From the Courts to the Court: History, Literature, and Litigation in the Spanish Atlantic World

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Literary and historical texts from the colonial period are sometimes read without much attention to the legal contexts that may have inspired or impacted them. Evidence from the Archive of the Indies in Seville, read against more literary sources, suggests that litigation may have shaped certain ‘classical’ accounts of the conquest of the Americas. Without undermining the achievements of any author, this essay examines the impact of specific legal cases on the writings of Gonzalo Fernández de Oviedo (1478–1557), Antonio Herrera y Tordesillas (1549–1626), and some of their contemporaries. Since these authors promoted themselves quite effectively, rather than defending them, the following analysis aims to highlight legal battles that influenced these ‘historians at work’.1

Recent studies of the impact of law on literature have explored the growing importance of legal training and the increasing ubiquity of legal issues in Golden-Age Spain and Spanish America that historian Richard L. Kagan highlighted as early as 1981 (Kagan 1981). In Love and the law in Cervantes, Roberto González Echevarría has examined the insertion of legal cases, discourses, and characters into Don Quixote as well as some of the Novelas Ejemplares (González Echevarría 2005, esp. 19–53). From a more colonial angle, Rolena Adorno has studied the impact of the law on literature by considering the legal achievements and setbacks of authors including Guaman Poma de Ayala, Bartolomé de las Casas, and Bernal Díaz del Castillo alongside their writings (Adorno 2007, 30–102, 150–90). Both studies testify to some of the ways in which history and literature—far from distinct disciplines—were nourished and even inspired by legal studies and affairs during the early modern period. As Adorno’s book, The Polemics of Possession in Spanish American Narrative, reveals, an examination of sixteenth- and seventeenth-century authors’ specific legal entanglements facilitates more precise and meaningful interpretations of their work.
Adorno demonstrates the advantages of considering and presenting new archival evidence regarding authors who participated in an increasingly pervasive legal and administrative bureaucracy. Attention to these legal contexts in conjunction with better-known texts written for the Crown, reveals that legal travails may have influenced—and indeed, entailed part of—the authors’ work. Between Spain and America, cases that entangled authors like Gonzalo Fernández de Oviedo, Bartolomé de Las Casas (1474–1566), Antonio de Herrera y Tordesillas, and even Miguel de Cervantes y Saavedra (1547–1616), may have also shaped how and what they wrote. Early accounts of the Spanish conquest of America, read within their legal contexts, provide insight into their authors’ perspectives and commitments. The authors’ experience with the law may also help explain Adorno’s observation ‘that one of the most salient features of the colonial writing subject is the multiplicity of positions the speaking subject takes’ (2007, 10). In the shifting sands of Atlantic jurisprudence, the law gave each side its own defense.

Writers involved with the Hispanic monarchy inhabited a burgeoning litigious culture. In France, legal scholars numbered among the first theorists and practitioners of history, as Anthony Grafton has demonstrated (Grafton 2007). In the Hispanic Monarchy, the law arguably went ‘still further’ as overseas endeavors occupied men with legal training and historical interests, stimulating, in turn, the development of both fields—to invoke the imperial ‘Plus Ultra’ symbol that King Charles ordered Gonzalo Fernández de Oviedo to use to brand American gold and captives. In such an environment, legal, historical, literary and pecuniary interests naturally overlapped and influenced each other. The sixteenth-century Valencian humanist, Juan Luis Vives, went so far as to accuse historians who extolled the glory of their ‘nations’—precisely the official historians recently studied by Kagan—of performing the work of lawyers (Vives 1948, 423; Kagan 2009, 6–7). Kagan finds the comparison between lawyers and historians ‘suggestive but still not quite right’: legal cases were judged more clearly and had more definite outcomes than histories, he explains. Official historians, unlike mercenary lawyers, were ‘true believers’ in the causes and empires that they defended (2009, 7).

An aspiring royal historian, Fernández de Oviedo, would have agreed. In 1558 he distinguished between lawyers and historians by observing that lawyers dressed better, far from a trivial matter at the time. Nearing the end of a career in what he styled the morally superior profession, the historian of Spanish America declared: ‘You might well believe that had I employed my time in the study of laws, like those I call cloak-bitters, then my own cloak would be better lined, although perhaps not as well-earned . . . ’ (Fernández de Oviedo 1974, 2:465). Lawyers dressed better because they amassed bigger fortunes, often unscrupulously, alleged Oviedo. Yet the chronicler himself had adopted the role of historian only after failing to get rich by other means, including the law. He had spent most of his life entangled in legal proceedings as an attorney, prosecutor, and defendant.

One of Oviedo’s successors, Antonio de Herrera y Tordesillas, who has been labeled ‘litigious’ (Ballesteros-Beretta 1934, lvi), faced lawsuits including a case for libel
instigated by the count of Puñonrostro, Francisco Arias Dávila y Bobadilla (Kagan 2004, 50). This count descended from the early sixteenth-century governor of Panamá and Nicaragua, Pedrarias Dávila, whom Oviedo had alternately denounced and defended in Central America and Castile. Between the courts and the court, these chroniclers’ lawsuits arguably influenced their histories and may have shaped certain aspects of colonial historiography—such as the idealization of Vasco Núñez de Balboa and the vituperation of Pedrarias Dávila, as well as the American variant of a ‘black legend’ invoked to justify the failure of golden expectations, whether pertaining to fabulous riches or to receptive natives.

As historians, both Oviedo and Herrera developed cases on behalf of the Crown, although with certain interesting and impressive limitations. Both chroniclers saw their offices as solemn dignities and proclaimed themselves practitioners of a ‘true history’—either based on Oviedo’s personal eyewitness experience or on Herrera’s discriminating, if sometimes hasty, use of official evidence. As former secretaries, both historians emerged from the bowels of notarial culture—a fact that may help explain their productivity as well as the copious and unwieldy nature of their works. Notaries charged by the folio and therefore had little incentive for brevity.4

While Oviedo and Herrera, as chroniclers, forged monarchist brands of ‘the truth,’ as litigants, they were more concerned with winning cases and defeating opponents. Oviedo’s litigious career, and certainly his conflicts with Pedrarias Dávila, preceded and coincided with his drafting and revision of the Historia General y Natural de las Indias (Fernández de Oviedo 1992, 1:26; Myers 2007, 40).5 Herrera, on the other hand, successfully confronted legal action instigated by Dávila’s grandson after he had completed his first four Décadas but well before he published the rest (Carbia 1940, 166). Reconstructing biographical details from literary and archival sources, this essay considers the impact of two authors’ legal cases on their own, concurrent, and subsequent histories. Oviedo and Herrera inhabited a legal culture shared by other writers, including Bartolomé de las Casas and Miguel de Cervantes, whose paths would significantly intersect their own.

Oviedo: The Lawyer as Historian

Crossing the Atlantic at least thirteen times, Fernández de Oviedo authored diverse texts and letters, an output of some fifteen literary works, which Edmundo O’Gorman found particularly impressive in light of the chronicler’s numerous lawsuits (‘tanto pleitar’) (1972, 47–84). The volume and range of Oviedo’s opus—from a chivalric novel to an account of the household of Prince Juan to the multi-volume Historia General y Natural and Batallas y Quinquajenas—may be one reason it still awaits a comprehensive, critical edition. A full appraisal of Oviedo’s work would take years, if not generations, and will not be attempted here. The present article, while potentially considering some of the chronicler’s least glorious moments, does so in an attempt to illuminate the trials of a sixteenth-century historian at work.
The historiography on Oviedo, often fragmented and dispersed, has included valuable efforts to relate his work to that of other chroniclers (Peña y Cámara 1957; Otte 1958, 1977). Following O’Gorman’s study, in 1986 Alberto Salas compared Oviedo’s writings on the Americas to those of Pietro Mártir de Anglería and Las Casas, noting the particular vehemence of Oviedo’s condemnations of Pedrarias, and the coincidence of Oviedo’s figures for early indigenous mortality in Tierra Firme (some two million souls) with those of Las Casas (Salas 1986, 128–29). While their texts have often been the subject of fruitful scrutiny, relations among the authors themselves warrant further attention.

In a recent study of Oviedo’s Historia Natural y General, Kathleen Ann Myers has noted that the chronicler enumerated a ‘dizzying array of the numerous lawsuits in which he was variously the plaintiff, defendant, or prosecutor and represented himself, a whole city, a province,’ or even the king (Myers 2007, 49). Myers’s critical reading, like Jesus Carrillo Castillo’s work on Oviedo’s illustrations (Carrillo Castillo, 2004), provides a refreshing alternative to panegyrics produced for distinct anniversaries. Scrutiny of the chronicler’s diverse legal proceedings supports and enriches the conclusions that Myers derives from a critical reading of his history. Oviedo’s multiple, even conflicting, roles in various cases may, in turn, illuminate some of the different, often contradictory, perspectives recorded in the Historia General y Natural. For this purpose, the chronicler’s writings can be considered alongside lawsuits that occupied Oviedo from 1514 through 1542.

Myers suggests, specifically, that Oviedo may have been implicated in the events in Central America that he denounced throughout most of books 26 and 29 of the Historia General. She argues that the chronicler possibly used Pedrarias ‘as a smokescreen for his own role in the bloody conquest of Tierra Firme’ (Myers 2007, 56). The extent of Oviedo’s personal involvement first emerges from his multiple functions in the expedition led by Pedrarias Dávila. Like many courtiers who had planned to accompany the military hero Gonzalo Fernández de Córdoba to Italy in 1513, Oviedo faced unemployment when their captain lost the king’s confidence and retired. The royal secretary and councilor, Lope de Conchillos, offered Oviedo the lifeline of ‘representing’ him in the exercise of different offices on what would soon be proven Tierra Firme, propagandistically termed Golden Castile (Castilla del Oro): principal notary of the mines (with an annual salary of 50,000 maravedíes), in charge of the melting and marking of gold as well as the branding of natives and slaves—providing an interesting parallel to the work of Bernal Díaz de Castillo toward the end of his career (Adorno 2007, 150–52)—as well as general public civil and criminal notary (receiving one-half of the secretary’s rights).6 Probably thanks to the recommendation of Conchillos, on 9 August 1513 the king appointed Fernández de Oviedo royal overseer of the mines and foundry for 70,000 maravedíes per year, which Oviedo continued to receive after he was assigned an annual 30,000 maravedíes to work on his history (CODOIN 1892, Series II, 17:288). Charged with overseeing his own work in Castilla del Oro, Oviedo would simultaneously represent the interests of the Crown and Conchillos, undoubtedly to the benefit of the latter as well.
as his own. Whatever the potential conflicts of interests, Oviedo’s appointments reveal that his revenues depended upon the settlement’s number of slaves, quantity of gold, and amount of litigation.

The notary’s economic interest in civil and criminal proceedings clashed with a royal desire to keep old-world vices out of the Americas. Litigiousness was not the only proscribed custom—Jewish and Islamic practices would also reach the Americas despite royal attempts to bar them. Years later, Oviedo would critique the Crown’s initial effort to keep lawyers out of Castilla del Oro. According to Oviedo, upon dispatching the Armada of 1514, King Ferdinand ‘ordered and provided for no university graduates or attorneys there, but rather for the chief magistrate, summoning and hearing the parties, to determine cases honestly and plainly upon knowing the truth, with the criteria of a good man…’ (Fernández de Oviedo 1974, 1:101–2). In the absence of other procedural experts and fresh from the University of Salamanca, the royally-appointed chief magistrate (alcalde mayor), Gaspar de Espinosa, ‘tried a case by stating the demand for the plaintiff, and responded himself on behalf of the accused, then replied for both parties, and, when the case concluded, sentenced in favor of the party he fancied, or for whom he had wished to plead better’ (Fernández de Oviedo 1974, 1:102). Oviedo—who would adopt similar multiple roles as historian-cum-judge (Gerbi 1985, 221)—conveyed five of Espinosa’s first cases to the royal court in 1515. Although Oviedo would attribute the destruction of Castilla del Oro to the inevitable intromissions of university graduates, notaries, and lawyers (procuradores), he simultaneously decried the effects of their initial absence (Fernández de Oviedo 1974, 1:102).

Circumstances during Oviedo’s first stint in Castilla del Oro had placed him at the center of its administration. The serious, incapacitating illnesses suffered by most of Oviedo’s companions, including the governor Pedrarias, exacerbated the effects of royal provisions for government by consensus among the governor, the bishop, and three fiscal officials (Aram 2008, 69–114). Although not technically one of these governing officials, Oviedo, as overseer of the smelting of gold and the branding of natives, held the keys to the colony’s fiscal survival and participated in the governing councils, especially when the governor proved too sick to attend them. Residing in the foundry, Oviedo applied hot irons to bars of gold and the thighs of captives. The foundry also served as a customs house and a courtroom—reflecting Oviedo’s diverse responsibilities—at least until 1519, when the king ordered legal cases heard and sentenced elsewhere. Alongside the accountant, treasurer, factor, and bishop, Oviedo illegally received slaves captured on raids into outlying territories. Like the other officials, Oviedo wanted to leave Castilla del Oro and, unlike the rest, managed to return to Castile within nine months.

From 1515 through 1519, Oviedo campaigned against the governor and the government of Tierra Firme. After reaching King Ferdinand on his deathbed, Oviedo undertook a costly voyage to Brussels to approach the new sovereign, only to find his case referred back to the regents in Castile, and finally to receive royal attention in Barcelona in 1518. At sea and at court, Oviedo coincided with fray Bartolomé de las
Figure 1 This engraved title-page from Antonio de Herrera's 1601 Descripción de las Indias Occidentales, with a portrait of the author in the lower left-hand corner, reflects Herrera's attention to the plates designed for the title-pages of his books. Courtesy of the John Carter Brown Library at Brown University.
Casas, the unintentional founding father of the ‘black legend’ regarding Spaniards’ supposed cruelty overseas. With respect to the colony established at Santa María de la Antigua del Darién, on 11 December 1517, the Dominican admitted, ‘I know nothing more than that which is said by those who come from there’ (cited in Serrano y Sanz 1918, 567). Oviedo and Las Casas, who would become life-long opponents, had very different aims as procuradores at court. They nevertheless borrowed each others’ most effective claims and rhetoric. With respect to Castilla del Oro, Myers has already noted that Oviedo’s language echoes that of Las Casas (Myers 2007, 56). The Dominican, in turn, seems to have appropriated Oviedo’s evidence, leading to the apparent agreement of the two men’s accounts that has convinced historians since Herrera of their veracity.

Although Las Casas would coincide with Oviedo again at Court in 1523 and in Santo Domingo in 1544 (Otte 1977, 123–33), their most significant and enduring exchange arguably took place at Barcelona in 1518, when the Dominican obtained information regarding Castilla del Oro from Oviedo and Juan de Quevedo, the short-lived bishop of Santa María de la Antigua del Darién, who had accompanied the future chronicler. The memorials that Las Casas and Oviedo wrote to press very different, even opposing, cases at Court in 1518 and subsequent years contain remarkable similarities. Both authors appealed to the demand for revenues of a new king recently elected Holy Roman Emperor. Indeed, Las Casas opened his memorials of 1518 and 1519 by adopting Oviedo’s allegations that ‘of everything that Your Highness has in the Indies, the best in quantity and quality is the Tierra Firme,’ and blaming the lack of royal income from Castilla del Oro on the depredations of selfish officials led by Pedrarias Dávila (Parish and Pérez Fernández 1981, 83, 86, 112–13).15 Oviedo’s memorials from 1518 and 1519 have not survived, but as late as 1523 he would declare Tierra Firme, ‘the best of everything discovered,’ although Pedrarias and his collaborators allegedly kept it ‘all hidden and concealed from His Majesty and His Council.’16 Such claims about Tierra Firme successively won Las Casas and Oviedo the governorship of Santa Marta, although neither would govern the territory (Oviedo 1992, 3:62). Oviedo’s assertions about greedy governors appropriating resources that belonged to the Crown in points 2, 3, and 4 of his 1523 memorial would reappear, moreover, in the Historia General later penned by Las Casas.

Shared features of certain memorials that Oviedo and Las Casas addressed to the king, his top officials, and the Council of the Indies from 1518 through 1525 suggest a need for attention to the relationship between these memos and the histories that the same authors composed. In the first volume of the Historia General y Natural that Oviedo published in 1535 (to the ire of Las Casas, who made sure that Oviedo would never see volume two or three in print), the chronicler explained that, without the ‘memoriales y libros’ that he had left in Santo Domingo, he could only compose the Sumario published in Toledo in 1526 (Oviedo 1992, 1:10).17 Hence Oviedo admitted that he needed his books and memorials to write a full-fledged history. Legal petitions and memos that Oviedo collected, whether written to press cases at court or in court, appeared just as indispensable as a book like Pliny’s Natural History, the
chronicler’s proclaimed model. Oviedo also noted that access to the judicial reviews and relations of merits and services of many captains, both standard legal proceedings, further informed his history (1992, 3:248). Most famously, the chronicler claimed that his annotations on the final judicial proceedings against Vasco Núñez de Balboa and his companions, which remain lost to this day, had made Pedrarias his mortal enemy. 18

Before a lengthy diatribe in his own Historia labeling Oviedo ‘a capital enemy of the Indians,’ and accusing him of committing ‘horrendous inhumanities,’ Las Casas recalled that he had received a list of accusations against him that Oviedo and others had presented to the Grand Chancellor Mercurio de Gattinara, and had answered them one-by-one in a descargar (legal defense, literally ‘discharge’) that he drafted in the presence of the Chancellor and read before the Royal Council (Las Casas 1988, 5:2381–98). Somehow, Oviedo’s charges against the governor and government of Tierra Firme found their way into the Dominican’s self-defense. 19 Las Casas’s reliance on Oviedo’s allegations regarding Pedrarias and Castilla del Oro is further corroborated by the lack of detail on the region in the Dominican’s Historia General de las Indias after 1517—a confusion that Antonio Herrera, who also relied upon Las Casas more than he would admit, magnified by assuming that Vasco Núñez de Balboa had been executed the same year (Herrera 1934, Decade II, ff. 53–56).

Ultimately successful at court, 20 Oviedo returned to Central America in 1520. At Oviedo’s instigation, King Charles had appointed a new governor, whose death, nevertheless, forced Pedrarias to remain in office. In the obligatory judicial review (juicio de residencia) that followed, Oviedo fared worse than Pedrarias. 21 Nevertheless, the governor knew Oviedo’s litigious capacities well enough to attempt to placate him. When Oviedo opposed the transfer of the capital from Darién to Panamá, Pedrarias simply appointed Oviedo his lieutenant in Darién (Fernández de Oviedo 1992, 3:265). Far from a popular judge, as lieutenant governor Oviedo made enemies who subsequently pressed charges against him. 22 When Pedrarias summoned his deputy to Panamá in 1523, Oviedo fled back to Castile. He had become convinced that Pedrarias supported an attempt to assassinate him. 23 In 1526, however, the king ordered Oviedo to return to Tierra Firme to face yet another judicial review. This time, the judge instructed Oviedo to refrain from testifying against Pedrarias, due to enmity between them. 24 Once again, Oviedo faced serious charges, which included debasing the gold he had melted. 25 In a lengthy ‘discharge’ referring to Oviedo’s allegations against him, the governor had already insisted that the chronicler’s antecedents undermined his authority, much as Oviedo would later criticize Las Casas (Fernández de Oviedo 1992, 3:62):

For all of his deeds were words, as they always are, and in all of the towns where he had lived and in the houses of the lords that he had served […] he has not been found to be able to maintain himself for a year and one day nor to depart peacefully without upsetting and scandalizing everything. 26
The governor or his procurador, like Las Casas, attacked Oviedo in response to his charges.

After completing his own trial in 1527, Oviedo ostensibly left Panamá for Cartagena, where he had been appointed governor and ordered to construct a fortress. Possibly lacking the means to fulfill this commission, the future chronicler ended up in Nicaragua, which his relative by marriage, Diego López de Salcedo, the governor of Honduras, had begun to rule. The appointment of Pedrarias as governor of Nicaragua on 16 March 1527 made him, once again, the agent of Oviedo’s misfortune. One year later, as Pedrarias proceeded to León (Nicaragua), his local supporters imprisoned Oviedo and chased Salcedo into its Cathedral. Oviedo, by his own account, managed to break his chains in the Castle of León, scale the wall, and join his relative. On 11 April 1528 Pedrarias entered the city as its royally appointed governor. In preparation for the obligatory judicial review, Pedrarias advised Salcedo to satisfy his creditors while awaiting the chief magistrate. On behalf of his relative, Oviedo labeled Pedrarias and the authorities in León his ‘enemies’ and denied their jurisdiction over his case. Eventually, Oviedo helped negotiate (while simultaneously denouncing) the conditions for Salcedo’s release and return to Honduras.

Pedrarias, meanwhile, had decided to enlist Oviedo’s litigious capacities for his own cause. Among other favors designed to compensate Oviedo for his losses in Nicaragua, the governor granted him a coveted license to export seventy indigenous slaves to Panamá (Otte 1958, 633, 637–38), where they were in great demand for the conquest of Peru. In Panamá, moreover, Oviedo would represent Pedrarias in a case against the new governor and Oviedo’s erstwhile ally, Pedro de los Ríos. Having helped de los Ríos seize certain encomiendas under contention, Oviedo now decried de los Ríos’s lack of respect for his predecessor’s property and blatant violation of royal decrees. Marshalling fifteen witnesses, Oviedo demonstrated that de los Ríos had seized over 300 natives entrusted to Pedrarias and returned only 140. Whatever his incentive, economic or otherwise, for pursuing the case, Oviedo’s efforts continued even after the death of Pedrarias (6 March 1531). In Panamá in February 1533, Oviedo presented further testimony to demonstrate that poor treatment at the hands of de los Ríos had led to the death of natives who had been ‘very well treated and fat’ under Pedrarias. Although he usually argued against Pedrarias, Oviedo could also defend him.

In his litigious and literary career, Oviedo sought justice against Pedrarias and, more broadly, royal recognition of his own merits and services. Into the 1540s he reminded the Council of the Indies of his longstanding claim that ‘out of envy he was very vexed and wearied by the said Pedro Arias and his consorts.’ The public prosecutor dismissed the chronicler’s petition as ‘inept and poorly formulated and out of time and form, without the requisite solemnities, and likewise lacking a true and certain account.’ In this respect, Oviedo’s resentment of Pedrarias may have overshadowed his legal (and historical) judgment. The Historia General y Natural enabled Oviedo to dictate at least one sentence that the courts refused to render. He failed, nevertheless, to see the last three volumes published. Perhaps recalling his
deals with indigenous slaves since 1514, Oviedo unsuccessfully sought licenses to convey three hundred black slaves to Santo Domingo ‘free of taxes’ in order to offset the costs of printing a four-volume manuscript including his own illustrations.³⁷

Notwithstanding a personal vendetta against Pedrarias, Oviedo’s ability to present more than one side of a case represents one of the strengths of his work. Incorporating the legalistic relación (account), as Myers has suggested (Myers 2007, 9), in addition to his own memoriales, as Oviedo admitted, the Historia General y Natural enacts the same process of converting witnesses’ oral testimony into written evidence that occurred in the courtroom. In contrast to Oviedo’s brilliant allegations, his awkward attempts to pass moral judgment in the Historia General as well as the Memorias suggest that he made a better lawyer than judge. Whereas litigation proved Oviedo’s passion, Herrera, who could also win a case, would prefer the role of ‘judge in his own office.’ By Herrera’s day, moreover, censorial responsibilities attached to the position of royal chronicler would reinforce the official historian’s role as judge.

Herrera: The Historian as Judge

One century later, the career of official historian Antonio de Herrera y Tordesillas parallels that of Oviedo in some ways. Educated informally, both men traveled in Italy, worked as secretaries and accountants, and accumulated appointments in the royal bureaucracy. Talented and ambitious, both authors grew to envision themselves as defenders of the Hispanic monarchy—advancing ‘true history’ on behalf of the Crown. Yet with respect to the Americas, Herrera had the advantage of not being involved in the events that he recorded. Unlike Oviedo, who relied upon personal experiences and testimonies, Herrera made use of the official records that the office of principal chronicler of the Indies (cronista mayor de las Indias) placed at his disposal (Kagan 2004, 36).

Named principal chronicler of the Indies in 1596 and royal chronicler two years later, Herrera began collecting royal appointments and favors. Among merits that he adduced for a raise in 1615, Herrera included service on committees (juntas) regarding mines, Carinthia (Austria), and the public treasury.³⁸ While versatile and prolific, he faced important setbacks. Peace with France, proclaimed in September 1598, meant that one of his works, the Sucesos de Francia de 1585 hasta 1594, lost its political relevance. Spanish councilors thought it best to retain the work and avoid offending Henry IV after his conversion to Catholicism. On 20 April 1600, Herrera wrote the Archduke Albert, co-sovereign of the Netherlands, to request support for the book whose recall hurt the chronicler’s pride, and probably also his purse (Morel-Fatio 1905, 54–57). Months later, Herrera feared that the first volume of his Historia General de los hechos de los castellanos en las Islas y Tierra Firme del Mar Oceano, usually known as the Décadas (although numbers nine and ten never appeared), would meet a similar fate when a powerful noble denounced it as containing ‘infamatory libel’.³⁹
Although the basis for a lawsuit, Herrera’s remarks about Pedrarias Dávila in his Décadas appear rather mild, especially in comparison with those of Oviedo. While consulting Oviedo’s list of charges against Pedrarias, Herrera mainly relied upon the lengthy, unedited manuscript attributed to an ‘anonymous Dominican’ Oviedo knew well—Bartolomé de las Casas. The first four books of Herrera’s Décadas, compiled in only three years, had been submitted to and approved by a total of six censors and received royal license for publication by 1600 (Pérez Pastor 1971, 2:8–13; CODOIN 1882, Series I, 40:283). During this process and as the Décadas were printed, however, the fourth count of Puñonrostro became aware of certain passages in the first volume that he found offensive to the memory of his grandfather, Pedrarias. When Herrera refused to modify his text, Puñonrostro sued him.

Forced to defend himself, Herrera adopted a more extreme position. He filled the margins of the archival documents in his possession with accusations against Pedrarias, sometimes tangentially related to the documents themselves, recalling Oviedo’s proclaimed annotation of the proceedings against Vasco Núñez de Balboa. For example, although instructions for the melting of gold issued in 1519 made no reference to earlier procedures, Herrera labeled them: ‘New orders for the foundation due to the previous disorder under Pedrarias.’ Alongside royal orders addressed to all American governors on 15 December 1521, Herrera scribbled, ‘here it is proven how Pedrarias did not allow anyone to come to Spain.’ The chronicler likewise marked royal orders to investigate the loss of liturgical ornaments as indicating ‘the poor care of Pedrarias for objects serving the divine cult when the see was vacant (see figure 2).’ On orders for the governor’s successor to perform the requisite judicial review, Herrera scribbled, ‘in order to take the office away from Pedrarias, due to dissatisfaction with Pedrarias.’ In his own defense, Herrera presented fifty-nine royal decrees and papers allegedly inculpating Pedrarias, ‘concerning his vices, greed, carelessness, and ways of proceeding’ (CODOIN 1882, Series I, 40:205). In the heat of a lawsuit, Herrera made tendentious personal use of the official documents that he previously employed judiciously.

When the count demanded access to Herrera’s sources, the chronicler refused to relinquish the documents in his possession. Ultimately, however, most of them found their way back into royal archives, along with Herrera’s marginalia, which have perpetuated the black legend regarding Pedrarias. Beginning in the nineteenth century, standard documentary collections have reproduced the chronicler’s allegations against Pedrarias in his own defense as part of the original archival documents themselves (CODOIN; Colección Somoza). When faced with an impressive amount of documentation, authors as efficient (or as harried) as Herrera have relied on his marginal annotations as if they summarized the documents themselves. Nevertheless, upon closer inspection, different contexts appear to have intervened in and imposed themselves upon sources that usually have been assigned a single date. Although royal secretaries often summarized documents in the margins for administrative purposes, Herrera’s intentions in 1601 and 1602 appear litigious. Ironically, then, Puñonrostro’s lawsuit, more than the Décadas themselves, pitted subsequent historians against
Pedrarias. While potentially reflected in the last four Décadas and the delay in their publication until 1615, the lawsuit helps explain, more broadly, why scholars

Figure 2 Antonio de Herrera’s marginal notation on an early sixteenth-century document.  
consulting the Archivo General de Indias or the standard documentary collections have found ready confirmation for the image of Pedrarias as the paragon of the black legend in America: crueler, greedier, and more devastating in Herrera’s annotations than in the documents they adorned or the history they sought to defend.

In addition to reviewing and annotating archival materials, the litigating parties engaged in a war of printed pages in which each publicized its own allegations. These battling broadsheets suggest an attempt on the part of the chronicler as well as his detractor to court public, or at least courtly, opinion. In an opening phase of this printed exchange, the count coined a sharp rhyme to denounce the chronicler as ‘false, lying, and impertinent (falso, que miente, y es impertinente).’ Herrera, for his part, publicly asserted that the historian, like the painter, was obliged to depict the defects as well as the virtues of the subjects portrayed, while adding that other authors (presumably Oviedo and Las Casas) had written worse things about Pedrarias. Pointedly, the official historian impugned the jurisdiction of the royal council over his work, claiming to act as an independent judge: ‘the chronicler himself is the judge in his office (el mismo coronista es juez en su oficio).’ After two years of public bickering and mudslinging, Herrera asked the public prosecutor and royal councilor, Gil Ramírez de Arellano, to mediate a settlement with the count. Loftily, the historian declared that although he might moderate certain ‘effects’ in order to serve Puñonrostro, he would have himself torn into one thousand pieces before altering the facts. In other words, the facts might be presented or considered, emphasized or perhaps even overlooked in different ways without being changed. ‘Facts’ challenged and limited the historian.

Herrera’s apparent refusal to adopt the royal councilor’s recommendations for revising his Décadas did not damage their relationship. In July 1604 Ramírez de Arellano asked Herrera, in his capacity as royal chronicler and censor, to review the manuscript of Don Quijote de la Mancha by Miguel de Cervantes. In less than six weeks, Herrera rendered a favorable verdict on his summer reading, arguing that it would ‘please and entertain the people, which, according to the rules of good government, should be considered, in addition to that fact that I find nothing in it contrary to good order (policía) and good customs’ (Bouza 2008; Bouza and Rico 2009, 14). The efficient collaboration between Ramírez de Arellano and Herrera sped Don Quixote through what Fernando Bouza has called the ‘judicialized process’ of obtaining a license for publication (Bouza 2009), which could involve proofs and counter-proofs as cumbersome as those of Puñonrostro’s case against Herrera.

In addition to the chronicler’s efficiency, Ramírez de Arellano may have chosen Herrera to review the manuscript because its main character—Don Quixote—had been at least partially inspired by Herrera’s opponent, the count of Puñonrostro. In 1903, José M. Sbarbi convincingly argued that the count, who served as chief magistrate (asistente) of Seville from 1597–98, had been a prototype for Don Quixote, and that (as González Echevarría has also noted) the errant knight’s platonic love, Dulcinea, represented his quest for idealized justice (Sbarbi 1903, xvi–118, 133–36; González Echevarría 2005, xiii, 53). In Seville, Cervantes had been both
imprisoned and freed from jail during Puñonrostro’s mandate (Cervantes en Sevilla 2005, 16, 120). One of Cervantes’s short stories, moreover, characterized the count as the scourge of criminals and delinquents (Cervantes 1613, 162). In short, Ramírez de Arellano may have allowed Herrera to ensure that Don Quixote did not advance Puñonrostro’s case against him. The circumstances, and the ongoing trial, would explain why Herrera’s favorable assessment of the masterpiece did not accompany it into print. As Fernando Bouza and Francisco Rico have noted, the censor’s letter of approval, customarily inserted into the initial pages of the book concerned, was omitted from the first edition of the first book of Don Quixote in 1605. In contrast, the second book of Don Quixote was published with two censors’ letters of approval in 1615. Highlighting another enigma in the princeps edition of the first book, Bouza and Rico argue for the apocryphal nature of its dedication to the Duke of Béjar (Bouza and Rico 2009, 22). During the well-publicized legal battle between Puñonrostro and Herrera, a dedication to the Count would have been as inadmissible as an endorsement by the chronicler. Even without seeing the names Herrera and Bobadilla, courtesans might have recognized the chronicler’s legal antagonist, Don Francisco, in Don Quixote. Whatever the reasons for silencing Herrera’s association with Don Quixote, the chronicler would affirm Ramírez de Arellano’s ability to protect his interests by naming the royal councilor executor of his last will and testament in 1612 (Pérez Pastor 1894, 305–12, 473–88, esp. 483).

If Cervantes managed to get his book published, so did Herrera, whose first four Décadas circulated as the Puñonrostro lawsuit continued. Although it would hardly defray his legal expenses, the chronicler claimed 1,500 ducats that the Crown had promised him upon publication from offices sold in New Spain, and subsequently complained that bringing these royalties back to Castile cost him 200 ducats. It seems likely, however, that the lawsuit proved more significant in the ‘hardships and great losses of property’ that the chronicler would claim to suffer in the royal service. Indeed, Herrera’s 1603 edition of Giovanni Botero’s The Greatness of Cities claimed ‘our lives, honor, and estates are in the hands of judges,’ and suggested that the timely execution of justice required too much money. Herrera/Botero then considered the advantages of more summary justice in England, Scotland, and Turkey (Botero 1603, 160r–v). Expenses associated with the Puñonrostro case may also have led Herrera to settle other historical differences out of court. As early as 1604, representatives of the Duke of Parma at the court of Philip III advised their lord of the need to ensure favorable treatment of his father, Alessandro Farnese, in the third volume of Herrera’s History of the World. These agents, who referred to Herrera as ‘a man with a great deal of incoming gossip’ and ‘a beast,’ recommended providing the official historian with a small gratification to favor Farnese (Pérez Bustamante 1933, 737–90, esp. 746–48). By 1607, however, supposedly in light of certain incriminating documents, Herrera requested a total of 1,000 escudos to exonerate the duke of Parma and alleged that the duke of Tuscany had paid as much to settle a similar matter (Pérez Bustamante, 1933, 748–50). The historian as judge solicited funds to ease his deliberations. Confronting Herrera’s demands, the duke of Parma apparently ensured laudatory
treatment of his predecessor by providing Herrera with 150 escudos and promising more when he saw the book in print. Before completing the volume, however, Herrera found himself arrested and charged with conspiracy against the Duke of Lerma (Pérez Bustamante 1933, 750–52; Kagan 2009, 194–95; Ballesteros-Beretta 1934, xlv–xlix).

Freed from jail in 1611, Herrera managed to return to court the following year. He also revisited the Décadas. Although the first four books had been published in 1601 and circulated within two years, Herrera’s two remaining volumes went to the press only in 1615. Controversy over the first publication, the intervening History of the World, and Herrera’s imprisonment and exile from the court all delayed the publication. In any event, the sixth Decade’s dedication to don Luis de Velasco, President of the Council of the Indies, enumerated three substantial objections to Herrera’s work and then refuted them in standard legal fashion. The lists of ‘charges’ and ‘discharges’ so basic to legal proceedings (and scholastic argumentation) mirrored, in turn, those of bookkeeping. In his own defense, Herrera argued that many historians wrote about lands that they had never seen, that the conquest of the Canaries, which he did not discuss, preceded that of the Americas, and that the relative pacification of Peru in 1554 marked an appropriate moment to conclude his narrative. As a veteran of legal proceedings, Herrera sought to avoid them (Pérez Pastor 1971, 2:335). 54

Beyond arguing a case, the official historian could also judge evidence and present facts in the interests of the Crown. In this sense and in the office of royal chronicler, Herrera also censored works on behalf of the monarchy. As in the Décadas and with Don Quixote, Herrera apparently exercised his office judiciously. Cristóbal Pérez Pastor records one example of Herrera’s censorship in Francisco de Herrera Maldonado’s 1619 translation of The Three Books of the Virgin’s Parturition by Jacob Sannazar. Following the fifty-seventh folio, Herrera apparently interpolated a series of his own verses in praise of Spanish literary genius. He even had the tact to mention his archrival, Luis Cabrera de Córdoba, whom he called ‘The Spanish Tacitus,’ before himself, ‘in praise of Spanish glory’ (Pérez Pastor 1971, 2:548). Herrera, then, managed to promote himself and his ‘nation’ better as a judge than as a defendant.

Conclusions

The legal interests and obligations of Oviedo and Herrera influenced their writing, arguably for the better. On behalf of the Crown, Oviedo worked best as a lawyer and Herrera as a judge. While accumulating official positions, Herrera, unlike Oviedo, saw most of his work into print. Sharing similar callings and cultures, these chroniclers could not avoid litigation any more than they could refrain from writing or shun the court. Related interests in justice, truth and profit spilled over from the imperial administration into the lives of the officials themselves. Moving between the court and the courts, Oviedo and Herrera dressed well but aspired to dress better.
Alternately moralistic and mercenary, these chroniclers fashioned truths to further their own interests alongside those of the Crown. They promoted their own cases, linked to those of the monarchy. Varied occupations enabled Oviedo and Herrera to appreciate and even to develop different perspectives. Collecting jobs and titles, these historians switched hats, cloaks, or suits at their own convenience. Yet a monopoly on history or control of ‘the truth’ consistently eluded Oviedo and Herrera, as it did the Crown. Far from enforcing a dominant interpretation, legal and literary entanglements enabled these chroniclers to appreciate competing truths so that their work reflects much more than the legal confrontations they provoked and endured. Law and literature gave them different ways of writing and making history.

Archives
ACP Archivo de los Condes de Puñonrostro (Madrid)
AGI Archivo General de Indias (Seville)
OSA Österreichisches Staatsarchiv (Vienna)

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Notes
1 I am grateful to an anonymous reviewer for suggesting this phrase.
2 In addition to the work of Adorno (2007) and Ross (2008), Córdoba Ochoa’s 2009 study of the ‘Accounts of Merits and Services’ in the AGI examines how these legal proofs featured and facilitated the construction of specific narratives of conquest.
3 AGI Panama 233, Libro 1, ff. 236–37, King Charles to Gonzalo Fernández de Oviedo, 19 June 1519. ‘Plus Ultra (Still Further)’ reflected Spanish imperial aspirations to surpass Rome. The document included a drawing of the ‘Plus Ultra’ device with the columns of Hercules, with instructions to use it to mark slaves and gold.
4 Typically, Fernández de Oviedo denounced the same procedure that benefitted him. AGI Justicia 992, No. 3, Ramo 4, f. 7r–v, Memorandum of Gonzalo Fernández de Oviedo and Íñigo López de Mondragon for the emperor, 29 April 1542.
5 For a more court-centered perspective on Fernández de Oviedo, see Carrillo Castillo (2004).
6 AGI Justicia 971, No. 2, Ramo 2, ‘Primer asiento de Oviedo con el señor secretario’; Conchillos to Fernández de Oviedo, 9 May 1514.
18 The dedication to the emperor also appears in the volume Oviedo had printed at his own


17 The dedication to the emperor also appears in the volume Oviedo had printed at his own


16 Oviedo also provoked the royal accountant’s resentment by attempting to manage the colony’s finances. AGI Patronato 193, Ramo 3, No. 1, ‘Memorial q[ue] dexo Oviedo d[e] los gastos que se hizieron en T[ierr]a Firme desde q[ue] Pedrarias llego,’ 30 April 1515. AGI Panamá 233, Libro 1, ff. 189v–90, King Ferdinand to Pedrarias or his lieutenant, 2 August 1515.

15 He was also charged with pleading or orally presenting evidence before the judge (Kagan 1981, 52–58).

14 According to Richard L. Kagan, the procurador ‘was the procedural expert, helping his client devise the strategems most likely to succeed,’ preparing documents and rounding-up witnesses. He was also charged with pleading or orally presenting evidence before the judge (Kagan 1981, 52–58).

13 According to Oviedo, one captain guilty of important abuses, Bartolomé Hurtado, escaped punishment by giving the governor and the bishop each six illegally-acquired natives, while bestowing four natives each upon the treasurer, contador, factor, and alcalde mayor (Fernández de Oviedo 1992, 3:237). Francisco González, householder and city councilor of Panamá, recorded that Hurtado, ‘brought eight Indians to the governor, the treasurer, the accountant, and the chief magistrade, and for Oviedo and the bishop, certain Indians, men, women and girls, and blankets and hammocks . . .’ AGI Justicia 359, No. 2, Ramo 2, f. 70, Testimony of Francisco González, town councilor of Panamá, 21 February 1527.

12 To manage the colony’s finances. AGI Patronato 193, Ramo 3, No. 1, ‘Memorial q[ue] dexo Oviedo d[e] los gastos que se hizieron en T[ierr]a Firme desde q[ue] Pedrarias llego,’ 30 April 1515. AGI Panamá 233, Libro 1, ff. 236–37, King Charles to Gonzalo Fernández de Oviedo, 19 June 1519.

11 Oviedo also provoked the royal accountant’s resentment by attempting to manage the colony’s finances. AGI Patronato 193, Ramo 3, No. 1, ‘Memorial q[ue] dexo Oviedo d[e] los gastos que se hizieron en T[ierr]a Firme desde q[ue] Pedrarias llego,’ 30 April 1515. AGI Panamá 233, Libro 1, ff. 189v–90, King Ferdinand to Pedrarias or his lieutenant, 2 August 1515.

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echado a los infernos, sin fe y sin sacramentos, sobre más de 500 mill ánimas; y en todo aquel tiempo no habían enviado al rey un solo castellano, si no fueron tres mill castellanos que habían traído entonces a la sazón el obispo [...]. Tenían esta costumbre Pedrarias y los oficiales del rey: que, de todo el oro que se traía robado de las entradas y saltos que, en las provincias adonde a saltar iban, en los indios hacían, tomaban el quinto para el rey, de lo cual pagábanse de sus salarios; y, si algo sobraba, guardábanlo para pagarse sus salarios en el año venidero, porque, si faltasen los robos, no faltase para ellos. Y desta manera no enviaban un solo peso de oro, ni otra cosa que valiese algo, al rey’ (Casas 1988, 2379–80).

Oviedo had secured appointment as permanent town councilor of Darién alongside Diego de Corral, Alonso de la Puente, Diego Márquez, and Miguel Juan de Ribas. AGI Panamá 233, tomo 1, ff. 235–39v, King Charles to Gonzalo Fernández de Oviedo and others, 19 June 1519 (transcribed in Álvarez Rubiano 1944, 485–87). As receptor de las penas de cámara in Castilla del Oro, Oviedo also received orders to collect for the royal fisc the goods of Vasco Núñez de Balboa and the companions executed with him for treason. AGI Panamá 233, Libro 1. f. 254r–v, King Charles to Gonzalo Fernández de Oviedo, 16 August 1519. As Oviedo recorded, the king ordered him, ‘to collect one hundred thousand gold pesos, which they had led His Majesty to believe was the value of the goods applied to his chamber and fisc in the sentences against the adelantado Vasco Núñez de Balboa and his companions.’ Years later, Oviedo would swear that he collected goods totaling about 450 thousand mrs—one-hundredth the wealth that he apparently had encouraged the king to expect (Fernández de Oviedo 1992, 3:261–62). AGI Panamá 234, Libro 5, f. 5r–v, Emperor Charles to the governor of Tierra Firme, 6 December 1531.

Maria Mexia, Diego Díaz Zatico, Alonso Núñez de Madrid and Diego de Corral successfully sued Oviedo for actions that he had taken against them as the governor’s lieutenant. AGI Panamá 233, Libro 1. f. 339, King Charles to the governor of Tierra Firme, 18 July 1523; Libro 2, ff. 126v–27, King Charles to the governor of Tierra Firme, 28 April 1525; f. 181v–82, King Charles to the Licentiate Salmerón, regarding a petition of the Licentiate Diego de Corral, 20 June 1526. AGI Panamá 233, Libro 1, f. 348r–49r, ‘Real provisión citando a María Mexia, muger de Juan López Herrera, estante en Acla, Diego Díaz Zatico, vecino de la ciudad de Santa María de la Antigua del Darién y a Julian Gutiérrez, criado del líc. Corral, para que se presenten ellos o sus procuradores ante el consejo en seguimiento de la apelación que ha puesto ante el mismo, Gonzalo Fernández de Oviedo [...] de ciertas sentencias que contra él y en favor de los dichos dictó el licenciado Alarconcillo,’ 20 February 1524. According to Gerbi, Oviedo bragged about being ‘very soon hated’ for doing justice in Darién, hanging a rebellious native, ‘Captain Gonzalo,’ and having a woman who falsely accused her husband ‘soundly whipped and her teeth torn out’ (220).

AGI Panamá 233, Libro 2 (1524–1527), ff. 22r–23r, Safe conduct for Fernández de Oviedo and his family, 6 December 1524; ff. 69v–70, King Charles, ordering the governor or judge of Tierra Firme to investigate the attempt upon Oviedo’s life, 16 June 1525 (transcribed in Álvarez Rubiano 1944, 564).


AGI Justicia 359, No. 2, Ramo 2, Responses to questions 41, 45, and 46, February 1527; Justicia 359, No. 2, Ramo 6, ff. 530–62v, Charges against Oviedo as overseer. According to one witness: ‘Se [h]an quechuadas varias veces del vehedor Oviedo que le an llevado derechos de cedulas e del hierro de yndios mal llevados [...] e que los d[i]chos oficiales [escribanos e vehedores] e el d[i]cho Oviedo se aprovechavan de refundir mucho oro e que el primero hombre que refundiò en estos reynos ores syn ninguna ley ni valor fue el d[i]cho Oviedo syendo tenent de el Darien e vehedor e escrivano de minas e los otros oficios de Conchillos, que fue unas hachuelas de cobre que refundiò con una cadena de oro suya.’ AGI Justicia 359, No. 2, Ramo 2, f. 41v, Testimony of Lorenzo Fernández de Soria, 14 February 1527.
Lo que se respondió a los capítulos de Oviedo, c. 1527 (transcribed in Aram 2008, 398).

AGI Panamá 233, Libro 2, ff. 32 and 73v–77v, Emperor Charles to Gonzalo Fernández de Oviedo and Emperor Charles to Pedro Ruiz de Alama, 1 March and 23 June 1525. As governor of Cartagena, the chronicler claimed that the Emperor Charles had accorded him one-half of the artillery previously assigned to Pedrarias in Castilla del Oro (Fernández de Oviedo 1992, 367; Otte 1958, 11–12, 26; AGI Panamá 233, Libro 2, ff. 73v–77v, ‘Lo que vos, Pedro Ruyz de Alama haveys de hazer en el cargo que llevays de nuestro thesorero de la provincia y puerto de Cartajena q[u]e Gonçalo Fernandez de Oviedo v[ecin]o de la Isla Española ha de poblar a quyen tenemos proveydo de la governacion della,’ 23 June 1525).

AGI Justicia 12, No. 2, Ramo 3, f. 117, Testimony of Gonzalo Fernández de Oviedo in the lawsuit of Francisco de Pardave, 27 February 1533 (transcribed in Otte 1958, 649).

AGI Patronato 25, Ramo 5, No. 23, Rodrigo del Castillo to the Emperor Charles, 6 May 1528 (transcribed in Álvarez Rubiano 1944, 661–65).


AGI Justicia 1043, No. 2, Authorization of Pedrarias Dávila for Gonzalo Fernández de Oviedo to represent him in Castilla del Oro, 11 April 1530.

AGI Justicia 1043, No. 2, Pedro de los Ríos to the examiners (visitadores) of the chiefs and natives of Panamá and Acla, 10 November 1526. On behalf of Pedrarias, Martín de Medrano protested the seizure of the natives of Orive and Otoque as well as a group of approximately forty slaves working in the mines of Acla. AGI Justicia 1043, No. 2, Requerimiento of Martín de Medrano on behalf of Pedrarias, 27 November 1526.

AGI Justicia 1043, No. 2, Questionnaire and witnesses presented by Gonzalo Fernández de Oviedo, 27 June 1530.

AGI Justicia 1043, Questionnaire and testimony presented by Gonzalo Fernández de Oviedo on behalf of Pedrarias, 18 February 1533, especially questions 5 and 6.

AGI Justicia 992, No. 3, Ramo 4, ff. 3–4, Yñigo López de Mondragón on behalf of Gonzalo Fernández de Oviedo, 12 April 1544.

AGI Justicia 992, No. 3, Ramo 4, ff. 7–9, Declaration of licentiate Villalobos, fiscal, 29 April 1542. ‘y assy por ser mucha escriptura como por tener mucha talla de diversos obras no hallo impresor que se ose atrever a tomar a cargo la dicha impresión porque anticipadamente antes que se venda un libro ni gane un real se han de gastar muchos dineros . . .’ OSA Haus-, Hof- und Staatsarchiv, Spanien, Diplomatische Korresponden, 3–8, ff. 257–58, Gonzalo Fernández de Oviedo to the King of the Romans, Ferdinand, requesting his intercession with the Emperor Charles, 20 November 1548.


The documentation regarding this case from AGI Patronato 170, Ramo 19 is now digitalized and available online (transcribed in CODOIN 1882, 75–321).

AGI Patronato 26, Ramo 5, No.7, ‘De un religioso dominico sobre la deshorden de Pedrarias.’

AGI Patronato 170, Ramo 19, Papeles sobre las diferencias entre Puñonrostro y Herrera (transcribed in CODOIN 1882, 75–321).

AGI Panamá 233, Libro 1. ff. 259–61, Royal orders to the governor and officials of Castilla del Oro, 14 September 1519 (transcribed in CODOIN 1895, Series II, 10:121–27).

AGI Indiferente 420, Libro 8, f. 338, Royal instructions for the governors of the Indies and the judges on Hispaniola, 15 December 1521.

AGI Panamá 233, Libro 1. ff. 332–33, Emperor Charles to Pedrarias Dávila, 19 April 1523.

AGI Escribanía 1012A, ff. 3 and 5, The Count of Puñonorrostro, 11 September 1602, and f. 7, Antonio de Herrera to the king, 16 September 1602.

AGI Patronato 170, Ramo 19, No. 30, Memorial of Antonio de Herrera, 10 June 1602.

AGI Patronato 170, Ramo 19, No. 14, Memorial of Antonio de Herrera [undated].

AGI Patronato 170, Ramo 19, No. 19, Declaration of Antonio de Herrera [undated].

I am grateful to the count of Puñonorrostro for calling this text to my attention.

AGI Indiferente 752, ‘Lo que parece en las pretensiones del coronista Antonio de Herrera,’ 17 July 1615.

In 1615 Herrera claimed to have overcome five inspections (visitas) ‘made of him without a single charge’ (Ballesteros-Berreta 1934, xlii, liv–lvi).

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