



# Margins of documents, center of power: a case study on the *Consejo de Indias*' annotated paperwork and the construction of legality in an imperial archive

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Published online: 7 September 2020  
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## Abstract

This article focuses on a set of reports sent from the Spanish overseas territories in the New World to the *Consejo de Indias* (Council of the Indies) in Spain. Special attention will be paid to the annotations that appear in the margins of the documents, since they bring light to the activities that were taken over by a wide array of the *Consejo*'s officials in order to treat the information that came from America. We will demonstrate that such activities—classifying, summarizing, but also linking documents to one another across time and space—were at the core of the process of decision-making in the Spanish monarchy. The main challenge of this research, however, is that most of the marginal annotations were anonymous, and that not all of them were written by the same person, nor did they have the same functions. In order to overcome those obstacles, we will combine a visual, paleographic, and textual study of the sources aimed at exploring the links between the overseas reports, the marginal annotations and the royal decrees to which they had given rise. In doing so, we will highlight the paradoxical nature of the archive which, through its classifying process, gives access to a wide range of documents and, at the same time, separates them from one another and even tends to erase the connections that used to exist between them. Examining the margins of the documents will thus enable us to better understand the relationship between archival techniques, political communication and the development of imperial legality in the Spanish monarchy.

**Keywords** Marginal comments · Archival technologies · Political communication · Spanish empire · Legality

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## Marginal annotations and the management of information in an archival setting

The activities of the *Consejo de Indias* (Council of the Indies), the Spanish mainland institution that, from 1523, was responsible for governing the overseas territories in the New World, were based on the treatment of the reports that were sent to the royal court by both the king's officials and his vassals. In the 1540s the Spanish Crown ordered the main documents of the *Consejo de Indias*, as well as those that were kept by its ministers and other officials in their private houses, to be remitted to the archive of Simancas (Brendecke 2010; Rodríguez de Diego 2018). In 1785, this body of records, along with documents from other royal institutions like the *Secretaría de Estado y del Despacho* or the *Casa de la Contratación*, were transferred to the *Casa Lonja*, in Seville, where they are still stored today, and form the main funds and collections of the *Archivo General de Indias* (Slade 2011; Gómez Gómez 2012).

It is clear that the flow of written information that was sent to the *Consejo de Indias* was completed by the oral statements given by the vassals who were regularly traveling to Spain in order to represent either their own petitions or those of wider communities to the king and his ministers. Although oral activities have left fewer traces than the written ones, a closer examination of this question in recent years has allowed us to widen our concept of political communication in the Spanish empire to both written and oral practices (Bouza Álvarez 2003; Brendecke 2012, pp. 458–469; Gaudin 2017; Puente Luna 2018; Cunill and Quijano 2020). But understanding how the multifaceted information that constantly came from the New World was treated, organized and used in the daily management of the mainland archives and in the process of decision-making still remains a challenge for scholars.

As noted by historian Brendecke (2012), a certain degree of opacity still obscures the connections that linked the overseas reports to the royal decrees issued by the *Consejo de Indias*. It can be argued that this lack of understanding is rooted both in the organization of field studies and in the peculiar use of the sources through which the history of the Spanish empire was written. Indeed, whereas social history was essentially based on reports from overseas territories, the study of *derecho indiano*, the body of the Spanish monarchy's laws regarding the Indies, was inspired by juridical and legal texts and oriented toward an institutional approach. This disciplinary division was often combined with a theoretical framework in which the archive was conceived as a collection of autonomous records, instead of a network of interconnected ones. Consequently, scholars have tended to "naturalize" the classification of the documents, paying little attention to the operations through which the archive was constructed and continually used by various actors. This approach has contributed to obscuring not only the "connected treatment" that diverse records might have received, beyond spatial and temporal boundaries, in the *Consejo de Indias*, but also the role that the archival system played in giving (or denying) access to a wide range of documents.

Over the last 2 decades, however, the archival turn "has transformed archives from sites of research into objects of enquiry in their own right", with scholars

being interested in “the evolving processes of selection, ordering and usage that produced archives not as neutral repositories of sources but as historically constructed tools of power relations, deeply embedded in changing social and cultural contexts” (De Vivo et al. 2016, p. 421). Thanks to these studies, archives are now conceived as open and connected spaces, where documents were received, ordered and stored, but also produced, used, and eventually remitted to other institutions (Yale 2015; Walsham 2016; Ketelaar 2017; Bouza Álvarez 2019). In other words, written records were connected to each other, both inside and outside the archive, by not only the operations taken over by their shapers, keepers, and users, but also by a series of archival tools, such as the inventories, the tables of contents or the marginal annotations, which contributed to creating a network of interconnected textual references in the archival setting (Gilliland 2010).

In the light of this new approach, four main paths have been followed by scholars: “a political history of archives” focused on the links between the management of information and the art of governance; the study of how archival material was “turned into useful knowledge”; a social history of the archives oriented toward the “clerical intermediaries who often remained anonymous in the very records that they were in charge of preparing and storing”; and, finally, the analysis of the role that the archival sources had been playing in the writing of history (De Vivo et al. 2016, pp. 424–426). Those avenues of research have been applied to different European regions and, eventually, to their imperial possessions, increasing the possibility of comparison between diverse archival practices across time and space. Obviously, Spain and its scattered empire, in both Europe and the New World, were not excluded from the recent discussions on the changes that the archives had undergone in the late medieval and early modern period (Herzog 1996; Castillo Gómez 1997; Gómez Gómez 2003; Bouza Álvarez 2004; Navarro Bonilla 2004; Gamboa 2006; Burns 2010; Rubio Hernández 2010; Friedrich 2010; Brendecke 2012; Grebe 2012; Gaudin 2013; Sellers-García 2014; Montcher 2015; Rojas García 2016; Heredia Herrera 2016; Pérez Cañete 2016; Cunill 2016; Barrera 2016; Estruch and Oyarzábal 2016; Fernández López 2017). Our case study on the *Consejo de Indias*’ annotated paperwork thus aims at making a contribution to the ongoing reflections about the links between political communication, archival techniques and the advent of imperial legislation in the Spanish Monarchy, a question which is also applicable to other imperial spaces (Stoler 2002; Ross 2008; Houlemare 2014; Pia Donato 2018; Pia Donato and Saada 2019).

In order to achieve this goal, we will unfold the “archival stories” of a series of overseas reports sent to the Spanish royal court during the second half of the sixteenth century. Concretely, the present work is based on a set of documents which arose from the reception at the *Consejo de Indias* of a letter and two petitions written by Feliciano Bravo, a public notary of the province of Yucatan in New Spain, between 1572 and 1576. The corpus is composed of summaries of Bravo’s reports, several edicts issued by the *Consejo* in order to meet his demands, as well as *consultas*, documents through which the ministers used to ask the king’s opinion on specific topics before making a decision. Evidence about the operations through which Feliciano Bravo’s letters and petitions were processed in the institutional setting of the *Consejo* was identified in the comments that punctuate the margins of the

documents. Marginal annotations are indeed living traces of the activities carried out by a wide array of the *Consejo*'s officials, such as ministers, secretaries, scribes or archivists. Although sometimes very short and sometimes much more extensive, they give the documents another voice and temporality.

In the last 2 decades, marginalia have been examined in various fields, including literature studies, book history, and legal history (Rolker 2019; Bragagnolo 2020). Recently, marginal annotations have also been regarded as one of the several “*mise-en-page* tools” available among other archival techniques in European chancelleries (Head 2019, pp. 6–11). Different scholars have stressed, moreover, that those archival practices were part of a set of transfers of “knowledge technologies” that took place across diverse realms during the late medieval period. According to Teuscher, toward the end of the Middle Ages, “ways of using and organizing written material that had originally been developed in the realms of theology and liturgy were increasingly applied in secular lordship and administrations”, with a “stronger focus on the textual content and more systematic attempts to relate texts to other texts” (2010, p. 213).

But whereas consistent research efforts have been made regarding the use of book technologies in medieval and early modern archives (De Vivo 2010; Gómez Gómez 2012; Castillo Gómez 2016; Head 2019), the crucial role that the marginal annotations played in providing a quick access to the content of a text, as well as in connecting the documents to each other still remains little explored. Brendecke (2012, pp. 456–477) and Cunill (2015) have shown that the margins of the *consulta* were used to organize the dialogue between the king and his ministers. They have stressed that, in some cases, short headings and columns were aimed at providing a graphical access to information. According to Gialdini and Silvestri, the marginal annotations that appear in the financial books produced by the institution in charge of preserving royal income on behalf of the Crown of Aragon in early modern Sicily “functioned as sign posting, served as a visual aid to finding and managing information, and were an integral part of administrative practice” (2019, p. 8).

As a matter of fact, a number of issues arise regarding marginalia, such as their authorship, their changing forms and functions over time, and their relationship either with the body of the document in which they appear or with other texts to which they refer. More broadly, it is legitimate to ask what the marginal comments reveal about the management of records within a specific archival setting. In the case of the *Consejo de Indias*' annotated paperwork, the main challenge of our research is the fact that most of the marginalia were anonymous or only accompanied by a *rúbrica* (or the initials of its author), and that not all of them were written by the same person, nor did they have the same functions. Furthermore, the documents to which the marginal annotations referred were scattered among different archival series.

In order to overcome those obstacles, the present essay intertwines the analysis of the material features of the records with their paleographic and textual study. On the one hand, we will draw up a precise description of the visual organization of the sources, since, as noted by Gialdini and Silvestri, the margins of documents “are not neutral spaces; rather their width and appearance contributed to both the message conveyed and the value of the item itself” (2019, p. 3). On the other hand, the

paleographic study will enable us to gauge the number of actors involved in dealing with the records and, eventually, to identify some of them. Finally, we will compare the marginal comments not only with the body of the text in which they appear, but also with other sets of documents to which they refer. In doing so, we aim at exploring how marginalia contributed to both classifying the records and creating a network of interconnected textual references, which proved to be useful in the process of decision-making. We assume that a multifaceted methodology, focused on the material, paleographic and textual features of the documents, will guide us “along the archival grain”, to use Stoler’s metaphor (2009), and will shed light on how records were dialoguing with each other across time and space through specific human mediation in the setting of the Spanish imperial archives.

### **From an overseas letter to royal decrees: following marginal annotations**

Feliciano Bravo arrived at the province of Yucatan, in New Spain, as part of the newly appointed governor don Luis Céspedes de Oviedo’s entourage in 1565. The same year he paid 1000 pesos to the Royal Estate in order to buy the office of public notary of Yucatan (Archivo General de Indias, Sevilla, Patronato 290, R. 163). From that moment on, Bravo played a major role in the administration of the province, among other reasons thanks to the privileged access he had to sensitive information. In 1569 he was granted by governor Céspedes de Oviedo an *encomienda de indios*—the institution through which some Spanish vassals received part of the indigenous tribute—that brought him 200 pesos per year (AGI, Justicia 250). Bravo, however, suffered the attacks on behalf of inhabitants of Merida who accused him of not fulfilling his obligations as a public notary. In fact, the members of the local elite were using the opportunity arising from the appointment of a new governor of Yucatan to try to take control of the circulation of information in the province.

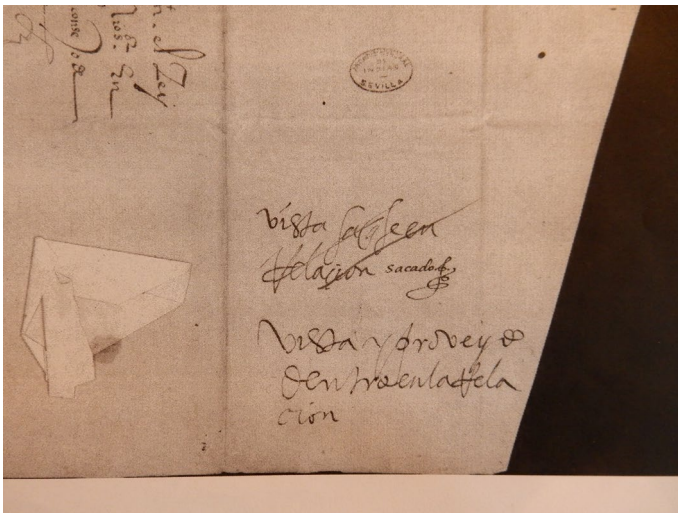
In this context, on 30 September 1572, Feliciano Bravo sent a letter to the Crown in which he denounced problems in local governance (AGI, Patronato 184, R. 56, 2 ff). The letter, directed to King Philip II, was written on both sides of a single folio and organized in six paragraphs, each preceded by a number. Building upon his own experience, Bravo recommended that the lieutenant governor be appointed either by the *Consejo de Indias* or the Royal Court of Mexico, rather than by the governor of Yucatan himself; that no more than a single lieutenant governor should be appointed in the province; that excessive documentation should not be included in the investigations against the Crown officials to minimize their costs and duration; that the decrees of good governance should be noted in a book to avoid their “disappearance”, especially when dealing with indigenous people’s interests; that the judges appointed by the governor in order to conduct local inquiries should not be paid by indigenous people; finally, Bravo expressed his desire to abandon his office of public notary.

The letter was accompanied by another folio where Feliciano Bravo had noted, on the left side, the consignee: “To his Caesarea Royal Majesty the King Philip Our Lord in his royal *Consejo de Indias*” (AGI, Patronato 184, R. 56, f. 2). The right part

of the same folio contained, in contrast, several annotations, which were not written by Bravo but by at least three other different people. The paleographic analysis indicates that one person noted, in the upper side of the folio, “To his Majesty/Yucatan/Pheliciano Bravo/30 September 1572”; that another one wrote the sentences “Seen/Write a summary” and “Seen and issued within the summary” in the center; and that still another person crossed out the first sentence “Seen/Write a summary”, and added “Written” along with his *rúbrica* (or initials) just in front of it (Fig. 1).

The aforementioned annotations, written by different *Consejo de Indias*’ officials, were performing different functions. The first ones, that must have been written by a scribe, were descriptive and aimed at classifying the document through the specification of its consignee, its sender, and its place and date of production. The second group of comments was the result of a minister’s intervention and was intended to issue decrees that would meet the petitioner’s demands. What is extremely interesting here is that the decision-making process was mediated by the minister’s request for the elaboration of a summary that could facilitate his own work. This task was entrusted to still another actor, probably a *relator*, an official in charge of summarizing letters, reports, lawsuits, and other overseas records sent to the *Consejo*.

Providing brief comments on either the reverse of the last folio of the overseas letters or on separated folios was a common practice in the *Consejo de Indias* (Brendecke 2012, pp. 460–464; Gaudin 2013, pp. 110–118). Those comments used to receive the name of *brevetes*, a term referring to their brevity (Gómez Gómez 1993, p. 255). The analysis of Feliciano Bravo’ letter demonstrates that those annotations were multilayered and they not only referred to different archival and political operations, such as reading, classifying, summarizing and answering the overseas reports, but they also expressed the internal dialogue between the officials in charge of those operations and the way in which their activities were intertwined. In this regard, it

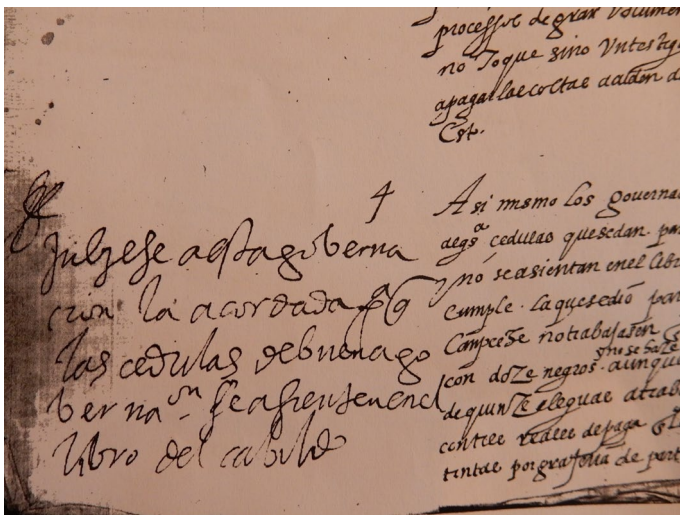


**Fig. 1** Feliciano Bravo’s letter to the King from Mérida (AGI, Patronato 184, R. 56, f. 2)

can be argued that the comments written in Feliciano Bravo’s letter bring together in a single folio the three functions that the records used to perform, according to Gómez Gómez, in the institutional setting of the *Consejo de Indias*, namely the data processing one, the resolutive one, and the communicative one (2019, p. 80).

Fortunately enough, the summary of Feliciano Bravo’s letter could be identified in another section of the *Archivo General de Indias* (AGI, México 99, 1 f.). This document was written on both sides of a single folio and it started with the mention of the place and year of production of the original record (“Yucatan 1572 Mex<sup>co</sup> [México]”). This annotation was followed by a heading that described its own documentary genre (“*Relación*” or summary), as well as the main characteristics of the original record (“letter written to his Majesty by Feliciano Bravo from Yucatan, 30 September 1572”). The rest of the text was organized in two columns: on the right-hand side, the summary was divided into six distinct paragraphs, corresponding to the letter’s content, each preceded by a number; on the left-hand side, in contrast, the margins were intentionally left blank in order to enable somebody to write down his comments in front of the summary’s paragraphs (Fig. 2).

The paleographic analysis enables to establish continuity between, on the one hand, the letter’s annotations and, on the other hand, the summary and its marginal comments. The handwriting of the word “Written” and the numbers that preceded each paragraph of Feliciano Bravo’s letter are in fact identical to the summary’s handwriting and to the numbers that preceded its own paragraphs, indicating that the same *relator* was in charge of those operations. The similarity between the *rúbrica* that accompanied the mention “Written” and the one that Schäfer attributed to Francisco de Burzeña, who had been active in the *Consejo* since 1571, suggests that Burzeña could have been the *relator* who wrote the summary –Burzeña worked at the *Consejo* from 1571 to 1586 (Schäfer 1934, p. 16). Furthermore, the similarities



**Fig. 2** Summary of a letter written to his Majesty by Feliciano Bravo from Yucatan (AGI, México 99, f. 1r)

between the calligraphy of the sentence “Seen and issued within the summary” and the marginal comments present in the summary reveal that it was the same minister who wrote them. The analysis of a 1581 *consulta* (AGI, Indiferente General 739, N. 315), with a text written by *licenciado* Diego Gasca de Salazar and accompanied by his *rúbrica*, indicates that he must have been the author of those annotations.

In the summary of Feliciano Bravo’s letter, the following sentences can be read in front of paragraphs 2, 4 and 5: “Edict so that no more than a single lieutenant governor can be appointed”; “Send to this Province the agreement stating that the decrees of good governance have to be noted in the book of the town council”; “Edict with account stating the existing law is to be enforced” (AGI, México 99, 1 f.). The abbreviated and imperative form of the annotations reveals that they had a decision-making function, since they were oriented toward the drafting of royal decrees. Consequently, it can be argued that the *relator*’s summary served as an intermediate step in the processing of the overseas reports, whereas the minister’s annotations had a resolutive value, since they were intended to the drafting of decrees, a task that would be undertaken by yet another *Consejo*’s official. Schäfer has noted that, despite their importance in shedding light on the management of information in the *Consejo*, most of the summaries written in separated folios were either destroyed or lost, since “it seems that the *relatores* used to take them to their houses” (2003, p. 126). This could be due to the fact that those documents might have been considered like “mere” working papers and were deprived of the administrative or judicial value that could have justified their storage in the archive of Simancas.

### **Political, judicial and legal strategies intertwined in order to meet the overseas requests**

The textual analysis of the marginal comments that appear in the summary of Feliciano Bravo’s letter led us to three royal decrees that were issued in Madrid on 14 March 1574 to meet Bravo’s requests. It has to be noted that the edicts regarding the province of Yucatan issued between 1529 and 1604 were copied in four separate books and were stored in still another section of the archive (AGI, México 2999, Books 1, 2, 3 and 4)—those documents were published by Solís Robleda and Bracamonte y Sosa (2011). Although the decrees were introduced by the general expression “We [King Philip II] were informed that [...]”, without any mention of the person who denounced the problem to the *Consejo*, their content relates them to minister Gasca de Salazar’s marginal annotations situated in front of paragraphs 2, 4, and 5 of the summary. The first edict prohibited governors of Yucatan from appointing lieutenants in the cities of the province and ordered them to have only one lieutenant (Solís Robleda and Bracamonte y Sosa 2011, p. 283). The second one stated that, as required by the existing legislation, the edicts of good governance must be written in the book of the town council to avoid being lost or hidden (p. 284). The last one ordered that the judges that were sent to Indian villages should not be paid by indigenous people, nor should they be relatives of the governors of Yucatan (p. 284).



The fact that the *relator's* summary was not dated does not enable us to be precise in the estimation of the time that separated the letter reception from its treatment at the *Consejo de Indias*. Nevertheless, a new governor of Yucatan, don Francisco Velázquez de Gijón, was appointed only 7 months after Feliciano Bravo wrote his letter (pp. 263–265). One year later, on 14 March 1574, the three aforementioned decrees were issued in Madrid and were sent to Yucatan. This chronology seems to indicate that the governor was viewed as a key player in the enforcement of imperial law. We assume that his appointment, the royal decrees he received, as well as the trial that he had to conduct against his predecessor were part of the same answer to Feliciano Bravo's demands and they were supposed to work in a complementary manner. In other words, the *Consejo's* ministers intertwined political, judicial and legal answers to address the problems denounced by the overseas vassals.

What is also striking is that the dispositive part of the royal decrees was derived from minister Gasca de Salazar's marginal annotations. But the expositive part, in contrast, was directly inspired by the corresponding paragraphs of the summary, thus revealing the crucial role that the *relator* played in the complex human chain that led to the development of imperial legality. This adds further complexity to Masters' assertion that the *Consejo's* "ministers, always pressed for time, would quickly extract a successful petition's language and transplant it directly, often verbatim, into the resulting decrees (Masters 2018, p. 383). In this respect, it needs to be noted that a significant reduction was made between the content of Feliciano Bravo's letter and the context of the *relator's* summary, which would be shifted into the subsequent royal decrees. In the second edict, for example, the idea that indigenous people were the main victims of the intentional disappearance of many protective laws in Yucatan was silenced. Similarly, in the third one, the proposal of refunding the indigenous people who had paid excessive and undue salaries to judges was also removed. Although those restrictions in content could be the result of the simple desire to be more concise, it is legitimate to ask whether this silence could be intentional, since it mainly affected the part of the law related to the protection of indigenous interests.

The evidence susceptible to illuminate this point can be found in one of the first letters written by the newly appointed governor of Yucatan don Francisco Velázquez de Gijón, just after he took office in April 1574. In this document, the governor asserted that he had redressed the abuses committed against the "Indians on behalf of the judges and other people according to Your Majesty's orders" (AGI, México 359, R. 4, N. 12). The problem denounced by Feliciano Bravo in the fifth paragraph of his letter was thus to be resolved through the judicial system, namely the trial which was meant to investigate the previous governor of Yucatan and the officials who had served during his mandate. Although we could not find the instructions that were given by the Crown to governor Gijón along with its appointment in 1573, the governor's missive indicates that the excessive payments that indigenous people paid to local judges must have been addressed through this procedure.

One of the answers to Feliciano Bravo's requests referred to an already current disposition that required governors to write down the decrees of good governance in a book. In this respect, Gasca de Salazar's job was restricted to issuing reminders about existing laws and demanding its immediate enforcement. This

element indicates the existence of a “legal memory” among the *Consejo*’s ministers, as well as the capacity of the officials who worked for them to locate older decrees in the archive. In this respect, the presence of a series of books containing copies of the royal decrees directed to a specific province must have proven to be particularly useful (Gómez Gómez 2012). But it also suggests that one of the priorities of the *Consejo de Indias* was to enforce the existing legislation rather than to issue new laws. That would explain why minister Gasca de Salazar did not respond to the paragraphs in which Feliciano Bravo asked for legal innovations, namely that lieutenants would not be appointed by governors but by the *Consejo* or the Royal Court of Mexico, and that excessive documentation would not accumulate in investigations against the Crown officials (to avoid unnecessary costs and duration).

As mentioned above, Gasca de Salazar only wrote comments in front of three of the six paragraphs of the *relator*’s summary. Why did this minister only respond to some points raised by Feliciano Bravo? The fact that Bravo was not the only person who articulated those three problems could also explain why they became a priority for the *Consejo de Indias*. On October 2nd 1572, only a few days after Bravo wrote his own letter, the Defender of the Indians Francisco Palomino also sent a missive to the Crown, which was transported by the same fleet as Bravo’s, and whose content presented striking similarities (AGI, México 99, R. 3, 3 ff). It was indeed common place that different American vassals discussed issues together before writing their reports, since the coincidences between their statements gave more force to their demands (Cunill 2013). At the end of Palomino’s letter, the following annotation can be read: “Seen No need to answer and issue a decree ordering the governor to report about how is acting the person who wrote this letter and give the account to the *Consejo*”. Minister Gasca de Salazar probably wrote those annotations, as suggested by the paleographic analysis.

The order not to answer the petitions of the Defender of the Indians is thus likely to be due to the *Consejo* having already examined some of his claims when addressing Feliciano Bravo’s report. Consequently, on 10 November 1573 only one edict was issued, ordering Palomino to be investigated (Solís Robleda and Bracamonte y Sosa 2011, p. 277). Those elements suggest the existence of a “connected reading” of the reports from the overseas territories—which mirrors the “connected writing” of some of those same reports-, since the *Consejo*’s ministers seemed able to link different documents together. Without any doubt, the fact that the same minister addressed Bravo and Palomino’s demands played a significant role in this process. We have noticed, moreover, that all the letters written by the governors of Yucatan between 1573 and 1578 were also read and annotated by minister Gasca de Salazar, an element which would strengthen the hypothesis of a certain degree of specialization among the *Consejo*’s ministers on a geographical basis (AGI, México 359, R. 3, N. 11 and R. 4, N. 12). If this was the case, the collective discussions that led to the redaction of *consultas* were probably intended to offer the ministers the opportunity to share the issues that they were addressing individually, as well as to forge transversal solutions that encompassed diverse local questions, as we will see below.

## Transcending spatial and temporal limits through the mobilization of archival knowledge

The way in which Feliciano Bravo's sixth request, namely his desire to abandon his office, was treated in the *Consejo de Indias* offers us the opportunity to further examine the role that *consultas* played in the process that would lead to the enactment of a new law in the Spanish empire. This mechanism being more complex, it requires a wider contextualization. Since 1569, as has been said, Feliciano Bravo had suffered repeated attacks on behalf of inhabitants of Merida who accused him of not fulfilling his obligations as a public notary. This campaign gave rise, in 1570, to the enactment of a royal decree ordering the governor of Yucatan to check whether a fraud had taken place when Feliciano Bravo bought the office in 1565, and what its value would be, if it had to be sold again (Solís Robleda and Bracamonte y Sosa 2011, p. 244). In these circumstances, it is not surprising that, in 1572, Feliciano Bravo expressed his desire to resign the office of public notary of Yucatan. Nevertheless, Bravo's request appearing in the sixth paragraph of the *relator's* summary, did not give rise to any comment on behalf of the minister in charge of the issue. This silence increased tensions, as suggested by the 1574 lawsuit between Feliciano Bravo and the Crown prosecutor about the nullity of the sale of the office of notary (AGI, Escribanía 304A).

But that is not to say that the *Consejo's* ministers forgot Feliciano Bravo's demand. In 1575, the ministers suggested to King Philip II that the salaries of *relatores* Ayala and Baños, *receptor* (accountant) Cartagena and *contador* (chief accountant) López de Zubizarreta be increased by using the profits resulting from the sale of the offices of notary held by Feliciano Bravo in Merida and by Pedro Baez de Vegas in Mexico City (AGI, Indiferente General 738, N. 136, 2 ff). They estimated that the sale of both offices could bring 1000 pesos to the Royal Estate, thus enabling payment of 300 extra pesos each to Ayala, Cartagena, and Zubizarreta and 200 to Baños. This demonstrates that, despite 3 years having passed since the reception of Bravo's letter, the *Consejo* still remembered its contents. Moreover, the ministers proved capable of connecting his petition to another one made by notary Baez de Vegas in Mexico City, and of linking them to a mainland's issue. Indeed, in 1571 a request by some peninsular-based officials that their salary be increased was presented by *licenciado* Gasca de Salazar in an oral *consulta* to King Philip II, who gave his formal agreement (AGI, Indiferente General 738, N. 123).

In 1575, as was often the case (Brendecke 2012, pp. 469–472; Gaudin 2013, pp. 110–118; Cunill 2015, pp. 512–514; Gómez Gómez and Gaudin 2019, pp. 320–321), King Philip II requested further information from his ministers before making a decision. The sale of public offices was indeed a sensitive issue for the Crown, not only because it was a key element in the “political economy of privilege”, but also because of the need to guarantee a certain degree of efficiency in the functioning of the institutions of the Spanish monarchy and, ultimately, due to obvious financial challenges (Andújar Castillo and Felices de la Fuente 2011). The investigation required by the king was performed only 4 days later and, on 18

May 1575, the *Consejo de Indias*' ministers could assert that, in February 1565, Feliciano Bravo paid 1000 pesos to buy the office of public notary of the province of Yucatan and that, the same year, Baez de Vegas paid 2000 pesos to Juan de Hugarde de la Cruz for the office of notary of Mexico—the main dates and events are summarized in the *consulta* issued in Madrid on 18 May 1575 (AGI, Indiferente General 738, N. 136, 2 ff). The ministers therefore estimated that the sale of both charges could bring at least 2000 pesos to the Royal Estate, an evaluation which proved to be superior to the initial one. They added that, when notaries Baez de Vegas and Bravo bought their offices, they thought that those charges were waivable, an argument in favor of the sale (AGI, Indiferente General 738, N. 136, 2 ff).

In a very short time, the ministers demonstrated they were able to consult older documents, which would indicate that the system of archival classification was efficient. They must have found the concession of office given to Feliciano Bravo in 1565 in the book entitled “Copies of Royal decrees and other legal texts regarding the good governance of the Indies: appointments, mercies and gratifications (related to the sale of offices)” (AGI, Patronato 290, R. 163). It is obvious that the archival knowledge was often mobilized when it came to the drafting of *consultas* and that this mechanism enabled the ministers to intertwine mainland and overseas demands and to develop imperial legal and political strategies at a global level. The distance between Simancas and the royal court does not appear to have been an impediment to the mobilization of archival knowledge, as evidenced by a number of orders that were addressed to Diego de Ayala, Simancas' archivist, asking him to send copies of specific documents to the *Consejo de Indias* in the 1580 s (AGI, Indiferente General 426, L.26, L.27, and L.28).

Turning to Feliciano Bravo and Baez de Vega's offices, in light of the information provided by his ministers in the 1575 *consulta*, the king agreed to the sale in order to finance the salaries of the aforementioned *Consejo*'s officials. King Philip II only recommended to check if it was fair that *relatores* Baños and Ayala had the same salary, since the former was older than the latter (AGI, Indiferente General 738, N. 136, 2 ff). according to Schäfer, Felipe de Baños served as *relator* from 1566 to 1587, and Andrés de Ayala between 1572 and 1575 (2003, 1, pp. 126 and 358). Those recommendations appear in the margins of the *consultas*, which were intentionally left blank in order to enable the monarch (or his secretary Mateo Vazquez) to write his opinion in front of each topic. In June 1575 an edict was thus issued, stating that Feliciano Bravo could sell his office for 600 *ducados* and that the new holder would have to give half this money to *contador* Juan López de Zubizarreta and the other half to *receptor* Cartagena and would have 3 years to obtain a royal confirmation of the sale (Solís Robleda and Bracamonte y Sosa 2011, p. 298). The office was bought by Fernando de Castro Polanco, who obtained a royal confirmation in August 1578 (pp. 334–335).

Those events stimulated the ongoing discussions about the sale of public offices in the Spanish overseas territories. In September 1581, the topic resurfaced in the first paragraph of an account in which King Philip II considered that there were a lot of notaries in the Indies and that it would be convenient that their holders could sell their charges, empowering the viceroys of Mexico and Lima to make sure that

the new officials would be competent (AGI, Indiferente General 739, N. 370, 4 ff). In October, the *Consejo* expressed his disagreement with the king, arguing that those sales were banned in the Spanish monarchy. They reminded him that it was only permitted to pass the offices from father to son, although they admitted that, in the kingdoms of Castile, there was “a custom that contradicts it [this law]”. Nevertheless, they insisted on the fact that in the Indies the sale of public offices had been considered as a major disadvantage and that it has been prohibited “except for legitimate cases” (AGI, Indiferente General 739, N. 370, f. 3r). In the margins of the document, King Philip II argued that “the best and more legitimate cause” was what was offered to the Crown “in the face of so many needs” and that was why he thought that there was no reason not to proceed as ordered. This dialogue between the king and his ministers thus illuminates the debate regarding the sale of public offices in the overseas territories, as well as its close relationship with the funding of peninsular-based offices.

In 1576, just 1 year after he sold his office of public notary, Feliciano Bravo resumed the dialogue with the *Consejo de Indias*. This time, the communication with the royal court took the form of a *probanza de méritos* (AGI, México 100, R. 4, 13 ff). In Spanish colonial America, *probanzas* were documents aimed at proving the deeds and services that a vassal had rendered to God and the king in order to obtain royal rewards, such as financial support or administrative positions (Gregori Roig 2007; Cunill 2013). They were a key element in the “political economy of privilege” and they used to be closely scrutinized in the *Consejo*. These records included a questionnaire drafted by the petitioner, the answers given by a series of witnesses, as well as copies of official documentation. This was especially relevant when dealing with local decisions, since local authorities in the Indies were not supposed to send copies of all their orders to the Crown on a regular basis. But it was also quite common for the vassals to include in their *probanzas* copies of royal decrees, since, by this means, they would make sure that the *Consejo* had immediate access to those documents too.

In his 1576 *probanza*, Feliciano Bravo asked the Crown to officially confirm the awards he had been given by local authorities since 1567. His file started with his petition and was organized in two parts: on the one hand, he presented five witnesses’ testimonies and the lieutenant governor’s advice; on the other one, he gave a series of copies of official documents that included a 1572 royal decree, an award of 100 pesos and 100 *fanegas* (grain measure) of maize given by don Diego de Quijada in 1565, his confirmation by governor Luis Céspedes de Oviedo in 1567, and its increase to 150 pesos and 150 *fanegas* of maize by the same governor in 1569. *Probanzas* were thus conceived as collections of testimonies and texts that would serve as a kind of “legal memory” for the *Consejo*’s ministers, providing them with all the documents that would prove useful in the decision-making process. In Feliciano Bravo’s *probanza*, there was a perfect balance between those two parts, each covering five folios that were written down in Merida by public notary Alonso de Rojas.

But the *probanza* also contained several textual elements that were not produced in Yucatan, but in Madrid by two different individuals. The first folio of the file, indeed, is an anonymous summary that was drafted by a *Consejo de Indias*’ official

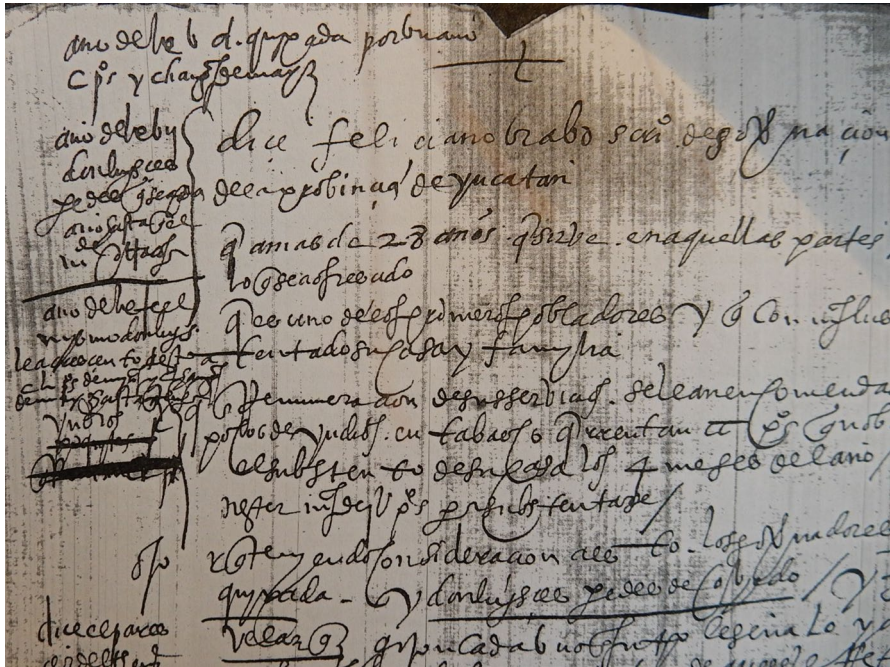


Fig. 3 Summary added to Feliciano Bravo's *probanza de méritos* (AGI, México 100, R. 4, f. 1r)

(Fig. 3). Gómez Gómez and Gaudin have noted that, in some *probanzas*, the top of the first folio was left blank in order to enable the *Consejo de Indias*' officials to write down the main aspects of the overseas official's career over the years and that these records constituted a "king of file" containing information about the overseas officials (2019, pp. 309–310). In Feliciano Bravo's *probanza* twelve short annotations, aimed at summarizing the main aspects of the original text, were also noted in the margins. Finally, the last folio contained the request that *procurador* Sebastián de Santander, a legal representative at the Spanish royal court, wrote on behalf of Feliciano Bravo (AGI, México 100, R. 4, f. 13).

The fact that the summary almost matched *procurador* Santander's petition *ad verbatim* demonstrates the crucial role that those intermediaries played in the processing of information. Only a change in presentation can be observed in the summary, in which each piece of information was set out in an abbreviated form and was placed in a separate paragraph. This visual organization was intended to make the text easier to read, enabling an immediate identification of its main arguments. Consequently, whereas the first lines of the *procurador*'s petition said:

Very powerful lord

Feliciano Bravo who had been notary in the province of Yucatan says that he arrived to those territories twenty-eight years ago and that he has been serving since then and is one of the first inhabitants and that he has decently sustained his house and family (AGI, México 100, R. 4, f. 13)

he summary was presented as follows:

Feliciano Bravo who had been notary in the province of Yucatan says  
 That he has been serving in those territories during more than 28 years  
 That is one of the first inhabitants and that he has decently sustained his  
 house and his family (f. 1r).

It is thus clear that it was through *procuradores*' words (spoken or written) that the *Consejo*'s officials came into contact with the overseas vassals' requests. In view of this, it is not surprising that, in 1573, Defender of the Indians Francisco Palomino advised the *Consejo*'s secretary Pedro de Ledesma that, if he wanted to be fully informed of his affairs, he had to speak to *procuradores* Sebastián de Santander and Juan de Arrazola, who were in possession of copies of all the documents that he had sent to the royal court (AGI, México 99, R. 3, f. 1). It is also worth noticing that the *Consejo*'s *procuradores* fought to preserve the privilege of being official intermediaries of the king's overseas vassals at the royal court. In a 1581 *consulta*, King Philip II was informed that, as a result of the complaints presented by the *procuradores*, the ministers prohibited the *Consejo de Indias* from accepting any petition of grace or of justice if they were not signed by the petitioner itself or by a *procurador* appointed by his majesty (AGI, Indiferente General 739, N. 348).

In December 1580, the Crown issued a decree stating that Feliciano Bravo could receive the rewards that he had been given by local governors. This document mentioned *procurador* Santander's mediation and featured several phrases of the summary (Solís Robleda and Bracamonte y Sosa 2011, p. 384). Three years later, this reward was suspended, "because the reasons that justified it did not seem sufficient" (p. 385). This change, which could have been rooted in a complaint, invites us to give further consideration to Feliciano Bravo's *probanza*. It is indeed interesting to observe that the margins of the summary were themselves full of annotations that could have been added at a later date, which would explain their marginal position with regard to the body of the text. Those comments focused mainly on both chronological and economic aspects:

year LXV [1565] Quijada for a year C [100] ps [pesos] and C [100] *fanegas*  
 of maize  
 year LXVII [1567] don Luis Céspedes that he would be paid until another  
 order would be issued (AGI, México 100, R. 4, f. 1).

The word "caution", in the margins of the summary, introduced a critical dimension, which could explain why the Crown decided to suspend his reward in 1584, obliging Feliciano Bravo to send a new *probanza* only a year later (AGI, México 242A, N. 7). This document, written by the public notary of Yucatan Luis Franquez, included not only witnesses' testimonies and copies of oldest rewards, but also a detailed drawing of the coat of arms that Feliciano Bravo sought to obtain (AGI, México 109, R. 4 and Mapas y Planos, Escudos 62). In 1588, the Crown responded favorably to this request and a decree was issued which included an authorized drawing of the coat of arms, thus bringing evidence of the processing

of visual materials that was also undertaken in the *Consejo* (Solís Robleda and Bracamonte y Sosa 2011, pp. 453–454).

## Final comments

Several historical actors' declarations regarding the loss or dispersal of records in Early Modern Spain conveyed a long-lasting image of disorder related to the Spanish monarchy's archives. It has sometimes also been argued that archives were places where records would slowly go into oblivion, and it was certainly the case for what we would call sensitive information that was intended to be hidden and forgotten, Simancas being no exception (Portuondo 2009). Nevertheless, as early as in the 1540s the Spanish monarchs initiated an ambitious program aimed at building an efficient system of archives, whose masterpiece would be Simancas. From that moment on, significant effort was made to send the documents that had been kept by the Crown ministers and other officials in their private houses to Simancas. The largest part of the documentation that was currently produced and/or treated in the *Consejo de Indias* was also transferred to Simancas, where the documents were classified and stored, which left only some collections of records at the royal court in Madrid. Our research shows that a wide range of records was not only easily accessible, but also frequently used by the *Consejo*'s ministers in the daily course of their work.

In his study on early modern European archives, Head states that “scholars have long conducted studies of record-making and record-keeping, but focused studies on how records have been used remained rare until quite recently” (2019, p. 35). Grasping “how record-keepers actually worked”, he adds, “requires that we attend to the techniques available to scribes for recording and organizing various kinds of information, their ability to read older records containing potential information, and the specific tasks that their masters gave them” (pp. 5–6). It is true, however, that those archival operations used to leave little trace. Referring to the diplomatic archives of fifteenth-century Italy, Dover observes that the evidence that defines “the contours of the day-to-day operations of the archives” is “frequently fragmentary, offered in off-the-cuff or parenthetical remarks embedded in dispatches that are primarily concerned with some other topic” (2007, p. 301). A similar observation has been made by Gómez Gómez and Gaudin regarding the *Consejo de Indias*' archive, since before the eighteenth century “there were no rules nor were there accounts establishing the way in which the king's agents had to work: we only know indirectly how they used the archive in their work” (2019, p. 306).

In those circumstances, case studies are crucial to exploring the archival culture in the early modern period. The marginal comments that punctuate the overseas reports are key evidence to investigate the analytical work that was undertaken by a wide range of *Consejo de Indias*' officials. As noted by Gialdini and Silvestri, however, “material practices can pose a specific challenge to historians, as they will not be decoded without an interdisciplinary effort, combining an insight into techniques, materials, and practices with the ability to translate those into a bigger picture” (2019, p. 3). Intertwining the analysis of the material practices with a social



approach focused on the actors involved in the management of information is thus necessary to shed light on the chain of human and archival operations that constituted the cornerstone of legality in an imperial archive. This study demonstrates how different *Consejo*'s officials were actively collaborating in order to keep and to organize, but also to process and to make use of the constant flow of information coming from the Indies and accumulating in the mainland archives. Consequently, the marginalia written on the oversea reports were multilayered and highly dialogical: some of them were descriptive and necessary for classification purposes, others were the expression of the internal dialogue that maintained some of the *Consejo*'s officials, and still a third group was oriented toward the process of decision-making.

This research also highlights the multiple avenues that the royal ministers followed to address the overseas issues and the way in which they intertwined political, judicial and legal responses, namely the appointment of new authorities, investigations against public officials, as well as the enactment of royal decrees. In some cases, the challenges were more complex, and required internal discussion between the *Consejo* and the king. *Consultas* were crucial in this process, since they enabled the ministers to share their knowledge regarding several overseas territories and to offer global solutions, that, in some cases, included considerations of mainland issues. This reveals the ministers' capacity to link diverse texts together and to overcome both the geographical and chronological limits of the overseas reports. This mechanism was facilitated by the storage of and the access to a wide range of documents in the mainland archives. In other words, the archival technology enabled the *Consejo de Indias* to give a global treatment of the overseas issues, one that encompassed local space and present time. Officials like the *relatores* or the *procuradores*, in charge of either summarizing the vassals' reports or representing their petitions, played a key role in the management of information, since their texts not only served as intermediate documents for the ministers, but also directly inspired several royal decrees. In this regard, it might be argued that archival operations overlapped with the process of decision-making and that this system, aimed at facilitating the ministers' huge labor, gave some of the *Consejo*'s officials considerable power.

**Acknowledgements** A preliminary version of this article was presented at the Half-Day Symposium "What is a Legal Archive?" organized by Kalyani Ramnath at the Center for History and Economics, Harvard University, Cambridge, MA, 21 November 2019. I would like to thank the participants of the Symposium, as well as those of the *Seminario Internacional sobre Etnohistoria y Conquista de América*, Margarita Gómez Gómez and the reviewers of *Archival Science* for their valuable suggestions.

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