

Problems



Control Over Administration, Repression of Corruption and Practices of Negotiation in the Spanish Monarchy. The Process of *Residencia* at the 10th Count of Lemos, Viceroy of Peru (1667-1672)*

Valentina Favarò
Università degli studi di Palermo

1. Introduction

The debate around the definition of the political nature of the Spanish Monarchy in the modern age has widened its scope in recent years to include not only reflections on the relationships between the Court and the diverse territorial elements that made it up but also the various forms that “remote government” took from at various times.¹ The success of a polycentric model,² and the

* Research carried out within the project “Reloj de Indias: la proyección europea en el Atlántico, 1665-1700” (SI1/PJI/2019-00270) – Comunidad de Madrid y la Universidad Autónoma de Madrid (coord. by Cristina Bravo Lozano).

Abbreviations used: Ada: Archivo del Duque de Alba; Agi: Archivo de Indias; Ahn: Archivo Historico Nacional; Bne: Biblioteca Nacional de España; Rah: Real Academia de la Historia (Madrid).

¹ In later years, a fertile field of research concerns the articulation of political powers in the different territories of the Spanish Monarchy, and the need to experiment with forms of governance capable, also through the mobility of men and the circulation of ideas and governmental theories, of overcoming distance (*vencer la distancia*). In particular, the project coordinated by Guillaume Gaudin, produced a series of interesting publications, among which G. Gaudin, *El imperio de papel de Juan Díez de la Calle. Pensar y gobernar el Nuevo Mundo en el siglo XVII*, Madrid, 2017; G. Gaudin, A. Castillo Gómez, M. Gómez Gómez, R. Stumpf, “Vencer la distancia: Actores y prácticas del gobierno de los imperios español y portugués”, in *Nuevo Mundo Mundos Nuevos*, online <http://journals.openedition.org/nuevomundo/71453>.

² P. Cardim, T. Herzog, J.J. Ruíz Ibañez, G. Sabatini (eds.), *Polycentric Monarchies. How did early modern Spain and Portugal achieve and maintain a global hegemony?*, Eastbourne, 2012.

VALENTINA FAVARÒ

awareness of the parts played by a wide range of actors, communities and institutions at local level and in the broader international environment, have brought up some key questions with reference to the pivotal role of the transition from a theoretical model of administration, management and control to its practical variation. Only in this way, in fact, has it been possible to relate the different administrative procedures to the political realities and institutional traditions in which they were embodied, highlighting the heterogeneous nature of the forms of political involvement and of the contractual powers exerted by magistrates and representative parties.³

Taking this important and solid mass of studies as a starting point, here we focus on the function carried out by the processual practices that involved the King's ministers, as seen not – or not chiefly – as efficient means of control or correction of illicit actions, but mainly as moments in which the working mechanisms of the Monarchy were put to the test, and each cog could assume a new position to better respond to the fluidity of balances.

2. The processes of *residencia*: negotiation and control

Within the complex territorial layout of the Spanish Monarchy, the processes of *visitas*, of *pesquisas* and of *residencias*⁴ took shapes

³ José Sanchez-Arcilla Bernal highlights the heterogeneity of the methodological approaches used to study the processes of *residencia*: “se han realizado estudios sobre los aspectos más relevantes del juicio de *residencia*: su origen y posterior evolución; su naturaleza jurídica; las distintas fases y la estructura del proceso; su tratamiento por parte la literatura jurídica; su valor como fuente histórica para otras disciplinas; sin faltar en los últimos años estudios sobre las postreras manifestaciones de la institución, así como su supresión y supervivencia en algunas repúblicas hispanoamericanas después de la independencia” (J. Sanchez-Arcilla Bernal, *Control Judicial y corrupción en las indias. Los juicios de residencia a los oidores de las audiencias indianas (1548-1650)*, Madrid, 2019, pp. 16-17).

⁴ For a better understanding of the mechanisms that moved *residencias*, *visitas* and *pesquisas* see an accurate analysis in T. Herzog, *Ritos de control, prácticas de negociación: Pesquisas, visitas y residencias y las relaciones entre Quito y Madrid (1650-1750)*, Madrid, 2000; See, also, J.M. Mariluz Urquijo, *Ensayo sobre los juicios de residencia indianos*, Siviglia, 1952; R.S. Chamberlain, “The Corregidor in Castille in the 16th century and the residen-

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

that were not fully homogenous, and produced different results, even while constituting, for the entire modern age, the mainstay around which judgments and sentences gravitated, whether formulated during a tenure or at its end, or according to ordinary or to extraordinary procedures. These were, in fact, the inspection processes at the Crown's disposal to verify the actions of ministers and officials at local level, to confirm any allegations or complaints that might reach the Court, and to track down networks of relations and of power that may have been operating against the interests of the Royal Court.

Although all Dominions of the Crown were subjected to those controls, it was mostly in the American realms that they were practiced systematically and virtually everywhere, involving all levels of the hierarchy of power, from the *alcalde mayor* up to the Viceroy. This produced an invaluable array of papers that were compiled during the processes, which provide a cross-section of society with its intertwinings, its transversal connections, and its networks of power, notwithstanding the imperfect reliability and partiality of judgments,⁵ especially those formulated within the processes of *residencia*. As these processes, unlike *visitas* and *pesquinas*, were ordinary provisions, they had to adhere to strict rules concerning the way the proceedings were framed, processing times and formulation of judgments. Furthermore, the network of familial and friendly relations that the officials were able to build on a local level made it difficult to carry out an investigation free of corruption and connivance, which tended to involve both the judges entrusted with meting out justice and the witnesses called to the stand.

cia as applied to the corregidor", in *Hispanic American Historical Review*, no. 23, 1943, pp. 222-257; G. Céspedes Del Castillo, "La visita como institución indiana", in *Anuario de Estudios Americanos*, no. 3, 1946, pp. 984-1025; L. Zumalacarregui, "Visitas y residencias en el siglo XVI. Unos textos para su distinción", in *Revista de Indias*, no. 7, 1946, pp. 917-921; L. García Valdeavellano, "Las Partidas y los orígenes medievales del juicio de residencia", in *Boletín de la Real Academia de la Historia*, no. 153, 1963, pp. 205-246; M. Peytavin, "Le Calendrier de l'administrateur. Périodisation de la domination espagnole en Italie suivant les visites générales", in *Mélanges de l'Ecole Française de Rome*, no. 106, 1994, pp. 263-332; Ead., *La visite comme moyen de gouvernement dans la monarchie Espagnol. Le cas des visites générales du royaume de Naples XVI-XVII siècles*, Paris, 1997.

⁵ J. Sanchez-Arcilla Bernal, *Control Judicial y corrupción en las indias*, p. 24.

VALENTINA FAVARÒ

Nevertheless, in the complexity of “remote government” and the impossibility of exercising more efficient forms of control, the *residencia* was the best possible solution to maintain the equilibria within the Spanish Monarchy. In the rhetoric of the definition of the dichotomous relationship between a centre keen on preserving the overseas realms – from the political, social and economic standpoint – and outlying areas considered to be corrupt and not particularly law-abiding, this method of control took on special value, including symbolic value.⁶

In this perspective, the partiality of judgment was tolerated, as it allowed establishing connections not only between geographically distant locations but also between sometimes completely different ways of applying and interpreting rules and *ordenanzas*.⁷ Ultimately, *a pesar del fracaso*, those procedures of inspection took on a positive value, as they allowed the Court to better know what forms the action of governance had taken at a local level. However, these actions proved less incisive in containing illicit practices and working as a starting point for promoting reforms that would guarantee tighter control on governmental practices. This is clear for the years of Charles II’s reign, during which particular importance was accorded to the reform process initiated to rationalize the fiscal apparatus, increasing financial resources to face the different theatres of war, making the administration more functional, and containing any malpractice at governmental level. It was the need to guarantee greater revenue for the royal coffers – exacerbated by the higher cost of the administrative positions – that unveiled an irresolvable contradiction: if on the one hand the financial gimmick of the sale of of-

⁶ T. Herzog, *Ritos de control, prácticas de negociación*, p. 15.

⁷ As Tamar Herzog notes, “los intentos de controlar la actuación de los ministros y el interés en mantener una administración eficaz, justa y limpia no obscurecían la naturaleza altamente personal de las relaciones entre el rey y los funcionarios dichos ‘públicos’. La toma de medidas y el desarrollo de las investigaciones se veían íntimamente influidas por las expectativas particulares y mutuas que tenía cada uno de ellos y a la hora de la verdad éstas consideraciones parecían más importantes que las justificaciones de tipo que hoy llamamos ‘racional’ y ‘burocrático’” (Ivi, p. 172).

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

fices produced guaranteed and immediate revenue for the Crown, on the other hand the widespread greed fed “governmental malpractices” whereby officials were obliged to find “illegal” forms to recover what they had paid for their position, to be able to pay the “half year” tax and to make up for a salary that was considered to be inadequate to maintain an appropriate lifestyle.

Given the greater awareness of this growing phenomenon, the sovereign, lacking the appropriate tools, was forced to “controlar sin reformar.”⁸ This means that auditing the allegations against ministers, officials and viceroys resulted, in the overwhelming majority of cases, in a monetary penalty, but in no case did it pave the way for structural reform of administrative apparatuses or reassessment of the powers and the competences of those who, in reality, were exercising power. Only in 1629 did the idea arise of limiting the office of Viceroy in the Western Indies to a single three-year term – with no opportunity for a second mandate – thus limiting the possibility of deeply rooted personal relations at local level, and the formation of relational networks that could pursue individual interests.⁹ However, this measure was never actually applied in practice, and even in the final decades of the 17th century, a period when episodes of corruption seemed to become increasingly widespread, the mandates continued to be renewed at the end of the three years, albeit in *via secreta*.

The failure to implement reforms was matched by the lack of effective deterrence, or of punishments that could discourage the high officials of the Monarchy from committing irregularities or perpetrating practices of corruption. The choice between “good governance” and “bad governance” was always tilted towards the latter: the “economic cost” of any possible allegations was considered,

⁸ The expression “controlar sin reformar” is taken from the title of the article by Francisco Andujar Castillo, “Controlar sin reformar. La corrupción de los virreyes de Indias en el siglo XVII”, in *Memoria y civilización*, no. 22, pp. 317-342.

⁹ F. Andujar Castillo, A.J. Heredia López, “Presentación. Controlar y reformar la Monarquía Hispánica (siglos XVI-XVIII)”, in *Memoria y civilización*, no. 22, 2019, pp. 183-189, p. 188.

VALENTINA FAVARÒ

without doubt, a risk worth taking given the possible wealth to be gained through illegal practices. This is confirmed by a comparison of the charges listed in different processes of *residencia* in the course of the 17th century. In 1626, those formulated against Francisco de Borja y Aragón, Prince of Esquilace, Viceroy of New Spain, numbered 150, and concerned practices that would continue to be perpetrated for over a century: lack of control by the Viceroy over contraband of fabrics from China, in exchange for donations in cash by the merchants; taking part in these activities by using boats belonging to the *criados*; appropriation of precious metals that should have been allocated to the *Quinto Real*; appropriation of part of the funds destined to the realization of public works; the concession of ecclesiastical benefits, or appointment to public offices, in favour of *familiars*, and so on.¹⁰ Equally, against Pedro de Leyva y de La Cerda, Count of Baños, in the 1660s, under the same kingdom, the charges numbered 178, and were not much different from those against his predecessor.¹¹

A different fate was suffered by Pedro Antonio Fernandez de Castro, 10th Count of Lemos, Viceroy of Peru between 1667 and 1672, not only because the charges were far fewer but also because the way the trial was carried out revealed the general impossibility of verifying the validity of the charges formulated by the *oidor* responsible for the procedure. Far from neutral in significance, the dynamics that led to the “absolution” of the Viceroy – albeit *post mortem* – reveal a network of relationships and factions, local equilibria and forms of negotiation that transversally connected all the political actors, between Peru and Spain.

¹⁰ A. Villareal Brasca, “Gracia y Desgracia para el virrey del Perú Francisco de Borja y Aragón, príncipe de Esquilache (1616-1621)”, in B. Cava Mesa (ed.), *América en la memoria: conmemoraciones y reencuentros*, Bilbao, 2013, pp. 559-571.

¹¹ P. Ragon, “¿Abusivo o corrupto? El conde de Baños, virrey de la Nueva España (1660-1664): de la voz pública al testimonio en derecho”, in P. Ponce Leiva, F. Andújar Castillo (eds.), *Mérito, venalidad y corrupción en España y América, siglos XVII y XVIII*, Valencia, 2016, pp. 267-282.

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

3. Practices of government and the verdict of *residencia*: Pedro Antonio Fernandez de Castro, 10th Count of Lemos

3.1 *From Madrid to Lima: power networks and factional play*

When Diego de Benavides y de la Cueva, 8th Count of Santisteban, Viceroy of Peru since 1661 died in March 1666,¹² a long confrontation ensued in Madrid to establish who would succeed him as ruler of one of the most important realms of the Monarchy. Among the candidates – who included don Pedro Nuñez de Guzman, Marquis of Montealegre, already Viceroy of Sicily and member of the Consejo de Indias; don Pedro Fernandez de Velasco y Tovar, Marquis of Fresno, supported within the *Junta de Gobierno* by don Garcia Haro Sotomayor y Guzmán, Count of Castrillo and President of the Consejo de Castilla; don Manuel Enriquez, son of the Count of Albadeliste, who was also Viceroy of Peru – the choice fell upon Pedro Antonio Fernandez de Castro, 10th Count of Lemos. Member of one of the most important Spanish lineages,¹³ he achieved an important role in the dynamics of the Court thanks to the bond formed with the Queen's confessor, the Jesuit Juan Everard Nithard – a bond that became tighter following the marriage to doña Ana Francisca de Borja,¹⁴ fourth cousin, daughter of Francisco Pascual de Borja y Aragon y Centelles, 8th Duke of Gandia and of Artemisa Maria Ana Teresa Doria Colonna, Princess of Doria di Melfi – and to the support received from don Cristobal Crespì de Valldaura, President of the Consejo de Aragona, and from don Guillermo Ramon de Moncada, Marquis of Aytona.

The Count of Lemos reached Lima in November 1667, to fill the Viceroy's seat which had been vacant since March 1666, during

¹² Bne, ms. 3122, *Relación que la Real Audiencia de Lima y Chancillería de los Reyes hizo de su gobierno en vacante, por muerte de Diego de Benavides y de la Cueva, Conde de Santisteban del Puerto, Virrey del Perú, a Pedro Antonio Fernández de Castro, Conde de Lemus, su sucesor.*

¹³ See: V. Favarò, *Gobernar con prudencia. Los Lemos, estrategias familiares y servicio al rey (siglo XVII)*, Murcia, 2016.

¹⁴ Ahn, nobleza, Osuna, ct. 244, d. 26; Ahn, nobleza, Gandia, c. 1, d. 1.

VALENTINA FAVARÒ

which time the administration of the realm had been taken care of by the *Audiencia of Lima*.¹⁵ This was made up of the *licenciados* don Bernardo de Iturrizarra, don Fernando de Velasco, don Diego Cristobal Messia; by doctors don Bartolomè de Salazar and Don Pedro Gonzalez de Guemes; by the *fiscales* don Diego de Baeza, don Juan Bautista Moreto, don Pedro Garcia de Ovalle, don Lope de Munibe and, finally, by don Diego de Leon Pinelo and don Alvaro de Ibarra.¹⁶ It was the latter two men who constituted an indispensable point of reference for the Viceroy: the former, son of Diego Lopez de Lisboa y Leon and Catalina de Esperança, belonged to a family of Portuguese *judeoconvertos*, testifying, in the long term, also to the proximity of the Lemos to that culturally and economically dynamic part of Lusitanian society, which also included the Vaaz.¹⁷ The latter was born in Lima on October 22, 1621, and since 1657 he had held the *plaza* of inquisitor; he was also appointed dean *oidor* of the Lima *Audiencia* and – had Lemos not advocated his stay in the capital – he would also have been appointed President of Quito. While Pinelo and Ibarra constantly supported the Viceroy's actions, also supporting the rule of his wife when Lemos embarked on a trip to the Laicacota mines, other members of the *Audiencia*, as well as some members of the local political elite, were openly hostile to him, obstructing his acts of governance and denouncing to Madrid some alleged irregularities on his part.

In particular, opposition became more apparent when the Viceroy tried to push forward some reform projects aimed at improving the living conditions of the indigenous population, with particular reference to the system of *mita* and, more in general, to

¹⁵ See: Agi, Lima, leg. 466, *Certificaciones que se citan en las advertencias que hace el Ex.mo Señor conde de Lemos virrey del Perú, a la relacion del estado del Reyno que entrego la real Audiencia de Lima del tiempo que governo.*

¹⁶ J. Basadre, *El conde de Lemos y su tiempo. Bosquejo de una evocación y una interpretación del Perú a fines del siglo XVII*, Lima, 1948.

¹⁷ B. Crivelli, G. Sabatini, "La carrera de un mercader judeoconverso en el Napoles español. Negocios y relaciones políticas de Miguel Vaaz (1590-1616)", in *Hispania*, no. 76(2), 2016, pp. 323-354.

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

the work these people were doing at the realm's mines. Retracing the dynamics of support and contraposition that took shape in those particular situations, at least superficially, is necessary and functional to a better understanding of the balances of power that would emerge at the end of the viceregal term (which in this case coincided with the Viceroy's death) during the process of *residencia*.

The awareness of the fact that natives were being exploited – Lemos went so far as to say that in the entire world there was no *nacion tan fatigata*¹⁸ – led to the drawing up, within the *Junta de desgravio de naturales*, of the proposal to abolish the mita system at the Potosì mines, and to employ free wage-workers.¹⁹ The decision process was very long, and met fierce opposition, in particular by don Luis Antonio Oviedo y Herrera, *corregidor* of Potosì. The correspondence that took place between him and Lemos is of great interest²⁰ and reveals two diametrically opposed positions. The Viceroy wrote:

Los corregidores Azogueros y mineros de Potosì siempre an tirado acrezer la saca de metales sin atender a la conservacion de los indios [...] y assì es necesario que yo ne ponga remedio eligiendo lo que me pareciere mas combeniente para que se continuen los lavores de esa mina y que esto se haga sin afan molestia y agravio de los indios. Y si el signor don Luis no se halla con fuerzas de poder unir el servicio de Su Magestad con el alivio de los indios sera mejor que deje el oficio porque de otra suerte ariesga su conciencia en materia grave y escrupolosa.²¹

The matter essentially concerned the payment of the *Quinto Real*, a 20% duty applied on the extraction of precious metals. According to Oviedo y Herrera, the need to keep the value of the *Quinto* unchanged implied recourse to double shifts, day and night, for the Indians. This, according to Lemos, would have meant – aside from

¹⁸ Cfr. G. Lohmann Villena, *El conde de Lemos, virrey del Perú*, Madrid, 1946, p. 271.

¹⁹ The proposal was formulated by the Junta on 3 July 1670, *Ibidem*.

²⁰ Cfr. Ada, leg. 60, n. 37. *Copia de carta que el conde de Lemos, virrey del Perú escrivio a don Luis Antonio Oviedo y Herrera, corregidor de la villa de Potosì, 3 febrero 1670.*

²¹ *Ibidem*.

VALENTINA FAVARÒ

disobeying *ordenanzas* and royal bills – a further decrease in the workforce, “con cuya fatiga es imposible se conserven las provincias y tengan los indios aliento para continuar el trabajo.”²² Keeping the value of the *Quinto* stable, or even increasing it, should be guaranteed not by exploiting the Indios but by finding new mines: in 1670, in fact, Lemos made public the discovery of four silver mines and one gold mine in the province of Calcaylares,²³ which suggested the possibility of a considerable increase in the amount of precious metal mined. To help with their management, Lemos was to appoint don Antonio Ordonez del Aguila, fieldmaster and knight of the Order of Santiago, appointed *Alcalde Mayor* and *Juez Superintendente*, in order to ensure the correct administration of the mines, and compliance with the rules governing each step of the extraction and of the shipping of precious metals to the Royal Court, thus preventing any fraud against the *Real Hacienda*.²⁴

Along with the mines, the Viceroy tried to have his say about organization of work in the *obrajes*. It was two men very closely connected to Lemos, namely his confessor, the Jesuit Francisco del Castillo, and Francisco de la Maza, who became spokesmen for changing the attitude of the landowners – both clerical and secular – towards the Indios employed in the *obrajes*. The will to find a solution to a situation that had taken root in the social fabric of the realm led the Viceroy to act on two fronts: one strictly connected with the *obrajes*, the other broader in scope, related to the multi-layered administrative system. The former saw the involvement of Doctor Ignacio de Castelví, in charge of detecting and containing the abuses perpetrated in Cajatambo, Conchucos and Huamalies provinces. The latter, instead, once again strengthened cooperation with Alvaro de Ibarra who, somehow, was supposed to continue the

²² Ada, leg. 60, n. 37. *Copia de la Carta que el conde de Lemos virrey del Perú escribió al doctor don Pedro Vazquez de Velasco Presidente de la Real Audiencia de la Plata.*

²³ Ada, c. 93-4, *Da quenta a V.M. de haverse descubierto cinco minas en la provincia de Calcaylares quatro de plata y una de oro y que en este reyno y el de Chile quedan en paz y quietud, 24 febrero 1670.*

²⁴ *Ibidem.*

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

work undertaken by Cornejo in the years under Viceroy Santisteban. The appointment as *visitador* was given to Ibarra owing to his uncommon characteristics of honesty, competence and interest for the common good, and was functional to restoring correct functioning of the administration and, hopefully, making good the financial shortfalls of the years previous.

First of all, the inspection sought to control the activities of some *oidores* who were suspected of corruption, such as don Francisco Sarmiento de Mendoza, accused of having condoned the sale of *Indios*, in the years when he was Governor of Potosì, and don Tomas Berjan de Caviedes, for illegally managing the *socorros* that the Count of Santisteban had sent to support mercury mining at Huencavelica. Secondly, Ibarra would investigate the ministries involved in the management of the *Real Caja* de Lima and of the censuses of the *Indios*. In both cases, frauds were carried out that deprived the Crown of part of its rightful financial resources, and had they not acted promptly the damage would have been beyond repair.²⁵

It is obvious that these interventions, and the actions undertaken against political players who were severely compromised and implicated in the management of local power, produced stark contrapositions that ultimately involved various strata of power, and had a noticeable echo not only in the provinces of the Andean viceroyalty, but also within the *Consejo de Indias* all the way up to the Court in Madrid.

3.2. *The end of the term: allegations, trial, witnesses*

Some papers sent to Madrid in 1669, which contained different opinions acerca de el gobierno del *Excelentissimo Senor conde de Lemos*, are of the greatest interest in piecing together the picture of the characters gravitating around him, and highlighting the peculiarities of the Viceroy as depicted in recurrent descriptions.²⁶

²⁵ Agi, Gobierno, audiencia de Lima, cartas y espedientes de virreyes de Peru, 69, n.f., *El virrey conde de Lemos a 1 de septiembre 1669*.

²⁶ Rah, 9/3586, 18, Copias de capitulos de cartas de varias personas de los Reynos de el

VALENTINA FAVARÒ

Among the officials, as mentioned, it was don Diego Leon Pinelo and don Alvaro de Ibarra who supported and encouraged Lemos in his every action, fully sharing his goals and having a clear path to their accomplishment in mind. The former, as a *protector fiscal de los indios* of the Lima Audiencia, in a letter to Father Gonzalo Tenorio,²⁷ highlighted two important aspects of Lemos's term, as opposed to the common practice in the bureaucracy of the Spanish Monarchy, in Europe as well as in the New World: first, the ability to manage the realm with honesty and righteousness – “no ha entrado hombres en la india mas limpio” – without having *validos*, secretaries or confessors around to influence one's political choices; and second, basing appointment to public office on principles that were as much as possible related to the appointee's merit and not his wealth. In both cases, therefore, it is integrity that lies in the forefront, the absence of any conduct that could give rise to allegations of corruption, as is clearly apparent in Ibarra's statements, which focused on the Viceroy's disinterest in the power and enrichment of his own family, in favour of sincere concern for the public good, aimed to benefit both native Americans and the Crown itself.²⁸

Similar in tenor are the statements of the Fieldmaster don Juan Nicolas Roldan Davila, Knight of the Orden de Santiago and *Corregidor* of the Villa de Oruro,²⁹ and of Lima's *oidor*, Don Diego Christoval Mexia; they further highlight the ability that Lemos showed in restoring, within the realm, a *quietud* that had long been compromised both by rampant banditry in the province of Puno and by the dangerous animosities of the *mestizos*.³⁰ As stated by Don Toribio de la Vega Escalante, Knight of the Orden de Santiago and Prior of Lima's *Consulado de Comercio*,³¹ Lemos was to be credited for

Perù, que escriven a Madrid a sus correspondientes, acerca de el gobierno del Excelentissimo Senor conde de Lemos, Virrey de dicho reynos.

²⁷ Ivi, 20 February 1669.

²⁸ Ahn, Inquisicion, leg. 2195.

²⁹ Rah, 9/3586, 18, Oruro, 24 de febrero de 1669.

³⁰ Ivi, 28 June 1669.

³¹ Ivi, Lettera inviata a don Francisco de Olondriz, 25 February 1669.

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

la restauracion de todo este reyno; porque avia llegado a estado tan miserable, que si tarda un ano mas en venir, lo halla perdido todo; porque ya avia faltado la fe, obediencia y respeto a dios, y a la justicia pues publicamente en las provincias de Arriba robavan las reguas que iban y venian con plata, y mercaterias ... y luego unos mestizos criollos de Chuquizaca llamados los Vargas levantaron vanderas, y armas contra su magestad, intitulandose restauradores y defensores de su patria, haziendo cuerpo de mas de 80 hombres en cada faccion, y una propuesta infernal, de que avian de librar a los indios de pagar tributos.³²

In the letters sent by clerics, the stress was on aspects more closely connected with Lemos's religiosity, although these aspects were equally connected to his political activity. To sum it all up, the Viceroy's good governance, his inclination to the exercise of a just and stern power, was also the result of his spirituality: somehow, as can be seen in the words of Father Diego Miguel, Provincial of Nuestra Señora de la Merced,³³ one perceived the coexistence of human and divine justice, that Lemos was able to spread over the whole realm, which – before his arrival – had been deprived of any form of equanimity. And it is this same context, in the indissoluble bond between the religious and the political spheres, that produced strong acclamations of his sanctity (“es conocidamente un Santo, y de muy linda intencion”³⁴), comparisons with the rule of San Francisco de Borja,³⁵ the awareness that if the Viceroy was to die a sudden death, “no le podia venir al Perù mayor castigo del Cielo.”³⁶

While the foregoing opinions and judgments were clearly biased and influenced by several elements, they certainly help to emphasize the complexity of a multifaceted reality, which the actors made any-

³² Ibidem.

³³ Ivi, Lima 24 February 1669.

³⁴ Ivi, *Madre Ana del Nino Iesus, religiosa professa de la Recoleccion de San Augustin de Nuestra Señora del Prado de la Ciudad de Lima*, 2 junio de 1669.

³⁵ Ivi, *El padre Christoval de Arandia de la compania de Iesus, y su consultor de la Provincia del Perù*, 20 junio 1669.

³⁶ Ibidem.

VALENTINA FAVARÒ

thing but homogeneous and crystallized. If on the one hand, as we have seen, Lemos was able to elicit feelings of awe and appreciation – bordering on “devotion” – at the same time he ended up drawing upon himself some criticisms that were not confined to the local level but reached all the way to Madrid, becoming subject of discussion within the *Consejo de Indias*. There was a large and highly vocal group opposed to the Viceroy, on different levels, both within the city of Lima and in the wider context of the Kingdom. The governor of Panama, Juan Perez de Guzman, the men close to the Salcedo brothers, the officials of the *Audiencia* who underwent a visit, and many others with them, engaged in what we might well call a proper game of cards – which continued even after the Count’s death – in order to discredit the Viceroy’s political line. The gaming table was obviously the trial of *residencia*.

On October 4, 1673, the *licenciado* don Andres Flores de la Parra, *alcalde del crimen* of Lima’s Real Audiencia, received instructions to tomar *residencia* against the count of Lemos,³⁷ within six months and before the Count of Castellar could reach the Peruvian viceroyalty. On the 28th of the same month he started the procedure, by summoning Pedro Antonio’s widow and, immediately afterward, twenty-six other witnesses to confirm or dismiss the allegations that had been formulated also on the basis of affidavits received by the *Consejo de Indias*, in the person of *fiscal* don Pedro Minano, among which, for example, that of doña Silveria Hermosa Chillon, wife of the Royal Officer don Francisco Colmenares,³⁸ and doña Cathalina de Unceta Valda y Egaina, the former to denounce an abuse suffered by her husband, unlawfully removed from the city of Lima, the latter decrying the actions of the Viceroy and, most of all, his wife, which were considered as detrimental to the accuser.³⁹

³⁷ Agi, Lima, leg. 466, n.n., *Instrucion que a de guardar el licenciado don Andres de Flores de la Parra, Alcalde del Crimen de la real audiencia de Lima en la residencia que por commision del consejo se le remite para tomarla al conde de Lemos virrey que fu en los reynos del Perú.*

³⁸ Ivi, Doña Siberia Ermoso Chillon, 1 abril 1671, *Dice que el virrey conde de Lemos desterrò a Baldioia a su marido con pretesto de que visitase la cajas Reales del reyno de Chile solo por vengarse del zelo conque a acudido al servicio de V.M.*

³⁹ Agi, Lima, 466, n.n.: “Representa que saliò de esta corte por duena de honor de la

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

The processing of the information received resulted in the formulation of allegations *sub condicione* that concerned the wider range of powers of Lemos's government. In particular, de la Parra was called on to verify:

- Whether the Viceroy had made payments that were not due, especially to the soldiers of the Viceregal Guard, and whether he had really granted – not being within his powers – an *ayuda de acosta* to the marquis Navamourcuende and to the *oidor* Lope Antonio de Munive;⁴⁰
- What reasons caused the Viceroy to relieve don Francisco de Menezes of the position of governor of Chile, don Juan Perez de Guzman of that of governor of Panama, don Luis Ibañez de Peralta of that of governor of Cuzco, and the Viscount de Sandonas of that of governor of Cailloma, appointing in their stead respectively the Marquis of Navamourcuende, don Augustin de Bramonte, don Francisco Cruzado and don Sancho de Arevalo;
- Whether he had regularly sent “*el situado*” (postal notice) to Chile as dictated by rules, that is with yearly frequency, or on the other hand whether he had failed to make some communications;
- Whether doña Silveria Hermosa Chillon's accusation was solid, concerning the ousting of her husband, the supernumerary official of the Caja de Lima Don Francisco Colmenares de Lara, as well as his subsequent banishment to the Valdivia post;
- Whether the Viceroy had really opened trade with the viceroyalty of New Spain, and in that case, what the effects were on trading activities, estimating the damage in economic terms;
- Whether the Viceroy had interfered with the exercise of ecclesi-

condesa de lemos y que al cabo de un año la despidió de su casa sin haberle dado ningun socorro ni en la residencia que se tomó al virrey su marido consiguió ninguna gracia ni justicia, manifestando el agravio que se le ha echo y que en atención a sus muchas obligaciones se le de alguna ayuda de costa de la caja real de aquella ciudad para poder volver a estos reinos”.

⁴⁰ Lemos was acquitted of this allegation by the *Consejo de las indias* because “los gastos librados por el fisco habían sido para atender negocios de la corona”. Agi, *Escribania de Camara*, 534 (A), 1 February 1679.

VALENTINA FAVARÒ

astical jurisdiction, resolving matters not pertaining to the government;

- Whether the Viceroy had acted without respect for the secular and ecclesiastical institutions of the realm;
- Whether during Lemos's term, a significant decrease in revenue of the realm had been recorded.

On other matters, instead, reference was made to reports previously sent to the *Consejo de Indias* and that were already being examined, such as for example the controversy with the Salcedo brothers.

Reading the accusations and allegations should stimulate reflection on a few matters, while keeping a synchronic and diachronic perspective. As noted above, the studies on the other trials of *residencia* in the 17th century brought to light accusations that were more numerous and more serious. In the awareness that "bad governance" could have negative effects on the interests of the Crown and of third parties, or simply hamper the normal course of justice, the accusations lodged against the Count of Lemos would appear to be little more than scratches on the portrait of a "good governor." This judgment, however, which was largely dependent on the actions carried out by de la Parra, the *oidor* responsible for the trial, was considered to be biased, if not mystifying, in light of the irrelevance of the evidence and testimony brought to the trial.

As mentioned, Francisca Borja, widow of the Viceroy, was immediately summoned, mostly because she was the responsible guardian for Lemos's children and heirs, against whom the formulation of an accusation, and the imposition of a sentence (generally a monetary sanction), would have been applied. In the reports she wrote, even before the formal start of the *residencia*,⁴¹ there are several direct references to the hostile behaviour of don Sebastian de

⁴¹ Agi, Lima, vol. 466, n.n., 4 marzo 1673, *Las condesa de Lemos refiere por mayor la mala correspondencia que an tenido los licenciados don Diego Mesia y don Diego Baessa queriendo obscurecer las acciones del conde y el estado miserable en que se halla por faltarle el sustento ordinario.*

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

Navarrete, as well as of the *licenciados* don Diego Mesia and don Diego Baessa, *oidores* of the Audiencia de Lima, “ambos enemigos desclarados”⁴² of her husband. On top of the accusation of their “muy mala correspondencia” with the Viceroy, came the accusation of having drafted a report containing data and information on the economic and financial situation of the realm that Francisca Borja deemed completely incorrect. The reference is in particular to the communication sent by Mesia and Baessa to the *Consejo de Indias* in which they ascribed to Lemos the responsibility for an alleged increase of the public debt, which in 1672 exceeded by 478.259 patacones the amount recorded in 1667, because of higher “remesas de fondos” to the metropolis.⁴³ If this and other information dispatched to Madrid shows how the economic sphere was one of the elements used to make sure that the King would see Lemos’s attempts at reform as a failure, no less important was the effort to accuse the Viceroy of carrying out actions aimed at strengthening his own faction to the detriment of competing powers, through arbitrary appointments to public office, grants of *ayudas de costa* or strategic removals from the capital.

According to the common practice, in order to ascertain the validity of the alleged offences, eleven questions were prepared, to be submitted to specifically summoned witnesses.⁴⁴ The questions were formulated to confirm, first of all, the witnesses’ personal identity details – “su edad, naturaleza y donde residen y quanto tempo a que

⁴² Ibidem.

⁴³ Actually, the economic and financial crisis of the Kingdom was already visible in the middle of the 17th century; according to the data gathered by Margarita Suarez, in the second part of Lemos’s term a process of recovery had begun, which apparently resulted in an increase in the revenue of the Caja de Lima, from 19’935.576 pesos in the 1661-1670 decade to 35’891.911 pesos in the following decade, an increase that was also ensured by a simplification of the administration and of the “monetary handling”, See: M. Suarez, “Politica imperial, presion fiscal y crisis politica en el virreinato del Perú durante el gobierno del virrey conde de Castellar, 1674-1678”, in *Historica*, no. XXXIX.2, 2015, pp. 51-87.

⁴⁴ Agi, Escribania de Camara, 534 (A), cc. 7-9, *Interrogatorio para los testimonios que se an de examinar en la residencia que esta tomando el señor licenciado don Andres Flores de la Parra.*

VALENTINA FAVARÒ

están en estos reynos y si son parientes de alguno de lo sobredichos” – and their awareness of any attempts at corruption in order to convince them to give a false testimony – “si les an tenido odio y mala volunta o si les an dado o prometido alguna cosa porque digan al contrario de la verdad. O si an sido atemorizados o inducidos para ello o si son interesados en decir sus dichos en esta causa o les toca otra cossa de las generales.”

Secondly, questions were aimed at verifying whether the witnesses may have heard anything about any governmental malpractice by the Viceroy and by his *familiares* and whether they may have somehow disregarded the instructions contained in the *ordenanzas*.

No testimony was taken that could prove the Viceroy’s “guilt.” This does not mean, obviously, that none of the allegations were founded, but rather that the witnesses did not want to expose themselves and confirm the hypotheses formulated against the count of Lemos: “ya de mas fuera sin fruto alguno porque tengo por sin duda que no se hallarà un testigo que dijera en dichos capitulos contra el conde (que ia es defunto) como consta de todas las residencias del reino.”⁴⁵

On top of the limits encountered after the death of Pedro Antonio de Castro, the trial’s validity was further undermined by the omissions perpetrated by de la Parra. It is Sebastiano Alfonso de Velasco, *oidor* of the Panama *Audiencia*, who exposed the formal defects in the verdict formulated, and who informed the sovereign accordingly.⁴⁶ On the basis of the “summaria” of the residencia trial, the fiscal of the *Consejo de Indias*, had a decidedly negative opinion of the manner in which the trial had been conducted:

⁴⁵ Agi, Lima, vol. 466, n.n., *Licenciado don Andres Flores de la Parra 26 diciembre 1675, da cuenta de lo obrado en la residencia que se le cometio del virrei conde de Lemos y de sus criados y hallegados, y de la diligencia que hizo para la aberiguacion de los capitulos que se le remitieron por el consejo que no pudo comprobar por no haver hallado persona que diese noticia de los casos y sucesos dellos.*

⁴⁶ Agi, Escribania de Camara, 534 (A), c. 32, Panama, 20 July 1675, *El licenciado Sebastian Alfonso de Velasco oydor de la audiencia de Panama remite a V.M. la sumaria de la residencia del conde de Lemos fecha en aquella ciudad.*

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

El fiscal a la vista que se le manda dar de estos actos de la residencia del conde de Lemos y demas papeles referidos para ella... lo que se le ofrece decir es que don Andres Flores de la Parra que tomo la residencia al virrey aunque era difunto faltò a lo que era de su obligacion en ella en muchas cosas de que debieva aberle echo cargos y determinarlos contra sus herederos.⁴⁷

5. Conclusions

One may well concur with Pilar Ponce Leiva that “corruption” is a polysemic concept, which varies with context and with the perception of the individual social actors involved, with either an active or a passive role. The variations favour the inclusion of heterogenous aspects, ultimately including “el engaño, la simulación, la ambición desmedida – que desemboca en la avaricia -, la vanidad, la deshonestidad, la deslealtad, la adulación, la ociosidad, la afectación.”⁴⁸ What emerges clearly here is a picture in which it is hard to trace, for example, the borders between the public and the private sphere, the juridical and the moral sphere, and in which any attempt to differentiate personal interests from duty towards the King and the Monarchy is doomed. At the same time, in the pursuit of individual interests – which were not necessarily in conflict with the broader interests of the Crown – the actions of the King’s ministers transitioned smoothly from what the community perceived as “lawful” to the borders of the unlawful.

As we have seen in this detailed account of a specific case, those mechanisms were regarded as inescapable truths, and any attempt to correct them was viewed as inevitably useless. However, the awareness that the instruments available were unfit to combat cor-

⁴⁷ Agi, Escribania de Camara, 534 (A), *Respuesta del fiscal*.

⁴⁸ P. Ponce Leiva, “Percepciones sobre la corrupción en la Monarquía Hispánica, siglos XVII y XVIII”, on P. Ponce Leiva, F. Andújar Castillo (eds.), *Mérito, venalidad y corrupción en España y América, siglos XVII y XVIII*, Valencia, 2016, pp. 193-212, p. 211.

VALENTINA FAVARÒ

ruption and malpractice did not leave the King, and the bodies responsible for controlling the exercise of power, completely powerless. If the principle of *controlar sin reformar* prevented planning a reform that would change the theory and the practice of government, it did nevertheless encourage practices of negotiation, the redefining of power balances, and the rehabilitation of the accused through pardons and concessions granted by the sovereign. This power play itself became an instrument of survival and renovation of the Monarchy, in which corruption and misgovernment seemed to be unavoidable elements, but which despite everything were not able to tarnish the image of a Monarchy capable of rebuilding its own reputation.

Bibliography

- ANDUJAR CASTILLO F., "Controlar sin reformar. La corrupción de los virreyes de Indias en el siglo XVII", in *Memoria y civilización*, no. 22, pp. 317-342.
- ANDUJAR CASTILLO F., HEREDIA LÓPEZ A.J. (2019), "Presentación. Controlar y reformar la Monarquía Hispánica (siglos XVI-XVIII)", in *Memoria y civilización*, no. 22, pp. 183-189.
- CARDIM P., HERZOG T., RUÍZ IBAÑEZ J.J., SABATINI G. (eds.) (2012), *Polycentric Monarchies. How Did Early Modern Spain and Portugal Achieve and Maintain a Global Hegemony?*, Eastbourne.
- CÉSPEDES DEL CASTILLO G. (1946), "La visita como institución indiana", in *Anuario de Estudios Americanos*, no. 3, pp. 984-1025.
- CHAMBERLAIN R.S. (1943), "The Corregidor in Castille in the 16th Century and the Residencia As Applied to the Corregidor", in *Hispanic American Historical Review*, no. 23, pp. 222-257.
- CRIVELLI B., SABATINI G. (2016), "La carrera de un mercader judeoconverso en el Napoles español. Negocios y relaciones políticas de Miguel Vaaz (1590-1616)", in *Hispania*, no. 76(2), pp. 323-354.
- FAVARÒ V. (2016), *Gobernar con prudencia. Los Lemos, estrategias familiares y servicio al rey (siglo XVII)*, Murcia.

CONTROL OVER ADMINISTRATION, REPRESSION OF CORRUPTION AND PRACTICES OF NEGOTIATION IN THE SPANISH MONARCHY. THE PROCESS OF *RESIDENCIA* AT THE 10TH COUNT OF LEMOS, VICEROY OF PERU (1667-1672)

- GARCÍA VALDEAVELLANO L. (1963), "Las Partidas y los orígenes medievales del juicio de residencia", in *Boletín de la Real Academia de la Historia*, no. 153, pp. 205-246.
- GAUDIN G. (2017), *El imperio de papel de Juan Díez de la Calle. Pensar y gobernar el Nuevo Mundo en el siglo XVII*, Madrid.s
- GAUDIN G., CASTILLO GÓMEZ A., GÓMEZ GÓMEZ M., STUMPF R., "Vencer la distancia: Actores y prácticas del gobierno de los imperios español y portugués", in *Nuevo Mundo Mundos Nuevos*, online <http://journals.openedition.org/nuevomundo/71453>.
- HERZOG T. (2000), *Ritos de control, prácticas de negociación: Pesquisas, visitas y residencias y las relaciones entre Quito y Madrid (1650-1750)*, Madrid.
- LOHMANN VILLENA G. (1946), *El conde de Lemos, virrey del Perú*, Madrid.
- MARILUZ URQUIJO J.M. (1952), *Ensayo sobre los juicios de residencia indianos*, Siviglia.
- PEYTAVIN M. (1994), "Le Calendrier de l'administrateur. Périodisation de la domination espagnole en Italie suivant les visites générales", in *Mélanges de l'Ecole Française de Rome*, no. 106, pp. 263-332.
- (1997), *La visite comme moyen de gouvernement dans la monarchie Espagnole. Le cas des visites générales du royaume de Naples XVI-XVII siècles*, Paris.
- PONCE LEIVA P. (2016), "Percepciones sobre la corrupción en la Monarquía Hispánica, siglos XVII y XVIII", in P. Ponce Leiva, F. Andújar Castillo (eds.), *Mérito, venalidad y corrupción en España y América, siglos XVII y XVIII*, Valencia, pp. 193-212.
- RAGON P. (2016), "¿Abusivo o corrupto? El conde de Baños, virrey de la Nueva España (1660-1664): de la voz pública al testimonio en derecho", in P. Ponce Leiva, F. Andújar Castillo (eds.), *Mérito, venalidad y corrupción en España y América, siglos XVII y XVIII*, Valencia, pp. 267-282.
- SANCHEZ-ARCILLA BERNAL J. (2019), *Control Judicial y corrupción en las indias. Los juicios de residencia a los oidores de las audiencias indianas (1548-1650)*, Madrid.

VALENTINA FAVARÒ

SUAREZ M. (2015), "Política imperial, presión fiscal y crisis política en el virreinato del Perú durante el gobierno del virrey conde de Castellar, 1674-1678", in *Historica*, no. XXXIX.2, pp. 51-87.

VILLAREAL BRASCA A. (2013), "Gracia y Desgracia para el virrey del Perú Francisco de Borja y Aragón, príncipe de Esquilache (1616-1621)", in B. Cava Mesa (ed.), *América en la memoria: conmemoraciones y reencuentros*, Bilbao, pp. 559-571.

ZUMALACARREGUI L. (1946), "Visitas y residencias en el siglo XVI. Unos textos para su distinción", in *Revista de Indias*, no. 7, pp. 917-921.