

LAWS FOR FOUNDING CITIES

Felipe II (1527–1598), King of Castile and Aragon (1556–1598)

San Lorenzo, 3 July 1573

...After having made the discovery and selected the province, district, and land to be peopled and the sites where new settlements are to be founded, those who intend to settle are to proceed in the following manner:

On arriving at the locality where the new settlement is to be founded (which, according to Our will and ordinance, must be one which is vacant and can be occupied without doing harm to the Indians and natives or with their free consent) the plan of the place—with its squares, streets, and building lots—is to be outlined by means of measuring by cord and ruler, beginning with the main square from which streets are to run to the gates and principal roads and leaving sufficient open space so that even if the town grows, it can always spread in a symmetrical manner. Having thus laid out the chosen site, the settlement is to be founded in the following form.

The chosen site shall be (1) on an elevation; (2) healthful; (3) with means of fortification; (4) fertile and with (a) plenty of land for farming and pasturage, (b) fuel and timber, (c) fresh water, (d) a native population, (e) commodiousness, and (f) resources; and (5) of convenient access and egress.

It shall be open to the north wind. If on the coast, care is to be taken that the sea does not lie to the south or west of the harbor. If possible, the port is not to be near lagoons or marshes in which poisonous animals and corruption of air and water breed.

In the case of a coastal town, the main plaza which is to be the starting point for the building of the town is to be situated near the landing place of the port. In inland towns, the main plaza should be in the center of the town and of an oblong shape, its length being equal to at least one-and-a-half times its width, as this proportion is the best for festivals in which horses are used and any other celebrations which must be held.

The size of the plaza shall be in proportion to the number of residents, heed being given to the fact that towns of Indians, being new, are bound to grow and it is intended that they shall do so. Therefore the plaza is to be planned with reference to the possible growth of the town. It shall not be smaller than 200 feet wide and 300 feet long, nor larger than 800 feet long and 300 feet wide. A well-proportioned, medium-size plaza is 600 feet long and 400 feet wide.

From the plaza the four principal streets are to diverge, one from the middle of each of its sides, and two streets are to meet at each of its corners. The four corners of the plaza are to face the four points of the compass, because thus the streets diverging from the plaza will not be directly exposed to the four principal winds, which would cause much inconvenience.

The whole plaza and the four main streets diverging from it shall have arcades, for these are a great convenience for those who resort thither for trade. The eight streets which run into the plaza at its four corners are to do so freely without being obstructed by the arcades of the plaza. These arcades are to end at the corners in such a way that the sidewalks of the streets can evenly join those of the plaza.

In cold climates, the streets shall be wide; in hot climates, narrow. However, for purposes of defense and where horses are kept, the streets had better be wide.

The other streets laid out consecutively around the plaza are to be so planned that even if the town should increase considerably in size, it would meet with no obstruction which might disfigure what had already been built or be a detriment to the defense or convenience of the town.

In the smaller towns, well-proportioned plazas are to be laid at certain distances, on which the main church, the parish church, or monastery shall be built, so that the teaching of religious doctrine may be evenly distributed.

If the town lies on the coast, its main church shall be so situated that it may be visible from the landing place and so built that its structure may serve as means of defense for the port itself.

After the plaza and streets have been laid out, building lots are to be designated in the first place for the erection of the main church, the parish church, or monastery, and these are to occupy respectively an entire block so that no other structure can be built next to them excepting such as contribute to their commodiousness or beauty.

Immediately afterwards the place and site are to be assigned for the royal and town council house, the customs-house, and the arsenal, which is to be close to the church and port so that in case of necessity one can protect the other. The hospital for the poor and sick of non-contagious diseases shall be built next to the church, forming its cloister.

The lots and sites for slaughter-houses, fisheries, tanneries, and others similarly productive of garbage shall be so situated that the latter can be easily disposed of.

It would be of great advantage if inland towns at a distance from ports were built on the banks of a navigable river, in which case an endeavor should be made to build on the northern river bank, all occupations producing garbage being relegated to the river bank or sea situated below the town.

In inland towns, the church is not to be on the plaza, but at a distance from it in a situation where it can stand by itself, separate from other buildings so that it can be seen from all sides. It can thus be made more beautiful and it will inspire more respect. It should be built on high ground so that in order to reach its entrance people will have to ascend a flight of steps. Nearby and between it and the main plaza the royal council house, the town council house, and the customs-house are to be erected to increase its impressiveness, but without obstructing it in any way. The hospital of the poor who are ill with non-contagious diseases shall be built facing the north and so planned that it will enjoy a southern exposure.

The same plan shall be carried out in any inland settlements where there are no rivers, much care being taken that they enjoy other conveniences requisite and necessary.

No building lots surrounding the main plaza are to be given to private individuals, for these are to be reserved for the church, the royal council house, and the town council house, and also shops and dwellings for the merchants, which are to be first erected. For the erection of the public buildings, the settlers shall contribute and for this purpose a moderate tax shall be imposed on all merchandise.

The remaining building lots shall be distributed by lottery to those of the settlers who are entitled to build around the main plaza. Those left over are to be held for us to grant to settlers who may come later or to dispose of at Our pleasure. In order that entries of these assignments be better made, a plan of the town is always to be made in advance.

After the plan of the town and the distribution of the lots have been made, each settler is to set up his tent on his lot if he has one, for which purpose the captains shall persuade them to carry tents with them. Those who own none are to build huts of such materials as are available, wherever they can be collected. All settlers jointly are to erect, with greatest possible haste, some kind of palisade or dig a ditch around the main plaza so that the Indians cannot do them harm.

A common shall be assigned to each town, of adequate size so that even though it should grow greatly, there would always be sufficient space for its inhabitants to find recreation and for cattle to pasture without encroaching upon private property.

Adjoining the common there shall be assigned pastures for team oxen, for horses, for cattle destined for slaughter, and for the regular number of cattle which according to law the settlers are obliged to have so that they can be employed for public purposes by the council. The remainder of land is to be sub-divided into as many plots for cultivation as there are town lots and the settlers are to draw lots for these. Should there be any land which can

be irrigated, it is to be distributed to the first settlers in the same proportion and drawn for by lottery. What remains over is to be reserved for Us so that We can make grants to those who may settle later.

As soon as the plots for cultivation have been distributed, the settlers shall immediately plant all the seeds they have brought or which are obtainable, for which reason it is advisable that all go well-provided. All cattle transported thither by the settlers or collected are to be taken to the pasture lands so that they can begin at once to breed and multiply.

Having sown their seeds and provided accommodation for their cattle in such quantities and with such diligence that they can reasonably hope for an abundance of food, the settlers, with great care and activity, are to erect their houses with solid foundations and walls, for which purpose they shall go provided with molds or planks for making adobes and all other tools for building quickly and at little cost.

The building lots and the structures erected thereon are to be so situated that in the living rooms one can enjoy air from the south and from the north, which are the best. All town houses are to be so planned that they can serve as a defense or fortress against those who might attempt to create disturbances or occupy the town. Each house is to be so constructed that horses and household animals can be kept therein, the courtyards and stockyards being as large as possible to ensure health and cleanliness.

Settlers are to endeavor, as far as possible, to make all structures uniform, for the sake of the beauty of the town.

The faithful executors, architects, and persons who may be deputed by the governor for the purpose shall be most scrupulous in carrying out the above instructions and in hurrying both field labor and house building so that the town may be completed in a short time.

If the natives should wish to oppose the establishment of a settlement, they are to be given to understand that the settlers desire to build a town there not to deprive them of their property, but for the purpose of being on friendly terms with them; of teaching them to live in a civilized way; and of teaching them to know God and His law, by means of which they shall be saved. This shall be explained to them by the friars, clergy, and persons deputed by the governor by means of good interpreters. Attempts are to be made by all fair means to establish the settlement peaceably and with the consent of the natives. If, after many different attempts have been made to gain their consent, the natives still withhold it, then the settlers are to proceed to establish their town, but are not to take any of the personal belongings of the Indians or to do them more hurt than what may be necessary to protect the settlers and enable them to build without interference.

While the new town is being built, the settlers, as far as possible, shall try to avoid communication and intercourse with the Indians and are not to go to their villages or amuse themselves or disperse themselves over the country. Nor are the Indians to enter the circuit of the settlement until the latter is complete and in condition for defense and the houses built, so that when the Indians see them they will be filled with wonder and will realize that the Spaniards are settling there permanently and not temporarily. They will consequently fear the Spaniards so much that they will not dare to offend them and will respect them and desire their friendship. When the settlers begin to construct the town the governor is to appoint someone to take charge of the sowing and cultivating of wheat and vegetables so the settlers can immediately employ these for their maintenance. The cattle are to graze and be tended in a safe place where they can do no injury to the cultivated lands or anything belonging to the Indians. The aforesaid cattle and their offspring are to be at the service of the settlers and for their use and subsistence....

Zelia Nuttall, "Royal Ordinances Concerning the Laying Out of New Towns," *Hispanic American Historical Review* 5 (May 1922):249–254.