

## *Laboríos* and *vagos*. Migrants negotiating tributary categories in colonial Michoacán

*Laboríos y vagos. Migrantes negociando categorías tributarias en el Michoacán colonial*

**ABSTRACT:** This article explains how different kinds of migrants were categorized in the colonial system, especially with regard to tribute categories. It takes a look on how these migrants and their descendents negotiated their place in the colonial society using a considerable degree of agency; how they modified and changed their categorizations employing their ties to several places and people, positioning and repositioning themselves accordingly. After presenting the entanglements between migration and the *fiscal* system, the article analyzes the negotiations of tribute categories in sources which are little known: the *peticiones de cambio de fuero/probanzas de calidad*, i.e. petitions to change the tribute category and jurisdiction. The petitions originated in Michoacán, but the overall legal frames explained in the text were valid in most parts of New Spain.

**KEYWORDS:** Migrants and their descendents, agency, *peticiones de cambio de fuero*, *probanzas de calidad*.

**RESUMEN:** Este artículo explica cómo diferentes tipos de migrantes eran categorizados en el sistema colonial, especialmente en cuanto a categorías tributarias. Analiza cómo estos migrantes y sus descendientes negociaban su lugar en la sociedad colonial, con una capacidad de acción (agency) considerable; cómo modificaban y cambiaban sus categorizaciones usando sus lazos con diferentes lugares y personas, posicionándose y reposicionándose correspondientemente. Después de presentar los entrelazamientos entre migración y el sistema *fiscal*, el artículo analiza las negociaciones de categorías tributarias en fuentes poco conocidas, llamadas *peticiones de cambio de fuero* o *probanzas* de calidad. Las peticiones son de origen michoacano, pero el marco legal detallado en el texto era válido para la mayor parte de la Nueva España.

**PALABRAS CLAVE:** Migrantes y sus descendientes, agency, *peticiones de cambio de fuero*, *probanzas* de calidad.

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## Introduction

In 1804, Victoriano Alvarado handed in a petition to the authorities of the city of Valladolid (today Morelia) capital of the *Intendencia* of the same name, in New Spain. Alvarado had recently been registered as Mulatto, but he claimed to be an *Indio laborío*. By presenting tribute receipts as proofs, he managed to successfully defend his claim. His name was erased from the tribute list, the *matrícula*, of the Mulattos and put on the list of the *Indios laboríos* (AGNM, 1808). As such, he and his descendants had to pay a lower amount of tribute than Mulattos. This is one of many cases that shows that the tribute categories in New Spain, were not as fixed and static as it may seem at first sight and looking at sources such as tribute lists or censuses. The limits between the categories were porous for some of the categorized persons. The *fiscal* categories could be negotiated from below and from above –at least until a certain degree.

When thinking about categories in the colonial period, the *casta* system immediately comes to the historian's mind. Therefore, this article will start by briefly introducing the discussion about it, intertwined with the tribute system. The analysis of categories that could be labelled as “migrant” show some interesting inconsistencies, and also the limits of the tribute system. Indigenous migration in the colonial period, and especially in Michoacán, is not a topic which has been intensely studied. However, there exist a few good studies about migration even for Michoacán (Castro Gutiérrez, 1998; Robinson, 1989; Paredes Martínez & Martínez Ayala, 2012), as well as for tribute categories referring to “migrants” (Terán, 2014). This

is why the situation of indigenous and other “migrants” and their relation to the tribute system in the viceroyalty of New Spain will be presented with some depth.

Afterwards, the possibility of switching between categories will be discussed. This possibility is evident in a scarcely known type of sources, the so-called *peticiones de cambio de fuero* or *probanzas de calidad*, i.e. petitions to change the jurisdiction and tribute category. They show how “migrants” and non-migrants negotiated their place in society using a considerable degree of agency. Albeit petitions have been a topic of research in other parts of the early modern world (Würgler, 2005; Faroqi, 1992; Sievert, 2016; Hung, 2011); as far as I know, there exist only few articles about petitions in Spanish America, but referring exclusively to those issued by Mestizos and both from the Viceroyalty of Peru (Cailavet & Minchom, 1992; Argouse, 2007). For Mexico, these kinds of petitions have only been mentioned briefly in studies about the “purity of blood” (Castillo Palma, 2011: 241; Martínez, 2008: 110). In contrast to Peru, in New Spain, the referred petitions were very similar in form and content to other types of sources like the *probanzas de limpieza de sangre*, certificates for the “purity of blood”, among others. Hence, I will present the place and importance of the petitions in relation to similar colonial sources and afterwards discuss in detail the negotiation of tribute categories in these petitions.

## The *Casta* and the tribute system in New Spain

After the first decades of colonial rule in which the Americas witnessed a rapid de-

mographic decline among the Indigenous population, the Spaniards tried to establish a juridical and residential separation of Spaniards and Indigenous people in the so-called “two republics”. Afrodescendants were assigned to the Spanish republic; the adscription of Mestizos varied. In practice, at least the residential separation never worked completely; and even less as the population considered as “mixed” increased.

Later in the colonial period, a more differentiated model took hold, which has been coined by historians as society or system of *castas*.<sup>1</sup> It was a hierarchical system in which every social group, mostly referred to as ethnic or racialized<sup>2</sup> in the historiography, had its place. In a schematic view, on the top of the pyramid were placed the Spaniards and Creoles, at the bottom the Indigenous people, and even below them African slaves and their descendents, with a lot of “mixtures”, like Mestizos and Mulattos in between.

In the last few decades and especially analyzing less known juridical sources, quite a few historians have discussed the question if these neatly differentiated *castas* were relevant in colonial daily life and if the *castas* should be labelled as ethnic or

racialized categories (Cope, 1994; O’Toole, Bryant, & Vinson, 2012; Stolcke, 2008; Böttcher, Hausberger, & Hering Torres, 2011). By now, it is commonly accepted that the *casta* classifications were, until a certain degree, flexible and context-dependent and that a racialized criterion was only one amongst others. However, only few scholars fundamentally question the existence of ethnic criteria (Noack, 2011). Research also tends to neglect the fact that the models organizing social life changed in a time span of roughly three centuries as the colonial period progressed.<sup>3</sup> The *casta*-system was influential, at most, since the 18th century, but even then, the model of the “two republics” had not entirely disappeared.

Both paradigms, the *casta* system and the “two republics”, were indirectly caused by migration and at the same time they were challenged by the movement of people: The migration of Europeans to the Americas, for instance, led to the creation of the term *Indio* in the first place and the forced migration of African slaves and the mixture of all three groups made the system of the “two republics” virtually impossible and led to the creation of the more differentiated *casta* system. Another group of migrants was not taken into consideration at all in these paradigms: People from the Philippines, China and India who came mainly via Manila to Spanish America (Seijas, 2008; Slack, 2010). The rather static conceptions of colonial societies were also challenged by mostly internal migration of Indigenous people which has been neglected and shall be at the center of this article.

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<sup>1</sup> The literal translation would be caste, but to avoid the connotation of the Indian caste system, the Spanish term will be employed throughout the text.

<sup>2</sup> Differences and commonalities between the terms “race” and “ethnicity” are hotly debated in academia, cf. e.g. to Brubaker (2009) and Wade (2008). For a convincing clarification that there is no categorical difference between race and ethnicity see Loveman (1999) in Spanish America, the term *raza*, race, exists in the sources, the term ethnicity not.

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<sup>3</sup> For a more detailed discussion, cf. Albiez-Wieck (2018).

The *casta* system was mirrored in the tribute system –or the other way around. Tribute and *casta* categories were partly, but not entirely overlapping. Tribute had to be paid by all non-noble *Indios* as vassals of the Spanish crown, but not by Spaniards and Mestizos. A part of the *Indios* recognized as nobles were exempt. Free Afrodescendants, like Mulattos, were exempt from labor services, but were supposed to pay tribute at least from 1573 onwards. As the colonial period progressed, adaptations to the tribute payment as well as to the different kinds of labor services were realized. Especially relevant were the Bourbon Reforms in the second half of the 18th century, who sought to increase the efficiency of the tribute exaction among *Indios* as well as among Afrodescendants.<sup>4</sup>

In the colonial period, a full tribute payer was not composed of a single person, but rather of a married couple; while single men and widows were considered half tribute payers (Miranda, 1952: 250). This is why in the petitions to change the tribute category, normally men are the petitioners; but women nevertheless always contributed to the tribute payment. Exceptionally, women also presented petitions (AHMM, 1640). The normal age of payment was between 18 and 50. The exemption from tribute payment was an essential feature in the differentiation of Spaniards and Mestizos from *Indios*.

Why is all this important for the topic of migration? Because to be a “migrant” was also a tribute category –although

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<sup>4</sup> For a more detailed account in the change of tribute legislation and its application, cf. Albiez-Wieck (2017b).

the categorizations of migrants reflected less clearly in the tribute system of New Spain than in the Viceroyalty of Peru (Albiez-Wieck, 2018).

#### “Migrants” in the tribute system

The tribute category of the *forastero*, widely known from the viceroyalty of Peru, was not existent in New Spain and the term *forastero* only rarely used in the sources. It generally meant foreigner, or, more often vagabond (Robinson, 1989: 58; AHCP, 1622; AHMM, 1797). According to a definition by the viceroy Luis de Velasco in the 16th century, vagabonds (*vagos* or *vagabundos*) were people who did not have a profession or land which they cultivated, nor did they work as day-laborers (Martin, 1957: 151). The definition by Velasco referred mainly to indigenous people, but the terms *vago*, *vagamundo* or *vagabundo* were used to refer to people of all *calidades* in the colonial society. Since the early colonial period, the vagabonds were seen as morally dubious persons and potential criminals. Spanish and other vagabonds were to be expelled from indigenous communities throughout the colonial period (AGI, 1561; AGNM, 1592; AHCP, 1622; AHCP, 1765).<sup>5</sup>

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<sup>5</sup> The system of the “two republics” anyway established that Spaniards, Mestizos and Afrodescendants should live separated from the indigenous people to protect them. However, this separation was often not observed (Castro Gutiérrez, 1998: 438; Castro Gutiérrez, 2010). But the fact that there existed special decrees against non-indigenous vagabonds, shows that these were considered to be especially detrimental. As with the system of the two republics, it is to be expected that the decree ordering expulsion were often not complied with.

Afrodescendent vagabonds were –at least theoretically– obliged to leave this status acquiring a profession or serving with a known master (“Real Provision acordada...” 2016). There existed even religious and secular officials with the task to go after all these types of vagabonds (AGNM, 1651; AGNM, 1674). Common punishments or in some cases rather measures to end their status, were to put them to work in craft workshops, mines or haciendas, to oblige them to serve in militias and even to send them to the Philippines, which were part of the viceroyalty of New Spain (AGNM, *Reales Cédulas Duplicadas*, Vol. D 15, Exp. 152, 1646; AGNM, 1791; AHCP, 1634). The fight against “vagabondism” was especially strong in the 18th century (Zavala, 1988: 242–243).

Apart from the meaning of *vago* as vagabond, potentially comprising people of all *calidades*, the term *vago* also had another meaning which partly overlapped with the one detailed above: *vago* as tribute category. This category is particularly clear in the documentation of the second half of the 18th century, i.e., during the period of the Bourbon reforms. According to Terán (2014: 83–84), at that time existed three tribute categories in New Spain: *Indios de pueblo*, *Indios laboríos* and *vagos*, and free Afrodescendants. The free Afrodescendants were generally labelled as Mulattos in the tribute contexts, but occasionally also as *negros*. To understand the differences between these categories, I first have to explain the prominent term of the *Indio laborío*.

Like *vago*, *laborío* had two different, but largely overlapping denotations. But, in contrast to *vago*, it referred only to in-

digenous people. The word evolved from the Caribbean Taino word *naborío* which referred to indigenous people in the very early days of colonization, still before the conquest of Mexico, who had to serve the Spaniards during two lifetimes. The term was initially also used in New Spain, becoming gradually replaced by the word *laborío*, probably due to the work of these indigenous servants in agricultural and mining labors, *labores*. *Laborío* was on the one hand a tribute category which referred to indigenous people without *reducción*, i.e. who were not *Indios de pueblo* and therefore had no right of usufruct of the communal lands of the indigenous communities. As such, they had to pay less tribute than the *Indios de pueblo*. On the other hand, *laborío* was a labor category and referred to servants and workers in haciendas and mines, in some regions, especially central New Spain, also known as *gañanes*. The *laboríos* sometimes rented lands from the haciendas owners or the *caciques*, and could then be called *terrazgueros* or *arrendatarios*. Apart from indigenous people, also Afrodescendants often worked in haciendas (and also in textile and sugar mills), which explains the close association of the tribute category Mulatto with *laborío* I will refer to below.

The *laboríos* have been described by some authors as being completely detached from their original communities, only belonging to the haciendas they were working on (Cramausse, 2006: 237-243; Becerra Jiménez, 2015: 49–50). Therein, they can be compared to Peruvian *yanacomas*. For the case of the Bajío, Tutino (2009) and Granados (2016: 185–188) have proposed that the hacienda workers became deethnicized, in an amalgamation of in-

indigenous people and Afrodescendants, or as indigenous people without “ethnic” distinction. For Taximaroa, González Flores (2016: 230–231) mentions that *Indios* when moving to a hacienda, often became recategorized as Mulattos or even Spaniards. The detachment from their home communities was certainly the characteristic that linked the *laborios* to the *vagos*.

However, not all *laborios* were completely disconnected from their communities and not all were subject to Spaniards. A part of them returned permanently to their place of origin after having worked on a hacienda or worked only temporarily there and was still enrolled as tribute payers in their home town (AHMM, 1787). Especially for some mining regions in the north, I have found examples for self-employed *laborios* who provided the mines with wood and coal or were working as professionals (AGI, 1636–1720). According to Cramaussel (2006: 241), the independence of these indigenous people was the exception rather than the rule. But in any case, the degree of detachment from their communities varied considerably.

In the case of the *laborios* who were permanently enrolled as servants in haciendas and which as such were comprised under the tribute category of the same name, the amount of tribute they had to pay was lower than that of the *Indios de pueblo*. Their tribute was not collected conjointly by the indigenous governors and *caciques*, but by Spanish overseers of the haciendas because their Spanish masters were bound to respond for the integrity of their tribute before the *fiscal* authorities. This was equally the case for Afrodescendants (AGNM, 1793; “Artículos 124–141 de la Real ordenanza ...”

2016; “De los Mulatos, *Negros*, Berberiscos, é hijos de *Indios*,” 1680, Ley iii).

The evolution towards a tripartite categorization of tribute payers (*Indios de pueblo*, *laborios* / *vagos* and Mulattos) seems to have been gradual. The first law who obliged hacienda and mine workers to tribute (moderately) was from 1575, renewed in 1593 (“De los tributos, y tassas de los *Indios*,” 1680, Ley ix, x). As to the amount of tribute they were supposed to pay, in 1578 and 1680, the tribute of *vagabundos* was equalized with that of single, i.e. half tribute payers. The exact tribute rates varied in time and space, but usually, Mulattos paid more than *Indios laborios* and *laborios* paid less than the *Indios de pueblo*, but seem to have been obliged to pay from the age of 14 onward, while the *Indios de pueblo* started with 18 (“De los tributos, y tassas de los *Indios*,” 1680, Ley vii; AHMM, 1684).

Despite the lower tribute rates, many *laborios* and Mulattos or rather their masters for them, seem to have evaded the tribute payment until the early 18th century (AHMM, 1798). Besides, they were invisible in the tribute lists, because the separate enlistment of *laborios* and Mulattos, decreed already in 1612, was not implemented (“Real Provision acordada para la nueva cuenta y visita personal de los naturales y demas Tributarios. [Disposiciones emitidas entre la Recopilación indiana de 1681 y 1766, que permanecieron como ‘Adiciones’ de las legislaciones posteriores],” 2016). Only in the second half of the 18th century, in the context of the Bourbon reforms, a separate registration and tribute collection seems to have been ordered and enforced more amply (AGNM, 1762; “Reglamento y Ordenanzas ...,” 2016; AGNM, 1793). In

some late 18th century tribute lists, *laborios* and Mulattos/free Afrodescendants were in some cases lumped together under the general term *tributos (de) vagos*, vagabond tributes (e.g. AGNM, 1799).<sup>6</sup>

And with this, we come back to the meaning of *vago* as a tribute category. It seems that as a tribute category, *vago* often was used as a general term for tribute payers unattached to indigenous towns, including Mulattos. In many documents of the tribute section of this period, there was a continuous mentioning of the difficulties that still existed to exact this *vago* tribute, in mines as well as in haciendas, not least because the hacienda owners did not declare all of their servants, indigenous as well as Mulattos (Branciforte, Miguel de la Grúa y Talamanca, Marqués de, 1796; AHMM, 1798). To grasp all these tributaries, rules were adopted to notify the authorities, every time they left or entered their respective hacienda, although it is quite dubious if these rules were obeyed (AGNM, 1793-1798).

### *Peticiones de cambio de fuero*

*The petitions between probanzas de limpieza de sangre, gracias al sacar and relaciones de méritos y servicios*

*Peticiones de cambio de fuero* is a term not present as such in the sources. It has been taken from Argouse (2007) who studied petitions by Mestizos in Cajamarca, Peru. For New

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<sup>6</sup> A comprehensive compilation of general tribute lists, the *estados generales de tributos* from the years 1805 and 1810 from the entire territory of New Spain, apart from a great number of other relevant documentation in a superb software has been done by Terán (2016)

Spain, Castillo Palma (2011: 241) has employed the denomination *probanza de calidad*. In Peru, as well as in New Spain, petitions to change or defend one's tribute category were handed in by people of all *calidades* (Albiez-Wieck, 2017a; Albiez-Wieck, 2018). The social status of the petitioners ranged from being a former slave (AHMM, 1626) to Spaniards and descendents of nobles (AHMM, 1788). They were issued by individuals, relatives or groups before the regional authorities and furthered claims about the belonging to a certain tribute category and/or a related social unit. As we will see, there are also some examples of petitions issued by local authorities with the aim to change the categorization of some of their subjects. They existed not only for "migrants"; hence they are especially suitable to explore the imbrications of "migrant" and "non-migrant" categories. In fact, in comparison with Peru, I have found fewer petitions of people that could be labelled as migrants. However, the overall number of petitions to change or maintain one's tribute category was similar. For Michoacán, I have found and analyzed several dozens of these petitions, and I suppose that there are more still to be found since most archives remain at least partly uncatalogued.<sup>7</sup>

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<sup>7</sup> Most petitions have been found in local archives, such as the *Archivo Histórico de la Ciudad de Pátzcuaro* (AHCP), the *Archivo Histórico Municipal de Morelia* (AHMM) and the *Archivo Histórico Casa de Morelos* (AHCMO). Only a few were found in the *Archivo General de la Nación* (AGNM), and none from New Spain in the *Archivo General de Indias* (AGI). These last two archives are the ones whose cataloguing is most advanced.

Similar somehow to petitions from other parts of the world, they show the agency of individuals and permit a diachronical view of at least a part of the petitioner's lives, which in most other sources are hard to grasp. However, these historical sources present certain constraints. As Würigler (2005: 42) has pointed out, they have a functional and formalized character and are mostly written by scribes who followed a formalized juridical pattern which in the cases presented here were introduced by Spanish rule in the mid-sixteenth century.

In form and content, these petitions resemble several other types of sources. I would locate them on a continuum between the *relaciones de méritos y servicios* on the one end and the *Probanzas de limpieza de sangre* on the other. Some of the petitions also slightly resemble the *gracias al sacar*. The common denominator of all these sources is that through them, individuals or family members tried to obtain certain privileges and enhance their social and/or *fiscal* status presenting certain proofs. It is not always easy to separate these sources from another. The most important unique feature of the *peticiones de cambio de fuero* is that they are seeking a *fiscal* privilege.

In contrast to all of the other sources, in the *gracias al sacar*, a payment by the petitioner was necessary in order to obtain the desired privilege, in this case to erase the stains of illegitimacy and African descent, and they were sent to Spain to the Council of the Indies (Fuentes Barragán, 2015: 65; Twinam, 2009).

In the case of the *relaciones de méritos y servicios*, which I have seen mostly for the 16th century, an intermediate level of

authority, like for example the *Real Audiencia*, often was the addressee (e.g. AGNM, 1540). The *peticiones de cambio de fuero*, normally approach a colonial authority on the provincial level. The most obvious similarities of the petitions exist with the *probanzas de limpieza de sangre*. Therein, also ecclesiastical authorities were continuously addressed (e.g. AHCMO, 1773). *Probanzas de limpieza de sangre* from New Spain have been thoroughly studied by Martínez (2008). According to her, the *Probanzas de limpieza de sangre* were very uniform in language and procedure and throughout the colonial period the *limpieza de sangre* was vague and inconsistent. She further outlines that the *probanzas* changed in the second half of the colonial period, gradually making more emphasis on “contamination” of blood, the association of purity to Spanishness and white skin color and the socioeconomic status sometimes associated with certain professions and not only to slavery (Martínez, 2008: 17, 21, 225, 269). She also mentions that procedures similar to the *probanzas* were “followed for people seeking noble privileges, such as tribute exemptions” (Martínez, 2008: 110) –that would be *peticiones de cambio de fuero* in my definition then.

*Peticiones de cambio de fuero from Michoacán*

The article started with the petition by the *Indio laborioso* Victoriano Alvarado who successfully managed to defend his *fuero* against a change to the category of *Mulato*. His case is one out of only three I have found in which the change of category of *laboriosos* in Michoacán is involved. They all date from the beginning of the 19th century. In all of them, *laboriosos* claimed to be

incorrectly registered as Afrodescendants.<sup>8</sup> The petition by Alvarado was presented directly by him, although probably written by someone else, as it is stated that he did not know how to sign. In the petition, Alvarado bitterly complained about having been registered incorrectly and unfoundedly as Mulatto. This “offense” (*agravio*) would be transmitted like an “infection” to all his descendents. He made emphasis of the hereditary character of his “fuero” and “class” that would be passed on from parents to children. He mentioned as disadvantages of being registered as Mulatto the higher amount of tribute Mulattos had to pay and the loss of the rights and privileges conceded to the indigenous population. He claimed having a public reputation of being “indio” and lamented about not having been consulted when the tribute list was elaborated as supposedly should have been the case when the “class” of a person was in doubt (AGNM, 1808, f. 394vs). His documentary proofs were several tribute receipts which labelled him as “indio” (AGNM, 1808, f. 392r-vs). The validity of these tribute receipts was confirmed by an inspection of the tribute list (*matricula*) of the year 1798, where Alvarado was, together with his wife, listed as *Indio laborio* and worker in a textile mill (*obrajero*). It was confirmed that it referred to the same Alvarado that in the current tribute list was listed as Mulatto.<sup>9</sup> However,

the competent authority, the royal *fiscal* inspector, was initially not satisfied with the proofs and asked for Alvarado’s baptismal certificate. As Alvarado was born in the town of Puruándiro, its priest was instructed to issue a copy but couldn’t comply to do so, as the former priest had not registered all baptisms in the parish book of the indigenous population during several years. Besides, the *intendente* of Valladolid recognized that Alvarado had not been the only case in the tribute list in which *Indios* had been incorrectly registered as Mulattos. Despite the missing baptismal certificate, he therefore recommended recognizing Alvarado as being in fact an *Indio laborio*. The royal *fiscal* councils followed this proposal and Alvarado was eliminated from the list of Mulattos and put again into that of *Indios laborios*. Thereby Alvarado was successful with his claim.

There exist many parallels with Alvarado’s case in the second petition in which *Indios laborios* were registered as Mulattos. In contrast to Alvarado’s, this petition was a collective one. It dates slightly earlier, from 1804. Therein, a group of eight male *Indios*<sup>10</sup> living in Puruándiro, claimed that they had been incorrectly registered as Mulattos by the substitute district head (*intendente*) and were then exhorted to pay a higher tribute which they couldn’t afford.<sup>11</sup> They had all migrated to Puruándiro from differ-

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<sup>8</sup> Generally, the term Mulatto is employed, but also *pardo* is mentioned once (AHMM: 1804, F. 1vs).

<sup>9</sup> It is noted that he is listed „entre los puesteros”. This could possibly mean that he changed his occupation from worker in a textile mill (*obrajero*) to petty vendor and that this could be a reason for

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his change of categorization. However, there are no other indicators for this.

<sup>10</sup> Their names were José María Ramires, Francisco Reyes, José María García, Pedro Valdovinos, Vizente Valdovinos, Joaquín Fabian, José Trinidad Muños and Bernardino de Sena.

<sup>11</sup> They had to pay 20 instead of 12 *reales*.

ent points of origin in different moments in time. Like Alvarado, they had been previously registered and paid their tribute as *Indios* and presented tribute receipts as proofs. They also resented the passing on of the “infame quality of pardo” (AHMM, 1804, f. 1vs) to their children, who as Afrodescendants would be precluded from obtaining public offices in the indigenous town and from studying to become a priest. Instead, they claimed being of legitimate descent and of “clean blood” (AHMM, 1804, f. 1vs). Another disadvantage they claimed as being related to their incorrect registration as Mulattos, was that as such they would have to pay the sales tax of the *alcabala* they did not have to pay when being considered indigenous people (AHMM, 1804, f. 4vs).<sup>12</sup>

As in Alvarado’s case, their former registration as *Indios* was confirmed by the substitute *intendente*—at least at first. Besides, they were exhorted to state the time of their residence in the town Puruándiro. Four of the *Indios* named Acámbaro as their origin, while José María García was original from Villa de Lagos and José Joaquín Fabian from Yuririapúndaro,<sup>13</sup> towns in the nearby region of the *Bajío* or from within the *intendencia* Michoacán. Their residency and citizenship (*vecindad*) in Puruándiro varied between seven and twenty years. With this, the *calidad* of these six *Indios*, was sufficient-

<sup>12</sup> Contrary to their declaration, according to the prevailing legislation the *alcabala* payment strictly speaking excluded not Indigenous people, but Indigenous, that is locally produced, products (Albiez-Wieck, 2017b: 220).

<sup>13</sup> José Joaquín Fabian, who had been paying tribute in Puruándiro, since four years ago, was still registered back in his home town Yuririapúndaro.

ly confirmed in the eyes of the substitute *intendente*. However, in the case of Pedro and Vizente Valdovinos de León, the substitute *intendente* demanded further proof and interrogated the current governor of Puruándiro about them. The governor declared that their father, Francisco Valdovinos de León, had been an *Indio* native of Puruándiro but had lived for several years on the hacienda Pantoja where his two sons were procreated with his indigenous wife, and that these sons had been paying tribute as *Indios* since five years ago.

With this declaration, the substitute *intendente* was content and would have closed the case. However, the *promotor fiscal protector de naturales* intervened and invalidated the former decision because of formal errors. The procedure had not respected the correspondent regulations issued by the *Real Audiencia* in 1739 and the article 25 of the *ordenanza* by the viceroy count of Revilla Gigedo. Thus, the petitioners were exhorted to start the whole process again (AHMM, 1804, f. 6r-vs). Unfortunately, we do not know if they tried anew as the documentation ends at that point.

However, the reference to a regulation for such cases is telling. It implies that this kind of disputes about the correct registration happened quite often. I was able to localize a copy of the 1739 regulation in the Pátzcuaro Archive (AHCP, 1788). It stated that there had been occurring cases in which people were presenting themselves before the authorities, asserting they were Mestizos or *caciques*, petitioning to be declared exempt from tribute payment and eliminated from the *matriculas*. It was suspected that the witnesses presented by the petitioners were instructed by them

and did not tell the truth. Thus, it was prescribed that henceforth the *alcaldes mayores* should include the royal attorney (*fiscal*), and the governors and mayors of the towns to testify about the *calidad* of the petitioners according to the last two tribute lists. The local priests should exhibit the baptismal and marriage registers. Further witnesses should be requested and presented by the local authorities. Only the royal attorney would be allowed to decree the exemption from tribute payment, not regional authorities like *corregidores* or *alcaldes mayores*. If any of these steps would not be followed, the whole procedure should be nullified. As we have seen, this was exactly what happened to the petition presented before.

In the third case where *Indios laborios* were allegedly registered incorrectly as Mulattos, the petition was not presented by the tribute payers themselves, but instead by the owner of the hacienda they were working on. This could imply that the tribute payers themselves did not dare or feel capable of establishing a law suit against the Spanish authorities. Instead, according to the hacienda owner, they fled the hacienda, leaving behind their families. That they had been living on the hacienda with their families, suggests a more permanent migration than the flight due to the incorrect registration where they abandoned their families. As we can observe, the requirement to pay a higher tribute, more precisely 3 pesos instead of 12 reales, was being conceived as a burden so important that flight was considered necessary. The fact that the hacienda owner chose to fight for them in their absence, was probably not altruistic—at least not entirely: As their employer, he had to respond for the integrity

of the tribute of his employees before the *fiscal* administration. As in the former two examples, in order to prove them to be *Indios laborios*, the hacienda owner presented a tribute list and tribute receipts from previous years. And in fact, they seem to have confirmed their alleged category. The most enlightening passage of the documentation is the explanation the hacienda owner—or rather his representative—gave for the switching of categories the *fiscal* administration had conducted. He assumed that this change had maybe originated in the fact that

the said *Indios laborios* were registered in the class of the *castas* or those married to Mulattos without this being really the case; instead being married to indigenous women as I stated in the beginning and which is very notorious in the neighborhood (AGNM, 1804, f. 242 r).

Hence, he introduced a new element into the discussion: marriage. His statement suggests that the marriage to women with of a different *fiscal* category could lead to a recategorization. And in fact, the regulations accompanying the *estados generales de tributo* from the year 1805 by Juan Ordoñez stated that *Indios* married to indigenous women counted as full tributaries, while *Indios* married to Mulattas counted only as half tributaries; but also Mulattas married to *Indios* counted as half tributaries, so together they counted as one entire tributary. This applied generally to all those tributaries married to people from a different *casta* (*casados con casta distinta*) (“Advertencias, adiciones, cuadros y cotejo de los Estados ge-

nerales de Juan Ordoñez (1805). ...,” 2016, Adv. 2a). However, the amounts established by Ordoñez do not entirely comply with the ones mentioned in the petition by the hacienda owner. Both concur on being 12 *reales* the amount to be paid by *Indios laboríos*. But according to Ordoñez, Mulattos should pay 20 *reales* being full tributaries –and not 3 pesos as postulated in the petition. An Indio married to a Mulatta, as per Ordoñez, should have paid 18 reales, an *Indio de pueblo* married to an indigenous woman generally paid 16.5 *reales* (“Advertencias, adiciones, cuadros y cotejo de los Estados generales de Juan Ordoñez (1805). ...,” 2016, Adv. 3<sup>a</sup>-5<sup>a</sup>)<sup>14</sup>.

However, according to the hacienda owner, the *Indios* in question were married to indigenous women and therefore they should have been categorized as *Indios laboríos*. The petition by the hacienda owner was received by the viceroy Iturrigaray who ordered the *intendente* of Zacatula to conduct a thorough investigation. However, unfortunately the further course of the law suit has not been found so we do not know the final resolution.

All three cases have demonstrated that there existed a close socioeconomic (in respect to labor) and maybe also cultural proximity between *Indios laboríos* and Mulattos which could have led to the *fiscal* administration to confuse them in the tribute lists. An indicator for the cultural proximity was a regulation issued by the visitor José de Gálvez some decades earlier: He tried to reestablish that indigenous people should dress as such in order not

to be confused with Mestizos and Mulattos (Castro Gutiérrez, 2011: 36). We do not know until which point this regulation was enforced. However, as the incorrect registration was denounced only to have happened in one direction –from *laboríos* to Mulattos– another reason was probably added. There existed mechanisms in the tribute legislation, which made some categories more beneficial for the Spanish authorities than others. The district head, the *intendente*, received a fee of 5% of the *laborío* tribute, but a 6% of those of Mulattos (AGNM, 1799; “Artículos 124-141 de la Real ordenanza ...,” 2016, Art. 132). Clearly, it was much more advantageous for the *intendente* to have more Mulattos than *laboríos* enlisted. For the tribute payers and their employers, of course, the category of the *Indio laborío* resulted more attractive from the *fiscal* point of view.

Seemingly, the *fiscal* benefits of the category *Indio laborío* became so pervasive that the *intendente* of Valladolid felt it necessary to propose the abolition of the difference between the tribute paid by *Indios laboríos* and the settled ones (*radicados*) (AGNM, 1800, f. 1r). In 1800, he wrote a letter to the viceroy, complaining that many indigenous people left their communities in order to pay less tribute. He feared an overall depopulation of indigenous communities if this incentive was not abolished, a practice allegedly already carried out in some towns in the *intendencia*. Yet, he was not successful with his claim.

Given this apparent attractiveness of the category of *Indio laborío*, it seems surprising that I have found only three petitions by *laboríos*. The number seems small in comparison, on the one hand, to those

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<sup>14</sup> Ordoñez insisted on the regional variation in the exact amount of tribute to be paid.

of the category Mestizo, Mulatto and *cacique* in New Spain and to the other hand, of the “migrant” category *Indio forastero* in Peru. Only for Michoacán and Cajamarca, there were several dozen cases, and much more to be found also for other regions. Of course the small number of *laborio*-petitions could have to do with archival practices and a lack of preservation. However, I would propose that it could be due to another reason which appears in the third example: *Indios laborios*, if they were not content with their categorization, chose to influence it by migrating and not by litigating. They probably more often chose to leave the place they were working on and move to another, instead of presenting a legal petition. As their position in society probably was rather marginal and they did not have considerable amounts of resources, it is possible that a lengthy lawsuit seemed daunting. As they did not own land and were in their majority not deeply rooted in an Indigenous community, they had not as much to lose as *Indios de pueblo* probably had. However, the presented petitions by *Indios laborios* do have the same structure and form as petitions by people of other categories and are therefore representative for this type of document, as we can see in petitions who did not have the goal to become recognized as *Indio laborio*.

There is some documentary evidence that the category of the *Indio de pueblo* had its own attractiveness, somehow contradicting the description by the *intendente* mentioned above. One example is a petition from 1788 from the town Aranza in Don Manuel Esquiva and several others tried to get rid of their categorization as *vagos* in order to be recognized as *Indios de pueblo*. The

petitioners asked to be eliminated from the enrollment as *vagos* and to be put into that of the *Indios de pueblo*. They argued that they were noble indigenous lords, *caciques*, and that one of them was a Spaniard married to an indigenous woman. They tried to prove their status arguing that they all had exercised offices in their indigenous towns. Besides, they had been, during most part of their life, enrolled as indigenous people in the tribute lists and had paid their tribute as such. In the new tribute list, however, they were enrolled incorrectly as *vagos* and were thereafter requested to pay the tribute as such. In the further course of the documentation, their *calidad* was being contested, as some of them seemed to have been known as Mestizos. However, the authorities conceded them their wish and they were enrolled as *Indios de pueblo* since they did not try to evade tribute payment nor change into a category which had to pay less.

Petitions to change the tribute category were not only issued by tribute payers themselves and their employers, but also by the local rulers. An example is a petition from several mayors and aldermen from the city of Valladolid which dates considerably earlier than the previous petitions, namely from 1637 (AHMM, 1637). The petitioners argued that there had been an unusual high number of deaths among the tribute paying indigenous population. Therefore, they asked to be allowed to register servants of Spaniards and *vagamundos* as tributaries. After the interrogation of a number of witnesses, their petition was granted a partial success. They were allowed to categorize the “vagabonds” as tributaries.

## Conclusion

In contrast to petitions by “migrants” and their descendents in Peru, the number of petitions by “mobile” people in New Spain, more precisely Michoacán, is not very high. However, the few examples presented here allow some enlightening conclusions, especially in light of the corresponding legislation and in comparison to related sources.

The *fiscal* categories that could be labelled as “migrant” were legally separated from adjacent categories. Two categories can be identified as being related to spatial, but also socioeconomic movement: The first one is that of the *Indio laborío* which denominated dependent laborers which had moved away from indigenous communities and theoretically lost their access to communal lands. In practice, however, some of the *Indios laboríos* still maintained ties to their communities of origin and sometimes even to the land. Others severed these ties permanently. The *fiscal* benefits of this category instigated migration. Mulattos and “free Blacks”, albeit working in the same conditions, did not benefit from these *fiscal* and other legal privileges. This is why *laboríos* in the three cases presented here, emphasized their difference from Mulattos. In daily life, however, their socioeconomic position probably did not differ much from that of Mulattos working in Haciendas, textile and sugar mills.

The second category, even more clearly linked to spatial movement and unrootedness, was that of the “vagabond”, with the corresponding Spanish terms *vago*, *vagabundo*, and *vagamundo* used interchangeably. Contrary to that of the *Indios laboríos*, it could comprise also non-indigenous and

non-tribute paying people; ranging from Mulattos to Spaniards. However, in the period of the Bourbon reforms, there existed another denotation of the term *vago*. As a *fiscal* category, it referred to tribute-paying people, unattached to Indigenous communities and without a known master. The people belonging to this category were even more marginalized in the Spanish colonial system than the *Indios laboríos*, whose position was tied to that of their Spanish employers. Contrary to *Indios laboríos*, it was a category which the Spanish administration continuously tried to abolish—in a vain effort to fix the residence and belonging of all of its subjects.

Both categories served to further differentiate the socioeconomic position and the belonging of a more mobile part of its population. This is why, from the point of view of the tribute system, the model of the two republics and the system of *castas* only insufficiently describe the categorization of the colonial subjects. Both models did not include “migrant” categories. Furthermore, these models do not attest to the socioeconomic and probably also cultural sameness of a part of its population which belonged to different “*castas*” but had a very similar lifestyle. However, both the two republics and the system of *castas* and its corresponding terminologies were closely intertwined with the tribute system. This is shown in the fact that the petitions analyzed here were located on a continuum with the *probanzas de limpieza de sangre*, certificates for the “purity of blood”. Similar to the *probanzas*, towards the end of the colonial period, the use of a language associated to descent, blood and physical aspect was increasingly employed also in the *peticiones de cambio de*

*fuero*. The general proliferation in the number of petitions was due to the Bourbon reforms, which increased the *fiscal* pressure on the vassals of the Spanish crown.

The boundaries of the *fiscal* categories were not always clear and varied through time and space. This ambiguity made it possible for the people to move

between categories. This also included the non-migrant categories. The same ambiguity was also employed by the authorities, who equally tried to recategorize people according to their advantage. They are a good example for the agency of the petitioners in shaping their categorization and belonging.

#### Abbreviations

AGI – Archivo General de Indias, Sevilla

AGNM – Archivo General de la Nación, México

AHCMO – Archivo Histórico Casa de Morelos, Morelia

AHCP – Archivo Histórico de la Ciudad de Pátzcuaro

AHMM – Archivo Histórico Municipal de Morelia

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Traspasso de memoria en la que expone sus méritos el capitán Francisco de León, general en la región de la Frontera Chichimeca (25.11.1540). AGNM, Indiferente Virreinal, Caja 5001, Exp. 66. 1 f.

Para que de Acacingo se fueren los españoles vagamundos (23.06.1592). AGNM, Indios, Vol. 6, Exp. 313. f. 85r.

Ordenando a todas aquellas personas a quienes acudiere Alonso Gonzalez, provincial perpetuo de la Santa Hermandad y juez de salteadores, vagamundos, etc., para pedir ayuda en la aprehension de estos, se la impartan desde luego (20.05.1651). AGNM, Reales Cédulas Duplicadas, Vol. D18, Exp. 228. f. 206vs-207.

Pidiendo informes sobre si es conveniente que existan los puestos de tres alguaciles, uno de cancilleria y dos de vagamundos en virtud de que los sueldos a ellos destinados, se han dedicado para pagar a las criadas de los virreyes de la Nueva España (18.11.1674). AGNM, Reales Cédulas Duplicadas, Vol. D30, Exp. 140. f. 176r.

Propuesta hecha por el contador de tributos sobre las tasaciones hechas entre los Indios de pueblas, mulatos e Indios laborios, para que se haga una distinción de tributarios, firma don Pedro Valdés Contaduría de Real Hacienda, 1762 (23.01.1762). AGNM, Indiferente Virreinal, Caja 5670, Exp. 56. 12 fs.

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- Cuenta de Don Antonio Perez Fernandez, intendente de Tlalpujagua, de los tributos de los Indios, del año de 1799. Cuenta del partido de San Juan Zitacuaro, San Francisco Uruapan, Paracho, Xiquilpan, Zinapécuaro, Chilchota, Apacingan, Piedad, Erongaricuaro, Ario, Pascuaro. (20.12.1799). AGNM, Tributos, Vol. 04, Exp. 11. f. 68r-164r.
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La mestiza Mariana Lucia, ante el Teniente de Alcalde Mayor Matias de Castro, solicita se le borre del padrón de tributarios donde indebidamente fue anotada (1640). AHMM, Hacienda, Caja 3, Exp. 6-B. 3 fs.

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Salvador Guerra, vecino de Zinapequaro ante José antonio Alcozer teniente de cura y juez eclesiastico de este pueblo, presento informacion para comprobar su calidad, estado, vecindad, oficio, edad y generales de la ley para que se le declare libre de los tributos de los sirvientes de su hacienda de Xaripeo que no existen (1787). AHMM, Hacienda, Caja 5, Exp. 14. 10 fs.

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