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The Wreck of the *Santo Cristo de Burgos* and the Trial of Its Officers

FRANCISCO MALLARI, S.J.

The Spanish galleon *Santo Cristo de Burgos* sailed from Cavite, on 8 July 1726, under the command of General of the Sea Francisco Sanchez de Tagle, loaded with cargo and passengers for Acapulco.¹ The main mission of the *Santo Cristo* was to bring the badly needed Mexican *situado*, or annual subsidy, as it had done in 1723.² Speculating from its naval status as a *capitana*, or flagship, and its complement of 252 seamen plus the commanding officer, 3 pilots, ship master, boatswain and an unknown number of passengers, the galleon was probably at least a 500-tonner.³ A violent hurricane on the night of 23 July drove this ill-starred ship aground on the coast of Ticao, a tiny island nine leagues long, four and a half leagues wide, south of Sorsogon province, north of Masbate island, close by the Strait of San Bernardino or the Embocadero, as it was popularly known in the Spanish times.⁴

THE VOYAGE AND THE WRECK

Before a galleon sailed, it was customary for the crew to receive the *socorro*, or assistance, very likely in the form of preserved food stuffs which they would need on the long voyage across the Pacific. To aid

1. There was another galleon of the same name which left Manila for Mexico in 1693 and burned at sea. William Lytle Schurz, *The Manila Galleon* (New York: E.P. Dutton & Co., Inc., 1939), p. 259.

2. Archivo General de Indias, Filipinas 229.

3. Archivo General de Indias, Escribanía de Camará 444-A Traslado autentico del cuaderno Num.1 . . . , Año de 1727. Henceforth AGI EC.

4. Juan Delgado, S.J., *Historia general sacro-profana, politica y natural de las islas del poniente llamadas Filipinas* (Manila: Imprenta de El Eco de Filipinas de D. Juan Atayde, 1892), p. 88. Spanish sources do not agree on the area of this island.

the *Santo Cristo's* crew, Governor Toribio Campo issued a proclamation, on 3 June 1726, urging all of them to report to the port of Cavite on the 11th for their *socorro*. There must have been fraudulent practices in the past among the recipients, for the proclamation threatened culprits with a penalty of eight years on the galleys.⁵

On 8 July 1726 at eight o'clock in the morning, the departure ceremonies started. At the port of Cavite, the statue of Our Lady of the Rosary was brought aboard the *Santo Cristo*. From the forest, the *pataches* and the *Santo Cristo* itself, cannons boomed in salute. The *Salve* was recited, after which royal officials conducted a general inspection of the officers, crew and King's provisions. Then with a fair south-south westerly wind blowing, the ship set a course to clear Cavite waters. At about 1:30 in the afternoon, it dropped anchor a league away to tidy up the vessel. In the postdisaster judicial inquiry, this incident would be one of the focal points of investigation.

The next day dawned without any sign of a good breeze. The vessel stayed put while its crew continued their chores. On the 10th a weak wind came with the early morning sun and the *Santo Cristo* set sail. By nightfall it was leaving Manila Bay and negotiating the narrow passage between Mariveles and Corregidor to commence its long journey in the open sea.

The first stage of the voyage did not portend an eventful ending. Beset by variables of calm and squally weather, the *Santo Cristo* made its way along the charted but disaster-laden galleon route known to sailors as a grave of ships either smashed on a rocky shore or torn apart by sunken shoals. On the 11th it was close by Luban island. Three days later, it was coasting along Mindoro towards the Punto de Escarceo. It rode on a slight breeze, and plunging ahead against contrary currents, it exited out of the wide mouth formed by Isla Verde and Baco islet, past Calapan, Mindoro, and the headland of Pola.

On the 16th it lumbered out of the opening between Tres Reyes and Dos Hermanos, steered towards the northeast of Banton island close by Marinduque, and from there, into the slightly rough Sibuyan sea. On the 17th, after a steady east-south east course, it arrived within four leagues of the mouth between the headlands of Burias and Masbate islands. By midday a dead calm set in, but by three o'clock in the afternoon, it started to freshen a bit so that by sunset, the *Santo Cristo*

5. AGI EC, Bando para el socorro, Manila 3 Junio 1726. Unless otherwise indicated, all information from the start of the voyage to the time of the disaster of Ticao is from the letter and logs of the officers. AGI EC, Letters of Tagle, Gil, Miranda to Governor, 1726; Diarios del Capitan Juan de Miranda, Captain Antonio Gil, Captain Sebastian de Salazar.

entered the channel, almost hugging the shores of Masbate. It altered course and headed east-north east. With the weather clearing, it sailed head on against strong currents. By three o'clock in the afternoon of the next day, it rounded San Miguel point and the Punta del Diablo of Ticao island. On the 18th, plying to windward about half a league from the Punta and aided by favorable currents until about 5:00 or 5:30 in the afternoon, it dropped anchor at a point, the document says, between the port of San Jacinto and the port of Ticao, forty-five fathoms deep, where it laid to for the rest of the day.⁶

At sunrise on the 19th, though it was a windless morning but the tide favorable, the *Santo Cristo* weighed anchor and crept close by the shore with the rowboat leading a few meters ahead. A slight wind rose from the east-south east, pushing the galleon landward. This forced the galleon to drop anchor in twenty-five fathoms of water. Next, it stretched out a warping line with a kedge anchor. After a few more maneuvers and towing by the rowboat, the galleon finally anchored in thirty-five fathoms of water on a seabed of sand topped with mud and strewn with broken seashells. The galleon was moored with an anchor and a stout hawser to the southwest and a kedge anchor and another hawser to the northwest. It rested in this anchorage with a crew and passengers who had reason to be happy. Their trip to Ticao had taken only eight days, a rare feat for galleons on the Cavite-Ticao run.⁷

The 20th dawned with fair weather, and at full daylight, a fine misty drizzle fell from the northeast and east. The crew hurriedly put things in order on the deck and upper deck to accommodate much needed fresh stores, like water and firewood. Over the years Ticao had always been the last stop for replenishment before clearing from the Embocadero. Gemelli Careri who visited the islands in the seventeenth century recalled in his diary that while at this island he saw "five-hundred Bombones of cane full of water brought aboard. . . ."⁸ The next day there was no change in chores and weather except a stormy squall in the afternoon from the south.

Still in the same anchorage, the southwest wind made the 22nd a day of squalls which raised hopes of a *vendaval* or favorable squall for departure, so that by six o'clock in the afternoon the *Santo Cristo* was all set to sail for the Embocadero and the blue Pacific.

6. On the map, the port of San Jacinto is indicated by letter L; the port of Ticao by letters ABC. An explanation of the letters and numbers on the map is in AGI EC, Topographia singular de la isla de Ticao.

7. AGI EC, Autos formados . . .

8. Schurz, *The Manila Galleon*, p. 269.

Their expectations were frustrated. The 23rd broke with a moderate northwesterly, and when the sun came out, the northwind carried along with it light rains. As this wind increased in force, the *Santo Cristo* released another anchor with a hawser of four-hundred filaments for a firmer hold. Three anchors in all secured the ship. Then, observing that the wind had gathered force in half an hour and swung clockwise to northeast, the skipper ordered the topmasts hauled down, leaving the main yard. In no time the wind howled overhead shifting from the northeast to east in increasing fury and continuous gusts. In less than three hours, it veered round to the east-south east with greater fury so that it stirred up swirling waves. At one o'clock in the afternoon, more or less, as one seething mound of water after another reared up under the bow and tossed the galleon about like a child's toy, the 500-filament hawser for the bow anchor to the southwest failed. To brace itself more tenaciously against the strong blasts, the *Santo Cristo* immediately cast out the sheet anchor with its sturdy cable of 600 filaments and fed as much cable as was needed to equalize the pull on all anchors.

Gradually the roar of wind and water subsided, and a lull followed lasting till four o'clock in the afternoon. The relief was short-lived. The officers and men began to pray for divine intervention. They felt the southwesterly wind beginning to blow and saw the foreboding darkness preceding a storm which had formed in that direction. The vendaval could come any moment, the strong wind they had been waiting for. Unexpectedly from the opposite side, the east wind came in strongly, then shifted again to the northeast, roaring through the rigging, masts and yards with an ominous pitch. Its unbridled fury hurled a jumbled mass of hissing dark-green water against the ship. As it was six o'clock in the late afternoon, the precarious weather persisting and darkness only a moment away, the *Santo Cristo* cast the last anchor, its 600-filament hawser stretched only enough to share the pull with the other anchors. Within a quarter of an hour, when the easterly wind howled again, the skipper ordered the main yard drawn. About seven o'clock in the evening, the wind, packing a hurricane force much stronger than in the previous hours, changed direction again farther to east-southeast. Its violence, never experienced by the galleon's veteran seamen, raised vicious seas that sent the embattled galleon rearing, rolling and plunging precariously. "It seems all hell let loose," wrote Juan de Miranda, the Second Pilot.⁹

Then something fearful happened. The seasoned sailors could fully grasp its menacing significance. The *Santo Cristo* began to drag all its

9. AGI Filipinas 232, Carta de Juan de Miranda, Real de Ticao, 29 Julio 1726.

anchors. The impact of wave after wave and screaming gusts relentlessly drove it to inevitable destruction on Ticao's coast.

The galleon continued dragging its biteless anchors across the soft sandy seabed. It could still be saved, either by weighing anchors or cutting the cables and steering for the open sea to ride before the storm or seek refuge in some port. But even if that were possible, the galleon would have been wrecked in a very short time because of its closeness to land and the violence of the contrary winds, testified Andres Phelipe, one of the Spanish gunners with thirty years of sailing experience, and Fernando de los Reyes, another Spanish gunner who had been in ships since nine years of age.¹⁰

By eight o' clock in the black of the night, Andres Phelipe said, after all known means in the art of navigation and nautical experience had been applied by its gallant officers and men to check their vessel's drift, they felt a sudden shudder all over the ship. A howling blast pummelled the ship and drove it against a sandbank. It ran aground stern first and dangerously heeled over its portside in only two fathoms of water. The commotion, crashing sounds, shrieks and wailings of passengers, though not mentioned, must have been frightening and heart-wrenching. That it ran aground in so short a time was an act of God's mercy said Salvador Hernandez, one of the Spanish sailors.¹¹ Prevented by raging winds and heavy seas from swinging its bow to the wind, Hernandez said, the galleon received the hurricane's blast and pounding waves on its starboard side and would have sunk on its portside had it not struck a sandbank. Crew and passengers could have perished.

To lighten the vessel and hopefully help it right itself, the crew immediately grabbed axes and felled the main mast, foremast and mizzen mast which the hurricane helped sweep overboard. By nine o'clock the winds died down and swung towards land, leaving the battered galleon lying on its portside in the sandy shallows and the sea still a bit choppy until the coming of the tide. The hurricane was all over in a quarter of an hour. It was probably a freak, considering that it struck in July, the month of the southwesterlies. October to January is normally the season of destructive storms.¹²

Though already mastless and even with the tide high, the *Santo Cristo* remained hopelessly stuck on its side. Its seams opened after the merciless pounding of waves and wind. A disorderly scamper to

10. AGI EC, Declaración del Sargento Andres Phelipe, Año de 1726.

11. AGI EC, Declaración de Salvador Hernandez, 10 Septiembre 1726.

12. F. Jagor, *Viajes por Filipinas*, trad. del Aleman por Sebastian Vidal y Soler (Madrid: Aribau y Cia., 1875), p. 74.

disembark must have ensued among the passengers unless the ship's officers maintained good order or the passengers were too exhausted or seasick to do anything.

There was, however, something unusual which Miranda attributed to divine favor. Though the galleon tilted, no heavy container or chicken coop tumbled down and hurt any crew or passengers who had congregated at the upper deck, forecastle deck and poop deck. The storm exacted only a few known casualties. A youngster was found dead, hanging, after he was caught by the top-sail's rope when the main mast fell. A carpenter broke his leg. The ship master of the *galíot* that sailed with the *Santo Cristo* lost his life after powerful waves that reached as high as its navigation lantern battered the little ship. Two other small ships anchored in a nearby river were also wrecked.¹³

To ensure the passengers' safety, the galleon's small boat took a hawser to shore which was tied to a tree. By this safety cable, passengers willing to go reached land. There is no manifest of passengers, but Don Julian Velasco must have been the most important. He and his family were the first to go. The General and his officers stayed on board supervising the landing of passengers and salvaging of cargo, especially the King's stores which the crew tried to toss on land.

Wasting no time, the General reported the disaster to the Superior Government in Manila through the *Alcalde Mayor* of Albay, Nicolas Osorio, whom he ordered to come with provisions, axes, vessels and 500 men in the shortest possible time.¹⁴ The coast where the survivors landed was desolate and uninhabited. They needed vessels for transport and men to make openings in the hull of the stranded galleon to recover cargo. For this work, the General needed many hands. Although he had forbidden any person holding a job in the galleon to leave the ship to help in recovering cargo, it seems that not all obeyed. He went ashore and on bare feet he searched about the place for the personnel to help in the salvage work.

No succor from Albay came. Bad weather impeded the *Alcalde* from crossing over to Ticao. This was attested to by the *Padre Cura*.¹⁵ The General had to make do with what was at hand. Although backbreaking, the salvage work went on day and night. The crew worked to clear the decks and unloaded assorted boxes and stores of the King. From the flooded forward storerooms, they took out boxes of powder soaked with water, some large earthen jars of meat, and dried strips

13. AGI Filipinas 232, Carta del Marques de Torre Campo a V.M., Manila, 25 Agosto 1726.

14. AGI EC, Traslado auténtico de los autos 3er Cuaderno . . . Año de 1727.

15. AGI EC, Da cuenta de lo obrado sobre la perdida . . . Manila, 14 Julio 1727.

of beef and fish already stinking.¹⁶ The work became more difficult each day. When the big tides came in, water seeped into the holds, soaking whatever was inside, making recovery more laborious. For their hard labor, the crew recovered only a few more things, like passengers' suitcases or trunks, crewmen's sea chests, some crewmen's provisions and, from the ship's magazine, hand weapons and three powder flasks.¹⁷

They had only the small boat and the rowboat to transport these goods ashore where they were deposited in expeditiously built huts. Two *sampan* which could have been useful were also lost in the storm. The General intended to open the side of the galleon's hull, but there were no tools except four axes dulled by constant use. The position of the galleon also added to their woes. To recover even a very light box or bale required great effort, for one had to work suspended by slings or loops. For lack of outside help, de Tagle thought that his men worked so hard that a majority fell sick.¹⁸

Day by day the condition of the galleon deteriorated. Its unnatural position and the consistent high tides hastened its destruction. Its timbers and wooden braces were coming apart. Water at high tide blocked the hatchway, making entrance impossible. At low tide when it would be possible to force an opening in the side of the exposed hull, no one dared stay to do the job with the four useless axes. Recovery work thus became almost impossible.¹⁹

Though the General suffered the same privations as his men, he stayed on, giving encouragement. But the meager results of their labor, arising from the lack of hands and transport distressed him. Worse yet, what was recovered from the flooded hold easily spoiled for lack of fresh rinsing water. He thought that the poor living conditions could be at least alleviated. He therefore hurried the construction of quarters ashore. The disaster must have weighed so heavily on him that he looked on it as a divine chastisement for their sins and found no appropriate words to explain, in his letter of 29 July, the whole misfortune. He dispatched a certain Pedro Alvarado to carry this letter and personally explain to the Governor what had happened.

On the 5th of August, a mysterious fire broke out on the galleon.²⁰ At three o'clock in the morning, the upper works of the poop deck on

16. AGI EC, Lucas de Miranda en nombre del Sargento Mayor Juan Antonio de Vivanco.

17. AGI Filipinas 232, Carta de Francisco Sanchez de Tagle al Marques de Torre Campo, Ticao, 29 julio 1726.

18. Ibid.

19. Ibid.

20. AGI EC, Diario del Capitán D. Juan de Miranda, 8 Septiembre 1726.

the starboard side were seen burning. The fire was put out after much effort. The following day, fire broke out again, but it was extinguished right away. The cause could not be determined. Schurz had this to say which is very credible:

Charges were made that it was set fire to by merchants who were indebted to the obras pias for loans to cover their investments on the galleon. As the obras only accepted the risk in case of a total loss of cargo, this questionable expedient was probably resorted to in order to evade their liability for the partial loss.²¹

THE PRELIMINARY INVESTIGATION

The government lost no time in investigating the disaster. Don Julian Ignacio de Velasco formulated the *Interrogatorio*, or series of questions, to be put to the witnesses. It would be a secret investigation in which the witnesses swore not to divulge the questions they were asked.²² Thirty persons—sailors, gunners and passengers, all of Spanish, Portuguese, French, Philippine and Mexican births—gave testimony from the 9th to the 13th of September 1726 in the preliminary hearing in Ticao island. From the questions put forward and answers given, a good deal of information came out. Some of the more interesting data are the following. By law a galleon that leaves port should be seaworthy and properly loaded. It should use the regular route and customary stopping places and never take any cargo aboard after departure from port. Only duly licensed persons should be allowed to board ship. The regular anchorage at Ticao island was at the mouth of the inlet of Ticao (point F of the map) where the Acapulco bound galleons were considered to be sheltered from the southern storms and conveniently located to take on fresh water and firewood. They also tarried at this point until a vendaval or strong southwesterly wind blew before daring to make a dash for the Embocadero to escape the dreaded Naranjos currents and treacherous Calantas shoals.

The Commission asked the witnesses whether the loss of the galleon could be attributed to the fault of the pilots and officers, either by commission or omission, based on the norms of navigation. In posing this question, the Commission seems to have unsoundly assumed that the witnesses were knowledgeable in the art of navigation. The sailors might have had some competence, but presumably not the passengers or even the ship gunners. Thus the passengers rightly declared that they did not know the technicalities or the nature of the

21. Schurz, *The Manila Galleon*, p. 260.

22. AGI EC, Audiencia de Manila da cuenta a V.M., Año de 1727.

jobs of the officers. Matheo Armento, a gunner, said he was only on his first sea voyage and did not know anything except artillery. Joseph Bermudez, a passenger, claimed ignorance for he had been below deck and he said sailing was not his profession.²³ It is also interesting to note that after a disaster like the *Santo Cristo*'s, the officers should exert all effort to save the royal cargoes. Lastly, with the exception of the qualified statement of the fifth witness, Geronimo Bermudez, the witnesses exonerated the ship's officers from any culpability in the handling of the ship and attributed the disaster, as did the officers, to divine wrath.

Bermudez's statement forced the Commission to suspend the investigation in order to ask two experts, Captain Antonio Pinto and Captain Henriquez Herman, both veteran pilots, to shed light on the vital issue brought up by Bermudez.

Bermudez, a thirty-year old Spaniard, was a gunner in the *Santo Cristo* with more than eighteen years of maritime service. He believed that the officers competently discharged their duties. But if they were at fault at all, he thought that it was in their failure to anchor at the regular anchorage, which in his opinion was a much better place. However, he could not affirm that the galleon would not have been lost if it were at the regular anchorage.²⁴

The two experts were asked two questions: Would the *Santo Cristo* have foundered, if it had anchored in the regular anchorage? and at the height of the storm, could the galleon have weighed anchor or cut its cables and sailed away to seek safety in another port?

Captain Pinto who had made a study of the winds and did soundings of Ticao's anchorages certified with accompanying reasons that, first, the *Santo Cristo* would have met the same fate much faster in the regular anchorage with greater risk of life for crew and passengers; and second, even if the galleon were at the regular anchorage, it would not have been able to weigh anchor or cut its cables to sail in search of a safe port or run before the storm on account of the strong contrary winds and the risk of immediately foundering on the shoals of Ticao port.²⁵

After presenting his opinion, Captain Herman concluded that, first, based on the reasons he had cited, it was difficult to affirm that the galleon would have sunk, if it were in the regular anchorage; and second, even if were in the regular anchorage, it would have foundered.

23. AGI EC, Declaración de Matheo Armento, mestizo de 31 a-nos, Ticao, 12 Septiembre 1726 and AGI EC, Declaración del Capitan Joseph Bermudez de 30 años, Ticao, 12 Septiembre 1726.

24. Ibid.

25. AGI EC, Declaración del Capitan Antonio Pinto, Ticao, 14 Septiembre 1726.

dered in a much shorter time, if it tried to cut its cables and sail away, considering the strong winds. Riding out the storm in the anchorage where it was was nautically sound. There was hope that the anchors would hold. And if it dragged its anchors, as it did, crew and passengers would not perish even if it should sink.²⁶

From the preliminary investigation and other "legal proceedings" mentioned by the document, the Commission found some persons culpable for the loss of the galleon. What the judge did next is puzzling to moderns. The preliminary investigation in modern usage is for determining whether or not *prima facie* evidence exists to merit a trial. But on 15 September 1726, a month and a half after the disaster, without mention of any trial in the documents, Judge Velasco ordered the imprisonment and sequestration of properties of the following:²⁷ Francisco Sanchez de Tagle—General, married, 26 years old, from Burgos, Spain; Juan Antonio de Vivanco—Ship Master, bachelor, 30 years old, from Burgos, Spain; Antonio Gil—Chief Pilot, married, 38 years old, from Sevilla, Spain; Juan de Miranda—Second Pilot, married, 46 years old, from Manila; Sebastian de Salazar—Third Pilot, married, 25 years old, from Manila; Juan Miguel Capelo—Boatswain, married, 42 years old, from Sevilla, Spain.

Their imprisonment consisted of confinement within the encampment on Ticao's coast which stretched from the port of Ticao up to the site of the shipwreck. This was for convenience in continuing the investigation and assisting in the recovery of royal cargo. Any violation of the confinement would be penalized with one thousand pesos. Don Lucas Melendez, Chief Constable of the Commission, notified the guilty parties, led them to "prison," confiscated their available properties and deposited them with the passengers deputized by the Commission as legal depositaries. The sequestered properties consisted of personal belongings the prisoners had with them in Ticao.

The confinement of the guilty officers and sequestration of their goods accomplished, Judge Velasco ordered that their *confesiones*, or declaration, be taken and charges filed against them in accordance with the findings of the preliminary proceedings. On different dates, from 10 September to 19 September 1726, the six accused officers appeared before Judge Velasco and answered specific questions touching upon each one's performance of his duty from the time of the galleon's departure from Cavite to its loss at Ticao island.²⁸

26. AGI EC, Declaración del Capitan Henrique Herman, Ticao, 14 Septiembre 1726.

27. All information in this paragraph and the next is from AGI EC, Auto, Ticao, 15 Septiembre 1726.

28. AGI EC, Confesión de D. Antonio Gil, Ticao, 10 Septiembre 1726. Confesiones de Tagle, Vivanco, Miranda, Ticao, 17 Septiembre 1726. Confesión de D. Sebastian de

After the hearing of the declarations, the Judge faced a serious problem. He was on a tiny island where there was no lawyer or jurist who could act as public prosecutor or defense counsel of the accused. He communicated this to the Audiencia in Manila. The Audiencia responded favorably. It appointed a Manila resident, Captain Vicente de Lucea, as prosecutor. But an impediment stood in the discharge of his office—his close friendship with some of the accused and his business interest in the galleon trade. Captain Manuel Orendain was tapped for the office. But he, too, was encumbered by an impediment—his kinship with the third pilot, one of the accused. Another Manila resident, Don Pablo de Aroza, finally accepted the appointment and was sworn in, though professionally and intellectually unqualified for the job. He immediately set to work and promised to file the charges in the shortest possible time.²⁹

Having studied the results of the proceedings, Aroza fulfilled his promise. He charged the officers with contempt of royal justice and failure to do their duty.³⁰ As chief officer, it was Tagle's duty to be sure that the galleon was properly loaded and manageable before it sailed. On 8 July in the predeparture inspection, he declared the galleon seaworthy and stacked with necessary provisions, but the contrary surfaced in the preliminary investigation. After the galleon had weighed anchor and was well on its way, he permitted the loading of bundles of merchandise which was an express violation of official regulations. Persons caught on board without an embarkation permit were to be sent back as prisoners. But Tagle merely put some transgressors on shore without any sanctions. On reaching Ticao, he did not anchor at the usual anchorage of the port of Ticao, as required by regulations, where the galleon would have probably been safe. Tagle was also responsible for the nonissuance of rations to the Spanish gunners and crew from the day of departure to the day of the disaster. The prosecutor asked for the imposition of penalties consonant with the gravity of his guilt and indemnity for the cost and damages.

Salazar, Ticao, 18 Septiembre 1726. Confesión de D. Juan Miguel Capelo, Ticao, 19 Septiembre 1726.

29. AGI EC, Velasco to Oidores of Audiencia, Ticao, 19 Septiembre 1726; auto al Capitan D. Vicente de Lucea, Ticao, 20 Septiembre 1726; Auto de D. Julian de Velasco, Ticao, 19 Septiembre 1726; and Nombramiento de D. Pablo de Aroza, Ticao, 19 Septiembre 1726.

30. All information on the filing of charges is from AGI EC, Escrito Fiscal, Ticao, 22 Septiembre 1726; on the reply of Tagle from AGI EC, Escrito del General Tagle; on the replies of Gil, Miranda, Salazar, Vivanco and Capelo AGI EC; see also AGI EC, Auto del Oidor Julian de Velasco, Ticao, 26 Septiembre 1726.

Like his fellow defendants, Tagle had no defense counsel. He pleaded for acquittal on all counts which he claimed he had effectively refuted in his *confesion* or declaration. He affirmed that the galleon was seaworthy, safe and well provisioned. The galleon's portside and starboard side could be balanced only when it sailed, not while still in port. Any list to one side could be corrected by the daily tidying up of cargo under the supervision of the pilots. He also testified that it was a common practice to load registered bales or bundles after the galleon had set sail from port, and find a place for them in the hold. The regulations were merely precautions against loading more cargo than the manifest carried. Not to load what appeared in the manifest would lead to serious trade losses.

He allowed passengers without licenses to embark because they were bound only for Ticao, and there was no inconvenience to the ship or the crew. On the failure to anchor in the usual place, Tagle said that it was the duty of the pilots, not the General or chief officer, to choose the anchorage. The captain could be blamed, if the regular anchorage were a safe and enclosed port, but Ticao was only a port of call for water and firewood. Besides, other pilots had used different anchorages in Ticao other than the regular one. Though it was the practice not to give out rations while still in Philippine waters, he did order that anyone who wanted rations should be given them but no one wanted them.

It was charged that Antonio Gil, Juan de Miranda, Sebastian de Salazar and Juan Miguel Capelo, as pilots and boatswain, should not have allowed the galleon to sail unless properly loaded and seaworthy. In the inspection of the galleon on 8 July, they affirmed it was fit to sail, but from the preliminary hearing and other proceedings, the galleon was found to have been improperly loaded and unwieldy. Thus it had to drop anchor shortly after departure to be tidied up and made shipshape. In addition, the galleon should have anchored in the regular anchorage where it would probably not have been wrecked.

Juan de Vivanco was charged with having failed in his duty as ship master to give rations to the Spanish gunners and crewmen from the day the galleon set sail till its loss. It was also charged that he should have opposed dropping anchor in the place where the galleon was wrecked and should have insisted on seeking safety in the regular anchorage.

The prosecutor asked heavy penalties for these five officers and indemnification for costs and damages. The arguments of these officers in reply to the charges were substantially the same as Tagle's. But they did bring up two new points in their rebuttals. They testified that one reason why they chose to anchor at the tragic spot was that it was

a better place than the regular anchorage on account of its deeper waters. Salazar, the third pilot, added that it was not possible to reach the regular anchorage for lack of wind, and to use warping lines to negotiate the distance would have prolonged their stay for at least a day which would have been detrimental. On the custom of withholding rations from gunners and crew until the ship cleared Philippine seas, common sense seems to be on the side of the accused. The gunners and crew finished their own provisions which they brought on board first, and then cast overboard the empty containers, generally earthenware jars, which meant the lessening of cargo and clearing of valuable space in the cramped ship.

The trial started on 27 September 1726.³¹ Tagle presented six witnesses, Vivanco four, Salazar four, Gil four, Miranda three, Capelo four, all drawn from the galleon personnel. They were not sworn to secrecy, unlike the other witnesses in the preliminary investigation. Their testimonies gave prominence to the fact that the galleon was seaworthy and safe when it set sail from Cavite port, and the anchorage where the galleon was wrecked had been used at various times by other galleons. If the *Santo Cristo* were in the regular anchorage, it would have been wrecked in a very short time and the rocky shoals in that anchorage would have exacted many lives. The testimonies which were surprisingly uniform corroborated the defendants' allegations.

After the testimonies of their witnesses, in the month of October, the defendants presented their plea for exoneration from the charges against them.³² On the 9th of the same month, Judge Velasco reported to the Royal Audiencia his findings which were contained in 248 leaves and 251 overleaves. He declared the loss of the *Santo Cristo* "casual" and "inculpable," since it was inevitable despite all human effort. In spite of the inconveniences they endured, he found that the officers of the galleon zealously fulfilled their duties and merited to be called His Majesty's good vassals. He pronounced the Ship Master, Second Pilot, Third Pilot and Boatswain absolved from the charges against them, but declared the General guilty of the second count and the Chief Pilot guilty of the first. The General was guilty of having allowed the loading of bales or bundles, although registered, after the ship had sailed out of port. The Chief Pilot was responsible for the

31. All information on this trial is from AGI EC, Pruebas de Tagle, Petición de D. Juan de Vivanco, Petición de D. Antonio Gil, Petición de D. Juan de Miranda, Petición de D. Sebastián de Salazar, Petición de Juan Miguel Capelo, Declaraciones de los Testigos.

32. AGI EC, Descargos de los Acusados. All information to the end of this paragraph is from AGI EC, Audiencia de Manila da cuenta a V.M.; Fiscal to President of Audiencia, Manila, 15 Noviembre 1726.

improper loading of the galleon so that after it had left port, it had to drop anchor to correct the list to the starboard side. He sentenced both to pay half of the expenses or fees.

Judge Velasco's findings drew unfavorable reaction in the Audiencia in Manila. The Fiscal expressed puzzlement on some points and misgivings on the penalties imposed on the General and the Chief Pilot which he considered disproportionately light. The Fiscal, therefore, asked the President of the Audiencia to apply the "full force of the law." What went on in the President's mind is left to speculation. The General was his son-in-law.³³

The Fiscal's motion seems to have been considered. But by January 1727, the case was suspended as the officers of the galleon had not yet arrived in Manila from Ticao and the Audiencia had an insufficient number of Ministers for the execution of the "full force of the law."

On 13 January, an Audiencia decree was ominous for the galleon officers. It alerted the wardens of the forts of Santiago in Manila and San Felipe in Cavite, officers of the civil guards and other officials, to be ready to execute forthcoming orders.³⁴

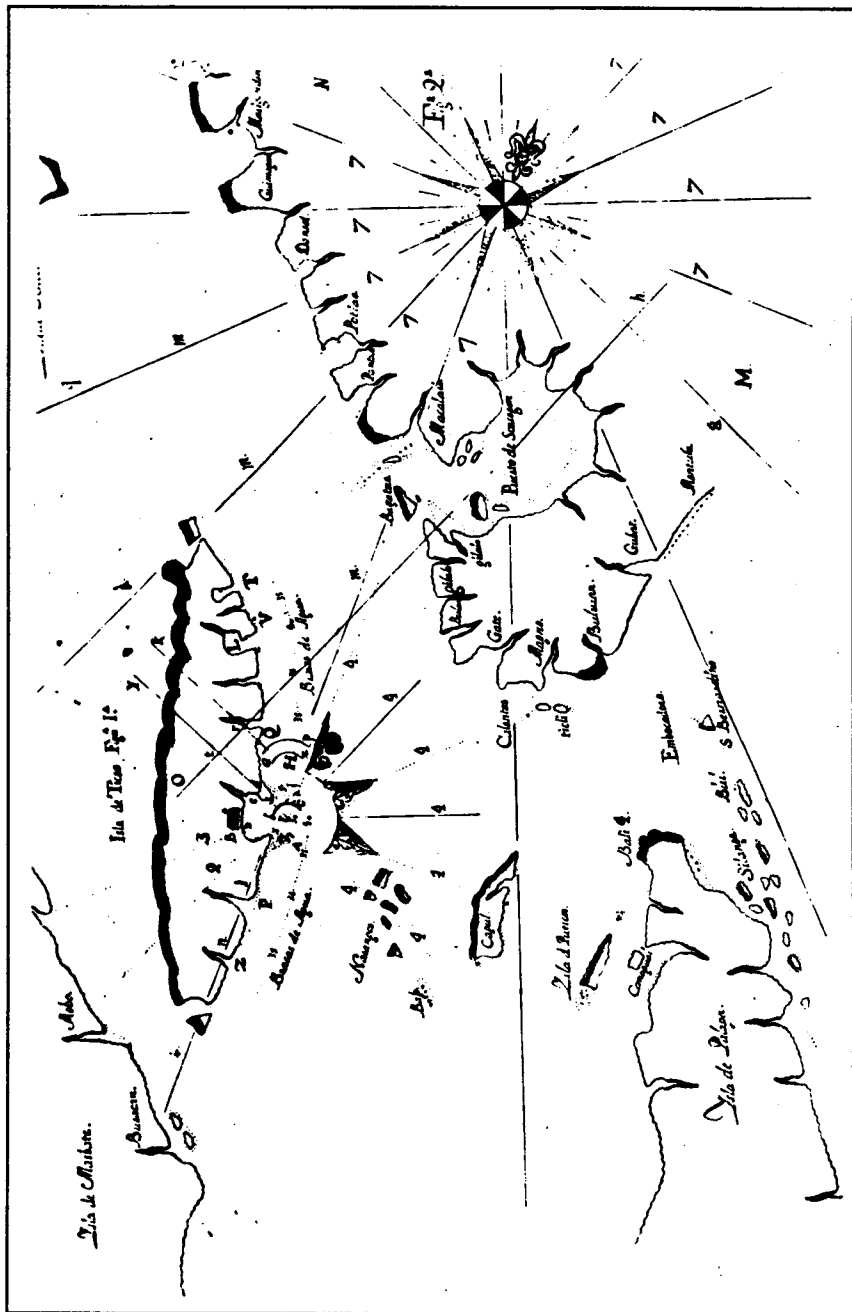
On 18 January decrees were issued on various dates, starting from the 18th, ordering the imprisonment and confiscation of properties of all six officers, a penalty with graver consequences than Judge Velasco's, for imprisonment meant confinement within four walls and confiscation meant sequestration of the entire family fortune. The following officials were commissioned to execute the order of imprisonment and sequestration: Don Francisco Lopez de Adan, *Oidor* of the Audiencia, for Francisco Sanchez de Tagle; Don Felix Andres de Leon, Concierge of the Audiencia, for Juan Miguel Capelo; General Antonio Fernandez de Roxas, Superintendent of Fort San Felipe, for Antonio Gil; Don Francisco Martinez, *Oidor* of the Audiencia, for Juan de Miranda; Captain Bernardo Jorge de Yllumba, District Magistrate, for Juan de Vivanco; Sergeant Major Juan Manuel Perez de Tagle, Fraternity Provincial, for Sebastian de Salazar.³⁵

The officials performed their duties well. As arresting officers, they had armed escorts with them and an ubiquitous Notary who fulfilled the Spanish propensity for legalism. The local magistrates were of help after the Audiencia ordered them to be at their posts and lend a hand. Most of the arrests were made in the evening. There seems to have been no resistance offered. F. de Tagle peacefully submitted to his arresting officer and was handed over to Joseph de Aguirre, Warden of Fort Santiago, on 20 January, at ten o'clock at night. Juan

33. AGI EC, Fiscal to President of Audiencia, Manila, 15 Noviembre 1726.

34. AGI EC, Decreto, Manila, 13 Enero 1727.

35. AGI EC, Auto del Real Acuerdo, Manila, 18 Enero 1727.



Map of Ticao island and neighboring islands and coasts, 1727.
(Source: Archivo General de Indias)

Miguel Capelo was brought to the Fort of San Felipe in Cavite on the same date, between seven and eight in the evening, and Antonio Gil to the same fort. Juan de Miranda, who was apprehended outside the walls of Manila, was delivered to Aide-de-Camp Juan de Neyra for temporary detention in the *pontin* until the city gates opened in the morning, and then conducted to the Royal Prison. After a search for Juan de Vivanco from five o'clock in the morning, he was apprehended at the residence of Sergeant Major Pedro Gonzales de Rivera and taken to the prison of the Casas de Cabildo. Sebastian de Salazar was taken to the Royal Prison in Manila, on 20 January, at nine o'clock in the evening.³⁶

The confiscation of properties was not done in a haphazard manner. It followed a determined procedure which in only one or two cases encountered obstructions. The confiscation of Tagle's properties illustrates the established methods. But two factors might have contributed to the smoothness of the operations. First, Tagle was the son-in-law of the Governor and Captain General of the islands, who was also President of the Audiencia. As a matter of fact, the armed escort used by sequestration officer Lopez de Adan was taken from the elite Guards by virtue of the Governor's special order. Second, though young at twenty-six, Tagle conducted himself with dignity and propriety. The operation began at seven o'clock in the evening of 20 January.³⁷ With a small force of six soldiers and a corporal, Lopez de Adan sought Tagle's residence. On arrival he posted four of them plus the corporal at the street door of the residence under strict orders and severe penalty not to allow anyone to enter or leave without his permission. He placed the two others at the foot of the stairs. Then he entered the sala where he was met by the General who led him to his study and offered him a seat. Lopez de Adan took out the Royal Judicial Decree, gave it to the Notary who read it to the General. Afterwards, Lopez de Adan asked the General if he understood its import. The General answered in the affirmative and declared his readiness to comply. Lopez de Adan demanded immediately the keys of all the rooms, studies and chests. The General called a servant who at his bidding got the keys.

36. AGI EC, Entrega y recibo de la persona del General; Recibo por preso a D. Juan Miguel Capelo, Real Carcel, 21 Enero 1727; Arrest and Imprisonment of Antonio Gil, Cavite, 21 Enero 1727; Recibo de la persona de Juan de Miranda, Real Carcel, 21 Enero 1727; Recibo de la persona de Juan de Vivanco, Carcel de las Casas de Cabildo, 21 Enero 1727; and Prisión y embargo de vienes de Sebastián de Salazar, Manila, 20 Enero 1727.

37. All information in this paragraph and the next is from AGI EC Embargo de vienes del Gen. Francisco S. de Tagle, Manila, 20 Enero 1727.

Everything inside the house was clearly and orderly inventoried. But the formal delivery of the properties could not be done, for the General Trustee, Don Gregorio Padilla y Escalante, was residing outside the city walls, and the city gates were already closed. Lopez de Adan, therefore, ordered Captain Francisco de Vivanco, district magistrate, who was living nearby, to be summoned. After hearing the reason for his summons, he agreed to his duty. The party proceeded with the confiscation, delivery and deposit of the General's possessions which, judging from the inventory, he had the most of all the convicted officers. Captain Vivanco was put in charge as legal trustee of all the goods, under the obligation and risk of incurring penalty to deliver them to the General Trustee. Lopez de Adan asked Tagle if he had any other assets in any place or with other persons. The latter answered in the negative on oath and gave himself up to be taken prisoner to Fort Santiago.

Two incidents may be viewed as cases of obstructionism though the first is not all too clear. The first was when sequestration officer Francisco Martinez discontinued his confiscation of Juan de Miranda's properties on account of unstated obstructions. He ordered the Public Notary to finish the work in consortium with Constable Nicolas Conde.³⁸ The second stands out. After arresting officer Fernandez de Roxas had consigned Antonio Gil to Fort San Felipe, he proceeded to Gil's home and had it surrounded by his armed escort. Gil's wife came out and argued against the group's intent to inventory the house. She claimed it was her house, purchased and improved with the money from her dowry. Answering her that he was acting lawfully, de Roxas carried on his work.³⁹

The detailed list of confiscated goods from all six is in the bundle of these eighteenth-century manuscripts.⁴⁰ Going through it gives one a glimpse of how persons in that social class in the eighteenth century lived. The properties range from houses to pieces of vintage furniture, religious articles and images, framed wall pictures, linen, silken and woolen clothing, jewelry, arms and other things that must have been acquired over the years. Other articles appear to be family heirlooms. It must have caused the owners much pain to part with them.

38. AGI EC, Auto sobre D. Francisco Martinez, Paríán, 21 Enero 1727.

39. AGI EC, Execución y embargo de bienes del Capitán D. Antonio Gil, Puerto de Cavite, 21 Enero 1727.

40. See AGI EC, Execución y embargo de bienes de Capn. D. Juan Miguel Capelo, Capn. D. Antonio Gil, Capn. D. Juan de Miranda, Sargento Mayor D. Juan Antonio de Vivanco, Capn. D. Sebastian de Salazar, Gen. D. Francisco S. de Tagle.

THE APPEAL

On February 1727 at the instance of the Public Prosecutor, the court notified the prisoners to submit whatever evidence they had relating to the discharge of their particular duties before and after the disaster. Evidently the most valuable items were the officers' logs which they had presented in the preliminary proceedings.

In March, in a district called Parian, outside the city walls, a new round of hearings started. Don Francisco Martinez, a ranking officer of the Audiencia and one of the arresting officers, presided as judge. Lawyers represented the appellants. Witnesses were again presented who were asked a set of twelve questions each.⁴¹

What went on may be observed from the particular case of Tagle. Don Francisco Jimenez, a member of the Audiencia, acted as Tagle's lawyer. At the end of nine days, after nine witnesses for Tagle had testified, Jimenez presented his arguments and cited the following important points brought up in the testimonies.⁴² There had been no "deceit, fraud and neglect" in the loss of the galleon, and the disaster was the result of weather conditions only. The trip from Cavite to Ticao had been routine, without any untoward incident, and it was not the first time the *Santo Cristo* had anchored in the spot where it met disaster. The officers chose that anchorage not for security but for ease in sailing out of the Embocadero when the vendaval blew. The galleon would have been wrecked just the same in a much shorter time and lives would have been lost if it had used the regular anchorage. Anywhere the galleon anchored, it could not have sailed out without the vendaval. If it sailed out in any kind of wind, weak or contrary, it would have been imperilled by the shoals and strong currents. Tagle's decisions adhered to the opinions and consensus route although he thought his own seemed better. After the disaster, Tagle took every possible means to safeguard the King's stores and the personal belongings and even acted beyond the call of duty. On account of these findings, Jimenez pleaded for the acquittal of his client whom he said was not guilty.

On 30 April 1727 the Audiencia handed down its decision on the appeals.⁴³ The Audiencia dismissed the charges against Francisco Sanchez de Tagle, except for the charge of carrying passengers with-

41. AGI EC, *Traslado autentico del cuaderno numero 4 de descargos de los oficiales* . . . Año de 1727.

42. All information in this paragraph and the next is from AGI EC, *Peticion de* Francisco Jimenez.

43. All information about the decision is from AGI EC, *Audiencia de Manila a V.M.*

out approval, and declared that nonissuance of rations was an "abuse and a bad practice" and sentenced Tagle to pay ₱200 to the Ministry of Finance. The charges against Chief Pilot Antonio Gil and Second Pilot Juan de Miranda were dismissed. The Audiencia dismissed the charges against Ship Master Juan de Vivanco, but sentenced him to pay ₱200 to the Ministry of Finance. The charges against Third Pilot Sebastian de Salazar and Boatswain Juan Miguel Capelo were upheld. Velasco's decision on all accounts against them as well as their penalty of costs or fees was upheld.

The case was elevated to the Royal and Supreme Council of the Indies in Spain.⁴⁴ The Audiencia of Manila sent the proceedings of the case together with its recommendation. It recommended nonacquittal of the galleon officers, with the exception of the Third Pilot, Sebastian de Salazar, from culpability in some counts and without prejudice to further prosecution. It asked the Supreme Council to consider the fact that General de Tagle, one of the accused, was the son-in-law of the Governor of the islands who was in office at the time of the disaster. Thus the Oidores of the Audiencia presumed that the witnesses who testified in the different stages of the proceedings for Tagle and the other officers did so under compulsion of fear. When they would be free to tell the truth, the Oidores said, some aspects of the case could be reopened. The Audiencia's recommendation was signed by the Oidores. Conspicuously missing was the signature of the President of the Audiencia, Tagle's father-in-law.

Almost four years from the date of the loss of the Santo Cristo de Burgos, the year after Tagle's father-in-law stepped down as Governor of the Philippines, the Supreme Council's decision was signed on 14 February 1730 in Madrid.⁴⁵ It upheld the decision handed down by the Audiencia of Manila, on 30 April 1727, excepting the penalties of ₱200 imposed on Francisco Sanchez de Tagle and Antonio Gil from which the Supreme Council absolved them. On 28 June 1730, after a review of all the proceedings, the Council supplemented and revised its decision. It definitely acquitted and freed all the galleon officers from all the charges against them.

44. All information in this paragraph is from AGI EC, Los Oidores de la Audiencia da cuenta a V.M.

45. All information in this paragraph is from AGI EC, Sentencia del Real y Supremo Consejo de las Indias, Madrid, 28 Junio 1730.