VIR. Perceptions of Manliness in Andalucia and Mexico 1561-1699

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Chapter Three

Mariner, Would You Scratch My Legs?
Sodomy Prosecutions in Andalucía and
the Ensign who Liked His Kisses with a Bit of Tongue.

"De los sodomitas...no sólo no sabemos de ellos pero ni querriamos saber que supiesen de nosotros; que en ellos peligrarian nuestras asentaderas y los diablos por eso traemos colas porque como estan aqui habemos menester mosquedador de los rabos".

de Quevedo, El sueño del infierno

In 1698, Magistrate Villarán pronounced both Bartholomé, a mariner from Sicily and Giovanni Mule, a native of Palermo guilty of having committed the "nefarious sin of sodomy" on board the Nuestra Señora del Carmen, an Admiral's ship docked in the harbour complex of Cádiz while waiting to set sail for the Indies in the Americas. Three years later, after a lengthy appeal process before the Royal Council of the Indies in Madrid, Bartholomé Varres Cavallero who was twenty-six years of age "with minute diffidence came out of the Royal Jail in Cádiz mounted on an old beast of burthen, dressed in a white tunic and hood, his feet and hands tied". About his neck "hung a crucifix of God our Lord". The young boy, who was about the age of fourteen, rebaptised by the Spaniards as "Juan Mule, nude from the waist upward, his hands and feet also tied, rode on a young beast of burthen" just behind Bartholomé.¹

The procession meandered through the Cadizcan countryside "without having passed in front of a church or any other sacred place until it arrived at a site known as el Salado". There, Juan António, the executioner, "tied Bartholomé to a pole erected in the ground and after half an hour administered garrote² in such a manner" that Bartholomé "died a natural death". Bartholomé "remained in this state within public view for more than half an hour" after the strangulation. The executioner "covered the entire cadaver with many portions of logs and faggots".

Juan Antonio then placed Giovanni, who had been "sentenced to public humiliation, within the site of the execution". Juan Antonio lit the fire and the "cadaver burnt into ashes all within the eyesight of Juan Mule, whom
the executioner passed over the flames and [thereafter] banished him permanently from this Kingdom".3

Ruptures

The findings presented in this chapter on early modern Spanish perceptions of sodomy emanate, in part, from the Bartholomé-Giovanni case as well as from a number of other procesos prosecuted by the Tribunal of the Casa de la Contratación—first in Sevilla and later re-located to Cadiz. After interrogating the procesos4 of the peninsular cases prosecuted by both the High Courts and the Casa’s Tribunal in Andalucía, I have attempted to explain whether, in early modern Spain, one can establish a relationship between its imperialist-colonialist politics, early modern perceptions of 'manliness' and its prosecution of sodomites. In this chapter I will argue that perceptions of the 'newly' constructed early modern Spanish Vir and those same reconstructions of 'manliness' changed within the context of Spain's evolving imperialist-colonialist formation.

Consequently, early modern imperialist-colonialist Spanish politics "altered and exploited" the categories of Vir, of the sodomite, and of 'manliness'. Textual constructs like the 'honourable Spaniard' or the sodomite, in addition to the notion of the effeminate sodomite emerged as products of "ruptures in the political economy of colonialism".5 These discursive descriptions of sodomie, of sodomites, of 'manliness', formed an inherent linkage to the entire political and economic apparatus that shaped the politics of imperial-colonial rule in early modern Spain and in one of its Viceroyalties—New Spain.

The procesos and the other archival material consulted for this study of SoS enabled me to forge a more succinct focus of analysis and interpretation "from the history of imperialism /colonialism to the more specific relationship of that history to sexuality and issues of gender" as proposed by Sinha. This narrowed focus of analysis has resulted in the present interpretation of how early modern moralists further nurtured the textual representations of sodomie, of sodomites and of 'manliness' in the peninsula. The relationship between sodomy prosecutions and imperial politics, as well as the influence of Catholicism, xenophobia and other unequal power relations all contributed to the development of a Spanish early modern 'bourgeois respectability'.6

The procesos also provide a glimpse of the ways in which accused 'sodomites' mediated, contested or simply ignored the attempted imposition, on the part of the state, of a regrettably intolerant cultural
apparatus that represented itself as one 'predestined' to spread the gospel of their Catholic God within Spain's evolving imperialist-colonialist rim.

**The Tribunal of La Casa de la Contratación**

Since Bartholome and Giovanni had purportedly committed a 'crime' on board a ship, the Casa's Audiencia rather than any other secular or ecclesiastical tribunal in Andalucía assumed jurisdiction over the case. The reader will recall that at least two types of tribunals --secular and ecclesiastical-- prosecuted 'sodomites' between the fifteenth and the eighteenth-centuries in Spain and New Spain. The Spanish Inquisition held jurisdiction over sodomy cases in the Kingdom of Aragón which included the tribunals of Valencia, Barcelona, Zaragoza, and Palma de Mallorca. Subsequently, Fernando and Isabel had revived the Inquisition in 1478 and in September 1480, by virtue of the powers received from Pope Sixtus IV, the Catholic Monarchs appointed the first inquisitors for Sevilla.

Although the Catholic Monarchs had established the tribunal to prosecute conversos/Christianized Jews its jurisdiction extended to all matters of 'heresy'. Subsequently, the tribunal sharpened its tentacles and also prosecuted Moriscos /Christianized Muslims and Protestants. Its tentacles eventually acquired jurisdiction over cases of bigamy, sodomy, and blasphemy. Thirteen local tribunals, most with three Inquisitors each, functioned under the auspices of the Suprema in the principal towns of Spain. Outside Spain tribunals existed in the Canaries, Sicily and Sardinia, and from 1570s in the 'Indies.' Altogether, the Spanish Inquisition sentenced some 5,000 people to death in the period before 1530. In the period between 1560 and 1700, it prosecuted 50,000 cases and sentenced 500 people to death. Judaisers comprised about eighty to ninety percent of all those executed. In the kingdom of Aragón, the Inquisitorial Tribunals in Zaragoza, Barcelona, and Valencia prosecuted 1000 sodomy cases and sentenced 150 men to death.

In the Kingdom of Castilla y León which included the province of Andalucía, secular tribunals such as the Royal High Courts and not the Inquisitorial Tribunals prosecuted sodomites in Madrid, Sevilla, Granada and Valladolid. In the Sevilla-Cádiz-Granada metropolis the two secular Royal High Courts customarily prosecuted the sodomy cases although an Inquisitorial Tribunal existed in Sevilla. Prosecuted 'sodomites' could appeal their cases before the Royal Chancellery in Granada, the highest ranking criminal court in Andalucía. The final avenue of appeal rested with His
Majesty's Royal Council which constituted the highest appellate court during the early modern period.\textsuperscript{13}

In addition to the two high courts in the Sevilla-Granada metropolis, a third secular tribunal -- the Audiencia de la Casa de la Contratación -- also prosecuted sodomy cases. Thus, the earliest documented executions of sodomites in early modern Spain occurred during the later part of the fifteenth century in Castilla, Aragón and Mallorca, in relation to the cases prosecuted by the secular and ecclesiastical courts cited above and those prosecuted by the Audiencia de la Casa de la Contratación.\textsuperscript{14}

Fernando and Isabel established the Casa de la Contratación in 1503 to regulate colonial commerce and shipping between the peninsula and the Indias. They situated its residency in the port city of Sevilla.\textsuperscript{15} In 1511 the Casa de la Contratación acquired juridical powers, in the form of an Audiencia/Tribunal which allowed it to prosecute both civil and criminal crimes committed in the harbours it monitored or on the ships en route to and from the Indies. In Sevilla, the Tribunal consisted of a sole letrado, a judge with a formal degree in law, a public prosecutor, two scribes and other pertinent officials. By 1524, the Audiencia de la Casa de la Contratación fell under the appellate jurisdiction of the Royal Council of the Indies, and thus a final appeal against torture and death sentences rested with this Tribunal.\textsuperscript{16}

Sexual 'crimes,' such as the 'nefarious sin against nature' committed on board galleons or in the harbours of Spanish 'territories in the Americas' fell under the jurisdiction of the Casa's Audiencia rather than any other secular or ecclesiastical tribunal in Spain or 'New Spain.'\textsuperscript{17} On board the Captain General's ship, called the Captitana/Captaincy,\textsuperscript{18} the tribunal consisted of: the Captain General, who assumed the duties of judge; a court assistant; a scrivener and other assistants or counsellors.\textsuperscript{19}

The ships functioned as tribunals in and of themselves. As the chief magistrate and sole judge, a Captain General could initiate an investigation, summon the testimony of witnesses, preside over the torturer sentences, pass sentence and finally carry out the death penalty. Unlike the Inquisitorial Tribunals, sodomy cases prosecuted in the secular courts did not proceed in "secrecy".

The accused knew the identity of his or her accuser(s) and their witness(es). And like the Inquisitorial Tribunals, secular tribunals allowed the accused to draft a list of enemies and sometimes as the evidence presented in this chapter will indicate, the tribunals discounted the testimony provided by these witnesses. Lastly, tribunals customarily provided the accused with an officially appointed lawyer.\textsuperscript{20} When the accused failed to make 'adequate confessions', the tribunals invoked the use
of torture sessions to procure evidence. The most widely used forms of torture included: the rack; the gallows; the pendulum or hoist and water torture. Lastly, as stipulated by the Royal Pragmáticas on sodomie the courts resorted to garrote and burning sodomites as requisite sentences in these trials.21

To Burn a Sodomite

In addition to the successful prosecution of the Bartholomé-Mule case, the Audiencia de la Casa de la Contratación prosecuted at least fifteen sodomy cases between 1560 and 1699. The High Courts in Sevilla and Granada sentenced "several women" accused of sodomy to lashes, exiled one man for sodomising himself with a cable, sent another to "the steps and the string"22 and burned some sixty-five 'sodomites' between 1578 and 1616.23 In Castilla y León, the Chancellery in Valladolid prosecuted some twelve cases between 1498 and 1626.24 The prosecution of sodomy in Castilla y León extended well into the late eighteenth century.25 In Aragón, by contrast, the Inquisition prosecuted some 1,623 'sodomites' between 1540 and 1700.26

In all these tribunals, the sodomy cases --second only to heresy prosecutions-- comprised an average of five percent of the total number of cases prosecuted by these courts. While the number of Castillian cases, which included those prosecuted in Andalucía, may seem marginal or even minute compared to the number of sodomy prosecutions in Aragón, the courts in Castilla y León burnt close to one hundred percent of all convicted sodomites compared to about thirty-eight percent of those accused of heresy.27 It is also worth pointing to the high costs involved in garrotting and burning a sodomite or to an assimilation of the perfect Spanish man imago by sodomites as possible explanations for this dearth.

Nonetheless, the discursive descriptions of sodomie recorded in the manuscripts depicted the correlation between Spain's imperialist-colonialist politics and perceptions of a 'new' early modern Vir fabricated by the moralists. Politically endowed moralists and other writers resorted to an endemic vitriolic 'ethnocentrism' to reconstruct the Spanish Vir in juxtaposition to 'other nationalities'. But these procesos also indicate that moralists and captain generals alike failed to achieve their fantastic notions of a strict gender discipline--a politics rejected by those who formed part of a vast and mobile labour force travelling between Europe, the Levant and the Indias.

Pérez-Mallaina has attributed the relatively small number of sodomy prosecutions in Andalucía to a fear of burning. The risk of ending up
burned at the stake, reasoned Pérez-Mallaíná, encouraged discretion. In fact, even in cases where power holders discovered 'sodimital' relationships, the partners had been carrying them on in secrecy for months and only unforeseen circumstances had brought them to light.28

I would argue that other factors, perhaps even the self-imposition or an assimilation of the early modern Vir 'identity', contributed to the small number of cases prosecuted in Andalucía compared to those prosecuted in Aragón. Accused sodomites would later make use of the textual jargon of early modern Vir in an effort to plead their innocence and portray themselves as 'honourable' men incapable of offense to God. One could argue that this self imposed facade by practising sodomites subverted gender roles in Spain. By assuming many of the 'manly' characteristics sketched by the moralists and their cohorts, many men, in the cold light of day, could pass themselves off as chivalrous defenders of the new morality. Whereas, under the cover of night, they indulged in other necessities. Paradoxically, this type of subversion both accepts and rejects early modern notions of Spanish Vir.

A more material explanation might have greater significance in explaining the relatively small number of sodomy prosecutions in Andalucía— the trial fees that sometimes led to graft and the high cost of burning a sodomite. In the Bartholomé-Giovanni case, the Solicitor General submitted a copy of the "costs incurred for the execution" to the Lord Ministers of the Royal and Supreme Council of the Indies. The list of costs transcribed below totaled "809 Reales de plata", a substantial amount of money, for which the Solicitor General sought total "reimbursement".29

A Bill of costs and expenses associated with the execution of the death by fire sentence submitted by Minister of Justice Andrés Muñoz Obregón to the Ministers of the Royal and Supreme Council of the Indies for reimbursement Càdiz 18 January 1671. Costs incurred to bring an executioner from the city of Jerez to Càdiz and other costs associated with the execution of the sentence passed by the Ministers of the Council and War Ministry of the Indies against Bartholomé Varres and cohorts administered by D. Manuel de Helguero, His Majesty's Solicitor General of the Royal Fleet.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Three ministers from the Ministry of Royal Justice travelled to Xerez to hire an executioner--boat fare to the port three silver Royals</td>
<td>003</td>
</tr>
<tr>
<td>for three horses to travel to the port of Xerez each horse four Royals</td>
<td>012</td>
</tr>
<tr>
<td>meals eaten in Xerez each four Royals</td>
<td>012</td>
</tr>
<tr>
<td>eight horses for the return of the three ministers, the executioner and four guards from Xerez to</td>
<td></td>
</tr>
</tbody>
</table>
the port each four Royals 0 3 2
meals and beds on that night in the port forty Royals 0 4 0
for the boat taken to this city fares to embark and disembark ten Royals 0 1 0
for the return of the executioner to Xerez with the four guards and the three of us from this city we incurred the costs itemized above for a total of one hundred and nine Royals 1 0 9
for the breakfast of four guards and the executioner lunch dinner and beds each eight Royals totalling one hundred and twenty 1 2 0
The costs for the execution—
sixteen quintals of firewood each two silver Pesos totalling thirty-two 0 3 2
liquid naphtha six Royals 0 0 6
for the horses that transported the firewood to el salado four silver Pesos 0 0 4
for twelve pieces of kindling wood six silver Pesos 0 0 6
for a pike and some hooks ten silver Pesos 0 1 0
for two nooses made of esparto two water carriers two beast halters and a ball of rope required by the executioner eight Royals 0 0 8
a quarter of timber for the construction of the gallows and a carpenter sixteen Royals 0 1 6
the salaries of the four guards from Xerez one hundred and twenty eight Royals 1 2 8
six days pay for the executioner four ducados one hundred and forty one Royals 1 4 1
for the salary of the three ministers sent to Xerez to hire the executioner one hundred and twenty Royals 1 2 0

[. . .]for a total of eight hundred and nine Royals of ancient silver or one hundred and one Royal silver distributed by me to the persons mentioned in the bill of cost sworn to God and to the Sword: Cádiz eighteenth January seventeen hundred and one = Andrés Muñoz Obregon, scrivener

The costs involved in burning a sodomite, some 809 reales in the case of Bartholomé, roughly equaled one quarter of the yearly pension granted to Alonso Díaz or the purchasing power needed to hire three labourers every day for about four months in early modern Mexico City.
Horrified, the Witnesses Wished to See No More

The Bartholomé-Giovanni case typified the various juridico-ecclesiastical discourses of *sodomie* and of *sodomitas*. The early modern moralists shrouded these perceptions in religious, xenophobic or *anti-natura* tropes in their attempts to codify *sodomie* as a crime and a sin in Spain. The Bartholomé and Giovanni sodomy case also helped to expose the contradictions inherent in these 'sexual' discourses and the abuse of power relations of the Spanish Baroque.

In a letter to Carlos II, Martín de Aranguren y Zavala, the Major General of the Fleet sought confirmation for the execution. "Respectfully, My Lord", argued the Major General, "the enormity of this horrific, detestable, and grave crime in the eyes of the God our lord, dignified an exemplary and prompt punishment". The Major General sensed "a great need in this city and harbour of Your Majesty's Kingdom to demonstrate the exemplary consequences" that awaited those who committed this "atrocious crime or other grave sins of the same species on land or during navigation but who escaped punishment for lack of evidentiary requirements".33 "The aforementioned mariners," concluded the Major General "with little fear of God and their own consciences failed in their obligations, having committed the atrocious, abominable crime and heinous sin".34

His Majesty's Attorney General concurred with the Major General's request for the confirmation of the executions. In the Attorney General's opinion, Bartholomé and Mule had committed "a crime so horrendous, so hideous and abominable, so nefarious that one finds no voices in any tribunal in this Kingdom that can explain such treachery". Both men, argued the Attorney General, "had exercised a very sordid and repulsive crime according to the depositions given by the witnesses".35

The witnesses had "found the boy's entire backside soaked, filthy and replete with the viscous smell and the tactile of the semen Bartholomé had poured and scattered". The witnesses had stood by the boy "horrified" and some had even "turned their faces not wanting to see any more".36 "We stood there astonished", recalled one sailor, "having witnessed such a ghastly sight and the sin of sodomy".37 "Frightful," stated another, "given the scandalous nature of this sin and as such, a grave offense to God".38 Thus, the Attorney General surmised that given the

"abominable and treacherous crime, its commission indubitably proven, with the depositions of 6 witnesses, the execution should proceed at the place the deformity occurred and as an example to the plethora of other nationals who congregate in those harbours drawn there by commerce and galleons".
"Furthermore," wrote the Attorney General, "the stay of execution has impeded the departure of Major General Aranguren from Cádiz to La Havana". Indeed "My Lord", wrote Juan de Helguero, the Solicitor General of the Spanish Fleet docked in Cádiz, "many people of different nationalities witnessed, in full view, Bartholomé's cadaver burnt and reduced to ashes, [and] I trust this shall serve as an exemplary punishment to them all". The Council of the Indies upheld Bartholomé's sentence of execution issued by the Audiencia de la Casa de la Contratación /House of Trade Tribunal, much to the satisfaction of Alverto de Ysasi, the Tribunal's Lord Magistrate who assured the Ministers in Madrid that he would,

"[..]effect an expeditious resolution in this case for there are many prisoners in this prison of different nations inclined toward this species of crime and given their inferior fabrick they entomb themselves at night in the subterranean dungeons, one should dread the abominable consequences of such congregations".

A Disturbing Panorama on the Horizon

For the prosecutors of the 1698 Bartholomé-Giovanni case, Sevilla, and particularly its cultural composition, caused them great distress. The Guadalquivir River linked Sevilla with the Andalusian side of the Atlantic, and that fluvial context conferred upon the metropolis its status as one of Spain's premiere ports and provided the early modern Spanish fleet with unrestricted access to the Sevillan harbour. At the end of the fifteenth century, Sevilla numbered about 40,000 inhabitants. By the end of the sixteenth-century, the number of inhabitants had swelled to over 150,000.

The Alcazar in Sevilla provided a respite for the Nobility as did the towering cathedral and the multitude of monasteries for ecclesiastical alike. During the early modern period, Sevilla was an important economic, agricultural and artistic centre. It remained the largest city in Andalucía and one of the largest metropoles in the peninsula, indeed in Europe. Wheat, vineyards, olive oil, and salted fish all circulated in abundance.

Since the Middle Ages Genovese bankers had resided in Sevilla and by the early modern period had become the most important source of finance for the trade with the Indies. The opening of the strait of Gibraltar as a maritime route in the Mediaeval period had given rise to trade with Italy and Flanders as well as with Africa and the European continent. The Admirals of the Spanish Fleet organised the defense of Gibraltar from Sevilla. In the early modern period, Andalucía had become a significant stimulus for western European cultural expansion. Other industries
flourished. Cervantes, Alemán, Quevedo, Lope de Vega, Delicado, and Pacheco all contributed to the evolution of letters and art in Andalucía.44

The mariners who congregated in Sevilla and formed a pluralist cultural mélangé hailed from Galicia or Cantabria in the north of the peninsula. They arrived from Cataluña and other parts of the eastern shores of the Mediterranean. The came from as far away as the Low Countries, France, Portugal, Sicily, Genova, Turkey, or from the Greek Islands. Many of the mariners set up their new households in the neighborhood of Triana, along the east bank of the Guadalquivir River. By the end of the seventeenth-century, Triana, which became home to other immigrants drawn there by the prospects of wealth, had become one of the most populated neighbourhoods in Sevilla.

The literary writer Mateo Alemán, born in mid-sixteenth century Sevilla, described the "metropolis as one well equipped for the success of any estate", a metropole where one could "sell and buy any type of merchandise". In an allusion to the multicultural dimension of its population, Alemán portrayed Sevilla as one common 'nation', or an "unabashed meadow, an open countryside, one difficult to escape, an endless globe, a mother of orphans and a cape of sinners, where everything is a necessity, yet possessed by nobody".45

Sevilla's multilingual labour force, the raw material for the voyages, alongside its network of commercial trade routes for distributing goods and its ability to finance these undertakings, all facilitated the expansion of the Indies fleet. Although Sevilla functioned as the administrative and commercial centre for the Indies colonial enterprise, it formed part of a vast harbour complex that extended south to Sanlúcar de Barrameda, the Port of Santa María and as far as the gulf of Cádiz. Most Spanish ships that set sail for the island of San Juan de Ulúa, east of Veracruz in New Spain, did so from these ports.46

Neither the larger merchant ships nor the war galleons could navigate up the Guadalquivir River and into Sevilla. Instead they cast anchor some 8 leguas or forty-four kilometers away from Sevilla.47 The total trip along the Guadalquivir was about 15 leguas or 89 kilometers. Unlike the more advanced ports in Santander, Málaga or in Antwerpen and London, Sevilla had not equipped its port with cranes and dockyards, thus it could not accommodate heavy commercial traffic.48 The advances in the technologies of ships and harbours, however, did not wholly solve the problem of privacy and space on board many ships.
Cruel and Indifferent Spaces

The sixteenth-century was an age of small ships--some 300 tons in weight and fifteen meters in length. Over the course of the sixteenth century an above average ship of about 550 tons measured twenty-five meters in length. Symbolically though, the ship itself as metaphor epitomized the height of early modernity. The ship as metaphor functioned as a 'piece of land' belonging to the Empire and within its hull and decks it transported to the **Indias** an ethos Spain deemed appropriate for export—its form of civilization, its technological advances, its 'new' *Vir*, its Catholic dogma.49

In 1571, Captain General Cristóbal de Erauso ordered that Moisés Maldonado, a mariner, who had been accused of blasphemy should be taken to the ship's dungeon. Maldonado would have preferred to "wear iron shackles, the type used in a ordinary prison" rather than to have been "confined in the ship's dungeon", especially when life on board the ship already represented a "sufficient punishment of sorts".

Fray de la Torre, one of the missionaries who accompanied Bartolomé de las Casas to the Indies in the mid-sixteenth century described their ship as a "very confined prison, so powerful that no one could flee or escape despite the absence of shackles or chains". The "cruel and indifferent space treated both prisoners and passengers alike" lamented de la Torre.50

Maldonado also detested his confinement in the ship's dungeon for other reasons. The mariner preferred to live life at sea on deck, where many and distinct diversions took place. Maldonado had pleaded with the captain, "Do you take me for a heretic or some dishonest man such that I cannot even go on deck where all the passengers sleep and fornicate?"
"Allow us to live our own lives", demanded Maldonado.

In any event, concluded the mariner, "the women passengers on board the ship fornicated from fore to stern[...].let us 'fuck' wherever one finds the space to do so".51 Throughout the early modern period women, although few in number, did travel as passengers, crew or as 'mistresses' of the captain generals.52

But, for the common mariner, the ship provided little privacy. To put it in a different perspective, a captain, a master, a pilot, thirty-five mariners, six gunners, fifteen grummetns and five pages comprised the crew of a 250 ton ship.53 A ship's crew of seventy men disposed of about 150 to 180 square meters of living space or about the size offered by a two-storey canal apartment with a small garden in the centre of late twentieth-century Amsterdam. In addition there were the live animals carried on board such as horses, pigs, sheep, goats and fowl.
An English mariner on his way to the Indies described how one day as the ship he travelled on was navigating its way through a violent rain storm, the passengers could not contain their laughter when they witnessed several dizzy pigs, who were unable to withstand the constant rocking of the ship, vomiting all over the ships deck. Other animals and insects, mainly rats, ticks, fleas and roaches also accompanied most vessels. A crew could have sacrificed up to 1000 rats at a time.54

The mariners also had to endure shortages of drinking water in an extremely hot environment since the ships sailed primarily in the summer. Sometimes they substituted drinking wine in lieu of water. They ate mainly biscuits and cheese and, whenever they could get it, salted meats and fresh fish.55

A mariner's caja or chest, filled with clothing and personal belongings, represented his most treasured possession. The mariners ate, sat, slept and played dice and cards on their cajas. Others slept next to the glory hole.56 Despite their popularity in the Caribbean, ships officers did not equip their galleons with sleeping hammocks until the end of the seventeenth century. The officers of course slept below deck in private quarters.

On the main deck, open to the delight of the stars and a cool breeze at night, the mariners formed cubicles or ranchos with the chests of four or five other camaradas. The comrades sat in their semi-private quarters and sometimes sang or told and read stories aloud to each other, although many were illiterate.57

A survey of the Mexican Inquisition's inspection reports on ships arriving in New Spain between 1572 and 1600 noted that books were brought on board 326 out of the 330 ships inspected.58 The most widely read genre, according to the Inquisitorial compilation, were books of devotion such as prayer books, the lives of saints and histories of the popes. Tales of chivalry in novel or verse form followed closely behind the pious texts.

Romantic novels, books of ballads and history books completed the group of favourite genres. Three particular historical moments captured the imagination of the mariners and others travelling on board the ships: the splendour of the Roman Empire, the reconquest of the Iberian Peninsula from the Arabs and the conquest of the Americas.

Exotic voyages that depicted the customs and provided descriptions of Jerusalem, Japan and Africa also tantalized the imagination of many a mariner. Two texts from Mateo Alemán's Guzmán de Alfarache, part one published in 1599, had found their way on board a ship as early as 1600. The following table quotes the names of books and authors most often recorded on the Mexican Inquisitorial 'most read list'. 
The ten most widely listed books found on ships sailing to Las Indias between 1572 and 1600:

1. *Libro de la oración y meditación y otras obras*  
   Fray Luis de Granada

2. *Flossanctorum*  
   Alonso de Villegas

3. *Orlando Furioso*  
   Ludovico Ariosto

4. *Historia Pontifical*  
   Gonzalo de Yllescas

5. *Amadis de Gaula*  
   Anónimo

6. *La Araucana*  
   Alonso de Ercilla

7. *Oratoriosy consuelos espiritual*  

8. *Repertorio de Chaves*  
   Alonso de Chaves

9. *La Diana*  
   Jorge de Montemayor

10. *El cancionero de Guzmán*  
    Anónimo

Pages and Pages On Board the Ships

A schematic hierarchy of officers and crew staffed many of the Spanish galleons. Many nobles considered a career at sea dishonourable; they feared it would diminish their social status. Thus few nobles rose to the rank of admiral or captain general. Instead noble gentlemen and rich merchants owned the ships, but so did those of more 'humble lineage' such as pilots or even mariners. The pages, grummet, lower ranked officers, such as the pursers or boatswains who provided the manual labour on board the ships, came from the less 'noble' sectors of society.

Pages, the youngest eight or ten years of age and the oldest seventeen or eighteen, formed the first tier of mariners on the hierarchical ladder. Fifteen was the average age. Some served their masters, while others, as our procesos have indicated, served everybody on board the ships. The pages eventually learned the trade of mariner and as apprentices they measured the time on board and performed all the menial tasks. The grummet, a young sailor between seventeen and twenty years of age climbed the yards and retrieved the sails, loaded and unloaded the ships, procured fresh water
and gathered wood. The older mariners often mistreated the grummet and
times used them as punch bags. Finally, at the age of twenty a grummet
became a mariner. The average age of mariners varied between twenty eight
and thirty five years. The mariners set up and maintained both the standing
and the running riggings. They trimmed sheets and took the helm when
necessary. They assisted the gun crews in battle. The gunners in turn
possessed the skills necessary to fire the guns.60

Petty officers included carpenters, caulkers, and scriveners. Large fleets
also employed a barber-surgeon and a chaplain. The next tier of officers
included the purser who was responsible for the dispensary and the
boatswain or warrant officer who assisted by his mate was responsible for
handling the crew and maintaining the ship. The upper echelon of power on
the ship rested with the pilot, who had a purely nautical function and the
most specialized of the crew, the master of the ship, or economic
administrator of the ship who usually owned a share of the ship's stock and
the captain, the chief military officer in charge of the ship. Additionally,
 admirals, captain generals and masters at arms commanded the war ships
and fleets of the Armada. These officers occupied the highest military ranks
on the high seas.61

Dress also distinguished the officers from the mariners. Officers wore a
jubón, or waist-length coat over the shirt. Calzas or silk knee-length pants
worn with hose complemented the officers' jubón. The mariners wore very
broad breeches and shirts called calzones or zaraguelles worn from the waist
to the ankles made of French linen or cotton. Both officers and mariners
wore blue wool capes or capotes. Mariners sported red wool bonnets while
the officers opted for silk or suede bonnets.62

The first generation of mariners sailing to and from the Indias probably
came from the countryside since many procesos indicated that friends or
family constituted the bulk of witnesses who supported their cases. Urban
labourers performed the more technical marine jobs. One captain
complained about the inadequate origins of his soldiers and mariners. His
crew consisted almost entirely of tailors, shoe makers and servants, among
others. Negros and Mulatos, some of them freed slaves, occupied most of the
posts as pages and grummet s. Some two-thirds of the entire population of
mariners was illiterate.63

Pérez-Mallaina has calculated that the average number of mariners on a
galleon was seventy nine and another forty three on the merchant ships.64 In
1608, for example, 202 embarkations left the Sevilla-Cádiz harbourplex for
the Indias. The ships required a labour force of between 7000 and 9000
mariners during the latter part of the sixteenth and well into the
seventeenth-century. That number did not include the soldiers and
passengers travelling to the Indies. About ninety percent of the Spanish mariners hailed from Andalucía and the other ten percent from Cantabria.65 This sometimes let to xenophobic feelings within one's own borders.

Too Many Andaluses, Few Cantábricos

As the early modern period progressed, the sodomy cases prosecuted on ships and in the harbours became lengthier and unlike the cases discussed above, the outcome of these cases took longer to resolve. However, notions of sodomy and the 'other' littered the contents of the sodomy cases well into late eighteenth-century Spain.

In 1573, Juan García accused the 'honourable gentleman' Nicolas Cardona from Sevilla of having attempted to commit sodomy with a young page. General Cardona was in command of the Spanish Fleet of Tierra Firme in 1569 and in 1571 King Felipe II named him Admiral of the Armada de la Guerra de la Carrera de las Indias or second in command of that fleet. Notwithstanding, the Captain General of the same fleet found Cardona guilty of sodomy, condemned him to water and rack torture and had him imprisoned in Santo Domingo. Cardona appealed his sentence and in 1573, the Royal Tribunal in Santo Domingo absolved Cardona and sentenced the young page to one hundred lashes for perjury.66

The Captain General had opposed the Royal appointment of Cardona and refused to invest him with his new powers. The Captain General, who was from Cantabria, had hoped that the King would appoint one of his cohorts from the northern provinces and not an 'Andaluz' as the new second in command. The Captain General reminded his King that the majority of the mariners that comprised the Armada, "Vizcaínos, Guipuzcoanos and Asturianos" had rendered many years of service to the King since the inception of the fleet. Thus, reasoned the Captain General, they had hoped that the King would have bestowed the post on "one of them". The Captain General succumbed to the King's orders and named Cardona Admiral of the Fleet in 1571.

Sodomie and Xenophobia

The crews of the fleets and armadas contained a very high proportion of foreign mariners. When Colón reached Española with a large number of Genoveses, the Franciscans on the island complained about an 'invasion'. In 1526, the Crown limited the percentage of foreign-born crew members on
board Spanish ships to twenty percent of the total. Nevertheless, more than fifty percent of Magallanes' expedition came from a variety of countries in western Europe. In one instance, the Council of the Indies advised a captain general that foreigners could comprise no more than one third of the entire crew on an armada.67

By 1568, the Casa de la Contratación had prohibited foreign boatswains on the ships and had limited the number of foreigners to six per ship for fear of mutiny. In reality, the official figures show that one in every five mariners came from outside the peninsula. The Portuguese comprised about fifty-percent of foreign crew members, followed by the Italians, the Flemish and the Germans. Fewer English or French made up the crews on the armadas. At least one third of the gunners, a skilled occupation, came from Flanders, Italy or Germany. Of all the officers on board the ships, only masters or pilots could be nationalized.68

Over the course of the early modern period, the Casa prosecuted officers as diverse as a general of the Armada, a master, a boatswain, an ensign and a purser. However, the majority of those prosecuted represented the lower tiers of the ship's labour force and foreigners. One of the earliest prosecutions by the Casa implicated a Sicilian master named Salomon Antón and a Genoves grummet. Both were accused of the 'nefarious sin' during Magallanes' expedition around the world. In 1519, on board the Victoria, Captain Magallanes had the Sicilian master burned at sea off the coast in Santa Lucia in Brazil.

The following year António Varesa, the Genoves grummet implicated in the case, drowned in those same Brazilian waters just off the coast. A group of mariners had apparently thrown him overboard under 'suspicious circumstances'.69 Juan Bautista Finocho, a mariner on the galleon San Tadeo was also burned in the harbour of La Havana in July 1575.70

In 1565, after the Captaincy San Pelayo had disembarked some soldiers in Florida to help dissuade the French Huguenots, it navigated towards La Española. On board, thirty foreigners, mostly from the Levant and Flanders, made up its crew. The Captain was holding three prisoners captive on board, two Frenchmen for having claimed to be Catalans and a master from Italy accused of sodomy. As the ship navigated it way toward La Española in the Caribbean to avert an impending storm, the three prisoners, led by the accused sodomite, convinced the 'other foreigners' on board the ship to imprison the Spaniards.

The foreigners overpowered the twenty Spaniards or so on board and assumed control of the Captaincy. Unfortunately, the successful mutineers argued amongst themselves and the mutiny crumbled. Some of the mutineers wanted to navigate the ship to France, others to England, while
yet others simply wanted to use it to plunder other Spanish ships full of bullion. Various fights and killings ensued on board the ship. Finally, the ship which was en route to France ended up instead marooned in Denmark. The Italian sodomite had saved himself from the torture and the stake that awaited him on the peninsula. However, he had not survived an assassination attempt perpetuated by one of his fellow mutineers and died at the hands of his executioner.  

This case was partly responsible for prompting the 1568 Casa de la Contratación decree that prohibited the presence of 'foreign' masters on board Spanish ships. The decree also limited the number of 'foreign' mariners on board the ships to six and required the issuance of permits or licences to the mariners before they were allowed to work on the ships. In theory, that would have accounted for about twelve percent of any crew during the early modern period. In practice, however, official figures provided by the Casa, indicate that at least twenty-five percent of any given crew continued to come from abroad. This could account for the fact that some Portuguese, Italians, and Flemish attempted to pass themselves off as Gallegos, while Greeks and Hungarians claimed to be Basques and the French attempted to pass as Catalans.

Lamentably, not all accused sodomites disposed of a Royal appointment and support in their struggles for survival. The younger pages and grummets, especially, suffered humiliating experiences at the hands of the older officers. Often younger mariners, who practiced their own forms of 'sexual' politics with each other, caused particular ire amongst the officers, who severely punished these practices. I would suggest that court magistrates and ships officers alike tended to more severely punish men of similar ages and those of other 'nationalities' who were accused of having committed sodomy.

Crown officials, who were usually of lower rank, also resorted to accusations of sodomy, as in the case of the 'honourable gentleman' General Cardona, for political or economic chantage-- a charge that continued to gain currency throughout the early modern period. Monies functioned as a powerful incentive in the prosecution of sodomy trials. Along the way, many ships officers instituted their own schedules of fees for tortures and other miscellaneous court tasks. They wrote new sodomy laws independent of those prescribed by the Royal Pragmáticas and applied them disparately. The ships officers improvised tortures and death sentences in conformity with their own sadistic tendencies.

A 'close reading' of the procesos moreover discloses the existence of at least two vernaculars --one used by court officials, the other by the subaltern-- in the early modern period with reference to the singular
phenomenon of sodomie or cavalgando por el culo. The use of these vernaculars, of course, varied as a function of class, ethnicity and religion.

Cristóbal with Gaspar

On the first day of June 1560, as a Spanish fleet sailed en route to Spain from San Juan de Ulua in the Indies, spearheaded by the Captaincy, Nuestra Señora de Clarines el Cornio, Pedro de las Ruelas, the Captain General and a Knight of the Order of Santiago, accused "Gaspar of having committed the nefarious sin against nature with Cristóbal". The Admiral on board his own ship, El Corchapín, ordered Gaspar Hernández, "a Portuguese grummet," and Cristóbal Gutierrez, "a fourteen year old page from Triana," to appear before him so he could "inform himself of a certain crime committed on board the ship".74

"Last Friday night, at around eleven o'clock," replied Cristóbal, he had "fallen asleep in between Juan of Triana and Gaspar on the forecastle deck of the ship". As he slept between the two sailors, he "awoke and found his breeches untied and lowered". Having noticed this, Cristóbal, "horrified" got up and "supported" them up again, as he "continuously made the sign of the cross" for Cristóbal recalled "that on two or three other nights" he had also found his breeches "lowered," having had to "support them" on each occasion. Notwithstanding, Cristóbal "tucked his shirt into the supported breeches" and again situated himself "in between Juan and Gaspar".75

Before Cristóbal fell asleep, he witnessed how "Gaspar, came closer to him as if to sleep with him and do it to him," and again the grummet had attempted to "untie the breeches and truss" Cristóbal's shirt. Cristóbal turned to Gaspar and shouted, "you rogue, I will tell the ship's master about your habits". To which Gaspar replied, "you wish me ill and intend to cause me harm". Cristóbal had wanted to inform the admiral and the pilot so they could cast Gaspar "alive into the sea". Instead he related his story to his cousin Martín, who in turn, on the following morning, informed the ship's master, a mate, and the pilot about the incident.76

The Captain General centered his interrogation of Gaspar, aged twenty-one, primarily on several essential points. Had the young grummet "ever committed the nefarious sin against nature" asked the Captain General, or had the mariner "ever penetrated [Cristóbal] in the cunt"? Had Gaspar "untied Cristóbal's breeches and how many other times before" had the grummet "intended to commit the aforementioned sin against nature"?77 Had Gaspar placed his "armed natural member in between the page's buttocks wanting to fuck him in the cunt"? Had Cristóbal touched, "with his
hand", Gaspar's "exposed and erect member"? Had the grummet "practiced the profession of puto for a long time with Cristóbal as well as with other persons"? And, had he ever "kissed Cristóbal on the mouth"?

"Only under the cover of the blankets", admitted the young Cristóbal had "Gaspar kissed him on the mouth".78 "Never"! responded Gaspar to this and all the other questions asked by the Captain General. Gaspar had known Cristóbal for about one month and admitted to only having slept with Cristóbal "many times both on the forecastle deck and in the stern" and insisted that perhaps "between dreams" he might have "placed his leg over" the younger page.79

Efficacious Tortures

Given Gaspar's age and status as a minor, the Captain General appointed "Guillermo de Cuellar, a soldier, to serve as his guardian or advocate in the case". Cuellar accepted the charge and immediately "posted a surety of twelve ducados of gold bond for his Majesty's coffers"—something not stipulated by any of the Royal Pragmáticas on sodomie during the early modern period. However, true to the dictates of said Pragmáticas, the Captain General sentenced Gaspar to "torture and tortures" so he could "declare the truth" about whether or not he had committed "the sin to Cristóbal".80

Cuellar, in defense of Gaspar, "implored his lordship to suspend the torture sentence until a lawyer could offer such consent and advice for the Captain General, albeit a knight, was not lawyer".81 "Not-withstanding," the arguments presented by Cuellar, the Captain General "proceeded with the torture session and admonished Gaspar to state the truth".82

In the presence of Cuellar, the ship's scrivener "warned Gaspar" stating that, "should the grummet suffer the disjointment of an arm, leg, or another member, or should death occur during the torture", the young Gaspar "could not fault his lordship". Cuellar advised Gaspar, "never to declare a thing". "Nicolas, the Frenchman", then "tied Gaspar's arms together, placed him on a ladder and gave him eighteen turn abouts of the ropes".

The Captain General instructed Nicolas to inflict yet another turn about of the ropes and ordered him to also tie Gaspar's muscles and legs to the ladder. Once tied, "Nicolas again began to squeeze" the young grummet. However, despite the continuing "strengthening of the ropes," Gaspar did not confess anything. Consequently, the Captain General ordered Gaspar "to be given water" not to forsake thirst, rather as another method of torture.83
Nicolas "placed a handkerchief over Gaspar's face and tucked part of it into his mouth and then began to pour in a pitcher of water". Pouring water into a tucked piece of cloth in one's throat produced a sense of drowning. The Captain General insisted upon more jugs of water until Gaspar had consumed "a total of seven pitchers"; but still, the overflow of water yielded no confession. The Captain General had Gaspar removed from the ladder, ordered him taken to the ship's deck and there placed him on a pulley.

Cuellar intervened and beseeched the Captain General to "suspend the torture on the pulley for at least twenty-four hours". The inflicted ropes and water torture had already "broken Gaspar and his intestines could fall out" pleaded Cuellar. At the very least, declared the guardian "his lordship should consult a man of science". The Captain General magnanimously agreed and resumed the tortures three days later.

The "ugly enormity" of the crime, reasoned the Captain General, warranted the torture on the pulley that hung from the ship's yard. Nicolas took "Gaspar's hands, placed them behind his back and neatly tied the wrists together with a piece of linen cloth". Other seamen on the Captainscy "weaved a cordage made of hemp through the pulley and used it to hoist Gaspar upwards toward the height of the pulley".

From the El Corchapín, anchored some distance away from the Captainscy, Sebastian and the other mariners on board their ship witnessed the torture of Gaspar. "We could very well see Gaspar and the torture" stated Domingo and Corzo because the "the pulley hoisted Gaspar upwards and lifted him up high" into the air.

Gaspar hung in that state until his executioners released the cordage and the young grummet, with his hands tied to the end of the rope, fell suspended in mid-air in an early modern version of a 'bungy' drop of sorts. The Captain General ordered the mariners to "hoist him up again and again" until Gaspar finally agreed to "tell the truth".

Gaspar eventually swore, "before God" that "Cristóbal had asked to be fucked in the cunt, once in the harbour of Puerto Rico and another two or three times on board the ship where Cristóbal himself had taken Gaspar's "rod in his hands" and had "inserted it into his own cunt. Furthermore, continued Gaspar, "Cristóbal had fucked him in the cunt three times".

The younger Cristóbal withstood only "two turn abouts of the ropes" until he too admitted his complicity with Gaspar. However, Cristóbal changed his version of the events three times, "for fear of the torture" and "the embarrassment" he felt at "the number of times", he had committed "it, the sin with Gaspar". Cristóbal had not, despite the grummet's allegations, penetrated Gaspar.
After the young page confessed under the duress of the torture on the Captaincy, Ludovico, a mariner on board the *El Corchapin* "overheard Cristóbal relate his story to a group of sailors" and later the young page, "attempted suicide, having jumped into the sea". "Cristóbal," added Domingo "jumped into the sea for fear of the torture he had received".

According to Pablo António, "Cristóbal said they had squeezed him with the ropes" thus, he "had jumped into the sea and swam from the Captaincy to the *El Corchapin* because they had given him very cruel torture and he had confessed to what was not true for fear of more torture". Juan Corzo also "saw the rope markings and scars on Cristóbal's arms" and stated that the seamen publicly commented how both Gaspar and Cristóbal "had received very grave tortures".

Tortures or not, the Captain General had obtained two confessions and based on these findings he announced his sentences.

### A Yawl of Naptha

The Captain General found Gaspar guilty of sodomy, condemned him to burn and had all his goods confiscated. Gaspar's goods had consisted of "his salary, two blue breeches, one shirt, and some shoes". The young grummet bequeathed his "two cots to Cristóbal's cousin, Martin" and the "ship's master defrayed the costs of the trial from Gaspar's salary", a pecuniary penalty not alluded to by the Royal *Pragmáticas on sodomie*.

The sergeants at arms then led Gaspar from the Captaincy onto a yawl, under the guard of sentinels and accompanied by the crier, who publicly manifested Gaspar's crime and sin. The other mariners situated him within site of the rack, where upon arriving, Gaspar cried out that he had "fuck'd Cristóbal in the cunt, not trice, but seven or eight times"! Furthermore, "Cristóbal had rejoiced when and consented to' each time Gaspar had penetrated the page.

Despite his consternation, a "black grummet executed the strangulation on the rack until Gaspar died naturally". He then "placed Gaspar on a board in the yawl of naphta, set it on fire and it burned for more than half an hour". One week later, the Captain General sentenced Cristóbal to a similar plight.

However, Cristóbal's guardian quickly came to his defense and "petitioned the right to appeal the sentence before any of His Majesty's judges".
In Defense of Cristóbal

Cristóbal named Juan Bautista as his new guardian charged with presenting his appeal in Madrid. In his first letter to the magistrates of the Casa de la Contratación, Juan Bautista presented a list of "wrongful nullities" that should exonerate Cristóbal and argued that "the death sentence issued by the Captain General should be revoked because a trial of law had not rendered the decision". Secondly, Bautista argued that "Cristóbal, a boy under the age of fourteen, should not have stood trial under Spanish law or received torture for he required the assistance of an ad litem guardian". Thus, the torture of a minor nullified the trial. Furthermore, Cristóbal had not received a copy of the circumstantial proof presented against him nor did he possess the competence with which to defend himself against those charges.

Since the Captain General had failed to grant Cristóbal such assurances Bautista argued for the dismissal of a "null and void case". The Captain General had simply "proceeded quite recklessly". In cases of "life or death" the courts could not proceed without the "advice of a lawyer, a natural right of the defense". Despite the fact that the incidents took place at sea, pleaded Bautista, the Captain General could have waited to argue his case in a peninsular court. For these same reasons, the case against Gaspar "should have been nullified".

The appeal had come too late for Gaspar. Bautista also questioned the validity of confessions obtained under the fear and duress of torture. Away from tortures, Cristóbal denied having committed the aforementioned crime. Bautista found it "likely that Cristóbal had not "committed the crime for he had voluntarily denounced Gaspar". In any event, argued the guardian, "Gaspar's confession lacked the sufficient amount of evidentiary requirements in conformity with the laws of the kingdom to prosecute Cristóbal". Finally, Bautista employed other arguments In his defense of the young Cristóbal. He described Cristóbal as a "minor of good customs and good fame, one never accused of such a crime".

Given Cristóbal's appearance, Ludovico thought "he must be eleven or twelve years old". Ludovico knew "Cristóbal as a good and publicly timid boy". "A quiet boy of good customs with a reputation on board the ship of being incapable of committing crimes," added Sebastian. All these sailors, with the exception of Sebastian, knew how to sign their names.

Three neighbours from Triana testified before the Casa's Audiencia in defense of Cristóbal. One of the neighbours, Catalina Bernal, lay in bed close to death, thus she testified in her house before the scrivener. Bernal described "Cristóbal about twelve years old because since his birth they
[Cristóbal and his parents] had lived next door to her". The three neighbours "knew both him and his mother very well" and had "always known Cristóbal, the boy, as a quiet, good, well-indoctrinated son of very good honorable parents and the grandson of good grandparents unaccustomed to committing the crime". None of the three neighbours knew how to sign their names.105

In Sevilla on 26 March 1561, Hernando Maldonado, the 40 years old Magistrate in charge of the Casa Prison echoed the sentiments of the three neighbours. He stated that, "after the incarceration of Cristóbal, six Frenchmen held prisoner fled and the door of the prison remained open until the next morning". The remaining prisoners and Cristóbal "beckoned the magistrate to come see the open door and told him that the Frenchmen had fled". "On another occasion, three other men imprisoned for thievery, fled though a hole". When the escapees made their way through the "patio of the Casa, Cristóbal and Juan Vázquez, another prisoner, both cried out saying that some prisoners intended to flee". Maldonado, "alerted, came out and reapprehended the prisoners".

Later, Vázquez told Maldonado that "Cristóbal had first seen the escapees, and had then informed him so they could together cry out for help for Cristóbal, only a boy, feared the Frenchmen would kill him". The French escapees had "wanted to take him with them". Cristóbal told San Martín and Batea that "he was not guilty and he did not want to flee but to be set free by the courts". Other prisoners described him as a "simple innocent and covetous who many times said and did things like a boy of little prudence".106

Cristóbal, according to San Martín, "stated that he would not flee even if the door remained open". Magistrate Maldonado, concurred with the other prisoners. He too described Cristóbal as "a simple boy with little understanding".107 The Magistrates of the Casa de la Contratación spared Cristóbal's life and instead sentenced him to "permanent banishment from the Kingdom on 9 August 1561". On 25 August 1561, The Royal Council of the Indies in Madrid upheld the sentence.108 Sometimes though, things just kept repeating themselves.

Vigilante Voyeurs

On the second of September 1603, The Ministers of the Casa de la Contratación officially instructed their prison officials to remove a Mulato named Gerónimo Ponce from his current cell and to hold him alone in separate quarters because the Mulato had committed the 'nefarious sin' with
his cell-mate, another *Mulato*. Ponce was brought from La Havana, where authorities had accused him of having committed the nefarious sin, to the *Casa’s* jail in Sevilla, where he was charged with the same crime.  

Manuel Hernández, the prison gaoler, informed Minister Bustamante that "around midnight last night, Captain Melchor López Tinoco and Pedro Sánchez, two other prisoners, summoned him to the prison and asked him to separate the two *putos*" in the adjoining quarters. Tinoco and Sánchez had witnessed how "Juan Ponce and Domingo López, a *Morisco*, *without* breeches, the back of his shirt trussed, on his stomach and on the floor lying together in one of the rooms situated on the second storey of the prison. By the time Hernández entered those same quarters to investigate the charges, he found Ponce alone in the upper cot and Domingo in the lower cot. The gaoler ordered Ponce out of the quarters and placed him in another room pending further instructions from the ministers. "Why do you set me apart"? asked Ponce, "*Por puto* and for having penetrated Domingo", replied the gaoler. "Look, sire, for the love of God, I’m about to be set free and although I trussed his legs backwards I did no such thing".

Sometime before midnight, Domingo himself had allegedly informed Tinoco that a "stiff" Ponce had "made love to him". After dinner, as Tinoco entertained himself playing dyes with Captain Francisco de Meza, Domingo again approached him and boasted, "that *Mulato* loves me". Ponce, in the presence of the other prisoners had then instructed Domingo to go sleep upstairs. After the two *Mulatos* had disappeared, Tinoco stated, "My dear men, we shouldn’t consent to this type of *bellaqueria*-- we shouldn’t have allowed Domingo to go upstairs and we should inform the gaoler". "What a good thing we have going on here", complained Tinoco to the gaoler, "such people should not be allowed to be present in the company of honourable men". The gaoler simply reassured the prisoners, "let the *putos* go upstairs, they will burn".

The three *voyeurs* --Pedro Sánchez, Francisco de Meza, and Captain Tinoco-- had, on that given night, decided to keep watch over the *Mulatos*, each taking turns to go upstairs, peeping through a hole in the quarter’s door and watching for any movement in the cell. Finally, Tinoco had seen "Ponce’s leg over Domingo’s body". He rushed downstairs to summon Pedro and Francisco. The three *vigilantes*, barefooted so as not to be detected, proceeded with great caution upstairs to certify the unfolding events. Pedro held a lit candle as Tinoco grabbed a stick in one hand and a knife in the other. Once upstairs, the *vigilantes* "busted into the quarters and saw Domingo, on the floor, lying face down on his stomach, his breeches lowered and his shirt truss’d". Next to him, "pretending to be asleep and
coverings his eyes with his arms" lay Ponce. "Mad dog"! cried out Tinoco to Domingo, "take your blanket and go downstairs".112

Kill the Mad Dog!

Once downstairs, the three vigilantes held Domingo captive in the servant’s quarters. "Tell us what happened or we will kill you here with blows", warned the others. "I haven’t done anything bad", claimed Domingo. "Ponce placed his legs over me and touched my muscles and body and I told him to stay away", added Domingo. "You dog", remarked Tinoco, "that is not the truth, say it or I will have to kill you with the knife" he held in his hand. "Kill the dog"! declared Pedro as he threatened Domingo with the stick. "If you don’t tell us the truth, we should have to kill and burn you, say it you dog, we all saw it"! threatened Tinoco. "I have already stated the truth", reiterated Domingo.

Ponce then entered the servants quarters under the pretext of having to "piss" and asked "What is this Señor Pedro"? "You dog, you and your filthiness" came the favourite response. "What is the meaning of this Captain Tinoco?" insisted Ponce. Tinoco loudly cried out, "You are both dogs for I have seen you both, with my own eyes, consume your filthy misdeeds". "What misdeeds"? asked Ponce. "Did you not penetrate Domingo"? asked Tinoco. "Through where"? retorted Ponce. "Through the anus"! replied Tinoco.

"Tis certain that Ponce placed his leg over me," interjected Domingo. "Look", pleaded Ponce "don’t denounce me my honourable man, for the love of God, promise me for I am about to be freed from prison". "You dog, how dare you plead for a helping hand", observed a tireless Tinoco as he exited the quarters and confidently affirmed that Ponce and Domingo “will burn for we shouldn’t have to sleep with this".113

Tales of Love

Domingo’s master had brought him to the prison that morning with the intention of selling him. As he asked for more fetters, the master publicly announced to the other prisoners that "his slave had all the misgivings of the world and far from lacking another he was also a puto".114 Domingo López, a twenty year old slave, appeared before the Casa’s Magistrates and in the presence of his guardian ad liten confirmed that his master had earlier
deposited him in the tribunal's prison. "Had his master described him as a 
\textit{puto} to the other prisoners"? asked the Magistrates.

Actually, corrected Domingo, "his master had stated that he lacked \textit{only}
this misdeed".\textsuperscript{115} Had a 'stiff' Ponce caressed Domingo's face and throat with
his hand and made love to him having said he had gone without for fifteen
days'? asked one of the Magistrate. Ponce, in fact, "placed his hand on
Domingo's face and throat uttering words of endearment and stated that he
had not done it with anybody in two days".\textsuperscript{116}

The Magistrates also learned that when Domingo went upstairs to retire
on the given night in question, he saw how Ponce had arranged both beds
side by side. "Come here and scratch my backside", requested Ponce. As
Domingo commenced the scratching, Domingo began to touch him. "Why
don't you remove your breeches"? requested Ponce. "What for?" asked
Domingo. Ponce, again began to "touch the slave, put his hand into
Domingo's cod piece, touched his flesh and his muscles" and when the
\textit{Mulato} proceeded to "feel his member, Domingo did not consent and he had
turned his body away".\textsuperscript{117}

Still later, Ponce succeeded in persuading Domingo to remove his
breeches and sleep without them. Domingo, fatigued due to a hip injury
inflicted by his master, simply took off all his clothes and placed them over
his body as he lay on his side. Ponce remained asleep and neither placed his
legs over him nor did any other thing.\textsuperscript{118}

The illustrious Magistrate admonished Ponce to declare the truth and
warned him, that if, "during the torture he should die, break a leg or an arm,
or should one of his eyes pop out", he himself and not they deserved all the
blame. "I don't know what else to say", declared Domingo. The Magistrates
summoned Francisco Velasquez, the city's executioner and ordered him to
denude Domingo. As the men erected the necessary apparatus for the
requisite torture in this type of cases and as they removed the shackles from
Domingo's ankles, the young boy claimed that he wanted to tell the truth.

Domingo admitted that after "he had removed his breeches and lay face
down, Ponce had truss'd his shirt and climbed on top of him". Domingo had
wanted to cry out, but Ponce threatened him, "quiet or I'll choke you". The
slave remained still as Ponce, "holding on to Domingo's shoulders forcibly
attempted to insert his member into his cunt". Ponce succeeded inserting
"only the head" for his "fat member did not fit" Domingo. Once the \textit{Mulato}
finished, Domingo found "his cunt wet with Ponce's semen". Confession in
hand, the Magistrates had the rack removed from the quarters and
suspended the torture session. Domingo, described by the scrivener as a
"tad shade" \textit{Mulato}, ratified his confession in the presence of his guardian.\textsuperscript{119}
The Repeat Offender

Back in 1599, unable to convict Gerónimo Ponce—a free Mulato from Sevilla, also aged twenty—on sodomy charges with a young page, a Captain General instead sentenced him to "the steps and the string" for six years without pay. Despite "especially rigorous tortures on the pulley, the rack, and of water" inflicted upon him on board the ship and in the public jail of La Havana, Ponce had resisted and offered no concessions. Unlike the torture of Gaspar on the pulley, the executioner had attached substantial portions of lead to Ponce's feet before hoisting the body high in mid-air. Ponce's lack of expression shocked the mariners who witnessed the torture. The Casa's porter recalled that Ponce had escaped en route to the Royal Prison upon his return from La Havana. A Royal Magistrate fined the Admiral of the ship for Ponce's escape. Crown officials later re-apprehended Ponce and they took him to the Royal Prison in Sevilla. Still later, officials transferred him to the Casa prison.

In 1607, sometime after his incarceration in the Royal Prison, secular officials again accused Ponce of sodomy with a boy of eighteen named Manuel Rodríguez. The other prisoners had often noticed Ponce publicly hugging 'Manuelillo'. "Look at those putos" the prisoners muttered to each other. When Ponce and Manuelillo slept together, the other prisoners often "overheard how they both panted-- just like when a man and a woman have carnal access with each other". Several prisoners commonly regarded Ponce as a "somético". Ponce, "possessive and jealous of Manuelillo" always showered him with "many gifts". Francisco Ynfante, "a black negro slave" cautioned Ponce about his relationship with Manuelillo.

"Don't do such a thing", advised Francisco, "as it is you're in here accused of being a puto". Ponce did not heed the advice and retaliated by striking Francisco "on the mouth". A couple of months earlier, our petulant Ponce had also struck Benitillo in the prison courtyard. "Brother, do you strike me because I protect my honour or do you want me to burn for you"? asked Benitillo evidently having declined Ponce's advances. "I" concluded Benitillo, "wish not to burn for anyone". But, the Magistrates did not consider all testimony offered against Ponce and Domingo as acceptable in a court of law.

When Alonso Hernández, a Morisco testified against Ponce, the Magistrates discounted his testimony after Ponce's advocate argued that Morales did not constitute 'legitimate' witnesses. Furthermore, argued the guardian, any "sighs" overheard by the prisoners coming from Ponce and Manuelillo could have occurred as a result of the "cold, pain, or sickness" felt by two mariners. The advocate described his clients as "good Christians,
fearful of God, honourable and honest men, aficionados of virtuous women". 123

Despite the arguments presented by the defense, the Royal Court condemned both Ponce and Manuelillo to water and rope torture. Ponce and Manuelillo received some fifteen turnabouts and four jugs of water but neither confessed to any wrongdoing. That prompted the officials to absolve them both in July 1603. Thereafter, they transferred Ponce to the Casa's Prison. 124

In September that same year, Casa officials accused Ponce of sodomy and submitted him to a series of now familiar questions and tortures. Ponce, for his part, denied ever having placed his hands on Domingo's beard, his muscles or member. He never spoke amorous words to Domingo about the neck. Nor had he stated that he felt 'stiff' for he lacked of 'it'. Ponce had not inserted his fat member inside Domingo's codpiece or in his cunt. He had not acted as "agent or patient" and he certainly had not "spilled semen in the act". 125

The Magistrates, not yet satisfied with the Mulato's revelations, requested the executioner to tie Ponce to the rack. Familiar as he was with the tortures and their sequence of events, Ponce simply "closed his eyes as if in a fainted state, did not utter a word, made no other movements, withstood a number of turn abouts, until the Magistrates suspended the torture". 126 Despite not having confessed to anything, the Casa sentenced Ponce to burn in an apparent violation of sodomy laws.

His advocate immediately appealed his sentence. The witnesses had not actually seen the act, argued his advocate and Domingo's confession extracted under the duress of torture invalidated its testimony in accordance with the new Pragmática which stipulated a minimum of three witnesses to convict a sodomite", a direct reference to the 1497 Pragmática. 127

On appeal before the Council of the Indies, His Majesty's Attorney General, nevertheless, confirmed the death sentences dictated by the Casa Tribunal in what he called a "nefarious and pernicious case". Although condemned to strangulation and death by fire in September 1603, the Casa did not execute the sentences until November 1605. 128 No similar verdict could be found for Domingo for the scrivener did not substantiate the outcome of that case.

Often, accused sodomites suffered merciless episodes of humiliation under the custody of court appointed officials as these authorities attempted time and again to prove the repulsive state of the crime and sin contra natura. If these officials could express often enough and using the most disgusting images the ugliness of such a 'crime', perhaps those directly affected by said acts as well as the other individuals who witnessed them
could in the end accept and perpetuate the newly constructed version of *Vir*.

**One Perplexing Anus**

In their attempts to 'prove' the abominable nature of sodomy, the Spanish courts sometimes resorted to the use of science to further 'quantify' their discursive descriptions of it. Some courts subjected accused sodomites to humiliating physical examinations. When Chief Surgeon Fita viewed the external parts of Giovanni Mule's anus, he "realized and saw all its parts lacerated and full of sordid ulcers or callous skin". Fita concluded that since the boy exhibited a "loose" arse, "somebody had, with the boy many times before, committed the sin of sodomy".  

Suareo, the surgeon's assistant, concurred with Fita, observing that the "boy's backside appeared quite used, loose and blistered". These markings had occurred, Suareo stated, "apparently as the result of the lad having committed the sin of sodomy and allowing himself to be buggered numerous times". The chief surgeon himself said to the boy, "this is not your first time, is it?" To which the boy replied, "tis true".  

Despite Chief Surgeon Fita's initial examination of Giovanni Mule, the Magistrate who presided over the case ordered a second examination. "Naturally impossible that the boy committed the sin against nature", reported the second surgeon, "I have seen no signs that demonstrate member penetration". With two contradictory surgeons' reports before him, the Magistrate sought "further clarification" and asked two other surgeons, "to examine Juan Mule and to ascertain whether or not the unutterable sin against nature had been committed with him".  

After these surgeons "very carefully" examined the boy's anus, they found "no initiative or sign with which to presume that someone had, with the boy, executed the sin against nature". Furthermore, they found "no signs of a natural member having penetrated the boy". The boy's arse had revealed "no ulcers, no inflammation, no haemorrhoids, or anything out of the ordinary".  

The "contradictions in the surgeons' depositions" prompted the Magistrate to demand yet another examination of Giovanni Mule. This time he ordered "all the surgeons to collectively concur and again examine the boy". In June 1698, Chief Surgeon Fita and the other surgeons "with the greatest care for the boy" effected the final examination of Mule. Fita and his colleagues "executed in anatomical form and with the necessary instruments, an internal examination," of Mule's anus.
This time around, our learned men of science detected "a troubling sentiment, a scar or corn, both internally and externally, in a state of mediocrity". The men could not see beyond the "troubled sentiment for some sort of inflammation or blockage obstructed their view," but they could not "probe any further for fear that their instruments would inflict and cause Juan Mule more damage or result in a new illness". The examiners pondered, "whether or not they should proceed with their examination" thus providing the Magistrate with "a much more informed diagnosis"?

The men "concurred to continue" the examination and "let the instrument pass through the inflamed part". "Apparently," wrote the scrivener, the instruments "lacerated the blockage". "In their previous viewings" of Mule, Fita and his colleagues, had only conducted "external and not very extensive observations". In their final examination, the men utilized sagacious workmanship which allowed them to perform more complete and revised "final declarations".134

Mariners also suffered from the excesses inflicted on them by their immediate superiors.

**Below Deck with Antón and Alonso**

The abuse of these mariners was perpetrated not only by the courts, in fact many seamen complained about the way in which ships officers abused their positions of power and coerced them into performing sexual favours. Like crown officials who equated the practice of sodomy with 'foreigners', some mariners also associated it with 'others' or believed that those of other 'nations' inherently practiced sodomitical acts.

In the case of Antón de Fuentes and Alonso Prieto, the pilot took the ship's master aside on board the *Nuestra Señora de los Clarines* and stated "know thou your lordship 'er is a puto on board this ship". As the pilot spoke his words, Alonso, a young page, began to weep.135 "Why do you weep?" asked the master. "Be it known to you your lordship," replied the page "that Antón de Fuentes", a lombardero/labourer136 "inserted it in me below deck wanting to do it". Antón had pleaded with the young page, "Don't reveal me and I will give you anything you desire". "Do not think my lord," sobbed Alonso, "that I wanted to do it with him".137

At three o'clock that afternoon, the thirteen-year old page stood before the Captain General and reiterated his recollections of the incidents on board the ship. Alonso, a native of Cartaya, recalled that as he stood by the open hearth with the other pages tossing some migas into a cocidilla138 for the
purser, Antón de Fuentes approached the pages, with a lit candle in his hand and asked, "who wants to go below deck with me? " Perico, the purser's page turned to Alonso and suggested to Alonso, "you go". Antón handed Alonso a lit candle and they both made their way toward the mid-ship. Once they had descended by way of the hatches through which the mariners lowered bulky goods, Antón asked the pages above to close the trap doors. Antón turned to Alonso and said, "give me the candle I will go ahead of you for I know the way better than you do." Antón handed the candle back to Alonso and asked him to hold open the lid of the chest while he retrieved and untied a bundle of black taffeta. Antón, with the aide of some scissors, cut about three measured rod lengths of the thin black silk, having measured it from the thumb of his right hand up to his breast. He folded the pieces and with his own hand, placed the pieces in his breast and then returned the bulk of the taffeta to the wooden box. Antón then took back the candle and both mariners returned to the hatches along the same path. When they reached the trap doors, Alonso put the candle out as Antón cried out to the pages because the hatch doors remained closed. When the pages did not answer Antón sat on some jars. Alonso also cried out to the pages, but, none responded.

What Do You Take Me For—a Moor or a Turk?

As the two waited for the doors to open, Antón turned to Alonso and stated, "sit here and I will look at the slash/cuchillada given you. As Alonso placed the ankle of his left foot on a keg, Antón sat next to him and insisted that he "untie his breeches and move toward the light by the hatches". Antón touched Alonso's "spine and his buttocks with his hands and then squeezed it between his two hands wanting to take out the sap". When he had finished Antón distanced himself from the page without saying anything. He cracked open the trap doors with his head just as another mariner approached to go below deck. Alonso, meanwhile, remained below deck repeatedly adjusting his breeches.

A short while later, Antón returned below deck with a lit candle and found Alonso still standing by the hatches. Both men then walked towards the ship's stern and there Antón picked up a riding saddle and placed it over the rest. He placed his hands underneath some chairs and retrieved a piece of a brush made of bass or esparto, ordinarily used to scrub culinary vessels and utensils, which he singed slightly with the candle's lit wick. Antón put the candle out with a piece of wood and cut a piece of the wick
with some scissors. He handed the cut piece of wick to Alonso and asked him to place it on top of a fife.

"Why don't you slacken your breeches", asked Antón. When Alonso removed his breeches, Antón made him lie, breast down, on top of some pipes. Antón 'trussed' the boy's shirt and took "Alonso's natura into his hands as he treaded it tenderly in between his hands". Antón "touched the boy's inner thighs and then he began to feel his buttocks and his cunt" He "tried to examine the cunt and the thighs with the burned brush as he stuck one finger into Alonso's fundament and pressed the page's member between his hands".

"Do you feel it"? asked Antón. "Yes", replied Alonso. After Antón had "treaded it quite well, repeatedly rubbing and feeling it," the labourer "pulled his own yard out of his cod piece and put it up against Alonso's cunt". When Alonso felt this sensation, he "distanced himself from Antón, took his breeches, raised them and fled".143

Antón pursued Alonso, overtook him, grabbed his hand and pleaded, "hush, hush[...].don't say anything". When Alonso began to cry out, Antón released him and allowed him to go free. Alonso exited by way of the hatches and set out to find the ship's master whom he found asleep in his cabin. Alonso did not want to wake the master so he went to the ship's fore where the purser offered him something to eat. "I'm not hungry," replied Alonso. "Here, take three fish, go scale them and we will eat them tonight".144

As Alonso stood in the fore cleaning the fish, Antón approached him again, with his hands held together and begged, "Hush, for the love of God don't say anything and I will please you by giving you anything you desire". But the young page invoked a favourite response, "What do you take me for, a Moor or a Turk, a heretic"? "I have no reason not to tell my lord the master," Alonso cried loudly. A dejected Antón departed and Alonso finished salting the fish. Alonso related his story to Melchor de Campos, the ship's master's son, who in turn, informed the pilot and the master himself.145

An Inadvertent Rub

"But why had the page remained below deck to assist Antón a second time"? asked a curious Captain General. The page had remained behind a second time because he thought that "Antón had wanted to see his injured ankle". Anyway, Antón had "never before done or said anything related to it". Alonso simply had "no knowledge of, nor had he ever heard it rumored
that Antón had realized carnal access with another boy or man on board or off board the ship".146

On 2 May 1562, in Cádiz, Antón de Fuentes, aged thirty, a native of Barcelona and a mariner for the last fifteen years offered his own version of the events. Antón had known Alonso Prieto for "two months or since the time Alonso had boarded the ship".147 On the day in question, Antón descended below deck to retrieve some black taffeta from a large wooden box because he had intended to sell it.

While below deck, Alonso had begun to wriggle about and complained about a pain he felt in one foot. "Why does it hurt"? asked Antón. Alonso responded that "his inner thighs and buttocks ached because the Captain General had given him blows in many parts of his body".148

When the two mariners reached the saddles, Alonso mounted a saddle and he showed Antón the backside of his hand. "What have you there"? asked Antón. "It also aches", replied Alonso "as the page untied and pulled down his breeches".

Antón inspected the page's inner thighs and he found two dry welts. "Wait, I'll dip them in some hot tallow wax" offered Antón as he took "a bit of wool from a saddle, dipped it into the candle wax and anointed Alonso's thighs and welts with the uncture of the tallow". "I also have something on my behind", stated Alonso. "Show me," replied Antón as the page turned on his backside.

Antón "illuminated the boy's posterior with the candle and found the markings of blows or scratches on Alonso's buttocks close to the backbone". "Wait, let's omit them" said Antón as he took "the wool, again dipped it into the candle wax", but this time, "the dipped wool put the candle out". "Carefully though," Antón "anointed the markings and once finished he had felt Alonso's buttocks with both hands having asked the page if he felt any pain in any other parts of his body".

Suddenly, remarked Antón, "Alonso turned over and stated 'I will tell my Lord the master' to which Antón had responded, 'What will you say [...] the devil be'! Alonso," weeping, somewhat, jumped up and fled above deck".149 But for what effect had Antón put his fingers into Alonso's "anus or that part he uses to execute his common necessities"? asked the Captain General.

Antón admitted only to having "touched or felt the thighs, but not the natura although, he might have inadvertently touched it with his hands as he examined the proximity of the thighs," but he had not "particularly touched the boy nor had he rubbed him" in any way whatsoever.

Moreover, Alonso had voluntarily loosened his breeches". Antón "didn't remember if he had instructed Alonso to do so in order to better view the
thighs". But "had he not put his finger into the fundament nor had he placed his *natura* into Alonso's anus".\(^{150}\)

**Fat Natura**

During a second interrogation of Alonso, the Magistrates insisted on yet more saucy details. "Had Alonso felt or seen Antón's *natura*, his genital member as the labourer attempted to insert it through Alonso's fundament and had it caused him any harm"? asked the Captain General. Otherwise, "how could the young boy have distinguished the *natura* from another body part"?

"When Antón inserted his finger into my *culo*," clarified Alonso, "he knew fully well that it felt like a finger". But, when Antón attempted to insert his "fat *natura*" into Alonso, the young boy had not only "felt a tightness around the eye of his fundament caused by the genital member Antón used to piss from". Alas, Alonso had not "bled" nor had he suffered any other "harm". In the presence of Antón, the Captain General asked Alonso, if the labourer "had wanted to have carnal access with him through the fundament from where he realized his necessities"? Alonso reiterated his earlier claims and affirmed his deposition.\(^{151}\)

**Powders**

On 2 May 1562, in Cádiz, the Captain General condemned Antón to torture and had all of his possessions sequestered. An inventory of Antón's precious box revealed a list of over 125 items that included expensive textiles, ridding saddles and an extensive wardrobe of fine garments. Three witnesses had testified for the prosecution: the ship's master Alonso de Fuentes; his fifteen year old son Melchior; and the pilot Sebastian Fernández, who all ratified their denouncements of Antón.\(^{152}\)

Unlike the torture of Gaspar on the *el Corchapín*, the executioner placed the nude Antón, his hands tied, on a trow mill.\(^{153}\) He received nine rotations of the small ropes or *garrotes* that had been tied about the brawny part of his arms and the shinbone of his legs. The executioner again repeated the same sequence of the inflicted torture. The executioner had also placed a woolen cloth over Antón's face and poured six jugs of water into his mouth and thereafter poured some more water into Antón and added even more small ropes about his muscles. Unlike Gaspar, Antón not only survived the
torture but he offered no confession. The officials suspected that Antón had resisted the torture for someone had given him powders.\[154\]

The investigation then took a different turn. The Captain General interrogated the cell guard and other prisoners, however nobody had any knowledge of the powders nor did they know that Antón had been imprisoned for the 'nefarious sin'. In 1562, *La Casa de la Contratación* in Sevilla assumed jurisdiction over the case and Solicitor General Venegas formally charged Antón de Fuentes with "the intent to commit the nefarious sin" and he accused "Alonso Prieto of having permitted the aforementioned to commit the nefarious sin with him".\[155\] Once again, the tribunal appointed Juan Bautista, a solicitor of the Casa to act as Alonso's guardian.\[156\]

**Honourable Men Never Do Such Things**

Antón de Fuentes, like many other defendants attempted to justify his 'manliness' taking refuge in the fact that he "married with a wife, had only touched Alonso for he had wanted to cure his injuries". Antón insisted he had often cured many of the sick mariners on board the ship. "The ship's master Alonso de Campos, his son Melchior and other persons," claimed Antón, had "induced the page Alonso to denounce him out of the hatred they felt toward him". Antón presented a total of ten witnesses in his defense. In Cádiz on 30 May 1562, the witnesses related their testimonies on board the *Nuestra Señora de las Clarines*.\[157\]

The witnesses portrayed Antón as "an honourable man of good repute, a very good Christian, one fearful of God and his good conscious". Antón, "quite the lady's man often attempted conversation with women". About five or six months earlier, he had married María de los Reyes, a resident of Sevilla. As such, the witnesses, "in fact certainly knew that Antón had not wanted to nor had he committed the crime against nature. Nobody had ever presumed such thing about him. They related how "the stoutly torture administered by Captain General Pedro Relendes had rendered Antón a maimed man deprived of his left arm".\[158\] In the early modern period, surviving rigorous tortures was tantamount to proving one's innocence.

These same witnesses vilified "Alonso as a liar and as a young gossipy boy". The page "worked closely with the ship's master and as such greatly respected and feared him". Furthermore, the "ship's master and Antón didn't get on". On one occasion, "the ship's master had quarreled with Antón, grabbed his beard and promised to deny him passage to the Indies". Alonso and Melchor, stated the witnesses, "had colluded with the ship's master, in an attempt to impede Antón's way to the Indies".\[159\]
On 4 July 1562, the Royal Council of the Indies in Madrid issued the definitive sentence in the case. Bautista, had again forcefully argued for the defense. The Council condemned Antón de Fuentes only to a "two years suspension from the Indies without pay and condemned him to pay all the costs of the case". The Ministers "absolved Alonso Prieto of all charges and set him free". Despite allegations of sodomy employed as a method of economic or political chantage as in the Antón-Alonso case, many pages often complained of the abuse they had to endure on board the ships traveling to and from las Indias.

The Handy Boatswain

In April 1566, in the city of Nombre de Dios, Cristóbal de Erauso, the Captain General of the fleet received notice that Juan Fernández, aged forty and the boatswain on the master ship San Juan Baptista, had committed the "crime and sin contrary to nature with many persons". Juan de Sauzedo, a sixteen year old page on the San Juan Baptista, appeared before the Captain General and stated that "about one month ago, late at night, as he lay asleep underneath the deck of the ship, Juan Fernández had approached him and put his hand inside an opening" in Sauzedo's breeches. Fernández had then "taken the page's rod in his own hand". "Go away, why do you do such a vile thing"? asked Sauzedo. "Be still", responded Fernández. "I don't want to", replied Sauzedo as he removed himself from the area.

The boatswain had importuned Sauzedo on two other occasions having told him, "Come lie and sleep next to me". Sauzedo declined the offer, "I don't want to". "Furthermore," recalled Sauzedo, "on one of those three nights when Fernández had felt his rod as he slept," the boatswain worked Sauzedo's rod until the page ejaculated "filthiness". When Sauzedo awoke and witnessed the ejaculated semen, the boatswain reassured him having stated that, "he had only piss'd" all over himself. "Never in his life" had Sauzedo "committed such a thing". The page remembered "it had rained that night as all the people on board the ship slept".

Another page named Pedro Díaz, aged fourteen, came forth and stated how, after the master ship had sailed passed the Isle of Dominica, as he slept on deck, the boatswain had also approached him and "touched his rod". "One dark and rainy night", the handy boatswain had asked him to "come lie with me tonight for the love of my bad leg". Díaz acquiesced and about midnight as he "lay on his front side in Fernández' bed, the boatswain "placed his armed rod up against the page's buttocks in an attempt to

Fernández had summoned Diaz "several other times to the forecastle deck and asked the page to louse him. Once loused, the boatswain invariable felt Diaz' rod. Diaz had not "denounced the boatswain earlier for fear of being killed by him". The page also implicated "Juan de Saucedo, Alonso de Salas Botilla, Lazaro Hernández, Gonzalo and Pedro, both grummets," all crew members of the master ship and potential witnesses in the Captain General's case against Fernández the boatswain.164 These pages provided the Captain General with more of the same type of testimony about Fernández and his shenanigans.

About four years earlier, Alonso Suáres, a grummet, had sailed to the Indies in the company of Fernández. The Boatswain, then a sailor, had put his hand into Suáres' breeches. Juan Moreno, a mariner, who sailed on the same ship with Suáres noticed how "Fernández always went around putting his hand into the breeches of some grummets".165 Miguel Martín, sixteen year old grummet on the current voyage, divulged how on four different occasions, the boatswain commanded him "to make his bed and lie with him for he had a bad leg and suffered from the epilepsy". On one of these occasions, "once the people on board the ship had retired for the night, Fernández touched Miguel's body, his anus, his yard, and his scrotum". "Don't do that", pleaded Miguel as he abandoned the area "amid the strikes given and the chides uttered by Fernández".166 The boatswain also asked Gonzalo Fernández, an eighteen year old grummet from Oporto, Portugal to "make his bed and lie with him" for Gonzalo had no clothes with which to cover himself. In bed, Fernández "teased and tempted Gonzalo's rod and groin".167

Alonso de Salas Botilla, a fifteen year old grummet from Triana in Sevilla, testified that, "while on board the master ship in Cádiz fifteen days before it departed for the Indies, Fernández called "at about midnight, as all the people on board the ship slept" and Salas "felt how Fernández had put his hand through a covering in the grummet's breeches, tempting his rod". The grummet lifted his breeches and secured them having tied them with two knots.168 Salas found himself alone with Fernández on another occasion in the bread-room of the ship.

A couple of days earlier, the boatswain, overtaken with curiosity at the sight of Salas's long 'pubes' --or the hair upon the external part of the pudenda, or on the mons veneris of the sex-- had offered "his knife to the grummet and ordered him to cut them". While in the bread room Fernández asked the grummet, "did you cut your pubes"? Wanting to look for himself, "Fernández put his hand inside the grummet's breeches, took his rod, felt it
with his fingers until it stood erect and spilled two drops of filthiness". After Salas saw the "nastiness, he ran out of the bread room and fled".169

Further up in the gun-room, Fernández had accosted another boy. "Tell me about your yard", asked the boatswain of Lazaro Hernández, a fifteen years old page. "Why do you ask me that, 'tis not appropriate"? replied Lazaro. "Is it much to ask"? mused Fernández.170 The boatswain had his preferred boy and the other pages knew this.

His Favourite

"Pedro, are you aware, that you are the most desired on board this ship by the meanest man in the world?" asked Salas. Salas informed the grummet that some of the pages on board the ship "talked" amongst themselves about how "Pedro lay next to the Boatswain during the entire voyage". "Some pages," continued Salas had "complained about Fernández' notoriety" for the boatswain had "felt the private parts of every page on board the ship". "The devil be," remarked Pedro as he informed Salas that "the other day he had confessed his suspicions about Fernández to the chaplain".

The ship chaplain instructed Pedro simply "not to travel on the same ship with Fernández". The chaplain had also instructed Lazaro, if at all possible to "leave the master ship" and should the incidents occur again, the page should relate the particulars of the events to "the chaplain or any other priest or clergy, who in turn would then tell what 'he should do'.171 "Over the last couple of days" and after his consultation with the chaplain, Pedro had refused to obey any of the boatswain orders much to the dislike of Fernández who "ill-treated and beat" the grummet well within the "public view" of the other pages.172

The young page had left Villa de Zafra, his native birthplace, about eight or ten years earlier for Sevilla. He settled in with Juan Ximenez for three years until he embarked for New Spain as a page. He then boarded another ship and traveled to the "island of Santo Domingo from where he returned to Sevilla and set sail on this current voyage".173 Pedro Hernández, the twenty year old grummet often slept with the Boatswain in his bed for Pedro had no clothes with which to cover himself.

Pedro had spent the night with Fernández "between twenty or thirty times" until their arrival in Nombre de Dios. On those nights, "Fernández touched Pedro's body, his rod, his scrotum—all with his hand and sometimes even kissed him". Some nights Pedro even "found his muscles drenched with the filth that dripped out of his rod or that of Fernández—the bed stained with filthiness". "I will take you to my village, to confer an
employment of honour and esteem in arrangement of your marriage," promised Fernández. "I am grateful and I will accept your promise," acknowledged Pedro.¹⁷⁴

When Pedro overheard "Lazaro, Salas, and Sauzedo," all pages on board the ship" state that "Fernández had forced all three to lie next to him wanting to fuck'm and made one of them spill filth out of his rod". He denounced the boatswain to the Captain General. But, "why has it taken you so many days to denounce Fernández"? asked the Captain General. Pedro had not denounced the boatswain until he had "met with his confessor and followed the cleric's advise".¹⁷⁵

For the Love of My Leg, Cut the Pubes

Years before departing for the Indias, Juan Fernández, the forty-year old boatswain and pilot, married Juana Ruiz in Villa de Palos close to Ayamonte. Fernández would later make use of this fact in his own defense against the accusations brought against him by the seven young mariners. The boatswain had personally known all seven pages who testified against him for at least seven months.¹⁷⁶ He admitted "that one night Juan de Sauzedo did lie next to him" and that he had seen the page's "breeches open or loosely sewn, his stiff rod and scrotum hanging out" in the open air. The boatswain had only placed "his hands on Sauzedo's wet rod" in his attempt to cover it up.¹⁷⁷

The handy boatswain might have done likewise with Pedro's rod but only "to play with Díaz as boys do until they fall asleep". Fernández acknowledged that he "suffered from a bad leg and received great comfort from the warmth of another person lying next to him". He had, on occasions, asked Lazaro to lie next to him because he received comfort from someone who could subside his malady. The boatswain also "tickled" Lazaro and Miguel Martín, 'as boys do'. He toyed with their rods and groins for the boatswain fashioned himself a "jester" and he liked to watch the pages squirm.¹⁷⁸

Salas' great pudenda continued to fascinate the obstinate boatswain. The page usually "wore some red breeches opened at the leg and many times you could see his rod". "The other pages", observed the boatswain "did not have as many pubes" on their pudenda as did Salas. "Why don't you cut it"? asked Fernández, offering the use of "his knife and scissors" to the page. Fernández had often approached Salas to "cover the opening" in his breeches and in the process might have "felt it with his hand" Fernández jested with Gonzalo Hernández, the Portuguese, and also took his rod and
scrotum in his hand. The boatswain admitted to having "pulled Gonzalo's long pubes". "Why don't you wash, you are filthy," asked Fernández. With that, "some devilish pages and grummetts of the ship jumped into the sea to swim".

Unfortunately for Fernández' bad leg, Pedro Hernández did not always adhere to his requests "despite having spent many nights next to him for the aforementioned effect". Pedro had slept in the boatswain's bed, from the time the ship sailed from Cadiz to the port city of Nombre de Dios, "many nights for the delightful love Fernández felt on his leg". On these nights Fernández had also tickled Pedro who laughed as Fernández tempted his rod and scrotum. Sometimes Pedro's member stood erect, however, "Fernández never saw filthiness on Pedro's muscles". The boatswain had "promised Pedro," upon their return to Spain, "to take him to his village, and confer an employment of honour and esteem in arrangement of Pedro's marriage, for the affection he felt toward him".

After the Captain General heard the boatswain confession's, Pedro Hernández, re-appeared before his lordship and modified his earlier confession. Pedro declared, "tis true that Juan Fernández, once or twice, had buggered him as he lay in bed asleep on his breasts and when he felt Fernández on top he would try to free himself". Immediately thereafter, the Captain General ordered the arrest of the Fernández and Pedro. The boatswain awaited his fate imprisoned, his feet tied to a wooden stock in the gallery of the Captain General while Pedro remained captive in the public jail in Nombre de Dios.

On 12 may 1566 the Captain General condemned Fernández, for "having committed the sin against nature with Pedro Hernández, a grummet, and with other sailors, on board the master ship. He also condemned Andrés, the Genovese, a sailor on board the master ship, "for having intended to commit the nefarious sin" with Fernández while both sat imprisoned in the Captain General's gallery. But if suspicions of powders had clouded the outcome of the Antón-Alonso case, the absence of money tainted the fate of Pedro and the 'handy boatswain' who suffered from the epilepsy.

Money, Money, Money

In June 1566, in the port city of San Cristóbal de la Havana, the Captain General asked Juan Fernández and Pedro Hernández to respond to the pending charges levied against them. He ordered the master to relinquish the wages earned by the boatswain and Pedro Hernández to Pablo de
Mercado, the master scrivener on board the ship, who should have made use of the monies to feed them and to pay for any other costs of the case.\textsuperscript{186}

Both the boatswain and Pedro relied on Francisco de Herrera, a soldier on board the ship to present their defense.\textsuperscript{187} Herrera argued that "your lordship had wrongly inculpated the boatswain and Pedro for having committed the sin against nature, for he lacked the evidence or the proof of the crime's commission". "Furthermore," wrote Herrera,

"The witnesses are part of the crime and are fearful boys who loathed the boatswain for he punished their unworthy deeds. The boatswain is a good and virtuous Christian, thus, one cannot fathom or presume him to have committed such a crime. The only circumstantial proof against Pedro is his own confession uttered under the duress of fear of impending torture and their is no proof of a vile act although he is weak; he never, of his own free will consented, quite the contrary he resisted any advances made by the boatswain".\textsuperscript{188}

Herrera requested twelve additional days in which to prepare a more adequate defense. The Captain General ordered Pablo, the scrivener to grant six pesos of silver to Herrera from the confiscated salaries of Pedro and the boatswain. Meanwhile, Pedro "affirmed" the contents of his second confession and Herrera again requested an additional six days in which to finalize his defense.\textsuperscript{189} The guardian informed the court he had consulted the services of a lawyer in La Havana with the six pesos of silver granted to him earlier.

The lawyer had charged three pesos and two reales to review the contents of the case and to respond to the charges contained therein. Furthermore, Herrera spent five days in La Havana soliciting a copy of the trial proceedings. That cost him a "lot of monies", for which he sought "more monies" from the proceeds of his clients' salaries.\textsuperscript{190}

The Captain General "ordered the scrivener to grant Herrera another four pesos of silver for a total of ten".\textsuperscript{191} The Captain General also named licenciado Vera, a passenger on board the ship as his private assessor for this case and he asked the scrivener to pay Vera three pesos for his professional services.

By August 1566, the Captaincy sat anchored in the port of San Miguel in the Azores Islands and Vera had still not received any remuneration for his services. Vera approached the Captain General and stated that "he had presided over two sentences and expected to advise his lordship on another two; since Fernández and Hernández' salaries totaled more than one hundred pesos from which they could pay for my services" he "implored the Captain General to have Pablo relinquish the three pesos owed me".\textsuperscript{192}
This time, the scrivener also solicited monies for his services in the case and the Captain General saw fit to grant him twelve pesos for his work on it. Despite the monies paid to these individuals, the case remained in a liminal state until shortly before the master ship arrived in Sevilla.

Eventually, the Captain General condemned Fernández and Hernández to "torture on the pulley in the accustomed manner and form" and he "reserved for himself the right" to dictate the "number of times that the aforementioned shall be lifted and suspended in the air for this execution", all "in the name of justice". However, ship officials did not execute the tortures on board the ship prior to their arrival in the metropole.

Solicitor Gadfly

In Sevilla, the Casa's Solicitor General Venegas —by now well-reputed for his defense of torture in sodomy cases— concerned with an unexecuted sentence argued, "it necessary, in the interest of justice to execute the torture on the pulley since the Captain General had already sentenced Fernández and Hernández". In October 1566, the Lord Ministers of the Casa's Tribunal authorized Venegas to proceed with the tortures of the Boatswain and the page. Pedro named Gonçalo de Molina as his ad litera guardian who appealed his case before the Casa'a Tribunal.

"Sires[...], the torture sentence on the pulley pronounced against Pedro is null, unjust, and grave. Thus, it should be revoked because Pedro is not culpable nor did he commit any crime nor is there good cause to have him imprisoned any more than there is to imprison the other pages and grummetes for each simply said what they knew about the boatswain. If Fernández forced some of them to commit evil and dishonesties, Pedro did not indulge him nor consent to any dishonest acts. As such, he should not be imputed or inculpated for he is a minor. The boatswain punished the pages and he could submit them to much harm. I appeal to argue the torture sentence before His Majesty and the Council of the Yndies".

Venegas insisted that "despite the appeal the Magistrates should execute the torture sentence and that only monies in moderation should be made available to Molina for the state should not have to subsidize this proceeding".

Molina reminded the court, that "he had appealed to argue the torture sentence before His Majesty and that he had requested monies to present that appeal". In November, Magistrate Salgado ordered Pablo de Mercado, the ship's scrivener to bring all monies and goods in his possession to the Casa's Treasury Office and warned that he risked a jail sentence if he failed to comply with said request.
The Magistrate dictated that Pablo, the scrivener, must relinquish the silver in his possession to Alonso de Salvatierra, whom the magistrate had further instructed to sell the silver and then give Molina monies so he could support himself. Evidently the monies never came forth for the Magistrate issued a second admonishment and again ordered Pablo to return the monies in his possession to the Casa's Treasury.

Meanwhile Molina asked the Ministers "to order Pablo to give him twelve ducados" to "at the very least support Pedro, who is poor and dies of hunger". Once again, the Magistrate "ordered Pablo to pay Molina the twelve ducados and to bring forth all monies in his possession", The Casa's scrivener notified Pablo of this request as Molina insisted that "Pablo had certain a certain amount of silver" that 'rightfully' belonged to the young page.

The monies never came forth and on 20 December 1566, the Ministers ordered the Sergeants at Arms to forcefully retrieve the monies from Pablo de Mercado or have him arrested and put in prison. In Madrid, Pedro's guardian argued his appeal before His Majesty and the Council of the Indies. On 21 November 1566, King Felipe II "revoked the torture sentence and ordered all proceedings and dictates of the case to be given to Pedro Hernández".

The fate of the boatswain remained unresolved. The coercion of subordinates and the power struggles between ship officials habitually led to charges of blackmail and accusations of sodomy as a means of deposing or diffusing one's power.

Great Lumps of Flesh

In May 1591 on the island and port of San Juan de Ulua, situated outside Veracruz, Pedro Durán, the Sergeant at Arms of the fleet docked at the harbour, informed Captain General António Navarro de Prado that "a boy, in the nude, jumped into the sea and swam over to the admiral ship". When Durán asked Pedro Merino why he had abandoned the master ship, the young boy replied that, "Gaspar Caravallo, Mulato, had kissed him on the mouth four or five times, and had wanted to fuck'm". Caravallo had been "tempted" by Pedro's "private parts" including his "cunt". Pedro "feared" Caravallo and believed him to be "a whorish rogue". On one occasion, the purser, had "positioned his member" up against Pedro's "posterior vessel having wanted to insert his member inside" the young page.

When Pedro Merino, "a thirteen or fourteen years old page" stood before the Captain General, he narrated these and other similar incidents which
had manifested themselves on board the Rodrigo Díaz. Back in April, Pedro witnessed how Caravallo and Juanes, another page, barred themselves inside a chamber in the ship's stern. Pedro peeped through a hole in the door and he saw "Caravallo and Juanes both holding their great lumps of flesh in their hands".

When Juanes walked out of the chamber, Pedro asked, "What have you done"? Juanes replied that he and the purser had "showed each other their members" in their effort to ascertain "who had the biggest yard". Caravallo, the two concluded, had the "greatest and ugliest member". In fact Caravallo, according to Juanes "always showed his private parts to the boys on the ship". Juanes, an insouciant grummet, native of Bilbao on board the Rodrigo Díaz, lodged with the ship master. When he appeared before the Captain General to corroborate Pedro's story he stated that, "after they had reached the port, Caravallo approached him twice and said, Vizcayno, do you want me to fuck you"? To which Juanes replied, "you can do it to the sheep you find on board this ship".

But, had the "filthy and dishonest" Portuguese purser "scattered semen or did you ever feel wetness? asked the Captain General. "One day," recalled Pedro, as he and another page massaged the purser's legs, Caravallo put his hand inside an opening to his breeches, grabbed Pedro's hand and placed it on his member". Pedro felt how Caravallo's "big member wet his hand". When he "saw the wetness," Pedro "removed and smelled his badly scented hand". As both pages spat into their hands attempting to wipe them dry, an unabashed Caravallo asked, "Why do clean your hands?"

Mother of God, Come to My Rescue!

The twenty-seven years old literate purser identified himself as Gaspar de Caraballho, a native of Maezzan, married to a 'woman' who was a resident of Triana. Again he had known Pedro for a couple of months and denied all the accusations. Nevertheless, the Captain General formally charged the 'filthy and dishonest' Gaspar Caravallo of attempting to commit the nefarious sin against nature with some pages on board the Rodrigo Díaz. Caravallo responded against the charge and stated that it was "not credible" and therefore he should be absolved and set free. In defense of himself, Caravallo wrote that,

"[...] the declarations made by Pedro Merino in this process are not credible [...] His principal motive was to vilify me, thus your lordship must consider his
accusations without merit [. . .] he is my capital enemy and his malevolence toward me is the result of my trade as the purser on the ship, as such I order him to perform his duties for the benefit of the ship and I have punished him for his insolence. The pages on board the ship are naive and insolent, they are young boys who have fostered hatred toward me for I have punished them and their negligence. The boys have been persuaded by some persons on board this ship who wish me harm and wish to blemish my honor. I am a good man, a good Christian, fearful of God and his conscience, of good repute and family. Such a person could never be thought to have intended to or even committed such an ugly crime of sodomy. I implore your lordship to absolve me and set me free".217

The Admiral, then, had an antennae erected on the deck of the ship. Caravallo cried out, "Mother of God come to my rescue Mother of God"! The initial hoist lifted his feet "about the lengths of two palm trees above the deck". The Admiral again warned him to "state the truth. Caravallo again cried out, "Mother of God, you will pay for this"!218 The Lord Admiral commenced the torture session.

"The Lord Admiral ordered Caravallo lowered and he ordered de Agustín de la Cruz negro to tie a basket filled with iron to the purser's feet[. . .]The Lord Admiral issued another warning[. . .]Caravallo cried out for he had nothing else to say[. . .]Agustín hoisted the body with the attached basket and lifted him very high[. . .]about the length of two palm trees[. . .]the Lord Admiral ordered him lowered and had another basket of iron tied to Caravallo feet[. . .]another warning[. . .]the Lord Admiral ordered him hoisted up high about a yard and a half above the deck[. . .]I do not deserve this[. . .]again he cried out[. . .]The Lord Admiral ordered eight balls of iron tied to Caravallo's feet[. . .]another warning[. . .]Mother of God I don't deserve this I shall be broken![. . .]he cried out as foam spewed out of his mouth[. . .]The Lord Admiral had him lowered and had the balls of iron removed[. . .]and had a piece of lead about the weight of two quintals219 brought to him[. . .]The Lord Admiral ordered another hoist but only with the two baskets filled with iron attached to his feet[. . .]Caravallo would not respond as foam spewed out of his mouth and he vomited[. . .]The Lord Admiral ordered him lowered[. . .]Then had the piece of lead attached to his feet[. . .]another hoist in the air[. . .]Caravallo spewed foam out of his mouth[. . .]apparently suffocating[. . .]The Lord Admiral ordered him lowered and Caravallo cried out Holy Mother of God![. . .]and the Admiral admonished Caravallo many times over until he ordered the removal of the baskets of iron and Caravallo vomited and would not utter a word".220

After the torture session, the Captain General rendered his verdict. He condemned Gaspar Caravallo, "[. . .]to prison and taken out with a halter about his neck, his hands and feet tied nude from the waist upwards exposed on the pillory with a crier proclaiming his crime in a boat around all the boats docked in the harbour of San Juan de Ulua and there give three hundred lashes and he has served for a period of ten years in the galleys of His Majesty Our Lord without compensation and furthermore I condemn him to perpetual banishment from this Kingdom and its domains for the duration of his life and I condemn him to pay fifty pesos of common gold
half of which will be applied to the coffers of His Majesty Our Lord and the other half given to the Convent of Our Lady of Atocha in Madrid".\textsuperscript{221}

Caravallo argued that the Captain General had pronounced "an unjust sentence and therefore request permission to appeal his case before His Majesty Our Lord and his Royal Council of the Yndies".\textsuperscript{222} In July 1591, the Captain General reviewed Caravallo's petition and granted his appeal.\textsuperscript{223}

The fleet led by the Rodrigo Díaz arrived in Spain sometime before April 1592. However, His Majesty the King and his Royal Council never had the privilege to deliberate on Caravallo's appeal. Gaspar Caravallo disappeared somewhere between the prison cell in the Admiral's ship and the fleet's arrival on the peninsula. His Majesty's Solicitor General at La Casa de la Contratación in Sevilla held the master of the ship, Juan de Lambarri responsible and in contempt of the law for not having accounted for the whereabouts of Gaspar Caravallo as the fleet docked in the harbour.\textsuperscript{224}

Gaspar had understood how power struggles and blackmail as well as a healthy dose of xenophobia could have deposed him of his rank. This recurring theme would haunt men in positions of power throughout the early modern period. Unlike the case of General Cardona in Santo Domingo, sometimes not even ties to the nobility could mediate the outcome of an accused sodomite.

\textbf{Mariner, Would You...?}

In October 1606 in La Havana, Xinés Cavallero del Castillo, of twenty-three years of age and a native of Hellin in Murcia appeared before the local tribunal. Xinés, an ensign had formed part of his company as it had meandered through the Andalusian countryside \textit{en route} to Sevilla.\textsuperscript{225} A group of pages had complained that when the ensign ordered them to remove Xinés' cape and stockings he also asked them to scratch his legs upwards from the feet.

The ensign, nude in bed usually took the boys' hands and forcible placed them on his 'natura' and 'private parts'. On other occasions, Xinés tugged away at the boys' naturas. The ensign "kissed some pages on the lips" and usually requested his kisses "with some tongue".\textsuperscript{226} Some pages reproached the ensign for 'honourable men' did not engage in such acts. "No man should have to suffer nor consent to such indignities" and "I don't want to do that filth", cried out others.\textsuperscript{227}

Xinés "feared the loss of a gold chain and other monies kept in those same quarters".\textsuperscript{228} After Gerónimo finished "scratching the ensign's legs and also cleaned his toes with a knife", he had existed the quarters on the orders
of Xinés. The ensign then "hid the gold, again summoned Gerónimo, but the page had not responded and he had not returned to the quarters on that occasion". Xinés insisted that the "malicious intentions of his enemies had propelled the accusations levied against him". Nevertheless, the ensign "admitted it had been his custom to have his bad and swollen legs scratched every night" by his subordinates on board the ship.229

"Lord have mercy on me", repented Xinés, "for I would never commit such enormity". "The world is full of women" rationalized the ensign, for he had himself, "a sinful man, spent his fortune as he indulged many of them, in this city and in other places, as future testimony about his person" and bon vivant ways "will reveal". In fact, continued Xinés,

"he had offended God having often committed many other sins for which he felt much remorse. . . but not the one in question, nor with such persons, nor had he intended it, nor executed it, nor had it ever occurred to him".230

Captain Gómez Galiano ordered the twenty-five year old Xinés, "despite his more mature appearance", to name a guardian ad litem who could defend his case. The ensign named Juan García Lamea as his advocate who, as he made "the sign of the cross" readily accepted the appointment having "sworn to argue in defense of his minor's virility before the Lord our God".231 Gómez Galiano named Gerónimo de Valdés as the prosecuting lawyer representing the Crown. Valdés promptly named Sebastian Fernández Cavala as his assistant, "in order to make the necessary enquiries" in the case against the ensign. The "necessary enquiries cost time and money", thus, Valdés "requested fifty pesos from Xinés' coffers" so he could proceed with the investigation. The Captain General granted Valdés' request for monies intended for the reimbursement of the prosecutor and his scrivener.232

In November, Gerónimo de Valdés, the prosecutor, formally accused the ensign "of having committed the nefarious sin against nature and having attempted to commit it with many persons in this port". Valdés especially cited the case of Lezmés de Maçuelo also known as Gerónimo, "a young boy of fifteen or sixteen years with whom, the ensign, armed with an ugly diabolical and dishonest vigorous, had intended to commit the grave crime".233

In his initial reply to the prosecutor's accusations, García reminded the Court that "His Majesty King Felipe III" had appointed Xinés to form part of Captain Amezquita's company. In that same brief, Xinés insisted that he had already "declared the truth in his confession and thus should be liberated". The ensign outlined other factors in his favor. "First and foremost", wrote Xinés, "there existed, for some time now the great capital
hatred and animosity felt toward him by the Captain, his young nephew, and the Sergeant of his company". Xinés argued that as such, "they had coerced the other boys with wanton promises to testify against him and his honourable life".234

"All the witnesses", insisted Xinés, "served either the Captain or his nephew". The Sergeant in cahoots with the Captain’s nephew solely aimed to strip the ensign of his royal standard and rank. Xinés rejected the testimony offered by Lesmes for "such a young boy could hardly render a credible accusation". Gómez Galiano sequestered all the witnesses who had testified against the ensign, had them taken to the Captaincy and ordered both the prosecution and the defense not to talk to them until the young boys had ratified their denunciations.235

In fact, Captain Amezquita and Sergeant Juan Pérez de Andarca, oddly enough uncle and nephew, had cultivated a particular hatred and vendetta toward the ensign. On many occasions, both the Captain and the Sergeant had spoken ill of Xinés, publicly reproached him, and called him a sodomite with the intent of causing him the gravest possible harm. The Captain intended to deprive Xinés of his royal standard and tenure, then awarding these spoils to the Sergeant. The animosity between the three grew greater for the ensign had also nurtured this vendetta having also publicly stated things about and against the Captain.236

The defense also claimed that for his part, the Captain had also coerced the young boys with threats and promises in exchange for testimony against the ensign. As these young boys awaited their fate in the Captaincy, the Sergeant acting on the Captain’s orders, had them removed from the ship and taken to the Captain’s house, where they faced threats of bodily harm if they failed to testify against the ensign. Lastly, argued García, "Xinés, a very honourable and noble man of good fabric[. . .]fearful of God cannot be presumed to have committed this crime".237

In November 1606, Sebastián Pérez, Captain Amezquita’s young servant, and Lesmes de Maçuelos, the Sergeant’s servant, both retracted their earlier denunciations of the ensign. Sebastián, "a God fearing Christian" wished to "unburden his conscience" and stated that "his earlier declarations against the ensign had not occurred". But rather, "the Captain and the Sergeant had induced and persuaded him to do so". Sebastián had offered the denunciation for "he felt a sense of obligation to the Captain and out of the fear he felt for himself had he not complied with the wishes of his master".238

Likewise, Lesmes admitted that the Sergeant had also threatened him and promised him gifts in exchange for his denunciation of the ensign. Lesmes too, wished to unburden his conscience. He had scratched Xinés'
legs, "but only from the knees downward". Lesmes had also made the other allegations against Xinés "for fear of the Sergeant" and the yearning to acquire "a garment he promised him" in exchange for the "false testimony". 239

Despite the two retractions, the ensign's fate remained suspended until May 1607 when the Bartholomé reached Sevilla, where the Audiencia de la Casa de la Contratación assumed jurisdiction over the case. 240 Later that month, the Lord Justices dictated their sentence,

"[...]We find that we should condemn and do condemn the ensign to the pulley and water torture. . . having reserved for ourselves the quantity and quality of the aforementioned". 241

The Solicitor General of the Casa "took offense" with the Lord Justices' torture sentence and instead argued for the ordinary penalty worthy of said crime. He appealed the case before His Majesty and the Royal Council of the Indies. Francisco Rodríguez, the ensign's newly appointed guardian also appealed the torture sentence, but for different reasons. Rodríguez presented his appeal on 3 July 1607.

Rodríguez called the sentence "unjust", argued for its "revocation and for the liberation", as well as for the "absolution of Xinés". This particular case, reasoned the Guardian, "did not correspond to the dictates of the Nueba Recopilación of laws pertinent to the nefarious sin nor did it subscribe to those of the '96 Nueva Pragmática". Xinés' case was not a case of the nefarious sin, thus, "these two laws could not apply to its outcome", insisted Rodríguez.

After all, Rodríguez described the ensign as "a man of good breeding[. . .] not worthy of such a sentence for he had served His Majesty on many an occasion and such thing never once had it uttered or murmured about him". This case had been a total fabrication to strip the ensign of his rank and salary as Amezquita so aptly achieved. Not only had Amezquita succeeded with the dispossession, he had also rewarded the spoils to his nephew, the Sergeant. 242

A group of dignitaries offered their support for the ensign in a letter to King. Alberto, the archduke of Austria, Duke of Borgoña, The Illustrious Army General Valthier Capata, Member of the Royal War Council, and Juan López of the Royal Exchequer wrote that "since the ensign had, on various occasions in the past, well represented the interests of His Majesty, they felt compelled to reinstate his rank and set his salary at ten escudos every month so he may continue serving in the Spanish Infantry". 243
However, the Royal Council of the Indies had reinstated the torture sentence initially dictated by the Audiencia de la Casa de la Contratación. The Lord Ministers of the Casa informed the ensign of this final verdict. In the presence of the Lord Ministers, Xinés again declared he had already stated the truth as reflected in his first confession. The Ministers warned him to state the truth or risk the execution of the 'water and the rack' torture sentence.

Furthermore, they admonished him as the only responsible one for "any broken arms, legs or death inflicted during the execution of the sentence". The Captain General suspended the lengthy and vigorous torture. The ensign disappeared from the historical record shortly after the torture.

**Peninsular Perceptions**

Collectively, the cases that make up the core of this study, in conjunction with the other sodomy trials prosecuted in Spain, beginning in the late fifteenth-century and up until the late eighteenth century, represented a rupture with the tolerance afforded the practice of sodomy in previous centuries. The 'men' and the 'boys' traveling to and from the Indies demonstrated an awareness of 'sodomitical' culture in and around the harbours they docked at. They uttered different words and expressions when they referred to what officials had labeled a sodomite, or had referred to as the 'nefarious crime and sin against nature'. These young men instead utilized words such as 'puto' or 'bellaco' when addressing a sodomite. 'Puto,' in the context of the early modern period did not refer to a "male prostitute" as some historians have noted elsewhere. As late 1783, the Real Academia Española in Madrid still defined 'puto' as "a man who commits the nefarious sin" and 'bellaco' as "a bad man of vile respect and of a perverse condition".

In the vernacular of some of these young mariners, sodomy meant simply 'cavalgando por el culo' /penetration of the arse. In 1561, Cristóbal had turned to Gaspar and uttered, "you bellaco, I will tell the ship's master about your habits". Have you practiced the profession of 'puto' for a long time? had asked the Captain General of Gaspar. In 1606, as the galleons of an armada stood anchored in San Cristóbal de la Havana, a Sergeant informed the Captain General that Xinés del Castillo Cavallerio, his ensign is a 'puto' and that the "hearsay abounds that the ensign has committed and commits the 'sin' with the young mancaveos. In the Antón-Alonso case, the pilot had also taken the ship's master aside and stated, "Know thou your lordship 'er is a puto on board this ship". Throughout the early modern period, the
construct of the peninsular sodomite tended more toward the virile, albeit individuals usually referred to 'putos' in a pejorative manner. In reference to the Boatswain, one page had asked another, "Are you aware that you are the most desired on board this ship by the meanest man in the world"?252

For the most part, these accusations had involved boys of similar ages and backgrounds. While some cases involved 'older' boys with 'younger' boys—all the boys involved engaged in reciprocal sodomy. That is, the young boys anally penetrated others as well as allowing others to anally penetrate them. The cases prosecuted by tribunals on the peninsula often reflected how younger boys, in subordinate positions of power suffered from the abuses inflicted upon them by officials of different ranks on or off the ships.

With very few exceptions, the tribunal magistrates tended to absolve young pages, under the age of fifteen years, of any charges levied against them, especially when their counterparts were thirty or forty years old. However, young men in their twenties or older usually did not escape the "discipline and punishment" executed by the State for suspected sodomites, especially when those implicated pertained to similar age groups.

The officials both on board the ships and in the peninsular tribunals demonstrated an obsessive compulsion in their efforts to quantify their notion of 'cavalgando por el culo'. The Captain Generals who prosecuted the cases on board ships referred to it repeatedly throughout the procesos. Kissing between men, specifically on the "top or the bottom lips" also fascinated the Captain Generals. For the most part, the officials seemed quite intent on proving the physical aspects of the 'sin and crime against nature'. In some instances they altered, circumvented, or altogether abused established practices of Spanish jurisprudence on board the ships.

Despite court appointed guardians and lawyers, the mariners had to pay the court costs out of their measly salaries or from the proceeds of the goods publicly auctioned. Most of the sodomy cases fared no better before the other tribunals in the peninsula. In their defense, most of these men evoked the image of the newly reconstructed Vir, proposed by the early modern moralists-- that is, a chivalrous man, honourable, one who sought a virtuous woman, and a good Christian fearful of God.

At the end of the seventeenth-century, early modern officials continued their attempt to mould the image of the early modern Spanish Man and disseminated the xenophobic belief that only 'other nationals' were naturally susceptible to sodomitical practices. The magistrates preoccupied themselves with quantifying the physical aspects of sodomy. In doing so, they turned to the discipline of science in an effort to dignify and buttress the discursive dogma of the crown and the miter.
The sixteen cases prosecuted by the Audiencia de la Casa de la Contratación, between 1560 and 1698 at the height of the Baroque and the Counter Reformation, initially occurred on ships either en route to Spain or to the Indies. At the very least, the cases involved two individuals. The Captain General's ship—called the Capitana/Captaincy functioned as the initial tribunal for these prosecutions and any executions of sodomites at sea usually took place on the Admiral's ship. With the exception of those individuals burned precipitously at sea, almost all of the accused 'sodomites' routinely appealed their cases, first to the Casa's Tribunal in Sevilla and finally before the Royal Council of the Indies when appropriate.

Interrogations on board ships typically commenced after a Captain General received a denunciation from mariners or ship officials. His assistants brought the witnesses before him and the interrogations took place, usually followed by the torture sessions and in some instances, a given crew hanged the convicted 'sodomites' and then burned them at sea. However, some men fled and escaped before their scheduled prosecutions while others obtained acquittals. Most of the young boy involved ranged between the ages of thirteen and twenty-four. The appointed 'trustees' for the young mariners habitually appealed cases that involved boys younger than fifteen years of age.

The Captain Generals granted appeals in all the cases that involved 'minors.' Significantly enough, ship officials did not actively pursue the prosecution of 'sodomites' or celebrated orchestrated raids on board the ships or in the harbours of the Sevilla-Cádiz metroplex. Instead, the prosecution of 'sodomites' occurred only after someone had denounced another to the appropriate officials. Then, and only then, did the ship officials set the juridical apparatus in motion.

¹Cádiz año de 1698 causa escritta de oficio de justicia contra Juan Mole, Bartholomé Barres, Juan Baptista Pino, y Philip Esmirle, sobre decisse, aver cometido todos, el pecado de sodomía con el dicho Juan Mole. AGI, Escrituría, 1105 B, 80-81. Unlike the Mexico City sodomy cases, archivists in Sevilla, have only recently catalogued those prosecuted by the Audiencia de la Casa de la Contratación, thereby providing researchers with some of the earliest accounts of sodomy prosecutions during the Spanish colonial period. The contents of the majority of these texts, unlike other known sodomy cases prosecuted by secular and ecclesiastical tribunals in Spain during its early modern period, remain shelved within the confines of the Archivo General de Indias in Sevilla. As of late, writers have fairly well documented the history of colonial elites, of the family, and of 'heterosexual men and women'. However, the historiography of early modern Spain and colonial Latin America reflects a lapse in the written histories of individuals considered on the liminal fringes of past societies.

²Garrote. Se llama también la muerte que se ocasiona de la compresión de las fauces por medio del artificio de un hierro. In, Diccionario de la lengua Castellana, en que se explica el verdadero sentido de la voces, su naturaleza y calidad, con las phrases o modos de hablar, los proverbios o refranes, y otras cosas convenientes al uso de la lengua. p. 29

³AGI, Escrituría, 1105 B, 95i-96i. The scrivener underlined the words 'passed over the flames' in the original proceso.
The recorded legal proceedings of a given case. They varied in length from 100 to more than 500 folios per case.

5M. Sinha, Colonial Masculinity, p. 9.

6George L. Mosse, Nationalism and Sexuality.

7See Prologue, footnote 37.

8B. Llorca, S. J., Bulario pontificio de la Inquisición Española en su periodo constitucional. The Reyes Católicos revived the mediaeval institution when they received permission from Pope Sixtus IV in 1478 to establish the Spanish Inquisition. They sought a tribunal under their control, excluding intervention from Rome, and the power to name inquisitors in the cities and dioceses of their domain. Sixtus IV hesitated but, finally capitulated and by bull of 1 November 1478, he authorized the crown to appoint Inquisitors with jurisdiction over heretics.

9J. H. Elliott, Imperial Spain, pp. 36-38. J. Lynch, Spain 1516-1598, p. 26. John Tedeschi, "Preliminary Observations on Writing a History of the Roman Inquisition", pp. 232-49. The Spanish Inquisition instituted by the Catholic Monarchs in the late fifteenth-century differed from the mediaeval Inquisition of the thirteenth-century. The mediaeval Inquisition, a special court for the detection, trial, and punishment of heresy existed since 1233 when the Papacy created it to combat the Albigensian heresy in southern France. Although instituted in Aragón, but not Castile, it never flourished. By the fifteen-century, it lay dormant until Pope Paul III, in 1542, revived it to counteract Protestantism in Italy. The Papacy exerted full control over the mediaeval Inquisition through the General and Provincials of the Dominican Order. The Inquisition, far from being a monolithic structure, experienced development and change in terms of organization, procedures, and definitions of the law, throughout its long history. Its two stages, mediaeval and modern, should not be conflated into a single phenomenon. Furthermore, while moral justice was impossible in a context where the Catholic Church felt, together with virtually all other secular and religious authorities on both sides of the Alps, that it had the right, even the duty, to persecute those who had different religious beliefs, legal justice in sixteenth century terms was dispensed by the Roman Inquisition. Rome watched over the provincial tribunals, enforced the observance of what was, for the times, an essentially moderate code of law, and maintained, to the extent that a consensus existed, uniformity of practice.

10Stephen Haliczer, Inquisition and Society in the Kingdom of Valencia, 1478-1834, pp. 12-17. The introduction of the Inquisition in the states of the crown of Aragón was strongly opposed; there it was seen as an alien institution, an agent of Castilian intervention, and a possible threat to economic interests. In 1484 the cortes of Valencia denounced the new tribunal, which had been operating in the eastern kingdom since 1481, as a violation of its fueros. The action of Ferdinand in importing the Inquisition was resented by almost all senior officials, partly because it was regarded as a new power in the land, partly because its initial impact was so severe. The tribunal received strong royal protection; Ferdinand made it clear that it enjoyed his personal backing and seems to have regarded it as an essential instrument of centralization.

11Ibid., p. 209.


13In North Castilla, the Chanceller in Valladolid functioned as the counterpart of its sister court in Granada.

14Rossello and Bover Pujol, El Sexe a Mallorca. R. Carrasco, Inquisición y represión, pp. 39-41, 50-88. B. Bennisar, L'Inquisition espagnole, pp. 339-344.; and R. García Carcel, Herejía y sociedad en el siglo XVI, pp. 289-291. On 14 January 1505, King Ferdinand "the Catholic" granted jurisdiction over sodomy cases in Spain to the Spanish Inquisition. However, shortly thereafter he reversed his decision in a decree signed by the Council of the Supreme Inquisition in October 1509. The decree stipulated that inquisitors should not proceed against sodomites in "the absence of other factors which constituted heresy". And finally, a breve, or papal bull signed by Clemente VII in February of 1524 granted the inquisitorial tribunals of
Aragón—Barcelona, Zaragoza, Valencia, and Palma de Mallorca—jurisdiction over sodomy cases, but without interfering with the laws of the local fueros, or municipalities.

15J. de Veitia Linaje, Norte de la contratación de las Indias occidentales; R. Antunez y Acevedo, Memorias históricas sobre la legislación y gobierno del comercio de los españoles con sus colonias en las Indias occidentales; Chaunu, Seville et l'Atlantique, viii, I, pp. 182-4.; Compendio de la arte de navigate, de Rodrigo Camoroño, astrologo y matemático, y cosmografo de la Magestad Cathólica de Don Felipe segundo Rey de Españay su catedrático de cosmografía en la casa de la Contratación de las Indias de la ciudad de Sevilla. J. Pulido Rubio, El piloto mayor de la Casa de la Contratación de Sevilla, pilotos mayores, catedráticos de cosmografía y cosmógrafos.

16In Sevilla, the Tribunal consisted of a letrado/a judge with a formal degree in law, a public prosecutor, two scribes and other pertinent officials. On board ships, the Tribunal consisted of: the Captain General, who assumed the duties of judge; a court assistant; a scribe; and other assistants or counselors. The sole judge on land or at sea rendered the verdict. One could appeal a guilty verdict on board ships to the Tribunal on land. See, Juan López de Velasco, "De la Casa de la Contratación de Sevilla, y cosas proveidas para la navegación de las Indias," In Geografía y descripción universal de las Indias, p. 45. Every ship sailing between Sevilla and the Indies registered its voyage with the Casa de la Contratación, which kept a record containing a detailed account of the ship, its company, and the contents of its cargo. The Casa regulated trade but it did not collect the almojarafjazo or customs collected at the Spanish and the American ends of the trade. The Casa, an administrative agency charged with regulating commerce between the peninsula and the new continent, controlled the fleets, shipments, and personnel involved in trade and colonization. The Casa functioned as a mercantile center destined to store the products exported from Sevilla to the Americas and vice-versa. It controlled all commerce with the Americas from the port of Sevilla. In addition to the Audiencia, the Casa consisted of a Department of Government, a Ministry of Commerce, a school of Navigation, one of the largest in early modern Europe, and a Port Police. In 1508 it founded the post of piloto Mayor charged with certifying the other pilots who set sail to the Indies. Within its jurisdiction, the Casa regulated mercantile traffic, the organization of the fleet, accounting for the gold and the administration of all goods brought in from the Indies. Its administration consisted of a treasurer, an accountant and a factor. Since 1557 the functions of these three officials fell under the jurisdiction of a President. Other functions such as a Lord Mayor, a jailer, a porter, and various advocates. By the seventeenth-century, 110 people held different posts. For further discussion see, J. Lynch, Spain 1516-1598, pp. 232-236.

17On the logistics of the Casa's Tribunal see, J. López de Velasco, "De la Casa de la Contratación de Sevilla, y cosas proveidas para la navegación de las Indias," p. 45. In the 'Indies,' the highest ranking representative of royal government was the Viceroy, appointed by the King, to oversee the execution of colonial law and the maintenance of civil and military order within their Viceroyalty. Spain initially divided the 'Indies' into two viceregalities and a number of subordinate audiencias/tribunals. Nueva España/New Spain created in 1535, comprised the tribunals of Santo Domingo, Mexico City, Guatemala and Guadalajara. The Viceroyalty of Peru, established in 1542 included the tribunals of Panama, Lima, Santa Fe de Bogota, Charcas, Chile and Buenos Aires. In the eighteenth-century the Viceroyalty of Perú was reconfigured to include two new Viceroyalties: Nueva Granada/New Granada with tribunals in Santa Fe, Panama, Quito and Venezuela and; Rio de la Plata/Precious Metal River represented the tribunals of Buenos Aires and Charcas. See, J. M. Ots Capdequi, El estado Español en las Indias, pp. 45-65.

Middle Ages to the Age of Enlightenment.

For descriptions of the instrument see, M. van Harten, *Instruments of Torture from the Middle Ages to the Age of Enlightenment*.

Popular slang for the gallows. See, M. Rediker, "Liberty beneath the Jolly Roger" and D. Dugaw, "Female Sailors Bold".

Ensanchez de la segunda parte de las cosas que passan en la carcel reducito por Chabes vecino de Sevillla, No. 70, 1592. AMS, Sección II, Papeles del Señor Conde del Aguila, Tomo 3. Relación de las cosas de la carcel de Sevilla y su trato, No. 60, 1591. AMS, Sección II, Papeles del Señor Conde del Aguila, Tomo 3. Ejemerides de Sevilla, Cuaderno No. 1. AMS, Sección Especial, Papeles del Señor Conde del Aguila, pp. 11, 33. "1567[...].[en 29 de dicho] injusticiator a Don Alonso Henrrigues de Guzmán por el pecado nefando y a un mancebo con quien estando preso lo comettia[...].1597[...]. en lunes 28 de abril el lic. Pedro Velarde Alcalde del Crimen de la Chansillería de Granada[.].procedic contra D. Alonso Celles Gixon sobre la muerte de Dña Ines de Guerra en Seville y sobre lo demas contenido en su proceso; lo condeno ase fue llevado por las calles públicas de Sevilla[...].hasta el campo fuera de la puerta de Jerez donde se le dieste primero garrote y luego quemado por el pecado nefando[.].[y en perdida de todos sus bienes]; yba D. Alonso en mula de silla, vestidio de lutto y con el su paje con quien comettia el delito con opa blanca en albarda a los quales dos quemaron en el quemadero de la Inquisición en tres deste mes de abril[.].1600 en 19 de abril quemaron 15 hombres juntos[.].por el pecado nefando*.


Manuel Arredondo Carmona, corregidor de Guipuzcoa sobre que se contengan los excesos que cometen los ermitanos de la provincia de Guipuzcoa al solicitar limosnas y cometer actos de sodomía en contravencion de la regla de la muger defunta y sobre lo demas contenido en su proceso; lo condeno ase fue llevado por las calles públicas de Sevilla[...].hasta el campo fuera de la puerta de Jerez donde se le dieste primero garrote y luego quemado por el pecado nefando[.].[y en perdida de todos sus bienes]; yba D. Alonso en mula de silla, vestidio de lutto y con el su paje con quien comettia el delito con opa blanca en albarda a los quales dos quemaron en el quemadero de la Inquisición en tres deste mes de abril[.].1600 en 19 de abril quemaron 15 hombres juntos[.].por el pecado nefando*.

The fiscal with Francisco Guerrero de Malaga sobre acusarle de abusos deshonestos, 1749. ARCV, Sala de Vizcaya, Legajo 1222-02.; Sobre la intromision de la Sala de Alcaldes de casa y corte en las causas de comicos especialmente contra Baltasar Diaz, comico y consorte Juan Palanco, corregidor de Madrid, juez protector de comediantes, vecino de Madrid, contra Marcos de Argaiz, alcalde de barrio de Bilbao[.].[y] tres causas contra Nicola Setaro, Italiano, autor de operas[...].Garbriel Lopez, actor y Baltasar Diaz, comico de la Compania de Eusebio de Ribera, 1773-1778. AGS, Consejos Suprimidos, Legajo 611/Exp. 6.; El fiscal con Nicola Setaro de Napolés sobre acusarles de haberes cometido sodomía con Jose de doce años también preso en dicha carcel, 1782. ARCV, Pleitos Criminales, Caja 336.1/339.1; El fiscal con Juan de Asua de Vizcaya sobre acusarle de abusos deshonestos, 1783. ARCV, Sala de Vizcaya, Legajo 614-01.
Periods of greater repression occurred in Valencia between 1530-1609 where the Inquisition prosecuted 178 men, and in Zaragoza between 1541-1580 where the tribunal prosecuted another 155. In total, between 1540-1700 Valencia=379; Zaragoza=791; and Barcelona=453.

On population and Sevilla consult: Ladero Quesada, Historia de Sevilla; Domínguez Ortiz, Orto y ocaso de Sevilla;

Routes included the Andalucía to Cartagena de Indias on the actual coast of the Colombian Caribbean and then north to Panama, namely Nombre de Dios or Portobelo and thereafter to Peru by way of the Pacific Ocean. The ships sailed to Spain usually in the spring and early summer to avoid hurricanes and rough seas. They tended to sail back to the Indies in July or August once the threat of inclement weather in the area had subsided.
Libros prohibidos por el Santo Oficio que se entienda habrá algunos entre españoles para que los comisarios del distrito los hagan publicar y recoger de las partes a donde no habrá llegado el catálogo general, 1587. AGN. Inquisición, Tomo 140, No. 14.

Pérez-Mallaíná, Los Hombres del Océano, pp. 162-166. Prayer books included Libro de la oración, and Oratorio espiritual. In Flossantorum de Villegas wrote a history of saints and de Illesca in Pontifical, a history of popes. More literary works included Orlando and Amadis, two chivalry novels, La Araucana, an epic military poem, Diana, a pastoral novel, El cancionero on tradition and values. The historical text Repertorio presented a compilation of mediaeval and early modern laws. Flossantorum, Historia Pontifical and Oratorios all appeared on the list of material prohibited by the Mexican Inquisition. See, AGN,Inquisición, Tomo 140, Nos. 2, 7, 14.

Edicto sobre libros prohibidos, 1600. AGN, Inquisición, Tomo 265, No. 2. See also the compilation of F. Fernández del Castillo, Libros y libreros, pp. 351-511.

Escalante de Mendoza, Itinerario de navegación, pp. 46-50.

Payment included currency, reales de plata, pesos de plata, or in kind suchas food as part of the salary, or a proportion of the proceeds on board. Other forms of payment included bribes and contraband. The ranks of Admirals, Captain Generals, and masters at Arms first emerged in 1568 along with the organization of the first Armada. For a more detailed description of these officers, other mariners, and their vernacular see, Pérez-Mallaíná, Los Hombres del Océano, pp. 84-128. van Beylen, Zeilvaart Lexicon, 1985. The Country Life of Nautical Terms, 1978. Boudriot, The Seventy-Four Gun ship. Kamer, Het VOC Retourschip, 1995. Diccionario Maritimo Inglés-Espanol, 1831. BNS

Pérez-Mallaíná, Los Hombres del Océano, pp. 33-60.

On the annual embarkations from Sevilla see Chaunu, Seville et l'Atlantique, Vol. VI, p. 329.

Vizcaínos usually formed the crew for war expeditions and the Andaluses represented the majority crew on merchant ships. Pérez-Mallaíná, Los Hombres del Océano, p. 61. For a detailed version of migratory patterns see, Jacobs, Los movimientos migratorios entre Castilla e Hispanoamérica Durante el reinado de Felipe III, 1596-1621.


El Consejo de Indias a Sebastián Caboto, Toledo, 12 de noviembre de 1525. AGI, Indiferente General 2495. "Señor capitán[...], somos informados como en la Armada va muy poca gente[...]. Y que los mas de los marineros que lleva son extranjeros de estos reinos[...][y] segun que de esto tenemos nos parece que convendría que fuese mas gente[...][y] que no fuese mas del tercio de los marineros extranjeros".


Relación de las personas que han fallecido en la armada que el emperador nuestro Señor ha enviado al descubrimiento del especiería de que es capitán general Fernando de Magallanes. AGI, Patronato 34, ramo 11, 1-vto.

Lista de alardes y pagamentos de la gente de mar y guerra de las embarcaciones que componen la armada del lugarteniente general Álvaro Flores, 1565. AGI, Contaduría, 468, No. 3. Gente de mar muerta de galeones, 1565. AGI, Contaduría, 468, No. 2, 11.

AGI, Justicia, 886, 1565.

Instrucción a los maestres de la Carrera de Indias, Sevilla 26 de marzo de 1568. AGI, Indiferente General 2005.

Pérez-Mallaíná Los Hombres del Océano, pp. 63-68.

Proceso contra Cristoval, grumete de la nao Escorchapin sobre haber cometido el pecado nefando con Gaspar, grumete de la misma nao, 1560-1561, AGI, Justicia, 1181, N. 2, R. 5, p. 2.

AGI, Justicia, 1181, N. 2, R.5, 2-2vto.

AGI, Justicia, 1181, N. 2, R.5, 3.

AGI, Justicia, 1181, N.2, R.5, 4.

AGI, Justicia, 1181, N.2, R.5, 10vto-11vto.

AGI, Justicia, 1181, N.2, R.5, 4-4vto.

AGI, Justicia, 1181, N.2, R.5, 4 vto-5.

74Proceso contra Cristoval, grumete de la nao Escorchapin sobre haber cometido el pecado nefando con Gaspar, grumete de la misma nao, 1560-1561, AGI, Justicia, 1181, N. 2, R. 5, p. 2.

75AGI, Justicia, 1181, N. 2, R.5, 2-2vto.

76AGI, Justicia, 1181, N. 2, R.5, 3.

77AGI, Justicia, 1181, N.2, R.5, 4.

78AGI, Justicia, 1181, N.2, R.5, 10vto-11vto.

79AGI, Justicia, 1181, N.2, R.5, 4-4vto.

80AGI, Justicia, 1181, N.2, R.5, 4 vto-5.
[se llama el que se nombra para defender los pleitos del menor solamente. lat. Ad litem curator]

[100]indicios senal u accion de ue se inﬁere u hace presumir alguna cosa. viene del latin d indicium]

[101]Causa seguida de oficio de la Casa de la Contratación por el s[er]n[or] fiscal contra Gerónimo Ponce mulatto y Domingo López sobre haver cometido el pecado nefando de sodomia, Sevilla, 1603. AGI, Escribanía 1075C, N 17. 1.


[121]AGI, Justicia, 882, N.2, 26vto. ‘Luis de la Cueva[. . .]ser de veinte y un años dijo[. . .]Mochino de ver sus vellaquerias y exzesos siendo ladron y acuchillando a otros hombres[. . .]estandole desatando las manos para meterlo en la carcel[. . .]Domingo hincarsse de rodillas llorando diziendo que seria bueno este testigo le pico y enoxado le dijo entra perro ladron putazo[. . .]miren este puto’.

[125]AGI, Escribanía 1075C, N 17. 11.


Mariner, Would You Scratch My Legs?

126 AGI, Escritanía 1075 C, N 17. 19.
127 AGI, Escritanía 1075 C, N 17. 70-83.
129 El fiscal con Juan Mole, Bartholomé Barres, Juan Bautista Pino, extranjeros, sobre haber cometido el sobre pecado nefando. AGI, Escritanía, 1105 B, 16vto.
130 AGI, Escritanía, 1105 B, 18.
131 AGI, Escritanía, 1105 B, 16vto.
133 AGI, Escritanía, 1105 B, 25vto.-27.
136 Soldier who fired the lombardy guns.
137 AGI, Justicia, 855, N. 11, 4-5, 10.
138 Migas en una cocidilla referred to crumbled bread fried in a pan with oil, salt, red pepper, others make use of the grease of bacon, or ham.
139 AGI, Justicia, 855, N. 11, sn.
140 AGI, Justicia, 855, N. 11, sn.
141 Cuchillada. A slash, cut or wound given by a knife, or any other weapon.
142 AGI, Justicia, 855, N. 11, sn.
143 AGI, Justicia, 855, N. 11, sn.
144 AGI, Justicia, 855, N. 11, sn.
145 Ibid.
146 AGI, Justicia, 855, N. 11, 3.
147 AGI, Justicia, 855, N. 11, 5-5vto.
148 AGI, Justicia, 855, N. 11.
149 AGI, Justicia, 855, N. 11, 5vto.-6.
150 AGI, Justicia, 855, N. 11, 6-6vto.
151 AGI, Justicia, 855, N. 11, 8vto.
152 AGI, Justicia, 855, N. 11, 10-22. The Captain General ordered Miguel de Santa Maria, the custodian of the sequestered possessions to pay the following fees from Antón’s deposits: 3 ducados to Alonso de Segura, the scrivener of this case; 1 ducado to Juan de Alva, the Royal Constable for the imprisonment of the goods; 1 ducado to Julian de Guadalajara, the executioner who went to the Captaincy and tortured Antón; 2 ducados to Alonso Ortis, the pursurer on the Captaincy who cooked for Antón while he remained imprisoned. Furthermore, he had to pay 10 ducados to Juan Martinez, His Majesty’s Royal Scriverer, who took the prisoner from the Captaincy to the Casa’s jail in Sevilla. The total costs equaled 17 ducados or 187 reales.
153 Also known as horse or burro. A machine on which sawmen saw their boards and timbers. An indented wheel which puts the machine in motion that twists and reeils silk.
154 AGI, Justicia, 855, N. 11, 17vto-19vto.
155 Ibid.
156 AGI, Justicia, 855, N. 11, 25-25vto.
157 AGI, Justicia, 855, N. 11, 26-47vto.
158 AGI, Justicia, 855, N. 11, 32-33.
159 Ibid.
160 AGI, Justicia, 855, N. 11, 62.
162 AGI, Justicia, 882, N.2, 1-1vto.
163 AGI, Justicia, 882, N.2, 2.
Proceso contra Gaspar Caravallo Mulato despensero de la nao de Rodrigo Díaz por suzio y desonesto y aver querido cometer el pecado nefando contra natura con unos pajes del la nao. 1591.

AGI, Contratación 5730, N.8, R. 4, 1-2.

AGI, Justicia, 882, N.2, 1-12.
Mariner, Would You Scratch My Legs?

216 AGI, Contratación 5730, N.8, R. 4., 13.
217 AGI, Contratación 5730, N.8, R. 4., 14-14vto.
218 AGI, Contratación 5730, N.8, R. 4., 20 vto.
219 a quintall or hundred weight
221 AGI, Contratación 5730, N.8, R. 4., 25.
222 AGI, Contratación 5730, N.8, R. 4., 26.
223 AGI, Contratación 5730, N.8, R. 4., 26 vto.
224 AGI, Contratación 5730, N.8, R. 4., 27-32.
225 Proceso criminal fulminado de oficio de la Real Justicia contra El alférez xinés caballero del castillo sobre acusarle que intento el pecado de sodomía, 1606. AGI, Contratación 72, N1. R2. 14v.-17.
226 AGI, Contratación 72, N1. R2. 1.
227 AGI, Contratación 72, N1. R2. 2-3.
228 AGI, Contratación 72, N1. R2. 19.
229 AGI, Contratación 72, N1. R2. 19v.-20.
230 AGI, Contratación 72, N1. R2. 23v.-24.
231 AGI, Contratación 72, N1. R2. 25.
232 AGI, Contratación 72, N1. R2. 28-28v.
233 AGI, Contratación 72, N1. R2. 29.
234 AGI, Contratación 72, N1. R2. 31-31 v.
235 AGI, Contratación 72, N1. R2. 33v.
236 Ibid.
237 AGI, Contratación 72, N1. R2. 54.
238 AGI, Contratación 72, N1. R2. 88.
239 AGI, Contratación 72, N1. R2. 89.
240 AGI, Contratación 72, N1. R2. 159-159vto.
241 Ibid.
242 AGI, Contratación 72, N1. R2. 160v.
243 AGI, Contratación 72, N1. R2. 165v.
244 AGI, Contratación 72, N1. R2. 181.
245 R. Gutiérrez, When Jesus Came the Corn Mother Went Away.
246 Puto. El hombre que comete el pecado nefando. In, Diccionario de la lengua Castellana en que se explica el verdadero sentido de las voces, su naturaliza y calidad, con las phrases o modos de hablar, los proverbios o refranes, y otras cosas convenientes al uso de la lengua. Vol. V., p. 443.
247 Bellaco. El hombre de ruines y malos procederes, y de viles respetos, y condicion perversa y danada.
248 AGI, Justicia, 1181, N. 2, R. 5, p. 2–2vto.
249 AGI, Justicia, 1181, N.2, R.5, p. 4 vto.
250 AGI, Contratación 72, N1, R2. sn.
251 AGI, Justicia, 855, N. 11, 10.
252 AGI, Justicia, 882, N. 2, 4vto-5.