* was named Alonso de Alcohola, and the second was Blas de Morales.

¹⁴⁵ AGN Inq. vol. 27, exp. s/n, fol. 81r; 90v.

¹⁴⁶ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 7r.

¹⁴⁷ Testimony of María, AGN Inq. vol. 27, exp. s/n, fol. 60r.

terminate his relationship with María entirely. However, it is also clear that he wanted to marry someone else.

One way that Gabriel negotiated the meaning of his marriages was with the concept of *vida maridable*, a concept that factored into nearly every part of the trial. When Vellerino wrote, he spoke of the *vida maridable* between Gabriel and María, and asked witnesses to confirm that they saw the couple make married life. When Gabriel's lawyers wrote, they asked witnesses to testify to his *vida maridable* with Francisca de Vargas, whom they consistently called his *legítima muger* (legitimate wife). Married or not, it was with María that Gabriel lived the longest and, in practice, lived all the aspects of *vida maridable*, save the wedding.

Perhaps the most interesting use of the phrase, or lack thereof, was in Gabriel's own confession. He stated: "it's true that he *hizo vida* (made life) with the said María India all of the time they were there [in Florida] which was about a year. They slept in the same bed together as if they were husband and wife, during which time they had one of their three children (a son)."¹⁴⁸ In this statement, Gabriel was more or less explaining the meaning of *vida maridable*, but he stopped short of using the word *maridable*. In contrast, he explained that he made *vida maridable* with Leonor until she passed away, and then again with Francisca Vargas, up until the point he was imprisoned. Gabriel, in his own confession, manipulated the term and its meaning to suit his context. When using the term with Leonor and Francisca, Gabriel was referring to the act of living together, being in one another's company. However, with María, this same behavior did not constitute *vida maridable*, because according to Gabriel they were never legally married.

¹⁴⁸ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6v.

Regardless, it is clear that Gabriel treated María as his wife, even if he did not consider their union a legitimate marriage. It was not for lack of married life, then, that Gabriel left Chiapas. What Gabriel did not have in Ciudad Real de Chiapa were his relatives, his hometown, or his *vecindad*. Moreover, his relationship with María tied him more closely to an indigenous community rather than a Spanish one. His subsequent marriages would have the opposite effect.

Less than two years after his departure from Chiapas, Gabriel married Leonor; and just five months after she passed away, he married Francisca. That he remarried so soon after Leonor's death suggests that Gabriel was intent on marriage. Marrying both Leonor and Francisca gave Gabriel stronger ties to a Spanish community. Leonor described her parents as *vecinos* of Oaxaca, and her final will and testament revealed that she had some economic means.¹⁴⁹ Both women were described by their relationship to male relatives. When Gabriel mentioned Leonor, he called her the sister-in-law of an Arenillas, and when talking about Francisca, the daughter of a Juan de Vargas.¹⁵⁰ These women carried more ties to Spanish society than María. By marrying them, Gabriel was claiming membership in Spanish society, and likely seeking the benefits of said membership.

Conclusion

Whether or not Gabriel and María ever married is impossible to discern. However, the fact that he contracted both of his subsequent marriages in Mexico City, where many of his friends from the expedition to Florida were living, suggests that Gabriel considered himself free to marry another woman. If he thought he was

¹⁴⁹ Final Will and Testament of Leonor de Guecho, AGN Inq. vol. 27, exp. s/n, fol. 23r-24v.

¹⁵⁰ Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6r-v.

committing a crime, why would he do it around people who would know, and in the administrative center of New Spain?

In his evaluation of bigamists in New Spain, Richard Boyer points out that some bigamists entered into another marriage in order to avoid various sins of illicit coupling.¹⁵¹ This is part of his broader argument that most bigamists were trying to abide by the norms of society. However, this was not the argument put forward by Gabriel. The judge Barbosa asked Gabriel if he confessed to his *amancebamiento* while in Florida, to which Gabriel responded: “I confessed with a priest of the said Florida, whose name I do not remember... and he told me to separate from her and leave her.”¹⁵² Gabriel then confessed in Chiapas with a Dominican friar, but he did not say anything about María because she was with him. Gabriel’s use of confession, and subsequent disregard for his confessor’s advice, shows that he consciously and actively chose *amancebamiento* for his life. Moreover, he had no qualms with admitting to *amancebamiento* before the court and used that as his primary defense; María was never his wife, only his *manceba*. Gabriel negotiated what it meant to be married according to his contexts.

Gabriel’s final petition before the court asked that Francisca, his current wife, be returned to him.¹⁵³ Between his imprisonment and subsequent release, Francisca had left Gabriel and begun a relationship with somebody else.¹⁵⁴ Gabriel’s petition was granted, and he moved forward with his life as the husband of Francisca. Meanwhile, María was left in Ciudad Real de Chiapa to care for his three children, and maybe, one day, to remarry herself.

¹⁵¹ Boyer, *Lives*, 103.

¹⁵² Testimony of Gabriel Carrasco, AGN Inq. vol. 27, exp. s/n, fol. 6v.

¹⁵³ AGN Inq. vol. 27, exp. s/n, fol. 109r-v.

¹⁵⁴ *Ibid.*

Table 2.1: Timeline for Gabriel Carrasco

| | |
|-------------------|---|
| Ca. 1544 | Gabriel is born, likely in Guayangareo, Michoacán. |
| Ca. May 1559 | Gabriel is in Xalapa, preparing to leaving on the expedition to Florida. It is in Xalapa that the alleged marriage to María occurred. |
| 11 June 1559 | Gabriel and María leave on the expedition for Florida. |
| — | Gabriel and María go to Ciudad Real de Chiapa. |
| — | Gabriel leaves María and goes to Oaxaca where he meets Leonor de Guecho, together they go to Mexico City and get married. |
| late 1564 | Leonor de Guecho dies. |
| early 1565 | Gabriel marries Francisca de Vargas in Mexico City. |
| 30 July 1565 | Juan de Vellerino, <i>fiscal</i> , denounces Gabriel, Gabriel imprisoned and questioned this same day. |
| 2 August 1565 | Gabriel writes to the provisor, asking to be freed. |
| 9-13 August 1565 | Gabriel gives power of attorney to Alonso de Alcohola, soon after Alcohola is confirmed as his <i>curador</i> . |
| 14 August 1565 | Gabriel escapes from prison, Juan de Vellerino re-captures him |
| 30 October 1565 | Witness testimony from Chiapas is taken, includes María's testimony |
| 4 September 1565 | Gabriel punished for his prison escape, 100 public lashes |
| 14 November 1565 | Gabriel writes the provisor, asking for a conclusion to the case, and asking for a lawyer. The provisor assigns him the <i>licenciado</i> don Estevan de Portillo |
| 20 November 1565 | Barbosa absolves Gabriel because the <i>fiscal</i> has not presented his material |
| 3 April 1566 | Vellerino presents his <i>probanza</i> to the provisor (not Barbosa) showing María is alive in Chiapa. He asks the provisor for to send a letter to Michoacán calling for his imprisonment. |
| 18 September 1566 | Barbosa writes a letter to officials in Michoacán to capture Gabriel based on the testimony that came in from Chiapa. |
| 24 September 1566 | An Antonio Ramirez, vecino of Mexico City and <i>fiscal</i> , is sent to Guayangareo to find and imprison Gabriel, and to sequester his belongings and have an inventory of them taken. |
| 7 October 1566 | Gabriel is in the prison of the archbishopric and asks for the reason for his imprisonment. |
| 9 October 1566 | Vellerino puts forward his accusation. Gabriel writes that he is a minor and needs to be provided with a <i>curador</i> . Gabriel names Blas de Morales, and Morales accepts. |
| 5 November 1566 | Barbosa gives Vellerino a four-month extension for his <i>probanza</i> . |
| 6 November 1566 | Gabriel reports that he is sick and crippled. He asks to be freed from his chains. Barbosa says okay, but only with <i>fiancas de carcel segura</i> . Two <i>fiadores</i> are named and accept. |
| 7 December 1566 | After many letters to the court, Gabriel is let out of prison to work. He agrees to stay in the city and not leave without a license. Francisco Ortiz is his <i>fiador</i> . |

| | |
|-----------------|---|
| 7 January 1567 | Vellerino asks for two more months because he has yet to find a messenger to send to Chiapas. Barbosa gives him a three-month extension. |
| 27 January 1567 | Gabriel presents his <i>probanza</i> |
| 3 March 1567 | Gabriel asks for publication of witnesses |
| 8 March 1567 | Vellerino asks for time to ratify the testimony of Andres Ruíz, one of his initial witnesses who refused to ratify his testimony in 1565. |
| 11 March 1567 | Morales writes, asking that Gabriel be absolved and to deny Vellerino's request. |
| 11 April 1567 | Barbosa confirms his initial sentence from November 1565. Gabriel is set free. |
| 21 April 1567 | Gabriel asks for a provision from Barbosa, so that wherever his wife Francisca is, that she be returned to him, and that the provision include a copy of his final sentence. The provisor grants him the provision. |

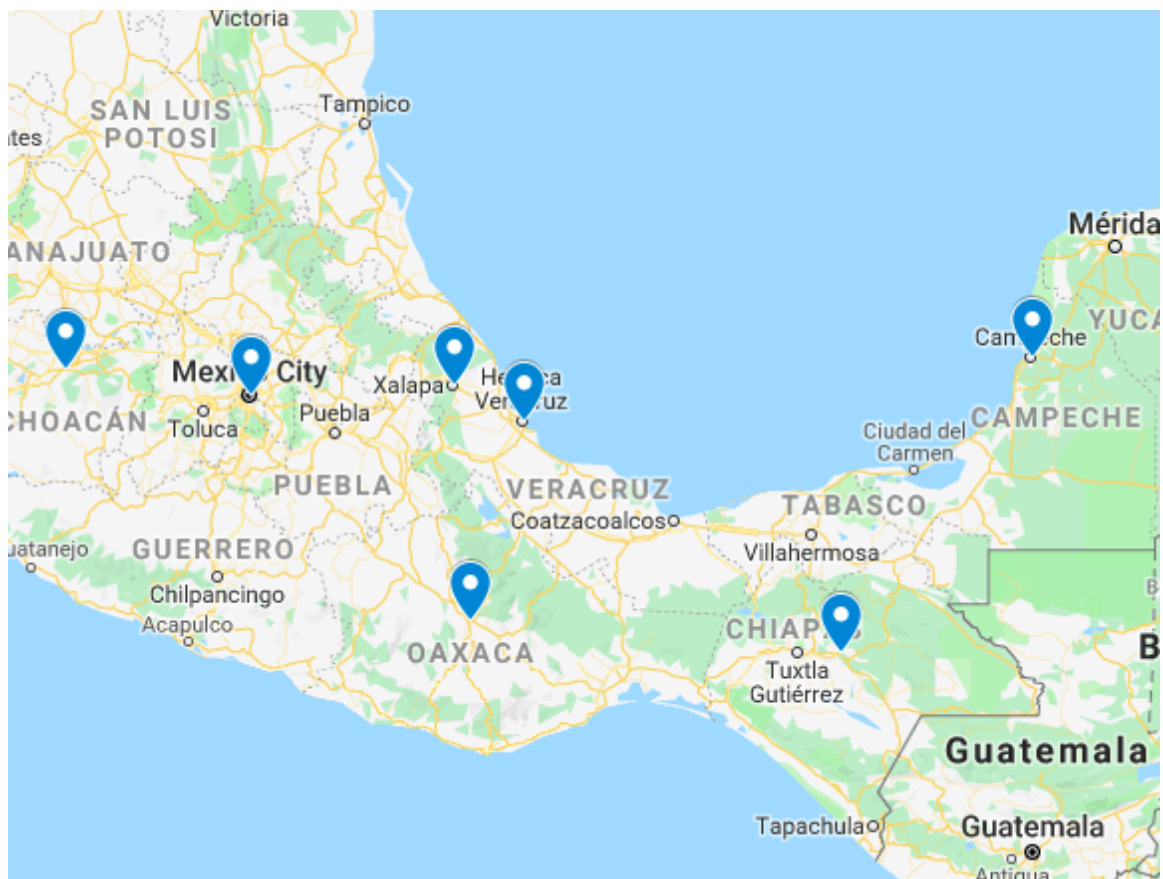


Figure 2.1: Map of locations that Gabriel Carrasco lived in, or travelled to, in Mexico ca. 1558-1567

Chapter Three: Francisco González

“Hombre viejo de edad de 50 años cano flaco pequeño de cuerpo pocas barbas y la nariz corva y colorado como hombre que tiene la del monte vestido de negro [elderly man of fifty years of age, grey-haired, with a thin, small body, not much of a beard, and a crooked nose, reddish in color, like a man from the mountains, dressed in black]”
Physical description of Francisco González, March 9, 1573. AGN Inquisition vol. 212, exp. 17, fol. 232r.¹⁵⁵

Francisco González got around. By the time he was in his forties, he had married at least three different women, possibly as many as five, most of them still alive by the time he was imprisoned by the Spanish Inquisition in Mexico City in 1572. When a cell-mate asked him why he was in the prison of the Holy Office, Francisco responded that it was either because he was sleeping with the godmother of his children, or because he was being accused of bigamy.¹⁵⁶

After hearing the accusation leveled against him, Francisco reportedly returned to his prison cell dancing with joy: the Inquisition had accused him of bigamy, but only on a few accounts. They did not seem to know about his first wife in Spain, or that his real name was not in fact Francisco González.¹⁵⁷

Francisco, whose real name remains a mystery, was born in San Martín del Castañar in the province of Salamanca, Spain, and married for the first time around the age of fifteen. According to one witness, he left his first wife because she was too

¹⁵⁵ All translations are by the author unless otherwise noted.

¹⁵⁶ Testimony of Gómez de Leon, AGN Inquisition vol. 96, exp. s/n, fols. 25r-28r.

¹⁵⁷ Ibid.

poor.¹⁵⁸ Francisco travelled as a *criado* across the Atlantic to Hispaniola, where he lived and worked for ten years. From Hispaniola he left for Mexico, and by his late twenties settled in the Toluca Valley where he met and married the mestiza Leonor Juárez. They were married almost ten years and had a few daughters before Francisco joined an expedition leaving for Florida in 1559. He left Leonor and his daughters in the care of a friend in Coyoacan, located on the outskirts of Mexico City; however, when he returned two years later, the friend told him that his parents-in-law had come to Coyoacan and had taken Leonor back to Toluca. Francisco journeyed to Toluca to speak with his father-in-law, Juan Juárez, who told Francisco that Leonor was dead and angrily advised him to “go look for her in heaven.”¹⁵⁹ Leonor, however, was not dead, and the story gets only more complicated from there.

After searching for Leonor, Francisco left on an expedition into the northwest of Mexico, what is now Durango, under the leadership of Francisco de Ibarra. In 1563, Francisco was named *regidor* (councilor) of the new settlement Nombre de Dios, north of Zacatecas. There, the friar Pedro de Espinareda arranged and performed a marriage between Francisco and a *mulata* named Ana, the sister-in-law of the *alcalde* (magistrate) Alonso García.¹⁶⁰ Soon after the marriage ceremony, Francisco disappeared from

¹⁵⁸ Ibid.

¹⁵⁹ “*que hera muerta que la fuese a buscar al cielo.*” This phrase is recalled fifteen different times throughout Francisco’s testimony and other witness testimony. Francisco’s friend, Diego Hernández de Toro, was present during this exchange and stated that Juan made this statement out of anger. He also speculated that Juan was upset because Francisco left for Florida against his will, AGN Inq. vol. 96, exp. s/n, fols. 76r-78v.

¹⁶⁰ This sentiment is expressed in two instances within the case. A friend testified that “Francisco did not want to marry a *mulata*, but instead with his equal” (AGN Inq. vol. 96, fol. 77r). In addition, Francisco said that he did not want to marry Ana because others would make fun of him for marrying a *mulata* (AGN Inq. vol. 96, fol. 96r).

Nombre de Dios never to be seen again by many of his fellow settlers. Friar Espinareda even posited that Francisco had left for China.¹⁶¹

Following his departure from Nombre de Dios, witnesses testified that Francisco attempted to marry two more times, first to the *criada* of a vecino of Nombre de Dios, just eight leagues from the new town. Little is mentioned about this instance. Two witnesses asserted that Francisco had tried to marry one more time, on this occasion in Guadalajara, 500 kilometers south of Nombre de Dios. Francisco was working in the mines of the hacienda of a Diego de Villegas when, according to witnesses, he took one of Diego's *criadas* from his home, an india named Catalina, and promised to marry her. On their way from the mines into the city of Guadalajara, a *criado* of Diego de Villegas intervened and took Catalina back to her employer's home. Neither witness knew whether or not the two actually married.

By October of 1564, Francisco was back in Toluca where he was placed in the public prison, having been accused of bigamy by his father-in-law, Juan Juárez. Less than four months later, in January of 1565, Francisco was set free. During this process, Leonor was found living in the home of a married couple in the city of Azcapotzalco, north of Mexico City. In December of 1564, she and Francisco were brought before the *teniente* (deputy) in Toluca—while Francisco said that he recognized Leonor and that she was his wife, Leonor said that Francisco was *not* her husband. Regardless, the *teniente* ordered the two to reunite and live together. According to Francisco, the couple remained

¹⁶¹ China could refer to the Philippines. There was an expedition that was preparing to leave Mexico for the Philippines in 1563 and 1564. There were a handful of members of the 1559 Luna expedition to Florida who afterwards joined this expedition to the Philippines, including two captains (see AGN Mercedes, vol. 7). Clearly, Francisco did not actually go on that expedition, but it is possible that Friar Pedro de Espinareda was referring to this specific expedition.

together until he was imprisoned again in 1572, this time by the Inquisition. In 1573, Francisco escaped from prison, was soon recaptured, and one year later, in 1574, he was finally condemned and punished as a bigamist.¹⁶²

Francisco was what one might call a capital ‘B’ Bigamist. He was the type of man that the Council of Trent worried about when it wrote:

Many are those who walk vagrantly and who do not have a fixed home. As they are of perverse inclination, they abandon the first wife, and marry in various places with another, often many others, meanwhile the first wife still lives. This holy Council, being desirous to remedy this disorder, paternally admonishes those involved to not allow so easily the marriage of this species of vagabond men.¹⁶³

While in many ways Francisco fits the stereotype of a threatening, vagrant bigamist put forward by the Council of Trent, he also partially falls under Boyer’s description of bigamists as people who were trying to abide by social norms and fit into their communities. Francisco’s decisions to marry were motivated by his desire for community membership. When his communities were disrupted, he sought new ones, and part of this process involved new marriages. However, he contradicts Boyer’s characterization in that his decisions to commit bigamy were permitted by his disregard, rather than respect, for certain social norms, specifically when it came to following the law and submitting to religious authority. Becoming established in each new place was at the forefront of his

¹⁶² The entire narrative presented here comes from the combination of sources presented in Francisco’s cases in AGN Inq. vol. 96, exp. s/n., with the exception of his prison escape, which comes from AGN Inq. vol. 212, exp. 17. Unless otherwise noted, all information about Francisco and his story comes from his two court cases, both of which are in the same *expediente* in AGN Inq. vol. 96, exp. s/n. See tables 1 and 2, and map 1 for a timeline of Francisco’s life, a cast of characters from his case, and a map of where he lived in or travelled to in Mexico.

¹⁶³ “Muchos son los que andan vagando y no tienen mansión fija, y como son de perversas inclinaciones, desamparando la primera muger, se casan en diversos lugares con otra, y muchas veces con varias, viviendo la primera. Deseando el santo Concilio poner remedio a este desorden, amonesta paternalmente a las personas a quienes toca, que no admitan fácilmente al Matrimonio esta especie de hombres vagos; y exhorta a los magistrados seculares a que los sujeten con severidad; mandando además a los párrocos, que no concurran a casarlos, si antes no hicieren exactas averiguaciones, y dando cuenta al Ordinario obtengan su licencia para hacerlo” (Concilio de Trento, sesión XXIV, 11-11-1563), found in Ghirardi and López, “El Concilio de Trento,” 246.

decisions to marry, and he remained optimistic that the law would not affect him. What follows is a close analysis of Francisco's case that first asks what Francisco knew about marriage and bigamy based on his defense strategies in each trial, and then probes into the nature of his communities.

The Trial

Bigamy was an act of heresy in the eyes of the Church, which was why the crime fell under the purview of the Inquisition. However, the Spanish Inquisition did not view all bigamists as heretics. In general, the institution expressed concern with the extent to which an accused individual understood and persisted in their crime. This view was rooted, in part, in the work of St. Augustine, who argued that only those who refused to be corrected were true heretics.¹⁶⁴ This distinction certainly played out in bigamy trials. Pedro Moya de Contreras, New Spain's first inquisitor general from 1571-1573 (and the inquisitor who oversaw Francisco's trial) argued that bigamy should be charged "to the extent that the accused understood their crimes without any need for lengthy theological peregrination."¹⁶⁵

In the eyes of the Inquisition, Francisco was someone who both understood and persisted in his act of heresy. This is clear in the Inquisition's written accusation against Francisco, put forward roughly a week after his imprisonment. In the accusation, the *Licenciado* Bonilla said that Francisco acted in great contempt of the sacrament of marriage, in particular when he married a third time. At the end of the accusation, Bonilla summarized that Francisco had "done, said, had, and believed these said things against

¹⁶⁴ Nesvig, *Ideology and Inquisition*, 45.

¹⁶⁵ AGN, Inq. vol. 1111, exp. s/n, fol. 88, found in Nesvig, *Ideology and Inquisition*, 305.

the holy faith.”¹⁶⁶ Following the accusation, Bonilla called for Francisco to be tortured until he told the whole truth.¹⁶⁷ In the end, Francisco was sentenced to 200 public lashes, a 300 peso fine, and four years of banishment.¹⁶⁸ In the eyes of the Inquisition, he was guilty. However, how did Francisco understand his decisions?

Francisco’s case is unique in that, within one bundle of documents there are two different trials from two different types of courts—one municipal, the other inquisitorial—separated by a period of nearly ten years, providing two distinct windows into Francisco’s view of his predicament. Asking about Francisco’s perspective requires an analysis of his testimony and defense strategy from 1564, and then again from 1572. This analysis reveals that Francisco was familiar with Catholic marriage procedures, and that he knew bigamy was a legal offense. Yet, his understanding of bigamy was contextual, and informed by his experiences and communities. Ultimately, he did not express religious remorse for his actions.

In his first case, Francisco did not use a lawyer, but represented himself before the judge, the *alcalde mayor* (principal magistrate) of Toluca. Francisco was literate and used this skill to write persistent letters to the court. Within the first few days of his imprisonment in early October of 1564, Francisco presented a letter asking that witness testimony be collected and demanding that his in-laws be brought in for questioning.¹⁶⁹ His father-in-law, Juan, was originally given just nine days to present his witnesses to the court, but the court granted a fifty-day extension.¹⁷⁰ On 10 October, Francisco took the

¹⁶⁶ AGN Inq. vol. 96, exp. s/n, fol. 83v.

¹⁶⁷ Ibid., 83r-86v.

¹⁶⁸ Ibid., 128r.

¹⁶⁹ Ibid., 35r.

¹⁷⁰ Ibid., 40r.

liberty of drafting five questions for the court to ask witnesses on his behalf.¹⁷¹ He increased the pressure one month later and put forward a criminal complaint against his in-laws, and also asked that his wife, Leonor, and their daughter be returned to him.¹⁷² In December, Francisco promptly notified the judge that his father-in-law, Juan Juárez, had run out of time to bring witness testimony before the court. Francisco asked for a publication of witnesses, and then filed another complaint against Juan. He wrote again on 4 December, calling for Juan's imprisonment, and repeated the same request on the following day and again on 9 December.¹⁷³

In these requests, Francisco presented two reasons for his complaint against his father-in-law: the first, that Juan was obligated to give Francisco notice of Leonor's whereabouts when he brought her from Coyoacán to Toluca; the second, that Juan lied and told Francisco that Leonor was dead. Francisco ended his complaint by saying that Juan's case against him was malicious, that Juan had not proved anything, and that being imprisoned had left him crippled and sick. Francisco pointed to the ways in which Juan, rather than himself, had disrupted the community. The tactic worked well. One month later the judge called for a conclusion to the case, and by the end of January 1565, Francisco was set free. His savvy and aggressive legal maneuvering seemed to be his principal strategy, but he also put forward a few other lines of defense.

In his testimony to the judge, Francisco did not deny his marriage to Ana in Nombre de Dios, but he did shed doubt on the legitimacy of the marriage by saying that

¹⁷¹ Ibid., 39r-v.

¹⁷² Ibid., 41r.

¹⁷³ Although Francisco called for Juan's imprisonment, the *teniente* responded by imprisoning Leonor's mother, the india Catalina, with the order that she be imprisoned until she gave an account of her daughter and granddaughter's whereabouts. It is difficult to discern why the *teniente* responded this way, perhaps it had to do with Juan's influence and social status as a Spanish landowner in Toluca, or because he thought that Catalina would be the one to know where Leonor was living. Ibid., fols. 46r-52v.

he and Ana were never *velado* (veiled), and that he only gave Ana *palabras de casamiento*, which usually referred to the promise of marriage.¹⁷⁴ A Catholic wedding was a process that could be drawn out for weeks and was not just a singular moment. Francisco knew to draw upon this process to cast doubt on the completion of his marriage to Ana.¹⁷⁵

Francisco also expressed a clear understanding of the concept of *vida maridable*, or married life, which referred to living with one's spouse in the same physical space. He explained that he and Leonor made *vida maridable* for ten years before he left for Florida, and that he returned to make *vida maridable* with her again. Francisco specified, however, that he did *not* make *vida maridable* with Ana in Nombre de Dios and added that he and Ana never consummated the marriage, casting another layer of doubt on the marriage's legitimacy.¹⁷⁶ Francisco had a firm grasp on the concept of *vida maridable* and used it to make distinctions between legitimate and illegitimate marriage.

On some level, it appears that making such distinctions would be futile: if Francisco and Ana had indeed exchanged consent to marry in front of a priest and witnesses, their marriage was legitimate, whether or not they consummated the marriage or lived in *vida maridable*. So why raise doubts about the completion of the marriage? That he did so shows an understanding, conscious or otherwise, that the meaning of marriage was malleable.

¹⁷⁴ Boyer, *Lives*, 68.

¹⁷⁵ Francisco's future cell-mate in the Inquisition's prison used a similar defense in his own bigamy case, conceding to a bigamous public marriage, but stating that he was never *velado*. Proceeding against Gómez de León, married twice, AGN Inq. vol. 91, exp. 5.

¹⁷⁶ AGN Inq. vol. 96, exp. s/n, fols. 31v, 39r, 84v.

While Francisco did what he could to shed doubt on his marriage in Nombre de Dios, he also sought to justify his marriage to Ana, drawing upon community support for the marriage. In his confession before the court in Toluca, Francisco claimed that prior to the marriage he presented testimony of Leonor's death to prove that he was free to marry. Francisco knew that in order to marry again he had to prove the death of his first spouse. Certifying the death of one's spouse before marrying again was an established part of Iberian law since the medieval period; those who did not provide written proof or witness testimony of the death of an absent spouse were subject to prosecution and fines.¹⁷⁷

Francisco understood this so well that he even presented a false document to the court, wherein his friend Diego Hernández de Toro testified to Leonor's death in front of Friar Espinareda, as well as the *alcalde* and notary in Nombre de Dios.¹⁷⁸ The document is dated December 2, 1563. The problem with this document was that, by the given date, the *alcalde* who allegedly signed it was dead, and the notary was apparently absent at that time as well, at least according to Friar Espinareda.¹⁷⁹ One of the accusations made against Francisco by the Inquisition several years later was that he used false witnesses to testify to Leonor's death. By claiming that he provided testimony of Leonor's death, and by going to such lengths to prove that to the court, Francisco demonstrated that he knew he needed the written proof before he could marry again. More importantly, he knew that he needed the support of his communities, old and new, to marry again.

Francisco kept his defense to these main points and spent most of his effort drawing attention to his father-in-law's lie and putting pressure on the court to bring the

¹⁷⁷ McDougall, "A Male Crime," 434. This expectation persisted into the early modern period, see Poska, "When Bigamy is the Charge," 189-205; and Cook and Cook, *Good Faith and Truthful Ignorance*.

¹⁷⁸ AGN Inq. vol. 96, exp. s/n, fols. 34r-v.

¹⁷⁹ *Ibid.*, fols. 11r-12r.

trial to an end. His defense, however, did not remain static. In the process of communicating with the court in his first trial, he seemed to learn about what the court wanted to hear and adjusted his defense accordingly. In the testimony he provided following his imprisonment, Francisco was prompted to talk about how he provided for his family on the eve of his departure to Florida, and how he searched for his family “like a Christian is obligated to do” after his return.¹⁸⁰ He did not offer these details of his own volition but, after being asked, he gave details about how he searched for his family and how he left some money and goods for Leonor prior to leaving for Florida.¹⁸¹ Just seven days after this testimony, Francisco drafted his own questions to present to witnesses. The first and last questions were routine, but the three questions in-between had precisely to do with these two points first presented by the court. Francisco asked witnesses to confirm that he left Leonor and his daughter in the care of his friend in Coyoacán, and that he left money for them. He then asked them to testify to how he returned and searched for her in Coyoacán, then again in Toluca “*por todas vias y maneras* [in every possible way]”.¹⁸² Francisco crafted his questions to emphasize the same elements that the court itself had emphasized in its interrogation just a few days earlier.

In his second trial, nearly a decade later and before the Holy Office of the Inquisition, Francisco’s strategy underwent some notable changes, exposing some serious contradictions in his narrative.¹⁸³ After hearing the accusation against him, which

¹⁸⁰ *Ibid.*, 31r.

¹⁸¹ Francisco left Ana with 22 pesos, a horse to sell, a cloak, silk, and a bed of clothing. AGN Inq. vol. 96, fol. 32r.

¹⁸² *Ibid.*, fols. 39r-v. Neither of these points came up with the same force in his second trial. He did not tell the Inquisition about how he left money for his family, nor does he say that he searched for them at length, simply that he confronted his father-in-law.

¹⁸³ In this testimony, he also gave more details, naming three friars who were present to perform the marriage. At the same time, he also seemed more cautious in this testimony. Unlike in his first trial, he claimed he did not know the name of the *mulata* he married in Nombre de Dios.

included the claim that he presented false witnesses, Francisco stated for the first time that he was suspicious that Leonor was still alive at the time he and Ana married. He denied that he presented any witness to testify to the death of Leonor, adding that he did not recall whether or not the marriage involved *amonestaciones*.¹⁸⁴

Francisco then added that, fifteen days after he and Ana took hands and just before they were to be *velado*, he ran away and headed for Toluca to search for his daughter. The judge Bonilla followed up with a few questions, asking Francisco whether or not he received a dowry, and what he had done during those fifteen days.¹⁸⁵ Francisco stated that he never received the dowry because they were waiting for confirmation of Leonor's death, and that those fifteen days were not spent as a married couple, but rather waiting for the friar Pedro de Espinareda to bring the death certification, which never came. In this retelling, the entire group involved knew about Leonor and sought to confirm whether or not she was still alive.¹⁸⁶ The community was actively policing the marriage in order to ensure its legitimacy.

After Francisco responded to the accusations, he was appointed a lawyer, and in all of his subsequent testimony, Francisco reverted back to his original claim that he was

¹⁸⁴ *Amonestaciones* refers to the process whereby a married couple posts their upcoming marriage in the local church to give time for anyone to come forward and voice any impediments. Technically after three weeks, the couple is free to move forward with their marriage. Ghirardi and López, "El Matrimonio," 245.

¹⁸⁵ While the inquisitor Moya de Contreras was the principal judge in Francisco's case, the *licenciado* Bonilla also acted as a judge, and was the one to put forward the accusation.

¹⁸⁶ AGN Inq. vol. 96, fol. 83r-86r. In this same retelling, Francisco still tried to show his judges that he had done what he could to verify Leonor's death. He argued that he did his due diligence by confronting Juan, his father-in-law, adding that he even held a dagger to his Juan's chest in order to discern the truth, and that Juan still persisted in saying that Leonor was dead. The additional detail illustrates Francisco's growing insistence that blame lay with his father-in-law, and not with himself. One of the final details that Francisco shared with the Inquisition was that, in the words of Francisco: "after I was absolved and left the prison, he [Juan Juárez], in front of many people, said that he was to blame and asked me for forgiveness." Conveniently, Francisco shared this detail after Juan Juárez had already passed. Whether this actually happened or not, it was a useful line of defense which kept the culpability of Juan front and center. *Ibid.*, fol. 102r.

certain of Leonor's death when he married Ana. When responding to witness testimony towards the end of his trial in July of 1573, Francisco stated that he was always certain of Leonor's death. Again in his final defense, in July, Francisco repeated the same statement.¹⁸⁷ These shifts in testimony demonstrate that Francisco had tried to adjust his defense to the judge's accusations, but in the process, he trapped himself in a contradiction.

Francisco's increased efforts to hide damning information from his inquisitorial judges communicates that Francisco knew his actions were punishable. Still, in his second trial before the Inquisition, as well as in his first trial in Toluca, Francisco showed a spirit of determination; he stuck to his experiential knowledge of marriage, which told him that marriage could be manipulated. Even though he understood that the Church did not approve of his behavior, he does not show that he felt religious remorse. Testimony from a prison-mate suggests that Francisco did experience worry about the consequences of his actions, but as they pertained to his community.

Inside the Prison Cell

Detailed witness testimony from his prison-mate suggests that beneath his spirit of determination Francisco also experienced a lot of worry. Gómez de León, a scribe from Los Angeles, and Francisco were imprisoned the same day. They shared over a year together as prison mates and were two of six prisoners to plan and execute an escape together in March of 1573. Just two months following their initial imprisonment, Gómez appeared before the inquisitor Moya de Contreras, saying that he had something to declare about Francisco and that he wanted to "discharge his conscience."¹⁸⁸ Considering

¹⁸⁷ Ibid., fols. 96r-99r; 101r-103r.

¹⁸⁸ Ibid., fols. 25r-28r.

that he was in the Inquisition's prison for bigamy and gambling, and that the judge had accused Gómez of giving a "confession full of lies" in his own trial, it is unlikely that Gómez had such pure intentions.¹⁸⁹ It is more likely that he offered testimony against Francisco as a way to curry favor with the inquisitors. He would do the same three months later, after he was re-captured just a few days following the escape. Gómez was talkative, certainly more so than the rest, and provides what seems to be an intimate glimpse into Francisco's worries while in prison.

While his testimony is second-hand and is infused with his own motives, there are signs of authenticity. Gómez shared that Francisco lied to the Inquisition about where he was from when Francisco said that he was from Ciudad Rodrigo. According to Gómez, Francisco was worried that the Inquisition would catch him in the lie, because in the proceedings against him in Toluca, Francisco testified he was from San Martín del Castiñar. It is true that in 1564 Francisco said he was from San Martín del Castiñar, and that in his testimony to the Inquisition in 1572, he said he was from Ciudad Rodrigo, likely to prevent the Inquisition from investigating his life back in Spain. That Gómez knew these details shows that it is unlikely that Gómez invented his testimony, though he certainly may have exaggerated certain points.

According to Gómez, Francisco's primary concern after being imprisoned was that the Inquisition would get word of his first marriage in Spain. Francisco heard that a fleet had arrived from Spain the previous month, and he worried that perhaps some testimony or letters regarding his first marriage arrived with that fleet. In response, Gómez encouraged Francisco to confess to his first marriage and beg for mercy.

¹⁸⁹ AGN Inq. vol. 91, exp. 5.

Francisco responded that to do so would “*caerse la casa encima* [make the house fall down on him],” since he had kept the secret for thirty years or more.¹⁹⁰ Francisco resolved to confess to his first marriage only if the judge brought it up. At one point in their discussions, Francisco stated that he would tell the truth, but for the fact that he had children in Mexico whom he loved very much, and that in Spain he did not have any children. About a month into his imprisonment, Francisco was in poor condition and told Gómez that he felt so awful that he wanted to die. Once again, Gómez admonished Francisco to confess, saying “for the love of God do not die without confessing this sin; do not worry about your wife or your children or your estate. Worry just about your soul.”¹⁹¹

Gómez reported similar conversations a second time after he was recaptured in March of 1573. In this testimony Gómez stated: “the said Francisco González cried sometimes, and we asked why he was crying, and he responded—you don’t want me to cry, but they are going to find out about my marriage in Spain and I will never see my wife or kids from here again.” The others in the room, Miguel Martínez and Domingo de la Torre, then asked Francisco, “if you really did marry in Spain as you have said, why not go up and tell the inquisitor?” Francisco responded, “I don’t believe that he [the inquisitor] can verify the marriage, that is unless you all make declarations against me.”¹⁹²

¹⁹⁰ AGN Inq. vol. 96, exp. s/n, fol. 25v.

¹⁹¹ *Ibid.*, 27v.

¹⁹² AGN Inq. vol. 212, exp. 17, fol. 262r. Later, one of those same individuals in the room, Domingo de la Torre, had gone up to hear the accusation against him, and Gómez explained that “Francisco remained very sad and almost crying and asking why he was sad Francisco responded that he knew that the said Torres had gone to the *audiencia* before the inquisitor and was going to say his declaration against him [Francisco] and the said Miguel Martínez responded—‘don’t be pained, Domingo de la Torre is a good kid, he won’t say anything.’”

Gómez de Leon was the only prison-mate who ever offered testimony against Francisco in regard to his marriages. If Gómez can be believed, what comes through is a Francisco sincerely worried about his first marriage being exposed. It is understandable why Francisco would feel stressed and worried—he was at risk of losing the community that he created for himself in Toluca, his family, friends, and any property he owned. His particular worry about his marriage in Spain coming to light shows that Francisco knew he committed bigamy the first time, and that he could suffer severe consequences. But, neither in this testimony nor in any other, does Francisco express the same level of concern about the religious or spiritual consequences of his actions. His fear of being caught is evidence that he knew his actions were legally wrong, but his lack of fear regarding the spiritual consequences of his actions suggests that Francisco was unswayed by the institutions of Catholicism.

Despite these conversations reported by Gómez, Francisco never came forward to his judges to confess the first marriage in Spain. The closest he came to a confession regarding any of his actions was in his response to the accusation put forward by the Inquisition. He described how he had left Ana because he wanted certification of Leonor's death first, and then stated that *if* there was error on his part, to please grant him mercy.¹⁹³

Francisco showed disregard for the institutions of Catholicism not only in his lack of remorse for defying the sacrament of marriage, but also in a few other notable

¹⁹³ In one question drafted by his lawyer towards the end of his case, the lawyer asked witnesses to confirm that Francisco was a good Christian from an old Christian family, that he was fearful of God, and that he would not have married in Nombre de Dios if he had not been certain of the death of his first wife. This sentiment, however, only comes through the voice of the lawyer—Francisco himself does not go so far as to claim that he would not have married a second time if he knew that his first wife was still alive. In fact, he wavers back and forth about whether or not he believed Leonor was dead. AGN Inq. vol. 96, exp. s/n, fol. 103r.

instances. One of the accusations claimed that Francisco had misused the sacrament of confession in order to justify living in *amancebamiento*. The accusation refers to a story told by the friar Pedro de Espinareda. Apparently, in one of the towns that Francisco went to after fleeing Nombre de Dios, he was living in *amancebamiento* with a woman, and the friars there refused to allow him to confess until he separated from her. And so, Francisco left the woman to confess and afterwards enthusiastically returned to her saying—“thank God, now I can be *amancebado*.” In other words, he used confession as a means of persisting in his “sin.”¹⁹⁴

Here, it is important to note that these examples show that Francisco rejected some of the norms of Catholicism, but at an institutional level. On a personal level, it is impossible to know what exactly Francisco believed or experienced. However, there is another clue that shows that perhaps Francisco considered his actions justifiable. According to one witness (another prisoner of the Inquisition) Gómez and Francisco orchestrated a post-escape plan together. After crawling out of the hole they dug from their prison cell, scaling the outer wall, and making their way out of the city, the two intended to collect what goods they could and then make their way to Rome, hoping to petition the Pope for a letter of absolution.¹⁹⁵ Francisco confirms that this was part of the plan in his own testimony, though he stated that it was the idea of Miguel Martínez, the individual who initiated the escape plan. Miguel had a friend who, for a fee of 100 pesos, would help them leave for Rome.¹⁹⁶ The hopeless optimism of these very guilty fugitives is laughable, but also demonstrates that, on some level, they still considered themselves

¹⁹⁴ AGN Inq. vol. 96, exp. s/n, fols. 7r-10r.

¹⁹⁵ AGN Inq. vol. 212, exp. 17, fol. 237v.

¹⁹⁶ *Ibid.*, fol. 331r.

worthy of absolution.¹⁹⁷ These examples demonstrate that Francisco had a complicated relationship with the Church. Religious remorse was not a part of his defense, nor was it his principal concern. Francisco was more visibly concerned with surviving and returning to his community.

Throughout Francisco's trials, the other two possible marriages that occurred after he left Nombre de Dios remained in the periphery. While he was accused of these bigamous marriages, his judges spent the majority of their efforts questioning witnesses about his marriage to Leonor, and then to Ana in Nombre de Dios. The story of his marriage in Spain also fell to the wayside, despite the testimony of the talkative Gómez. The Inquisition did not express much interest in that marriage or in the fact that it meant he had also committed bigamy when he married Leonor. Perhaps they had sufficient evidence that he was a bigamist in general and were more concerned with rooting out the heresy than prosecuting each violation. "With virtually no exception," Martin Nesvig states, "theologians, jurists and inquisitional theorists viewed heresy as a virus—indeed, a cancer, a spreading evil which threatened to undermine the Church and, by extension, society."¹⁹⁸ In the eyes of the Inquisition, Francisco helped to spread the cancer of heresy, and the Inquisition expressed more interest in treating the cancer than getting too involved in the details of correct marriage procedures. The tribunal was also under a

¹⁹⁷ Francisco de Ulloa and Catalina de Vergara, subjects of the book *Good Faith and Truthful Ignorance*, are an example of a couple who successfully appealed their case to the Pope. Catalina was Francisco's second wife, whom he married while believing that his first wife had died. At first the couple was separated, but eventually the Pope allowed them to stay married. However, they were wealthy and influential elite, and the Cook's explain that "A direct approach of the papacy was unusual, and few would dare to attempt it." Cook and Cook, *Good Faith and Truthful Ignorance*, 116.

¹⁹⁸ Nesvig, *Ideology and Inquisition*, 30.

heavy case load. Between 1571 and 1579, the tribunal processed an average of more than thirty-two trials per year.¹⁹⁹

Francisco's final condemnation and punishment served as a type of reality-check, but everything about his experiences prior to that told him that he was impervious to the law. Francisco had successfully abandoned his wife in Spain, remarried twice in Mexico, defended himself through one bigamy trial, and even re-established himself in his community in Toluca, all with relative impunity. Along the way, it is evident that Francisco knew the basic customs and expectations of Catholic marriage, and he knew that it was illegal to leave one wife and remarry another. So why, then, did he consistently choose to enter, or attempt to enter, bigamous marriages?

Francisco and his Communities

Much of Francisco's opportunity and decision to commit bigamy can be attributed to his mobile life, his experiences on the frontiers of New Spain, and his desire to establish himself in his communities, meaning to claim membership by establishing social, economic, and political ties. There are two basic ideas at play in this discussion of community, both previously discussed. The first is the idea that the frontiers of empire, or the peripheries, operated with less imperial oversight and therefore allowed for more criminally or socially-deviant behavior. The second is that community formation happened at a local level, and that one's membership in a community was manifest through an informal process of claim-making. While Francisco lived in areas located far from imperial oversight, his case shows that this distance did not translate to impunity. Despite being in the northern frontier, Francisco was in a community formed by

¹⁹⁹ Ibid., 139.

influential friars who wanted to bring order to the area. It was not a feeling of impunity that motivated Francisco to enter into additional marriages, but his desire to claim membership in each new place.

In each of Francisco's communities, being *amancebado* with a woman was a viable option, yet he still chose marriage. It appears that Francisco did choose concubinage for himself at least a few times. According to some accounts, Francisco was *amancebado* in Nombre de Dios before marrying Ana, though it is not clear if this was with Ana or another woman. Francisco, as previously explained, was also accused of using the sacrament of confession to justify his *amancebamiento* elsewhere.²⁰⁰ Considering that concubinage was an option for Francisco wherever he went, it is notable that he chose to take the risk of entering into new marriages instead. Francisco chose to re-marry not just once, but three more times after Leonor. However, the risk of marrying was somewhat mitigated by the fact that Francisco could move from place to place.

In almost every instance throughout his two trials, Francisco was identified as a *zapatero*, or shoemaker. While this was the job most closely linked to his identity, he also described himself as a *curtidor* (tanner) and *currador* (likely related to leather-making). Other occupations attributed to Francisco throughout his case were carpenter of harquebus boxes, scribe, shepherd, cartwright, and *regidor*. Of course, Francisco also mentioned multiple times that he worked on various farms and estates, and in at least two different mines. Needless to say, he developed a wide array of transferable skills and could find work almost anywhere he went. These types of mobile occupations were

²⁰⁰ Francisco's own wife in Toluca, Leonor, was the illegitimate daughter of a Spaniard and an Indian woman. This is apparent because Leonor's father, Juan, sent her mother, Catalina, and Catalina's Indian husband to Coyoacán to bring Leonor back to Toluca. Witnesses also refer to Catalina's home and Juan's home as separate places.

characteristic of bigamists, whose mobility was often central to their opportunity to commit bigamy.²⁰¹ Francisco was no exception; if anything, he embodied this concept. While this mobility made it easier for Francisco to enter into new marriages, it also put Francisco in the position of having to re-establish himself in new places.

Francisco entered into a transient life, separated from his home community, when he decided to leave Spain at the age of fifteen or sixteen. Parents, siblings, aunts, uncles, cousins—none of these individuals were present in Francisco’s life after he left Spain. On the one hand, this meant that it was unlikely that his first marriage would come to light in Mexico. On the other hand, it meant that he had to re-establish himself entirely. He formed a new family in Toluca, to be sure, but that world was interrupted when Francisco left for Florida and returned to an empty home. Between his return from Florida around 1561, and his imprisonment in Toluca in 1564, Francisco travelled to at least three different places, and mentioned four different homes in which he lived.²⁰² Family was not a constant in his life, but Francisco did make efforts to make a home for himself, most notably in Toluca, and then again in Nombre de Dios.

Within two years of his arrival in Mexico, Francisco chose to settle in the Valley of Toluca and marry Leonor Juárez. Richard Boyer argues that most bigamists chose to marry again in order to fit into their communities, and this was clearly the case for

²⁰¹ Boyer, *Lives*, 4, 124

²⁰² Historian Caterina Pizzigoni mentions that in Nahuatl-language texts from Toluca Valley, the words for household and home appear frequently, while she has found no equivalent of the word “family”. Similarly, the word “family” does not appear once in the text of Francisco’s case, while the word *casa* appears nearly seventy times. As witnesses in Francisco’s case talk about conversations they heard, they often refer to being in someone’s home, and as Francisco talks about his movements between different places, he often does so by referring to the home he went to live or work in. There are fourteen distinct households mentioned throughout the case, making the *home* a possible analytical framework for future research. Caterina Pizzigoni, *The Life Within: Local Indigenous Society in Mexico’s Toluca Valley, 1650-1800* (Stanford: Stanford University Press, 2013), 8.

Francisco's first bigamous marriage. By contracting a marriage with Leonor, he gained connections in the Toluca Valley, even as a newcomer. His father-in-law was a Spaniard, and likely a landowner since he and others referred to his *casa* in Toluca. The Toluca Valley, located just to the west of Mexico City, was a part of the broader region of central Mexico, and had a strong Spanish presence from early on, especially in the administrative centers.²⁰³ The valley is marked by its high altitude, even higher than Mexico City, and is surrounded by snow-capped peaks that hug the valley like a horseshoe, with open plains to the north. Toluca was the northernmost administrative center in the valley.

Here Francisco built his new life. He contracted a marriage, and he claimed membership in the community. His marriage to Leonor was sponsored by two honorable *padrinos*, and was performed by the Franciscan friar Pedro del Aguila, the *guardian* of the Franciscan monastery in Toluca. Three witnesses in Francisco's inquisitional case knew he and Leonor for more than twenty years and testified to the married life they made together in Toluca and to the fact they had children. One witness said he was present at the baptism of their first child, and another testified to their good reputation in the community.²⁰⁴ Technically, Francisco's marriage to Leonor in Toluca was bigamous, since he was already married back in Spain, but it was "legitimate" in every other way, and he lived as if it were so.

In the process, Francisco integrated into a community where, over time, he became a *vecino*. There was no official process for obtaining this status—Herzog argues that instead *vecindad* occurred through a process of claim and confirmation, whereby an

²⁰³ *Ibid.*, 12-15.

²⁰⁴ Testimony of Juan Serrano, AGN Inq. vol. 96, exp. s/n, fols. 19r-v; Testimony of Miguel Sanchez Crespo, AGN Inq. vol. 96, exp. s/n, fol. 18v.

individual proved themselves to be a part of a community.²⁰⁵ Claim-making happened, in part, through the local Church—in Francisco’s case, the Franciscan monastery in Toluca. Marriage and baptism were a form of community connection in Catholic society; they permanently recorded the membership of individuals in their local parish, and they awarded legitimacy to familial relationships. Such events also gave individuals long-lasting connections to other, non-related individuals in the community. For Francisco and Leonor, these were the *padrinos* of their marriage, along with the godparents of their children. These individuals, too, were recorded in marriage and baptism records. From the witness testimony, it appears that Francisco maintained a good reputation within Toluca and had established himself as a recognized vecino. A friend of Francisco’s even testified to the amicable relationship that Francisco had with his father-in-law before leaving for Florida, the same father-in-law who later lied to Francisco and took him to court. According to this friend, the two of them ate and lived “in much conformity” until Francisco chose to leave for Florida against his father-in-law’s will.²⁰⁶

According to Francisco’s friend Diego Hernández de Toro, also a vecino of Toluca, Francisco fell out of favor with his father-in-law when he decided to leave for Florida. Perhaps his father-in-law did not want Francisco to live apart from his family. *Vecindad*, as well as *vida maridable*, both implied that the individual had a physical presence in the place and in the marriage, respectively. When he left, Francisco put both his relationship to Toluca, and his relationship to Leonor on hold. By doing so, he disrupted his community, and he returned to Toluca to find his family missing. This change propelled Francisco into another phase of his life, a phase where he was

²⁰⁵ Herzog, *Defining Nations*, 7.

²⁰⁶ Testimony of Diego Hernández de Toro, AGN Inq. vol. 96, exp. s/n, fol. 77v.

untethered and moved from place to place, and from woman to woman. Francisco left again on another expedition, this time to New Spain's northwestern frontier, where he attempted to become a vecino in a different community: Nombre de Dios. Mobility certainly played a role in facilitating the subsequent marriages that Francisco entered into, or tried to enter into, but it appears to have been the disruption in his community and the desire to re-establish himself elsewhere that were at the root of his decision to keep seeking marriage.

When Francisco left Toluca and travelled north, he embarked on an expedition into the fringes of the Spanish empire, where the norms of society operated differently. Francisco de Ibarra, the leader of the expedition, was charged with controlling and settling a vague swath of territory north of the mines of San Martín, which lay to the northwest of the more established, but still frontier region, New Galicia. In July of 1562, Ibarra was appointed governor of the region, which he named New Vizcaya.²⁰⁷ These northern hinterlands were marked by their mining economies, immigrant populations, and warfare that persisted through the end of the sixteenth century.²⁰⁸ The indigenous populations of the north were generally semi or non-sedentary, and many fiercely and successfully resisted Spanish settlement in the region, especially during the Mixtón War from 1540 to 1542.²⁰⁹ Because Spaniards could not draw upon local indigenous labor, they established incentives to bring Indians from Central Mexico north to work in the mines and mining towns. Consequently, Spanish towns in the north were truly immigrant

²⁰⁷ J. Lloyd Mecham, *Francisco de Ibarra and Nueva Vizcaya* (Duke University Press, 1927), 75.

²⁰⁸ The element of warfare is evident in a report given by one of the witnesses in Francisco's case, a vecino of Nombre de Dios, who stated that the majority of the Spaniards who witnessed Francisco's marriage to Ana were dead or had left the town. Testimony of Juan Rodriguez del Rio, AGN Inq. vol. 96, exp. s/n, fols. 65v-66v.

²⁰⁹ In Spanish sources, these northern Indians were broadly homogenized under one term, the Chichimecs. For details on the region, see Velasco Murillo, *Urban Indians in a Silver City*.

communities, composed primarily of Indians and Spaniards who left their homes to settle in the north. Ibarra's expedition brought together Indians from central Mexico, from Michoacán (Tarascan), as well as more local Zacatecos.²¹⁰

In some ways, this would have been a familiar community for Francisco. The expedition to Florida that he joined four years prior, with the Captain Tristán de Luna y Arellano, was also incredibly diverse, bringing together people from nearly every sector of colonial society. In addition to 500 soldiers, which included men from throughout Europe as well as mestizos, there were also up to 1,000 other colonists, including enslaved Africans and 200 Indian warriors enlisted from Mexico City.²¹¹ Francisco was used to living among linguistically, ethnically, and culturally diverse groups of people, and he was also familiar with living in newly-created communities that were undergoing intense processes of formation.

Nombre de Dios was founded by Franciscan friars who wanted to provide a Christian settlement for the squatters and raiders who lived in the area in the wake of the Mixtón War.²¹² Ibarra helped to establish the settlement. He appointed the *alcaldes*, *regidores*, and other officials, and then moved forward with his expedition. Presumably, this was when Francisco González was appointed *regidor*.²¹³ Over the remainder of the sixteenth century, Nombre de Dios' population grew to eighteen Spanish families, thirty Indian families, and a few people of African descent.²¹⁴ Four main languages were

²¹⁰ The Zacatecos was one of the groups generally classified by Spaniards as Chichimecs. Following the Mixtón War, numerous Zacatecos were enslaved or forcibly recruited into Spanish expeditions, which likely explains their presence with Ibarra. Velasco Murillo, 27-30.

²¹¹ Worth, "The Luna Expedition," 3.

²¹² R. H. Barlow and George T. Smisor, eds., *Nombre de Dios, Durango: [Two Documents in Náhuatl Concerning Its Foundation]* (New York: AMS Press, 1983), xvii.

²¹³ A description of Nombre de Dios from 1608 confirms that Francisco González and one other were the first *regidores* of Nombre de Dios. See Barlow and Smisor, *Nombre de Dios*, 68.

²¹⁴ This community formation largely resembles what took place in Zacatecas, but on a smaller level. Dana

spoken in the town: Spanish, Nahuatl, Tarascan, and a Zacatec dialect. The town was run under a Spanish administrative model, but separate officials were also appointed by each of the three Indian groups. While Francisco only lived in Nombre de Dios during its first year or so of establishment, he was a part of the start of this community formation and, indeed, he hoped to become a part of the community.

Before the judge in Toluca, during his confession in 1564, Francisco stated that he wanted to “*avezindarse*” (become a vecino) in Nombre de Dios. It was for that reason, Francisco explained, that Friar Espinareda told him to marry Ana, the daughter-in-law of the *alcalde* Alonso García.²¹⁵ In his own words, Francisco showed signs of relating Christian marriage to *vecindad*. Marrying Ana was a step towards establishing himself in the new settlement, and it surely did not hurt that his new brother-in-law would be the *alcalde* Alonso García. By accepting the position as *regidor*, Francisco was also taking on some of the duties typically reserved for vecinos; moreover, his use of the verb—to become a vecino of—demonstrates an awareness that *vecindad* required not just time and presence, but a series of actions on his part.

Why exactly Francisco decided to marry Ana in Nombre de Dios and then changed his mind, or if the marriage was even really by his own initiative, gets muddled by conflicting testimony. According to Friar Espinareda, Francisco begged him to marry Ana. According to his prison-mate Gómez, the friar pushed Francisco into the marriage because he was *amancebado* with an india. According to the possibly falsified testimony regarding Leonor’s death from 1563, it was also due to Francisco’s *amancebamiento*, but

Velasco Murillo’s work on Zacatecas shows that the community was composed of mainly Indian and Spanish immigrants, and that while there were afro-descended people in the town, they were the minority.

²¹⁵ Confession of Francisco González, Oct. 3, 1563, AGN Inq. vol. 96, exp. s/n, fol. 33r.

in this version, with Ana. None of this testimony is wholly reliable, and the only reason Francisco gave for his marriage was his desire to become a vecino of the new town.

Setting Francisco's motivations aside, it is clear that race and ethnicity played a role in how the marriage unfolded. Francisco was not enthusiastic about marrying a *mulata*, and in general he showed preference for Indian or mestiza women.²¹⁶ There is evidence of this twice throughout the case. First, Francisco's friend Diego Hernández de Toro stated that Francisco felt he was not marrying his equal, and then in Francisco's response to the Inquisition's publication of witnesses, Francisco shared that he was worried people would make fun of him for marrying a *mulata*. He added that his friend, Diego, even offered him one of his *criadas* as a wife instead.²¹⁷ Francisco's reaction to the proposed marriage affirms Robert Schwaller's observation that, particularly in a rural setting (he gives the example of Guanajuato, a rural mining camp), a marriage between an *español* and a *mulata* could be "socially disastrous."²¹⁸ This was due to the relative lack of socioeconomic diversity—with fewer social ranks and economic positions, the group of elites was smaller and less malleable. Being both an *español*, *regidor*, and potential vecino of Nombre de Dios certainly put Francisco within the circle of elites, a position that was threatened by marrying Ana. However, Ana's unique position as the sister-in-law of the *alcalde*, and Friar Espinareda's suggestion that marrying would help him to become a vecino, made this decision a complex one.

²¹⁶ Leonor was mestiza and all of the other women with whom Francisco tried to marry were either indias, *españolas*, or mestizas. Robert Schwaller, using two sets of parish records between 1576-1641, shows that *españoles* had high rates of endogamy, higher than indios or blacks, and that blacks in general had a difficult time marrying outside of their *género* due to their relatively low social status. See Schwaller, *Géneros de Gente*, 147-184; and Martínez, *Genealogical Fictions*.

²¹⁷ AGN Inq. vol. 96, fol. 77r, 96r.

²¹⁸ Schwaller, *Géneros de Gente*, 163.

Francisco still chose to marry Ana, perhaps under the pressure of the friar, or because he still saw the marriage as advantageous, but he also chose to leave soon thereafter. If in fact it were true that Espinareda and García had learned of his first marriage to Leonor and were investigating, Francisco may have been eager to leave. Unfortunately, there are too many conflicting details to discern what exactly happened. That he attempted two more marriages before returning to Toluca, however, demonstrates that it is unlikely that Francisco stopped his marriage to Ana in order to avoid bigamy. Regardless of the reason, Francisco experienced a disruption in his community in Nombre de Dios, which once again propelled him to seek new marriages. Just as community motivated his decision to marry in the first place, a disruption in his community was also connected to his departure.

Community and Friar Espinareda

In all versions of the story, Friar Pedro de Espinareda played a critical role in Francisco's life, and in the formation of the Nombre de Dios community. Espinareda was the most persistent and powerful witness against Francisco González, and he was responsible for bringing Francisco's case to the attention of the Inquisition right after it was established in 1571. He also held considerable power in Nombre de Dios where he was one of just three founding friars. As *guardian* of the Franciscan monastery there, he likely wielded extra influence: "the community was small," Espinareda testified, "and everyone in the town came to me for confession."²¹⁹

Espinareda's influence in the formation of his community is evident in testimony provided by Alonso García. According to García, Espinareda came to him with the idea

²¹⁹ Testimony of Friar Pedro de Espinareda, AGN Inq. vol. 96, fols. 11r-12r.

that Ana marry Francisco. García was skeptical at first. He told the friar “it seems to me that Francisco is an older man and likely married,” but the friar convinced him by stating that “well, it seems to me better to give her to a Spaniard, however contemptable he may be, than to an Indian, however good he may be.”²²⁰ According to this testimony, Espinareda’s principal concern was with arranging the marriage between Francisco and Ana, as opposed to preventing possible bigamy. Perhaps Espinareda’s motivations were two-fold. It is possible that he wanted to prevent a marriage between Ana and an Indian, though this is only speculation based on his conversation with García. It is also possible that Espinareda was trying to keep Francisco from *amancebamiento*, as a few witnesses suggested. Either way, what stands out is that Espinareda was reacting to the immediate demands of his context and attempting to mold and control his community.

This is unsurprising, considering Espinareda’s religious record. Throughout his time in Mexico, he founded four monasteries, and during his first six years in Mexico, was reported to have baptized 15,000 individuals.²²¹ It appears that Friar Espinareda also took on additional positions throughout his time in Mexico, beyond being a friar and a *guardian* of various monasteries. In 1567, he assumed the role of *comisario* in Guadalajara, where he served as an inquisitorial judge against a French duke and vecino of Nombre de Dios, who stated that simple fornication was not a sin.²²² This occurred prior to the founding of the Inquisition’s tribunal in Mexico, so it is likely that Espinareda simply assumed inquisitorial duties for the case.²²³ In addition, Espinareda also adopted the title of *vicario* (vicar) for himself. After it became clear that Francisco would not be

²²⁰ Testimony of Alonso Garcia, AGN Inq. vol. 96, fol. 67v.

²²¹ Barlow and Smisor, *Nombre de Dios*, 14-15 (footnote 17).

²²² AGN Inq. vol. 7, exp. 2.

²²³ Espinareda does not appear as a judge in any other catalogued Inquisition case at the AGN.

returning to Ana in Nombre de Dios, Espinareda consulted the bishop “as a vicar” about getting a license for Ana to remarry.²²⁴ By claiming these titles, Espinareda was asserting his own membership within the Catholic community in New Spain. He aligned himself with Catholic institutions, both religious and secular, and in doing so brought these institutions within the borders of his frontier communities.

Friar Espinareda brought more imperial oversight to Nombre de Dios than might have existed otherwise. Nombre de Dios was even more remote than Zacatecas, located some 130 miles to the northwest of the city.²²⁵ This broader frontier region of New Galicia and into New Vizcaya was part of a region known as a refuge for delinquents; after all, the town was founded specifically to bring some structure and law into an area occupied by post-Mixtón war squatters. The small settlement was policed by three zealous friars. In contrast, there were numerous frontier towns where not a single friar or priest was present. When speaking about Michoacán, a region to the southwest of New Vizcaya, Martin Nesvig states that laymen took up the duties of priests and friars in the absence of such officials, and in Francisco’s case, it is evident that not all of the towns where the Inquisition wanted to gather witness testimony had the religious officials necessary to assist.²²⁶ Though Francisco’s larger frontier community could be a “region of refuge” for some, his immediate community founded by friars, was not so lenient.

²²⁴ Testimony of Friar Pedro de Espinareda, AGN Inq. vol. 96, fol. 7r-10r.

²²⁵ 130 miles would be the most direct route. Solange Alberro explains that mining towns of the north were socially connected, and she describes Zacatecas as an influential center that exerted great influence in the region. This is evident in the way that Francisco and others frame Nombre de Dios, consistently describing it as a place “*más allá de Zacatecas*” or “beyond Zacatecas.” Alberro, *Inquisición y Sociedad*, 381.

²²⁶ Nesvig, *Promiscuous Power*, 90.

Conclusion

Therefore, despite his physical distance from Spanish administrative centers, Francisco found himself in the clutches of the Inquisition, and reality began to sink in. His inquisitors perceived Francisco as both a guilty bigamist and fugitive, and he received 400 lashes for his crimes: 200 for his escape attempt and 200 for committing bigamy. In the final accusation against Francisco, the inquisitor Moya de Contreras stated that: “after this [the marriage in Nombre de Dios] and in great contempt of the said sacrament, Francisco wandered as a vagabond through New Spain and tried to procure marriage a third and fourth time.”²²⁷ In the eyes of the Inquisition, Francisco was among the “species of vagabond men” that the Council of Trent warned about, who moved from place to place defying the sacrament of marriage.

However, Francisco’s story was much more complex. Belonging to his communities was at the forefront of his decisions to marry, in part because Francisco sought *vecindad*, whereby an individual became a member of a place by claim-making. He used marriage as a part of this process, most successfully in Toluca where he spent ten years building his networks and home before leaving for Florida.²²⁸ After he was set free from his first trial in Toluca, Francisco re-established himself in the city as a vecino, and returned to making *vida maridable* with his wife, Leonor, for nearly eight more years. When he escaped the Inquisition’s prison, he stated that he knew the land well, and could guide the group of fugitives towards Toluca, where he planned to stay at a friend’s

²²⁷ AGN Inq. vol. 96, fol. 129r.

²²⁸ Francisco’s cellmate, Gómez de Leon, refers to Francisco’s *hacienda*. Francisco also appears to have owned black slaves, which shows he was an individual of some means and likely owned some land. While in the Inquisition’s prison, a Pedro Perez petitioned the Holy Office to seize two of Francisco’s black slaves in order to pay back a debt of 200 pesos, AGN, Inq. vol. 75, exp. 32.

home and then call for his wife Leonor to bring them supplies.²²⁹ He trusted his connections in Toluca, and made that the first safe stop on his journey as a fugitive, which unfortunately for Francisco, did not last long.

Still, Francisco successfully lived as a bigamist for most of his life without facing punishment. In many ways, it was his time in Nombre de Dios with Friar Pedro de Espinareda that opened Francisco up to discovery. Francisco's failure to effectively claim *vecindad* in Nombre de Dios led him to attempt two more marriages before finally returning to Toluca. Even after being imprisoned twice for bigamy, first in Toluca and then by the Inquisition in Mexico City, Francisco remained determined to find his way out of his predicament. The 200 lashes, hefty fine, and four years of banishment that followed were his first legal punishments, aside from imprisonment, for the bigamy he committed. At the age of fifty, he began to pay for a crime that he first committed at the age of fifteen.

²²⁹ Testimony of Francisco González, AGN Inq. vol. 212, exp. 17, fols. 328r-333r.

Table 3.1: Timeline for Francisco González

| | |
|-----------------|---|
| Ca. 1522 | Francisco González born, likely in San Martín del Castañar, Salamanca, Spain. |
| Ca. 1538 | Francisco leaves Spain as a <i>criado</i> . Goes first to Isla de la Palma, and then settles in Santo Domingo. |
| Ca. 1548 | Francisco leaves Santo Domingo and moves to Mexico, where he lives for two years with a Rui González. |
| Ca. 1550 | Francisco González marries Leonor Juárez, mestiza daughter of the Spaniard Juan Juárez and the india Catalina. |
| 1559 | Francisco departs from Mexico on the Tristán de Luna y Arellano expedition to Florida through the port of Veracruz. |
| 1561 | Francisco returns from the Florida expedition. He goes to Toluca to look for his wife and daughter. In Toluca, Juan Juárez tells Francisco that Leonor is dead. |
| 1561-63 | Francisco either stays in Toluca for two years and works on an <i>estancia</i> as a shepherd, or he stays in the Toluca valley for seven months and then goes to the mines of Guanajuato for 18 months. |
| 1563-64 | Francisco joins the <i>entrada</i> led by Francisco de Ibarra to what is modern-day Durango, where he participates in the founding of Nombre de Dios. |
| 1564 | Francisco and Ana, the <i>mulata</i> sister-in-law of the <i>alcalde</i> Alonso García, contract a marriage in Nombre de Dios. |
| 1564 | Francisco flees Nombre de Dios just a couple of weeks after the marriage. He unsuccessfully starts another marriage with the <i>criada</i> of a vecino of Nombre de Dios, just 8 leagues from the town. He then makes his way to Guadalajara where he promised another marriage, this time with an india he met near the mines. |
| 3 October 1564 | Francisco is imprisoned in the public jail in Toluca and gives his confession. |
| 9 December 1564 | Leonor is brought to Toluca and forced back into marriage with Francisco. |
| 22 January 1565 | Francisco is set free. |
| 7 October 1572 | Francisco imprisoned by the Inquisition in Mexico City. |
| 8 March 1573 | Francisco and 5 other prisoners make a prison escape. |
| 14 March 1573 | Francisco is captured by Melchior Gutiérrez, <i>alguacil</i> of Toluca |
| 3 April 1573 | Francisco and the other 5 fugitives are publicly punished, he receives 200 lashes. |
| 13 January 1574 | Francisco receives his sentence, which includes appearing in the <i>auto de fé</i> |
| 1 March 1574 | Francisco is condemned and punished with 200 public lashes, a 300 peso fine, and 4 years of banishment. This is the day he receives the actual punishment |

Table 3.2: Cast of Main Characters:

| | |
|-------------------------|--|
| Francisco González | Bigamist |
| Leonor Juárez | Technically Francisco's second wife, mestiza from Toluca |
| Juan Juárez | Leonor's father |
| Catalina India | Leonor's mother |
| Pedro de Espinareda | Franciscan Friar who married Francisco and Ana in Nombre de Dios |
| Ana | Francisco's third wife whom he marries in Nombre de Dios, a <i>mulata</i> |
| Alonso García | <i>Alcalde</i> in Nombre de Dios and brother-in-law to Ana |
| Pedro Moya de Contreras | The first general inquisitor of Mexico, oversaw Francisco's inquisitional trial |
| Diego Hernández de Toro | Friend of Francisco's from Toluca. He traveled to Florida, and then to Nombre de Dios with Francisco |

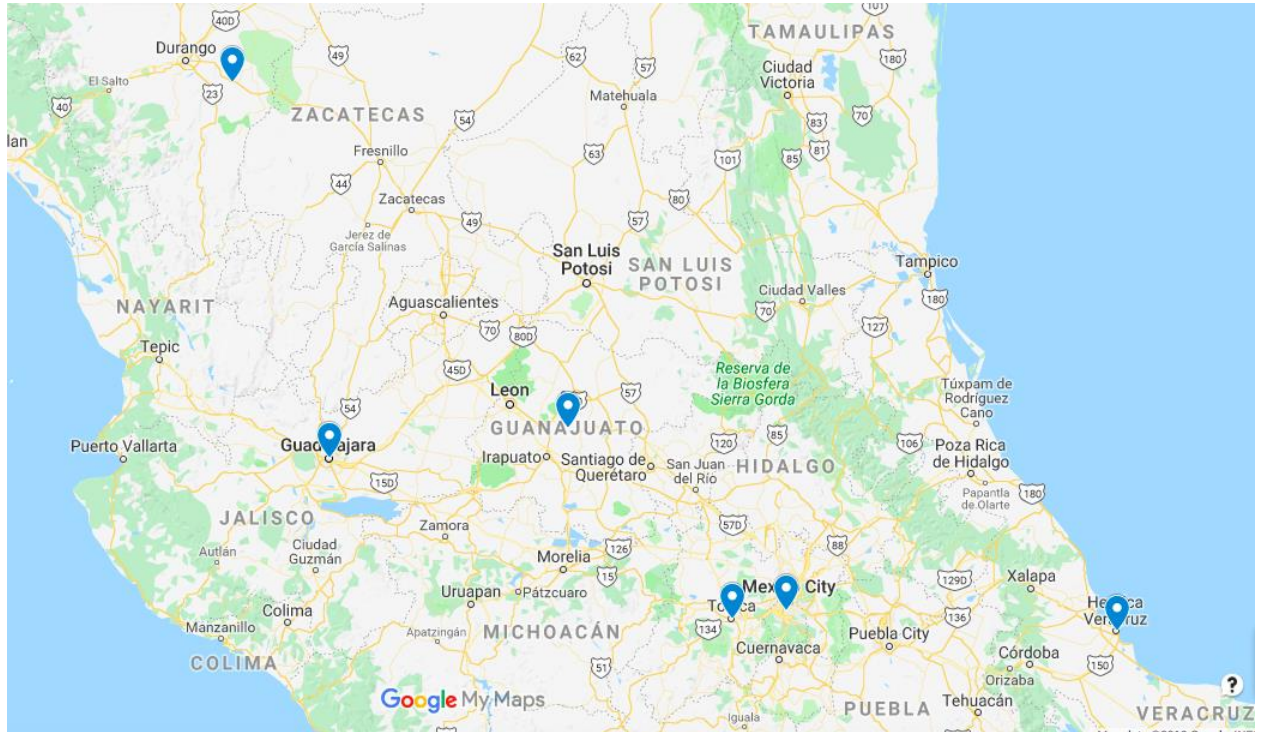


Figure 3.1: Map of locations that Francisco González lived in, or travelled to, in Mexico ca. 1550-1574

Chapter Four: Luisa de Abrego

*“Seeing a three-time bigamist captured in Zacatecas, she felt scandalized in her heart about what had happened with Jordan. To settle her doubts she told her confessor, who responded that she was indeed married to Jordan. His words were like thunder.”*²³⁰
Testimony of Luisa de Abrego, AGN Inquisición vol. 103, exp. 6, fol. 265r.

In late 1565, Miguel Rodriguez, twenty-five, and Luisa de Abrego, nineteen, were married along Florida’s eastern coast, in the new settlement of St. Augustine. The couple had left Seville in June of that same year, Miguel as a soldier and Luisa in his company, joining an expedition of over 2,000 people who left Spain for Florida under the banner of the *Adelantado* Pedro Menéndez de Avilés. Miguel was from Segovia, and Luisa was a free black domestic servant from Seville. At their wedding, soldiers and captains gathered to witness the ceremony performed by the licentiate and priest Juan de Rueda. Sponsoring their marriage as godparents were the esteemed son-in-law of the *adelantado* and second-in-command, Pedro Valdés, and Ana Baptista, the wife of a scribe. Their marriage is the first known and recorded Christian marriage anywhere in the continental United States to date. It was not, however, Luisa’s first marriage.

Four years prior, while working in Jerez de la Frontera, Luisa accepted the clandestine marriage proposal of a free black *mozo* named Jordan de Herrera. Just a few months later, however, Jordan married another woman publicly. Luisa realized that there

²³⁰ The original Spanish reads: “*dixo que viendo en Çacatecas prender un hombre por casado tres vezes se escandalizo en su corazon sobre lo que avia pasado con el dicho Jordan y para salir de escrupulo lo comunico a su confessor el qual le dixo que era matrimonio el primero y esto trono.*”

was nothing she could do, and so she moved back to her hometown of Seville, the port city from which she departed to the New World four years later.

By 1569, Miguel and Luisa had left Florida and moved to Mexico, where they lived in both Zacatecas and Mexico City. While living in Zacatecas, Luisa witnessed the capture of a three-time bigamist and began to doubt the legitimacy of her marriage. She turned to her confessor for guidance, who then shared the news with Miguel and ordered the two to separate.

Word started to travel, and by March 1574, a Segovian acquaintance of Miguel's appeared before the Inquisition, unsummoned, to pass along the rumors of Luisa's bigamy. He heard these rumors from two of Miguel's friends, who also served with him in Florida, and who were summoned later to testify. Luisa's trial, however, did not gain momentum for almost a full year until on 28 February 1575, exactly one year after Mexico City's first *auto de fé*, she appeared unsummoned to confess to the Inquisition.²³¹

Her case is brief. It spans forty pages, involves only four witnesses, and ends with her absolution on 7 February 1576. Although she was absolved, the inquisitor Bonilla made it abundantly clear that Jordan was Luisa's legitimate husband, which implied that Miguel and Luisa could not stay together. Her case demonstrates the complex and competing ideas that individuals, and also religious authorities, had about legitimate marriage. Within her short case, conflicting opinions appear between religious and secular officials, husband and wife, and among the six judges who voted in her case. Luisa's own ideas about legitimate marriage changed over time and place, and she

²³¹ All information about Luisa and her case comes from AGN Inq., vol. 103, exp. 6, fols. 255-274 unless otherwise noted. Luisa's case appears in only one published work (that I am aware of): Herman L. Bennett. *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570-1640* (Bloomington: Indiana University Press, 2003), 74-77.

adapted the meaning of marriage to each context by responding to her communities' expectations. This was all the more important for Luisa, who had to mitigate the social disadvantages of her race by claiming membership in the Spanish community in other ways. At the same time, adhering to society's expectations and following the law did not always go hand-in-hand. She became concerned with the legal consequences of her actions once those consequences became more tangible and visible in her community. What follows is more or less a chronological analysis of her story, bringing into relief the moments of conflict, confusion, and condemnation, while at the same time tracing the development of Luisa's own ideas about marriage and the influence of her communities.

The First Marriage

At the time of her first marriage, Luisa was living and working as a domestic servant for an employer named Juan Bui, south of Seville in Jerez de la Frontera. Bui facilitated a betrothal between Luisa and Jordan, but their actual marriage would not be so formal.²³² Jordan visited Luisa while Bui was away and asked her to be his "woman and spouse, as the Holy Mother Roman Church orders."²³³ Luisa agreed, and this was the moment they became bound in marriage, based on nothing more than their words and without a single witness, much less a priest.

Her relationship with Jordan, as she reports, ended quickly and before they had the chance to consummate their marriage. Shortly after the private ritual, Jordan asked Juan Bui if he could take Luisa to his employer's home, and it was then that Bui expressed concern about Jordan's ability to be a good husband. Apparently the two could

²³² That Luisa's employer played a paternalistic role in her life suggests that Luisa had been in his employ for some time. See Bennett, *Africans in Colonial Mexico*, 77.

²³³ AGN Inq., vol. 103, exp. 6, fol. 262r.

not resolve their disagreement, and Jordan left angrily. According to Luisa, she never saw him again. She switched employers and fell ill for over two months, and people assumed she had moved back to Seville. Soon, she discovered that Jordan was about to marry another woman, but this time, in public.²³⁴

According to her retelling of the episode, she was about to go and interrupt the wedding ceremony to declare that she was Jordan's wife, when she realized that she did not have a single witness to offer proof. An abandoned woman had to provide evidence of her marriage, a costly and time-consuming process, and eyewitness testimony was critical to her claim.²³⁵ Realizing there was nothing she could do, Luisa put the debacle behind her and moved permanently to Seville. She reported to the inquisitor that she did not tell anyone about her marriage to Jordan. Caught between conflicting messages, she may have been doubtful of the marriage's legitimacy, but also hesitant to make it public.

Clandestine marriages, like the one between Luisa and Jordan, were a complicated matter for the Church. In the broadest sense, a clandestine marriage was one that lacked some major procedural element, but that nonetheless included verbal consent to marry between two individuals.²³⁶ This could be a wedding performed without a priest, or with a priest but no other witness; ultimately, what counted as clandestine varied depending on context.²³⁷ The validity of such marriages was rooted in the doctrine that the sacrament, at its most fundamental level, was made up of nothing more than consent between two individuals.²³⁸ In theory, the simple and private consent to marry between

²³⁴ Ibid., fol. 262r-265r.

²³⁵ Mangan, *Transatlantic Obligations*, 87.

²³⁶ For more on the history of clandestine marriages, see Gottleib, "Clandestine Marriage"; and Michelle Armstrong-Partida, "Concubinage, Clandestine Marriage, and Gender in the Visitation Records of Fourteenth-Century Catalonia," *Journal of the History of Sexuality* 26, no. 2 (2017): 207-238.

²³⁷ Gottleib, "Clandestine Marriage," 72.

²³⁸ For more on the importance of consent, see Ibid. 50.

Luisa and Jordan was enough to form a binding union.

Still, the ideal Catholic marriage was fully public and involved a priest. Church courts could prosecute and fine couples who entered into clandestine marriages, since it was a practice that the Church wanted to discourage.²³⁹ It was also expected that the union be confirmed after-the-fact with a nuptial blessing.²⁴⁰ Luisa's marriage to Jordan, however, was never made public.²⁴¹

In November of 1563, the Council of Trent decreed that "whoever contracts marriage otherwise than in the presence of the pastor and of two or three witnesses, does so invalidly."²⁴² Luisa's marriage to Jordan took place around 1561, just two years earlier. The Council then ordered that the decree be published in all parish churches, so it is possible that Luisa was made aware of the new law while she was living in Seville. However, the law did not retroactively invalidate clandestine marriages; by this decree, Luisa's marriage was problematic but nevertheless valid. The text of the decree made it clear: only the Church could formally invalidate a clandestine marriage.

Luisa, Bonilla, and the First Marriage

Despite contemporaneous debates around the issue of clandestine marriage, Luisa never directly called her first marriage clandestine. Neither did anybody else in her trial. Most of the parties involved considered the marriage to be legitimate as long as Jordan was still alive; the lack of a public ceremony did not threaten its validity. Luisa's ideas

²³⁹ Ibid., 83. Gottlieb's findings suggest that clandestine marriages in the late medieval period, and into the sixteenth century, were not as common as scholars have assumed.

²⁴⁰ Boyer, *Lives*, 73.

²⁴¹ Luisa testified that her marriage was never published in Jerez. AGN Inq., vol. 103, exp. 6, fol. 264r. Parish records from Jerez de la Frontera are held in the diocesan archive in Jerez de la Frontera. However, there are almost no extant marriage records from the 1560s, making it nearly impossible to verify this, or to verify Jordan's second marriage. Additional research at the provincial archive in Cádiz, and the municipal archive in Jerez de la Frontera did not reveal any further clues about Luisa's story.

²⁴² Schroeder, *Canons and Decrees*, 183.

about the marriage, however, changed over time and place. For a long time she considered the marriage invalid, not because it was never public but because Jordan abandoned her. The secrecy of the marriage was important insofar as it meant that Luisa could not prove that she was Jordan's legitimate wife. When asked by the inquisitor what she thought of the marriage, Luisa responded that, at first, she considered Jordan to be her husband but that after he married another, she did not. If she had understood that they were still married, Luisa explained, she would not have married a second time.²⁴³

Her idea that the marriage could be made null by Jordan's abandonment was erroneous in terms of Catholic doctrine, which held strictly to the belief that marriage was indissoluble, a doctrine that was only strengthened by the Council of Trent.²⁴⁴ This does not, however, mean that Luisa saw her ideas as erroneous; like Boyer states, many bigamists thought they were behaving correctly when they married again. The inquisitor Bonilla took an instructive stance, and question by question led Luisa to the conclusion that her first marriage was still legitimate.

Bonilla did not express any concern about the marriage being clandestine, nor did he worry that Jordan had already married another long ago. He was far more concerned that Luisa might be hiding information from him; in particular, he could not believe that the couple did not consummate their marriage, and he repeatedly asked about it with leading questions. Luisa was consistent in her response—they hugged and kissed but there was no place for them to copulate.²⁴⁵ Before the accusation, Bonilla gave Luisa two

²⁴³ AGN Inq., vol. 103, exp. 6, fol. 263r.

²⁴⁴ Canon 7, translated in Schroeder, *Canons and Decrees*, 182.

²⁴⁵ AGN Inq., vol. 103, exp. 6, fol. 262r-265v.

more opportunities to confess “the complete truth,” to which Luisa remained firm in her stance that she had nothing more to add.²⁴⁶

These exchanges all occurred without the help of a lawyer, and so they reflect Luisa’s own efforts to defend herself. After the formal accusation, she was appointed a lawyer (though any meetings with her lawyer were highly regulated) and offered the chance to respond, first to the accusation and later to the publication of witnesses. In both instances, Luisa stated that she had nothing more to add. According to inquisitorial standards, an individual could only be found guilty with full proof, a standard that could be met by the individual’s confession, or eyewitness testimony from multiple individuals.²⁴⁷ In Luisa’s case, there was no eyewitness testimony, and while she did offer her confession, she did not give the full proof that Bonilla was looking for. For Bonilla, it appears that consummating the marriage would have constituted a greater crime on Luisa’s part. Luisa did, however, adjust her conclusions to match the opinion of the inquisitor. When Bonilla asked her: “which marriage do you now consider true?” Luisa responded, “the first one.”²⁴⁸

Before Luisa was a bigamist, she was a victim of bigamy. Her experiential knowledge of marriage was a complicated one, and she was caught between legal and religious definitions; definitions that both legitimized and called into question her union with Jordan. By the time she agreed to marry Miguel in St. Augustine, however, Luisa claims she had forgotten about the first marriage altogether.

²⁴⁶ Ibid., fol. 269r-270r.

²⁴⁷ Chuchiak, *Inquisition in New Spain*, 32-33.

²⁴⁸ AGN Inq., vol. 103, exp. 6, fol. 265r.

The Second Marriage

Unlike her first marriage, Luisa's second was a public affair, carrying with it many of the legitimizing layers available to Spanish Catholics. During her inquisitorial questioning, Luisa noted that the couple went through a process where they declared that no legal barriers to their union existed.²⁴⁹ Miguel was directly questioned about this during his testimony. According to Miguel, he gave information to prove his single status prior to their marriage but was unsure if Luisa had done the same.²⁵⁰ Either way, both individuals reported that their union involved some form of this customary practice.

The couple then participated in a ceremony, officiated by a priest and with numerous witnesses present, including Miguel's friend and fellow Segovian, Juan de Vega, who would later testify in Luisa's case. The scene and its participants are described by the priest, Juan de Rueda, in the marriage license he recorded from Santo Domingo on 23 March 1568:

...In the presence of Captain Francisco de Recalde and Captain Juan de San Vicente and Captain don Luis de Enríquez and many other persons, I married and veiled Miguel Rodríguez, natural of Segovia, with Luisa de Abrego, natural of Seville, a woman of dark color. Their sponsors were the field master Pedro de Valdéz and Ana Baptista, and it was I, the aforementioned licentiate, who married them in the fort and city of St. Augustine.²⁵¹

Not only were there many witnesses, but many of them were powerful people within St. Augustine's community. Rueda noted the presence of three captains, and the especially powerful *padrinos*. Pedro de Valdés was the son-in-law of the *Adelantado*

²⁴⁹ Ibid., fol. 262v.

²⁵⁰ Ibid., fol. 260v.

²⁵¹ AGN Inq., vol. 103, exp. 6, fols. 266r. The priest, Juan de Rueda, was a leader in St. Augustine's March 1566 mutiny. He fled to Santo Domingo where he served as a priest, which explains why Luisa provided the Inquisition with a marriage license from Santo Domingo. Gonzalo Solís de Merás, *Pedro Menéndez de Avilés and the Conquest of Florida: A New Manuscript*, edited, annotated, and translated by David Arbesú (Gainesville: University Press of Florida, 2017), 111. That Miguel and Luisa participated in this mutiny is within the realm of possibility.

Pedro Menéndez and served as the second-in-command.²⁵² The *madrina*, Ana Baptista, was the wife of a scribe.²⁵³ Choosing *padrinos* was often a strategic decision that helped form advantageous kinship or social ties, but was not a necessary part of every marriage.²⁵⁴ The status of the couple's *padrinos* must have made an impression on the community, since Blas de Avila, a friend of Miguel's who also served in Florida and was a witness in Luisa's case, stated that "everyone says that the *Adelantado* Pedro Menéndez had been her sponsor."²⁵⁵ While this is incorrect, Blas' words suggest that such a claim was rumored, a rumor that stressed the authority of her *padrino* by exaggerating it. The formalities, publicity, and community support afforded Luisa and Miguel the appearance of a highly legitimate union.

In many ways, Luisa's story thus far fits in with the general narrative about bigamists expressed by Boyer, that by marrying again, many were "acting according to the basic rules of their society."²⁵⁶ Boyer points out a useful distinction: that bigamy was a legal term as opposed to a behavioral term.²⁵⁷ In terms of behavior, Luisa was acting scrupulously and abiding by all the rules when she married Miguel. The ceremony legitimized her otherwise illicit relationship, elevating her status from Miguel's companion to his wife.²⁵⁸

²⁵² Ironically, Luisa's marriage sponsor, Pedro de Valdés, was the field commander at St. Augustine who was seized and imprisoned during the same mutiny. He was held in the home of Captain San Vicente, who was also present at Luisa and Miguel's marriage ceremony, while rebellious soldiers and leaders from San Mateo and St. Augustine stole supplies and made their escape. Valdés was sick at the time but managed to escape and fight back to no avail as the mutineers, including Rueda, escaped. Solís de Merás, *Conquest of Florida*, 35.

²⁵³ AGN Inq., vol. 103, exp. 6, fol. 261v.

²⁵⁴ Boyer, *Lives*, 78.

²⁵⁵ AGN Inq., vol. 103, exp. 6, fol. 258v.

²⁵⁶ Boyer, *Lives*, 31.

²⁵⁷ *Ibid.*

²⁵⁸ Based on Boyer's findings, most bigamists stated that they married again in order to leave the sin of concubinage, adultery, or other types of sexually illicit relationships. Boyer, *Lives*, 32.

Marriage, rather than the criminal charge of bigamy, was on her mind.²⁵⁹ In eastern Florida she had no immediate reason to be thinking of the legal consequences of her marriage to Miguel, in a land that had no tribunal and only a few frontier garrisons. It is quite possible that Luisa, as she herself stated, did not think she was committing bigamy at the time. Not only did Luisa respond to the expectations of her community, but choosing to marry Miguel was also a means of asserting her membership within that community, membership that was tenuous because of her skin color.

Luisa, Natural de Sevilla

When Luisa appeared unsummoned before the Inquisition, she called herself “*Luisa de Abrego, de color negra horra, natural de sevilla, vecina de Mexico a Santa María.*”²⁶⁰ This statement, though an ordinary part of court proceedings, is brimming with information about Luisa, and it was information that she offered about herself.²⁶¹ From these statements, it is clear that Luisa valued her membership in Spanish society, but that she had to assert herself as a member of her Spanish community by mitigating her *género* (in Schwaller’s use of the term) and emphasizing her Spanish identity.

Like many people who emigrated to the Americas, Luisa was from Seville and more broadly Andalusia.²⁶² While being of African descent, she was a Spanish woman, more specifically, a *sevillana*. In calling herself a natural of Seville, Luisa claimed

²⁵⁹ With so few women among so many men, it is also possible that formal marriage offered Luisa more protection from sexual assault, a very real fear for women who travelled alone to the Americas. See Mangan, *Transatlantic Obligations*, 92.

²⁶⁰ AGN Inq., vol. 103, exp. 6, fol. 262r.

²⁶¹ This is both because the term only appears in the section of documentation where Luisa introduced herself before the court, and also because it is the only time the term appears in her case. The court typically referred to Luisa as *negra* or *negra libre*, making it unlikely that it was the court assigning her the category of *horra* in this single instance.

²⁶² Peter Boyd-Bowman, “Patterns of Spanish Emigration to the Indies until 1600,” *The Hispanic American Historical Review* 56, no. 4 (1976): 583-585.

membership in the broader kingdom of Spain.²⁶³ She also claimed membership in her new community in Mexico by calling herself a *vecina* of Mexico City, and even offered the specific street name where she lived, Santa María. Notably, neither Miguel, nor the Segovian witnesses Blas Avila and Juan de Vega, claimed to be *vecinos* in their testimony before the court. Why would Luisa claim *vecindad*, but not her husband, Miguel? As a black woman living in New Spain, Luisa had to distinguish herself as a Spanish Catholic, unlike Miguel, a Segovian, who was likely assumed to be a Spaniard and to belong to Spanish society based on his appearance. Luisa had to prove her relationship to her own community, and she did so down to the very name of the street she lived on. Schwaller notes that *vecindad* was a useful “marker of social standing, one that might mitigate other less mutable markers of difference.”²⁶⁴ By calling herself a *vecina* of Mexico City, and a natural of Seville, Luisa established strong ties to her immediate community in Mexico, and to the broader kingdom of Spain, and in the process mitigated her blackness.

There are six different terms used throughout Luisa’s case that describe her *género*. All of the witnesses in the case, excluding Miguel, simply used *negra*. Miguel, however, used the term *morena*, a term that the court adopted briefly when they referred to Luisa as *de color morena libre* in the final decision. Schwaller explains that the term *moreno* could have various meanings in the sixteenth century. It could refer to skin tone as a part of a physical description, but it could also be used as a euphemism for *negro*, a preferable alternative.²⁶⁵ In her accusation, however, the court used the term *negra libre*

²⁶³ See Herzog, *Defining Nations*, 6.

²⁶⁴ Schwaller, *Géneros de Gente*, 25.

²⁶⁵ *Ibid.*, 139.

(free black). Juan de Rueda, in the marriage license that he recorded for the couple, described Luisa as *de color prieta* (dark in color). The alternative descriptions to *negra* all de-emphasized her connection to the *negra género*. Schwaller explains that “prefixing a *género* label with *de color* served to ameliorate the negative association of that label by weakening the link between the *género* label and the individual being described.”²⁶⁶ Using the term *morena* put Luisa in a different *género* altogether, once again separating Luisa from the term *negra*.

When she had the opportunity to describe herself, Luisa used the term *de color negra horra*.²⁶⁷ David Wheat states that the term *negra horra*, in the context of the Spanish Caribbean, was commonly used for free women of color. Wheat suggests that the word could be related to *nhara*, a west-African term used for female merchants. Similarly, the descriptor *horra* applied to women who owned property or businesses, and especially those married to, or partnered with, Spanish or Portuguese men.²⁶⁸ In some ways, Luisa fits this description, which is consistent with her ties to Iberian society. By using the prefix *de color* and calling herself *horra*, Luisa de-emphasized her blackness, placing it in the realm of appearance rather than social status, and reinforced her connections to Spanish society.

There were more people of African descent than Spanish persons living in Mexico City when Luisa claimed *vecindad* there.²⁶⁹ By 1570, Herman Bennett reports, “Mexico City was home to the largest African population in the Americas.”²⁷⁰ The majority of

²⁶⁶ *Ibid.*, 138.

²⁶⁷ AGN, Inq. vol. 103, exp. 6, fols. 260r; 262r; 266r.

²⁶⁸ David Wheat, *Atlantic Africa and the Spanish Caribbean, 1570-1640* (Chapel Hill, N.C.: The University of North Carolina Press, 2016), 18.

²⁶⁹ Bennett, *Colonial Blackness*, 4-5.

²⁷⁰ *Ibid.*, 5.

those of African descent in the sixteenth century were slaves from West Africa.²⁷¹ While there was a considerable population of free blacks, they were not the majority among those of African descent. This makes Luisa's efforts to distance herself from the *negra género* all the more meaningful. She had to distinguish herself from the slave population, people who, in general, did not have the same Spanish roots that she had and who occupied a lower social status.

Aboard the Menéndez expedition, Luisa faced a similar scenario, but on a much smaller scale. It is difficult to say how many other black women were on board. Menéndez's contract did grant him 500 licenses for slaves to bring to Florida, one-third of whom were supposed to be women, but nowhere close to 500 enslaved persons actually boarded.²⁷² There were incentives to sell those licenses or to sell those enslaved individuals elsewhere. Regardless, Luisa certainly was not the only black woman aboard the fleet, but she may have been one of very few free black women. If that was indeed the case, she may have been motivated to marry Miguel, a Spaniard, as a means of claiming membership in the Spanish Catholic community. It was a community to which she already belonged but, because of her black skin, she had to assert herself in ways that other Spanish women did not. The ceremony, conducted by a priest and celebrated and sponsored by the elite in her community, was no doubt a powerful way to claim her place in St. Augustine.

²⁷¹ *Ibid.*, 4.

²⁷² Menéndez's contract appears in numerous archival locations. This paper uses the translated contract found in: *Spanish borderlands source books: Pedro Menéndez de Aviles*, ed. Eugene Lyon (New York: Garland, 1995), 79-86.

Leaving for Florida

The motivation for Luisa's decision to go to Florida is up for speculation.²⁷³ It could have been her location—she was in a bustling port city that produced numerous emigrants. In his study of emigration patterns from Spain to the Americas between 1493-1600, Peter Boyd-Bowman demonstrates that a high percentage of female emigrants were from Seville.²⁷⁴ Allyson Poska points to another possibility: women abandoned in Spain had a more difficult time remarrying than their husbands who had left, since the women remained in a community that knew they were already married.²⁷⁵ While she first testified that no one knew of her clandestine marriage to Jordan, she later stated that she did tell her last employer, a woman named Juana Pranador. If Luisa had remained in Seville, it may have been difficult for her to remarry, even though her first husband had already done so.

Luisa's community, then, quickly shifted from Seville's urban streets to a ship full of primarily male crew members and soldiers. Miguel was recorded as one of 300 soldiers aboard the *San Pelayo*, Menéndez's Biscayan flagship, which means that Luisa was likely aboard the *San Pelayo* as well.²⁷⁶ They left from Cádiz on 29 June 1565.²⁷⁷ However, they did not stay in Florida very long. Like many others, Miguel and Luisa left

²⁷³ According to Boyd-Bowman, women were less likely to travel to remote locations like Florida and instead preferred the larger, more developed cities like Santo Domingo and Mexico City. Boyd-Bowman, "Spanish Emigration," 582.

²⁷⁴ Boyd-Bowman's sample is out of 54,881 individuals total, and 17,580 between 1560-1579. Between 1560 and 1579, more women than men came from Seville, even though overall, women made up less than one-third of emigrants (599).

²⁷⁵ Poska, "When Bigamy is the Charge," 199.

²⁷⁶ AGI Justicia 817, N. 5, fols. 12-23.

²⁷⁷ Eugene Lyon, *The Enterprise of Florida: Pedro Menéndez de Avilés and Spanish Conquest of 1565-1568* (Gainesville: University Presses of Florida, 1976), 100.

within a year or two.²⁷⁸ They arrived in New Spain in the fall of 1568 on the same fleet as the Viceroy Don Martin Enriquez.²⁷⁹

Then came the Spanish Inquisition

The lives of Luisa and Miguel changed drastically following a singular moment in the northern mining settlement of Zacatecas. When exactly they moved there is unknown, but the mining town surely offered Miguel valuable work opportunities as a smelter, and they were two of many transient workers who made their lives there. Luisa and Miguel found themselves on another frontier but one far different from Florida. The high altitude and dry air of Zacatecas, wedged in a narrow valley surrounded by peaks, was certainly a stark contrast to the low, swampy lands of Florida.

While Zacatecas was on the northern frontier of New Spain, the city was a more developed settlement than St. Augustine. In Zacatecas, Luisa and Miguel found themselves in a multiethnic community rooted in many Iberian structures including a town council, parish church, confraternities, and a hospital.²⁸⁰ As Zacatecas transitioned from temporary settlement to city in the latter half of the sixteenth century, it operated with varying degrees of ecclesiastical oversight. The Franciscans were the first religious order to establish themselves in Zacatecas, but it was not until 1572 that they received funds to construct a church and monastery to the north of the main plaza. The Augustinians were the next order to come. In 1575 they received permission to build their church and monastery to the west of the plaza. Jesuits did not build a residence for themselves until later in the century, but they arrived in 1574 to counter moral affliction

²⁷⁸ Many soldiers were reassigned to posts throughout the Caribbean, or they left Florida in mutiny. For more, see Lyon, *The Enterprise of Florida*, 153.

²⁷⁹ AGN Inq., vol. 103, exp. 6, fol. 262v.

²⁸⁰ Velasco Murillo, *Urban Indians in a Silver City*, 57.

in the city.²⁸¹ It was around that time that Luisa witnessed a three-time bigamist captured for his crimes. Luisa reported that she felt scandalized in her heart, and to relieve her conscience and settle her doubt, she reported to her confessor, Father Curiel, what had happened with Jordan de Herrera thirteen years earlier.²⁸²

When Luisa witnessed the bigamist's capture, the consequence of committing bigamy was given a physical expression. This event surely gave a face to what was otherwise an abstract legal classification. Her behavior now had a legal consequence, and so, just under one decade after her marriage to Miguel, Luisa formed a different understanding of her marriage decisions, one that eventually led her to the doors of the Inquisition.

This moment in Zacatecas, however, was just the beginning of much confusion about what to do. It is difficult to say how long she waited to speak with her confessor. While her initial testimony made it sound like she confessed immediately after her pivotal moment in Zacatecas, it appears that Luisa and Miguel were already back in Mexico City when she spoke with Father Curiel. Before consulting him, however, Luisa spoke with Miguel indirectly about her concerns. She testified that she presented the predicament to him, but as if she were speaking about other people. In other words, she said "so, I have this friend who might be a bigamist..." Miguel responded that, "if it had occurred prior to the holy council, it was marriage, but if not, and if she knew something about someone, she should denounce it, because otherwise she would be excommunicated."²⁸³ Miguel's response, reported by Luisa and recorded by the scribe,

²⁸¹ P. J. Bakewell, *Silver Mining and Society in Colonial Mexico: Zacatecas, 1546-1700* (Cambridge: Cambridge University Press, 1971), 43-46.

²⁸² AGN Inq., vol. 103, exp. 6, fol. 265r.

²⁸³ My reading of this part of the case is different than the reading offered by Herman Bennett. Bennett

remains ambiguous; it is unclear which marriage he was calling legitimate or illegitimate. It is notable, however, that he made direct reference to the holy council, meaning the Council of Trent, drawing a distinction between what counted as legitimate marriage before and after Trent. Miguel, a smelter, was aware of the changes occurring around him, and of the responsibility one had to report crimes to the Inquisition.

This response must have induced fear in Luisa. If only knowledge of the crime was enough to merit excommunication, what might that mean for her as the potential criminal? Her realization that she had committed bigamy, and her decision to confess cannot be separated from the fact that the Inquisition's tribunal had just been established in the same city where she resided. The Inquisition made its presence known in Mexico City, especially through edicts of faith. These edicts warned the populace that they were obligated to denounce crimes, and that if they did not, they could be held accountable.²⁸⁴ There were three edicts of faith held in Mexico City between 1571 and 1574. Miguel's response to Luisa reflects the Inquisition's own warnings issued in these public events and indicates that he was well aware of the presence of the Holy Office in New Spain and its policies. Their proximity to the Inquisition and its activities had very real consequences for the couple and gave Luisa reason to be concerned.

Perhaps the same fear of excommunication is what brought Juan de Pinillos to appear voluntarily before the Inquisition and denounce Luisa on 26 March 1574. Like Miguel, he was a smelter, thirty-four years old, originally from Segovia but living in

states that Miguel consulted his friends about the matter, and that they affirmed that he was the legitimate husband (Bennett, *Africans in Colonial Mexico*, 75). The original text reads: "antes desto lo pregunto al dicho Miguel Rodrigues su marido poniendole el caso en diferentes personas el qual le dixo que si avia sido antes del santo concilio era matrimonio y sino no y que si algo savia de alguien lo denunciase por que estava excomulgada sino lo dezia." AGN Inq., vol. 103, exp. 6, fol. 265r.

²⁸⁴ Chuchiak, *The Inquisition in New Spain*, 107.

Mexico City. In his testimony, Pinillos reported that he heard about Luisa's bigamy from Blas de Avila and Juan de Vega, both Segovian soldiers who were in Florida with Miguel. Pinillos indicated that he spoke with Miguel about the matter as well, suggesting that they were at least acquaintances.²⁸⁵ The following day, the Inquisition summoned one of the two informants, Juan de Vega, who was also a smelter living in Mexico City. During his short questioning, Vega testified that he was a witness to the Florida wedding, and that Luisa and Miguel had made *vida maridable* until they were separated by her confessor.²⁸⁶ Vega was the only witness called before the Inquisition prior to Luisa's voluntary confession, nearly one year later.

The Inquisition's policies required the testimony of five witnesses to merit an arrest, which explains in part why her case was not pursued further.²⁸⁷ Since all witness testimony was secret, it is possible that Luisa did not know she had been denounced. Pinillos likely gave his testimony to prevent punishment for knowing about Luisa's supposed crime. While none of Miguel's other friends appeared voluntarily, they did seek to create distance between themselves and the couple in their testimony. Blas de Avila, who was called to testify on 1 March 1575, acted like he did not know Miguel's full name, calling him first a *fulano* (so-and-so) Rodriguez. Avila also claimed that he was not present for their marriage, since he was stationed at a different Florida garrison, but Juan de Vega testified that Avila was indeed present.²⁸⁸

²⁸⁵ AGN Inq., vol. 103, exp. 6, fol. 256r.

²⁸⁶ Ibid., fols. 257r-v. Vega was on his way to Spain and only made it to the morning *audiencia*. He was unavailable to testify in the afternoon, and his testimony was never ratified.

²⁸⁷ Chuchiack, *The Inquisition in New Spain*, 37.

²⁸⁸ AGN Inq., vol. 103, exp. 6, fols. 257r-259r.

Luisa, Miguel, and their friends were faced with how to maneuver the new and very present institution of the Inquisition in their lives. Each individual navigated the situation differently. Luisa tried first to resolve the issue with her confessor; Miguel sought the advice of the provisor; and one friend chose to denounce Luisa while the other simply tried to keep his distance when summoned to testify. They were trying to both abide by the law and evade its consequences.

It was not the church who separated us, but the confessor

“His words were like thunder,” Luisa stated. She had gone to confess with Father Curiel, who told her that she was still married to Jordan. Luisa never told Miguel directly about her situation. She simply told him that there was a problem and that he needed to go and talk to her confessor.²⁸⁹ When he did, Curiel’s response was clear and unapologetic: “it is a plot of the devil” he proclaimed.²⁹⁰ Miguel was told that he needed to separate from Luisa, and was warned that continuing sexual relations with her would be a mortal sin.²⁹¹

Miguel was not so quick to accept this conclusion. Wanting to return to his marriage, he complained to the provisor, a chief diocesan or archdiocesan prosecutor, who told him *not* to separate from Luisa: “don’t believe Curiel” the provisor advised, “but reunite with your wife until you can be sure of the other marriage.”²⁹² Miguel then returned to Curiel and explained what the provisor had said, to which Curiel offered a

²⁸⁹ Ibid., fol. 264v.

²⁹⁰ Ibid., fol. 260r.

²⁹¹ Ibid. Canon eight of the Council of Trent’s meeting on marriage retained the Church’s right to separate spouses, meaning to keep spouses from living with one another or sharing a bed. See Schroeder, *Canons and Decrees*, 182. After they were separated the first time by Curiel, Luisa testified that she and Miguel lived apart, but Miguel testified that he stayed in the same home with Luisa, and that they simply refrained from sex because he wanted to know first if Jordan was still alive. AGN Inq. vol. 103, exp. 6, fol. 260v.

²⁹² Ibid.

perplexing response—he stated that he would give Miguel a license to marry another in good conscience but simultaneously warned him that, legally, Miguel would be punished if he married again.²⁹³ In this last piece of advice to Miguel, Curiel made a distinction between what was okay in his eyes, and what was okay in the eyes of the legal system.

It appears that Miguel spoke with one other religious official about the matter: the Franciscan friar, Antonio Quixada, a censor of the Holy Office in Mexico City.²⁹⁴ Juan de Pinillos, the man who first denounced Luisa to the Inquisition, stated that Quixada told Miguel that he could give him a license to remarry if he offered evidence of Luisa's first marriage.²⁹⁵ Pinillos claimed that Miguel was looking to end his marriage with Luisa. If the witness testimony can be trusted, that means that Miguel spoke with an official of the Inquisition prior to Pinillos's denouncement of Luisa.

Miguel's intentions are difficult to discern, since there is evidence both that he was trying to stay with Luisa and trying to leave her. What is important to note is that the advice of both Curiel and Quixada left Miguel without many options. Curiel's advice made it sound as though Miguel could face legal consequences for remarrying, and Quixada had asked for some type of proof of Luisa's previous marriage. However, since there were no eyewitnesses to Luisa's first marriage, the only testimony that could prove its existence was her own. It is unsurprising that Miguel may have wanted to leave the marriage—he was separated from his wife with no clear resolution in sight.

Both Miguel and Luisa were clear in their testimony that it was the confessor, not the Church, who separated them. In saying so, they drew a distinction between levels of

²⁹³ Ibid.

²⁹⁴ Nesvig, *Ideology and Inquisition*, 261.

²⁹⁵ AGN Inq. vol. 103, exp. 6, fol. 256r.

religious authority. This distinction may have caused even more confusion for the couple—on whose authority were they living apart? How long would it last? What about the competing advice of the provisor? After their initial separation, Miguel and Luisa spent one night together following the provisor’s advice. However, Luisa promptly went to her confessor afterwards who disapproved, and he separated the couple once again.²⁹⁶

As these examples make clear, ordinary people as well as religious authorities held competing ideas of how to respond to the charge of bigamy. Luisa negotiated her situation with a reformed understanding of her actions. Her insistence on reporting to her confessor multiple times, while Miguel tried to find alternative advice, demonstrates how Luisa and Miguel struggled to negotiate the meaning of bigamy within their community, a community that, even at its most authoritative levels, struggled to agree on a unified response.

Luisa Denounces Herself

On 28 February 1575, exactly one year after Mexico City’s first *auto de fé*, Luisa de Abrego approached the tribunal’s office prepared to confess voluntarily. It had been at least a year since she and Miguel were separated by Curiel. During at least part of that time, Miguel was in debtor’s prison.²⁹⁷ His friends knew about their separation and so did two other religious officials. Whether she knew it or not, the Inquisition was also aware of her potential crime. In the time between her moment in Zacatecas and her self-denunciation before the Inquisition, Luisa’s community sent her a confusing, but

²⁹⁶ AGN Inq., vol. 103, exp. 6, fols. 260v; 264r.

²⁹⁷ Miguel was summoned to testify on 10 December 1575, and the notary added that, “at present, he is imprisoned in the prison below for debts.” Juan de Pinillos, the witness who first denounced Luisa, testified on 26 March 1574 and stated that Miguel was in the *carcel de corte*. AGN Inq., vol. 103, exp. 6, fols. 260r; 256r.

nonetheless concerning, message: she might be a bigamist. Moreover, while living in Mexico City she was likely present for as many as three edicts of faith and the 1574 *auto de fé*. Luisa's life was not only disrupted, but her community was telling her that she might be a criminal.²⁹⁸

Luisa's case appears in just one published work, by Herman Bennett. Bennett suggests that Luisa confessed primarily out of a Spanish Christian conscience and argues that Luisa's case reveals "the depth of her immersion in the Iberian cultural milieu."²⁹⁹ While he notes that her self-indictment could have been a strategic way of mitigating her punishment, he argues that "the fact that she was Spanish and Christian undermines the theory."³⁰⁰ Luisa's Spanish and Christian identity is clearly an important part of her case. She sought to abide by the customs and laws of her society, and when asked if she would still marry a second time with the knowledge that she was already married, she responded "no, because I would not be such a bad Christian."³⁰¹

However, her identity as a Spanish Catholic is not enough to explain or understand her story. Luisa did not rush immediately to her confessor or to the Inquisition. She took time to process and navigate her situation and perhaps only came to the Inquisition as a last resort. In her testimony, she did express moral and legal guilt, and it is also possible that she was motivated by fear: she went to Father Curiel after her conversation with Miguel which brought up the threat of excommunication. However,

²⁹⁸ It is clear that Miguel's friends knew about their separation and discussed the matter among themselves. Elements of the witness testimonies indicate the presence of rumor, suggesting that there were mixed stories circulating. None of the witnesses claimed to know Jordan's name, but Juan de Pinillos referred to him as a *negro esgremidor*, or a black swordsmith, and Juan de Vega stated that Luisa's first husband was the slave of a *caballero*, neither of which are corroborated by Luisa or Miguel. AGN Inq., vol. 103, exp. 6, fols. 256r; 257r.

²⁹⁹ Bennett, *Africans in Colonial Mexico*, 76.

³⁰⁰ *Ibid.*

³⁰¹ AGN Inq. vol. 103, exp. 6, fol. 265r.

these expressions of a guilty and worried conscience came about after she was exposed to the legal and spiritual consequences of bigamy, and after she experienced the presence of the Inquisition in her own community. In Luisa's case, proximity to the tribunal in Mexico City had profound effects on her life. If she did confess purely out of her Catholic conscience, she did so because her immediate community told her that she could suffer physical and spiritual consequences otherwise, a message she only began to receive in force after the establishment of the Inquisition's tribunal.

Moreover, her behavior as a repentant Christian before the inquisitor must also be understood in relation to her gender. Especially in a post-Tridentine context, Luisa's best strategy as a married Catholic woman was to be submissive, humble, and repentant.³⁰² Intentionally or not, Luisa struck the perfect balance in her statements. She claimed that she did not knowingly commit bigamy, she asked for mercy, and she accepted the inquisitor's conclusion that Jordan was her legitimate husband. However, she did not give Bonilla the full proof he was looking for. The accusation against Luisa, put forward by the *fiscal*, was designed to be harsh in order to inspire further confession.³⁰³ The *fiscal* accused Luisa of hiding the first marriage from Miguel, "like a woman with bad intentions who wanted to commit the crime."³⁰⁴ Because she stood firm in her original story, the *fiscal* could not prove that she was the malicious criminal that he had accused her to be. In the final decision written on 7 February 1576, Luisa was absolved on the grounds that the *fiscal* did not prove his claims.³⁰⁵

³⁰² Mary E Giles, *Women in the Inquisition: Spain and the New World* (Baltimore, Md.: Johns Hopkins University Press, 1999), 10; Nicole von Germeten, *Violent Delights, Violent Ends Sex, Race, & Honor in Colonial Cartagena de Indias* (Albuquerque: University of New Mexico Press, 2013), 5.

³⁰³ Chuchiak explains that the Inquisition used harsh accusations to inspire confession. This explains why the accusation against Luisa was harsher than her questioning. Chuchiak, *Inquisition in New Spain*, 39.

³⁰⁴ AGN Inq. vol. 103, exp. 6, fol. 268r.

³⁰⁵ *Ibid.*, 273r.

With the limited and highly regulated help of a lawyer, Luisa concluded her defense by asking her judges to consider her *poca culpa* (minimal culpability) and her good intentions.³⁰⁶ She reminded the inquisitor Bonilla that she had denounced herself, even with no proof of her first marriage, and finished by asking for penitence with grace and a definitive conclusion to the trial.³⁰⁷

Conclusion

Luisa's motivation for self-denunciation is perplexing to be sure. Her short, forty-page case must only divulge a fraction of the turmoil she experienced in the time leading up to her confession and in the years to follow. Her motivations were likely complex and multi-layered, but they cannot be separated from her circumstances. In Luisa's case, proximity to the Inquisition was an important factor leading up to her confession first to Father Curiel and then to the court. Ten years after her marriage to Miguel, and in a rather different setting than the Florida garrison where their ceremony took place, Luisa's understanding of marriage evolved once again.

Six judges voted in her case; two, including Bonilla, voted for absolution. The other four voted for the conviction of *abjure de levi*, the lowest level possible, with various forms of penance.³⁰⁸ Three of those four judges added that she should appear in the *auto de fé*. The final ruling favored Bonilla's vote.³⁰⁹ Luisa's trial before the Inquisition closed one tumultuous chapter in her life, only to open a new one. Though her

³⁰⁶ *Ibid.*, 269v.

³⁰⁷ *Ibid.*, fols. 262r-265v.

³⁰⁸ Three of those four judges added that she should appear in the *auto de fé* with a candle and *coroza* (a tall pointed hat worn for public humiliation). The other judge, the ordinary Portillo, voted that she do penance during a mass in the Holy Office, also with a candle and while wearing a *coroza*. For more on the sentencing process, see Chuchiack, *Inquisition in New Spain*, 47.

³⁰⁹ It is possible that Luisa did actually appear in the *auto de fé* that took place on 19 February 1576. Despite the final vote, Luisa de Abrego appears in a record of "*causas despachadas por el santo oficio de México, en el auto de fé que se celebró a 19 de febrero de 1576.*" AGN Inq., vol. 223, exp. 19, fol. 54r-v.

judges offered no clear instructions about how to proceed, she was left with the knowledge that Miguel was not her husband. While Miguel was free to marry another, Luisa was faced with an uncertain future, still legally wed to a man on the other side of the Atlantic.

Table 4.1: Timeline for Luisa de Abrego

| | |
|--------------------------|---|
| Ca. 1544 | Luisa de Abrego is born, likely in Seville. |
| Ca. 1561 | Luisa de Abrego is living and working in Jerez de la Frontera as a domestic servant, where she meets and marries a young free black man named Jordan de Herrera. |
| Ca. 1561-62 | Luisa moves back to Seville. |
| July 1565 | Luisa departs on an expedition to Florida in the company of Miguel Rodriguez, a soldier from Segovia. They board the fleet's flagship, the <i>San Pelayo</i> . The expedition is led by captain Pedro Menéndez de Aviles. |
| September 1565 | The fleet arrives in Florida. |
| Late 1565, or early 1566 | Miguel and Luisa are married in St. Augustine, Florida. |
| March 1566 | There is a munity, partly led by the priest Juan de Rueda who performed the marriage between Luisa and Miguel. |
| 23 March 1568 | Miguel and Luisa secure their marriage license from the mutineer priest Rueda in Santo Domingo. |
| Fall 1568 | The couple travels to New Spain on the same fleet as the incoming Viceroy Don Martín Enríquez. |
| 26 March 1574 | Testimony of Juan de Pinillos, Segovian acquaintance of Miguel who denounces Luisa. |
| 27 March 1574 | Juan de Vega, Segovian friend of Miguel who was also in Florida called to testify. |
| 13 August 1574 | The day of San Hipolito, the day both Luisa and Miguel say they were separated by Luisa's confessor. |
| 28 February 1575 | Luisa de Abrego appears unsummoned to confess before the Inquisition. |
| 1 March 1575 | Blas de Avila, Segovian friend of Miguel who was also in Florida, called to testify. |
| 24 November 1575 | Accusation put forward against Luisa by the Inquisition's <i>fiscal</i> |
| 6 December 1575 | Luisa is read the accusation and appointed a lawyer, the <i>licenciado</i> Avalos |
| 7 December 1575 | Testimony of Juan de Pinillos and Blas de Avila is ratified. |
| 10 December 1575 | Miguel Rodriguez is called to testify. He is brought up from the prison below where is imprisoned for debts. This same day, the court offers the publication of witnesses. |
| 12 December 1575 | Luisa called and asked if she has anything more to say. |
| 7 February 1576 | Votes taken, Luisa is absolved. |
| 19 February 1576 | <i>Auto de fé*</i> |
| 2 May 1576 | The pronounciation, Luisa is notified of her final sentence. |

* It is possible that Luisa did actually appear in the *auto de fé*. Despite the final vote, Luisa de Abrego appears in a record of "*causas despachadas por el santo oficio de México, en el auto de fé que se celebró a 19 de febrero de 1576.*" AGN Inq., vol. 223, exp. 19, fol. 54r-v.



Figure 4.1: Map of locations that Luisa de Abrego lived in in Mexico, ca. 1568-1576

Chapter Five: Conclusion

Natalie Zemon Davis concluded her reflections on the famous story of Martin Guerre by stating that, “even for the historian who has deciphered it, it retains a stubborn vitality.”³¹⁰ This rings true for the cases of Gabriel, Francisco, and Luisa, whose stories, though not famous, revealed new insights each time they were read, and continue to do so.

Bigamy and Gender

Luisa’s story, held in contrast to the narratives of her male counterparts, Gabriel and Francisco, calls attention to the gendered nature of the crime of bigamy. Both in Medieval Europe and New Spain, courts prosecuted far more men for bigamy than women.³¹¹ This does not mean that women committed the crime less often, but only that they were not accused of the crime as frequently. As bigamy cases show, both men and women with disrupted marriages faced the possibility of remarriage, whether they were the ones who had left, or were left behind.

Sara McDougall argues that bigamy was “a male crime” in her study of bigamy in Medieval Europe.³¹² She explains: “it was the bigamy committed by a husband—and not a wife—that provoked criminal investigations and judicial punishment.”³¹³ The cases of

³¹⁰ Natalie Zemon Davis, *The Return of Martin Guerre*, (Cambridge: Harvard University Press, 1983), 125.

³¹¹ McDougall, “A Male Crime,” 436; Boyer, *Lives*, 7-8. Women make up 16 percent of Boyer’s sample.

³¹² McDougall, “A Male Crime,” 430.

³¹³ *Ibid.*

Gabriel, Francisco, and Luisa affirm that this conclusion is relevant for mid- and late sixteenth-century New Spain as well. Luisa's case was not as hotly pursued as that of Francisco who was deemed such a threat to society that the Inquisition, following his prison escape, ordered that no canoes be allowed to leave the city at night for two days.³¹⁴ Francisco certainly resembled the Council of Trent's depiction of the vagabond bigamist more than the repentant Luisa. Moreover, it appears that Luisa was never even imprisoned during her trial. The court documents do not make any reference to her being brought from, or returned to, prison when she was called for questioning, nor are there any documents requesting her imprisonment. Ironically, it was only her husband, Miguel, who was brought "from the prison below" (debtor's prison) to give his testimony before the court.³¹⁵

In the end, Luisa was absolved, a rare outcome for any trial conducted by the tribunal in Mexico City. Most female bigamists received some form of punishment, though it was often less severe than that of their male counterparts.³¹⁶ Male bigamists typically received lashes, were processed through the streets, and sentenced to five to seven years of service in the galleys.³¹⁷ Gabriel's lack of punishment can be explained by his legal circumstances. He was tried in the archdiocesan Inquisition and had more legal tools available to him.

Male and female bigamists were pursued and punished unequally because their crimes, as McDougall argues, were different. Husbands and wives had different duties under Spanish society. A wife's duty was generally to provide children and be

³¹⁴ AGN Inq. vol. 212, exp. 17, 243r.

³¹⁵ AGN Inq. vol. 103, exp. 6, fol. 260r.

³¹⁶ McDougall, "A Male Crime" 437-438.

³¹⁷ Boyer, *Lives*, 232.

submissive, while a husband's duty was to lead and provide for his household.³¹⁸ A man who abandoned his wife abandoned his duties, but a woman who married again usually did so in order to fulfill her societal obligations. If a woman had been abandoned, McDougall explains, "there was a quiet tendency to view it as better...to submit to a second husband than to have no husband at all."³¹⁹ Because their societal duties were different, the crime was typically less threatening when committed by a woman.

Still, Luisa did not fit all of the stereotypes of a female bigamist. In most bigamy narratives, it was the husband who played the role of wandering traveler or soldier, leaving his spouse behind and starting a new life elsewhere. Although Luisa was the one initially abandoned, she was also the one to leave and pursue opportunities on the other side of the Atlantic.

Bigamy Begets Bigamy

Before Luisa was a bigamist, she was the victim of bigamy. Her story, in that sense, was not unusual; bigamy had severe consequences not only for the bigamist but also for their community. By marrying multiple times and by being caught, each person put their spouses in a position to commit the crime as well. In short, bigamy begets bigamy. Luisa's husband, Miguel, expressed concern about this possibility, since he consulted Father Curiel and the friar Quixada about obtaining a license to remarry. Within the time frame of the case, it does not appear that Miguel remarried; he was more cautious than others. In Gabriel's case, his wife Francisca left him for another man soon after he was imprisoned. Gabriel concluded his case by petitioning his judge to demand that Francisca be returned to him, and his request was granted. In a surprising turn of

³¹⁸ McDougall, "A Male Crime" 441.

³¹⁹ *Ibid.*, 441.

events, it also appears that Gabriel's wife Leonor, who passed away, was betrothed to someone else before him.³²⁰ Her final will and testament hints towards this but provides no clear details. Did she leave a failed betrothal behind when she married Gabriel?

Then there was Francisco, whose story was always five times more dramatic. He put three wives at risk of committing bigamy. By the time he was imprisoned, over three decades had passed since his departure from Spain; it would not be surprising if his first wife had remarried. What his second wife, Leonor, chose to do is suspect. Francisco's prison mate, the dubious Gómez de León, gave the provocative details, per usual. He testified that Leonor's father, Juan, had told her that Francisco had actually died, and that Juan then married her to someone else, a Francisco Martín, son of a Diego Martín, vecino of Atzapotzalco.³²¹ Apparently, Francisco (the bigamist) learned this after Leonor was returned to him by the orders of the municipal court in Toluca. Gómez added that Leonor was pregnant at the time, and that the presumed father—Francisco Martín—later married an india or mestiza after the original Francisco and Leonor got back together.³²² If this was indeed true, the individuals involved hid it well, since no hint of a second marriage appeared before the court in Toluca. All that was said was that Leonor was living in the home of a married couple, a Diego Martín and his wife, in Azcapotzalco.³²³ Gómez definitively had some of his information right. If he was telling the complete truth, then the lies of Leonor's father resulted in two more instances of bigamy, first on Leonor's part, and then again on the part of her second husband.

³²⁰ Final Will and Testament of Leonor de Guecho, AGN Inq. vol. 27, exp. s/n, fol. 23r-24v.

³²¹ AGN Inq. vol. 96, exp. s/n, fols. 26r-v.

³²² Ibid.

³²³ AGN Inq. vol. 96, exp. s/n, fols. 53r.

Lastly, Francisco's third wife, Ana, was also faced with the conundrum of how to move forward with her life. Pedro de Espinareda testified that he secured a license from the bishop for Ana to remarry because he wanted her to live as a married woman, and that she married an indio in Nombre de Dios.³²⁴ Once again, Espinareda intervened to orchestrate a marriage within his community. It was important that Ana, a woman, be married; therefore, her community and its influential friar accommodated the marriage. It is no wonder that the Inquisition's chief complaint about bigamy after the founding of the tribunal in 1571 was that priests were too easily facilitating marriages.³²⁵ Priests shared intimate ties to their communities; when the friar Espinareda first married Ana to Francisco, bigamy was not his concern, but rather molding his community. This continued to be his priority when he sought the bishop's license for Ana.

Allyson Poska asserts that bigamy probably came to light when it began to disturb the community.³²⁶ Some communities actively protected bigamists from being discovered. In 1574, the Inquisition's deputy in Michoacán tried to capture a run-away bigamist who fled to the mountains, but his community would not divulge his whereabouts.³²⁷ Did Francisco's wife, Leonor, actually marry the said Francisco Martín and subsequently commit bigamy, and her community just helped to keep it secret? This is not out of the question. Was Francisco's first wife in Spain, abandoned at a young age, protected by her community and allowed to remarry? And what about María, the *manceba* (or perhaps the first wife) of Gabriel? Did she consider herself to still be

³²⁴ AGN Inq. vol. 96, exp. s/n, fol. 8r.

³²⁵ Chuchiak, *Inquisition in New Spain*, 218. He cites: *Carta de los inquisidores al Consejo de Inquisición sobre el delito de bigamia y su causa*, 22 de Mayo, 1575, AHN, Sección de Inquisición, libro 1066, fols. 297r-298v; libro 1047, fol. 383r-v.

³²⁶ Poska, "When Bigamy is the Charge," 190.

³²⁷ Nesvig, *Promiscuous Power*, 109-110.

married to Gabriel after he left? Like Luisa, did she think that perhaps his abandonment meant that she, too, could marry another? The questions are endless and intriguing.

It is easy to begin to imagine the stories that branched off of the lives of Gabriel, Francisco, and Luisa. With only their three inquisitional trials to read, much remains a mystery. Yet these incomplete and peripheral stories show that the legitimacy of a marriage could be contested at many levels and depended on the community involved.

In the case of Luisa, her community both condemned and protected her. Her husband, Miguel, never gave voluntary testimony against her before the Inquisition; when he was called to testify, Miguel corroborated Luisa's story that she did not realize until recently that she had committed bigamy. Her confessor, while condemning Luisa and Miguel to separation, did not bring the case before the Inquisition either. Instead, he chose to resolve the "plot of the devil" himself. Only one acquaintance of the couple officially denounced Luisa before she came forward with her voluntary confession. Luisa's own community was in flux about what to do, but they were also under the pressure of the Inquisition, a new and looming authority in Mexico City.

Francisco's case also includes evidence of communities trying to both protect and condemn. In a plot twist that challenges general perceptions about the frontier zones of empire, it was Francisco's frontier community in Nombre de Dios that condemned his actions and, ultimately, it was the friar there who reported Francisco's crime to the Inquisition, right after the tribunal was founded in 1571. The coming of the tribunal also had powerful implications for Francisco's life. Prior to its arrival, he had lived in Toluca for nearly a decade and reunited with Leonor without facing any further accusations of bigamy. After he escaped prison, Toluca was where he chose to flee and seek refuge.

Gabriel's community of Florida expeditionaries was at the center of his bigamy case. On the eve of departure to Florida, Gabriel did the same thing that many other soldiers did and claimed that María was his wife in order to bring her on board. Or perhaps he actually married her, but with similar intentions. However, some of the peers that first protected and condoned such actions within the community later testified against him, perhaps out of enmity. At the same time, other friends of Gabriel, also members of the Florida expedition, testified in his favor, protecting him from the charge.

Gabriel, Francisco, and Luisa, lived in the same time period, in some of the same cities, and they all encountered criminal accusations from the Inquisition. Together, their cases show how three rather different individuals navigated institutions in transition and communities in flux. Their worlds, experiences, and approaches to marriage were at times vastly different, save for the important fact that all three, in transition themselves, sought to integrate themselves into their desired communities, and they used marriage to do so.

On 28 February 1574, the Spanish Inquisition held its first *auto de fé* in Mexico City. Francisco was sentenced to appear and condemned to 200 public lashes through the streets. By that time, Luisa and Miguel were living in Mexico City and would have seen the public spectacle, as all residents of the city were mandated to attend.³²⁸ Just one month later, Luisa would be denounced to the Holy Office for the first time, and exactly one year later, she would come forward to denounce herself. It was not the first time that she saw the spectacle of a bigamist charged for his crimes; it was one of many reminders that she, too, could face spiritual and legal consequences for her marriage to Miguel. This

³²⁸ Chuchiak, *Inquisition in New Spain*, 150-151.

was possibly the only time that Francisco and Luisa's paths crossed. While he was being paraded and whipped through the streets, Francisco was likely unaware of Luisa's presence, or the connections they shared to Florida, and would come to share with the Inquisition. On the expedition to Florida, however, Gabriel and Francisco surely saw one another, even if they were mere acquaintances. It is more difficult to discern if Luisa and Gabriel ever encountered one another in the bustle of the city, but perhaps they walked past each other strolling through the center of town, their paces hastening as they strode past the Holy Office of the Inquisition.

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Abbreviations

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| AGI | <i>Archivo General de Indias</i> , Seville, Spain |
| AGN | <i>Archivo General de la Nación</i> , Mexico City, Mexico |

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AGI Justicia 817, N. 5, fols. 12-23.

AGI Santo Domingo 224, R. 1, N. 5, fol. 17r-18v

AGN Inquisición vol. 7, exp. 2.

AGN Inquisición vol. 27, exp. s/n, fols. 1-109.

AGN Inquisición vol. 75, exp. 32.

AGN Inquisición vol. 91, exp. 5.

AGN Inquisición vol. 96, exp. s/n, fols. 1-136.

AGN Inquisición, vol. 103, exp. 6, fols. 255-274.

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