

Date: 1576, November 11. Santo Domingo, La Española.

Theme: Manumission certificate in favor of Maria and Francisca Davila, former slaves.

Source: Archivo General de Indias, Sección Justicia, Legajo 25, CUNY DSI Dominican Colonial Documents Collection

[fo. 371r.]

+
three hundred and seventy one /
Very Powerful Lord 371 /
+ [?] [?]

Juan de Esquivel, in the name of don Alonso de Avila, in the lawsuit against /
Juan Daza about the *mayorazgo*, [I] say that today, my party has /
presented before your highness, jointly with the supplication and damages, /
as it is declared in it, which are those. And so there is no doubt, I say /
[] the documents I am presenting are: the deed of approval /
that Juan Daza did of the freedom that Gaspar de Avila /
[] to María and Francisca de Avila, her daughter, slaves of the said *mayorazgo* /
[] which is signed and marked with the sign of Lorenzo Gariciái, public notary, and
a /
testimony that was taken out of the book of baptisms by Pedro Bautista, notary /
[] Daza, older son of Juan Daza and the *paulina* and depositions /
[] made in accordance to it by Elvira de la Torre and doña Ysabel /
[] Torres and Francisco de Castro [Otañez? / Otando?] and Francisco de Avila and
doña Al /
[don]za de Avila, and a record of a law suit that was tried between M[] /
[]te [crossed out] and Gaspar de Avila y /
Daza about the alienations of the said entailed state, and whether [] /
[] he presented them again _____ /

[] I supplicate and ask that your highness may deem them presented and orders the /
[] of this trial to give me a certification of the presentation of the said /
[] deeds and how they remain in your power, and I ask for justice /
[Rubric:] Joan Desquibel [Rubric] /

[fo. 373r.]

four /
373/
Three hundred and seventy three /

I Pedro Bautista, notary public of the archdiocese court /
of this very noble and loyal city /
of Santo Domingo of the Española island of the /
Ocean Sea, give faithful and truthful testimony /
to the gentlemen that may see this on how /
in a book which is at the holy catedral /
church of this said city in which /

are recorded for remembrance the children /
baptized in the said church, among /
other chapters that in the said book are /
mentioned and written, there is a chapter /
that says in the following manner /

r Luis son of Juan Daza and of *Doña* Elvira Guillén /
his legitimate wife, was baptized /
by me, Sebastián Castellanos, priest of this /
holy church, on eighteen days of the month /
of December of this year of one thousand and five hundred /
and fifty nine. The godparents were /
Sebastián Núñez and his wife María Hernández /
and [Alonso? /Alvaro?] de la Fuente, poor, and because /
it is true I signed it with my name /
Sebastián Castellanos /

r In testimony of which, per request /

[fo. 373v.]

[]

Del bau[] /
De luis dabila /

from the party of [Alonso?] [Alvaro?] de Avila, and as per order from the /
señores presidentes and *oidores* of this royal /
audiencia, I gave the present one, copied from the said book /
which is in my power, to which I am referring, /
in the said city of Santo Domingo, fifteen /
days of the month of October of one thousand and five hundred /
and seventy five years. And therefore I signed /
with my name and marked my customary /
sign which is as follows /
[*Rubric*] [*Notary's sign*] in testimony of truth /
[*Rubric*] Pedro Bautista [*Rubric*] /
notary /

[fo. 374r.]

five /

+

three hundred and seventy four 374 /

This is a copy, well and /
faithfully done of a /
written deed of approval /
of freedom, written /
on parchment, marked with a sign and signed /
by Diego Herrera, notary of their /
majesties, as it is shown on it, /

the content of which is the following /

[] /
of freedom /
of 2 /
female slaves /
of the
mayorazgo /
given by Gaspar
/
[]
and Juan de
Avila /
[]
[] 1556 /

r In the name of God, amen, those /
who may see this approval deed, be aware /
how I, Juan Daza, denizen and councilman of the city /
of Concepción de La Vega, which is in /
this Española island, resident at present /
in this very noble and very royal /
city of Santo Domingo of the port of this said /
island, acknowledge to you María de Avila /
of *color prieta*, and to you Francisca, *mulata*, /
her daughter, who are absent and I say that, /
since Gaspar de Avila, denizen and /
councilman of this said city, my cousin, /
issued a deed of freedom to you before the notary /
mentioned below on twenty one days /
of the month of January of this present year /
of the date of this letter. And since you /
were included in the number of slaves /

[fo. 374v.] that Francisco de Avila, my lord that may be in glory /
left counted among the others, and I /
succeed in the said house after the said /
Gaspar de Avila, [since] he has no heirs, /
and so there is more certainty and /
confirmation of the said deed of freedom, /
in as far as I am and may and should /
be concerned in any manner /
as best as it may be legally convenient, I accept /
and acknowledge by this present deed that /
I ratify and approve the said deed of /
liberty, according to and in the manner that /
it contains, and if necessary, /
I do it and accept it again as far /
as I am concerned, and I promise and commit myself /
to keep and respect and comply with it, and to /
not act against it now nor at any time /
nor in any manner. And if I were to /
go against it, it should not be valid /
and I should fall in and incur penalty of one /
thousand pesos of gold for you, the said ones, /
also with all the costs, damages, /
interests and lessening that, because of this /
may fall and accumulate upon us. And the /
said penalty having been paid or not, this deed /

[fo.375r.] of approval that I thus acknowledge and /
issue to you must be valid. And he reaffirms himself in everything and /
six /
three hundred and seventy 37[]/
and five /

for everything, in accordance to and in the way it is contained in it. /
To comply with this and assure it /
I oblige my person and mobile /
as well as real estate assets, current and future. And for /
the execution and compliance with it, I hereby /
give and grant full power /
to all and any justices and judges /
of their majesties, may they be of this said /
city or from any parts and places, /
code and jurisdiction. /
I subject myself with my person and assets /
to the code and jurisdictions of each of these [authorities], /
especially to those of this said city, as I explicitly resign /
my own code and jurisdiction and domicile and /
neighborhood, as well as the *si convenerit de ju-*
ridicione [onin?] judicun law so that /
neither I nor anybody else in my place /
may be called to trial, listened to /
or defeated about this said reason, /
may capture and do capture me and deliver /
and confiscate against the said my /
person and assets and may sell and /
auction them of in public auction or otherwise, /
so that the *maravedís* and /
pesos of gold that they are worth are delivered /

[fo. 375v.]

and you are paid what is owed to you /
of the principal and costs and of the said /
penalty of the double, if there is good in it, /
so and so thoroughly as if /
the said justices or any of them /
had so judged and sentenced upon it as /
their definitive judgment and sentence, and [as if] the /
said sentence had been allowed by me /
and accepted as a thing judged upon. In regards to /
this, I resign all and any laws /
codes and rights, practices and customs; /
royal, canonical, civil and municipal rulings and /
Leyes de Partidas. And any other favors, /

permits and liberties and /
suspensions, earned or to be earned /
held or to be held, from which in this /
case I may help myself and benefit from, /
they should not be valid for me. And I especially/
resign the law and rule of /
justice that says that any general /
renouncing of laws that is done cannot be valid. /
The deed was done in the said city of Santo /
Domingo, being in it the *audiencia* /
and chancilleria real of his majesty. Tuesday /
twenty eight days of the month /

[fo. 376r.]

seven /
three hundred and seventy /
six ___ /

of April, year of the birth of our savior/
Jesus Christ of one thousand and five hundred and fifty /
six years. Witnesses who were present /
to what was said: Juan de Monrroy and Alonso /
de Peña and Pedro López and Goonzalo Hostios, /
denizens and residents in this said /
city. And the said grantor signed it /
with his name in the register of this deed. /
Juan Daza. And I Diego de Herrera, /
their majesties, was present to what has been said /
and therefore I did my sign here on such /
of April, year of the birth of our savior/
Jesus Christ of one thousand and five hundred and fifty /
and six years. Witnesses that were present /
to what was said: Juan de Monroy and Alonso /
de Peña and Pedro López and Gonzalo Hos/
tios, denizens and residentes in this said /
city. And the said grantor signed it /
with his name in the register of this deed. /
Juan Daza and I, Diego de Herrera, notary /
of their majesties, was present to what was said /
and therefore did here this my sign /
at such in testimony of truth. Diego de /
Herrera notary of their majesties. /

~ This said copy was done and copied from the /
said original deed of approval /
at the said city of Santo Domingo on Tuesday/
ten days of the month of november of one thousand /

and five hundred and seventy and three years. /
Luis de Alcalá and Luis Pérez de Calatrava and Miguel /
del Valle, denizens of this city, were witnesses to /
its copying and correcting. And I, Lorenzo García, notary /
of their majesties and public of this said city of Santo Domingo, /
was present to all /
that has been said together with the said witnesses, and I had it written and copied as
it is said, and /
therefore marked my sign here /
[*Rubric*] [*Notary's sign*] In testimony of truth [*Rubric*] /
[*Rubric*] Lorenzo García, notary [*Rubric*] /
of his majesty and public [*Rubric*] /

[...] [...]

[fo. 434v.]

the records of Diego de Herrera, /
[he] must give me an authorized copy /
of a deed of freedom /
that Garpar Davila granted in /
favor of María Dávila and Francisca /
mulatto female, her daughter, slaves of the /
said entailment /

~ To your highness I supplicate to order /
that it is issued to me in a public manner /
after citing the said Juan Daza, so that if, /
to have it given to me by then, /
it is necessary, from now /
I present it and request justice. /
Juan de Esquivel, the licenciado Torres P[]. /

~ In Santo Domingo, eleven days of the /
month of December of one thousand and /
five hundred and seventy six years, before /
the *señores* presidente and oidores /
the [person in case] presented it. And after it was read /
they ordered for it to be given to him, the party being cited. /
Francisco González, notary of the chamber /

~ In the city of Santo Domingo /
of La Española, on eleven days /
of the month of December of one thousand /
and five hundred and seventy and six years, /
the petition contained in this other part /
was read and notified by me /

Alonso de Medina, notary of /
his majesty and what is decreed and ordered in it /

[fo. 435r.]

454

four hundred and thirty and five /

by the *señores presidente* and *oidores* /
to Juan de Avila Daza in person /
and [] in a way that [he] may be /
present to see it being done, corrected /
and conciliated from the deeds /
that are mentioned in this petition, /
while Juan Gutiérrez and Juan Sánchez /
Bueno, denizens of this said city /
were present as witnesses. It passed /
before mi Alonso de medina /
notary of his majesty.

~ By virtue of which has been said /
I, the said notary, ordered the said deed /
to be copied, and did copy it, from the /
records and notarial deeds that are in my /
power given and delivered to me by Diego /
de Herrera, notary of their majesties before /
and at the time of his demise and passing, /
the content of which, with the subscription and signature /
that are at the bottom of the said record /
is this one that follows: /

≈ In the name of God, amen, /
those who see this letter be aware /
how I Gaspar Dávila, denizen and councilman /
of this very noble and very loyal city /
of Santo Domingo of the port of this /
Española island of the Indies of the Ocean Sea /

[fo. 435v.]
[Upper left angle
of folio,
illegible]

grant you María, black woman, and Francisca /
mulatto woman, your daughter, /
of nine months of age that at present /
are under my power, and I say that /
since you are Christians and for [your] /
service to God our lord and for /
the many and very good services /
that you the said María did to Francisco /

de Avila, my lord, may he be in glory, /
and have done to me, and due to the begging from /
many persons that have begged /
it to me, under condition that you the said María, /
serve me for a year, and that it runs from /
today, and that, if my wife were to come /
from Castille any earlier, the said year /
be considered finished. Therefore, by this current /
letter, out of my own and free and agreed /
and spontaneous volition, without /
coersion, or force or any other inducement /
nor constraint that may be /
said nor done to me by any person, rather /
being as I am knowledgeable of my right /
and that what will be contained below /
is good and useful for my assets /
and wealth, I grant and acknowledge that I consider /
you the said María and the said your daughter, /
as free and exempted, now and forever. To you the said María /

[fo. 436r.]

four hundred and thirty six

452/

and to the said your daughter that at present /
are under my power, from the end of the /
said time onwards, you be /
freed and free and removed and exempted /
of any charge of captivity and subjection /
and servitude, you and your /
heirs and successors after /
the said time is passed, /
and be able to go and do go to /
reside at any parts and places /
that you may want and deem /
good, and be able to sell /
and buy and trade with /
any persons that you /
may wish, like any person, /
and removed from any charge of captivity /
and subjection can and must /
do, and so that you may do and /
order your testaments /
and codicils, and give and donate and leave /
and order your assets movable /
as well as immovable and livestock /
that you may have, after /

having fulfilled the said time of /
the said service, to your sons and daughters and/
heirs and successors or to the person /
or persons that you may want and /
deem appropriate. And so that /

[fo. 436v.] you may appear on your own /
and demand the debts that may /
be owed to you or lawsuits that may /
be attempted or launched against you, /
and to act in the case or cases /
that may accumulate upon you in it, /
and everything that any person, /
free or freed and removed of all charge /
of captivity and subjection and /
servitude may and must do. /
The said freeing and freedom /
and removal I do and grant to you /
with the said charge as service to God /
our lord and because you are /
Christians, and for the services /
that you have done for me and must do /
during this time, and after /
the time of the said service /
I have nothing left against you the said María /
and your daughter neither [] nor land /
neither to me nor my heirs that you may owe /
nor may be obliged to fulfill /
nor pay. After the said /
time I promise and oblige myself to /
not place [] for this /
reason, and to consider and keep and comply with /
and deem firm this said freeing /
and exchange and removal that I thus do for you /

[fo. 437r.] four hundred and thirty and seven 453/

of the said charge, so that you may be and /
remain with all the liberty that /
any persons must have and must be /
acknowledged to them after /
the said time, living and residing /
and trading and doing business and /
appearing in trial and doing your testament /
and donating your assets and /

everything else that is said; of having /
keeping and cumplying with and deeming /
firm, as and in the manner that /
is said, with the said charge, under penalty of /
four hundred pesos of gold of /
four hundred and fifty maravedis each, plus /
all the costs and interests /
and mentions and damages that /
due to it may occur and accumulate /
to you. And the penalty being paid or not, /
this said freeing, freedom/
and removal that I thus do and /
grant to you must be valid and be /
firm in everthing and for everything, according to /
and in the way it is described in it. To /
thus fulfill this and have it done /
I oblige my person and movable and /
immovable assets, owned and to be owned. And for /
execution and fulfilment of what /
is said, by this present deed /
I give and grant full power /

[fo. 437v.] to all and any judges and justices /
of their majesties that there may be, /
both of this said city as of other /
parts and places, whichever /
their code and jurisdiction may be, and of /
each one of them, especially /
to those of this said city of Santo Domingo, /
I subject myself with my person and assets, /
renouncing as I explicitly/
renounce my own code /
and jurisdiction and domicile and neighborhood, /
and also the law sit convenerid/
de juridicionen onivn judicun /
so that, without myself or other on my behalf /
being called to trial, listen to or defeated /
about this said matter, they may /
capture and do capture me, and /
deliver and order to do delivery /
and execution in the said my person /
and assets, and may sell and auction /
them in public auction and elsewhere /
so that, from the maravedis and pesos/
of gold that they are worth, they deliver and /
pay what you ought to have /

from the principal and costs, fully, /
so and so thoroughly /
as if the said justices or any of /
them had so judged and /

[fo. 438r.]

454

four hundred and thirty eight /

sentenced by definitive judgment /
and sentence, and that such was consented to /
by us. And I resign all and each /
of any laws, codes and rights and practices /
and customs and royal, canonical, /
civil, and municipal rulings /
and laws of the Partidas and any other /
favors, exemptions and liberties /
that I may take advantage /
of, that they must not be valid. And any /
claim or claims, /
complaint or complaints /
that I may have said and done and argued /
in writing and verbally, and all /
[] and remedy /
with ordinary and extraordinary laws, /
and the law and right that says that a general /
renunciation of laws presented /
should not be valid. And so [there is] more validity /
in this said freeing that I thus do for you, /
with the said obligation, I resign /
the right to primogeniture that I and my /
heirs have or have had /
against you, they must be null. This deed /
was issued in the said city of Santo Domingo, /
the *audiencia* and royal *cancillería* /
being in it, on Tuesday, /
twenty one days of the month of January /
year of the birth fo our savior /

[fo. 438v.]

Jesus Christ of one thousand and five hundred and fifty /
six years. Witnesses that were present /
to what was said: Pero Méndez /
de Sotomayor and Juan de []nes, and Alonso /
Romero, denizens of this said city. And the /
grantor signed it with his name /
Gaspar Dávila. Witnesses that were /
present to see it being copied, corrected, /

and conciliated with the original record:/
Juan Clavijo and Cristóbal de la Cruz /
and Cristóbal Hervaz, denizens residing in/
this said city. It goes between lines where it says: /
/ag / should not count . And I, the said Lorenzo Garcia, notary public of this said /
city of Santo Domingo, was present to everything that is said, together with /
the said witnesses, and I had it written and copied, as it was said, and therefore did
here /
this my sign [*Rubric*]
[*Rubric*] [*Notarial sign*] In testimony of truth [*Rubric*]
[*Rubric*] Lorenzo García /
notary public [*Rubric*] /
duties 170 maravedis [*Rubric*] /

[fo. 449r.]

465 /

+
Don Alonso Timoteo /

Per the following questions the witnesses that are presented /
by the party of Juan de Avila in the law suit with don Alonso de Timoteo de /
Avila over the primogeniture that was left by Francisco Dávila, deceased, will be
examined.

four hundred and forty nine /

- i r Firstly, whether they know the parties and whether they are aware of the trial /
- ii r Whether they know that María de Avila, black and who was slave of Francisco de
Avila/
deceased, whose daughter they say is of the said María de Avila, Francisca /
mulatto, after Francisco de Avila died, stayed in the said house and [in] service /
of Gaspar de Avila, successor and heir of the *mayorazgo* and assets /
of the said Francisco de Avila, and was serving in it until she /
died. [The witnesses] must say whether they know it. /
- iii r Whether they know that the said María de Avila, slave of the said Francisco Davila, /
though she was such his black woman and slave, she was not iron-branded on the face /
with the name of the said Francisco Davila and iron as other slaves of his /
that he had branded and were left branded at the time of /
the demise and death of the said Francisco de Avila, and if the said María were /
iron-branded in the face, the witnesses would have seen it and would know /
it because they knew the said María and had seen her very /
particularly and were fully aware of her /
- iiiio r Whether they know that the said Francisca de Avila, mulatto, who they say is daughter

or the said /
María, was daughter of the said Gaspar de Avila who was born /
after the said Francisco de Avila passed away, and as his daughter /
he iron-branded her, born and retained in his house, and commonly /
considered, and [that] as such his daughter he attempted to get her married /
honorably; and also know that the said Gaspar de Avila /
did not have nor left legitimate children nor heirs nor /
successor. [The witnesses] must say what they know.

vi/ r Whether they know that, after the said [scratch] Juan de Avila succeeded in the said /
mayorazgo and possesses it, he has brought in and has in the farms and service /
and maintenance of them male slaves and female slaves of his, owned by the said /
Juan de Avil and, outside the said mayorazgo, in quantity of more than /
thirty black male and female slaves, since six years ago, /
with which the said farms of the said *mayorazgo* are better provisioned /
than before. [The witnesses] must say what they know./

Whether they know that all the above said is so, publicly occurred and known [Rubric] /
[Illegible signature in two lines]