

Colonial peru: history takes a dramatic turn

[History](#)



**ASSIGN
BUSTER**

It is hard to realize that historical accounts such as these could be so intriguing and actually reeks of scandals that could match any modern day soap opera could muster on television. The relationships, marriage, litigation and the drama are intensely strewn as each turn of events heat up. Noting old court records and letters narrating the life of Francisco Noguero de Ulloa, we become witnesses to his unwitting marriage to two women transformed into the main plot of Alexandra and Noble Cook's book *Good Faith and Truthful Ignorance* (1991).

In the novel type historical account, the story begins as Noguero receives a letter one day from his two sisters, who are nuns in a Benedictine convent.

Doña Ynés and Doña Ynésa Francisca, nuns in the Benedictine convent of San Pedro de las Dueñas, had corresponded occasionally with their brother who resided in Peru. But the mail was slow and undependable. This time they wrote to tell Francisco that his wife, Doña Beatriz de Villasur, had died, and to reprimand him for neglecting his own family. They desired, above all else, his return (p. 7).

Apparently, his two sisters schemed to convince their brother to go back home, telling him that his wife, Doña Beatriz de Villasur had died. Rather than going home, Noguero took a new wife, Doña Catalina de Vergara, in a grand ceremony " among knights and people of much authority and quality." But when the happy couple did return to Spain, they were greeted with a royal litigation: not only was Noguero's first wife was still alive, King Philip II wanted him arrested for bigamy. This sparked the beginning of a complicated legal drama in the 16th century Latin America that trailed all the way to the Vatican, where Pope Paul IV decreed that Noguero could keep his

<https://assignbuster.com/colonial-peru-history-takes-a-dramatic-turn/>

second wife. As the story unfolds, the readers are treated to a dose of bickering lawyers and sexual intrigue--including a lengthy debate over whether Nogueroles first had "carnal intercourse" with first wife or second wife.

We could draw out from the book about colonial Peru's adherence to marriage customs, such as the endowment of dowry by the wife's family. Francisco Nogueroles first marriage demonstrates the importance of the dowry and is an example of the "arranged marriage" that was rampant during those times. In the story, we have learned that as a young man in Spain, Nogueroles agreed in a marriage arranged by his mother against his will. To wit:

The marriage between Francisco and Beatriz had been arranged by their families. It was a business transaction between a wealthy merchant and less affluent gentry, where personal wishes of the young people about to be linked were not considered relevant. Doña Costanza, a widow of only four years, settled a modest annuity on the young couple, but her son's allure lay in his status. The Nogueroles descended from a notable family in Galicia and could clearly be categorized as hidalgos. Cristóval de Santander was a merchant who could afford to endow his daughter with an enticing sum in order to attract a husband with a higher social standing.

The parents had negotiated a mutually satisfying deal, and their children could only dutifully accept the terms. Francisco had protested; Beatriz had remained silent. They were betrothed, and the reluctant groom sweetened his fate with the delectable dowry. On 21 December 1530 Francisco Nogueroles de Ulloa, who must have been about twenty years old,

<https://assignbuster.com/colonial-peru-history-takes-a-dramatic-turn/>

acknowledged to have received from " Cristóval de Santander my father-in-law" 30, 000 maravedis " for the dowry and marriage that you have promised me, and that you have agreed to give with Doña Beatriz de Villasur, your daughter and my spouse." On 29 January 1532 Francisco accepted another " 1, 000 reales of silver that are worth 34, 000 maravedis, that I receive as partial payment of the dowry," (p. 43).

After receiving a substantial dowry, Nogueroles left for America, where he played a role in the Peruvian civil war and amassed a good-sized fortune. Nogueroles's second marriage was by his own choice and especially his wife's choice, but it further demonstrates the importance of property for marriage. In his second marriage, Francisco received another large sum of money:

Doña Catalina de Vergara had agreed to marry Francisco Nogueroles with the condition that he would take her back to Spain and even extracted an oath to that effect from her suitor. On the fifth day of October of 1549, the groom signed a receipt for all the goods Doña Catalina was bringing as dowry, worth some 3, 105, 000 maravedis (p. 25).

Before he was slapped with a bigamy suit, Nogueroles did not know that his first wife is still alive. He married again in Peru several years after he received letters from his two sisters, who were nuns in Spain. They erroneously informed him that his first wife had died. Though neither spouse was in any way coerced into this marriage, both were careful to choose a marriage partner with sufficient property to constitute an excellent match. But, it turns out the wives were the ones who gave large sums of money to the man they chose to marry.

As soon as she learned that her husband had remarried. Dona Beatriz de Villasur initiated the dramatic bigamy suit after Nogueroles began concluding his affairs in Peru and had sent a substantial amount of money to be invested in Spain, thereby alerting her and her relatives to his present prosperity. The suit was first litigated before the Council of the Indies prior to Nogueroles arrival in Spain. When he returned, he went to the ecclesiastical court to have his first marriage annulled. The suits and countersuits lasted several years and included a long period in which Nogueroles was imprisoned and not permitted to live with his second wife. The Council of the Indies finally ruled in favor of Dona Beatriz, declaring Nogueroles a bigamist. He was fined and exiled from several Spanish cities for several years, but he was not ordered to return to his first wife.

During that time, records such as administrative documents, the proceedings of the judiciary, and the minutes of both Andean and Spanish cabildos (town councils)--were also useful, especially when analyzed document by document specifically to compare Andean and Spanish views. Punishments for bigamy could be as heavy and could even cost the life of the offender. One person, Don Juan, cacique of Collique, offered buried treasure to the Spanish official who wanted him hanged for bigamy. He successfully tricked the Spanish, at least for a short while, by sending another woman in the place of his favorite mistress to the home of a good Christian woman for religious instruction (Ramirez, 1996).

During the two and a half centuries in which the Peruvian Inquisition functioned (from 1570 to 1820), some forty autos da fé were held. In these ceremonies, the maximum punishments -- "relajación" (delivery to secular

authorities) or death -- were enforced as was forced reconciliation with the Catholic Church. Of the three thousand persons probably tried during the entire history of the Lima tribunal, only 48 were condemned. to burn at the stake.

The classic and always useful *Historia del tribunal de la Inquisición de Lima* first published by José Toribio Medina in 1887 contains a statistical summary of crimes listed most often in the Inquisition records. Heading the list is bigamy (20 percent of the cases); practicing the Jewish faith (17 percent); witchcraft (12 percent); heresy (10 percent); and solicitation by clergymen (7 percent) (see Medina 1956, 2: 406-7). The leading position of bigamy can be explained by the great distance, the lengthy separations, and the difficulties in communicating that made the New World a likely setting for the proliferation of marital ties (Hampe-Martinez, 1996).

Paulino Castañeda Delgado and Pilar Hernández Aparicio (1985) explored the development of bigamy trials over the two and a half centuries of the Lima tribunal. They pointed out considerations of a canonical nature in the treatment of marriage and polygamy by the Catholic Church, above all during the Counter-Reformation. These authors demonstrated that double marriages were more common in the Indies than in Spain, a phenomenon readily explained by the distance, lengthy stays, and difficulty in communicating from the New World. Like the witchcraft trials, the number of bigamy cases increased progressively in the jurisdiction of the Lima Inquisition. Between 1700 and 1820, these two misdeeds represented almost half of all cases tried.

In Good Faith and Truthful Ignorance, Doña Catalina, who is the second wife, sought the needed favorable ecclesiastical ruling for Francisco. Thus, the couple appealed to the Papacy and they were endowed a Papal brief. The Pope and the Salamanca apostolic judge ruled in favor of Nogueroles and Dona Catalina, returning them to married life together. Regarding marriage, Church law was more powerful than civil law.

The authors found documentation for money sent much later to a member of the Roman curia, which suggests that the favorable Papal brief may have been influenced by a venal underling. When Francisco Nogueroles died, Doña Beatriz again sued Doña Catalina for the return of her dowry and half the joint earnings. The ecclesiastical court reversed their judgment and ruled in her favor. Rather than continue the litigation that might endanger her grandson's inheritance, Dona Catalina offered to settle out of court and paid Dona Beatriz an amount much larger than the original dowry.

In the book, the legal position of women in Spanish colonial society had been featured. These were established by codes written in the thirteenth century (the Siete Partidas) and the early sixteenth century (the Leyes de Toro) and was reinforced by a corporate view of society that equated the authority of the paterfamilias in the nuclear family with that of the king in the monarchical state. In the public sphere, women could not vote, become lawyers or judges, or hold public office (Arrom, 1985).

Married women needed the permission of their husbands to engage in many transactions, including buying or disposing of property, lending or borrowing money, and forming business partnerships. In terms of inheritance under Spanish law, daughters and sons inherited equal shares of their parents'

property, and a widow generally received half of the couple's community property on the death of her husband. Any dowry a woman brought to a marriage legally reverted to her when her husband died or if the marriage was legally dissolved. Until that time, however, the husband could administer the dowry and could keep any interest that it earned (Zulawski, 1990).

In *Good Faith and Truthful Ignorance*, we could draw out the rule before that in the matter of guardianship of their own children, women's rights were limited. Only the father could give consent for a child to marry, and a widow became her own child's legal guardian only if her husband had not named anyone else in his will.

For their work, Cook and Cook have woven a commendable picture of marriage, relationships, litigation and the status of women in 16th century Spain and Peru. Packing it with lots of historical accounts and careful presentation of arguments, we could visualize both sides of the story as seen in the documents themselves and resisting the temptation to speculate without convincing evidence. However, there have been parts that felt short. Like the analysis of the Papal brief that countered the ruling of the Council of the Indies when they favored Noguero. But, all in all, the work is commendable because the unexpected decision make the readers forget that we are reading historical accounts, which are usually boring. The writing style is exciting as it definitely intrigues its readers to finish the story till the end.

Works Cited

<https://assignbuster.com/colonial-peru-history-takes-a-dramatic-turn/>

Arrom, S. A. *The Women of Mexico City, 1790-1857*, Stanford, Calif.: Stanford University Press 1985, p. 77.

Castañeda, P. H. and Aparicio, P. H. *The crimes of bigamy in the Inquisition of Lima*, *Missionalia Hipica*, Madrid, vol. 42, no. 24174, 1985.

Cook, A. P. and Cook, N. D. *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy*. Duke University Press, 1991

Hampe-Martinez, T. *Recent Works on the Inquisition and Peruvian Colonial Society, 1570-1820*, *Latin American Research Review*, vol. 31, 1996

Ramírez, S. E. *The World Upside down: Cross-Cultural Contact and Conflict in Sixteenth-Century Peru*, Stanford University, 1996

Zulawski, A. *Social Differentiation, Gender, and Ethnicity: Urban Indian Women in Colonial*