

**Two would-be divorciadas:
Francisca López (Mexico City, 1569)
and
María de la Paz (Mérida, Yucatán; 1596)**

**Jacqueline Holler
University of Northern British Columbia**

The excerpts below come from long and substantial divorce petitions launched in New Spain in the sixteenth century. The first is that of Francisca López, a twenty-three-year-old *mulata* woman resident in Mexico City.¹ The second petition was first lodged in the diocese of Yucatán by María de la Paz, a Spanish immigrant married to an encomendro and resident in the city of Mérida.² Doña María was turned down at the diocesan level in Yucatán, and appealed to the archbishop of México.

Francisca and María differed greatly in location. The former was a plebeian mixed-race woman who moved relatively easily around central New Spain and its capital city and who, it later emerged, had actually been married at the age of thirteen to an indigenous man from New Galicia (New Spain's new and dynamic silver mining region, to the north); the latter, in contrast, was a high-status woman who had made a transatlantic journey to marry, but whose movements were considerably more circumscribed. The two cases show how mobility, social networks, and agency could be complicated by issues of class.

For the record, there is no evidence that either divorce was granted—except that Francisca López's first marriage was discovered, thus nullifying the first. She was processed by the Inquisition as a bigamist.

Demanda de divorcio de Francisca López y Juan Pérez, su marido. Mexico, 1569. AGN (México), Inquisición 29, Exp. 1, ff. 1—101.

Francisca López, resident of this city, complain against Juan Perez my husband. I state that being as he is married to me in the Holy Mother Church, and being obligated not to violate his conjugal vow, with little fear of God and with great burden to his conscience, he has been a very cruel man to me for many days and for a long time. He has given and gives me a very cruel and harsh life; and what is worse is that being obliged to give me good treatment and sustenance and adornment for my person, he has not done this, nor does he do it now; and he gives it to a concubine that he has, whose name I will not sake for the sake of decency. But he

¹ Demanda de divorcio de Francisca López y Juan Pérez, su marido. Mexico, 1569. AGN (México), Inquisición 29, Exp. 1, ff. 1—101.

² Juicio de divorcio de Juan Bautista Quijada y María de la Paz. Mérida, 1596. AGN (México), Clero Regular y Secular 176, Exp. 1, ff. 1—304.

was condemned for this by Your Grace (the archbishop)... And many times he has given me many cruel blows and wounded me with a dagger in the head and hands, from which it took me very long to recover. And if I had not been saved by people moved by charity who defended me, he would have killed me.... And ten days ago, after Your Grace had disciplined him for concubinage, I was coming along the street of Santo Domingo with a daughter of mine called María López when the said Juan Perez, in a diabolical rage, struck me all over the body with the sword he was carrying; and because the said my daughter defended me, he could not kill me with the said sword; but he struck me in the temple, cutting my skin and flesh, and I lost a great deal of blood; all this while threatening to kill me. And he said that for that purpose he had come to seek me and my daughter in the street. And he would have succeeded had Our Lord and good people not protected me.

For that reason I plead and beg that Your Grace investigate my complaint and petition and order a separation of bed and board and habitation between me and the said Juan Perez; and that under pain of great penalties he be ordered not to molest or perturb me, nor to offer me any injury, and that he be ordered to restore all of the dowry goods that he received along with me, and the other goods that belong to me. I beg that I be granted justicia and costs; and I implore Your Grace, and swear to God and upon this cross that the foregoing I plead not out of malice but only because it is necessary for the safety of my life. And I also ask that Your Grace deposit me in some safe and decent place and order that under grave penalty and censure, that the said Juan Perez not enter into the said deposit not molest me in any way, allowing me to pursue justice.

Statement of witness Diego Bernardez, 15 September 1569:

He said that he has known the said Francisca Lopez, mulata, and Juan Perez, vecino of this city, for about a year... and about a month ago he went into the house of a sister of Francisca Lopez, where the latter was hiding from her husband. And many times the said Francisca Lopez told this witness that she was in danger from her husband, who was living in concubinage with an Indian woman... And while this witness was in the said house, the said Francisca Lopez went out the door and returned inside, and said to this witness "Señor Diego Bernardez, help me. Don't let him in or he'll kill me." And having said this, Francisca Lopez went to the upstairs of the said house. And then the said Juan Perez came into the house, very enraged and carrying a sword and a dagger in his belt, asking for his wife, the said Francisca Lopez. And because this witness saw him, he tried to trick him, trying to detain him so he wouldn't go upstairs. And the said Juan Lopez, seeing that this witness was trying to stop him, put his hands on this witness's shoulders and pushed him out of the way, saying that he had come to find his wife Francisca Lopez and kill her if he could find her. And this witness tried to prevent him from going up the stairs. But in the meantime Francisca Lopez escaped through a wall to another house, and the said Juan Perez went up the stairs and searched for his wife with his sword drawn. And because he didn't find her, he came back down and went outside to look for her. And this witness went outside with him to defend the said woman and prevent her husband from killing her. And the said Juan Peres entered into the house into which

Francisca Lopez had jumped; and this witness and Juan Perez found her in a room in the said house. And the said Juan Perez grabbed her by the shirt. This witness attacked the said Juan Perez and pulled him from the said Francisca Lopez, holding his arms... and then this witness and another man who was there seized him and took away his sword before releasing him. And then the said Juan Perez once again laid hands on his wife and began beating her with a stick, making her bleed. And seeing that there was no way to restore peace, and that being without weapons Juan Perez would be unable to kill his wife, this witness left them.

Statement of witness Beatriz de Baz____, 16 October 1569

She said that she has know the said Francisca Lopez and Juan Perez for three years more or less... and that what she knows about the said complaint is that about a year ago, the said Francisca Lopez came into the house of this witness, wounded, with three or four injuries in the neck and one in the head; and she said that her husband Juan Perez had given them to her with a dagger, and that if no one helped her he would kill her. And Francisca stayed in the house of this witness, until the said wounds healed. And after about a month the said Juan Perez came to the house, and this witness quarreled with him, and asked why he had done something so terrible, injuring and maltreating his wife... And this witness has seen many times for the past two years that the said Juan Perez maltreats his wife and takes her belongings and her frocks and sells them to support the said Indian woman, his concubine...

Juicio de divorcio de Juan Bautista Quijada y María de la Paz. Mérida, 1596. AGN (México), Clero Regular y Secular 176, Exp. 1, ff. 1—304.

[I] María de la Paz, legitimate wife of Juan Bautista Quijada, *vecino* and *encomendero* of this city of Mérida, appear before Your Grace and say that twenty years ago I was veiled and married according to the order of the Holy Mother Church with the said my husband. And he was obliged by divine, natural, and positive law to treat me as a companion and his wife, who has lived with much goodness, cleanness, and honesty, and who has always loved and cherished him and governed and taught his children, helping him to win his wealth with the two thousand pesos *de oro común* that I brought him at the time when I married him, and the wealth that with our industry and diligence God was served to give us. And for all of that I could merit his corresponding love and good will as husband and companion. For more than ten years he has treated and treats me as if I were not his legitimate wife, because in the said time he has not kept nor does he keep married life with me, denying me table and matrimonial interactions (*tratos matrimoniales*), living in a separate apartment different from mine, and not admitting me to his either by day or by night, evicting me with words of effrontery, pushing me, and saying "get out of my presence, you devil," and laying hands upon me various times when I persisted in trying to enter.

And other times he called me destroyer of his wealth, his enemy, and permitted that our sons, servants and slaves insulted me through words and deeds. He raised a stick at me and called me a wicked female, a drunk, a lunatic, and other ruinous

words unworthy of my person and its (his) quality. And with this treatment he toys with me, saying that I deserve much worse. And of all that I brought he has lost much, without giving me the sustenance and adornment that befits my quality and his. For some time he has rewarded my patience and love with ill treatment and dislike [*desamor*], which he has both felt and shown, taking my patience and suffering as the occasion to abuse and hate me. All of this has been to complete the end that he has always intended, which is to divorce himself from me by obliging me with his ill treatment and dislike to that end.

The only thing in which I rejoiced, and the only thing with which I consoled myself, was a girl, our only daughter, whom God was served to give us. [The girl], being of the age of six years, he took away from me and out of our house entirely. This was about three years ago. He took her to the house of a woman in another city, who has had [the child] and has her. And all of that said time he has not permitted me to see her, nor has he permitted me to give a cent for her expenses and sustenance. For this reason I asked him why he wouldn't let me give it to her, God having been served to give us more than 30000 pesos in common property, in addition to an *encomienda* of a hundred *mantas*³ per year...

³ That is, a substantial *encomienda* or grant of tributary Indians. In the Maya lands, where Doña María and her husband lived, this probably meant that they received tribute from a community of at least 100 adult men; it probably also meant that in addition to the hundred capes, they received substantial other goods in tribute, perhaps two hundred fanegas of maize and two hundred chickens, for example.