

“Juan de Vergara and the Supplication of the Ordinance of the Marquis of Montesclaros, Buenos Aires, 1615”

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INTRODUCTION AND CHARACTERIZATION OF THE HISTORICAL SOURCE

We begin the study of the text titled “Juan de Vergara, supplication of the ordinance of the marquis of Montesclaros, Buenos Aires, 1615,” in Levillier, Roberto (ed.), “Correspondence of the City of Buenos Aires with the Kings of Spain”, Volume 2, Madrid, Biblioteca del Congreso Argentino, 1918, pp. 7-15^[1].

The main text is dated Buenos Aires, 17/2/1615. The letter from the porteño procurator was addressed to Governor François de Beaumont y Navarra, who in turn represented the Viceroy, Juan de Mendoza y Luna, the third Marquis of Montesclaros in the governorship, regarding his provisions from 1613 for the administration of the royal treasury of Buenos Aires.

The written document is taken from Roberto Levillier’s edition of the “Correspondence of the City of Buenos Aires with the Kings of Spain”, and it is interesting to comment on the context of the publication of such an important historical study. According to Alejandra Pita González (2018), its editor was born on October 1, 1881, in France, to Henri Levillier and Ida Andremont, both French.

CONTEXT OF THE EDITOR AND ITS HISTORICAL IMPORTANCE

In the biography written by Juan Carlos Katzenstein (1993), it is explained that he completed his primary and secondary studies in Argentine and French schools and finished his education in Buenos Aires, London, Paris, and Brussels, where he attended free university courses and specialized studies. José María Bustillo, his fellow student at the Instituto Libre de Segunda Enseñanza, noted that he was fascinated with history in general, and especially American history, even back then.

In Pita González’s portrayal (2018), he moved to Argentina in 1902, obtained his nationality (on November 5 of the same year) at the federal court in Buenos Aires, where he completed his early studies at the Colegio Nacional and the Instituto Libre. He later enrolled in the Faculty of Law at the University of Buenos Aires, where he studied until his third year. According to these authors, he spoke French, English, and Spanish, which allowed him to work as a translator for the Ministry of Public Works for four years. Then, in 1908, he served as secretary to the municipal mayor, Manuel Güiraldes, and shortly afterward, during a trip to Spain, he was assigned the task of conducting historical research for the municipality of Buenos Aires, the Faculty of Law, and the national government. Finally, in 1918, he entered the diplomatic career as a counselor of the embassy in Madrid and was chargé d’affaires until 1922, when he was promoted to extraordinary envoy and minister plenipotentiary (Pita González, 2018).

His approach to history, as mentioned by Katzenstein (1993), began in 1910 when he traveled to Europe to study and research for four years, focusing on analyzing the Archive of the Indies in Seville. Following his archival work, he published his first historical work, “*Orígenes argentinos. La formación de un gran pueblo*”

”, which was edited in both Spanish and French and contained 130 pages of unpublished documentation and innovative insights, a task he continued upon his return, exploring the history of Argentina in the sixteenth century.

Thanks to the support of President Roque Sáenz Peña, he returned to Spain to continue collecting documentation where he gave lectures at the Ateneo de Madrid. In 1915, he published four volumes. Then, in 1917, he compiled a series of articles and lectures delivered in the previous years on the subject under the title “La reconstrucción del pasado colonial” (Pita González, 2018).

During the year 1914, his concern for making the work of history scientific led him to present a project for the creation of an international center for historical research at the Congress of History and Geography. Its main function would be to record research conducted in American or European archives to understand what had been studied and by which authors, with the ultimate goal of publishing a journal to disseminate this information, aiming to counteract the “separatist” tendencies in Hispanic America (Pita González, 2018).

On October 12, 1916, when Hipólito Yrigoyen assumed the presidency of Argentina and appointed Dr. Honorio Pueyrredón as Minister of Foreign Affairs and Worship, he was invited to take charge of the private secretary’s office of that Ministry, marking his entry into diplomatic service. Beyond his work, Levillier continued with his passion, believing that the panorama of national history should broaden and trace back to its roots in order to dispel errors and legends; for it was only in this way that our realities, the origins of our institutions as a nation, and, no less important, our problems could become fully known (Katzenstein, 1993).

He asserted in this regard: “the annals of our country go very far back in time and deserve to be known; however, the lazy prejudice prevails that they revolve around Buenos Aires and start from the May Revolution.” As a result, he obtained full support from the National Congress to establish the “Collection of Historical Publications of the Library of Congress”, which would publish forty-five volumes over the next twelve years as a result of his efforts: thirty-five of documents and ten of original compositions (Katzenstein, 1993).

Following this period, both his work as a historian and his role as a diplomatic official stood out, and he became embroiled in the controversy surrounding his proposal to the League of Nations in 1934 for the creation of a collection of ethnography and history of America dedicated to the 15th to 17th centuries, justifying that advancements and discoveries in documentation and archaeology now provided the opportunity to write a scientific history that would “objectively” demonstrate the greatness of the Spanish conquest. This proposal, its development, and his positions received notable support in Spanish university and historical institutions, as well as significant detractors, including the distinguished Chilean writer Gabriela Mistral and numerous Mexican intellectuals (Pita González, 2018). It is to be presumed, as Pita González states, that “it is evident that the debate surrounding Levillier’s proposal did not lie in its academic quality but in those aspects of international policy it implicitly touched upon^[2]” (Pita González, 2018, p.1773).

Then, at the end of 1941, although he had been offered to return as Ambassador to Peru, he decided to retire to dedicate himself to historical research. Years later, he was appointed Director of the Institute of Foreign Service of the Nation, a position he held from 1963 to 1964 when he resigned due to disagreements with the regulations of the foreign service and the institute. He finally died in Buenos Aires on March 19, 1969, at the age of 87.

THE GOVERNOR, THE VICEROY, AND THE PROCURATOR

The initial recipient of Juan de Vergara’s supplication was the governor and captain general of the city of

the Trinity and the port of Buenos Aires, François de Beaumont y Navarra, who, according to the website “Patriotas Vascongados,” was born in Pamplona in 1545^[3], the son of the namesake François de Beaumont y Navarra (b. 1491 – d. ca. 1550), lord of Arazuri, Montalbán, Acotáin, and Esparza, as well as a knight of the Order of Santiago and commander of Los Santos, and his wife, Isabel Beatriz Icart y Margarit (b. ca. 1504), a daughter of Andrés Icart Doncel (b. Barcelona, ca. 1474) and Leonor de Margarit^[4].

The city of Pamplona, the capital of the Kingdom of Navarre, was part of the Spanish Crown after the Castilian-Aragonese invasion of 1512, and the nobility of the Beaumont family was founded on the descent from the Infante Luis de Navarra, Count of Beaumont-le-Roger, who was a son of Queen Juana II and a paternal great-grandson of Philip III of France “the Bold” of the House of Capet, as well as through his great-great-grandmother, Juana de Navarra, the first Countess of Lerín since August 25, 1424, and the first lady of Sada and Eslava, who was a descendant of King Charles III “the Noble”.

In 1598, he went to the Viceroyalty of Peru, being appointed lieutenant governor of Buenos Aires and Asunción, under his direct governor Diego Rodríguez Valdéz and de la Banda. Beaumont succeeded Valdéz as acting governor in January 1601. At the end of that year, the colonists voted for the acting governor to be Hernandarias, but they could not get Beaumont to relinquish power. In August 1602, he handed over command of the governorship to Hernando Arias de Saavedra by virtue of a royal provision. Beaumont would be reappointed as acting governor by the viceroy and the Royal Audience of Lima in June 1614, departing from Lima on July 4 of that year, arriving six months later in the city of Santa Fe, where he would take possession of his new position. Finally, in 1615, he briefly reassumed the office from January 8 to May 3, making him the obliged recipient of Juan de Vergara’s supplication. He died in Buenos Aires in 1620.

The ultimate recipient of the supplication was the viceroy located in Lima, who in turn had been the promoter of the ordinance to be supplicated, Juan de Mendoza y Luna, the third Marquis of Montesclaros. According to the biography of Pilar Latassa included in the “Spanish Biographical Dictionary”^[5], he was born in Guadalajara in January 1571. Since his father, the second marquis of Montesclaros, had died a few months before, Íñigo de Mendoza, the fifth duke of Infantado, took on the tutorship of Juan de Mendoza because the Marquisate of Montesclaros had been granted by Charles V in 1529 to the second son of the third duke of Infantado.

Montesclaros remained under the patronage of the family’s powerful duke of Infantado, led at that time by his tutor, the fifth duke, in whose palace in Guadalajara he was educated alongside poets and writers, and maternal lineage, as he was the nephew of Don Martín de Padilla, the Adelantado Mayor of Castile, Count of Santa Gadea, whom he accompanied in the journey to Portugal as a captain of lanzas and in other military endeavors in the galleys (Carlos Morales, 2019).

Due to the scant wealth from the fiefs received with the title and the entail; barely four hundred neighbors distributed across the poor lands of high Alcarria and the Sierra de San Vicente, in what are now the provinces of Guadalajara, Ávila, and Toledo, he had to seek honors, positions, and income elsewhere. After requesting the habit of knight of Santiago and passing the necessary tests, a few months later, on February 13, 1591, Philip II dispatched the title, conferring upon him honor and privileges, without any additional encomienda that would add revenue to his household.

It is believed that with the recommendation of Don Juan de Acuña, the sixth count of Buendía and his relative through his maternal line, who held the position of “sumiller de corps” since 1585, he secured his first court office as a gentleman of the mouth of the Casa de Borgoña of Philip II in 1592. On the other hand, the Marquis soon married, in accordance with the guidelines of the dukes of Infantado, with another Mendoza, his cousin, Doña Ana, in 1595 (Carlos Morales, 2019).

After traveling to Barcelona, in the Catalan courts, Montesclaros was assigned a political task, acting as a

solicitor on behalf of the king (Cabrera y Córdoba, 1997). In September 1600, Lerma arranged the important appointment for Don Juan de Mendoza as assistant to the king in the town hall of Seville, in addition to being governor of the militia and land of Seville and its land and coasts of Andalusia. Experience in Seville would prove fundamental for his later career, as well as the connections it afforded him with the Council of Castile and the Council of the Indies, and with the Andalusian nobility (Hampe, 1991).

At the beginning of the 17th century, Seville was a true mercantile and financial emporium and the most populous city in Spain, with about 150,000 inhabitants from all social conditions, leading to public order and supply problems inherent in such a metropolis. Here, as a royal representative, he had to learn the workings of institutions like the Casa de Contratación, the Audiencia, and the Consulate, know the military issues of coastal surveillance, implement political decisions dictated from the court, negotiate with large merchants contributions of various kinds to help finance the wars waged at that time against England and Holland, and negotiate the ways of tax and duty collection (Carlos Morales, 2019).

The evaluation of his work in Seville was mixed. According to Hampe (1991), Montesclaros did not manage to achieve anything practical for the defense of the coasts of Andalusia or organize the urban militias effectively; he also did not succeed in trying to establish a new tax of 18 million ducats, nor in dealing with the plague or controlling negotiations with silver coming from the Indies. However, his appointment as viceroy of Mexico in 1603 would be explained by the favoritism that the Duke of Lerma, Philip III's favorite, extended to his political relatives from the Mendoza clan.

He left Cadiz for America on June 29 of that year, bringing with him his wife and more than eighty servants. After a troubled voyage, during which he lost most of the silver and "accessories" intended for his household at sea, a circumstance that entailed a heavy financial outlay in the new territory, he arrived in the Viceroyalty of New Spain in September and was received in Otumba by his predecessor, the Count of Monterrey. They exchanged experiences for six days (Latassa, 2012). This predecessor left him some "General Warnings" which Zúñiga and Acevedo (1978) comment on regarding various government issues[6].

On October 26, he solemnly entered Mexico City, and the next day took office. During his four years of governance in New Spain, he focused on reorganizing the Treasury and founding the Court of Accounts, additionally promoting the modernization of mining operations and ensuring the enforcement of legislation regarding the personal services required of indigenous people and their relocation to towns (Latassa, 2013).

In August 1604, upon his arrival in Mexico City, a flood devastated the city, so he proposed relocating the capital to Tacubaya. Since abandoning the viceroyalty palaces was unfeasible due to their high construction costs, he ordered a series of works for draining the lagoons of Mexico City (drainage of Huehuetoca, which would not be finished until the mandate of his successor), to try to prevent further flooding. He also ordered the paving of the streets of Mexico City and a series of roads leading from Mexico City to Guadalupe, San Cristóbal, San Antonio Abad, Chapultepec, and others, as well as constructing an aqueduct for supplying drinking water from the Chapultepec springs to the city center (which also would not be completed during his tenure)[7].

However, many complaints regarding his viceroyalty were received in the Council of the Indies relating to accusations of administrative corruption for the fraudulent sale of public offices and for benefiting from trade with the Philippines. The magnitude of the reports led to the dispatch of the inspector Diego Landeras to New Spain, who found insufficient evidence against the viceroy (Latassa, 2012).

It is highly probable that the Count of Lerma managed to decrease interest in the inspection, and in March 1609, Landeras was ordered to suspend it and return to Spain. Ultimately, these accusations did not hinder Montesclaros from being appointed viceroy of Peru in November 1606, following the death of the Count of

Monterrey.

The appointment of a Mexican viceroy for the Peruvian government was not exceptional. His experience in New Spain was fundamental for Montesclaros's later management of Peru concerning significant aspects such as establishing the Court of Accounts and the Consulate in Lima, as well as regulating interprovincial trade along the Acapulco-Callao route. On June 16, 1607, Montesclaros transferred command to Luis de Velasco in Xochimilco, and in August, he embarked for Peru, arriving at the port of Paita on September 19. From there, he continued his maritime journey to Callao, arriving on December 12 (Latassa, 2013).

As Luis de Orueta (2018) tells us, the required ceremonial dictated that the viceroy arrive on horseback at the Plaza de Armas, where, once there, on a makeshift stage, he would kneel in a kneeling chair before the Treasurer and the Notary, and take the oath of loyalty. After becoming viceroy, Don Juan was to descend under a golden embroidered canopy and walk towards his viceregal palace, guarded by the regidores of the Cabildo, who carried wands and were dressed in scarlet velvet garments. This is how it happened, and his second American experience began.

During the seven years he was in charge of the Viceroyalty, Montesclaros understood that a progressive institutional consolidation was to be accompanied by reinforcing the authority of the viceroy as the monarch's delegate, countering the other administrative and judicial bodies, both civil and ecclesiastical; which provoked clashes and frictions (Latassa, 2013).

Moreover, Oscar Lilao Franca, in his comments on the history of Juan de Mendoza y Luna, in the text on "*The ordinances and instructions that Viceroy Don Francisco de Toledo left for good governance*,[\[8\]](#)" indicates that Montesclaros was a man of initiatives, who promoted numerous reforms and projects, demanding more autonomy from the Crown, which led to some conflicts. His work also emphasizes the interest in improving conditions for the indigenous population, establishing necessary means for the economic stability of the viceroyalty—hence the fiscal reforms—and ensuring the remittances of gold and silver to the Metropolis.

In this regard, he compiled a valuable and selective series of ordinances from Viceroy Toledo, two volumes of which were published. He also ordered the preparation of the 1613 census for Lima and the 1614 census and promoted various legislative compilations to group the numerous and varied provisions given for their territories. According to Lilao Franca's comments, he demonstrated deep knowledge of the existing legal and administrative regulations, applying them according to the needs of governance. The ordinances represented the effort to achieve an organized administrative system to serve the public good. They specifically respond to a moment of consolidation of the administrative structures of the viceroyalty.

On the other hand, having noted that most magistrates of the Audiencia of Lima had family ties in the area, Montesclaros considered this circumstance undesirable, and thus sought to ensure that every four to six years there would be an alternation between the magistrates of Lima and those of Mexico (Brunke, 2001).

In fiscal matters, his efforts to improve the organization of the Peruvian Treasury should be noted, as well as his initial push for the management of the Court of Accounts. This policy resulted in a significant increase in the remittances of silver and the aforementioned tax revenues, earning him the gratitude of the Crown (Latassa, 2013).

Equally decisive was the support he later lent to the Synod of Lima in 1613, convened by Archbishop Bartolomé Lobo Guerrero with the primary objective of addressing the deficient evangelization of the indigenous population (Latassa, 1993). It was during this time that the regulations that Juan de Vergara would later demand in his supplication were published and proclaimed.

Montesclaros intended to leave the viceroyalty with the fleet in 1615, but the need to defend it from the threat of the Dutch pirate Spilbergen kept him until the following year. He was therefore granted the concession to delay his departure (Cabrera y Córdoba, 1857).

This final episode had a tremendous impact on the assessment of his tenure. In fact, the alleged defenselessness of the port of Callao when Spilbergen attempted to assault the port (July 21, 1615), as well as the alleged weakness of the South Sea Armada, which led to the defeat in the naval battle of Cañete (July 17, 1615), were the subject of numerous charges made against him in his “juicio de residencia”.

Everything seems to indicate that the charges relate to the resentment of some captains who had been judged by Montesclaros for abandoning their posts in the battle of Cañete (Latassa, 2013).

In the final sentence of the Council of the Indies regarding Montesclaros’s “juicio de residencia”, the marquis was only fined for the excesses committed in three areas of his Peruvian government: the irregular distribution of quotas of Indians, favoritism shown to his servants and acquaintances in the provision of offices and encomiendas, and the passivity with which he allowed his secretary, Gaspar Rodríguez de Castro, to commit different corruptions that brought him significant economic benefits (Latassa, 2012). That is to say, by the time of Vergara’s supplication, the viceroy was planning to return to Spain and was embroiled in military conflicts that adversely affected his later “juicio de residencia”.

On the return voyage to Spain from Callao, from where they set sail on May 20, 1616, the vicereine boarded with a “declared illness.” Finally, the vicereine died at sea a few days after boarding. Two years later, Don Juan de Mendoza would marry, already in Spain, with a niece of his: Doña Luisa Antonia de Portocarrero y Mendoza. They had a daughter, Isabel, who would have been the heiress had she not died young. Don Juan then felt the desire to meet his first daughter, whom he had left in Seville, and he could do so. He poured out his fatherly affections on her, and therefore supported Antonia María’s access to the Court (Orueta, 2018).

In the last years of his life, he was appointed State Counselor before the gentle sentences of the Council of the Indies regarding his “juicios de residencia” as viceroy of Mexico and Peru became public. In 1623, he was promoted to president of the Council of Finance, and from there he was promoted to the Council of Aragon, of which he was the first president. However, he never held the presidency of the Council of the Indies, as he seems to have wished (Carlos Morales, 2019).

Montesclaros died in Madrid on October 9, 1628. In his will, he acknowledged having had four illegitimate children in America: one son and three daughters. The first, Antonio de Mendoza y Luna, then a student in Alcalá de Henares, had been born in 1612 and had been secretly raised in Lima until his father claimed him from Spain (Latassa, 2013).

Juan de Vergara is undoubtedly the most important figure in this analysis, and his life cannot be summed up in a few lines. A controversial character for his dual condition as an “eximious paper pusher” and an underlettered procurator alongside his position as an influential merchant and evident smuggler, he has even become a historical figure from which to analyze various historiographical debates concerning his role in the growth of the city of Buenos Aires and what would later become the Viceroyalty of the Río de la Plata.

During the latter half of the last century, some historians of revisionist and Catholic nationalist positions identified Juan de Vergara as one of the actors who harmed the production of the inner Río de la Plata, embodying the flow of Atlantic-Peruvian trade, neutralizing the nascent local productive development. Furthermore, the mercantilism sustained by smuggling caused the emergence of a new local elite, Portuguese and suspected of Judaizing, which concentrated political and economic power, dispossessing the local meritorious class, Creoles descended from conquerors and nobles, causing the dispute to run through

pathways of moral and religious keys. In this way, conflicts that had been occurring in the previous century in our country were transferred to the sixteenth century (Amadori, 2020).

This is how this author explains to us:

From this perspective, in the consolidation of the port of Buenos Aires as a link between the Atlantic world and the Río de la Plata space, with a local elite featuring a strong foreign presence, lay the seed of the conflict between centralism and federalism, the tension between protectionism and liberalism, and one of the central problems of nationalism: cultural identities. (Amadori, 2020, p. 76)

It can also be noted that during the 1980s, early colonial Río de la Plata studies were invigorated, providing significant advancements in understanding local power dynamics, and at that time Vergara aroused some interest; however, these works tended to dilute his particularity within larger explanatory frameworks. (Amadori 2020)

We must clarify that to create this small biography, we have gathered data from both authors who saw in Vergara the example of the smuggler associated with foreign powers and Judaizers, such as reviews by Iburguren (n.d.), Molina (1947 and 1959), Cutolo (1950), and Torre Revello (1958), who even made value judgments about our character; as well as from current authors who refrain from judging him and instead rely on analyzing the social and relational factors that placed Vergara in a specific time and place, thus making him a scapegoat for anachronistic analyses conducted almost four centuries later.

Within the framework of historical analysis, we will later develop an analysis of the historiographical changes that occurred (not specifically regarding the figure of Juan de Vergara, but of which he may serve as an example) in the view of the Hispanic Catholic monarchy and its relationship with the Indies. Nevertheless, we must admit that there is scarce material regarding his early years, and much concerning his actions in the city of Buenos Aires during his adulthood.

Born in Seville in 1564, he was the legitimate son of Don Francisco de Vergara and Doña Catalina Yusello Mallara, of ancient Andalusian nobility. (Olivero, 2004) He moved to the New World at a young age accompanied by his brothers, Alonso, Bartolomé, and Miguel Gerónimo. He landed in Panama and after passing through Havana, Portobelo, Nombre de Dios, Lima, Cuzco, and Potosí, he left the imperial town to relocate to Esteco in the jurisdiction of Salta del Tucumán. (Iburguren, n.d.)[\[9\]](#)

In 1592, he obtained his title as a public notary for the Indies, contingent upon the Charcas Audience certifying his sufficiency and skill, and from that moment on, he engaged in activities in both directions. Two years later, he presented his title as a royal notary to the Potosí cabildo, and two years after that, he purchased the office of public notary and number of the town, being accepted by the city council. (Amadori, 2020)

In 1596, he took the oath of the position of notary of the cabildo and in 1599 he was absent, according to records, being reappointed in May 1602. He appeared in the chapter acts until late 1603, the year he moved to the governance of Tucumán to hold the local tenancy of Talavera de Madrid. (Amadori 2020)

According to Iburguren, in Esteco, or Talavera de Madrid, or Madrid de las Juntas, he married for the first time around the year 1600, to Beatriz de Cervantes Alarcón (daughter of the local Alguacil Mayor Rodrigo de Soria Cervantes and his wife Beatriz de Alarcón), a wealthy lady who, upon marrying Vergara, brought a substantial dowry estimated at over 20,000 pesos. Doña Beatriz was additionally the widow of Licenciado Juan Hermoso de Graneros, and her father, Alguacil Rodrigo, was born in Trujillo, a legitimate son of

Cristóbal de Soria and Leonor Álvarez de Cervantes, who has been attributed with a close kinship to the “Manco de Lepanto.” (Ibarguren, n.d.)

While according to José Torre Revello (1958), he could have been in Buenos Aires from 1602, other studies (Amadori 2020, Ibarguren n.d.) locate him arriving in the city in 1605 as the secretary of his friend Juan Pedrero de Trejo, whom the Charcas audience commissioned to investigate certain reports of irregularities committed in the distribution of “permissions” (export licenses).

His arrival in Buenos Aires seems to be the milestone from which historians gather most of his biographical data and develop the significance of his biography in shaping the political character corpus of importance in the emerging city, that is, the “political equipping of the territory” as Barriera (2006) provides that distinction. Thus, we find different details about his personality, apart from his actions, among the various authors who studied the period.

According to Amadori (2020), his integration into the local milieu was very swift, as he combined management capacity, and especially experience with the territory and the colonial legal-political culture acquired through his notarial practice and also in governance. He was quickly recognized by Governor Hernandarias, who years later would define him as “a dangerous notary, very knowledgeable in them [to the point that] there was no other of his abilities in the entire region.”

Molina, in his work on Diego de Vega (1947), would remember him as “Juan de Vergara, a renowned notary, with great experience in the intricacies of lawsuits and legal processes; knowledge acquired in Upper Peru and the province of Tucumán, where he had excelled in the guild due to his abuses and entanglements” (p. 15).

Ibarguren would say that, here on the banks of the Plata, he had to settle permanently, dedicated to the trafficking that would make him the most powerful smuggler remembered in the history of the Río de la Plata in the 17th century.

According to this author:

From his early days as a newcomer to the budding port hamlet, the outsider from Esteco actively intervened in vernacular politics as a supporter of Hernandarias; under whose protection he started in public life. However, soon, his commercial activities clashed with the intransigent port management of the Creole Governor who protected him, and from that moment on, he began to intrigue against this chief, attracting the richest merchants in the neighborhood, whose immediate interests were aligned with a forthcoming reopening of the port. (Ibarguren, n.d.)

Macarena Perusset Vegas (2005) examines that, following his appointment by Hernandarias, it was his rapid friendship with Simón de Valdez, Mateo Leal de Ayala, and Diego de Vega, leaders and principal members of the future group of the Confederates, that changed the circumstances of his later actions, and she describes the beginning of his illegal activities in detail:

At the time of the arrival of the ship *Nossa Senhora do Rosario*, Vergara was serving as the lieutenant governor under Hernandarias, and the alguacil Sosa proposed the following deal to him: Vergara should report the illegal cargo of the vessel, which, according to current laws, had to be sold at a public auction, with one-third of the proceeds going to the informer. In this case, that one-third would be shared with the alguacil of the sea, Antonio de Sosa, who by virtue of his office was ineligible to retain any percentage. Vergara accepted the offer. It remained only for Simón de Valdez, as the royal treasurer, to conduct the auction; as a result, the only bidder was the Portuguese Diego de Vega, to whom the lot was awarded. Ultimately, the slaves were legally sent to Potosí for sale. Once involved in this illicit venture, Juan de

Vergara and Simón de Valdez partnered with Diego de Vega. They then began to organize the arrival of more slave ships under the guise of forced landings. (Perusset Vegas, 2005, p. 297)

Later, during the administration of Marín Negrón, Vergara gained his trust and managed to seize the levers of power, allowing him to form a capitalist and political consortium aimed at enriching its members, which, aside from Vergara, included the treasurer Simón de Valdés, Diego de Vega “Portuguese Jew, smuggler and slaver,” and Mateo Leal de Ayala, “a disloyal character who came to replace Marín Negrón as lieutenant governor after his ambiguous death” (Ibarguren, n.d.) and to position themselves above any legal obstacle with the consent of other influential neighbors.

According to Vicente Cutolo (1950), upon the death of Marín Negrón on July 26, 1613, “a famous smuggling quadrilateral took control of the city government, composed of the acting mayor, Mateo Leal de Ayala, treasurer Valdez, and captains Juan de Vergara, ordinary alcalde, and the wealthy Portuguese Diego de Vega” (p. 202). As a result of that power, it happened that between 1612 and 1615, those referred to as “the quadrilateral” managed to open the Buenos Aires port to prohibited trade, and became perhaps the most famous slavers in this part of America. (Ibarguren, n.d.). According to the same author, Raúl A Molina, who reviewed the records of the ships that brought those cargoes of slaves to our shores, stated that during Vergara’s time, around 4,000 “pieces” were smuggled.

The truth is that, thanks to his influence, Vergara became Notary of the Holy Office, Treasurer of the Holy Crusade, and perpetual regidor of the Cabildo. (Ceballos, 2000)

According to Cutolo (1950), when Hernandarias took over as governor for the fourth time in May 1615, it was demonstrated that the ploys of the cabildantes assigned to the lawyers in 1613, to prohibit their entry into the city and practice of their profession, were pretexts to cover their own actions, as the latter could hinder the smuggling that enriched them.

This author, in his work “*Creole Lawyers in 1600*” (1950), also reveals the entire web of relationships the early lawyers established in the city had with Juan de Vergara:

At that time, Buenos Aires continued to serve as an important port, dedicated to the rampant smuggling of goods and people. Gabriel Sánchez de Ojeda, one of the first lawyers to operate in the Plata, wanted to return here after many years away, attracted by the incipient commercial movement. Settled in Santa Fe with his office, he had resolved to make the trip and was already in the Río Luján, from where he intended to reach the city of Trinidad. Notified Vergara, ordinary alcalde, of his arrival, he prevents him, claiming as a pretext that he had forgotten his loving wife, “that good and holy customs did not allow him to leave her abandoned.” (Cutolo, 1950, p. 202)

Then Vergara orchestrated Sánchez de Ojeda’s condemnation for having acted as a judge on one occasion; he suffered “the promotion and perpetual exile from the city and kingdom of Peru and a fine of two thousand silver pesos for having been a judge and advisor in the case.” In fact, Sánchez de Ojeda, recalling this case, stated before several friends that the very event for which he was judged occurred to please Juan de Vergara, his direct author who he had to obey, because otherwise, one could not live in this port. (Cutolo, 1950)

Additionally, during the governorship of Diego Marín y Negrón, the Toledan José de Fvmsalida y Metieses had arrived at the Río de la Plata. In 1610, he had already been in Buenos Aires, as there is evidence that he granted power of attorney to Juan de Vergara. In 1613, he arrived in Buenos Aires, but the Cabildo did not allow him to enter to practice his profession, at the instigation of Vergara and his associates.

Molina, in his biography of Diego de Vega “*The First Banker of Buenos Aires*” (1959), extensively

describes the relationships he had with Juan de Vergara, providing some data he collected about the latter:

One of the most extraordinary men who lived in old Buenos Aires, who in 1610 managed to introduce a significant cargo of slaves. From then on, year after year, until 1615, more than 15 ships annually arrived from Brazil or Angola under similar conditions, which in the five years from 1610 to 1615 totaled over 5,000 blacks, apart from the merchandise they managed to introduce. (Molina, 1959, p. 63)

Torre Revello (1958) patiently describes the entire mechanism used by “the Confederates” to practice smuggling, just as Perusset Vargas had described the first event:

They acted in this way: once the smuggling ship anchored in port, its master or captain reported to the authorities that they were forced to enter due to adverse weather encountered during their journey, or due to significant damage suffered during the long journey; that they were carrying certain goods and a certain number of blacks on board, always in much smaller quantities than actually were. Once the reported goods were sold at auction, they proceeded to unload the vessel, passing all that exceeded the reported amount without paying any tax. Naturally, this fraud could not be committed without the collusion and complicity of the authorities and royal officials. (Torre Revello, 1958, p. 123)

According to this author, moreover, in 1614, after Juan de Vergara was elected *alcalde*, he, in collusion with Sebastián de Orduña, dedicated himself to pursuing those who refused to submit to his businesses, such as the *alguacil* Lorenzo Gutiérrez, the *alférez* Enríquez de Jerez, the investigative judge of the Royal Audiencia of Charcas, and Licenciado Gabriel Sánchez de Ojeda, all of whom had in one way or another denounced the practices of slave smuggling. (Torre Revello 1958)

Perusset Vegas (2005) also uses this data to explain the economic expansion of the members of the collusion, and finds in this expansion the strategy to become the new local elite. The political control achieved in 1614 also added wealth that was later used to carry out real estate purchases and acquire most of the properties of the former *Beneméritos*. Thus, with a large cash reserve, they began to lend it and grant credits, creating an extensive web of complicity, dependencies, and subordination.

He also recounts, with an example, how that political power was consolidated in the elections of 1614:

By 1613, the *Cabildo* seemed to constitute the last space where the *Beneméritos* could exercise some power. It was composed entirely of *Beneméritos* members, with first and second vote *alcaldes* Francisco de Salas and Francisco Manzanares; the six *regidores*: Domingo Gribeo, Felipe Nabarro, Gonzalo Carvajal, Miguel del Corro, Bartolomé Frutos, and Juan Quinteros. In the elections for the incoming *Cabildo* of 1614, some irregularities occurred: the day before, the *cabildo*'s notary Cristóbal Remón and *regidor* Domingo Gribeo were arrested as part of a trick organized by the Confederates to win the election of the body. It should also be noted that at that moment *regidor* Juan Quinteros was in prison, and in exchange for a favorable vote for the Confederates, he was released by Mayor Mateo Leal de Ayala, who was also a Confederate. (Perusset Vegas, 2005, p. 299)

After the death of Góngora, who was the first governor of the Río de la Plata, Alonso Pérez de Salazar, investigator of the Real Justicia, arrived in Buenos Aires; as well as later “the gentleman 24 of Seville” Francisco de Céspedes, who took over the Government of the Province. From then on, a real “tug-of-war” ensued that animated the politics of the nascent city.

According to Iburguren, an extraordinary event occurred that exemplifies the climate of the moment:

On one occasion, for example, Céspedes deemed it his duty to imprison Juan de Vergara “a rich man, well-connected, and quite scheming.” Upon learning of his cousin's tribulations, Bishop Carranza personally

stormed the Royal Jail, and surrounded by armed clergy, broke down the doors, and opening the cell, violently removed the prisoner, and then all of Buenos Aires witnessed a miraculous triumph: a lay delinquent on the shoulders of ecclesiastics, as recorded in his *Ecclesiastic and Peaceful Government* by the Quito prelate Gaspar de Villarreal, a contemporary of the event. (Ibarguren n.d.)

Finally, despite the fact that in 1628, Hernandarias, in his capacity as commissioned by the Audience, sent him prisoner to Charcas, Vergara deployed all his resources in the emergency, and freed himself once again from the Justice. He remained a fugitive for a time, until a royal decree issued in Madrid in 1631 by Philip IV, following the birth of the Prince Baltazar Carlos, granted a general amnesty, to which he adhered, thus recovering his position as perpetual Regidor and his virtual leadership in the cabildo.

After eight years following the death of his wife, he remarried in 1609 to Doña Isabel de la Bega, a daughter of the well-known neighbor Diego de Trigueros. Isabel died a year later in a “difficult childbirth,” and a decade after that, the widower married for the third time to the Portuguese María Freire, niece of his friend and partner Diego de Vega. In none of these marriages did he have descendants.

At the age of 83, in his political decline, Governor Lariz, considering him a friend of an enemy of his, seized his properties and exiled him to Chile, placing him in a cart. He had to stop his journey in Mendoza, as his strength to continue had waned. There, in the Cuyana city, he drafted two detailed wills dated 10/24/1649 and 10/27/1650, both before the Mendoza Cabildo notary Juan Ramírez. And just four days after ordering his last provisions, he passed away. (Ibarguren, n.d.)

HISTORIOGRAPHICAL ANALYSIS FRAMEWORK

This paper aims to analyze Vergara’s text as a procurator within a study framework where we will use:

the realization of a perception, widespread in the time and gradually recovered by current historiography, of the Monarchy understood as a common, integrated, and dynamic space, where the events and situations experienced by each of its parts had repercussions on the whole.” (Amadori, 2009, p. 160)

In contrast to a historiography based on the institutional relationships between the central power of the king and the periphery, as the grand example of the centralist monarchies of the modern period, the emergence of examples drawn from research showed the existence of:

Indigenous peoples lending money to whites, or migrating from their communities in search of better opportunities—challenging their condition as subjugated individuals—married lords or those maintained by their servants—ignoring norms of the estate order—entrepreneurs investing their fortunes in whatever economic activities were developing around them—disrupting methodical occupational classifications—women purchasing public offices for their children and managing their assets without accounting to any man—casting doubt on their condition as passive victims of a patriarchal system—are empirical observations from which it can be deduced that something does not work in the traditional descriptions and assessments of American societies during the vice-regal period. (Leiva and Amadori, 2007, p. 16)

This new perspective, according to Amadori and Leiva, began in the 1970s and 1980s, when citing Imízcoz (2001)[\[10\]](#), they express that:

“a shift in orientation occurs from the dominant structuralism in French historiography to the consideration of history as an explanation of change processes, in which men and women held a central position as agents of historical change, characteristic of English Marxist historiography.” (Leiva and Amadori, 2007, p. 17)

In the last thirty years, essential changes have occurred in the vision of the political system and the exercise of power in colonial America, and we currently believe that the struggles for control of various power spaces within the Spanish Monarchy were much richer and more complex than previously maintained (Amadori, 2008).

According to the same author, this provoked the need to transcend the institutional sphere, complicating the reading of processes to encompass the multiplicity of spaces and forms of power that took place within the Hispanic world, as well as reassessing the relevance of informal practices and interpersonal relationships and the presence of multiple and legitimate sources of normativity.

It is crucial to emphasize that the current trend tends to underscore the non-existence in ancient regime political systems of a state understood as an abstract, impersonal entity, an object of loyalty, as a single, unique, and absolute centralizing instance of political power, and as a source of clearly explicit obligations. Today, it is preferred to study the nature and characteristics of real power through the social action of its agents, while for a long time, discussing political history of the Modern Age generated a descriptive narrative, attentive to the actions of a very restricted number of actors and centered on the sphere of the State and its institutions. (Amadori, 2008).

One of the essential changes in historical interpretation has resulted in understanding political relationships as a search for balance between the aspirations of central power of the monarchies and the interests of the various groups, lineages, bodies, estates, institutions, corporations, or individuals that composed them, in an estate and corporate society, like that developed in the Hispanic monarchy, which had been considered one of the most definitive examples of the emergence of the modern state and political centralization.

Amadori clearly explains that:

“Consequently, as a result of the reinterpretation of the nucleus, it has also been necessary to reconstruct the entire ensemble based on ideas and principles very different from those previously utilized. The vision being constructed of these systems points to emphasizing the concrete practices of the actors and highlights the value of the ‘informal’ aspects and social dynamics that, as we have noted, had a decisive importance in their configuration and development.” (Amadori, 2008, p. 44)

For this, it is necessary to clarify the existence of power groups in a society that we define as estate and corporate; this is empirically evident when we see some historical examples of control case studies to verify the relevance of the persuasion work within the council of procurators, as Manuel de Frías did.

One of the most illustrative examples could be the case of the extension of existing permits and the request for permission to use own ships to create a trade route that includes Buenos Aires, Brazil, Seville, and Angola, and that the fruits of this trade would serve to return to the port of origin with the necessary goods (and also slaves) and the money earned from the trade, additionally arguing that this would prevent the escape of silver outside the circuit; a sort of attempt to avoid capital flight and promote reinvestment in the origin, which was granted partially, also demonstrating the different corporate powers that played their interests in each deliberation of the council regarding the tasks assigned to the procurators by their mandators.

But to take a further step in the analysis

Carrying out an analytical use of networks means, necessarily, establishing with the greatest precision possible the nature of these links (kinship, patronage, friendship), the content or “substance” of that link (that is, what flows through the relationships: affection, information, money), and the precise value of such a

link (understanding the effective consequences that such a link has in the considered relationship), without presupposing a priori its content based on its nature. (Ponce Leiva and Amadori, 2008, p. 26)

Furthermore, the study of social networks has proven apt to unravel the hidden sociopolitical dynamics behind institutional frameworks and to appreciate the characteristics and variability of social groups. Therefore, it is a more than valid tool to capture that informal network of links that sustained the informal universe that constituted an essential part of the political activity of the Catholic Monarchy. (Amadori, 2008).

In other words, we believe that a schematic reading of the given situation in terms of a struggle between defined power factions opposed by the meritorious and confederados simplifies too much the links that developed and the role of communication, relationships, and the opportunities that the protagonists of the time seized. (Amadori, 2020), as ultimately interpreted in Trujillo's work (2012), the conflict can be seen as a manifestation of the process of renewal of the local elite.

It is therefore important to highlight the notion of studies about interpersonal networks (social networks) which, in any case and ultimately, according to our proposal, allow the placement of Juan de Vergara in a specific time and place, from which he relates to certain areas and roles of power in the Indies and manages to express, through the text we will analyze, the elites of the city during the first quarter of the 17th century.

Finally, we do not believe that history can be told in terms of a history of great men who built it, far from the relationships that determined them and the groups to which they belonged, but at the same time we believe that the interrelation expressed in the networks constructed by their personalities and defined their position in time and space created the conditions to allow their development. Perhaps, as Sartre said, "Each man is what he makes of what they have made of him."

HISTORICAL FRAMEWORK OF THE SUPPLICATION AND BACKGROUND

The most important precedent to highlight as a historical framework of the supplication refers to the ordinance that gave rise to it as a response.

According to Baravalle's work (n/d)[\[11\]](#):

On May 18, 1613, the Viceroy of Peru, the Marquis of Montesclaro, ordered a series of ordinances to be published and proclaimed in all the cities of the Viceroyalty of Peru with the aim of unifying taxation, accounting, and the method of collecting almojarifazgo and alcabala throughout the jurisdiction. Among these ordinances is number 49, which in its chapters 22, 23, and 24 specifically mentions the port of Buenos Aires. The text of these ordinances mentions that they were the result of consultations with specialists in the field and that the main mentor of them was Licenciado Don Francisco de Alfaro, who at the time was an oidor of the Audiencia of Lima. (Baravalle, n/d, p. 14)

This ordinance specifically dealt with controlling illegal trade and prescribed:

a- The third-party system should be distributed differently than applied, with two-thirds going to His Majesty's Chamber, and the remaining third to be shared equally between the judge of the case and the informer.

b- It was expected, therefore, to raise the price of slaves at the port and thus prevent them from being sold in Potosí.

c- Visits to the ships arriving at the port, whether with a permit or not, or that is, of "forced arrival," should

be conducted jointly by the Royal Officers and the Governor, or in his absence, his lieutenant.

d- No unloading of goods or blacks could be done before such a visit was carried out, and once the unloading was performed, it should be taken directly to customs and remain under the control of the General Depositary and not any other warehouse of any kind.

e- Each product should be recorded by specific categories in the Royal Officers' books, providing a description of them whenever possible.

f- If the unloaded goods were slaves, the number, age, sex, health status, and place of origin must be specified.

g- These books remained with the General Depositary in the Royal Boxes, and a copy of the same was to be deposited in the Cabildo, with both books being certified by a public notary.

h- All these goods and blacks had to be sold at public auction.

i- Said goods (and slaves) had to be consumed within the jurisdiction of the Governorate of Paraguay and Río de la Plata and could not be taken out with the penalty of confiscation for those who did.

This last clause reinforced Lima's monopoly and was detrimental to trade conducted with Potosí via Córdoba, but it also recognized the port of Buenos Aires as a possible refuge for ships genuinely facing difficulties at sea, demoralizing those entering deliberately to sell their goods illegally.

Hernandarias also proposed a series of measures to complement them:

j- The non-entry of carts from Tucumán to the port.

k- Mandatory use of the Paraná River as the only route between the port and Asunción, with the city of Santa Fe as the intermediary port where goods and slaves destined for Tucumán were to be unloaded, to then be taken overland from there to Córdoba.

Ordinance number 49 definitively ratified the Crown's desire to curb illegal trade through Buenos Aires and once again defended the commercial monopoly, but it was not accepted without resistance. In fact, these measures did not yield the expected results and prompted reactions from merchants and the Cabildos of the cities of Trinidad and Córdoba.

In 1615, the residents of Buenos Aires and Santa Fe appointed procurator for both cities to represent them before the Council of Indies and the King, Don Manuel de Frías, with powers granted by both Cabildos to present a series of proposals they deemed important for the proper development of both cities and to prevent their further impoverishment. If their request was not granted, they expressed, there was a risk of depopulating both places and the migration of residents to other spaces with greater survival prospects. (Baravalle, n/d)

We believe that, upon exposing the living conditions of the author of the supplication and his two recipients, as well as the explanation of the ordinances that gave rise to such supplication, the historical framework in which the response commissioned to Vergara by the Cabildo of the City of Buenos Aires is briefly delineated.

CONSIDERATIONS ON THE SUPPLICATION OF LAWS

It seems pertinent to begin the analysis by locating the existence in the time of an epic literature that

influences and determines an entire epistolary genre: The Indian letter, and within this genre, the letter of petition. Beyond their differences, we want to assess the written traditions of the time and place the supplication not only within a legally accepted corpus both tacitly and formally but also within a temporary historical reality where the traditions of Spanish written culture were very strong and growing at a time when the empire was filled with “papers” and experts in creating and interpreting them.

According to Marrero-Fente (2003), the characteristics of the American epic text derived from a renewed epic literature in Spain of the 14th century, which was heir to the medieval one. This was the case—both in legal documents and in historiographical texts—of a particular genre that practiced the narration of the past within the discourse: the epistolary genre.

It is important to note that the Hispanic epic of the 16th century was grounded in the moral and ontological superiority of the true over the feigned and was based on a humanist idea of history, which conceived not only as a narrative of true events but also as a source of experience and morality, presenting writing as an act of service that prolongs or substitutes service in campaigns (Huamanchumo, 2020).

We will analyze a specific type of text that falls among those whose objective was to make an official petition, representing the communication between a sender and a recipient as the sole recipient, distanced in time and space. For the time and space in question, this type can be called “Indian letter.” (Huamanchumo, 2020).

Although we refer to a supplication, which is not exactly a letter, we can include it since this term (Indian letter), according to Huamanchumo (2020):

generally refers not only to private letters but also to legal-administrative documents that served, from a diplomatic perspective, “as a means of information or a channel for the transmission of documents between the sovereign authority and the delegated authorities or vice versa, or from the individual to the constituted authority or among individuals.” (p. 233)

The most common type was the ‘letter of petition,’ which was not called that at the time but existed in the linguistic consciousness of scribes as a legal-administrative textual class (Huamanchumo, 2020).

This author continues to say:

This legal-administrative textual class included an epistle of an official character in which a particular and private sender, or their legal representative, addressed the legal-administrative authority to request a petition with arguments that could be substantiated with attached evidential documents (Huamanchumo, 2020, p. 234).

He continues later:

These petitions were composed within formulaic parameters specific to legal language, as well as rhetorical elements according to the textual and discursive competence of the sender, which was usually in the hands of a scribe who could draw upon topics of the legal language of the time, or even on literary or historiographical textual traditions (Huamanchumo, 2020, p. 234).

According to Valeria Añón (2018), the medieval tradition allowed every vassal to address the authority directly, thereby promoting this usage, which had to be governed by strict rules of *captatio benevolentiae* and adhere to the descriptive-argumentative discourse of the relationship while informing the authority.

The right of supplication, furthermore, was used both in Castile and in the Indies against the laws perceived as harmful to the common good, and alongside the supplication was the formula (widely used in America)

of “obey and not comply” (Anzoátegui, 1980). The reasons that led to the supplication of laws were various: “malicious noncompliance, ignorance of the law, omission or lack of use stemming from the failure of the norm to meet the demands of the Indian reality, or from its repeal by a local custom.” (Anzoátegui, 1980, p. 74).

The so-called Indian law was never a systematic or comprehensive regulation. The rule, instead, was normative dispersion and local legislative capacity (derived from multiple jurisdictions of opposing powers), and most of the norms enacted for America thus had a regional character. It is for this reason that after being presented with the royal dispatch, it was obeyed, complied with, and if necessary, it was supplicated. (Angeli, 2012).

In his work on the rebellion of Gonzalo Pizarro, Sergio Angeli (2012) explains that the rebellion revolved around that right: “The intimation against the law was the first step in the mechanism of supplication, and the authority responsible for executing the norm was the one who had to receive the request. They were to examine it and determine whether or not it was complied with.” (Angeli, 2012, p. 110)

Tau Anzoátegui (1980) warns us in the opening pages of his fundamental text on supplication that the formula “it is obeyed, but not complied with” is not an example of a general atmosphere of rebellion towards the crown in the Indies nor that “the laws were complied with even despite bad rulers,” which would suggest that the monarch’s power was irrevocable.

If we locate, as the author proposes, the analysis in the legal field, we will see that the doctrinal foundations of the supplication of the laws lie, according to Tau Anzoátegui himself (1980, p. 103):

both in the authority of common law and in the reasoning exposed by theologians, moralists, politicians, and jurists. It appeared rooted in the qualities required for a law to have value and with the conception of sharing legislative power between the king and the people.

We should briefly remember that the supplication of laws refers to the possibility—not only factual but also formal and approved in various sources of law, including the king himself in various royal warrants—of receiving a centrally issued written order, symbolically obeying it, and omitting its compliance or suspending it if it was already in effect; through the complaint (supplication) via a written request to the legislative body that issued it, for them to study the supplicated position, reevaluate their decision, and issue a new provision ratifying or rectifying the norm. Moreover, it is interesting to know that this act of supplication did not undermine nor dishonor the norm itself or its issuer, and could be used by the organs of government appointed by the crown, by communal control organs, and even by any vassal of the kingdom, as explained by the authors of the time.

For now, it is necessary to clarify that this is possible within the framework we have defined in this text, as it can occur in a justice system administered by judges (a justice of judges rather than laws) and not by a monolithic and unchangeable written law, with multiple systems of power operating in parallel and defined within a corporate society that administers these different systems. Under this framework, there can be such diffuse doctrinal support for a resource based on the definition “it is obeyed, but not complied with” regarding a rule issued by the crown without this being considered a serious offense.

In fact, in Tau Anzoátegui’s review, bibliographical data are compiled that the author himself qualifies as dispersed, as it does not seem to have been the purpose of the laws to establish an internally coherent system but, as we have already mentioned, merely a system derived from the need to respond casuistically to the problems arising from the administration of the kingdom, with the premise of giving each what corresponds,

but always in accordance with the natural order predetermined by God and religion, which should not be subverted by human will.

In this regard, examples can be taken of the validity of this doctrine during the 16th and 17th centuries, especially in the Indies, from the works of Castillo de Bobadilla “Politics of corregidores and lords of vassals,” Solórzano and Pereira “Indian Policy,” and others, in which evident within the doctrinal paragraphs is the tendency to reinforce obedience to the prince in the introduction of limits to this “obedience with immediate compliance” in a series of cases that vary slightly according to the authors, but whose general sense pertains to “faith, conscience, natural law, rights, and privileges,” as explained by Solórzano, at the end of which the conditions for exercising the supplication of laws are relaxed. (Tau Anzoátegui, 1980)

Thus, only with the passage of time, into the 18th century, did the supplication begin to disappear from written doctrine, consistent with the slow establishment of a true absolute monarchy—centralized and vertical—although the various authors cited by Anzoátegui note that in practice, the supplication was demanded in particular cases for at least until the early 19th century.

Regarding the supplication of laws within the framework of the Río de la Plata, Amadori (2015) explains that: “One of the foundations of the authority of the municipal space in claims before the court was related to the availability of knowledge, a fundamental challenge in the management of modern planetary monarchies” (p. 26).

In the same work, it is understood that the supplication of regulations was linked by the city’s representatives to the fact that Madrid lacked accurate information about the situation in distant Buenos Aires. This allowed for the development of a discourse from a local space that issued a continuous flow of petitions directed to the monarch from the city council.

According to Amadori (2016):

“This discourse constructed an idealized and comprehensive vision of the relationship between king and kingdom, aiming to dilute such antagonism, emphasizing the principle of a composed, harmonious, and hierarchical totality of the political body, which was temporarily exposed to tensions due to what was considered from Buenos Aires to be an inappropriate commercial regulation for local circumstances” (p. 6).

Finally, the author understands that under these coordinates:

“The memorials that the city council directed to the Council of the Indies urged the monarch to restore a functional balance in the commercial order, which in turn would allow for the reestablishment of a relationship that should be based on reciprocal service to achieve the preservation of the enclave, the integrity of the monarchy—an objective that gained special relevance during the reign of Philip IV—service to the king, and, as a result of all this, the maintenance of the political bond” (Amadori, 2016, p. 7).

THE SUPPLICATION OF JUAN DE VERGARA.

According to Amadori (2015), during the 17th century, the Cabildo of Buenos Aires frequently invoked a supplication regarding the royal provisions related to trade. Regarding this supplication itself, the division that occurred in the cabildo concerning the possibility of simply accepting the norm, a path that the councilman Felipe Navarro inclined to follow, demonstrates that the struggle for power was already established in the city, and Vergara played a crucial role in the political communication of the republic; since once he won the contest and drafted the supplication, a few days later the municipal body gave him a bundle of documents that had arrived from Madrid, including reports on the efforts of Manuel de Frías, who

had served as procurator in Madrid since 1612, and was tasked with responding to the representative at court. (Amadori 2020)

Vergara's text consists of a formal presentation, an introduction to the general topic, and then within the same paragraph, the specific subject of analysis. It is then divided into six paragraphs introduced with the formula "The other because," which gradually adds explanations, synergizing the consequences regarding damage to the royal treasury, to the population of the city, to the balance of power with enslaved Black people, commerce, the defense capacity of the port of Buenos Aires, and also the possibility of continuing to be a passage for soldiers going to Chile.

Thus, it begins with the formal presentation of the date, place, present addressee of the supplication, and author of it, fulfilling the formalities of the case:

"In the city of Trinidad, port of Buenos Aires, on the seventeenth day of the month of February in the year one thousand six hundred and fifteen, before Mr. Don Francés de Beaumont y Navarra, governor and captain general of these provinces by His Majesty, this petition was presented."^[12]

Even in the first paragraph, Vergara, presenting himself as procurator of the city and therefore as a legally accredited representative by his election as such, refers to the general objective of the supplication; to review the ordinances that have been proclaimed in the port provided by the viceroy, the Marquis of Montesclaros. It is interesting to note that the procurator is an under-literate stating that he is going to oppose an ordinance from a viceroy, but clarifies, already in his introduction, that he does so on behalf of the royal treasury and the common good of the republic:

Juan de Vergara, general procurator of this city and port of Buenos Aires by election on my date, by the justice cabildo and government of it, in conformity with what the said cabildo has commanded me by its decree to request what is appropriate regarding the ordinances recently proclaimed in this port provided by the Most Excellent Lord Marquis of Montesclaros, Viceroy of these kingdoms, in that manner and form that I can best and the proper legal place for what concerns the increase of the royal treasury and the common good of the republic, I say.¹²

Within this introduction to the subject, he already refers to his specific objective, ordinance number 49, which will become the axis of the supplication:

"that ordinance forty-nine regarding the enslaved people and goods that may be taken in this port due to improper navigation, and not registered, that His Excellency orders to be sold in royal currency with the condition of being consumed in this governance of Paraguay and its populations without being able to take them outside of it, and if the buyers take them outside, they shall be forfeited, as is more fully contained in the ordinance, prohibitions, and mandates that must be obeyed and not fulfilled until [the prince] is better informed to provide and command what should be done as is stipulated by law, both for the damage of the royal property as well as to third parties and many other inconveniences that follow from executing without hearing those involved, because by means of justice, His Majesty and his royal council of Indies and the Lord Viceroy and royal audience of La Plata must serve to suspend and revoke the said ordinance both by general law and by express here as a provision due to its office in prejudice of the Royal Treasury of this republic, neighboring provinces, and kingdoms of Chile and Peru for the reasons that were declared against the letter, practice, and execution of the royal laws and ordinances regarding improperly arrived and poorly navigated goods and enslaved individuals dispatched in the town of Madrid, court of His Majesty, on the seventeenth day of the month of January of the past year one thousand five hundred and ninety-one and particularly against the text and practice of law ordinance six which specifically addresses arrivals and their punishment, which His Majesty and the royal audience of La Plata in the cases of enslaved individuals arrived that have gone to appeal to it, have declared and commanded to be practiced in this port as has been

done, and expressly under the first law ordinance mentioned, they have commanded that what is contained therein and the others be executed by the justices without anyone daring to alter, dispense or arbitrate in any part regarding the penalties contained in them regarding certain penalties, and likewise, it is His Majesty's desire and royal will that all said ordinances have the force of law as if they had been made and promulgated in courts, and since that year of ninety-one that they have been proclaimed in the said province of Madrid and the city of Seville, they are used, observed, and executed in all kingdoms and lordships of His Majesty and in this port, which for more than 24 years when they were not express laws as they are, this custom has the force of law in accordance with rights. Moreover, His Majesty, in particular cases concerning improper arrivals and poorly navigated goods of which he has been informed by reports and documents sent to his royal person and council of Indies, has approved what has been done and determined in this port by its judges and given the form and order to be held in the collection of his royal rights of such improper arrivals of enslaved individuals and goods by particular cells dispatched for this port that are observed and kept in it.

12

According to María del Rosario Baravalle, it was suggested that until the King and the Council of Indies definitively promulgated the measures, operations could continue in the port of Buenos Aires using the legislation that governed "improper arrivals" in the Port of Panama, promulgated in 1591, and moreover, the procurator added, that if ordinance number 49 were to be executed, it would cause great damage to the neighbors and inhabitants of the Río de la Plata, since in the interregional market, it would be impossible to locate their production, as nearby regions produced the same.

Regarding the legal conditions in this part of the supplication, it is necessary to highlight some phrases that allow the development of the concepts we have been analyzing; one of them, perhaps the most important, refers to "it is of the ordinances, prohibitions, and mandates that must be obeyed and not fulfilled until [the prince] is better informed to provide and command what should be done as is stipulated by law."

In this segment are expressed the qualities of a supplication in terms that the law may be obeyed but not fulfilled, a notion that as explained by Tau Anzoátegui (1980) is not only not at odds with obedience but expresses a view about the impossibility of the king issuing an unjust law and therefore it is necessary for the prince to be better informed and to command what is stipulated by law.

Here we also find a notion that contrasts with the perception of the infallibility of the prince's word in an absolute monarchy, as the text asks him to "command what should be done as is stipulated by law." This necessarily demonstrates that even the prince is subject to this law, which although not bureaucratically configured in a constitution of laws or regulated as one might expect in modern times, is made up of principles derived from a higher order, moral, natural, and religious, which therefore includes a series of duties in congruence with the virtues that the kingdom defends and is committed to diffuse throughout the empire.

According to Amadori (2015), here:

As can be seen, Vergara showcased the dichotomy between obedience and execution. The latter, as presented in the cited paragraph, would not be an intrinsic property of the ordinance unless so established. (p. 45)

To conclude that paragraph, he also references a previous ordinance, the law ordinance six of 1591, which to the procurator's understanding has not been repealed and has the force of law as if dictated in courts. He even shelters himself in the condition of custom, appealing to a somewhat medieval tone when he says that before the laws were express, this manner has been done for 24 years, and that custom creates rights.

The other reason is that if the content of said ordinance 49 were executed, leaving and consuming in this

port and governance the enslaved individuals who were condemned as lost, it would cause great harm to the increase of the royal treasury and to the neighbors and inhabitants of this land. Due to their great poverty, and this is well-known to your lordship and all, to such an extent that they have no funds to purchase enslaved individuals at all, and when some can, it will be by trading corn, tallow, meat, wool, cheese, and other small valued goods at their regular price, and when this occurs, it will be in such small quantities that all who can buy enslaved individuals in this manner will not be even one-sixth of the total, and although this could be understood as useful and beneficial to said neighbors and inhabitants, knowing that enslaved individuals remain in this land at all times, the known damage and risk become severe since, with the increasing number of enslaved individuals and having to remain in the lands without any ability to leave, it will be essential and necessary to take particular care and precaution with them as has been done with natural neighboring enemies, which could result in irreparable damage that is unjust to allow, and your lordship, as someone who has the matter present and has much experience in the governance of this land, must prevent this by making a particular report about it to His Majesty and the Lord Viceroy and the royal audience, for with the few enslaved individuals that this land currently possesses, it is clear to your lordship that due to its fertility and convenience, many enslaved individuals have retreated inland, and every day they flee, and there is certain news that from just one part of these fugitives, fifty enslaved individuals have settled, more or less. For this remedy, the neighbors and interested parties have pleaded to your lordship to dispatch a judge with escort to seize and bring back the said enslaved individuals, as this damage will continue to grow every day and its remedy lies in removing the said enslaved individuals and communing them as it has been done until now outside this governance. Moreover, when all this ceases, it will be impossible for the price of enslaved individuals sold under the condition of said ordinance to be sufficient to cover the royal rights even when payment is made in royal currency, which is of great difficulty as this is not known in this land, and most certainly will be through the exchange of the products of it, with the urgent risk of their loss, damage, or decreasing due to a lack of output or sales of them, considering that the neighbors and inhabitants of this land have harvested each year what is necessary for their sustenance.¹²

Here another problem concerning the ordinance is proposed. It was assumed that if the enslaved individuals arriving in the “arrivals” could not be taken or sold outside the governance, it could become dangerous as they would multiply excessively, and in the case of uprisings, the cities would not have adequate means to suppress them, as they lacked arms and ammunition and the garrison of soldiers was very small, only serving to deter a small enemy invasion at the port while giving the neighbors time to arm themselves and organize. Conversely, if a riot were organized in the middle of the city without prior notice, it could be utterly lost. On the other hand, due to the poverty of the neighbors, the prices of enslaved individuals could not reach a significant sum and would be detrimental to the revenues of the Royal Treasury. Here we see the commercial arguments and the defense of the royal treasury that will be repeated throughout the supplication, gradually adding probable social issues and defense of the city itself.

The other reason is that through what has been referred to in the royal treasury of this port, neither will the large amount of pesos that enters and is collected each year be secured, resulting in having copious amounts of silver with which to pay for alms, salaries, the dispatch of soldiers for the assistance of the war in the kingdom of Chile, and other very considerable matters concerning the royal service assigned and designated by His Majesty to be paid in it, which amounts to more than 20 thousand pesos each year, and the soldiers entering for Chile exceed 40 thousand, all of which is paid and fulfilled from the account of enslaved individuals and others. The payments remitted and sent to the royal treasury in the city of Potosí are how His Majesty has commanded, and all remaining pesos each year amount to 40, 50, and 60 thousand pesos more or less depending on how it happens, providing His Majesty is served, and his royal treasury increased, and up to now, he has not prohibited the order and custom so old that has existed in this port to sell said improperly arrived enslaved individuals in royal currency; rather he has approved and permitted it through royal letters of mercy and alms made to the religious sent to the kingdoms of Peru from this port over the past four years, commanding that the royal officials of these amounts in this royal treasury that has

and will have from enslaved individuals be given alms as it has been done.¹²

According to Baravalle's análisis (s/d):

It was also expressed in the petition that the port's only function was not merely trade. Soldiers sent to the garrison in Chile entered through there, being the closest and safest port, then continuing their journey by land; moreover, it was a port of warning, as enemies heading south could be sighted from Buenos Aires and could notify both Chile and Lima in time to be prepared for an eventual attack, as had happened several times.

The text continues:

The other reason is that selling said enslaved individuals in royal currency, as it is known, would increase the royal treasury and conversely damage it, besides the fact that it is not a legitimate cause to completely close the trade of this port, as His Excellency mentions in the said ordinance. Because the improperly arrived enslaved individuals result from grievances coming from above due to contrary winds or lack of provisions or by corsairs, and since these events are casual every time they occur, it is certain that said ships that have arrived at this port will come to shelter and remedy their needs and take what is necessary for their journey because this is the royal will under the aforementioned law ordinance six that prohibits the ability to come to this port in any other manner without his order or license, and when the said ships exceed what is contained in this law, all penalties have been executed against them without remission, thus the transgressors have been punished and the royal treasury greatly increased.¹²

In this paragraph, an appeal is made that the justice expressed in the sixth ordinance of 1591 is widely fulfilled and has been instituted by custom.

The other reason is that through the prize that His Majesty has designated for judges and denouncers of such improperly arrived enslaved individuals, experience has shown the numerous efforts that said denouncers have made in seeking them out and executing the said sixth law, and if the new ordinance of His Excellency were to be practiced, the prize for the judge and denouncer would cease, because with the required sales of enslaved individuals in royal currency under the condition of the said ordinance, their price would not suffice to cover and satisfy royal rights, as I have referred to, which would be known damage as the lack of reward for the denouncer would mean they would no longer put in the effort to seek the said improperly arrived enslaved individuals as they have until now, for His Majesty and his royal council and predecessor viceroys and the visitors who have been in this land, having and having had wisdom and knowledge of what has been referred to in the reports and documents and testimonies of processes that Governor Diego Marín Negrón, predecessor of your lordship, sent to his royal council, by virtue of particular orders, have not prohibited nor altered the said royal ordinances nor the order that has existed until now to sell in the royal auction the said enslaved individuals, and it is not just that your lordship, having the matter present and foreseeing the damages and inconveniences I have referred to, should execute the said ordinance before His Majesty, the royal council, and the Lord Viceroy and royal audience are made aware of my allegations.¹²

Following Baravalle's analysis, regarding distributing the thirds, if the share that the "denouncer" should receive were so diminished, it was speculated that no one would take the effort to make denunciations due to a lack of incentives, and as the coastline was so vast and extensive, more royal officials would be needed to patrol and monitor it, with the consequent expenditure of wages that would harm the Crown's revenues.

The other reason is that, in addition to what has been mentioned, there is also much harm done to the Kingdom of Peru and the surrounding provinces of this governorship, such as Tucumán, Chichas, Charcas, Chocoylo, Cusco, and Chile, from which many goods of necessity and abundance regularly come to this port, such as cotton thread, woolen bedspreads, clothing for Indians and Indian women, blankets, bananas,

soap, honey, pita thread, guascas, and other goods that sustain this republic. The willingness to bring them from such a distance of leagues, from one hundred to six hundred, is related to the need to take and carry for the service and cultivation to the governor, slaves due to the great shortage they have of the labor from the natives, as the native population has diminished in those regions in recent years, as is well known. For these provinces and kingdoms to sustain themselves, they must come to seek the aforementioned slaves, bringing their produce, which, to enjoy this community, they sell at a moderate price to the neighbors and residents of this port. If this activity were to cease, which is very certain, and the said ordinance were executed, this port would likewise come to an end and be depopulated, because without the trade and commerce of the said Kingdom of Peru and Chile and the surrounding provinces, it is impossible to sustain itself as it is currently done, due to the convenience enjoyed. As I have mentioned, moreover, being the key and short passage to the said Kingdom of Peru, the communication with Spain, where important notifications regarding royal service have been communicated to the Kingdom of Chile and specific viceroys, yielding beneficial effects such as the take of the English in the southern sea and the Kingdom of Chile and the regular arrival of arms and soldiers for aid in the war of that kingdom, in which His Majesty has been greatly served and has saved a significant sum of pesos. If it were not populated as it is today, it would be a great inconvenience for the aforementioned and for the defense against enemies who would come to it and for the safe journey of the soldiers whom His Majesty sends to Chile, because although the poverty of this land is great, the spirit of its inhabitants in serving His Majesty has been and remains well known, as has been seen for 34 years in the dispatch of the fleets and soldiers that His Majesty has sent to aid the said kingdom of Chile with Governor Don Alonso de Sotomayor and Governor Don Francisco Martínez de Leyva with Captain Antonio de Mosquera, and also in the malocas and pacification of the land in the rebellions and disturbances that the natives have committed. And in defending it from the privateers that have arrived at this port, all of this, this republic has done and continues to do today at its own cost, maintaining four companies of cavalry with lance and adarga and two companies of reduced infantry, all organized and residents of this port ready to respond to whatever your honor commands in the royal name with great punctuality, serving His Majesty and the defense of this port gains reputation among enemies, which is just to be sustained without allowing it to diminish, which is dependent on the execution of the said new ordinance.¹²

Another item that was questioned was regarding the products coming from Brazil. Initially, items that could not be produced in the Río de la Plata and Tucumán were brought, such as clothing, footwear, iron, etc., and what was produced in the region was taken back, not only in the Río de la Plata but also cotton threads, woolen bedspreads, fabrics for the clothing of the natives and slaves, soap, honey, pita thread, etc., brought from other regions to be exchanged for slaves, thus giving movement to interregional markets.

Moreover, because of the irreparable year that will affect the royal treasury and this republic should the aforementioned ordinance be executed, it is denied that it should be carried out in due accordance with the law until my side, as a very interested party in what I have stated, has been heard and overcome, for it is the royal will and that of your Excellency, as seen in the words of the conclusion and decision of the aforementioned ordinances, which wishes that they not be practiced or executed to the detriment of the common good or of third parties without first being heard. For in explicit terms, it states and refers generally that they must be complied with until such time as His Majesty or the said Lord Viceroy or the Lords Viceroys, his successors, provide and command otherwise. It is apparent from the words that the rights of the interest of the royal treasury and third parties remain reserved to seek to inform what would pertain to them before His Majesty and the Lord Viceroy, using the right of appeal and supplication in all permitted cases and particularly in this one. If your Excellency's will were that the said ordinance be absolutely executed, you would have stated in the aforementioned conclusion and decision, as is customary when you wish thus to declare, that it was a matter of government and that penalties and warnings would be imposed to send judges with salaries to enforce it, and you would have inhibited the royal hearings from knowledge of the matter. Thus, it is understood and must be understood that your Excellency, as such a righteous judge in justice, called upon this republic and interested third parties through the aforementioned ordinance and its

declaration and decision so that they could come to assert their rights and justice and to inform of the inconveniences that may arise from its non-execution, which I have referred to, especially since using the aforementioned remedy, the cabildo of the city of Potosí, where the said ordinance was proclaimed, supplicated about it before your Excellency, and in the interim, the effect was stayed and suspended, as is well-known, and thus I allege. Yours should do the same, as one who has the matter in hand, that if necessary for the reasons I have referred to and for those that further support and could arise in favor of the royal treasury and the common good of this republic—which is expressly stated here, speaking with due respect, saving the right to nullity and any other that pertains to me—I appeal and supplicate regarding the said ordinance 49 before His Majesty and his Royal Council of the Indies, and the said Lord Viceroy, the Royal Audience of the city of La Plata, and therein and before whom I can and must lawfully appeal, so that the one who is best informed may provide and determine what is appropriate in royal service. Until such determination is made regarding my appeal and supplication, your Excellency must suspend the practice and execution of the said ordinance in this port, as one who has the matter present, until new orders are received regarding what must be done. For your Excellency is aware of all the causes and allegations I have presented and the great importance that follows from it for the service of His Majesty when suspending and not executing it.¹²

Here it is proposed and demanded that, in accordance with the law, the ordinances cannot be executed until the involved parties have been heard, reinforcing once again the notion of co-participation in the rules and the principle of communication of the real state of affairs as a basic principle so that the prince can legislate in accordance with his duty of justice.

I respectfully request and supplicate through what has been stated and the contents of these testimonies and documents that I present with the necessary oath and solemnity in proof and justification thereof, that the said ordinance not be executed, referring it back with this my allegation, appeal, and supplication to whomever and as I have interposed it, for according to law and justice, by virtue of this, the effect of proceeding with the execution of the said ordinance is suspended, for no one can be condemned without being heard, nor shall any law or royal ordinance be executed and practiced without the order and license of His Majesty, as the said sixth ordinance can and should not be revoked in whole or in part except with the same solemnity that it was made, and explicitly expressing it in the revocation and derogation made thereof. If, for any reason notwithstanding this appeal and supplication, your Excellency proceeds with the execution of the said ordinance, speaking with the due respect and without altering what I have previously asserted, I affirm in my entire appeal and supplication, I appeal from your Excellency and against what may be provided in contradiction to my petition, so that before His Majesty and his Royal Council and the Royal Audience of La Plata, and before whom I can lawfully and must legally, I protest against the nullity of attempted innovation and all damages and losses and interests and detriment that may arise to the royal treasury and to this republic to my part against whom it is legally necessary. Above all, I ask for justice and costs and testimony to follow up on the said appeals and supplications.¹²

In this final paragraph, an important notion is established from a legal perspective: “There is a clear distinction between the different types of normative acts and the procurator’s ability to argue their interests from a space with multiple instances capable of generating law” (Amadori, 2020, p. 89).

It also establishes the difference between rules emanating from the government of the republics, which would have a certain executive priority over those dependent on justice and thus subject to the probability of a supplication and its subsequent ratification or rectification.

According to Amadori (2020):

The procurator, who sought to establish clearly that the arrivals were functional to the monarchy’s presence in the Río de la Plata, framed his description of the negative consequences of the application of the

ordinance in the language of service and the reciprocity that should bind the relationship between the king and his vassals and established quasi-legal duties. (p. 90)

The text concludes:

The governor, seeing the request made by said procurator, ordered that it be joined with the documents he presents and that they be brought in to be reviewed and deliver justice before me, Manuel Martín, notary.

In the city of La Trinidad, port of Buenos Aires, on the nineteenth day of the month of February in the year sixteen hundred and fifteen, the governor, Don Francés de Beaumont y Navarra, having seen these documents and the request made by the general procurator of this city, ordered that information be gathered about the detriment to the royal treasury of His Majesty and damage to the republic that he claims results from the execution of the said ordinance so that what is best for the service of the king our lord and her well-being can be provided, and thus Don Francés de Beaumont y Navarra firmed it before me, Manuel Martín, notary.¹²

RESULTS OF THE PETITION

The attorney, in an effort to advance his claim, presented the support provided by testimonies from the commissioner of the Holy Office, the Franciscan provincial, the prior of Santo Domingo, and the rector of the Society of Jesus in Buenos Aires. Following this, the Governor took advantage of the presence in the city of the lawyers Rosillo and Sánchez de Ojeda to consult on the matter, and alongside them and the royal officials, he admitted the petition, suspending the execution of the ordinance and granting a period of one year for the city to present the case before the tribunal it deemed appropriate. After this period, the ordinance would be enforced. (Amadori, 2020)

The petition was submitted to the Council of the Indies with a file that reflects the local management of the matter and the involved parties; even so, as mentioned in the account of Vergara's life, by the end of May, the balance of power changed significantly. The arrival of Hernandarias led to his imprisonment and a situation that was difficult to resolve since he continued to exercise his title of attorney from prison. Despite this and the pertinent claims of those represented, the Governor ordered that, while the case against Vergara was determined, another representative of the common interests be appointed. Once the city council was renewed, the matter was addressed again on June 27, 1616, and the council members agreed with Hernandarias, who ordered compliance with the regulations. (Amadori, 2020)

According to Baravalle (n.d.), although complaints from various corporations and social strata – municipal councils, merchants, royal officials, governors – were heard, the ordinances of Marquis Montesclaros, including number 49, were definitively enacted in 1618, the year in which the final division of the governorship was carried out, with Paraguay retaining Asunción as its head, which included the cities of Santiago de Jerez, Villa Rica del Espíritu Santo, and Ciudad Real; while the Río de la Plata was established with the city of Trinidad Puerto de Buenos Aires as its head and the cities of Concepción del Bermejo, Corrientes, and Santa Fe.

In Paraguay, Hernandarias remained as Governor until the return from Spain of Don Manuel de Frías, who came with an appointment to hold the position. In Buenos Aires, however, Don Diego de Góngora was appointed in one of the last serious attempts by the Crown to curb the illegal trade that was taking place through the port, which, contrary to expectations, also failed; as the alliance of the governors with the royal officials, some neighbors, and the Portuguese determined that the port continued to operate as it had since its founding.

CONCLUSIONS

The entire development of our analysis takes into account the framework of ancient-regiment power relations. This framework consists of the fundamental dynamics of the polycentric monarchy, which were religiousness and royal patronage, the heterogeneity of the legal order, case-based and autonomous, the power of justice and the king, the lush physical extension of the empire, communication through writing, local autonomy, and clientelism as political practices of power balance (Gaudin, 2019). Even in this polyphony, the common event that cohesively binds the kingdom in the natural order above all else can be traced, i.e., the personal, subordinate to the service of the King and God (Hespanha, 1989).

To elaborate on these terms and related to the analysis of the proposed source, we would say that it provides a framework where combining the political with the legal is an expression of the language and “the state of affairs” of the analyzed era. The impossibility of separating both realms parallels the impossibility of segregating the absolute powers—judicial, legislative, and executive—exercised by the monarch during the referred period. Furthermore, the author clarifies that he takes them in a “sense of deep, spontaneous, unthought-of representations that organize perception, evaluation, sensitivity, and action in the domain of law and power” (Hespanha 1994, p. 63); law and power, which at the time were inseparable.

Although, in that estate society, everyone has a function to fulfill and, according to that function, has a place in the hierarchy of creation, this does not diminish their human dignity. And although the social extension of these fundamental categories was widely accepted, this can be explained in relation to the influence of customs on the constitution of the legitimacy of social relations and their explicit legality. Thus, we find the interrelation between customs and laws, whereby a custom can eventually be established as law, thereby changing the rigid parameters we previously described, or even that a law not approved by customs can be questioned.

It is noteworthy, in this case, that the principles of delegation were symbolically established to seek unity, which did not exist in economic, judicial, and even administrative acts. Rather, there existed a multiplicity of regimes, among which many of the written and unwritten rules of the late Middle Ages were preserved, ensuring “the peoples” many of the powers they had (in form) “delegated to the prince,” among other rights, to choose, from among their best citizens, the chief who would guide the community as a whole. And most of the peoples were governed by prior customs and considered themselves part of a community of republics rather than part of a monolithic kingdom with an inescapable power.

As the expression of power was eminently judicial and was primarily related to the emergence of some type of conflict, the role of those who defined these conflicts in correlation with the preceding natural order and with the principles of the Catholic religion that guided the community was essential; therefore, it was up to “men” to interpret the laws in the manner most congruent with these principles, rather than a bureaucratic system (the laws) with a rigid structure that would impose itself over these “interpretations.”

This allowed, for example, within the framework of Buenos Aires in the 1600s and in the case we are discussing, to corrupt these principles of authority of men rather than laws, a certain illegality handled by “the quadrilateral” or “the confederates,” as they had the knowledge and the proper place to exercise power in their jurisdictions. Let us remember that the implications of the jurisdictional nature of political power are associated with the establishment of a corporate society, in which each power space is occupied by whoever effectively exercises power in their jurisdiction (Agüero Nazar, 2006).

On the other hand, the life of Juan de Vergara exemplifies the historical moment in which the progressive change of social functions, the expansion, and let’s say specialization of the various aptitudes necessary to perform specific social functions, gradually allows the incorporation of individuals from other strata into the

nobility, who do not possess any certification of hereditary nobility but, due to the necessity of their knowledge, climb social positions.

In this social ascent, the corporations to which each person belongs also come into play. Empirically, this occurred, for example, with soldiers, who increasingly needed to be specialized, as functions were abandoned by the nobles, but above all with the literate individuals, who began to occupy positions in the “bureaucracies” administrative of the palace. Likewise, it occurred with various professions that began to gain relative importance in a society where power related to wealth was stopping being territorial, rent-based, and noble to become commercial and based on monetary possessions, with the rise of what we would today call the bourgeoisie; in this case, the under-literate who attained, through their “read” knowledge, albeit informally literate, eminently practical and functional to the state of affairs in the far southern Atlantic, recognized places of power socially and economically.

This remoteness, the scarcity of inhabitants (approximately 2000 in 1620), and the lack of lawyers, the prejudices or empirical judgments regarding their presence in the city, plus the high monetary cost that representatives wanting to reach Madrid would have to bear from their own pockets, could even be causes for the emergence of under-literate individuals, such as Juan de Vergara, who based on his experience, especially notarial, were able to develop a legal discourse, sometimes simple, but clearly representative of the interests that sustained them, in this case, not only of their clients but also of their own, in defending a corporation of which they were a part.

Here, the phenomenon of political communication is analyzed for a petition, demonstrating that by adhering to the established legal parameters, concessions can be requested from the crown and not merely obeyed, and also, as long as formal requirements and agreements with the authority of the king are met and the moral codes that flow and provide unity to the body of the monarchy are not broken, claims of all kinds can be made, such as petitions for laws.

We believe that the paragraph that exemplifies political relations in communication between the court and its vassals is the quote from Ponce Leiva (1997) that Amadori cites in his text “Patronage and the Economy of Grace,” which says: “Since the essence of the political system was justice, upon recognizing this debt, the king had the moral obligation to settle it through the granting of goods capable of balancing the relationship,” developing what we might call a strategic dialogue of the crown with the multiple territorial, corporate, local, and jurisdictional power points of a polycentric monarchy.

In this development, we also attempt to shift the historiographical perspectives that had approached the subject of study with a view of a law-producing center and a periphery that obeyed or caused tension in their attempts to excuse themselves from obeying; but supposedly had no implications in the creation of these laws. Those approaches did not explain the phenomenon in all its complexity.

The various branches of historical discipline have enriched the description and its subsequent explanatory analysis by highlighting other protagonists of the political link, corporations, holders of jurisdictions, magistrates, royal delegates such as viceroys and governors, local elites, and mediating these multiple power centers, the attorneys, who embody the transatlantic dynamics of governance in their person, their agency, and their capacity to assert information and communication as an effective factor influencing the relations between monarch and vassals. We could add that from this emerges a more reticular than linear (vertical or horizontal) image of colonial administration, with nodes where information converges and is utilized as input to manage responses according to the notion of a reactive monarchy.

To conclude, We believe that the story of Juan de Vergara demonstrates that despite the weight of a periphery as remote as the Río de la Plata (and not as strong as the initial years of settlements in Peru and Mexico) was not decisive; it could well be placed in the management of retribution policies in this economy

of grace deployed by the kingdom. And that despite fighting against geopolitical interests, which sometimes even exceeded mere commercial realms, the attorney representing the furthest southern position of the Atlantic of the extensive kingdom managed to establish a centrality to place the interests of the local elite on the agenda and reinforce the idea that an immediate and direct correlation between legal knowledge and the exercise of the Spanish crown's government or the formal rejection of the laws of that crown was not necessary; rather, such knowledge could be geographically dispersed throughout the political body; and that this could serve to ensure that predominantly lay voices were heard in the formulation of the norms governing them. (Amadori, 2020)

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FOOTNOTES

[1] Levillier, R. (Ed.). (1915). *Correspondencia de la ciudad de Buenos Ayres con los reyes de España: 1588-1615* (Vol. 1). Municipalidad de Buenos Aires.

[2] For a broader analysis of this controversy, the text by Pita González (2018) is recommended, and for additional biographical information, the one by Katzenstein (1993).

[3] <http://vascongados.blogspot.com/2017/12/francois-de-beaumont-y-navarra.html>

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[5] Spanish Biographical Dictionary of the Royal Academy of History (DBE) <https://dadun.unav.edu/bitstream/10171/43715/1/2009%202012%20DBE%20Mendoza%20y%20Luna%2c%20Juan%20de.pdf>

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[7] Biography of Juan de Mendoza y Luna.

[8] Juan de Mendoza y Luna, III Marqués de Montesclaros: *Ordenanzas e instrucciones que el Exmo. S. D. Francisco de Toledo Virrey, Lugarteniente y Capitan General de los reinos del Piru dio e hizo para su buen gobierno el tiempo que lo estubo a su cargo. Mandadas recoger por el Exmo. Señor Marques de Montesclaros que al presente gobierna los dichos Reinos*. 1610. – 2 vols. (278; 420 h.): papel; 35 x 24 cm.

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To read the original of the ordinances and instructions you can consult http://servicio.us.es/fama/expobus/america/081_toledo.pdf

[9] Regarding the biography of Juan de Vergara carried out by Ibarguren Aguirre, Carlos Federico; It is found within his unpublished work: *The ancestors, throughout and beyond Argentine History, Volume VI: Los Agreda de Vergara*. It can be found on the website: Family Genealogy: <https://www.genealogiafamiliar.net/getperson.php?personID=I45539&tree=BVCZ&sitever=standard>

Some trace of Ibarguren can also be found in his work as a historian, for example in the work of Milagros Gallardo: *Approach to the historical concept of Carlos Ibarguren through his correspondence and other writings*, recovered from <http://periodicos.uem.br/ojs/index.php/Dialogos/article/download/37923/19624>

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