

The Town Council of San Juan Bautista de Puerto Rico in the 18th Century and the Defense of the Rights of Residents*

Luis E. González Vales

In the 18th century, the Island of Puerto Rico only had two Town Councils, whose establishment dates back to the early days of colonization. On the east of the island, the most extensive jurisdiction had its seat in the Town Council of San Juan, the older of the two.¹ The other Town Council, in the Village of San Germán, was established soon after, and by 1514, King Ferdinand appointed Miguel Díaz de Aux as inspector of weights and measures by a royal decree issued in Palencia.² The Town Council of the Village ruled over the western region of the island. The jurisdiction of the aforementioned councils had been set by Juan Ponce de León in the early stages of colonization and remained unaltered until the turn of the 19th century.³

Even though a royal decree issued on January 14, 1778, authorized the constitution of villages entitled to have their own Town Council, their own courts of justice and their own municipal government for the administrative divisions of Aguada, Arecibo and Coamo and the term for each was fixed, compliance with this mandate was deferred. In addition to the disorder and

* Paper presented [in Spanish] at the Congress entitled “Protección jurídica de las personas en la historia del viejo y el nuevo mundo,” School of Law, Universidad de Chile, Santiago. September 2 through 6, 1994.

¹ The Town Council of San Juan is established provisionally at the Village of Caparra, the first Spanish settlement in Puerto Rico, in 1509. Two years later, it is fully organized as gathered from a Royal Decree issued in Seville by King Ferdinand the Catholic on February 26, 1511, reproduced in Monsignor Vicente Murga’s *Historia Documental de Puerto Rico*, Vol. III, “Cedulario Puertorriqueño Tomo I (1505-1517).” Editorial Universitaria, San Juan, 1961, pp. 49-50.

² Murga, *Op. cit.*, pp. 342-343.

³ *Ibid.*, pp. 274-275.

poor conditions in terms of the urbanization process of the three administrative divisions, there were not among the residents any persons capable to “fill the civilian positions that had to be created therein.”⁴

Our study is confined to the endeavor of the Town Council of San Juan and centers on the analysis of the Town Council’s minutes that date back to 1730, which even if with some loopholes, cover the governance efforts of said corporation during the 18th century. This paper consists of the following parts: (1) an examination of the legal basis which led to council action, with particular emphasis on the process of revising and adopting Municipal Ordinances in effect during said period. This is followed by a summary of the provisions contained in said ordinances, emphasizing on the subject of our concern; (2) the Town Council’s functions proper with particular attention to matters relative to the flour and meat supplies, on the one part, and the setting of fee and price schedules on the other; and (3) conclusions.

The justification of the subject, I believe, is fully supported on the characterization of the Town Council of the Indies presented by Abelardo Levaggi in his erudite study, *Manual de Historia del Derecho Argentino*, whereby he describes this institution. Said author, after having stressed the major role said corporations played in the life of local economy, adds that they “also saw over the interests of consumers and the advancement, material above anything else, of the city.” [our translation]⁵ We shall certainly see further on that the endeavor of the Town Council of San Juan fully conforms to this characterization.

⁴ AHN, Consejo de Indias, Dossier 20941 3rd piece, folios 31-310, cited in Aida R. Caro Costas, *El Cabildo o Régimen Municipal Puertorriqueño en el Siglo XVIII*, 2 volumes. Municipality of San Juan and Institute of Puerto Rican Culture, 1965, 1971, Volume 1, p. 5.

⁵ Abelardo Levaggi, *Manual de Historia del Derecho Argentino*, Editorial Palma, Buenos Aires, 1991, Vol. III, p. 46.

1. **Municipal Ordinances: The Legislative Process**

It has been clearly established that within the institutional structure that prevailed in the Indies, the municipality of the eighteenth century had the power to legislate, which enabled it to fulfill its mission of ruling or governing, as well as of directing and administering the material interests of the conglomerate of residents established within the confines of its jurisdiction. As legislative unit, it was recognized to have the authority necessary to establish regulatory norms and to issue the provisions that better responded to the common interest. In the legislative order, the most important works of the municipalities are the municipal ordinances. According to Ots Capdequi, no general or consistent rule on this particular is registered in the legislation of the Indies.⁶

The corpus of ordinances did not only establish the precepts or regulations that would rule the lives of citizens, but it also dictated norms for the operation of the institution itself.

The legal force or validity of said regulatory provisions most certainly did not depend exclusively on the action of the Town Council. It was required, pursuant to that which was provided in the Laws of the Indies, for ordinances to be examined by the Court of Appeals of the territory, which in the case of Puerto Rico was the Royal Court of Appeals of Santo Domingo, and in addition, they had to receive the eventual approval of the Royal and Supreme Council of the Indies. The endorsement of the Court of Appeals provided for their observance and compliance for a term of two years. Once this term expired, these provisions could only remain in effect if during said

⁶ José M. Ots Capdequi, *Instituciones*, Salvat Editores, Barcelona, 1959, p. 281.

period they were referred to the Royal and Supreme Council of the Indies and the latter confirmed it.⁷

In the 18th century, Puerto Rican Town Councils exercised those powers that were expressly conferred onto them by the laws that regulated their lives and existence. In addition, they exercised other powers that common law and customs had consecrated for them.⁸

Two were the municipal codes or corpus of ordinances in effect within the jurisdiction of the municipality of San Juan during the 18th century—the Ordinances of 1620 and the Ordinances of 1768.

The Ordinances of 1620 were in effect during the first half of the 18th century. This in spite of the fact that they lacked the approval of the Court of Appeals of Santo Domingo and therefore, that they did not have the endorsement of the Council of the Indies.⁹ The Town Council of San Juan kept the Ordinances in force and effect, not giving any signs of concern for revising them or for taking the steps necessary to have them duly approved and confirmed.¹⁰

In Puerto Rico, the governor intervened frequently on both the organization and operation of municipal councils. One of the areas in which said intervention is made manifest is the area of concern in this paper.

In 1710, Governor *Don* Francisco Danio Granados ordered the revision of ordinances, a task which he entrusted to two persons of “knowledge and experience,” *Don* Francisco Lazcano y Mujica and *Don*

⁷ *Recopilación de Leyes de los Reinos de las Indias*, Act No. 52. Title I, Book II.

⁸ Caro, *El Cabildo*, Volume I, p. 4.

⁹ AHN Consejo de Indias, Dossier 20933, 1st piece, folios 163-165. Quoted in Aida R. Caro's *Legislación Municipal Puertorriqueña del Siglo XVIII*, Instituto de Cultura Puertorriqueña, San Juan, 1971, p. IX.

¹⁰ Caro, *Legislación Municipal*, p. IX.

Francisco de Allende.¹¹ This is the first instance of this nature recorded on the documents during the aforementioned century.

Through this action, the Governor and Captain General of the island assumed for himself, both in action and in theory, an authority which properly corresponded to the Town Council. The justification for such an action could only be grounded on his responsibility to provide for a sound government of the island and on the fact that, politically and administratively, the corporation was a subordinate of his office.

The Town Council of San Juan did not protest and took what was ordered by Danio Granados at face value. Further on, when the revision made by the commissioners was submitted for its consideration, the capital city's council approved it without further discussion.

However, the Town Council once again forwent its obligation to submit said revised Ordinances to the Court of Appeals of Santo Domingo, and at the Governor's request, remitted them directly to the King and the Council of the Indies for their confirmation, which was issued by means of a Royal Writ of Execution on June 9, 1712.¹² Having received royal confirmation, the Ordinances remained in effect for the succeeding decades without being revised or replaced by new provisions.

It would not be until the decade ranging between 1757 and 1767 that the Town Council's minutes would reflect an unusual interest of Town Council members to discharge so important an obligation. On the Town Council meeting held on January 7, 1757, it was decided to draft new provisions. At that time, Town Council Investigative Official *Don* Manuel Ramos indicated that:

¹¹ Quoted in Caro's *Legislación Municipal*, pp. IX-X.

¹² AGI *Escribanía de Cámaras*, Dossier 132, 2nd piece, folio 182.

“As it better serves the welfare of this Republic and... as this town council does not have any since the ones it has are without royal approval, new ordinances shall be drafted to be remitted to the District Royal Court of Appeals for its approval and observance for the term of two years granted for their remittal to His Majesty (God save) for his royal approval and confirmation.” [our translation]¹³

To provide direction to their endeavor, Town Council members requested that they be sent a copy of the Ordinances of Santo Domingo, but these never arrived.¹⁴

Three years later, pressured under the mandate of Public Tenure Reviewing Judge Xiorro Díaz, who forewarned the Town Council on the need of drafting a new corpus of Ordinances, the councilmen of the city provided for the revision of the ordinances of 1620.¹⁵

On this occasion, it fell on *Don* Francisco de los Olivos and *Don* Francisco Correa to revise the ordinances in order to conform them to the present reality and to “add, remove or leave things be as corresponds bearing in mind the times and the existing circumstances...” [our translation]¹⁶ The commissioners presented their report at the Town Council meeting held on December 24, but perhaps due to the fact that it was Christmas Eve and seeing as councilmen had their minds on the festivities of the day, it was agreed to postpone the discussion of the report for another time.¹⁷

Seven years would pass before the aforementioned report was to be brought anew to the consideration of the Council. On occasion of holding a Town

¹³ *Actas del Cabildo de San Juan Bautista de Puerto Rico (1751-1760)*. Official publication of the Government of the Capital City, San Juan, 1950, p. 137.

¹⁴ *Actas 1751-1760*, p. 144.

¹⁵ *Actas 1751-1760*, p. 269.

¹⁶ *Ibid.*

¹⁷ *Actas 1751-1760*, p. 283.

Council meeting on November 23, 1767, the draft prepared by Correa and de los Olivos was considered and referred to Town Council Investigative Official *Don* Francisco Casado, in order for him to revise it and “conform it to the royal provisions.” [our translation]¹⁸

Casado acted swiftly and by January, 1768, he was presenting a new corpus of ordinances before the Municipal Government.¹⁹ On January 18, the revised ordinances were brought to discussion and approved. The preparation of an affidavit by duplicate of the ordinances was directed, in order to send the same to the “Royal Court of Appeals and another to His Majesty for (his) confirmation, as ordered by public tenure review judgments and the laws of these confines of the kingdom.” [our translation]²⁰

The new ordinances of 1768 were simultaneously remitted to the Court of Appeals of Santo Domingo and the King as recorded on the Town Council meeting minutes of April 26, 1768.²¹ By sending the approved ordinances simultaneously to the Court of Appeals and the King, the Town Council was once again violating the provisions of the Laws of the Indies. This action brought on the Town Council a royal admonishment and the order to observe “strict compliance with that which is provided by law.” [our translation]²²

¹⁸ *Actas del Cabildo de San Juan Bautista de Puerto Rico 1761-1767*. Official publication of the Municipality of San Juan, San Juan, 1954, p. 266.

¹⁹ *Actas del Cabildo de San Juan Bautista de Puerto Rico 1767-1771*. Official publication of the Municipality of San Juan, San Juan, 1965, p. 8.

²⁰ *Actas 1767-1771*, p. 9.

²¹ *Ibid*, p. 32. *Cartas del Cabildo de San Juan Bautista de Puerto Rico (siglos XVI-XVIII)*. Compilation and notes by José J. Real Díaz, Municipality of San Juan and Institute of Puerto Rican Culture, San Juan, 1968, p. 245.

²² “Real cédula de 4 de noviembre de 1768.” AHN Consejo de Indias, Dossier 20937, 1st piece, folios 48-49, quoted in Caro’s *Legislación Municipal*, p. XIII.

As to the Royal Court of Appeals of Santo Domingo, it issued a royal enforcement order on April 26, 1768, whereby “the honorable judges agreed that, having recognized the old Ordinances and those newly drafted by *Don* Francisco Casado for the year 1768, these be reduced to a single corpus, by excluding all those articles that can not be made to conform to present times.” [our translation] Town councilman Dr. Francisco Manuel de Acosta Riaza was commissioned to complete this task.²³

Months later, in December of that same year, the Town Council Investigative Official is ordered to present before the Government Board, information as to the usefulness of the new ordinances.²⁴ It was agreed on that same meeting, that the Town Council, with the aid of the Lieutenant Governor, would give itself to the task of “deciding which chapters shall constitute the new municipal code.”²⁵

In the following month of May, the Town Council Investigative Official again insisted on the need and usefulness of the new ordinances.²⁶ This is the last time that the subject of the Ordinances was to appear on the Minutes of the Town Council of San Juan that correspond to the 18th century.

It is pertinent to point out that approved or not, said Ordinances of 1768, just as the preceding Ordinances of 1620, were put in effect and served as guidelines for the actions of the Town Council of San Juan throughout that century. The action of not complying with that which was provided in the legislation of the Indies did not issue forth from ignorance of the law, for, as we have seen, many are the occasions on which direct

²³ *Actas del Cabildo de San Juan Bautista de Puerto Rico 1774-1777*. Official publication of the Municipality of San Juan, San Juan, 1966, p. 10.

²⁴ *Actas 1774-1777*, p. 79.

²⁵ *Ibid.*

²⁶ *Actas 1774-1777*, p. 105.

reference is made on the minutes to the procedures to be followed, but in spite of this, the procedures are still not observed. In spite of the fact that the said Ordinances did not have the required approval, the fact that the provisions included in both the Ordinance of 1620 and the succeeding Ordinance of 1768 were complied with is no less true. Customs were an essential factor in these being accepted as law in full force and effect. It is important to stress that no inhabitant of the city questioned or challenged the legality of the actions of the town council which were based on said legislation. At least, this is not gathered from the minutes.

1.2 Municipal Ordinances: Contents

Having concluded the examination of the Ordinance preparation and approval process, it is only proceeding for us to examine, even if in passing, the contents of the same in the intent to identify those provisions which protect the rights of residents.

Zorraquin Becú points out that in all eras, town councils fixed prices and fees for regular use merchandise, for artisan works and even for export products.²⁷ At times of plenty or shortage, the municipality could likewise dictate norms to regulate the city's supplies. These functions were exercised by the Town Council as a whole or by inspectors of weights and measures and other specifically authorized Council officials.²⁸

The supply regime is one of the matters particularly regulated by the Town Council of San Juan. This is surmised from the examination of the two Ordinances to which we have referred. Of the twenty-five articles that constitute the Ordinance of 1620, the first twenty have to do with the sale of food-related basic need articles for the inhabitants of the city of San Juan.

²⁷ Ricardo Zorraquin Becú, *La Organización Política Argentina en el Período Hispánico*, Emece Editores, Buenos Aires, 1959, p. 353.

²⁸ *Ibid.*

Thus is regulated the sale of articles such as, for example, bread; cassava; corn; beef and pork; jerked beef; freshwater fish; hawksbill turtle; saltwater fish; cow tallow; tallow candles; soap; lard; oil; hens, chickens, and eggs; dairy products, such as cheese and milk; sugar cane syrup and honey; sugar; rice and beans; and fruits and vegetables.²⁹ The ordinance stresses that these shall be sold “at the sales price fixed by the Town Council.” [our translation] Failure to comply with this provision entailed a possible fine for the seller, and in some cases, as is the case with bread, lighter-weight products could be “given away...to the poor.” [our translation]³⁰

Two officials were responsible for seeing over the strict compliance of the provisions in Ordinances: the monthly councilman deputy and the inspector of weights and measures. Among the most important attributions of councilmen were those relative to supplies and to weights and measures. In fulfilling these tasks, they did not act collectively, but rather, they took turns at intervals of one month or one week, as provided for by the Town Council.³¹ Usually, the term was one month. On his part, the inspector of weights and measures intervened in all matters relative to the policing of supplies and was responsible for seeing over the compliance and enforcement of all ordinances.³² They were charged with fixing the prices at which products were to be sold, and in addition, they were to oversee that suppliers complied with quality and weight and measure standards, in order to guarantee that consumers were getting a product that was fit for human consumption and that buyers were receiving the right amount of the item they were purchasing. In discharging the responsibility of fixing prices, said

²⁹ “Ordenanzas Municipales de la Ciudad de San Juan Bautista de Puerto Rico, Año de 1620,” Articles I through 20, reproduced in Caro’s *Legislación Municipal*, pp. 3-9.

³⁰ *Ordenanzas de 1620*, Art. I.

³¹ *Actas 1730-1750*, p. 250; *Actas 1751-1760*, pp. 212, 220.

³² *Actas 1730-1750*, p. 46.

officials could not act arbitrarily: they were under the obligation to follow the standards set under the legislation of the Indies which prescribed that it was necessary to consider the cost of products and merchandise in order to fix a fair and equitable price that would allow merchants to make a “moderate” profit.³³

For illustrative purposes, let us see some of the provisions relative to our previous statement. Bread was a staple in our diet, for which reason it should be no surprise that the first provision of the Ordinance of 1620 is devoted to this item. Bread was to be brought to the Town Council for inspection and it was forbidden to mix flours of different qualities in its preparation. In those cases in which the freshness and the taste of the product were not adequate, the inspector of weights and measure could provide as convenient. In addition, the Article provided that if the pound of bread for sale to the public weighed less than one pound, the bread would then “be for the poor, plus thirty silver reales for the Court of His Majesty, the judge and decrifier.” [our translation] An equal penalty was established if the bread was “not well baked.” [our translation]³⁴ In the Ordinance of 1768, the section about the “government of victuals” [our translation] also assigns equal priority to the supply of flours. The first provision is relative to the supply of this important item, its price and the quality of the product. The penalty for violators of the provisions contained therein is similar to that established in the Ordinance of 1620.³⁵

The sale of wine was regulated and it was necessary to hold a license to establish a tavern. It was provided, further, that wine casks were to be

³³ *Recopilación de las Leyes de los Reinos de las Indias*, Act No. 22, Title 9, Book IV. See “Ordenanzas de la villa de San Germán Año de 1735,” folio 3, in Caro’s *Legislación Municipal*, pp. 53-54.

³⁴ “Ordenanza de 1768” in Caro’s *Legislación Municipal*.

³⁵ “Ordenanza de 1768” in Caro’s *Legislación Municipal*, p. 30.

inspected “by the deputy and the inspector of weights and measures and they shall not [*sic*] be sealed with the seal of the city.” Any tavern keeper who sold wine without said seal was at risk of being fined and having his stock seized.³⁶ Furthermore, the Ordinance provided for severe corporal punishment—“two hundred lashings” for any tavern keeper caught selling watered-down wine, in addition to a fine and the seizure of the product. The Ordinance provided for a like punishment for tavern keepers “whose weights, measures or yardstick are found to be at fault.”³⁷

The inspection of weights and measures was another standard geared toward protecting consumers by guaranteeing that they were receiving the amount of the product for which they had paid.³⁸ The monthly councilman deputy and the inspector of weights and measures were charged with the obligation to inspect all weights and measures used by merchants in the sale of articles or products to the public.³⁹

The provisions contained in the Ordinance are also important in the field of economy. These regulate the establishment of stores and grocery stores, in addition to taverns, mentioned above; the transportation of passengers and cargo; the municipal fees or taxes to be paid on slaves, ginger, land and farms for use; the crossing of cattle through bridges; and the use of the fountains of San Antonio, the main water fountain which supplied for the needs of the inhabitants of the city.⁴⁰

The Ordinance also provided for its compliance and established that any matter relative to “compliance and enforcement” [our translation] thereof would not be reviewed by the regular court, but “solely and

³⁶ “Ordenanza de 1620” in Caro’s *Legislación Municipal*, Art. 20.

³⁷ “Ordenanza de 1620” in Caro’s *Legislación Municipal*, Art. 21.

³⁸ *Ibid*, Art. 22.

³⁹ *Ibid*, Art. 23.

⁴⁰ *Ibid*, Art. 25. Said article, which is the longest, contains provisions relative to all these matters.

exclusively” [our translation] by the councilman deputy and by the inspector of weights and measures, whose decisions could be appealed before the Town Council.⁴¹

In reference to the Ordinances of 1768, there are certain fundamental differences worth pointing out. In this case, the articles are organized by sections that deal with a matter in particular. The first of these has to do with the “government of Municipal Town Council Members,” [our translation], which subject is not brought up in the preceding Ordinance. It includes a total of 16 articles that regulate all aspects relative to Town Council operations.⁴²

The second section deals with the “Government of the Republic” and its provisions have to do with the appointment of *comisarios de barrio* [lit.: ward-mayors] or *comisarios de calle* [lit.: street-mayors]; the designation of places to establish market places; the regulation of the sale of fruits and vegetables, of stores, and of licenses to sell; and the establishment of guilds and the formulation of guild guidelines, as well as the kind of relationship between the Town Council and guilds. Furthermore, the practice of professions is regulated.⁴³

The third section is devoted to the subject of victuals or basic need products. This part draws from many of the measures set forth in the Ordinance of 1620, although more condensed. In addition, the commercial activities of “retail vendors or middlemen.” [our translation]

The last section has to do with the governance “for within the confines and outside the city.” Among the things regulated is the provision relative to

⁴¹ *Ibid*; Caro’s *El Cabildo*, Volume II, p. 11.

⁴² “Ordenanzas de la Ciudad de San Juan Bautista de Puerto Rico Año de 1768,” Art. 1-6, reproduced in Caro’s *Legislación Municipal*, pp. 19-26.

⁴³ *Ibid*, Art. 1-16.

the provision of land plots within and outside the city limits, an authority which is exclusive to the Town Council. Prescriptions are made to foster hunting and the breeding of cattle; procedures are set for the establishment of fee and price schedules on the sale of foodstuffs, farmland and the rendering of services; and the Town Council is conferred the authority to alter or repeal the same.

There is an important aspect that both Ordinances address and which I have left aside to comment on separately, which is the matter of meat supply for the garrison and the inhabitants of the city. This is no other than the meat supply assignment regulations, also known in our history as the compulsory meat supply.

This provision is rooted on the acknowledgment of the fact that lands were grants of the Crown. In order to ensure an adequate meat supply for the city of San Juan, it was provided that all owners of cattle farms and ranches were to pay a yearly impost in cattle, in proportion to the amount of land and cattle they owned. Said impost could not be paid in money or in other fruit or vegetables of equal value. This practice, adopted by Puerto Rican municipalities in the 18th century made it compulsory for said owners to take into the city's butchery, on the day or days scheduled, a certain number of cows or pigs which were to meet the conditions established by the municipality.

The Ordinances of San Juan set forth the obligation of meeting the meat supply assignment provisions and fixed penalties for offenders which evaded said responsibility. In the Ordinances of 1620, Article 6 is devoted to this matter, indicating that owners were to bring the cattle in "at the time

they are notified.” [our translation]⁴⁴ Suppliers are also placed under the obligation to “leave the slaughterhouse of the city clean and washed” [our translation]; failure to do so entailed the imposition of a fine of twenty silver reales.⁴⁵ In all matters related to this subject, the Ordinance of 1768 makes reference to “the new Meat Supply Assignment Regulations that have been established.” [our translation]⁴⁶

2.1 The Town Council in the Discharge of its Obligations

Having examined the legislative process and the norms contained in the Ordinances, it proceeds that we focus our attention on the manner in which throughout the 18th century, the Town Council met its obligations. In order to draw this picture, we have examined and broken down each and every one of the minutes in existence, which range from the oldest one of September 1730, to 1799. This task has been rendered remarkably easier by the excellent work conducted by the Municipality of San Juan in transcribing and publishing its minutes, compiled into 18 volumes which cover until the beginning of the third decade of the 19th century.⁴⁷

In consigning the contents of the municipal ordinances, we must point out that a substantial part of the provisions promulgated had to do with the city supply regime. Within that subject, the two aspects which receive most of the Town Council’s attention are those relative to the supply of flours and the preparation, sale and quality of bread, on the one hand, and the meat supply on the other. The minutes we have studied show us the problem and allow us to see the solutions agreed upon.

⁴⁴ *Ordenanzas de 1620*, Art. 6.

⁴⁵ *Ibid*, Art. 22.

⁴⁶ *Ordenanza de 1768*, Art. 5. Section entitled “Del Gobierno de los Mantenimientos.” [lit.: “On the Governance of Victuals.”]

⁴⁷ *Actas del Cabildo de San Juan Bautista de Puerto Rico, 1730-1821*, Municipality of San Juan, 1949-1978, 18 volumes.

2.2 Flour Supply

The first mention made on the subject of flour supply appears in a minute of March 17, 1731. This is a petition that the factor of the company of the *Real Asiento de Negros*, Tomás Gibbon, addresses to the Governor so that the latter would grant him a license to sell to the public a shipment of flour “that has been brought by a trading sloop of the *real asiento*.” [our translation] The governor referred the request to the Town Council to determine whether there is the need for said flour. The municipality then designates Mayor *Don* Laureano de Arroyo and Councilman Baltasar Montañez, so that together with Notary Diego del Bastardo, they conduct a survey “in the areas where bread is usually sold and inquire whether they have flour and in which amount and the quality thereof.” [our translation] Upon receiving their report, the Town Council was to determine “what is convenient for the public good.” [our translation]⁴⁸ Upon learning the results of the visit, the Town Council determined that it was “necessary to sell said flour to the public without contravening the royal orders of His Majesty” [our translation] and recommended to the governor thusly.⁴⁹

Four years later, there is another shortage of the product, and Investigating Official *Don* José de Castro points out that:

“the grave lack of and dire need for flour that prevail to the detriment of the sick, and the most urgent matter is that very soon there will be none to make the communion wafers for the holy sacrifice of the mass and the Eucharist...” [our translation]⁵⁰

To solve the problem, he proposes that authorization be given for a ship to go to the neighboring foreign islands “as has been done in similar

⁴⁸ *Actas 1730-1750*, p. 7.

⁴⁹ *Actas 1730-1750*, p. 8.

⁵⁰ *Ibid*, pp. 85-86.

emergencies in this city as well as in Santo Domingo and other cities of such a Merica [*sic*].” [our translation]⁵¹ Analogous petitions were to arise on repeated subsequent occasions, in particular in 1738, after the Island had experienced one of the frequent and destructive hurricanes which are common to these latitudes. The town council presents a truly critical picture, stating that everyone, rich and poor, are “limited to one piece of meat when they can get it, without any pod stew, root vegetables or any other victuals with which to eat it.” [our translation]. The situation is so desperate that “fathers part from their families, mothers have no means of appeasing their children, and they have nothing for their sustenance.”⁵² The Town Council requests, in spite of the stringent prohibitions on commerce with islands abroad, that [a ship] be sent in search of flour, claiming that the principles of natural law dictate “the conservation of human life and the prevention by this means of the introduction of disease by [the use of] the noxious foods from the roots of trees which they usually grate to make bread and other wild plants widely known to be hazardous to one’s health...” [our translation] Once again, reference is made to precedents as to similar situations in other parts of America.⁵³

By the mid-eighties another variance is detected; on this occasion, between 400 and 500 flour barrels are needed to supply the city and the garrison, for which various residents are called to place bids in order to choose the one who offered the best price and has proven to be capable of fulfilling this task. Negotiations extend for several months and finally an agreement is entered into with Nicolás Rijas to supply the flour at the price of fourteen and a half pesos a barrel in exchange for permission to “freely

⁵¹ *Ibid.*

⁵² *Actas 1730-1750*, p. 144.

⁵³ *Ibid.*

take [with him] and introduce fruit, vegetables and wines.”⁵⁴ [our translation]

The quality of the bread, the condition of the flours, the weight and the price at which these are to be sold to the public are part of the responsibilities of the Town Council, which discharges them promptly. Thus, for example, councilmen Tomás Pizarro and Domingo Dávila are commissioned the task to visit the city’s bakers to address the complaint that “the baked bread being sold is [made] from old flour, which smells badly and tastes even worse.” [our translation] The report presented after the inspection revealed that “six barrels which smell badly and are almost entirely putrid.”⁵⁵ [our translation] These surveys were to be conducted frequently and always in response to complaints about the quality of the product.⁵⁶

In May, 1762, the governor authorized the sale to bakers of part of the flour stored away for the use of the garrison. Such a measure aimed to alleviate the shortage “[of flour] that the republic is undergoing.” [our translation] A proviso was established whereby bakers were not to profit for having bought said flour at the price of fourteen pesos—considerably below the eighteen or twenty pesos for which it was being currently sold. It was provided that the bread prepared from said flour be sold at six copper reales a pound and not at one silver real “as they have usually done.”⁵⁷ [our translation]

The news that bakers were selling fourteen-ounce pounds of bread instead of the mandatory sixteen ounces, which was labeled to be “public

⁵⁴ *Actas 1781-1785*, pp. 140, 144, 147, 153.

⁵⁵ *Actas 1751-1760*, pp. 246-247.

⁵⁶ *Actas 1751-1760*, pp. 257, 258; *Actas 1761-1767*, pp. 16-17, 96; *Actas 1774-1777*, pp. 186-187.

⁵⁷ *Actas 1761-1767*, pp. 22-24.

fraud,” moved the Town Council to commission royal standard-bearer Joaquín Power to go the next day, together with the inspector of weights and measures and two magistrates, and “pass formal scrutiny on the baked bread and weigh the same and for each pound found to be at fault at fourteen ounces” [our translation] to impose the corresponding fines. At the same time it is provided that the bakers of the city are to be notified that as of the next day, the pound of bread should weigh the corresponding sixteen ounces.⁵⁸

The bakers’ complaints about the price per flour barrel made themselves heard and in August, 1778, they presented to the Town Council a proposal so that, in view of the rise in the price of flour barrel to sixteen pesos, they are allowed to subtract two ounces from each pound. The Town Council determined that the petition should be addressed to the *Asiento de Negros* factor.⁵⁹

Another form of protest adopted by bakers was refusing to buy flour. This is a shipment of 800 barrels “estimated to tend to needs, in view of the critical situation.” [our translation] Said attitude contravened a previous agreement signed by them before Town Councilman Antonio de Córdoba. The governor intervenes in the matter to urge the Town Council to have the flour bought “without detriment to this public,” [our translation] on occasion of the presence at port of a brigantine from Santander captained by Ramón de Uriarte which was transporting a flour cargo.⁶⁰

In the midst of this impasse, an offer arises, made by Manuel Carazo, a garrison artilleryman, who offers to buy 400 barrels “if allowed to open a

⁵⁸ *Actas 1774-1777*, pp. 186-187.

⁵⁹ *Actas 1779-1781*, p. 128.

⁶⁰ *Actas 1785-1789*, p. 128.

bakery and to sell bread to the public.”⁶¹ The Town Council accepted Carazo’s offer and issued an order to compel all other bakers to buy the remaining 400 barrels, in order to tend to the needs of the residents.⁶² The fact that a serviceman was being allowed to have and operate a bakery did not set any precedent, since the Royal Order of 1775 authorized servicemen to set up shop as long as they observed the corresponding provisions of the General Ordinances of the Army. In this particular case, Carazo would have to comply with the provisions on police and sound government administration, by “paying the guild’s dues and reviewing his work as is done with all others in this trade.”⁶³

The authority to establish the sales price of flours and bread was exercised by the Town Council on many an occasion during the period under discussion. Periodically, proposals are presented as to the revision of the sales price and in all of these the setting of the price which most favors consumers is sought.⁶⁴

2.3 The Meat Supply

An issue which called for special attention by the Town Council was providing for the daily supply of fresh meat. In the minutes revised, provisions abound not only at regular Town Council meetings, but at special and open Town Council meetings as well, convened for the express purpose of reaching the pertinent agreements which would guarantee the supply of so important a food group.⁶⁵ The Council adopted two systems to guarantee a supply which was adequate for the population. The one used most frequently

⁶¹ *Ibid*, p. 129.

⁶² *Ibid*, p. 131.

⁶³ “Real Orden de 28 de marzo de 1775” in Richard Konetzke’s *Colección de Documentos para la historia de la formación social de Hispanoamérica 1493-1810*, Vol. II, Second Tome, p. 400.

⁶⁴ *Actas 1792-1798*, pp. 30, 36-38, 50, 52.

⁶⁵ *Actas 1767-1771*, pp. 71, 176-177; *Actas 1771-1781*, pp. 82-85.

was the meat supply assignment. The other recourse was to grant exclusive right to a resident or a group of residents to supply the necessary meat.

The supply assignment system operated as follows: Each year the Town Council, after having considered the number of residents living in the city and having included the troop, prepared an estimate of the cows and pigs that would have to be slaughtered in order to provide for the daily needs for meat.⁶⁶ In the case of San Juan, the supply of the cattle needed was assigned not only among the administrative divisions under the Town Council's jurisdiction; the administrative divisions constituting the territory under the Town Council of the Village of San Germán were also included. This practice was tacitly endorsed by the governor and it acknowledged the fact that the military garrison was stationed in San Juan, which called for a greater supply of meat.

The information needed to conduct the supply assignment was provided by the first lieutenant, a councilman or various councilmen appointed by the Town Council, or the royal general inspection official. The supply assignment was made among those residents who owned crop farms, cattle ranches and breeding farms, whether the said residents were civilians, servicemen or members of the clergy, keeping in mind the number of cows and pigs owned by each.⁶⁷

In 1764, the Town Council members determined that they needed a total of 2,400 cows, which were assigned to be supplied by the towns of the island; Arecibo and Manatí were assigned the greatest number of cows—320

⁶⁶ *Actas 1761-1777*, p. 62.

⁶⁷ *Actas 1730-1750*, pp. 69, 82; *Actas 1751-1760*, pp. 226, 228; *Actas 1761-1767*, pp. 22, 52, 58-59; *Actas 1774-1777*, pp. 72-73; *Actas 1798-1803*, pp. 101-103.

heads of cattle each—while la Tuna contributes the smallest amount with 25 cows.⁶⁸

Ten years later, in 1774, it is determined by computation that 12 cows a day were necessary for the meat supply, “excluding the administrative division of Cangrejos.” [our translation]. The supply assignment was made on the basis of a computation of 67, 217 heads of cattle of all kinds.⁶⁹ Two years later, it is provided that residents are to declare the number of heads of cattle they own, in order to prepare a new cattle register for the meat supply.⁷⁰

In 1738, storm Santa Rosa ruined the pig crops and the habit of pig farmers of contributing to the meat supply, as was the case with cows, was brought to an end. It would not be until 1762 that the Town Council, deeming that more than enough time had passed for the recuperation of pig crops, would reinstate “the pig supply assignment, as instituted in the past.”⁷¹ [our translation]

Sometimes the administrative divisions would request to be released from the responsibility of complying with the meat supply assignment, but these requests were not always granted. Coamo’s first lieutenant gave written notice to councilman inspector of weights and measures *Don Luis de Castro* and advised him of the “great death rate of this kinds of livestock in the past and at present due to droughts and for such reason said valley is unable to contribute in said meat supply assignments.” [our translation]. The Town Council accepted the request and suspended the contribution until

⁶⁸ *Actas 1761-1767*, p. 62.

⁶⁹ *Actas 1774-1777*, p. 72.

⁷⁰ *Ibid*, p. 166.

⁷¹ *Actas 1761-1767*, p. 22.

further notice.⁷² A similar petition made in 1769 by the community of La Aguada was denied.⁷³

The exclusive right method was sporadically used during this period. The earliest mention of the same appears in the minutes of 1753. On said occasion, San Juan resident Juan Romero obtains the concession to fulfill the supply assignment of beef and pork for a 6-month term, beginning on July 1 of each year. The granting of exclusive rights were coupled with a ban for any other person to sell meats. As a penalty, offenders would have their meats seized. Any livestock brought into the city was to be sold to Romero, except for animals for exclusive household use. In order for the community to be apprised of the specific terms of the agreement, the clauses of the document presented by Romero were made public.⁷⁴

The other instance in which this method is employed occurs in 1767; on this occasion, Andrés de Santana and José de la Plaza assume the commitment to provide the meat supply. Once again, the Town Council grants the concession to the petitioners, but five months later, they would request to be released from this obligation they had contracted due to “various impediments which they say they are experiencing as to the cows for the meat supply.”⁷⁵ The preference for the supply assignment method is therefore evident.

The determination of the prices at which the meats were to be sold to the public arises on many an occasion as an issue which called for the attention of the Town Council. Thus, for example, there is a report which states that meat was being sold “at one silver real... which goes against the

⁷² *Actas 1730-1750*, p. 108.

⁷³ *Actas 1767-1771*, pp. 108-109, 110, 114.

⁷⁴ *Actas 1751-1760*, pp. 57-58.

⁷⁵ *Actas 1767-1771*, pp. 159-187.

custom.”⁷⁶ [our translation] In January, 1744, there is record of a meat shortage, for which reason the Town Council agrees to allow breeders to sell meats at higher prices.⁷⁷

In April, 1747, Governor Juan José Colomo stated the need to revise prices in order to induce breeders to bring their cattle to the city. He pointed out that San Juan was undergoing a measles epidemic “and there are homes where three or four have fallen ill, and in others, everybody, [and] in many instances they do not even have any food to eat,” [our translation] for which reason it is imperative for there to be the food necessary, so that those afflicted by disease may recover. The Town Council held that not even with the proposed rise in the price of meat would producers be stimulated; rather, it suggested the revision of the price set by the governor in his letter by fixing the price of “the meat [produced by livestock] for fattening, with bone and everything, at a silver real, and the meat [produced by livestock] not for fattening, at a copper real.” [our translation] Town Council members hoped and believed that the rise thus decreed would encourage owners to bring their livestock to the city and thus relieve the shortage.⁷⁸

2.4 Setting of Fee and Price Schedules

The power of the Town Council to set fee and price schedules was quite ample. Said power could be exercised not only in what concerns food supply, but also in matters of community life which involved rendering of services or buying and selling activities. In exercising its rulemaking authority, the Town Council prevented speculation and specified the fees to be earned for professional services and in commercial operations.

⁷⁶ *Actas 1730-1750*, p. 192.

⁷⁷ *Ibid.*, p. 218.

⁷⁸ *Actas 1730-1750*, pp. 248-249. About Governor Colomo, see Luis González Vales’s “Notas sobre la gobernación de don Juan José Colomo 1743-1750” in *Arturo Morales Carrión Homenaje al Historiador y Humanista*, Centro de Estudios Avanzados de Puerto Rico y el Caribe, San Juan, 1989.

It was an obligation of the Town Council to set the fee and price schedule to be compulsorily observed by mayors, notaries and all other officials of the judiciary for discharging their judicial functions. This fee and price schedule had to be referred to the Council of the Indies for its approval, and once approved by this body, it was to be made public as was the custom so that the general public would be informed. The Town Council was derelict in complying with this duty, since for the first fifty years of the century it did not set a single fee and price schedule. Eventually, what [the Town Council] did was request a copy of the fee and price schedule in effect in Santo Domingo, and upon receipt, it proceeded to render it effective in April, 1752. Said fee and price schedule was used until the end of the century.⁷⁹

We must point out the significant fact that upon approving said fee and price schedule, the Town Council stated that “excessive license fees and duties allowed under such commission are to avoided from this point forward,” [our translation] which demonstrate its interest in protecting residents against the possibility of arbitrary practices.⁸⁰ Said schedule regulates the fees of judges, the fees of notaries, and the fees of magistrates.⁸¹

The capital city’s Council did show to be more diligent in setting other fee and price schedules which fell within its obligations to set, such as the prices for livestock, plants and roots, which were used as a standard to appraise estates,⁸² as well as the going rates for transportation of passengers

⁷⁹ *Actas 1761-1767*, pp. 181-185, with the fee schedule’s complete text.

⁸⁰ *Ibid.*, p. 181.

⁸¹ *Ibid.*

⁸² “Ordenanzas de San Juan del año 1768” in Caro’s *Legislación Municipal*, p. 37.

and cargo within the Town Council's jurisdiction⁸³ and the wages for carpenters, masons, and all sorts of peons.⁸⁴ It also provides for the wages of school teachers⁸⁵ and the fees to be paid by people who used butcher's shops to slay cattle⁸⁶ and the wages of stevedores.⁸⁷

As to the practice of notaries, the fee and price schedule is quite detailed, establishing the fee corresponding to each of the various activities which require the use of the services of these officials. The specificity with which matters relative to this issue are addressed tend to indicate, it seems, a possible generalization of practices which were detrimental to the best interests of residents. The scarce or total lack of formal education of residents render the intervention of the Town Council rather urgent in order for the Council to protect them. This effort goes as far as setting the equivalence of one real, which was fixed at 34 maravedís.⁸⁸ Following custom, a copy of the fee schedule is affixed on the door of the Town Hall for the general public to be informed.⁸⁹

In 1768, the circulating gold coin experiences some fluctuations, and since the fee schedule for foodstuffs was expressed in terms of the silver coin, the preparation of a new fee and price schedule is ordered so as to "prevent harm for both the seller and the buyer." [our translation] The task of revising prices fell upon Town Councilmen Severino Xiorro and Pedro Vicente de la Torre, and they were ordered to have the document they prepared made public by affixing the same "on the usual locations." [our

⁸³ *Actas 1774-1777*, p. 167.

⁸⁴ "Ordenanzas de San Juan del año 1768" in Caro's *Legislación Municipal*, p. 37.

⁸⁵ *Actas 1774-1777*, p. 9.

⁸⁶ *Actas 1777-1781*, p. 95.

⁸⁷ *Actas 1761-1767*, p. 194.

⁸⁸ *Ibid*, pp. 182-184.

⁸⁹ *Ibid*, p. 155.

translation] In addition, the Governor was requested to issue a statute to enforce the same.⁹⁰

In 1771, the Town Council adopted a methodology to be followed when setting fee and price schedules for foodstuffs. The Council provided in said instance that a fee and price schedule was to be set for foodstuffs every four months, with the purpose of preventing “retail vendors and grocers from swindling and robbing [the public] and to remedy so grave a harm...”⁹¹

3. Conclusions

1. This account, which most certainly does not delve into the whole breadth of material on this issues found in the Minutes of the Town Council of San Juan Bautista de Puerto Rico, and which we have circumscribed to matters relative to the flour and meat supplies and the setting of fee and price schedules, clearly demonstrate that, in the discharge of their office, the Town Councilmen of San Juan were concerned about protecting and safeguarding the rights of the capital city’s residents.

2. The Town Council of San Juan, in spite of being aware of the procedures provided for in the laws of the Indies, seemed not to particularly care as to their observance in terms of having Municipal Ordinances approved and confirmed. Despite the advice of one governor or public tenure reviewing judge, the Town Council operated, throughout the period under study, by using the same with the full force and effect of a law.

3. The particular circumstances of the Island, its status as Military Presidio, and the scarce number of commercial contacts in both the peninsula and other areas—which kept the Island, for the most part of the century, virtually isolated—create in the capital city’s Town Councils a

⁹⁰ *Actas 1767-1771*, p. 44,

⁹¹ *Ibid*, pp. 184-185.

deeper awareness of their responsibility to secure adequate supplies for the population of San Juan. This fact would move the councils to demand that the governor, at certain times, send out ships to islands abroad to procure food, even if such an action was in contravention of the royal provisions, basing their position on the need to guarantee the conservation of human life.

4. In the examples studied concerning flour and meat supplies, evidence suggests that the cornering [of markets] by a few, to generate greater profits, was not an issue which greatly concerned Town Councilmen, but rather, the crux of the problem lay in the almost constant shortage of supplies, as stated above.

5. The proposal by a serviceman to establish a bakery and sell to the public is a unique example within the period under study. The action of the Town Council of granting the concession constituted a means to exert pressure on the city's bakers, who had been reluctant to buy the flour needed to guarantee the city's supply.

6. In order to secure the meat supply, the Town Council preferred meat supply assignments over the granting of exclusive rights to sell and was always reluctant to relieve towns from said responsibility. Only in extreme circumstances, when fully justified, did the Council grant petitions to that effect.

As an endnote, it should be added that said system was regarded by the cattle breeders of the Island as a mar on the development of the cattle breeding trade if we consider the unanimous petition made by the town councils in 1809 in their "Instructions" to the Deputy to the *Cortes* for Puerto Rico, Ramón Power, to have the same eliminated.

7. In fixing prices and fees, the Town Council sought at all times to defend the interests of the community by establishing prices that would guarantee product affordability while allowing merchants to make a “moderate” profit. The system whereby prices for foodstuffs were revised every four months pursued such an end.

8. Regulating the practice of notaries and fixing the corresponding fees reveals the interest of the Town Council in guaranteeing for the citizens—which were mostly poor and illiterate—the availability of this important resource for those instances in which they sought redress for a grievance or when they needed to address the authorities to request a benefit, and the Town Council’s concern in terms of protecting citizens from possible actions by unscrupulous practitioners who exploited the residents’ ignorance in order not to faithfully discharge their obligations.

LEGV/ypc

(Rev. 8/9/2006)