

Date: 1519<sup>1</sup>. Santo Domingo City.

Theme: In early colonial Santo Domingo, enslaved blacks indicted with a homicide could end up with a hand physically nailed onto a pillory in public, but if they were owned by a politically powerful master, some could literally get away with murder, with the help of some judicial officials or even from the church

Source: Archivo General de Indias, Justicia 43, fo. 39r.-39v., CUNY DSI Dominican Colonial Documents Collection

[fo. xxxix=  
39r.]

xxxix

- v also they should be asked whether they know, etcetera, that the /  
said *licenciados* defended as much as they could /  
the royal jurisdiction so that the ecclesiastical /  
judges did not violate or usurp, /
- xxxviii<sup>o</sup> p t or interfere with what did not pertain to them, whenever /  
some things of this kind occurred between /  
the royal jurisdiction and the ecclesiastical ones if they defended it. /  
And they pursue the proceedings that they were obliged /  
to do. Also they must say what they know as to what did they decide when /  
the *provisor* and clergyman came over with weapons /  
and broke into jail, and when they removed from the picota /  
a black man whose hand was nailed, and /  
whether they know for which causes and reasons they stopped /  
looking into, deciding upon it and solving it /
- xii witness Francisco de San Miguel says that what he knows about the question is that he saw that the /  
/ clergyman of this city of Santo Domingo one day, it could be a year ago /  
more or less, went to the jail of this said city and broke the /  
door of the said jail, and this witness did not allow them to take out a prisoner that they  
were going to /  
take out the said jail. And this way they returned, but that this witness never saw [*cross  
out*] any initiatives /  
been done about this by the said *licenciados*, except that they detained a *racionero* /  
who was not a clergyman but of *primera corona*.<sup>2</sup> And later they let him go and /  
it was also notorious that they removed a black man owned by *licenciado* Ayllón whose  
hand /  
was nailed to the pillory, but that this witness did not see it more than what it was thus  
notorious and very public in this city, so that this witness never saw /  
that any step was taken by the said *licenciados* about it. This said black man /  
had his hand nailed because he had killed another man and had hurt him /  
with a knife in the belly, of which he died. And because of this the said black /

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<sup>1</sup> This document is part of a larger residencia or audit trial record against some colonial government officials of Santo Domingo in 1519. On folio 396v. (cccxcvi), in the same Legajo, Ramo 2, there is explicit indication of the year 1519 as that when the proceedings were at least initiated.

<sup>2</sup> *Primera corona* or *prima tonsura* was the status of those pursuing the clergy career at the point when, before been inducted as priests, they had the top of their heads shaved.

[fo. 39v.] owned by the said *licenciado* Ayllón had his hand nailed, and they did not give him any, /  
other punishment /

except nailing his hand. He was asked how he knows the above said [ ]. /  
He said [he knows it] because it was very notorious in this city. /

xxiii witness

Pedro de Barruelo /  
says that what he knows about the question is that this witness saw that the said judges, he  
does not remember whether the three together, /  
sentenced one Manzanedo /  
to flogging because he had been at the breaking into the jail so that certain prisoners /  
could flee and, because the said Manzanedo said that he was *de corona*, the clergymen  
came /  
with the cross before the entrance of the jail and engaged in certain actions like /  
a ruckus, and that he saw that the said Manzanedo was taken out to be flogged and that the  
rest /

xxiiii<sup>o</sup>  
witness<sup>3</sup>

he does not know

[he] says that what he knows about the question is that he saw the *provisor* of this city /  
together with other clergymen rang the bell and went to the jail of this /  
city to break into it and take out of it certain prisoners who were /  
in the said jail, saying that they were *de corona*, and this witness saw how they reach the  
door /  
of the said jail, and with a cart they banged onto the said doors and broke it /  
and they entered inside saying that they had to take out the said prisoners. /  
And at the time this witness saw that the said *licenciados* went there, he does not remember  
well /  
if it was all three of them and the Admiral with them, they entered into the said jail. /  
And the said ruckus was appeased and they captured one clergyman of those that /  
went with the *provisor*, and later they let him free. And also this witness saw /  
that the above said happened. And also this witness saw that /  
as per the mandate of the said judges two men were brought over been flogged, one /  
was said to be *de corona*, because they had been involved in committing certain crimes, /  
and the clergymen and some friars went out saying that they should free them. /  
This he saw about the content of this question /

xxv witness<sup>4</sup>

[he] says he saw certain ruckus related to the breaking into the jail of this city /  
by the *provisor* and clergymen of this city. The said *licenciados* went at the time to /  
the jail and appease everything, and he did not see nor knows that they took any other step.

[...]

[...]

[fo. 42v.]

Question 43 t Also whether they know, etcetera, that the said *licenciados* /

<sup>3</sup>Witness 23 was Alonso Bravo. His name appears mentioned first on fo. xviii (18r.).

<sup>4</sup> Witness xxv (witness 25) was Alvaro Cavallero or Cavallos.

very diligently favored the escaping of the /  
criminals, searching for them and trying to take them out /  
of fortresses and other houses where they knew they were /  
hiding, and whether they took action to capture them /  
or [whether] they pretended to imprison them and /  
consented to them and allowed them to wander along the towns, /  
and whether when they could capture them, they let them go and /  
favored them and sheltered them in their houses, defending them there /  
and bringing them along with themselves and having them as companions. /  
And they must say whether they know that, they being public criminals, /  
they have sheltered and defended them and welcomed them in their /  
houses /

witness ii / t he says he knows that the said *licenciados*, due to the said factions and parties /  
that he has mentioned above in the prior questions, failed to /  
punish many [individuals], and let them wander freely without capturing them for /  
the crimes they had committed, because they belonged to their faction or party, and /  
servants of them, and that he knows, as he has said, that *licenciado* Ayllón had two  
servants /  
that, as he has said, killed and went to kill another two /  
as it is contained in the questions prior to this one, and they let them wander /  
freely, without giving them more punishment than the one he has said and /  
also he knows that they let the said Ibarra free, having he /  
cursed at Our Lord, without punishing him. And the said Pedro Herrera, having said /  
words he has said against the King our lord, they would let, and let, him /  
walk around this city free, without detaining and giving him any /  
punishment because he was of their faction or party of the said judges and treasurer, as /  
he has said, and they favored and helped them in everything they could. /

Witness iii t He says that what he knows about the question is that this witness saw that *licenciado*  
Ayllón had two /  
slaves, one who killed a black man in this city, by the butchery /  
of this city, and he hurt him with a knife in the bowels /  
wound from which injury he died. The said [man] sheltered himself in the house of the  
said *licenciado* Ayllón and stayed/  
in his house for a night, which was very public and notorious. And the said slave of /  
the said *licenciado* was apprehended and, while the said wounded [man] was near death /  
  
because of the said wound that the said slave had caused him, and someone even said that /  
the wounded had been killed, they got this slave out of prison and, for the wound he had /  
caused him, he had his hand nailed onto the pillory of this city by the skin between /  
his fingers. And while he was like this, the clergymen and the cleric judge of this city /  
came out And got the said Black off the pillory, saying that where the pillory /  
was placed was a cemetery of the church and they took him inside /  
the church. And after this, on another day, as this witness /  
can recall, the said wounded man died because of the wound. And after this, /  
it was very obvious in this city and very true that the said *licenciado* /  
was kept the said slave in his house and favored him and was served by him /  
as if nothing had ever happened. And the other slave who was a black /

of the said *licenciado* Ayllón, killed in La Vega a black who was called Morón, /  
and this witness never saw nor learned of any sort of punishment being done /  
to the said slave. And another black of the said *licenciado* /  
killed another black slave of *licenciado* Lebrón. All this was so because /  
he was the said *licenciado* Ayllon and he favored them and had them in his house./  
And this he knows of this question and this witness thinks that for killing the said /  
black they exposed him to public shame in so far as this witness remembers, /  
because this witness never saw the other black being given any punishment /  
for the said death. /

Witness iiiii / He says that what he only knows that a slave owned by *licenciado* Ayllon killed /  
in this city another man whose name was Ambrosio, and he knows that /  
for the said death, the said slave of the said *licenciado* was imprisoned and /  
sentenced to have only his hand nailed and to be exposed to /  
public shame, and this witness saw him at the pillory with his hand nailed /  
and later he saw him at the house of the said *licenciado*, and saw that he was being /  
served by him, and later he sold him to a denizen of Santiago as far as he remembers, /  
he does not know for how much, and that also another slave owned by the said *liçençiad*<sup>o</sup> /  
killed another one named Morón in the city of La Concepcion, and for /  
the said death and for stabbing another black owned by *liçençiad*<sup>o</sup> Lebron /  
he was imprisoned, and for this he was sentenced to public shame and he had his/  
hand nailed and was exiled to Castille and later on /  
he saw him at the house of the said *liçençiad*<sup>o</sup> Ayllon and this is what he knows of this /  
question /

Witness viii  
[fo. 43v.] He says that what he knows is, and it is very public and notorious, that two others, a Loro /  
and another Black, of the said *licenciado* Ayllón have killed another two, and that for this /  
they were never punished except for one of them being apprehended and, once /  
incarcerated, they took him out to the prison [*sic*]<sup>5</sup> on foot and they nailed his hand for it, /  
all of it for being of the said *licenciado* Ayllón. An thus they made believe and never /  
again there was [anything] about it. And this he knows about this question. /

Witness ix / He says he knows that *licenciado* Ayllón had a black named Pedro, who killed /  
Another black. After the latter died, the said *licenciado* Ayllón had the said black [Pedro] /  
In his house and he gave him food and everything he needed, and he favored /  
him, and the said *licenciado* implored the other *licenciados* not to worry /  
about it since he was his servant. And thus all the others dissimulated it, and also /  
it was said that [he] had killed another man in Tenerife or in the Canaries and /  
that, later, the said *licenciados* apprehended him and banished him to Castille because /  
of the said death and other crimes, since he belonged to the said *licenciado*. And everybody /  
said, because of the said punishment, that being slave of *licenciado* de Ayllón /  
was the most valuable thing, since one could do what one pleased, rather than being /  
the best one in the entire island. Also, that this witness knows that another slave of the said

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<sup>5</sup> Usually the testimony would say that the prisoner was taken to the pillory or *picota* or *rollo*, they public place with a column where physical punishment was applied for all to see.

*licenciado* killed /  
another black while in the butchery of this city picking meat /  
and he hurt him with a knife, wound for which he died. And they captured /  
the said slave of the said *licenciado* Ayllón, and for the death mentioned the *licenciados* /  
imposed as penalty to take him out from the jail to the pillory, and to nail down/  
his hand. And thus they pulled his hand and nailed it up, and afterwards /  
the said *licenciado* had him in his house for a few days /

Witness x      This witness says that he saw many criminals that had committed very serious /  
crimes and deaths of men walking around the cities, village, and places /  
of this island and around the public squares of them, with no initiative whatsoever taken /  
to apprehend and punish them. Especially, this witness said that he knows that a /  
black of *licenciado* Ayllón that had killed a Christian man in the village /  
of Santiago over a mistress he had, hit him in the head with a stick, /  
of which later within an hour he died, and he knows that the said killer is wandering /  
free and was in the house of the said *licenciado* Ayllón without any punishment. /  
And later this witness saw that for the said death they punished him only /  
with being banished to Castille. And that he also knows that /  
another slave of *licenciado* Ayllón killed another man at the butchery of this /  
city with a dagger or knife and stabbed him, and that the /  
said slave of the said *licenciado* was wandering free and stayed at the said *licenciado*'s /  
house. /

[fo. 44r.]      and he gave him favor and assistance and cooked food for him at his house /  
because he was a cook. And he knows that later he was taken into jail and for /  
the said death they took him out of the said jail on foot about one throw or two /  
of quoits to the pillory, and there he had his hand nailed up as punishment /  
for the said death. And later this witness learned how the said *licenciado* /  
sold the said slave. And that he also knows, as he has said, about /  
many other criminals of this city that were wandering around free /  
as if there were never justice, especially when such /  
criminals and evil-doers belonged to the party and /  
faction of the said *licenciados* and treasurer. And that this is what he knows /

[...]