

Date: 1528, April 6. Madrid, La Española.

Theme: While the fleeing by enslaved blacks away from the mines and farms of La Española generated great concern to the Spanish Crown, in the colony an acrimonious dispute erupted between the colonial Governor Diego Colón and the *oidores* of the Audiencia of Santo Domingo about the need for a constable to prosecute the “blacks”

Source: Archivo General de Indias, PARES, Portal de Archivos Españoles, Archivo General de Indias, PATRONATO, 295, No.89.

Sometime within the two years after the passing away of Admiral and La Española’s governor Diego Colón while visiting Spain summoned by the Spanish Crown, the Crown had ordered that all officials appointed in La Española during the governorship of Diego Colón would remain in their posts. (The issuing of the mandate may indicate that there may have been people in La Española that may have question the legitimacy of at least some of the officials or authorities in place in the colony at the time.) María de Toledo, wife of Governor Colón and vicereine, had presented a copy of the royal decree document to the *oidores* of the local Audiencia as a reminder of this decision in October of 1528.

Before leaving for Spain, governor Diego Colón had appointed an “executor sobre los negros de esta isla con cierto salario e escribano e alguacil,” the first one being a Pedro Benitez, a denizen of Santo Domingo. Colón also issued ordinances regulating the new judicial job, which were approved by the City Council of Santo Domingo and recorded into “the book of the city council.”

Now, four years after the departure of Diego Colón from the island, María de Toledo stated that the *oidores* are trying to interfere in the appointing of the person to occupy the post of executor de negros, which creates a problem for the young governor Luis Colón. María de Toledo formally requested in this petition that the *oidores* stopped the interference in this or any other of the powers of the governor. Luis Colón was reportedly ready to designate a prosecutor of blacks whenever is necessary and complains against any initiative otherwise.

Toledo presented a copy of a royal decree issued in Madrid on April 5, 1528 reiterating a prior one given in Seville on March 17, 1526 in which the king orders clearly that all officials appointed in La Española under the late governor Diego Colón when he left for Spain, including the position of viceroy and governor (bestowed to his son Luis), should remain in their posts. The decree also orders the local authorities to respect all the revenues of María de Toledo that belonged to the Admiral. It indicates as well that Admiral Luis Colón had informed the Crown, via an [Alvar de Ara?] that the Audiencia was not consenting to the appointment of María de Toledo to the duties of guardian of her son Luis nor to the appointment of Juan de Villoria, designated and left as governor by Diego Colón and was actually preventing them from performing in those posts (“les saca la mano en los casos tocantes a los dichos oficios e cargos especialmente de la dicha gobernaçion no les dexando usar de ellos”).

The *oidores* went through the motions and gestures of receiving and obeying the royal order presented by Toledo, but deferring their response to the request to allow the young Admiral to appoint the “prosecutor of the blacks.” On Saturday August 1st of 1528 Joan Ruiz on behalf of María de Toledo presented a petition to the *Audiencia* indicating he had presented before a prior petition accompanied by a *provisión real* about the post of “prosecutor of blacks” to be appointed by the Admiral (at the time, the young Luis Colón), complaining that the *oidores* had responded that they would look into it but had not made any decision about the matter yet. In response to this second request the *Audiencia* judges decided to review the royal order.

September 5, 1528, Juan Ruiz presented another petition asking the *Audiencia* to issue a certification of his repeated requests to have the matter solved so that he could sent it to the Crown on ships that were about to depart to Spain. The *oidores* responded that they were entitled to appoint the prosecutor of blacks and that they had in fact been charged with doing so by the Crown, ordering a copy of the instruction reportedly received from the King to be given to Ruiz. The royal instruction quoted was issued in Madrid on April 6, 1528 and was reportedly received in Santo Domingo in July of 1528 (on a ship commanded by a Juan Genovés).

Though the text cited by the *oidores* mandates the *Audiencia* to order the owners of rebellious blacks to expel them out of the colony or else have them shackled and under surveillance, it does not refer at all to the post of “prosecutor of the blacks.” Yet the *Audiencia* members argued that the King had revoked all decisions made by Diego Colón, which reportedly included his appointment of a prosecutor of the blacks, and they had been appointing the “visitador y excecutor” for blacks. The final testimony of all of the above was done at the request of Maria de Toledo in Santo Domingo on October 27, 1528, apparently by notary Diego Caballero.

Luis Colón, son of viceroy Diego Colón and vicerein María de Toledo had inherited the title of Admiral, viceroy and governor of La Española and due to his age was under the guardianship of his mother.