

1-1-1926

Don Juan de Oñate and the Founding of New Mexico

George P. Hammond

Follow this and additional works at: <https://digitalrepository.unm.edu/nmhr>

Recommended Citation

Hammond, George P.. "Don Juan de Oñate and the Founding of New Mexico." *New Mexico Historical Review* 1, 1 (2021). <https://digitalrepository.unm.edu/nmhr/vol1/iss1/4>

This Article is brought to you for free and open access by UNM Digital Repository. It has been accepted for inclusion in New Mexico Historical Review by an authorized editor of UNM Digital Repository. For more information, please contact amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

**DON JUAN DE ONATE AND THE FOUNDING
OF NEW MEXICO.**

A NEW INVESTIGATION INTO THE EARLY HISTORY
OF NEW MEXICO IN THE LIGHT OF A MASS OF NEW
MATERIALS RECENTLY OBTAINED FROM THE
ARCHIVO GENERAL DE INDIAS, SEVILLE, SPAIN.

By
George P. Hammond, Ph. D.

Chapter I.

The Early Expeditions Into New Mexico.

Cabeza de Vaca. The northern frontier of New Spain soon became famed as a land of mystery. After Cortés had completed the conquest of Tenochtitlán the adventurous Spanish conquistadores began to seek for other Mexicos to subjugate. A hasty exploration of the surrounding territory soon revealed the fact that such riches were not to be found near at hand. But when Cabeza de Vaca in 1536 straggled into Culiacán from Florida after an eight years jaunt through a "no man's land" his stories, retold by hungry fortune seekers, were sufficiently astounding to provide anyone with material for dreams of great conquests in the interior. When he went to Spain and told the wonderful tale of his experiences it added greatly to the enthusiasm in the De Soto expedition then preparing. In New Spain, where Antonio de Mendoza had but recently taken up his duties as first viceroy, Vaca's accounts stirred his ambition to acquire those fabled regions. Of course, the intrepid Cabeza did not visit New Mexico. But "the effective part of his statement was the report, obtained from the Indians, of populous towns with large houses and plenty of turquoises and emeralds, situated

to the north of his route."¹ He was thus the first European to approach and hear of New Mexico, and his hearsay reports were the incentive which led to its discovery and exploration.

Fray Marcos de Niza. Mendoza's immediate plans for northern exploration failed to materialize. Nevertheless his interest did not abate, and when Coronado became the governor of Nueva Galicia he had instructions for carrying on certain preliminary discoveries with a view to bigger things should there be any excuse therefor. The expedition of Fray Marcos de Niza, a Franciscan missionary, was one of these tours. It was arranged by Viceroy Mendoza through his lieutenant Coronado.²

Early in March, 1539, Fray Marcos set out from Culiacán on a reconnoitering expedition. He was accompanied by some guides and the negro Stephen, one of Vaca's companions, whom the viceroy had taken into his pay. Proceeding into Sonora Fray Marcos sent the negro on ahead to learn what he could. He soon sent back notice that the missionary should follow immediately, great news had been obtained. It was the Seven Cities, called Cibola, of which he had heard, and whose wealth was nothing short of marvelous.

Inland were the Seven Cities, situated on a great height. Their doors were studded with turquoises, as if feathers from the wings of the blue sky had dropped and clung there. Within those jeweled cities were whole streets of goldsmiths, so great was the store of shining metal to be worked.

Beyond these Seven Cities were other rich provinces, each of which was greater than any of the famous Seven.

1. Bancroft, H. H. "History of Arizona and New Mexico," 18.

2. The standard books on the expeditions into New Mexico are: Bolton, H. E. "The Spanish Borderlands; Spanish Exploration in the Southwest, 1542-1706"; Bancroft, "Arizona and New Mexico;" Lowery, W. "The Spanish Settlements within the present Limits of the United States, 1513-1561;" Winship, George Parker, The Coronado Expedition; Twitchell, R. E. "Leading Facts of New Mexican History." The quotations are from the "Spanish Borderlands."

So, as ever in these tales, the splendor within reach was already dimmed by the splendor beyond! To Cibola, therefore, the friar set out on the second day after Easter.

Continuing northward to the Gila he heard of Stephen, accompanied by a band of three hundred Indians, farther on ahead toward the northeast. Fray Marcos followed in his wake, but soon learned bad news. A fleeing Indian told of Stephen's capture at Cibola, where his party was met by a shower of arrows. It was stated by some that he fell during the attack. Undaunted by the news the friar continued forward, going far enough to get a glimpse of the Seven Cities of Cibola from a plateau. There he took possession in the name of the king and then hurried back fearful of being attacked, but reached Nueva Galicia in safety.

In the city of Mexico the descriptions of Fray Marcos of the great city, as he believed he had seen it with his very eyes, caused a tumult. Another Mexico had at last been found! The discovery was proudly proclaimed from every pulpit. It passed from mouth to mouth among the cavalier adventurers, dicing and dueling away their time and impatient for richer hazards and hotter work for their swords.

Coronado. Soon everybody wanted to go to Cibola, and in a short time the viceroy had enlisted three hundred Spaniards and eight hundred Indian allies to undertake the subjugation of the Seven Cities and other wealthy provinces beyond. Coronado was made their leader. The assembly took place at Compostela in February, 1540, whither the viceroy came to give his final blessing upon the venture. Two months later Coronado was on his way to the kingdom of fabled wealth.

Coronado's plan was to hasten forward with a picked body of men, including the missionaries headed by Fray Marcos. Early in July he came within sight of Cibola. Bitter was the disillusion. Instead of great cities glimmering in wealth the conquerors saw a crowded village which at once showed fight. The Indians were soon driven within the walls, however, but

not till Coronado had been knocked from his horse by a rock and received an arrow wound in the foot. The defeated natives then deserted their stronghold. This satisfied the Spaniards as it was well stocked with food. It was Hawikuh which had been won, the ruins of which are to be seen about fifteen miles southwest of Zuñi, Coronado renamed it Granada, and there he remained till November, 1540.

Fray Marcos soon realized that Cibola was no place for him. It is not recorded that he was treated with violence by the disgusted soldiers, his cloak protected him, but it did not shield him from the terrible imprecations hurled at his head. His gross exaggeration was represented as falsehood, and he soon went south to escape the torment of his companions.

The Grand Canyon. While Coronado was resting, his lieutenants were sent to explore other provinces, which were now reported to contain the wealth not found at Cibola. Captain Tovar was sent to Tuzayán, the present Moqui towns in Arizona. After a short encounter with the Indians they sued for peace and became vassals of the king of Spain. They, too, had stories to tell and spoke of a great river several days' journey distant, flowing far down between red mountain walls. Captain Cárdenas was sent to verify the report, and thus became the first white man to view the Grand Canyon of the Colorado. His men made futile attempts to descend the gorge. On one occasion three of them spent a day in trying, but only succeeded in going one third of the distance.

The Buffalo Country. During the absence of Cárdenas visitors from the buffalo country came to call on Coronado. They were led by Bigotes, their be-whiskered chief, and sought the friendship of the Spaniards. They told of numerous "humpbacked cows" near their country and brought a picture of one on a piece of hide. Alvarado with twenty men was sent to accompany them on the return. Going by way of Acuco and Tiguex, in other words, by way of Acoma and the Tiguex villages on the Rio Grande, he reached Cicuyé on the Upper Pecos on the border of the plains in fifteen days. Here he was not only well received but picked up a find, a

really good story-teller whom he called El Turco from his appearance. Before returning a trip was made to the buffalo plains with the new friend as guide. Once back at Tiguex, near present Bernalillo, he found Cárdenas preparing winter quarters for the army, and here he awaited Coronado's arrival. The latter had remained at Cibola till the main army came up. After a short rest it also set out to join Cárdenas and Alvarado.

El Turco's Tales. El Turco delighted the hungry fortune seekers with tales of a new El Dorado called Quivira. It was his own home, situated far to the east.

The chief of that country took his afternoon nap under a tall spreading tree decorated with an infinitude of little golden bells on which gentle zephyrs played his lullaby. Even the common folk there had their ordinary dishes made of "wrought plate"; and the pitchers and bowls were of solid gold.

This cheering news made the army more hopeful and enthusiastic. But nothing could be done till spring. In the meantime trouble occurred with the natives. Chief Bigotes was put in chains when his tribe failed to produce some golden bracelets said to have been stolen from El Turco. Coronado next demanded three hundred blankets from the Tiguas. When these were not produced the natives were stripped of their garments. They rebelled and a battle followed. Soon the Indians begged for peace by making symbols and the Spaniards responded in like manner. But the conqueror was faithless. About two hundred were seized, many were burned, while the others broke away or died in the attempt. Never again did this people listen to proposals of peace from a race which could not be trusted.

The Expedition to Quivira. April 23, 1541, Coronado set out for Quivira under the guidance of El Turco. By June he was in western Texas where the main part of the army was ordered back to Tiguex. With a chosen body of men he continued, now veering to the north. In five weeks time the home of the Wichita Indians in Kansas had been reached.

There no sparkling sails floated like petals on the clear surface of an immeasurable stream. No lordly chief drowsed to the murmur of innumerable bells. The water pitchers on the low entrances of their grassthatched huts, were not golden. "Neither gold nor silver nor any trace of either was found among these people."

El Turco confessed that he had been telling lies, but insisted that it was at the instigation of the people of Cicuyé, who desired that the Spaniards might perish on the plains or come back in such weakened condition that they could easily be overcome. After El Turco had been put to death for his perfidy Coronado returned to Tiguex. Here exploring parties were sent up and down the river, north to Taos, and as far south as Socorro.

The Return to Mexico. When winter came a great deal of suffering and discontent came with it. Next spring further explorations were planned, but then Coronado suffered a dangerous fall during a tournament. It was a long time before his recovery, and by that time he had given up all plans of conquest.

Hungry and tattered, and harassed by Indians, Coronado and his army painfully made their way back towards New Galicia. The soldiers were in open revolt; they dropped out by the score and went on pillaging forays at their pleasure. With barely a hundred followers, Coronado presented himself before Mendoza, bringing with him nothing more precious than the goldplated armor in which he had set out two years before. He had enriched neither himself nor his king, so his end is soon told: "he lost his reputation, and shortly thereafter the government of New Galicia."

A remnant of the wrecked expedition remained in New Mexico. Some Mexican Indians, whom we shall meet again, two soldiers, whose fate is unknown, and two missionaries and a lay brother, who suffered martyrdom in all probability, made up this group.

The Rodríguez Expedition. During the four decades which now elapsed before New Mexico again came into prominence the frontier of Spanish occupation had blazed new trails to-

ward the north. The discovery of mines was ever an important factor in expansion, and when these were discovered in the San Bartolomé valley it rapidly became the center of a thriving settlement. There were Santa Bárbara in southern Chihuahua, (frequently written Santa Bárbola in the early records), San Geronimo, San Bartolomé and Todos Santos forming a group of towns in that vicinity. Here was stationed Fray Augustin Rodriguez, a Franciscan lay brother, who had heard of a great country to the north. His imagination was stirred by the report and he applied to the viceroy for permission to enter the land. The request was granted, but the soldiers who were to accompany him were limited to twenty. At the same time the latter were allowed to barter with the Indians, which made the expedition much more attractive.

With Rodriguez

went Fray Francisco Lopez, Fray Juan de Santa Maria, nineteen Indian servants, and nine soldier-traders. The soldiers were led by Francisco Chamuscado, "the Signed." They were equipped with ninety horses, coats of mail for horse and rider, and six hundred cattle, besides sheep, goats and hogs. For barter with the natives they carried merchandise. While the primary purpose of the stock was to provide food on the way, the friars were prepared to remain in New Mexico if conditions were propitious.

Leaving Santa Bárbara June 5, 1581, they descended the Conchos to the Río Grande and then followed the latter to New Mexico, visiting most of the pueblo groups along the way, the Piros, Tiguas, and Tanos. At that point Father Santa Maria determined to return for the purpose of giving an account of the land. There was much opposition among his companions, but he went nevertheless. Three days later the Indians took his life. The rest of the party meanwhile continued northward to Taos, and then visited the buffalo plains, east of Pecos. Returning the party went west to Acoma and Zuñi, where they found four Mexican Indians who had remained there from Coronado's time. Practically

the entire pueblo region had been seen and they now returned to Santa Bárbara, though Fathers Rodriguez and Lopez remained at Puaray to establish a mission. January 31, 1582, the soldiers departed from Puaray. They could not march rapidly as their leader, Chamuscado, was ill. He died before they reached Santa Bárbara two and one-half months later.

Espejo's Relief Expedition. Reports were now made to the viceroy on the prospects of the land. It was considered especially desirable to succor the two priests and investigate the mining possibilities reported by the soldiers. But before the slow moving machinery in Mexico or Spain could be set in motion a private enterprise had been organized to rescue the friars. The Franciscans were particularly anxious about their brethren, and Fray Bernardino Beltrán was eager to accompany another "entrada." At the same time there chanced to be visiting at Santa Bárbara Don Antonio Espejo, a rich merchant of Mexico, who was willing to act as leader and pay the expenses of a relief expedition. Accordingly a party of fifteen soldiers was organized and a license secured from the "alcalde mayor" of Cuatro Ciénegas. On November 10, 1582, the party set out from San Bartolomé equipped with one hundred and fifteen horses and mules.

Like the Rodriguez expedition Espejo's group went down the Conchos to the junction and up the Rio Grande. Above the junction the soldiers passed through Jumano villages, and after passing two other tribes entered the pueblo region. They were soon at Puaray where the death of the two missionaries, Rodriguez and Lopez, was verified. With the purpose of the journey completed they might have returned, but for this Espejo was not ready. His desire for exploration was approved by Father Beltrán, and off they went to the vicinity of the buffalo plains. They soon returned and spent some time visiting most of the pueblos on the Rio Grande and its branches, the Queres, Sñá and Jemez. Then their path went westward to Acoma and Zuñi where they conversed with the

Indians left by Coronado. A part of the expedition, including Father Beltrán, was now ready to return to Nueva Vizcaya. But the rest with Espejo were bent on finding a lake of gold which had been reported toward the northwest. The mythical lake eluded their grasp, but at Moqui a gift of four thousand cotton blankets was heaped upon them. These Espejo sent back to Zuñi with five soldiers, while the remaining four accompanied him to the region of rich ores farther west. This was in the western part of Arizona, in the region of Bill Williams Fork.

Back at Zuñi, where Espejo now proceeded, he found Father Beltrán still waiting. But the latter was tired of waiting and now returned to San Bartolomé, while Espejo continued to search for riches. Going east once more Espejo visited the Queres, the Ubates, where mineral prospects were found, and the Tanos. Then, because of the smallness of his following, he determined to return. Going down the Pecos one hundred and twenty leagues the Jumanos conducted him to the Conchos. He reached San Bartolomé September 20, 1583, a short time later than Father Beltrán.

Results of these Entradas. Either of the expeditions of Rodriguez and Espejo, small as they were, accomplished almost as much as the great army which Coronado had led. In practical results they were vastly more important. Coronado's entrada had demonstrated that the Seven Cities were a hollow phantom. His exploits were well nigh forgotten. But the glowing accounts of Rodriguez and Espejo stimulated new interest in the country as a field of great opportunity. A lake of gold and mining possibilities had been reported. The frontier was aglow with enthusiasm.

The Conquest of New Mexico Authorized. Meanwhile the viceroy made a report to the king regarding the Rodriguez expedition. In response came a royal cédula, April 19, 1583, instructing him to make a contract for the settlement of the new region. The royal treasury could not be drawn upon for this purpose, and the Council of the Indies had to approve whatever plans might be arranged.

The Applicants. Numerous applicants soon appeared to take advantage of this order. The first was Cristobal Martin, of Mexico, who made extravagant demands. After him came Espejo, who negotiated directly with the crown. Francisco Diaz de Vargas, an official of Puebla, also sought the distinction. Each of these was ready to spend large sums of money on the enterprise.

Several years had now elapsed and nothing had been accomplished. Before the Marquis of Villamanrique was sent to New Spain as viceroy the problem of choosing a suitable candidate was thoroughly considered in a "junta" which he attended. The inference is that none of those who had till then sought the privilege were judged worthy. In order that there might be no further delay Villamanrique was reminded of the importance of choosing a qualified leader at once. He was given full power, except that the project had to be made without royal support.

Juan Bautista de Lomas y Colmenares, famed as the wealthiest man in Nueva Galicia, was the first one of whom we have any record to petition Villamanrique for the conquest of New Mexico. Though Lomas was very exacting in his demands the viceroy approved the proposal March 11, 1589, and it was then forwarded to Spain only to be entirely disregarded.

Castaño's Illegal March. In the next year occurred an unlooked-for entrada which put a stop to the immediate plans for the conquest of New Mexico. It was made by Gaspar Castaño de Sosa, lieutenant governor of Nueva Leon, who effected an unlicensed entrance. From the town of Alamadén, now Monclova, established in 1590, he started on July 27, with more than one hundred and seventy persons, including women and children. About August 21 messengers had been sent to Mexico, and in September the expedition halted at the Bravo for three weeks awaiting their return.³ They had probably been sent to secure the viceroy's approval for

3. Bancroft, "Arizona and New Mexico," 102' note 15.

entering New Mexico. They did not come back. Meantime the viceroy informed the king of what had occurred, for on April 9, 1591, it was decreed that neither Carabajal's lieutenant, nor anyone else, might conquer New Mexico without the viceroy's order. Moreover the king ordered that no one named by Carabajal should be chosen to carry out the conquest.⁴ Meanwhile Castaño, unaware of what was coming, led his expedition to the Pecos after overcoming numerous hardships. Late in December the first pueblo was sighted, perhaps Pecos. In the exploration that followed he may have gone as far north as Taos, down to the Queres, and "to the province where the padres were said to have been killed years before."⁵ On returning from the tour to the latter place he was informed by the Indians that another body of Spaniards had arrived. It proved to be Captain Juan Morlete, who had come with fifty men to arrest him by order of the viceroy "for having made an entrada of New Mexico and enslaved some Indians without order or license"⁶ Castaño's entire force accordingly left New Mexico by way of the Rio Grande in the summer of 1591.

Leyva and Humaña. About 1593 another unauthorized expedition was made to New Mexico by Leyva de Bonilla and Antonio Gutierrez de Humaña. They started from Nueva Vizcaya and spent about a year among the pueblos, making San Ildefonso their headquarters. They went east to the buffalo country and finally made an excursion to Kansas. On the way Humaña killed Leyva, but was in turn destroyed a little later with most of his followers.

After the first of these interruptions had passed away renewed efforts were made by wealthy individuals to win the right to settle New Mexico. Velasco was now viceroy, and to him Lomas in 1592 repeated his earlier petition. Nothing

4. "Real cedula al virrey de la Nueva España," April 9, 1591
Archivo General de Indias, 87-5-1

5. Bancroft, *Arizona and New Mexico*, 106.

6. "Real Cedula a la audiencia de Nueva España," January 17, 1593,
A. G. I., 87-5-1.

came of his offer since the terms were considered exorbitant by the king.⁷ Then appeared Francisco de Urdiñola, lieutenant governor of Nueva Vizcaya, and a contract was made with him for the conquest. However he was shortly accused of poisoning his wife and thus lost the opportunity. Lomas made a third fruitless attempt in 1595, the last application before that of Don Juan de Oñate of Zacatecas.

7. "Real cedula al virrey de Nueva España," January 17, 1592, A. G. I., 87-5-1.

Chapter II.

The Controversy over Oñate's Contract

Oñate's Qualifications. It was not till 1595 that the conquest of New Mexico was finally awarded to the man who was destined to fulfill the mission. At that time Don Juan de Oñate, the descendant of a family distinguished in the annals of New Spain,⁸ was given the contract.⁹ The conditions under which the agreement had been arranged seemed favorable. The viceroy, Don Luis de Velasco, was his intimate friend,¹⁰ and had accordingly shown great generosity in placing his sanction on the enterprise.¹¹ There appeared to be no question of Don Juan's fitness for the task, even if we consider certain stringent qualities, which, according to an earlier decision of the viceroy, a competent *adelantado* must possess. On January 30, 1595, shortly after Francisco de Urdiñola had been arrested and before Oñate had considered going to New Mexico, Velasco lamented the fact that he knew of no one in the kingdom capable of managing such a great undertaking, "for the service of God and your majesty and the good of the natives."¹² As a faithful servant of the king it was his conviction that the conqueror must continue the work of converting the heathen even though gold or silver mines might not be discovered. There was the danger. The possibility of finding precious metals was a prime

8. Cornish, "The Ancestry and Family of Juan de Oñate," in Stephens and Bolton, "The Pacific Ocean in History," 452.

9. "Petition to the viceroy, Don Luis de Velasco, for the journey of exploration and capitulations of the viceroy with Don Juan de Oñate, Mexico, September 21, 1595," in Hackett, C. W. "Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773," 225-255. Hereafter cited as Oñate's contract.

10. Villagra, Capitan Gaspar de, "Historia de la Nueva Mexico." (Mexico, 1900, I, 27).

11. Oñate's contract, in Hackett, "Hist. Docs.," 225-255, *passim*.

12. Letter of Viceroy Velasco to the king, Mexico, January 30, 1595, in *ibid.*, 221.

motive in any discovery, and Velasco regretted that ordinarily the explorers would desert as soon as the dearth of such wealth was realized. The proposed pacification and conversion would thereby be completely defeated, the baptized Indians would at once relapse into barbarism, and the deserting soldiers and colonists commit outrages and assaults on the Indians, which must invariably make the very name of Christians contemptible and odious among the heathen. The viceroy realized these facts and confessed that such had been the experience in other explorations.¹³

Velasco's discouragement over Uriñola's fate, as evidenced by the above letter, was forgotten when Oñate came forward and sought to lead an expedition to the "otro" Mexico.¹⁴ Various motives entered into Don Juan's determination to risk his fortune and reputation in this venture, chief of which, perhaps, was the hope of glory and material gain. These considerations always played a part in any conquest undertaken by the Spaniards.¹⁵ Nor can we overlook the religious reason which was ever prominent in these entradas. But a different incentive also appears. Oñate had just suffered the loss of his wife, and like the famous Simón Bolívar of South America determined to conquer his grief by dedicating himself in a greater way than before to the service of his majesty.¹⁶

The first negotiations seemed destined to bear fruit. In the summer of 1595 he had petitioned the viceroy for the honor and privilege of undertaking this conquest, which had been awaiting the beckon of some enterprising character since the days when Espejo reexplored the land and reported it good. To Velasco the new conquistador seemed the man for the job. Reporting to his sovereign the circumst-

13. Letter of Velasco to the king, January 30, 1595, in *ibid.*

14. Oñate's contract, in *ibid.*, 225.

15. Cunninghame Graham, R. B. *The Conquest of New Granada*, viii.

16. "Relacion que hizo Don Luis de Velasco del estado en que hallo y dexo aquel reyno quando le promevieron al virreynato del Peru. 1595," A. G. I., 2-2-4-4.

ances of the contract made with Oñate, he stated that Don Juan was better qualified to conquer this "new" Mexico than any of those who had formerly sought the honor.¹⁷ Moreover before Velasco had actually accepted Oñate for this conquest some correspondence had taken place between the two in which the viceroy acknowledged the great services of Don Juan's ancestors as well as his own merits, and only regretted that things were in such a condition that he could not then open negotiations.¹⁸ If additional proof of Oñate's standing is necessary it may be observed that Martin, Lomas, and Uriñola were all men of wealth and achievement,¹⁹ and when the viceroy stated that Don Juan de Oñate was better qualified than these it is evident that he was highly appreciated by his contemporaries.²⁰

Family Ties. Don Juan's reputation was naturally enhanced by the standing of his father, Don Cristobal, for after arriving in Mexico in 1524, the latter soon became engaged in exploring and conquering on the frontier of Nueva Galicia.²¹ Here he proved himself equal to the dangers and responsibilities of the frontier. In 1538, on the death of the governor of Nueva Galicia, Don Cristobal held that office a short time, and when Francisco Vázquez Coronado was named governor in 1539, he became lieutenant governor. Heavy responsibilities soon devolved on him, for during the absence of Coronado in New Mexico the Indians of Nueva Galicia revolted, and it became his duty to quell the uprising. In doing so he distinguished himself by his prudence, justice and military skill.²² After the Mixton war, as this revolt is

17. Velasco to the king, Mexico, October 14, 1595, in Hackett, "Hist. Docs.," 257.

18. Villagra, "Historia," I, 27.

19. See Bancroft, "Arizona and New Mexico, 94-100.

20. Santiago del Riego to the king, Mexico November 10, 1596, in Hackett, "Hist. Docs.," 368 ff. Riego gave Don Juan a remarkable send-off in this letter; whether it was nobility of character, material resources, or the support of wealthy friends and relatives, he possessed them all.

21. Cornish, *op. cit.*, 454.

22. Bancroft, "History of Mexico," II, 464-465; 490.

termed, was over, Don Cristobal continued his exploring activities. In fact, he is reported to have conquered and settled the major part of Nueva Galicia at his own expense.²³ In 1548 we find him, in company with three notable Spanish officers, exploring and pacifying the Indians in the vicinity of Zacatecas.²⁴ From the natives rumors of rich silver lodes in the neighborhood reached them and these they soon discovered. So abundant were these veins that they became the four wealthiest men in America at that time.²⁵

Not much is known of Don Juan de Oñate before the year 1595. He appears to have been born in Mexico,²⁶ but neither his native town nor the date of his birth has been preserved. Our knowledge of his youth is equally meager. It seems that he entered the service of the king early in life. In his petition to Velasco in 1595, he stated that for more than twenty years he had been engaged in fighting and pacifying the Chichimecas, Guachichiles, and other Indians of Nueva Galicia and Nueva Vizcaya at his own expense.²⁷

Influential Friends. The meritorious experiences of Oñate's youth may, indeed, not have been different from those of many another frontier captain. However the distinguished services and great wealth of his father were a marked asset in obtaining preferment in the royal service. Furthermore the Oñate family was blessed with a host of friends among the best families of New Spain and Nueva Galicia. Don Juan had married into one of the famous colonial families. His wife was Isabel Tolosa Cortés Montezuma, great granddaughter of Montezuma, granddaughter of Cortés, daughter of Juan de Tolosa and Leonor Cortés de Montezuma.²⁸ Don

23. Oñate's contract, in Hackett, "Hist. Docs.," 227.

24. Mota Padilla, "Historia de la conquista de la Nueva Galicia," 194-195.

25. Bancroft, "Mexico," II, 554; Bolton and Marshall, "Colonization of North America," 55.

26. Probably in 1549. "Consulta en el Consejo de Indias," April 6, 1622. A. G. I., 66-5-10.

27. Oñate's contract, in Hackett, "Hist. Docs.," 227.

28. Bolton, "Spanish Borderlands," 170; Cornish, *op. cit.*, 459, and table facing 452.

Juan's four brothers, Don Fernando, Don Cristobal, Luis Nuñez Pérez, and Don Alonso, were all wealthy and rendered valuable assistance in the conquest of New Mexico. Of these the first three and Maria de Galarsa, their only sister, married successfully.²⁹ Don Alonso seems to have remained single.

Don Juan also had the support of four famous nephews, the Zaldivar brothers, Cristobal, Francisco, Juan and Vicente, who achieved distinction in the service of the king.³⁰ In addition he had the support of Diego Fernández de Velasco, governor of Nueva Vizcaya, with whom he had conferred in regard to the contract;³¹ of Rodrigo del Río de Losa, who had been instrumental in opening up mines in Nueva Vizcaya, a man who possessed enormous cattle ranches there and had at one time been governor of the same province;³² of Santiago del Riego, an "oidor" of the audiencia of Mexico, who in 1596 had spent thirty-three years in audiencia service;³³ of Maldonado, likewise of the audiencia; of Don Antonio de Figueroa; Ruy Diaz de Mendoza; and Juan Cortés, great grandson of Cortés.³⁴ These are the names of some of the influential men who encouraged Oñate and supported him in the proposed conquest. Moreover Velasco the viceroy always dealt liberally with him and recommended him

29. Cornish, *op. cit.*, 461-462. Mrs. Cornish states that Luis Nuñez was unmarried, which is an error. He was married to a daughter of Vicente de Zaldivar. "Memoria de cargos y capitulos que se averiguaron contra el Doctor Valderrama Mexico, 1610.

A. G. I., Camara, no 273.

30. Cornish, *op. cit.*, 463. There has been some argument as to whether the Zaldivar brothers were Oñate's cousins or nephews. In the documents they are always referred to as "sobrinos," never as cousins. Cf. Bancroft "Arizona and New Mexico," 117 note 9.

31. Villagra, "Historia," I, 28.

32. Bolton and Marshall, "Colonization," 56, 58; Hackett, "Hist Docs," 16, 17.

33. Santiago del Riego to the king, November 10, 1596, in *ibid.*, 369-375; cf. Villagra, "Historia" I, 28.

34. Villagra, "Historia," I, 28-29. Villagra states that the greater number of these men were descendants of Juan de Tolosa, founder of Zacatecas, and of the illustrious Salas, its first alcalde.

to the king for the bestowal of greater favors,³⁵ so long as these demands did not exceed or controvert the royal ordinances of 1573, regulating new discoveries. Velasco was a very popular ruler, intelligent and learned. He had resided in the country many years and had occupied various important positions. As viceroy he was accordingly beloved by his people. This fact helps us to understand his generous attitude toward Don Juan de Oñate.³⁶

The Petition and Contract. The lengthy document in which Don Juan presented his petition for the conquest of New Mexico was read before the viceroy on September 21, 1595.³⁷ He examined the petition and contract, and gave a detailed opinion on every proposal in the form of extensive marginal notes. Most of the proposals were accepted without change; some were modified; and others rejected outright. Several copies of the contract have recently come to light as the result of investigations in the Archivo General de Indias, Seville, Spain, proving abundantly that it is the document by which Oñate was awarded the discovery and conquest of New Mexico.³⁸

The only writer who has seen or made any use of this contract is Josiah Gregg. He obtained a copy of the document from the Secretary of State at Santa Fé, and gave a brief resume thereof in his "Commerce of the Prairies." He accurately stated the proposals made by Oñate, but gave no indication as to what demands were granted or rejected by the viceroy in his marginal decrees. Gregg merely satisfied himself with the generalization that "although these exorbitant demands were not all conceded, they go to demonstrate by what incentives of pecuniary interest, as well of honors, the

35. Oñate's contract, in Hackett, "Hist. Docs.," 235, 237, 243.

36. Bancroft, "Mexico," II, 758; Riva Palacio, "Mexico a traves de los siglos," II, 449.

37. Oñate's contract, in Hackett, "Hist. Docs.," 225-255. According to Villagra, the poet and historian of the expedition, the viceroy made a contract with Oñate on August 24, 1595. There is no evidence to support this statement.

38. Two copies of the contract are in A. G. I., 1-1-3-22; another in 58-3-15; another in 58-3-12; another 58-3-14.

Spanish monarch sought the 'descubrimiento, pacificacion y conversion,' as they modestly termed it, of the poor aborigines of America.'³⁹ Nor does Gregg have any information of the delays and changes that occurred with the coming of the new viceroy, the Count of Monterey. Bancroft was unable to find a copy of this document so he followed Gregg in his narrative.⁴⁰

Terms of the Contract. According to the terms of the contract which Oñate had entered into he was obliged to recruit a minimum of 200 men, fully equipped with the necessary supplies and provisions. This was to be done entirely at his own cost, though he was permitted to enlist soldiers defraying their own expenses. The royal treasury was not to be called upon to provide salaries for any part of the army whatever. Don Juan offered, among other things, to take 1000 head of cattle, 3000 sheep for wool, another 1000 for mutton, 1000 goats, 100 head of black cattle, 150 colts, 150 mares, quantities of flour, corn, jerked beef, and sowing wheat. There were also numerous minor articles including horseshoe iron and nails, footgear, medicine, bellows iron tools of various kinds, gifts to the Indians, cloth and paper. These supplies were to be held in reserve till the new settlements should be reached, but in case of extreme necessity could be used while on the march. For this latter purpose additional supplies were to be furnished by Oñate.⁴¹

Don Juan realized the necessity of providing regally for his own needs on this great expedition. His wardrobe was therefore carefully selected. As part of his personal equipment he agreed to take twenty-five horses, a like number of mules with mules, six light cavalry saddles, six trooper's saddles, six harness, two coaches with mules, two iron-tired carts with leather shields, six lances, twelve halberds, six coats of mail, six cuishes, six helmets with beavers, six sets of horse armor,

39. Gregg, Josiah. "Commerce of the Prairies," I, 117-119.

40. Bancroft, "Arizona and New Mexico," 116-117.

41. Oñate's contract in Hackett, "Hist. Docs.," 227-229.

six harquebuses, six swords and daggers, two complete corselets, two stands of arms, and six buckskin jackets. These things Oñate promised to have in readiness at Santa Bárbara by the end of March, 1596, but with this the viceroy was not satisfied and required him to be ready two months earlier.⁴²

Oñate's Titles Oñate was granted the titles of governor and captain-general for two generations on condition that he fulfill his part of the contract. The viceroy promised to supplicate the king to extend this period an equal length of time. He was also to have the title of adelantado on taking possession of the land. This honor was to endure as long as the governorship, and Velasco agreed to seek a similar extension of the office.⁴³

Aid Furnished by the Crown. To minister unto the Spaniards and convert the natives Oñate was granted five priests and a lay brother, with all necessary equipment, at royal expense. To aid in maintaining peace in the province he was allowed three field pieces, thirty quintals of powder, one hundred quintals of lead and one dozen coats of mail, though he had to pay for the latter item.⁴⁴ Oñate also secured a six year loan of 6000 pesos;⁴⁵ much more had been requested. In addition he might requisition the carts and wagons needed.⁴⁶

An eagerly sought privilege granted Oñate was the right of "encomienda" for three generations. Land was to be given the settlers, and they were to be ennobled and to become hidalgos with the right to enjoy "all the honors and privileges ---that all noblemen and knights of the kingdom of Castile--- enjoy."⁴⁷

42. Oñate's contract, *ibid.*, 229.

43. Oñate's contract, *ibid.*, 235-237.

44. Oñate's contract, *ibid.*, 231.

45. Oñate's contract, *ibid.*, 237. Many accounts state that Oñate received 10,000 pesos, of which 4,000 were a gift. See Torquemada, "Monarchia Indiana," I, 670; Rivera Cambas, "Los gobernantes de Mexico," I, 70; Vetancurt, "Cronica," 95; Calle, "Memorial y Noticias Sacras," 102; Cavo, "Los tres siglos de Mexico," I, 226.

46. Oñate's contract, in Hackett, *Hist. Docs.*, 231-233.

47. Oñate's contract, *ibid.*, 237-239.

Furthermore Oñate was to receive a salary of 6000 ducats,⁴⁸ to name the officials of the expedition,⁴⁹ appoint and remove alguaciles, set up a royal treasury and name its officials, exploit mines though paying only a tenth instead of the usual fifth,⁵⁰ erect forts, suppress rebellion, make laws and divide the land into governmental districts.⁵¹ These powers were not absolute, but usually limited to approval by the crown.

Two articles of Oñate's contract were of special significance. In the first place he was made directly subject to the Council of the Indies. Under this arrangement neither the viceroys of New Spain nor neighboring audiencias could interfere in the administration of his government. This provision was considered of prime importance by Oñate. It meant that he would, to all intents and purposes, be entirely independent. He would not be subject to any petty interference from officials in Mexico. Only to the Council of the Indies in Spain would he be required to render account of his actions. From New Mexico Seville would indeed be far, far away.⁵²

In the second place Oñate might recruit men in any part of the kingdom of Spain. This was in a manner corollary to the above privilege. When in need of reinforcements, which must inevitably be secured in New Spain or Nueva Galicia, it would not be necessary to ask permission from the viceroy or audiencia. Such subservience involved the possibility of refusal, and, at a critical time, might mean the difference between success and failure to the conquerors of New Mexico. The fact that Velasco approved Oñate's request for these favors **is not startling**, for it was done by authority of the royal ordinances of 1573 regulating new conquests.⁵³

48. *Ibid.*, 241.

49. *Ibid.*, 239.

50. *Ibid.*, 243.

51. *Ibid.*, 245.

52. Oñate's contract, *ibid.*, 247; cf. Cunningham, "The Audiencia in the Spanish Colonies," 21-24; 29.

53. Oñate's contract, in Hackett, "Hist. Docs.," 247. In 1573 was issued a set of ordinances governing new discoveries, conquest, and pacifications. They were intended to govern and control all exploration and settlement

Some additional points in Oñate's agreement with the viceroy deserve mention. Practical freedom was given him in levying tribute; neighboring officials were to give all possible assistance in the enterprise; Oñate might annually bring two **ships duty free to his province**; provisions for the colony were exempt for ten years and supplies for Oñate's household for twenty years, while excise taxes were not to be paid for twenty years. In each case an extension of these privileges was sought.⁵⁴

Some of the outstanding requests refused by the viceroy included the giving of encomiendas to Oñate's brothers in Mexico⁵⁵ and the right of the adelantado to appoint a substitute that he might leave the province.⁵⁶

On his part Don Juan obligated himself to execute the conquest "in all peace, friendship and Christianity." At the same time he asked that instructions be given him for his guidance in settling the problems that would arise in New Mexico. **This was promised, and they were issued a short time later.**⁵⁷

In order to insure success Oñate requested that his patent of **discovery and exploration** should take precedence over that of any other person who might conceivably come from Spain with another capitulation signed by the king. To this Velasco replied that he was making the contract "by commission and order of his majesty", and that it should take effect from the day on which it was signed and sealed.⁵⁸ In case another should come from Spain with prior rights he was reserved the

undertaken in the colonies, and were addressed to the viceroys, presidents, audiencias, governors, and all other persons whom they might in any manner concern. See "Ordenanzas de su magestad hechas para los nuevos descubrimientos, conquistas y pacificaciones. - Julio de 1573," in "Col. Doc. Ined.," XVI. 142-187.

54. Oñate's contract, in Hackett, "Hist. Docs.," 247-249.

55. Ibid., 245.

56. Ibid., 249.

57. Ibid., 233. They were issued on October 21, 1595.

58. Ibid., 251. There is no documentary evidence that this was not on September 21, 1595. Torquemada and Calle state the capitulations were finished on September 30. Torquemada, "Monarchia Indiana," I, 670; Calle, "Noticias," 102. I believe it perfectly certain from the contract that the former date is the correct one.

privilege to collect from the intruder any expenses that might already have been incurred for the expedition.⁵⁹ Finally the viceroy pledged in the name of the king to carry out the agreement in full and to petition for the many additional favors and privileges sought by the Zacatecas applicant.

In this manner the Spanish conquerors enumerated their own obligations and the concessions which the king must grant them before they would risk their lives and fortunes in seeking wealth and glory in new conquests. Oñate's contract was in no wise extraordinary. It was typical of the capitulations made by all the conquerors from the earliest time. It illustrates the devious paths a man must follow if he desired to win glory in subjugating new lands and rescuing the souls of the aborigines.

A Change of Viceroys. It was unfortunate for the hero of our story that a change of viceroys should be made at the very time when the contract was under consideration. Such however was the case. On September 18, 1595, the fleet from Spain arrived at San Juan de Ulloa, bringing Don Gaspar de Zuñiga y Acevedo, the Count of Monterey, who was to serve as viceroy of New Spain. At the same time the incumbent, Don Luis de Velasco, was promoted to the viceroyalty of Peru.⁶⁰ The Count thus arrived to take charge of his new province three days before Velasco accepted Oñate as the conqueror of New Mexico and concluded a contract with him for that purpose.

The Oculma Conference. The arrival of the new viceroy called for ceremonies and formalities. These took place at the village of Oculma, six leagues from the city of Mexico, whither Velasco proceeded to welcome the new official.⁶¹ Amid the

59. *Ibid.*, 251-253. Professor Hackett's statement that if "a person should come from Spain with a similar contract signed by the king, this was not to annul his contract, but on the other hand he was to be permitted to execute it notwithstanding," is not in accord with the documents which he edits. *Ibid.*, 196. The viceroy approved the contract, and sent it to the king for final confirmation, reserving to Oñate the right to collect from his rival should one be sent by the king in the meantime.

60. Velasco's commission was signed June 5, 1595. Bancroft, "Mexico," II, 766.

61. Torquemada, "Monarchia Indiana," I, 670.

festivities of the occasion the two viceroys conferred on the problems that the Count would at once be called upon to face.⁶² These dealt with Vizcaino's expedition to the Californias; the sending of the annual supply ships to the Philippines, providing the retiring viceroy with some means of going to his new charge in Peru; and the Oñate expedition for the exploration and pacification of New Mexico. With so many big undertakings to deal with at once the Count's equanimity was somewhat ruffled.⁶³ But he went to work with a will and secured from his predecessor an idea of the things that must be done.⁶⁴

Up till the present time little or nothing has been known of the Oculma conference which took place sometime between October 14 and November 5, the date on which Monterey entered the city of Mexico.⁶⁵ In a letter to the king written in Mexico on October 14 Velasco mentioned the arrival of Monterey at San Juan de Ulloa on September 18, but said nothing of having seen him. On the contrary he wrote "In the few days that remain from now until the Count will enter this city, I will hasten to do, as I ought what your majesty orders me by it; and what I am not able to do I will communicate to the Count so that he may carry it out. . . ."⁶⁶

From the above it is clear that the two officials did not meet before October 14. That they met directly thereafter seems equally certain. Writing in 1619, Martin Lopez de Gauna, then "escribano mayor," stated that on October 21, 1595, Viceroy Monterey chose Don Juan de Oñate as gover-

62. "Relacion que hizo Velasco," 1595. Cf. Martin Lopez de Gauna to Cristobal de Oñate and Luys Nuñez Perez, A. G. I., 58-3-15.

63. Monterey to the king, February 28, 1596, in Hackett, "Hist. Docs.", 259.

64. "Relacion que hizo Velasco, 1595. The document is not signed nor is the specific date given. However it was written before Christmas, 1595. All the letters that went by that dispatch boat were dated between December 16 and 23. The next batch of letters were sent by the second dispatch boat and were written on February 28, 1596.

65. Torquemada, "Monarchia Indiana," I, 671.

66. Velasco to the king, October 14, 1595, in Hackett, "Hist. Docs.," 255.

nor of New Mexico.⁶⁷ Furthermore it was on October 21 that Velasco issued the instructions to Oñate which he was to observe in New Mexico and on the way thither.⁶⁸ The fact that these instructions were released on the same date confirms Gauna's testimony. Velasco's action in issuing them was clearly the result of Monterey's provisional approval as given at Oculma on October 21.

The Contract Approved Conditionally. In regard to what actually occurred at Oculma we have brief accounts by both of the principal actors.⁶⁹ The retiring viceroy, it is clear, laid the entire subject of the Oñate expedition before the Count.⁷⁰ This was in accord with Oñate's wish, for he did not want to go ahead with his preparations until assured that the new viceroy would approve the contract which Velasco had made.⁷¹ At the time of their meeting affairs had progressed to such an extent that it required but a nod of assent from Monterey to make the contract a legal document. The Count would then have been unable to make any changes should he later have deemed it expedient, without proceeding against Oñate in the courts. Monterey hesitated but finally refused to give the requisite approval till he could examine Don Juan's qualifications for the task and the provisions of the contract with care, and he contended that this could not be done without going to Mexico city.⁷²

Realizing that the fortunes of his friend were in serious

67. Martin Lopez de Gauna, May 20, 1619. A. G. I., 58-3-18.

68. "Copia de la Instruccion a Oñate," October 21, 1595, A. G. I., 58-3-15.

69. "Relacion que hizo Velasco," 1595; "copia de un capitulo de carta que el virrey Don Luis de Velasco scrivio a su magestad," December 23, 1595, A. G. I., 58-3-15; carta del Conde de Monterey a S. M. Mexico, February 28, 1596, A. G. I., 58-3-15.

70. Martin Lopez de Gauna to Cristobal de Oñate and Luis Nuñez Perez, A. G. I., 58-3-15; "relacion que hizo Velasco," 1595; "carta del Conde de Monterey a S. M.," February 28, 1596.

71. Oñate to Monterey, Rio de Nasas, September 13, 1595, in Hackett, "Hist. Docs.," 363.

72. Carta del Conde de Monterey a S. M., February 28, 1596. Monterey's approval of the contract, after Velasco had laid it before him, is confirmed by Velasco. "Relacion que hizo Velasco," 1595; "el Consejo de Indias a S. M.," Madrid, June 9, 1600, A. G. I., 1-1-3-22.

jeopardy Velasco now proposed that Don Juan should be given his patents and commissions, and he even went so far in his anxiety for Oñate's welfare that he agreed to assume the responsibility for his choice as leader of the enterprise.⁷³ Villagr  says that Velasco gave Monterey such abundant and convincing proof of the reputation and standing of Don Juan and his family that no one in New Spain could rival him as the right choice for the leadership of the expedition.⁷⁴ Under such circumstances Monterey felt obliged to permit the issuance of Oñate's warrants on October 21, 1595. Nevertheless this sanction was merely provisional. In regard to the actual provisions of the contract, no final decision was reached. It was agreed, because Velasco insisted upon it, if we are to believe Monterey, that he was to study the contract somewhat at his leisure. Should he deem it desirable that any alterations be made he was to be at liberty to do so. This is the Count's version of the affair at any rate.⁷⁵

According to Villagr  Oñate's diplomatic procedure at this particular time in securing the provisional permission to continue the expedition was of significance. He dispatched a courteous letter to the new viceroy congratulating him on his arrival in New Spain, and the Count made a gracious reply in which he expressed regret that Velasco had not concluded negotiations with Oñate, as he was an official of great prudence and distinction.⁷⁶

Judging from the above it is at least clear that the two viceroys were not in complete accord. Velasco, the retiring official, who did not sail for Peru till February, 1596,⁷⁷ con-

73. "Carta del Conde de Monterey a S. M.," February 28, 1596.

74. Villagr , "Historia," I, 31.

75. "Carta del Conde de Monterey a S. M., February 28, 1596.

76. Villagr , "Historia," I, 32, 34. These letters are not extant. Oñate states that he welcomed the viceroy on his arrival. Oñate to Monterey, September 13, 1596, in Hackett, "Hist. Docs.," 363. Villagr  goes on to say that the Count of Monterey approved all that had been discussed between Oñate and Velasco without changing anything whatsoever, and that he did this by ordering Oñate to depart without delay and wishing both divine and viceregal blessings on the enterprise. Villagr , "Historia," I, 32.

77. "Don Luis de Velasco a S. M.," February 25, 1596, A. G. I., 88-6-2.

tinued to follow the Oñate expedition closely. On December 23, in a short letter to the king regarding this matter, he gave an explanation of what had occurred. He said the pacification of New Mexico was still in Oñate's hands, but on certain conditions. From the letter it does not appear what these provisos were, but it probably refers to the provisional sanction given by Monterey at Oculma.⁷⁸

That the contract was merely given provisional approval by the Count is confirmed by Oñate also. He states that he received a letter from the new viceroy, dated at Oculma, in which Monterey "not only approved and confirmed what Velasco had done, but--- ordered me to gather my provisions and ammunition in the shortest time possible for the said expedition, promising in the same letter to examine the articles of the agreement and send them to me, after correcting in them anything that seemed to need it.---"⁷⁹

It is clear that the outcome of the first tilt with Monterey did not seem unfavorable, and Oñate expected to receive his final papers soon. But it took the Count a long time before he found the opportunity or the desire to review these negotiations. He complained it was because of the large amount of business on hand.⁸⁰ As we shall soon see Villagr  gave a very different explanation and ascribed the delay to the machinations of Oñate's enemies.⁸¹ Whatever the cause may have been Oñate had to wait two months before anything was done by Monterey in this matter.

Meanwhile Oñate's brothers, Cristobal and Luis Nu ez

78. "Copia de un cap tulo de carta que el virrey Don Luis de Velasco scribio a su magestad." December 23, 1595, A. G. I., 58-3-15. Bancroft accepts the view that Monterey had requested Velasco to delay matters, "Arizona and New Mexico," 118.

79. Oñate to Monterey, September 13, 1596, in Hackett, "Hist Docs.," 363.

80. "Copia de un cap tulo de carta que el virrey Don Luis de Velasco scribio a su magestad," December 23, 1595. Bancroft's argument is that Monterey opposed Oñate's capitulation because he favored Don Pedro Ponce de Leon, "Arizona and New Mexico," 118. There is nothing to support this view. Ponce was backed by the Council of the Indies.

81. Villagra, "Historia," I. 30. Cf. ch. 4 of this work.

Pérez,⁸² represented him in Mexico with the power of attorney which had been given them at Zacatecas on October 19, 1595.⁸³ On December 15 they appeared before Martin Lopez de Gauna, the "secretario de gobernacion" in Mexico, and accepted the capitulations made by Velasco with Don Juan for the conquest of New Mexico. They bound him to fulfill his duties in every respect and promised that he would not deviate one iota from the instructions which the viceroy had promulgated for his guidance on October 21.

Oñate's Instructions. It is of interest to note the nature of the instructions which the viceroy had issued to Oñate to guide his conduct in the conquest of New Mexico.⁸⁴ They illustrate how thoroughly conquering expeditions were clothed in missionary disguise. According to the law it was the chief desire of the crown to Christianize and civilize the natives. As a matter of fact conquerors undertaking to pacify new regions were usually bent on individual profit and glory.

First of all, Oñate was instructed to take oath and render homage to Vicente de Zaldívar, the king's "teniente de capitán general de Chichimecas." He was reminded that the chief purpose of the expedition was to serve God our Lord, to extend the holy Catholic faith, and to conquer and pacify the natives of the provinces of New Mexico. To this end the utmost efforts should be exerted without violating his own self-respect or oath of fealty. He was to fulfill, in every regard, the royal ordinances of 1573 regulating new conquests, and the contract made with him in accordance with those laws; to

82. Villagra is therefore mistaken when he says:

"Y luego embio poder a don Fernando,
A don Christoval, y a Luys Nuñez Perez,
Tambien a don Alonso sus hermanos, . . .
Estos capitularon la jornada, . . ."

Villagra, "Historia," I. 28.

83. "Aceptacion de las capitulaciones," December 15, 1595, A. G. I., 58-3-12. "Parecieron el thesorero Luys Nuñez Perez y Don Xpoual de Oñate . . . y dixerón que en virtud del poder que tienen de Don Juan de Oñate que passo ante pedro venegas scrivano rl de minas y registros de la ciudad de nuestra senora de las cacatecas . . ."

84. "Copia de la instruccion a Oñate," October 21, 1595, A. G. I., 58-3-15.

carry out the march with great care and discipline, informing the settlers and soldiers that in every case they must treat the Indians with such kindness as to insure peace.

Disorders must not be allowed. The missionaries were to be treated with consideration, for how otherwise would the natives obey the padres? Only honorable means were to be used in converting the Indians, and interpreters should be procured, if possible.

In view of the belief in a mythical Strait of Anian which connected the Atlantic and the Pacific,⁸⁵ Oñate was instructed to inform the viceroy of New Spain of his discoveries in the "North Sea" without delay. Careful reports were to be made on the coastline. Harbors were not to be used till proper regulations could be made, for the great secret must not be endangered. If an enemy learned of these things it would perhaps rob the Spaniards of the fruits of their discovery.

The Indians were to be persuaded to serve the white man, forced labor being prohibited. This applied to mining as well as to other occupations. Success in handling the Indians would eliminate the necessity of bringing in negros, which always complicated the problem of government.

All of these things Oñate was to observe with the diligence and care appropriate in order that the conquest might redound to the service of God, the growth of the holy Catholic faith, and of the royal crown.⁸⁶

Monterey's Delays. Between the time of the issuance of these instructions and the coming of Monterey Don Juan was busy preparing his expedition.⁸⁷ Seemingly he did not think of obstructions being thrown in his way. But many were in store for him, due to the arrival of a new viceroy. It is true that Monterey was reputed to be a very excellent man, but he was otherwise unknown. He soon proved to be a very cautious

85. Bancroft gives a description of the current Spanish ideas of the Northern Mystery. "Arizona and New Mexico," 13-15.

86. "Copia de la Instruccion a Oñate."

87. Villagra, "Historia," I, 31.

official deliberating policies fully.⁸⁸ This caution on his part with the resultant delay gave rise to most of Oñate's difficulties, and to the judgment which contemporaries formed of Monterey. Torquemada could only call him a well intentioned man! He lacked the vision of a good ruler.⁸⁹

Considering these characteristics of the new viceroy it is easier to follow his course of action in regard to the projected conquest of New Mexico, which had been postponed until he could familiarize himself with the whole affair.⁹⁰ On December 20, 1595, he wrote a short letter to the king, stating that he had not yet reached any conclusion regarding the appropriateness of Oñate's contract.⁹¹ He therefore asked the king to await additional information before approving the contract, for he feared that efforts were being made on Don Juan's part to secure final confirmation directly from the king.⁹²

Oñate Appeals to the Crown. Oñate had been growing impatient while this long drawn out delay was slowly wearing itself away. Unable to secure the expected confirmation from the viceroy, he had, as Monterey feared, appealed directly to the king.⁹³ Oñate recalled the distinguished services of his

88. Bancroft, "Mexico," II, 766 ff; Rivera Cambas, "Los gobernantes de Mexico," I, 71.

89. Torquemada, "Monarchia Indiana," I., 671; Rivera Cambas, *op. cit.*

90. "Carta del Conde de Monterey a S. M., February 28, 1596.

91. Monterey to the king, December 20, 1595, in Hackett, "Hist. Docs.," 257-259. This is apparently a contradiction, for Oñate's letter of December 16, 1595, mentions one specific limitation made by Monterey, namely, in regard to ordinance 69, which provided that he should be directly subject to the Council of the Indies.

92. Monterey to the king, December 20, 1595, in Hackett, "Hist. Docs.,"

259. Villagra says that the Count was doing this secretly:

"Y con esto escriuió tambien a España,
Con notable secreto y gran recato,
A vuestra Real Consejo que si fuessen,
De parte de don Juan a que aprouasen,
Aqueste assiento y causa ya tratada,
Se suspendiese todo y dilatase,
Hasta que el de otra cosa dlesse auiso."

See his "Historia," I. 30.

93. "Carta de don Juan de Oñate a S. M.," December 16, 1595, A. G. I., 58-3-15.

father in the conquest of Nueva Galicia and his own determination to spend life and fortune in a similar cause. His contract had been accepted by Velasco. Excessive delays which had intervened were damaging the expedition materially, and he humbly sought a favorable decree from the king in a cause which was so important to the royal service. Oñate emphasized the fact that he had not contracted for anything besides what was granted in the ordinances of 1573, due to the fact that Lomas and Urdiñola had failed in the same cause since their demands had been deemed exorbitant.⁹⁴ But he did make one urgent request. He desired to be directly subject to the Council of the Indies, in accordance with the law, which would make him independent of the viceroy of New Spain and the audiencias.⁹⁵ This had been granted by Velasco but vetoed by Monterey.⁹⁶

No relief followed this petition. The Count's report of December 20, and Oñate's appeal of December 16, were evidently received by the Council of the Indies at the same time and the viceroy's acted upon first.⁹⁷ Oñate's message was considered on March 11, 1595.⁹⁸ The Council heartily encour-

94. The statement Oñate here makes is bombastic if Monterey spoke the truth when he said that he modified Oñate's contract to make it similar to Urdiñola's. Five out of the eight articles modified were fashioned after that model. It seems to be true however that Lomas' contract was very extravagant. Bancroft, "Arizona and New Mexico," 99-100.

95. No. 69 the "Ordenances de su Magestad hechas para los nuevos descubrimientos . . . Julio de 1573," in "Col. Docs. Ined.," XVI, 161.

96. See below.

97. This is inferred from the decree of the Council in regard to Oñate's request, which read, "que esta bien como se a respondido al virey." Decree in "Carta de don Juan de Oñate a S. M.," December 16, 1595. The reply here referred to is unquestionably the decree which appears on Velasco's letter of October 14, 1595, informing the king of the contract made with Oñate. It was acted upon by the Council on March 4, 1596. The decree reads: "Al Conde de Monterey se escrivia con esta rrelacion, encargandole que entendido el estado en que dexa don Luys la guerra a esta pacificacion lo procure fauorecer para que se continue como cosa que se ha deseado y ynporta, y abise de todo la que se hiziere. Hay una rubrica." Decree in "Carta de don Luis de Velasco a S. M., October 14, 1595, A. G. I., 58-3-12.

98. See "Carta de don Juan de Oñate a S. M.," December 16, 1595. "Vista en XI de Marzo, 1596."

aged Don Juan but aside from that simply asked the viceroy and audiencia of New Spain to make further reports in this matter. Meanwhile no changes were to be made.⁹⁹

Monterey's Decision. The Count of Monterey seems to have been somewhat inconsistent. At the time that he asked the king not to approve Oñate's pretensions he had already come to a decision in regard to at least one point. He had rejected the article permitting the governor of New Mexico to be immediately subject to the Council of the Indies.¹⁰⁰ All other doubts were cleared up immediately after the sending of the letter of December 20. In his next report to the crown the Count stated that he had come to a decision in regard to Oñate's contract during the Christmas holidays.¹⁰¹ On that occasion his capitulations were carefully compared with those formerly made with Lomas and Urdiñola, likewise for the conquest of New Mexico, and his conclusion was to limit some of the articles granted by Velasco even though they might be sanctioned by the laws of 1573. Monterey professed to have many reasons for acting in such a manner, the gist of which was that if Oñate merited reward it could be given in the future.

Reasons for his Action. The viceroy went on to explain his treatment of Oñate at some length. Ogaño's expedition to the Philippines, in which it seem he was particularly interested, and Vizcaino's expedition to the Californias were being recruited at the same time. He desired to speed up the former, and therefore had not allowed Oñate more than one recruiting squad although he thereby delayed the organization of his army. His reason for this was practical enough as he feared that so many simultaneous efforts to fill the requisite quotas would lead to serious trouble with the Indians. In former years there had been much difficulty in recruiting the necessary men for the Philippine service. While the troops were

99. *Ibid.* "Informen cerca desto virey y audiencia y en el entretanto no se haga nobedad."

100. "Carta de don Juan de Oñate a S. M., December 16, 1595.

101. "Carta del Conde de Monterey a S. M., February 28, 1596.

being enlisted the city of Mexico would be in a state of turmoil, since compulsion was frequently resorted to in order to get the desired number. Accordingly Monterey wanted to send off the more difficult sea expedition, fearing that everybody would flock to Oñate's standard as he would go by land. The results were as expected. Ogaño had no difficulty filling his quota, and thus at the time Monterey was writing, February 28, 1596, he had already permitted Oñate the privilege of sending out additional recruiting squads both in Mexico and in Nueva Galicia.¹⁰² Monterey's caution in regard to arousing the Indians was in accord with his general policy as viceroy. He was determined to settle the Indian problem of New Spain which his predecessor had not accomplished. For that reason he did not wish to incur the hatred of the natives before attempting to carry out the plans of his administration.¹⁰³

In addition the new viceroy was opposed to some parts of Oñate's contract, and he requested that these be not granted. He had conferred with his advisers in New Spain who were better informed in such matters, and they supported him. Oñate's independence of the viceroy of New Spain was not allowed.¹⁰⁴ Monterey felt that there was too great danger in giving him such freedom. The king's subject in New Spain should have recourse to the crown there, and not only in distant Spain. He considered it even less tolerable that there should be no appeal to the audiencias, as was provided in Oñate's contract. The audiencia served as a check on the viceroy; was it fitting that a mere governor should be completely unrestricted? Moreover doubts were cast on Oñate's fitness for the position of governor of New Mexico. He lacked property and funds, and was burdened with debts, so it was said.¹⁰⁵ These aspersions came at a critical moment. Previously, on December 20, 1595, Monterey advised delay. Now,

102. Ibid.

103. Bancroft, "Mexico," II, 767; Rivera Cambas, op. cit., I, 71-72.

104. See below.

105. "Carta del Conde de Monterey a S. M.," February 28, 1596.

two months later, he not only recommended reservations but actually cast serious reflections on Oñate's ability to carry out the conquest. These statements were duly considered by the Council of the Indies. They came at the time when Don Pedro Ponce de Leon was seeking the Council's permission to replace Oñate as governor of New Mexico.

The Modifications. The limitations made by Monterey in Oñate's contract were finally made known at Christmas time, 1595. Notice of what the viceroy had decided upon was sent to Luis Nuñez Pérez and Cristobal, Oñate's brothers who represented him in Mexico. The modifications follow.¹⁰⁶

First, the right to enlist soldiers and colonists was limited to the expedition then being prepared by Oñate. If reinforcements were needed a special order must be sought from the viceroy. The appointment of the commissioned officers was limited in the same way.

Second, Oñate's right to appoint royal officials with suitable salaries was limited so that their pay should not exceed that of the officials in Mexico.

Third, instead of being independent of the viceroy and audiencia in Mexico, Oñate was made responsible to the viceroy in all matters of war and finance, and to the audiencia of Mexico in judicial and administrative affairs.

Fourth, Oñate had been permitted to send some ships to the "North Sea" which he was about to discover. This privilege was withdrawn.

Fifth, the Indians were to be persuaded, if possible, to pay tribute voluntarily. The governor might determine the amount, but he was required to seek the advice of the royal officials and of the prelates of the religious orders.

Sixth, all encomiendas of Indians granted by Oñate must be reported to the king and confirmation secured within three years.

106. Martin Lopez de Gauna to Cristobal de Oñate and Luis Nuñez Perez (December, 1595?) A. G. I., 58-3-15.

Seventh, the honor of becoming *hidalgo* with the same privileges as nobility of that rank enjoyed in Spain, was limited to those who persevered in the conquest for five years.

Eighth, Oñate was ordered to pay for the thirty quintals of powder and one hundred quintals of lead which the king was to provide.

Acceptance of the Modifications. Cristobal de Oñate had been informed of these limitations of his brother's capitulations by Martin Lopez de Gauna, the "secretario de gobernacion," without delay, it seems.¹⁰⁷ But in view of the fact that Don Juan's privileges had been so severely curtailed Cristobal protested. In assuming this conquest it was his brother's principal motive, as well as his own, to continue to serve the king as their family had hitherto done.¹⁰⁸ It was in that manner they hoped to win reward, rather than by seeking the fulfillment of those provisions in the contract which Monterey had limited. For that reason he consented to the modification of Oñate's contract, as the Count had stipulated, in order that the expedition might go on. Obviously that was the only course open to him. Cristobal made one reservation, however. He retained the privilege of appealing to the king for the restoration of the limitations which he had just assented to, and also made a special request of the viceroy. He asked that Don Juan be freed from the obligation of paying for the powder, lead and artillery as Monterey had required. Cristobal stated that it had been granted in order that Leyba and Humaña and their companions, who were thought to be in New Mexico, might be apprehended. The Count however was

107. Martin Lopez de Gauna to Cristobal de Oñate and Luis Nuñez Perez (December, 1595?) A. G. I., 58-3-15.

108. Letter of Cristobal de Oñate, (January, 1596) A. G. I., 58-3-15. Cristobal's reply was written in the margin of Gauna's letter containing the limitations made by Monterey. No date is given for either one, but it is evident that this correspondence took place between the Christmas Holidays of 1595 and January 13, 1596. The Count said he made the modifications at the former time. On the latter date the viceroy issued a decree acknowledging receipt of Don Cristobal's letter wherein he agreed to the limitation of the contract in the name of his brother. This decree finally permitted Oñate to go ahead with the expedition.

adamant. No concession would be made. But he did agree to investigate the particular reasons advanced and promised that if these proved sufficient to warrant the expense to give attention to the request. 109

The Expedition Authorized. On the acceptance of Cristobal de Oñate's letter the Count immediately dispatched a decree, giving Don Juan permission to use the contract which Velasco had made with him, provided the above limitations were added.¹¹⁰ He was thus finally given an unrestricted right to proceed with the conquest and to enjoy all the privileges previously granted, with the exception of the restrictions just noted. For Oñate the clouds of trouble at last seemed to have rolled away, but in the meantime a plot was hatching on the other side of the Atlantic. So we shall now leave Oñate to enjoy his temporary good fortune while we observe the development of events in Spain. For a time these affairs, centering about Don Pedro Ponce de Leon, threatened to upset Don Juan's hopes and to give an entirely different turn to the story of the conquest of New Mexico.

109. Martin Lopez de Gauna to Cristobal de Oñate and Luis Nuñez Perez.

110. January 13, 1596. "Aceptacion del consentimiento a la moderacion de las capitulaciones. . . .", A. G. I., 58-3-15.

(To be continued.)