LOCAL MAPS IN CIVIL DISPUTES: DOCUMENTS IN THE CHANCELLERIES OF VALLADOLID (SPAIN) AND NUEVA ESPAÑA (MEXICO), 15TH-18TH CENTURIES

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Abstract

The usual sources of information at a local scale of the American territories conquered by the Spanish Crown during the 16th and 17th centuries are the *Relaciones Geográficas*, as well as the charts, the projects of fortifications or public works, and the maps drawn by the jesuites and the officials of the Crown. But there is another collection of maps that has a great importance because it provides essential data about the land properties or the land users' rights. These were maps drawn for civil disputes concerning the ownership or rights to particular pieces of land, which were judged at the Royal Audiences and Chancelleries. These institutions of justice had been created in Spain in the 14th century, with similar purposes to those already existing in England, France and the Low Countries. They were also soon exported to the Indies with their own singularities. The paper explores those singularities and their contributions to the history of the cartography and to the study of the evolution of the territorial frames, along four centuries. Such interesting cartographic materials still remain almost unknown. The collections are composed by more than a thousand manuscript maps from the 15th to the 19th century, which show the changing image of the Spanish and the Latinamerican territories.

Introduction

The searches that have focused on the Spanish territories at a local scale since the end of the 15th century, have used almost solely the usual sources of the *Relaciones Topográficas* (*Topographical Relations)* for the Iberian peninsula, and the *Relaciones Geográficas* (*Geographical Relations)* for the Indies.
Both *Relaciones* were more or less extended sets of questions derived from an institutional initiative, that took place mainly between 1530 and 1812 at the Indies, and between 1575 and 1578 at the Iberian peninsula. They were usually proposed by the Casa de Contratación in Seville, with the aim of gathering several information about the lands of the different provinces that then composed the vast Spanish Empire (Vilar 1970; Perez Herrero 1998). But they also looked for reliable information in order to get the taxes.

The collectons of cadastral maps and of those drawn for civil disputes are also essential cartographic sources that are focused on describing the land ownership, the land uses and the duties related to the territories.
Although the Hacienda Real (Royal Estate) was created in Castile at the early 12th century, the first set of cadastral maps was collected in the 18th century ammong the various activities of the *Catastro del marqués de la Ensenada* (*Ensenada's Cadastre*) (*Catastro* 2002). This arises from a need of the illustrated monarchy to optimize the tax collection through an exhaustive knowledge of the real conditions of the territories, a previous condition for a projected tax reform.
The civil disputes were due to the private iniative, and they offer a detailed information about lots of municipal properties that were spread over the territories of the Spanish Crown. At the beginning, the medieval tradition of the written descriptions was followed (Harvey 1987), and those documents were so-called *cartes parlantes*, according to Dainville (1970, p. 99). The early recommendation made by Boutillier in his *Somme rural* (1395) to add an *exemple figuré et pourtraict* to the written depictions, would help to show the judges «the property's conditions as accurate as could it be», so they could grasp a better idea of the place and know about the problem (Pelletier 2007, p. 1522). This practice helped to use the maps increasingly to illustrate the disputes, and created gradually an essential collection of Spanish local maps.

The Institutional Frame

The Spanish discoveries in the Indies were accompanied by the legal imposition about founding new towns, that derived from the laws of Castile. Through this foundation act, the new territories belonged to the Crown of Castile, giving response to an essentially juridical demand.
The rights that allowed to control the territories were based on: 1. The *capitulaciones de descubrimiento* o *de población* (discoveriy's agreements or settlement's agreements), that were a kind of agreements between the Crown of Castile and the individuals; 2. The *mercedes*, considered as gifts of the Crown; and 3. The administrative awardings. The capitulaciones provided lately a framework to agree with the individuals many different activities and enterprises such as the mining exploitation, the search of treasures, etc., whose conditions were *capitulados* (agreed) with the Crown (Vas Mingo 1986).
The organised development of the settlements was the seed of a rational politically organised territory with a hierarchical structure, that helped the internal government of the discovered territories. Tha basic element of this political structure was the province, whose territorial limits ended where no more settlements were founded by the conquerors or *adelantados.* The reference limits were just the seashores, this fact justifies on the one hand that the provincial limits remained undefined for a long time (Brewer-Carías 2006, p. 54), and on the other hand, that maps were not indispensable tools to define the boundaries. The usual practice followed the medieval trend of making a written description of relevant geographic features that could be used as references (Chías 2009).

Figure 1, Nicolas Sanson D'Abbeville, *Terre Ferme ou font les governations ou governements de Terre Ferme Cartagene*, in *Cartes generales de toutes les parties du Monde* (Paris, Chez Pierre Mariette 1665). The red lines show the east and west limits of the 'capitulaciones' in Colombia and Venezuela, with the main reference of the seashore at the North.

Nevertheless, the new great Spanish districts could not be defined without the support of the smaller indigenous territorial units. This older land division was essentially maintained during the creation process of the *encomiendas*, where each indigenous community was assigned to the person of the *encomendero*. He must take care of their religious instruction, as well as of their submission to the Spanish king. But he also perceived the taxes and the benefits of their work (Gerhard 1986, p. 8).

The frecuent abuses led the Crown to introduce since the 1540s the *corregidores* in the administrative structure of the Indies, whose activities related to the definition of boundaries and taxes imposed to the communities were supported by a great amount of new maps.

Simultaneously, the *mercedes* were the usual way to access to land ownerships and to root the Spanish population in the new colonies. They were a sort of reward given by the *virreyes* to the conquerors and colonists on behalf of the king of Castile. They remained then obliged to respect the indigenous properties, to keep and cultivate the

plots for more than four years, and to sell them neither to the Church nor to its institutions (Florescano 1971, p. 38).
The *mercedes de caballería* (rewards of chevalry) were more frequent in Nueva España than the *mercedes de peonía* (rewards of labourer). But the problems caused by the different units of measure used to define the surfaces soon emerged. Theoretically in 1537, and later in the *Ordenanzas* (decrees) of 1573, those units were unified and each *caballería* was defined as a surface of 552 x 1.104 square rods -about 43 ha. But in the practice those measures were not strictly applied, and the measurements remained quite arbitrary (Trabulse 1983, p. 35).
Furthermore, often they would not even coincide in their geometry, and although they were usually rectangular in plan, there were also round shaped plots. This variety of shapes caused a great amount of civil disputes about the intermediate plots that remained unaffected between the adjoining *mercedes*.
In the second half of the 16th century, the Spanish Crown needed to increase its funds through a new tax decree that allowed to regularize the situation of the *mercedes*. The new legal frame allowed the growth of large landed estates because lots of plots owned by the indigenous were 'legally' invaded or bought. As many civil disputes were then unleashed, a great number of local maps were drawn during the three last decades of the 16th centruy.
As we have seen, the cartography referred to a local scale in Spain and the Indies was drawn due to the activities of the *corregidores* or to the abuses that followed the decree, and the matters were the disputes about the land ownership or the boundaries between the private and the communal plots.
The Royal Audiences and Chancelleries were the courts of justice that attended civil and criminal cases. Created in 1346 by king Alphonse XI of Castile, the Audiences gradually enlarged their competences and activities as a result of the royal delegation. Since the end of the 15th century, the Audiences were associated to the Chancelleries, that carried out the documents in the courts. They investigated the cases of the towns, villages and places of their district that surpassed the amount of 300 *maravedíes*. The Audience and Chancellery of Valladolid (Spain) also attended to the appeals of more than 1.000 *ducados* from the Audience of Galicia.
This courts of justice were exported to the Indies in the early 1511, but without the characteristics of a Royal Audience. In 1528 the first Audiences settled in Mexico and Santo Domingo (Dominican Republic) and many others followed; the latest being Buenos Aires in 1787. Their composition was not the same in Spain and the Indies, but they acted as completely autonomous courts –excepting the Audience of Nueva Granada, that depended on the one of Mexico.

The Local Maps for the Civil Disputes in Spain and the Indies: types, contents and techniques

More than one thousand maps compose the collections of the Real Chancillería de Valladolid (Spain), and the Archivo General de la Nación (México) also keeps a great number of maps and plans of the Spanish period.

Both collections shared similar contents, and they did not depict vaste territories due to their particular use in the civil disputes, concerning to the land ownership, the boundaries, the water, forest and mining exploitation, the road construction, the placement of villages, the definition of the provincial limits and the civil and religious jurisdictions. They also shared the lack of accuracy compensated by the detailed written descriptions of the accompanying texts that defined distances, areas, and the main existing geographic features, such as roads, rivers, towns, villages or places.

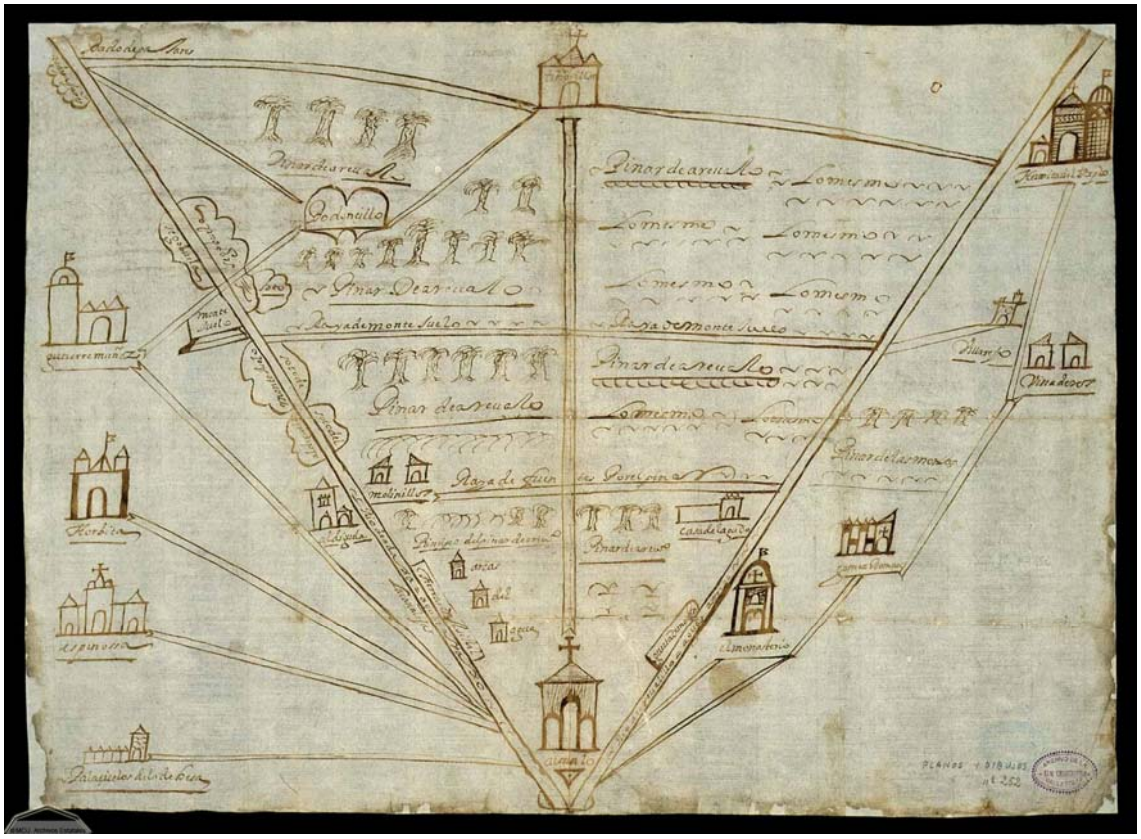

Figure 2. Plan of a pine wood in Arévalo (Ávila, Spain), 1667. Archivo de la Real Chancillería de Valladolid (Spain), Planos y Dibujos Desglosados, 252; Clerk of Zarandona and Walls; 430 x 310 mm.

Most of the maps drawn by the indigenous cartographers show the traces of their cartographic inheritance and practice, although the authors usually remain unknown. However, the Spanish, *mestizos* and creole cartographers used to sign up the documents, and their trace can still be followed.

The surveying methods employed in Spain and the Indies were quite similar. The instruments used were very simple, such as rules, quadrants, *regla status*, *arbalestriles* and even mirrors; they applied also a set of simple traditional rules of surveying, to measure distances, angles, heights, and consequently, to calculate areas (Vicente & Esteban 1991, p. 333). In most cases the mapmakers do not intended to georeference the

geographic features; as Edwards (1969, p. 18) describes, it would suppose to manage some advanced concepts of Geometry, Astronomy and Cosmography, and to use more complex instruments as the astrolabe. Nevertheless, those advanced knowledges were being widely spreading, as shows the fact that the *Libellus de locorum describendum ratione* by Gemma Frisius was translated to spanish in 1548 and printed in Antwerpen; only five years later the same happened to the famous treatise by Oronce Finé *Los dos libros de la Geometría Práctica* (Biblioteca Nacional de España, Madrid, Ms. 9437), where he explained the use of four stocks to measure distances.

The cartographic techniques applied to draw manuscript maps were also similar in both continents, and the Spanish collection, as well as the Mexican ones, watch over some different kind of documents such as: 1. Sketches and diagrams, directly derived from the medieval written descriptions; 2. Views, perspectives and mixed projections; 3. Handcolored plans with or without a consistent scale. The drawing materials are also very similar; there are simple line sketches drawn in ink or charcoal, but also ornamented maps were the distinctions between measuring, recording and picturing were blurred (Alpers 1987, p. 68). The maps were usualy drawn on paper, but there are a few examples that have used a kind of indigenous paper as the *amate paper*.

The essential difference between the maps drawn along the 16th century and the later ones is that the indigenous used to include history and time in their depictions, as genealogies, historical events and even historical celebrities related to their community. Their cartographic and pictorial conventions were quite complex, and the *nahuas* and other indigenous cultures of Nueva España (New Spain) tended to depict the geographical space in a symbolic way rather than in a topographical one. The orientation, for instance, was conceived from a cosmological point of view and depicted according to the main solar positions.

The symbols used to depict the geographical features were also quite different from the european ones, as they used glyphs as complex series of ideographic and pictographic symbols, brightly colored, that represented ideas or concepts.

According to the European cartographic tradition, to delimitate the geographical zones they drew mountain chains, brambles, roads, rivers and woods; they symbolised also the villages as churches with merlons and crosses; and depending on the importance of the geographic features, their size was bigger or smaller. But the links with the indigenous cartography were evident in the orientation, the use of glyphs and of stylised shapes that remember of the ancient Mexican codices.

The topography is depicted through an important set of symbols: the hills and the mountain chains were usually drawn out of scale, bell-shaped and green colored; the indigenous tradition thought that they were alive, and that is the reason why they have two band in the lower part: the red one depicts the blood, and the yellow one the grease, such as a wounded human skin. The green colour could turn into brown or grey depending on its natural appearance or on symbolic means. Two or three hills set together on the borderline defined their hardness. They could also vary their shape by drawing some other elements over or inside the hill symbol; those combined glyphs must be read from right to left to properly identify the toponym of the place.

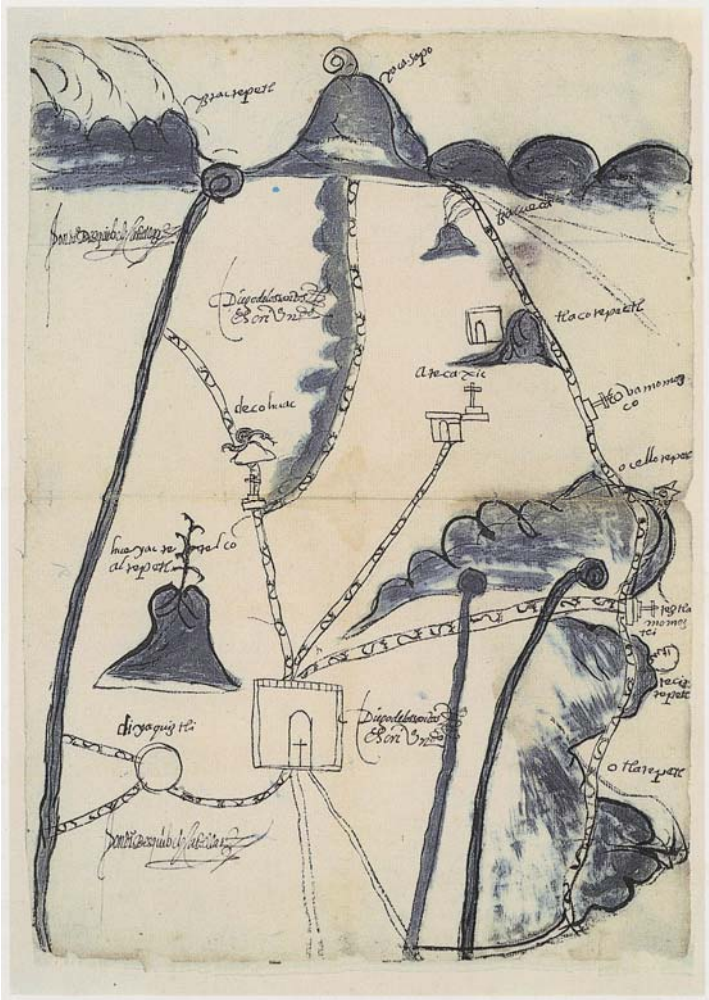

Figure 3. Diego Esquivel y Castelán, *Hueyactetelco and Tlacotepetl, Guatulco District,* 1614. Archivo General de la Nación (México), Ramo de Tierras; 310 x 420 mm.

The hydrography was usually blue colored, with white circles and snails over the waves; the lakes and ponds, and even the sea, were depicted in sectioned containers. Rivers were blue bands with rolling lines and whirlpools, their shapes were modified by adding other features to change or give sense to their toponyms.

The animals were always depicted according to their natural environment or related to the livestock farming. The vegetation included palms, corn plantation, cacti or pinewoods, depending on the regional climate.

The roads and paths were depicted as footprints that lately evolved to horseshoe prints. The roads were brown bands with black footprints inside, alternating the right footprint with the left footprint, as a bare trace.

The toponyms of the villages placed in plains were depicted as rectanges with the denotating glyph inside. The houses were sometimes similar to the indigenous *callis*,

but frequently the mapmakers showed the main different constructive tendencies, as the medieval *donjons*, the roofs and terraces, or even the simple *palapas* (Kagan 2000, pp. 85-113).
Along the 16th century the simmetrical composition of the pre-hispanic maps gradually turns to the depiction of the topologic relationships approaching to a consistent scale.
Shadowed volumes replaced the former flat colored shapes.
Churches and civil constructions appeared, as well as cartouches ornamented with the royal symbols that included explanations in spanish or latin.
The North appeared at the upper side of the maps, replacing the East at the top of the indigenous maps.
Sizes began to change, and the landscape was depicted following the European tradition, introducing the naturalism, the views and the linear perspectives.
The traces of the indigenous mapmakers gradually disappeared.

Conclusions

The maps used in the civil disputes are an essential source of information about the Spanish and Latinamerican territories, and their evolution from the 16th to the 19th centuries. They are a complement of other better known sources such as the *Relaciones Geográficas*, the charts for the coastlines, or the later printed maps.
But the researcher should be aware of the singularities of those maps, in order to identify and highlight their depiction of historical events and cosmological references, as well as to recognise the geographical features and toponyms through the use of glyphs.
The European images invaded since 1519 the universe of the indigenous mapmakers (*tlacuilos*), that gradually changed their way of depicting the territories.
At the beginnig they had no intention to use the European cartographic codes, but they soon began to introduce the naturalist landscapes, the three-dimensional volumes and more abstract symbols that have no relationship with time and space, according to a new interest about transmitting their geographical knowledge.
The differences between the maps drawn by the indigenous mapmakers and the european mapmakers are more important in the 16th century than in the later ones, as in the early times of the Spanish conquer some essential prehispanic features were already being used. By the end of the century they were gradually transformed into a mixture of European features with the symbols and techniques used by the indigenous communities.
As Gruzinsky (1987) explained, at the beginning of the 17th century the indigenous cartographic tradition had assimilated the European cartographic trends, in order to use a common understandable cartographic language.
Once this singularities were lost, it became really difficult to distinguish the maps drawn in the Iberian peninsula from those drawn at the Spanish Indies.

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