

Manuel Sánchez García

Universidad Politécnica
de Madrid

“Que el poblador principal tome asiento”. On the relevance of written records for the foundation of early modern New Towns in the Spanish Empire

Introduction

Royal Palace of Valsain, Segovia, 1573. Philip II and his Royal Council approve the legal body titled *Ordenanzas de descubrimientos, nueva población y pacificación de las Indias*, also known as *Ordenanzas de Felipe II* or simply as *Leyes de Indias*, The Indies Laws. These rules were successively expanded, updated, and spread through volumes such as the 1681 *Indies Laws Compilation*¹. Today, the Indies Laws are a central piece of early modern urban history, widely studied for their instructions regarding the grid plan of Spanish colonial settlements and regulations for distributing land ownership, among many other aspects. Scholarly literature is abundant in urban studies that rely on these principles to approach the morphology of Spanish new towns around the world,

This essay is a direct product of the PhD dissertation *Siblings Overseas. Foundational landscape, law, land distribution, and urban form in 16th-century Spanish colonial cities*, developed simultaneously at Politecnico di Torino (Italy) and Universidad de Granada (Spain) under the supervision of Professors Sergio Pace and Juan Calatrava. This project was possible thanks to the generous support of the Italian Ministry of Education, Politecnico di Torino, Universidad de Granada, and the EU Erasmus+ Program. It was further developed the project *Uncovering Colonial Lawscape*, with the support of the 2022-2023 Dumbarton Oaks Research Fellowship in Garden and Landscape Studies.

¹ J. DE PAREDES AND G. FOSMAN Y MEDINA, *Recopilacion de Leyes de Los Reynos de Las Indias / Mandadas Imprimir, y Publicar Por La Magestad Catolica Del Rey Don Carlos II...*, Madrid, 1681. See also the Chapter XXX by Marco Silvestri in this volume.

mainly in Latin America. Their analyses are either based on the current urban form of these cities or on historical plans and maps conserved from the earliest years of the colony. However, most of the documents regarding the foundation of colonial cities were indeed not plans or visual records but notarial logs, royal orders, official letters, and property scriptures. In other words, manuscripts.

Ordinance 101 in the Indies Laws is particularly relevant in this regard. It reads: «Que el poblador principal tome asiento con cada particular que se registrare para poblar» [The leading settler will take record of every individual registered as settler]². The term «poblador principal» or *leading settler* refers to the Spanish male charged with the legal responsibility of coordinating the settlement process. In colonial America, these were usually agents with a military rank and the additional title of *Adelantado* if the new settlement was founded in the context of an expedition. Their background varied greatly, grouping characters with a long experience in the Castilian army with politicians, administrators, attorneys, judges, and other agents trained in Spanish law. In most cases, the leading settler's profile mixed a number of these different aspects. The word «asiento» refers to a legally binding record listing the names of all settlers, their professions and origins, the quantity of land assigned to each one, the location of their parcels, and the ceremonies performed to take their possession, among other events and planning details according to further urban regulations. To seek this kind of record exclusively in the form of a map or a cartographic log would be a mistake. Recording the foundation of a city, that is, «tomar asiento», was a written notarial procedure in its essence, governed by the rules and

² DON CARLOS II, *Recopilación de Leyes de Los Reinos de Las Indias*, Boix, Editor, Impresor y Librero, Madrid: 1841, p. 103, Book 5th, Title 5th, Law IX, Ordinance 103. Highlighted text and English translation by the author.

protocols of judges, scribes, lawyers, and other appointed representatives.

This principle had already been applied in the Spanish colonies by the time the Indies Laws were enacted. At least three generations of colonial cities precede 1573, including the early 1500s settlements in the Caribbean and New Spain, the wave of Andean capitals in the 1520s and 1530s, and the later series of secondary colonial settlements created under the capitals' jurisdiction during the second half of the century. Moreover, in the same way that other legal principles included in the Indies Laws were not explicitly designed for colonial endeavors but derived from earlier practices, the obligation to record the settlement process was not a novelty in the Spanish Empire. Indeed, it precedes by much the early modern period. Recording the distribution of lands among settlers was a practice already established in the legal traditions of Castile and Aragon, linked to the occupation of newly conquered provinces. Examples in the thirteenth century include the distribution of land around Seville after its conquest, and the *Llibre del Repartiment de Valencia* developed by the Aragonese Crown. The colonization of the Balearic Archipelago in the fourteenth century was also recorded in great detail, as well as the conquest and settlement of the Canary Islands between the end of the fifteenth century and the beginning of the sixteenth³. This tradition is further rooted in previous urban developments framed by different frontier contexts between al-Andalus, Castile, and Aragon, including actions as early as the 11th century, such as the refoundation of Jaca and Estella/Lizarra

³ Archivo de la Corona de Aragón, *El Llibre del Repartiment de València*, Archivo de la Corona de Aragón 2015; F. BÁEZ HERNÁNDEZ, *El repartimiento de Tenerife (1493-1569)*, Instituto de Estudios Canarios, La Laguna 2016; V. BIELZA DE ORY, *Lo urbano y lo sagrado: Morfología de la ciudad Occidental*, Ediciones Universidad de Navarra EUNSA Pamplona 2022.

by Sancho I, king of Aragon and Navarra⁴. Such practices were intertwined with theoretical works, including the treatise *Regiment de la cosa publica* [on the government of the city], part of the encyclopaedical work *Lo Crestià* written by Francesc Eiximenis between 1379 and 1392 for Juan I, king of Aragon⁵. Eiximenis was a Franciscan friar born in Girona in 1330, trained in Cataluña, Oxford, and Paris. He later migrated to the city of Valencia, where he performed as councilor of the government and the body of judges. This case is particularly relevant as Eiximenis was a neo-Aristotelian, following the principles introduced by St. Tomas Aquinas during the previous century regarding the city's role as a reflection of a society of believers, followers of a common set of civil and moral rules⁶. The relationship was reciprocal; therefore, a planned, regular city in accordance to the Aristotelian-Hypodamic principles would be indispensable to support the creation of an equally ideal Christian society. Eiximenis's model was broadly influential, consolidating the political and legal notion that new towns needed careful planning and setting in order to succeed⁷.

⁴ V. BIELZA DE ORY, *El Fuero de Jaca, el Camino de Santiago y el urbanismo ortogonal*, in *El Fuero de Jaca*, Consejo Superior de Investigaciones Científicas, Instituto de Estudios Pirenaicos, Escuela de Estudios Medievales, Zaragoza 2003 («Fuentes para la historia del Pirineo», vol. 2), pp. 269-318.

⁵ F. EIXIMENIS, *Regiment de La Cosa Publica (Lo Crestià, XII Part. 3)*, Cristofor Cofman, Valencia 1499.

⁶ J.A. AERTSEN, *La filosofía medieval y los trascendentales: un estudio sobre Tomás de Aquino*, EUNSA, Pamplona 2003 («Colección de pensamiento medieval y renacentista», 52).

⁷ J.L. MARTÍN RODRÍGUEZ, *La ciudad y el príncipe: estudio y traducción de los textos de Francesc Eiximenis*, Universidad de Barcelona, Barcelona 2004 («Textos y comentarios», 6).

Distribution of land and foundational records in Spanish domains

However, the relationship between urban planning and the actual urban form of Spanish new towns is not a simple one. Let's take, for example, the city of Santa Fe in Granada, settled ex-novo in 1492 over the site of the royal encampment planted by the Catholic Monarchs in 1491 during the siege of Granada. Almost every book, volume, and article on the Spanish grid feature the famous plan of Santa Fe drawn by Francisco Quintillán (fig. 1). It is often portrayed as a militaristic proto-grid, a design primarily influenced by roman *castrametatio* teachings that would be further developed in America until reaching a more ideal unwallled form with square blocks. However, Quintillán developed his plan in 1777, not in 1492. It is not a foundational *traza*. The documents for the foundation of Santa Fe feature plenty of details and records of foundational actions; however, they include no plan⁸ (fig. 2).

The role of Santa Fe as a direct precedent of Spanish colonial urbanism has often been mystified and scaled up to a global, exemplary blueprint that would serve later on as an indispensable step for the development of a *perfect*, regular, ideal grid by the conquistadors. I have argued elsewhere how that myth, built upon the plan of Santa Fe and disregarding most of its foundational sources, has been debunked by local historians. This fact does not negate that Santa Fe was indeed a vital link for Spanish founders of colonial cities: the nuance here is that the connection between urban built form and traced plans was mediated by other actors, including the notarial body of scribes in service of the Spanish crown and the body of handwritten documents they produced. The Spanish grid was indeed not unique or unidirectional. Other than a model, the so-called grid

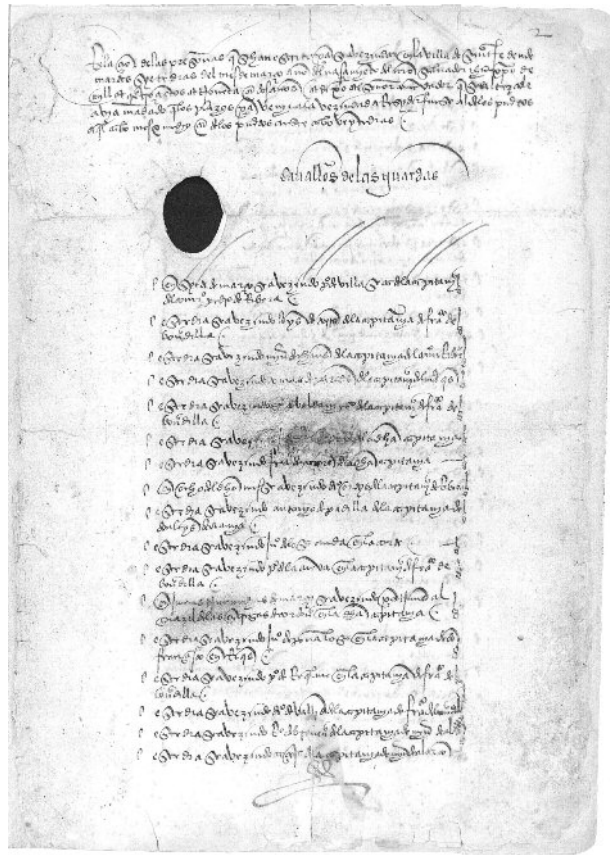
⁸ The use of plans for newly planted cities did not become commonplace until later in the period. See: M. BERESFORD, *New Towns of the Middle Ages*, Lutterworth, London 1967.

fig. 1.
1777, Plan
by Francisco Quintillán.
©Archivo Municipal
de Santa Fe, Folder 590/3,
item number
ES.1800280.AMSF/5.2./MP
D, 0001.



represents a broad set of prototypes and applied experiments based on a framework of common laws, ideologies, religious structures, and political practices. Early modern sources indicate a rich circulation and exchange of urban ideas and, more particularly, legal protocols for settling new cities. In this sense, it is worth de-centering the focus from the plan and considering a broader study of *asientos*. These records not only offer logs and testimonies of what pieces of land belonged to whom but also indicate which actors were involved in the process, which were their priorities, and what procedures they applied, as well as the political and legal discussions between them. Written *asientos* may not have the visual appeal of maps and plans, but they often

fig. 2.
1492-1496,
Foundational book
of Santa Fe, fol. 3r.
© Archivo Municipal de Santa
Fe, item number 5085.



feature a much more detailed description of how Spanish new towns were actually created. The 1534 act for the foundation of Lima is an excellent example in this regard, featuring the structured set of actions necessary for settling a new town⁹. Let's briefly go through its main points. In its opening lines, it lists the officials in charge of the foundation and the orders and instructions officially authorizing them to plant a town, that is, to create a new seat of imperial power. Such a significant move was no banality. Settling a colonial city without proper authorization meant persecution, trial,

⁹ CABILDO DE LIMA, *Libros de Cabildos de Lima*, Sanmartí: Impresores: Torres Aguirre, Lima 1935.

punitive sentences, and even the death penalty. After that, Lima’s act describes how the foundational commission visited potential sites for the foundation, discussing their conditions and suitability and consulting them with local agents, namely with the native cacique of Lima. After having *walked* and *seen* the land, the founding officials discussed and decided on the site where the new town was to be planted, recording its specific qualities and potential benefits according to colonial regulation¹⁰. Then, we find a jurisdictional consideration, establishing Lima as the region’s new capital and issuing the transference of governing institutions and powers previously placed at Jauja that same year. The next action was naming the new town as Ciudad de Los Reyes, followed by the dedication of the church and placement of its first stone, charged with symbolic meaning. The following lines explain how the adelantado Francisco Pizarro performed the possession-taking acts as the only authorized royal representative on site who could confirm the Spanish king’s rule over this territory. After officializing the royal authority over the new city’s land, Pizarro performed its distribution to its settlers, now citizens. Each of them received an urban parcel and a piece of farming land [*ejido*] that had been previously traced and designated in the city’s plan. The plan is specifically mentioned in the act [«segund paresçera por la traça que de la dicha çibdad se hizo»], but it is not conserved today. Finally, we have the conclusion of the act, with a petition for the settlers’ privileges to be protected, and the signatures of the founding committee and their witnesses, setting the act to be

¹⁰ Which was in turn inspired by neo-Aristotelian political philosophy. Good places for cities needed to be well protected and healthy, close to running water and wellsprings and open to the winds, avoiding the proximity of wetlands, marshes, and fumes considered to be stagnant, carriers of miasma and disease. See: J. RYKWERT, *The Idea of a Town: The Anthropology of Urban Form in Rome, Italy and the Ancient World*, MIT Press, Cambridge, Mass. 1988.

issued to the Royal Council in Spain. All in all, it is clear that tracing the *traza* was just one of the several operations depicted in Lima's foundational act. Most of the actions and decisions were recorded through written documents of notarial nature, not in technical plans that would be more closely related to military engineering operations, geographical surveys, or architectural treatises. These documents speak not of a military ceremony but a legal protocol, indispensable to prove legitimacy, rule, and property over conquered lands. The written act is a foundational object by itself, a mandatory piece for the new city to be recognized as such, even if not a single brick had been laid out on it yet.

Foundational records at Sierra Sur de Jaén, Andalusia

As argued above, this kind of record is not exclusive to the Americas. Back in Andalusia we can find comparable early sources such as the population order by Juana I for the colonization of Jaén's Sierra Sur. This mountainous area acted as the main frontier between Castile and the Nasrid Kingdom of Granada until its *Re-conquest* in 1492. In 1508, the Royal Council issued, in the name of the queen, a commandment to create seven new towns to consolidate an urban network inside Sierra Sur and secure the roads between Granada and Jaén. The site for the first of these seven towns was located in the middle point of the road connecting both cities, while the other six expanded over the inner valleys of Sierra Sur and the plains close to the fortified positions of Jaén and La Guardia. The project was meant to fill and secure these unsettled pockets of land by inserting a new labor force comprised mainly of farmers and shepherds from Jaén and its surrounding towns. However, the Crown also seized the opportunity to gift lands to privileged agents as a way to award past services and repay favors and loans provided during the War of Granada and other

conflicts¹¹. The council of Jaen and the Mesta Council, representing the interests of the local elites at Jaen, immediately opposed the settling project as it challenged their control over the province by introducing new influential individuals and land-owners. Argued that the land in Sierra Sur was of poor quality, unfit for producing crops of any kind, and better suited as a source of forest wood and livestock grazing as it had been traditionally used for centuries. They were temporarily successful in this regard, stalling the foundational process for almost thirty years.

In 1537, Charles V commanded a royal official to visit Sierra Sur and inform on the actual quality and availability of the land. The visitor’s report was positive; shortly after, the Royal Council issued an executory order to reactivate the project. It was accompanied by a much more modern list of instructions, echoing those already applied in America and introducing some concepts that would later be included in the Indies Laws. For example, like in America, all settlers in Sierra Sur had to be married men, obliged to reside in the new town for ten years and build their houses in two years. Farming lands needed to be prepared and put into production within three years, otherwise the settlers would lose their property. Even though the whole operation was basically a real estate investment, especially for the more privileged settlers, another rule was set forbidding any piece of land to be sold, traded, or donated to the church. The instructions also state:

¹¹ M.A. LÓPEZ ARANDIA, *Pacificación y Fundación de Ciudades En La Frontera: Proyectos Repobladores En Castilla (Ss. XV-XVI)*, in «Espacio, Tiempo y Forma Serie IV Historia Moderna», n° 24, 2011, pp. 33-50.

«se manda quel dicho cor(r)egidor, en vn libro enquadernado, haga que por el esc(r)ibano ante quien se hiziere este repartimiento, se asiente por menudo todas las bezindades que dieren y a quien [...] el qual se ponga en el arca del conzejo de la ziudad de Jaen, para que se sepa y aberigue lo que conuinere»¹².

As a result of this rule, the process for the foundation of the town's in Sierra Sur was recorded with great detail and eventually copied and conserved in each towns archives and at Jaen's historical provincial archive. These records are colloquially known today as foundational books or *Libros de Repartimiento*, one existing for each of the four towns finally planted in 1539: Los Villares, Valdepeñas de Jaén, Mancha Real, and Campillo de Arenas. They were carefully stored and protected as the legitimacy of these towns depended on them. This relevance was reinstated in later documents such as the first minute book of Mancha Real's council. In an entry dated July 8th, 1562, it is recorded how the new majors Cristóbal López and Gabriel Aranda received a series of items from the salient major Benito López Cubillo, including a «new trunk with two keylocks» [«una arca nueva con dos

¹² J. VÁZQUEZ, *Quaderno que por extrazion y copias simples da algunas noticias para actuarse de la Fundación de esta villa erigida en lugar a sus principios con el nombre de El Valdepeñas. Sacado del Libro de Población y todo simple*. Valdepeñas de Jaén, 1539, fol. 8r. Archivo Municipal de Valdepeñas de Jaén. Transcribed in J. M. DELGADO BARRADO et al., *Fundación e independencia: fuentes documentales para la historia de Valdepeñas de Jaén (1508-1558)*, Diputación de Jaén, Cultura y Deportes: Jaén 2009. «It is ordered that the royal representative, in a bound book, ensures that the scribe in charge of this distribution (of land), records in detail every property given and to whom [...] which is to be safeguarded in the treasure of the council of the city of Jaen, for it to be known and consulted as required». English translation by the author.

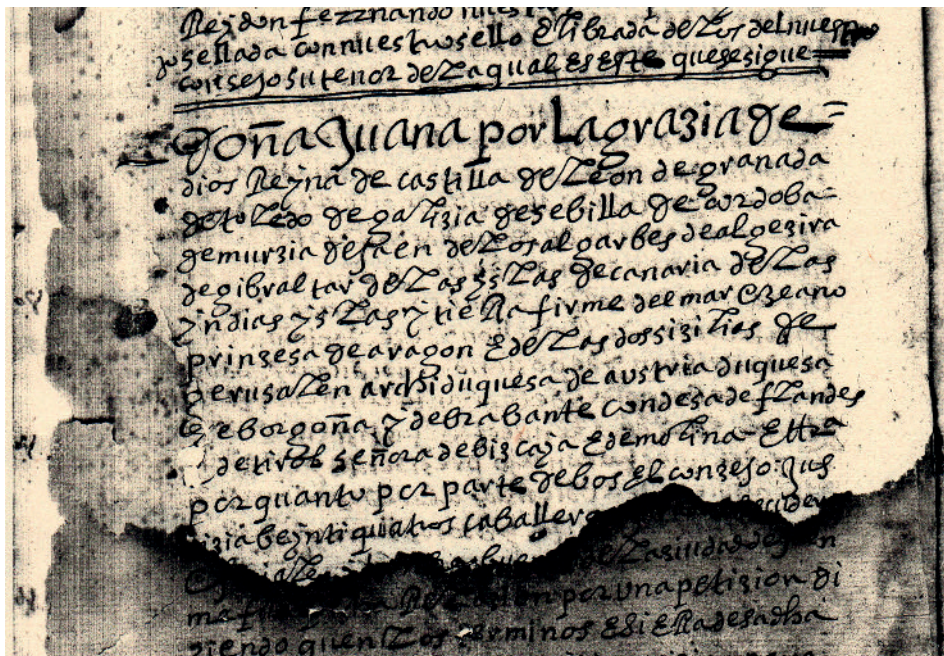


fig. 3. Detail of Juana I’s settlement order originally issued in 1508, as it was copied in the foundational book of Valdepeñas de Jaén in 1539 and later copied again by Valdepeñas’s official notary between 1618 and 1652. © Archivo de Valdepeñas de Jaén.

cerraduras»]¹³. It was meant to guard the foundational book of the villa and a «piece of parchment where the plan is» [«el libro de la población de la villa y un pergamino do esta la trazas»].

The records included in these books feature the foundational trail of judge Juan de Rivadeneyra, whom Charles V Royal Council appointed to coordinate the settlement project and provide closure to its complex legal process (fig. 3). Rivadeneyra led a commission including notaries, *alarifes*¹⁴, measurers, and representatives of both Jaen’s council and of the appointed settlers. After Rivadeneyra traced the first new town

¹³ M. JIMÉNEZ COBO, *Documentos de la fundación de Mancha Real*, Ayuntamiento de Mancha Real, Mancha Real, Jaén, 1989, pp. 5-6.

¹⁴ Professional builders also trained in surveying skills.



fig. 4.
1570, distribution plan of Mancha Real, copied by Ruiz de Molina from the original by Juan de Reolid (1539). © Archivo de la Real Chancillería de Granada, MPD n° 21// Caja 1 - Pergamino 8.

of the group (Los Villares), he recruited Juan de Reolid, a well-known local sculptor, as the specialist in charge of producing plans to support the foundations. All four foundational books mention the production of a distribution plan or *traza* for each settlement in 1539. However, only one of these four plans survives today, thanks to an official copy produced in 1570 by a notary at Granada's Royal Chancery (fig. 4).

Even though the plan is a central piece for studying the new towns of Sierra Sur, the foundational books were always intended to be the main source to investigate specific actions, agents, dates, and places. The foundational protocol they depict is not much different from the one performed for Lima, although

Sierra Sur's record is much more comprehensive and complex. It can be summarized as follows:

- 1 Arrival of the judge/founder to the site for the new towns and record of early considerations.
- 2 First official visit of the judge and his assistants to the site and its surroundings. They were accompanied by institutional representatives, settlers, and locals who were consulted along the way, discussing information about the availability of water sources and construction materials, the fertility of the land, etc. (fig. 5). The record of this visit was an official part of the foundational discussion. It provided legal proof that the judge had walked the land *by his feet* and saw it by eyesight [*visto con vista de ojos*]. This log was a vital connection to ensure his authority in future decisions. In the same way, the log provided a basis for future complaints presented by any of the agents participating in the foundational process.
- 3 Decision on the specific location for the new town after further discussions and consultation with local agents. The decision included the location of the urban center, the farming areas [*ejidos*], the space for vineyards and olive trees, and the communal pasture [*dehesa*]. Those areas would be later subdivided and distributed among the listed settlers. After that, the judge instructs the *alarifes* and the tracer to design the *traza* for the new town and the measurers to set the boundaries of the pasture and divide the parcels for farming and vineyards/olive trees (fig. 6).
- 4 Report of the measurers, the *alarifes*, and the tracer on the layout of the new town and its associated areas.
- 5 Marking of the city's jurisdictional limits.
- 6 Official foundation of the new town through a highly protocolary ceremony in which the judge gives it its name and dedicates its church.
- 7 Appointing of majors and deputies, and election of city councilors.

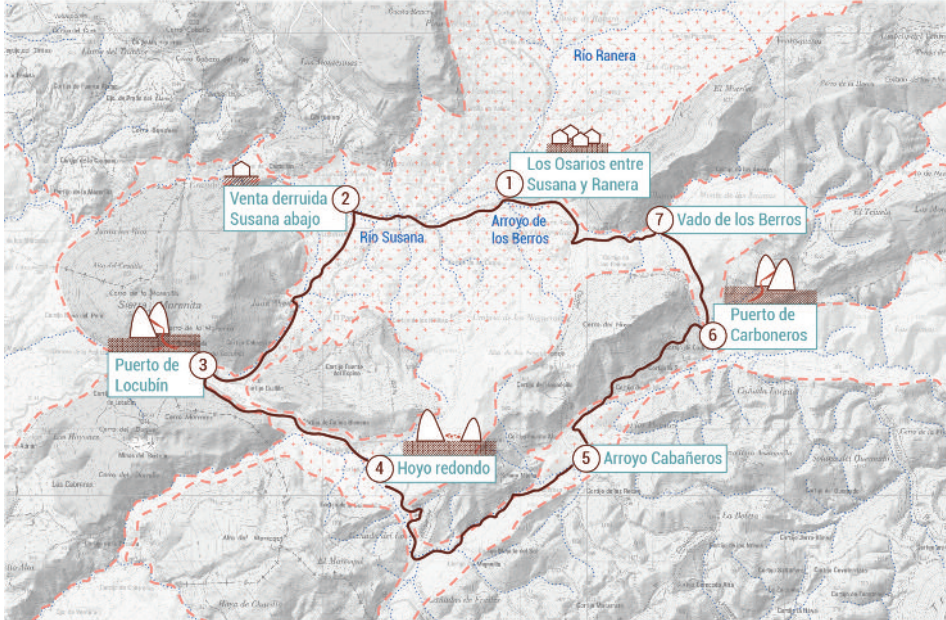


fig. 5. Route of Juan de Rivadeneyra and his commission during their first visit to the site of Valdepeñas de Jaén (Susana y Ranera) recorded on April 26th, 1539. © Manuel Sánchez García in collaboration with Eva Amate, based on material from Instituto Cartográfico Nacional de España, 2007.

- 8 Listing of settlers and their assigned properties.
- 9 Possession-taking ceremonies, one for each urban and agricultural parcel, involving its settler, a deputy appointed by the judge, the official notary, the measurers, and the tracer, along with other colonists acting as witnesses.

The most relevant of these actions in terms of documental volume are the possession-taking acts. These were essentially an official scripture of property featuring each settler and piece of land distributed during the foundational process. Their precision was of the uttermost importances as settlers could demand a correction of the record in case any inconsistency was detected. They could also reject their assigned lots, arguing defects such as faulty irrigation, difficult access, or unfertile rocky soil. The notary followed an ordered system to log

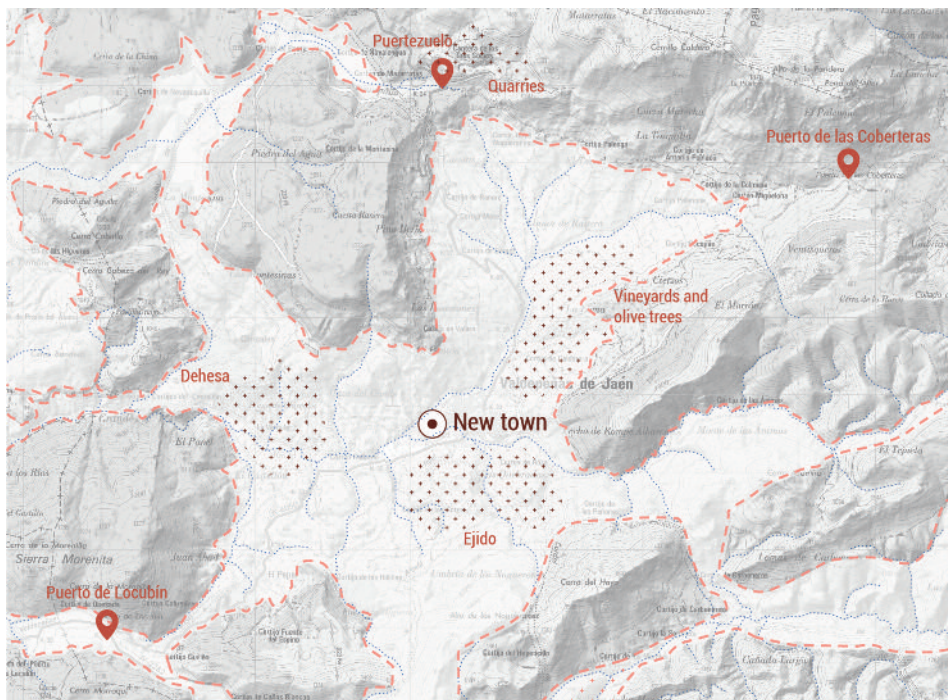


fig. 6.

General location of Valdepeñas de Jaén, its communal pasture (dehesa), its farming area (ejido) and its space for vineyards and olive trees, as recorded on April 28th 1539 by Juan Vázquez. © Manuel Sánchez García in collaboration with Eva Amate, based on material from Instituto Cartográfico Nacional de España, 2007.

these acts, using an established formula and dedicating a separate paragraph for each parcel. In sum, the records of possession-taking acts at Sierra Sur occupy half (if not more) of the foundational books of Los Villares, Mancha Real, and Campillo de Arenas. The record for Valdepeñas de Jaén was at one point separated from the rest of the book. Its location remains unknown.

Plans and Asientos in Latin America

Even though these foundational actions were all completed before August 1539, the new towns would not be fully established until decades later and their urban center would still be under construction even at the beginning of the following century. The

study of their origin is highly pertinent for both local and global future inquiries, providing valuable primary documentation for the study of early modern planning practices. In fact, the coincidences among how the founders of cities *tomaron asiento* in America and Andalusia allow us to establish new overseas connections, exploring how the civil and legal dimensions of Spanish new towns operated through a particular set of rules and values.

We have already discussed the case of Lima, whose foundational act follows the same general structure as the new towns of Sierra Sur. Another typical case study in Latin American urban history is the one of Mendoza, originally planted in 1561 by Pedro del Castillo as a trans-Andean settlement to expand the borders governed by Capitanía General de Chile and later re-founded in 1562 by Juan Jufré after a shift in the political hierarchy of the region¹⁵. The *trazas* of Mendoza (1561 and 1562) are considered the oldest foundational plans conserved at Archivo General de Indias (Seville), making them a common sight in urban history literature¹⁶ (fig. 7).

These plans have been widely studied by scholars focused on their regular form and grid structure¹⁷. Their

¹⁵ Cuyo is today a region of Argentina close to the Andean Mountain Range that borders Chile.

¹⁶ A. GARGARO, *Fundación de Mendoza*, en «Revista de la Universidad Nacional de Córdoba», 24, n° 1-2, 1937, pp. 71-102; A. Omar Cueto, *La Fundación de La Ciudad de Mendoza y Sus Primeros Doscientos Años (1561-1761)*, in «La Ciudad de Mendoza. Su Historia a Través de Cinco Temas», Fundación Banco de Boston, Mendoza, 1991, pp. 1-31; Junta de Andalucía, *Mendoza. Guía de arquitectura*, Gobierno de Mendoza, Junta de Andalucía, Embajada de España, Mendoza, Sevilla 2005.

¹⁷ For example, see: D. STANISLAWSKI, *The Origin and Spread of the Grid-Pattern Town*, in «Geographical Review», 36, n° 1, 1946, pp. 105-120; G. GUARDA, *Historia urbana del reino de Chile*, Editorial Andrés Bello, Santiago, 1978; J. SALCEDO SALCEDO, *Urbanismo hispano-americano siglos XVI, XVII y XVIII: el modelo urbano aplicado a la América española, su génesis y su desarrollo teórico y práctico*, Centro Editorial Javeriano, Bogotá 1996

fig. 7.
 First plan of Mendoza
 for its settlement in 1561,
 led by Pedro del Castillo.
 Part of “Provança de Pedro
 de Castillo” (1561-1563).
 © Archivo General de Indias,
 MP-Buenos Aires, 221.



morphology has been redrawn and compared with many other colonial cities in the world even though, in this process, the plan has often been deprived of its notarial nature. These were not just projects of future urban spaces but legal acts and reports to be issued to the royal council and confirmed by judges and lawyers. Isolated, the grid appears as an imposed abstraction over a territory considered blank. However, when the plan is studied together with the legal act it supports, its narrative appears full of life and dynamic action, equally imposed and designed for domination but much more complex, rich, and nu-

(«Colección textos y manuales»); A.-R. Brewer-Carías, *La ciudad ordenada*, Criteris Editorial, Caracas 2006.

anced in its fine grain. For example, in the two paragraphs over the first plan of Mendoza and under it, it is possible to check the hierarchical structure and chain of command authorizing its founder and a mention to *obedient natives* [*naturales*] collaborating with the foundational process. That same text states the provisional character of the city, arguing that the time to study the site had been too brief [«no ha podido hallar asiento ni lugar para donde fundar una ciudad con mero empero»]. Still, the founder deemed it necessary to institutionalize the new town, disregarding its physical built form on behalf of its lettered body¹⁸, its settlers, and its elected officials. Through manuscripts such as this, foundational acts appear under a totally different light. The foundational procedure saw the legal dimension of the city as its first priority, similarly to what happened in Jaen. Indeed, the narration of how Mendoza was settled follows the same steps taken by his Andalusian equivalent: Naming the new town and dedicating its church, taking possession of it in the king's name by raising the hitching post and appointing majors, judges and councilors; establishing its territorial jurisdiction and its limits; providing a measure for its urban and rural parcels; distributing them among the settlers; and finally stating the rights, obligations, and privileges they would enjoy. The foundation would be reinstated by Juan Jufré one year later following the very same protocol.

A similar case can be found in Villa de Leyva, a second-wave settlement created in Nueva Granada (Colombia) in 1572. Villa de Leyva was an urban initiative of the regional government in Tunja in collaboration with the Royal Audience in Santa Fe de Bogotá, to occupy a fertile Muisca valley in benefit of second-generation Spanish colonists. This

¹⁸ In reference to A. RAMA, *La ciudad letrada*, ARCA, Montevideo, 1984. Also see: J. RAPPAPORT and T. CUMMINS, *Beyond the Lettered City: Indigenous Literacies in the Andes*, Duke University Press, Durham, N.C. 2011.

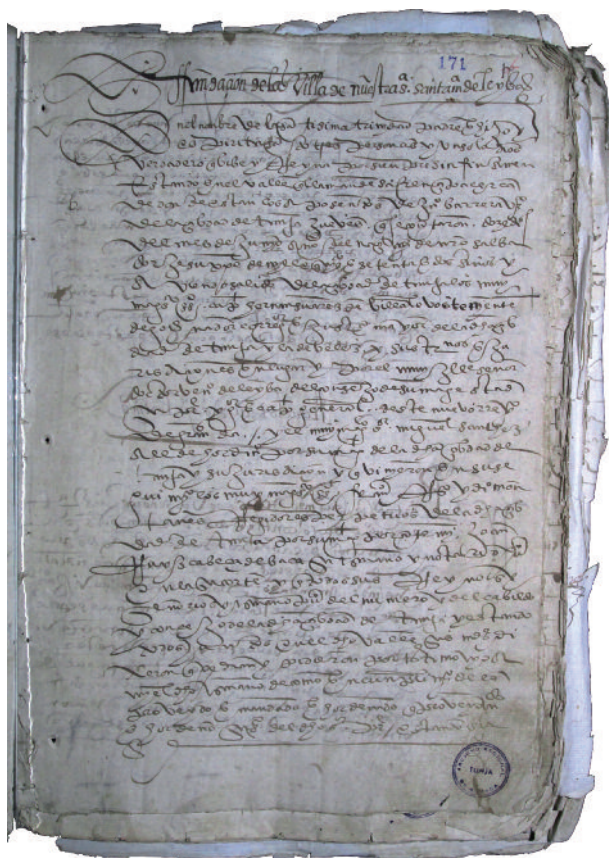
group included fresh soldiers coming from Europe along with sons of the first settlers, born and raised in the region without opportunities to embark on new exploration parties to claim land on their own. The foundational act for this city was signed on June 12th of 1572, before any plan was traced (fig. 8). It received immediate opposition from the most important Muisca native chieftains in the region, supported by the Spanish priests and *encomenderos* responsible for them¹⁹. This is indeed a fascinating and problematic interaction, featuring the association of native leaders with those responsible for the forced labor of their communities. Their common goal: to resist the colonial claim over the Muisca sacred site of Saquencipá and the fertile valleys around it, benefiting the native community and, in turn, the *encomenderos* who profited from their labor. In December of 1572, the Spanish official in charge of the new town, Juan de Otálora, persisted in the foundational process. He then traced a first plan for Villa de Leyva, following the usual grid structure. At that time, the native Muisca chiefs insisted in their petition against the Villa de Leyva with the support of *encomenderos* such as Diego García Zárate. By January 1573, no building had been erected at this site, even though the city had been officially institutionalized. The legal fight went on for years. In 1582, the regional judge Antonio Jové visited the site and found out that Mendoza was completely abandoned due to these conflicts. Jové took the decision to create a new settlement in a different place, distributing 120 new properties separated from the sacred sites while, at the same time, concentrating native forced labor around the new town. The set of documents regarding the foundation of Villa de Leyva is rich and complex, following documental typologies and arguments comparable

¹⁹ A. CORRADINE ANGULO, *Fundación de Villa de Leyva y su desarrollo*, in *Villa de Leyva: Huella de los siglos*, Sandri, Bogotá 1986, pp. 64-100

fig. 8.

June 12th, 1572, first page of the act for the foundation of Villa de Leyva, recorded by Joan Ruiz Cabeza de Vaca, public notary of Tunja's council.

© Archivo Histórico Regional de Boyacá, Archivo Histórico Leg. 8, no 19.



to those in the records for Mendoza in the 1560s and Sierra Sur in the 1530s. Once more, the plans for the distribution of urban and rural properties appear grouped with official visits to the site, discussions with both Spanish and native agents, foundational acts, ceremonies for possession taking, town council meetings, naming of local officials, and other procedures. The foundational plans included in this record feature the shape of the city and the distribution of its land, but it is in the written manuscripts where we encounter a much more nuanced depiction of the process, featuring the voices of native elites against the foundation and the *encomenderos* who oppressed them.

Conclusions

Although the Spanish grid and the foundation of new towns in Latin America are classic topics in urban history literature, its vast documental heritage has only been partially studied. Authors in the global norths and souths have traditionally focused their efforts on studying the history of cities through historical plans and maps, focusing on morphology while often misportraying the complex lettered context that framed it. Foundational plans and *trazas* were never meant to be autonomous. The Indies Laws did not only instruct new towns to be created according to a regular, *ordered* trace but, as we have seen, settlement processes needed to be recorded in lengthy, complex, and obsessively detailed written manuscripts in order to be legally valid. By design, the *asiento* of the city was both hand-drawn and hand-written.

Maintaining an equilibrium between both types of sources in historical research is easier said than done. They feature different codes, formulas, structures, and logics. Different papers, inks, and colors, often applied by the hands of different agents. The distinction is of quantitative nature: If an image is worth a thousand words, each single Spanish new Town would need dozens of *trazas* and maps to even get close to the sheer number of words in its notarial records. The issue is also qualitative: arguing legitimate conservation reasons, most archives separate the maps and plans from the more abundant and heavy folders of written documents where they were originally featured. While the first group enjoy dedicated catalogs and exhibitions²⁰, the second is only unearthed when researchers specifically require

²⁰ One notable example on this regard is the catalogue of Iberoamerican and Philippine maps in Archivo General de Indias: F. CHUEVA GOITIA and L. TORRES BALBÁS, *Planos de ciudades iberoamericanas y filipinas existentes en el Archivo de Indias*, Instituto de Estudios de Administración Local, Seminario de Urbanismo, Madrid 1982.

it. The visual delight offered by early modern plans dominates architectural and urban history surveys worldwide, while written manuscripts remain in the domain of specialized scholars who have dedicated long years to transcribe and interpret them.

The challenge of navigating drawn and written *asientos* at the same time is indeed manifold. Its most evident facet is the palaeographic task, greatly burdening to those without proper training. Architects and planners whose training focuses on 20th-century material often perceive paleography as a roadblock when approaching early modern urban history. Even when the written characters are clear enough to be read by an untrained eye, the early modern Spanish notarial language poses a challenge by itself: full of abbreviations, legal technicalisms, and protocolary terms. Overcoming such limitations demands a disciplinary realignment and the reinforcement of interdisciplinary collaboration networks.

Then, after the issue of understanding what the documents say, it comes the additional question of what the documents *do not* say. This includes sections that may have been erased due to poor conservation, pages spoiled by disrespectful owners and collectors, and official documents that were purposely taken out of their folders. It is not uncommon that events surrounding the creation of new towns were intentionally not recorded by the colonial officials, may it be because these were considered irrelevant, because the legal framework of the time did not include them, or even because the colonial officials preferred to ignore them due to their – honest or dishonest – particular interest. According to the records, native communities from all across the Andes appear to have been suspiciously passive during the foundational process of cities in their own territory. Is that the consequence of a continental plague of apathy brought by the conquistadors? Or were the official notaries interested in showing native *quiet acceptance* to avoid future protests and de-

mands against newly planted cities?

Both data featured by the documents and obscured by them must be interpreted under the light of their particular historical and cultural contexts, understanding the micro and macro geopolitical stage for both colonizing and colonized agents, and their significance in connection with contemporary academic debates and inquiries. In this regard, the combined study of both written and traced sources allows to upper up the precision and rigor of historical research, intertwining disciplinary discourses from different fields. This approach further encourages the interpretation of foundational documents that were produced without any plan or *traza* and those that lost it at some point in history, proposing the application of transdisciplinary methodologies and archival work to spatialize the urban information encoded in their records. In this way, the hybridization of conceptual frameworks coming from the fields of law history, urban history, and landscape history may reframe the cliché of the Spanish foundational grid as an ideal and abstract urban mantle connecting with the political and environmental reality of the territories where it was imposed and proposing a more comprehensive understanding of how first settlers ‘*tomaron asiento*’ of their imposed urban creations.