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France V. Scholes

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CHURCH AND STATE IN NEW MEXICO 1610-1650

By FRANCE V. SCHOLES

(Continued)

CHAPTER V

THE ADMINISTRATION OF LUÍS DE ROSAS 1637-1641

I

WITH THE possible exception of Diego de Peñalosa, who was governor from 1661 to 1664, Luís de Rosas was the most interesting of all the men who ruled New Mexico prior to the Pueblo Revolt. He was an outspoken, hard-hitting soldier, fearless in action. He made his decisions quickly and executed them ruthlessly. He had the qualities useful in a leader of a faction, but unsuited to the civil administration of a province where passions had already been deeply aroused. Men admired him or hated him, for his character was of that direct and positive sort that leaves no room for neutral ground.

Rosas was appointed governor of New Mexico by the viceroy, Marqués de Cadereita, and the clergy of New Mexico later charged that he was merely Cadereita's servant.¹ The first glimpse of Rosas, in the spring of 1636 probably soon after his appointment, shows him anxious to set out for his province, for he had petitioned the viceregal authorities for permission to leave for New Mexico in advance of the regular

supply caravan.² He was obliged to curb his restlessness, however, and wait for the caravan that left later in the year. He arrived in New Mexico in the spring of 1637, and on April 19 took over the province from his predecessor, Francisco Martínez de Baeza.³

During Rosas' term of office (1637-1641) the spirit of faction and bitterness between the two jurisdictions that had been developing ever since the days of Peralta came to a climax in a series of tragic events which left the province a house divided. Father Manso's optimism was not justified; Rosas, instead of giving the Church "pleasure and peace," soon came to be regarded as the mortal enemy of the clergy.

Curiously enough the Inquisition played only a very minor role during the Rosas period. An explanation is not difficult to find. Friar Estéban de Perea continued to exercise the authority of local representative of the Holy Office during the decade of the 1630's. To the end of his life Perea retained his old zeal, and instead of taking his ease at the pueblo of Sandía he assumed the responsibilities of a new mission post in the pueblo of Cuarac. His quarter-century of experience in all phases of missionary business, his terms as prelate, and the vindication he had received in Mexico City in 1627-1629 gave him great personal influence, and as a member of the committee of definitors he kept in touch with details of local administration. But active leadership had passed into other hands. Friar Cristóbal de Quiros and Friar Juan de Salas who bore the brunt of the conflict with Baeza and Rosas were old associates of Perea, and they probably relied on him for counsel. But they made the final decisions, not Perea.

Age was demanding its inevitable price: the Perea of the 1630's was not the Perea of the old quarrel with Eulate. During the last four or five years of his life, he exercised his functions as agent of the Holy Office sparingly. He did not seek to initiate investigations and summoned only a few witnesses when a situation had been presented to him in a voluntary declaration. His death, which probably occurred

in the winter of 1638-1639,⁴ came just at the moment when Custodian Salas and Governor Rosas were "clearing the decks" for a finish fight. By the time the Holy Office could appoint a new agent for New Mexico the situation had passed the investigation stage and demanded more stringent action than could be taken under the cumbersome methods involved in an inquisitorial process.

Thus in the great crisis of 1639-1642 the weapons which Perea had eagerly sought as an aid to the Church lay unused. In the preliminary skirmishes of 1638 a few sworn declarations of evidence were made and duly transmitted to the Holy Office, but they are important now only as a source of information concerning certain events of that period. Faltering hands wielded the weapons of the Inquisition—and those hands were Friar Estéban de Perea's!

II

Rosas' first important duty as governor was to take the residencia of his predecessor. The clergy confidently expected that he would submit Baeza to severe rebuke and punishment, but to their amazement he refused to permit himself to be made their instrument of vengeance. It was charged several years later (1641) by the anti-Rosas faction that he accepted a bribe from Baeza in return for which he made no strict investigation of the latter's official conduct.⁵ This was not unlikely, as bribery was not an uncommon means of escaping a strict residencia. It is evident in any case that Rosas refused to take the side of the Church with regard to the recent difficulties with Baeza, and his independent action, whether it involved the acceptance of a bribe or not, brought him adverse criticism.

This was merely the first cause of friction between the two jurisdictions. More important was the old problem of Indian administration, for Rosas appears to have adopted the system of exploitation that had been employed by his predecessors. The most explicit, as well as the most detailed, indictment on this charge is contained in a general accusa-

tion presented in 1641 by Capt. Francisco de Salazar, one of the governor's enemies and a leader in the clerical, anti-Rosas faction. Additional information is found in depositions made before Friars Perea and Salas and transmitted to the Holy Office. The accusations contained in these documents may be divided into two groups: (1) those dealing with the exploitation of the converted Pueblos, and (2) those which relate to Rosas' policy toward the nomadic tribes.

With regard to the Pueblos Rosas followed Baeza's example and required the Indians of the several villages to weave mantas and other textiles. He also established a workshop in Santa Fé where the Indians, both Christian and unconverted, including Apache and "Utaca" captives, were forced to labor for long hours under conditions of virtual servitude, and it was said that Rosas himself was often to be found there, surrounded by Indians and so covered with dirt that only by his clothes could he be distinguished from the Indians.⁶ Indian labor was employed also in planting great quantities of food.⁷ Likewise, the frontier pueblos were used for barter and trade with the nomadic Apaches. The pueblo of Pecos was one of the most important of these frontier trading posts, and from time immemorial the Indians had bartered for the buffalo hides and meat brought in by the Apaches. To Pecos Rosas took a large quantity of knives to be used in trade, but apparently he had little success in this venture. The governor blamed the friars in charge of the mission, and had one of them arrested and placed under guard.⁸ It was also charged that, in order to induce the Indians of Pecos to greater activity, he promised them permission to revert to some of their old pagan and idolatrous customs if they could furnish more mantas and hides.⁹

The denunciations of Rosas' policy toward the nomadic, unconverted tribes were equally severe. Against the "Utacas," a bellicose people living beyond the Pueblo area, but from whom the Spaniards and Pueblos had received no harm, Rosas was said to have made unjust war. Several of the

Indian warriors were killed during the encounter, and a group of eighty were captured, some of whom were sent to labor in Rosas' Santa Fé workshop.¹⁰

More serious were the complaints made concerning Rosas' Apache policy. The Apaches were already becoming a serious problem, for although some of the tribes traded now and then at Pecos or with the pueblos in the Tompiro area, the general trend of Apache-Pueblo relations was becoming more and more hostile. During Baeza's term of office the raids had become fairly frequent, but he made no serious attempt to deal with the problem. Consequently the Apaches were emboldened, and continued their marauding adventures. Captain Salazar complained that Rosas not only neglected to prepare an adequate defense, but even failed to organize any counter attacks after raids had been successfully executed. On the other hand, it was charged that he was directly responsible for a definite sharpening of Apache hostility, for during an expedition to the plains of Quivira he permitted treacherous attacks to be made on a friendly Apache tribe during which several of the Indians were killed and others were made prisoners. Some of the prisoners were impressed as laborers in the Santa Fé workshop and others were sent to New Spain as slaves.¹¹ In short, Rosas aroused the Apaches by acts of treachery, and then failed to protect the frontier pueblos when counter-raids were made.

Another group of Indians whom Rosas antagonized were the Ipotlapiguas who lived in northern Sonora. For several years the friars had been interested in the possibility of evangelizing these tribes and their neighbors, the Zipias,¹² and in the spring of 1638 a group of five friars and an escort of forty soldiers commanded by Rosas himself set out for the Ipotlapigua country. The friars regarded the expedition as essentially a missionary enterprise, and they expected to remain with the Ipotlapiguas and the Zipias as resident missionaries in case their labors were successful. But according to available evidence—all of it is hostile—the governor turned the expedition into a venture for his own profit. As

soon as the party arrived in the Ipotlapigua area he forgot his duty toward the friars and their mission and made all sorts of unjust demands on the Indians. He forced them to bring in feathers and hides, robbed them of their clothing, even the garments that covered their nakedness, and threatened to burn their villages if they did not comply with his demands. The protests of the friars against these abuses were without avail. Rosas continued to follow his policy of extortion, and the Indians, who had seemed willing enough to listen to the teachings of the friars, fled to the mountains when they realized the nature of Rosas' motives. The mission to the Ipotlapiguas was thus a failure, and the friars who had expected to remain with them as ministers and teachers returned to New Mexico with the military escort.¹³

Such were the most important complaints made against Rosas on the score of exploiting and maltreating the Indians. The charges were made by his personal enemies and by the clergy, and should be viewed with a certain amount of caution, although there is no doubt that Rosas laid a heavy burden of labor on the Indians and exploited them to the limit. It should be noted, however, that some of the evidence is not so hostile. The charge that Rosas mismanaged the Apache problem was contradicted by Sargento Mayor Francisco Gómez, one of the founders of the province and its most important military figure during the first half of the seventeenth century. In a letter to the viceroy, Gómez praised Rosas' conduct and especially his successful expedition to Quivira and the resolute action by which he had forced the Apaches to accept peace.¹⁴

III

According to the clerical party it was the purpose of Rosas to destroy all ecclesiastical privilege and authority. As an example of his lack of respect for the immunities of ecclesiastical persons, the arrest of one of the friars stationed at Pecos was cited.¹⁵ Investigation of the conduct of the guardian of Taos whom the Indians accused of grave immorality was doubtless another case in point.¹⁶ It was also

reported that during the journey to the Ipotlapigua country in 1636 Rosas questioned the authority of Friar Antonio de Arteaga, commissary of the clergy who had been appointed to the Ipotlapigua mission, on the ground that the custodian had no authority to grant Arteaga the powers of a legitimate prelate. Likewise, it was said that he made certain general statements implying doubt concerning the just authority of the Church as a whole. Friar Arteaga decided that it was necessary to correct these errors as well as to denounce the governor's exploitation of the Ipotlapiguas. In the course of a sermon which he preached on St. Mark's day, he explained that all Catholic princes were subject to the laws of the Church and were in duty bound to defend them. He cited the king of Spain as an example of such a Catholic prince, and in order to press the point home he also stated that although it was possible for a man to be relieved of obedience to the civil law of one state by moving to another state, it was impossible for any man ever to become exempt from obedience to the laws of the Church. In fact, any man who refused such obedience would be a heretic. Angered by these remarks Rosas rose from his place and shouted, "Shut up, Father, what you say is a lie." And with these words he left the services and most of the soldiers followed him. When he reported this incident to Friar Perea several weeks later, Arteaga said:

Seeing that they left without wishing to hear the sermon and mass, and having had experience with the depreciations with which they regard excommunications, I did not wish to deal so severely with them. Instead, I merely told them that in the name of God, whose minister I was, I ordered them to listen; and that if they did not do so, the curse of God and of St. Peter and St. Paul would fall upon them.

The Indians who were present, especially the Christian Pueblo Indians who had accompanied the expedition, were scandalized by Rosas' action. They remarked that if the

governor could call a priest a liar, how, then, could they henceforth believe what the friars taught?"¹⁷

The question that finally forced the issue between Rosas and the clergy was the status of the representatives of the Santa Cruzada in New Mexico.¹⁸ The Bull was first preached in New Mexico in 1633. Friar Juan de Góngora, the custodian, was appointed commissary subdelegate, and he continued to serve in that capacity when his term as custodian came to an end in 1635. The first treasurer was Capt. Roque de Casaus, who was later succeeded by Alférez Juan Márquez.

From the beginning there had been difficulty. In the first place, Father Góngora failed to present his patent as commissary subdelegate to the cabildo of Santa Fé for formal acceptance. This touched the pride of the local officials and also raised some doubt concerning the validity of Góngora's exercise of authority. Second, many persons could see no justice in preaching the Bull in New Mexico where the citizens were engaged in a real crusade against pagan enemies, such as the unconverted Apaches and Navahos who threatened the existence of the missions. And it was reported that certain friars shared this view.¹⁹

In the course of time complaints were made concerning the arbitrary manner in which the commissary subdelegate and the treasurer exercised their authority. The procurator general of the province informed the tribunal of the Crusade in Mexico City that the treasurer was using his authority to obtain special advantages in the settlement of private business operations. The tribunal denounced such action and ordered the treasurer to use his official position only for collections of sums due for purchase of bulls. Father Góngora added to the discontent by publishing an edict on August 6, 1638, imposing the censure of excommunication on all persons who were in arrears on sums owed for bulls.²⁰

But there is another aspect of the general situation which deserves notice. The clericals testified in 1644 that a

certain Juan de Trespalacios, who had returned to Mexico after a brief service in New Mexico as a familiar of the Crusade, forwarded to Father Góngora a viceregal order guaranteeing to the citizens of the province complete liberty in their private business operations, especially in carrying on trade, and the right of free movement to and from the province. Góngora turned this order over to Capt. Nicolás de la Mar y Vargas, notary of the cabildo, for formal presentation. According to the notary's own testimony, and substantiated by the testimony of others, Rosas considered this act a great affront, and would have sent the notary to the garrote if friends had not intervened. The governor blamed Góngora for the entire incident, and from that moment displayed open hostility toward the friar and the business of the Crusade.^{20a}

Finally in January, 1639, the treasurer Márquez was arrested and charged with "certain grave offenses," and Father Góngora sought to defend him by an assertion of ecclesiastical privilege. The alcalde ordinario, Capt. Roque de Casaus, brought the matter to the attention of the cabildo in a formal petition on January 28. He questioned Góngora's authority on the ground that the friar had never formally presented his appointment as commissary subdelegate of the Crusade before the cabildo. He complained that Góngora had constantly acted in a high-handed manner, disturbing and scandalizing the province with excommunications and interdicts, protecting guilty parties and doing injustice to the citizens, opposing governmental officers and interfering with civil jurisdiction. He also accused both Góngora and Márquez of using their offices and privileges to seize property unlawfully.²¹ The last item was a grave charge. In justice to the accused, it must be pointed out that the clerical faction later stated that Márquez had attempted to force Captain Casaus to give an accounting of funds received when the latter had served as treasurer of the Crusade, and that Casaus took advantage of his position as alcalde ordinario of Santa Fé to prevent such an accounting.²²

Whatever the cause, the arrest of Márquez forced the issue of ecclesiastical jurisdiction. During the early weeks of 1639 the civil authorities entered into an open controversy with Father Góngora and demanded that he give proof of his appointment as commissary subdelegate to the cabildo. Góngora refused to comply, stating that in accordance with his original instruction he had presented his papers to Governor Mora Ceballos when the Crusade had first been preached and that he was under no obligation to present them to the cabildo. Moreover, when the cabildo notified him of the decree of the central tribunal of the Crusade forbidding the treasurer to use his official position for private ends, Góngora countered by declaring that the tribunal's action had been based on false information supplied by the procurator general, and that the tribunal had later restated the right of agent of the Crusade to exercise jurisdiction in the collection of private debts. The cabildo called upon Góngora to present the text of this new provision, but he replied that he had sent all the papers to Mexico by a special emissary. He also reiterated his refusal to present his patents of appointment as commissary subdelegate.²³

The immediate outcome of this affair is not known, at least so far as Márquez is concerned. But Captain Salazar and other members of the anti-Rosas group testified that the governor sought to have Custodian Salas order the withdrawal of Góngora from the province, a request which Salas refused on the ground that he had no jurisdiction over a representative of the Crusade. Rosas then banished Góngora on his own authority, and according to our informants the friar died of grief!²⁴

Thus the relations between Church and State had once more reached the breaking point. The clergy were thoroughly aroused, and they made free use of the penalty of excommunication. From 1638 until his death on January 25, 1642, Rosas was under ecclesiastical censure continuously. And the governor, in turn, became increasingly hostile to the clergy and their supporters.

IV

Captain Salazar's list of complaints also included many charges of arbitrary and unjust action toward members of the lay community. It was stated, for example, that Rosas always seized the best of the goods or supplies obtained by trading parties sent out to barter with the unconverted nomads; that he controlled all local commerce for his own benefit; that he seized looms owned by private citizens in order to give his own workshop a greater monopoly over local textile production; that he seized and slaughtered approximately one-third of the cattle owned by private citizens in order to provide food for the laborers in his workshop, or in order to pay for the goods that the Indians of the various pueblos made for him. All these acts of injustice resulted from the eager desire of Rosas to accumulate stocks of merchandise for shipment to New Spain.²⁵ Even the private lives of some of the citizens did not escape the heavy hand of his tyranny, for he was accused of compelling certain persons to marry against their will.²⁶

The cabildo of Santa Fé played an important part in the dispute with Father Góngora created by the arrest of Treasurer Márquez, and during the succeeding two years it actively supported Rosas during the open breach of relations with the clergy. It is apparent that Rosas secured this support by manipulation of cabildo elections in order to build up a faction favorable to his interest, but in doing so he alienated the sympathies of a group of the professional soldier-citizens who immediately espoused the cause of the Church. This phase of the general Rosas episode was of prime importance because it led to an open breach in the lay community itself, and gave the clergy the support of a military clique which became bitterly resentful of the governor's policy.

It appears that members of the cabildo who were in office during the first year of Rosas' term of office opposed some of his policies. Captain Salazar stated in his general petition of complaint that Rosas wished to destroy the

authority of both the Inquisition and the Crusade in New Mexico and sought to have the cabildo join him in a formal denial of the jurisdiction of these tribunals. Three of the regidores, Alférez Cristóbal Enríquez, Capt. Diego de la Serna, and Alférez Diego del Castillo, resisted his demands, and the governor showed his displeasure by maltreating them by both word and deed. Against Enríquez, who was apparently the leader of the dissenting group, Rosas employed physical violence.²⁷

Finding that most of the regidores opposed his policies, Rosas undertook to secure the election of a new cabildo that would do his bidding. This was a fairly easy matter, as he had the right to confirm the annual election of regidores and alcaldes ordinarios. The effectiveness of his influence is clearly indicated in the complete support which he received from the cabildo in January and February of 1639 during the controversy with Father Góngora caused by the arrest of Treasurer Márquez. From 1639 to 1641, when Rosas' term came to an end, the cabildo was made up of men who were partisans of the governor.²⁸

The resentment caused by Rosas' manipulation of cabildo elections is clearly indicated by the slurs and insults directed against his supporters by members of the clerical party. One of the friars called the new regidores "those four mestizo dogs,"²⁹ and in 1644 the Rosas faction was described as consisting mostly of "a foreigner, a Portuguese, and mestizos and sambohijos, sons of Indian women and negroes and mulattoes."³⁰

Care must be exercised, however, in dealing with these characterizations of members of the Rosas faction. One of the governor's loyal defenders was Sargento Mayor Francisco Gómez, a time-tried citizen who had had wide experience in provincial affairs. Capt. Roque de Casaus, who served as alcalde ordinario after the new election, had held the same office six years earlier and, as noted above, had served as first treasurer of the Crusade. The second alcalde ordinario was Francisco de Madrid, member of a family

that served the Crown faithfully throughout this early period. One of the regidores was Diego de Guadalajara who was leader of the famous expedition into Texas in 1654. Another was Matías Romero, member of one of the oldest conquistador families, although it must be admitted that the family deteriorated during the seventeenth century. It is perfectly clear that toward the middle of the century mestizos and even negro castes obtained office. It was an inevitable trend, due to the lack of immigration. And on no other occasion were the castes so fiercely denounced. It is difficult to avoid the conclusion that the epithets directed against the Rosas faction by their enemies expressed personal and political passion rather than any deep feeling with regard to the character and race of members of the government party.

But whatever the facts may have been, it is perfectly clear that Rosas antagonized a group of powerful soldier-citizens. Capt. Francisco de Salazar, whose general indictment of Rosas' conduct has been cited so often, was a member of the disaffected party which also included Antonio Baca, Diego Márquez, and Juan de Archuleta.

To sum up, the most important result of the first two years of Rosas' administration was to arouse the opposition of both the Church and a considerable part of the lay community. The clergy saw in Rosas the arch-enemy of the missions and of all ecclesiastical authority. The discontented soldiers were cut to the quick by his arbitrary governmental policy, and probably by acts which affected their pride. A clerical-military coalition was thus formed, and during the succeeding three years it played a very interesting rôle in provincial politics.

V

The preceding discussion has been based almost completely on evidence and petitions presented by the anti-Rosas party. It is necessary now to review the situation from the point of view of the governor and his faction.

In 1637 and again in 1638 representations were made to the viceregal court concerning the arbitrary manner in

which the clergy exercised jurisdiction, and on one of these occasions substantiating documents were submitted. These documents form the expediente cited as *Diferentes Autos*²² in preceding chapters of this essay. The first group of papers dealt with an incident of the Oñate period,—the banishment of a soldier from provincial headquarters at the instigation of the Father-Commissary. The second item was the original trial record in the Escarramad case. (See Chapter II). The remaining documents were from the Baeza period, such as the papers on the controversy over the Zuñi mission escort, decrees of excommunication, etc.

To the several groups of documents were appended statements which well illustrate the point of view of the anti-clerical faction. The following is the most inclusive:

[This document] is transmitted in order that it may be seen what an old practice it is for the friars to wield a strong hand in New Mexico . . . and if they are contradicted, they start lawsuits and disturbances, calling [their opponents] enemies of the Order of St. Francis, and denouncing governor and citizens as heretics, as they did with Governor Don Pedro Peralta whom they imprisoned.

In 1638 Governor Rosas dispatched to the Holy Office the testimony and general complaint concerning the misconduct of the guardian of Taos, and took occasion to make certain observations concerning the manner in which the business of the Inquisition was conducted in New Mexico.²³ And at the same time Sargento Mayor Francisco Gómez wrote a strong letter defending the administration of Rosas and calling attention to the tremendous power and influence of the clergy and the unbridled manner in which they interfered in provincial affairs.²⁴

The controversy with Father Góngora further aggravated Church and State relations, and about the same time another source of irritation was created. The prelate, Friar Juan de Salas, gave orders to the guardian of Santa Fé not to administer the sacrament of penance to citizens seeking it,

and complaints were made to the governor. Rosas issued a formal *auto* summoning the cabildo to a conference for the purpose of discussing the situation. The statement issued by the cabildo as a result of this meeting contained a bitter denunciation of the friars and their alleged abuse of authority. This petition and the papers relating to the Góngora case were transmitted to the viceroy in February, 1639, and were accompanied by a long justificatory dispatch by the cabildo.⁸⁴

The most serious complaint dealt with the wide and varied powers enjoyed by the clergy. The struggling lay community found itself under the thumb of three kinds of ecclesiastical authority and of three tribunals, each with its own chief and lesser officials. The custodian exercised the powers of local prelate with authority to grant or withhold the sacraments, to excommunicate and to absolve, to institute ecclesiastical process, and to sentence the guilty. It was said that for the most minor cause the citizens found themselves cut off from the sacraments and placed under ecclesiastical penalties. The sacrament of penance was often withheld, especially during Lent, unless the penitent signed papers praising the clergy and denouncing civil authority. The case of Governor Baeza was cited as an example. The governor and several other persons refused to sign the prescribed papers and were denied confession. The cabildo made a special trip to Santo Domingo, the ecclesiastical capital, to intervene in the governor's behalf. The custodian received them with open discourtesy and apparently refused to entertain their good offices.

The commissary of the Inquisition possessed authority to investigate cases of heresy, to pry into the lives of citizens, and to summon witnesses great distances, merely stating that it concerned the business of the Holy Office. The Crusade, likewise, had its own chieftain and lesser officers, independent of all authority except that of the tribunal of the Crusade in Mexico City.

Each of these three jurisdictions enjoyed special powers and immunities, and each had its notaries and assistants, all enjoying the privileges of the ecclesiastical *fuero*. To make matters worse, these powers and privileges were all exercised by members of one and the same Order, inspired by a community of interest and purpose. Thus, according to the cabildo's complaint, the Franciscans had become "so powerful that, while enjoying the quiet and ease of their cells and doctrinas, they are able to disturb and afflict the land and to keep it in [a state of] continuous martyrdom." Conflicts or differences with one jurisdiction thus became a conflict with all. Excommunications, interdicts, and denials of the sacraments were lightly ordered and, "what is worse," these were frequently issued against the governors and other civil authorities. Moreover, the censures were sometimes pronounced at most inconvenient times. The Commissary of the Crusade, for example, had posted an edict of excommunication against the civil authorities, just at the time when Rosas was preparing to undertake a campaign against the nomads, and had caused confusion in the midst of the preparations. The slight revenue received from the Crusade was more than offset by the fact that it gave the clergy means for disturbing and scandalizing the province. And the cabildo was especially bitter in denouncing the abuse of authority and privilege by officials of the Crusade in private business operations.

The cabildo did not question the inherent justice of ecclesiastical jurisdiction, but it did believe that the community was too small to warrant the existence of three separate tribunals. The complaint stated that the Church had as many, or more, officials than the civil government, and that some of these officials, being laymen, were sorely needed as soldiers. And the special jurisdictional privileges enjoyed by familiars of the tribunals made the administration of justice exceedingly difficult. Moreover, the heads of the three tribunals seldom lived in the same pueblo and none of them, apparently, made their headquar-

ters in Santa Fé, so that citizens, when summoned on ecclesiastical business, found it necessary to travel great distances back and forth across the province. Representations had been made to the Father-Custodian concerning abuses, but they had served merely to create new sources of conflict and irritation. And whenever the clergy learned that the civil authorities reported cases of violation of civil jurisdiction to the viceroy, they would clamor that the authorities had thereby violated ecclesiastical immunity.

In addition to the long and bitter complaint about the exercise of ecclesiastical authority, the cabildo also discussed the fundamental economic conditions which caused difficulties between Church and State, particularly the rivalry over lands, labor, and the breeding of livestock. It resented the complaints of the clergy that the estancias of private citizens infringed on the communal holdings of the Indians, and took pains to point out that the friars themselves were in possession of thousands of head of stock which grazed on the pueblo ranges. "Each friar possesses one or two thousand sheep, whereas there are few citizens who have as many as five hundred, others do not have even a hundred, and those who live in the villa do not have farms or livestock." The cabildo suggested that inasmuch as the Crown supported the missions, the clergy should not engage in herding. Let their herds be divided among the poor. Such action would aid the struggling soldier-colonists and at the same time decrease the burden of labor on the Indians, for at every mission numerous Indians were constantly employed as cooks, carriers of wood, grinders of corn, and herdsmen. As many as thirty or forty were sometimes thus engaged in a pueblo of fifty or sixty houses. And whereas the friars all had twenty, thirty, or even forty horses, there were many soldiers so poor that they could not even buy horses and arms. Moreover, the clergy had more arms and weapons, shields, swords, arquebuses, and pistols than all the rest of the land. "We beg Your Excellency to order these arms deposited in the Casa Real in the power of the governor in order that he

may apportion them out in time of need, since there are none in the Royal Armory." Last of all, the viceroy was asked to investigate certain financial operations of Father Perea that had not been regarded as honest and straightforward.

These complaints went to the root of the difficulties between Church and State and indicated once more the fundamental issues: (1) the Church controlled by a single Order; (2) the exercise of wide and thoroughgoing powers over the citizens in every phase of their spiritual and moral life—with no appeal except to far-away Mexico on the one hand or to the local representative of the Crown in New Mexico on the other; and (3) the economic basis of the conflict. The appeal of the cabildo calls forth sympathy for the struggling community, a population of a few hundred isolated on a distant frontier, which supported the labors of the friars by military service and was burdened by the weight of three ecclesiastical tribunals watching every move for signs of heresy and apostasy and wielding the heaviest of ecclesiastical censures.

What were the remedies which the cabildo proposed? In the first place, it sought to have secular clergy appointed to the parish of Santa Fé in place of the Franciscans. The reasons for this petition are obvious, and we can have considerable sympathy for the cabildo's motives.

Second, the viceroy was requested to retain Rosas in office. The cabildo's characterization of the governor is interesting, even though it was doubtless written at the instigation of Rosas himself.

We are in duty bound to inform Your Excellency that our Captain General has resisted these hardships with great valor, and that he has also served Your Majesty . . . in journeys, punitive expeditions, and discoveries which he has made, conquering difficulties, not permitting peace or praise to impede him, holding and preserving the citizens and soldiers in peace and justice; therefore, we beg, Your Excellency . . . to preserve him in this office,

for it will be a great comfort and relief in the labor and afflictions which we suffer.

Finally, the *cabildo* urged the concentration of all ecclesiastical authority in the hands of one person who would serve as custodian, commissary of the Inquisition, and agent of the Crusade. This proposal was highly dangerous because it might give the prelate power equal to or greater than that of the governor. But the *cabildo* thought that the personal aspect of the problem was more important than the question of policy. It stated that in the past the prelate had been passed around among three or four of the older friars who had long been involved in the quarrel between the two jurisdictions. But all would be well if the viceroy could bring about the election of Friar Juan de Vidania, a newcomer, as prelate.

He will reform these disorders because he is a friar . . . virtuous and of exemplary life, . . . modest, unassuming, and on very good relations with the authorities and citizens . . . He has preached to us . . . as he should, interested only in declaring the Holy Gospel . . . without display of passion and discourteous words.

VI

Who was this Friar Juan de Vidania in whom the *cabildo* put so much confidence? Nothing is known concerning his early career except that he had entered the Franciscan Order in the Province of Michoacán after having been expelled from the Society of Jesus.⁸⁵ Nor do we have information concerning his service in New Mexico prior to 1638. But from 1638 on, he was openly identified with the Rosas faction. He became the chief aid and closest adviser of the governor, searching the law books and papal decrees for precedents to justify the governor's policies. By the other friars he came to be regarded as a thoroughgoing traitor and scoundrel. His interpretations of ecclesiastical law and custom were said to be so false and inaccurate that one friar declared he should have been refused the privilege of reading

Scripture and the canons. His Latin was said to be so crude that he deserved to be deprived of the exercise of divine offices. He brooked no correction from his superiors, and the friars who undertook to challenge his actions became his enemies.⁸⁶ Rosas and Vidania, in the eyes of the Church an unholy pair: Rosas, "one of the worst men of these centuries;"⁸⁷ Vidania, an evil friar defying the authority of his prelate; the one ruthless and violent, and the other shrewd and clever in defense.

The alliance between the governor and friar dated from 1638. At the meeting of the custodial chapter in that year Vidania was re-assigned to the pueblo of Picurís, and Father Domingo de Espíritu Santo to Santa Fé. But Father Domingo was not *persona grata* to the governor, and the latter called upon Custodian Salas to appoint Vidania to Santa Fé in his place. Rather than cause trouble, Salas consented.⁸⁸

It is difficult to follow the events of the succeeding year and a half in strict chronological sequence. The clergy insisted that Vidania lost no time in espousing the governor's cause, especially in the Crusade affair, and that he began to give advice on legal phases of the Church and State relations with a view to limiting, if not destroying, the jurisdictional authority of the clergy.

The death of Father Perea left the Holy Office powerless for the moment. And as a result of the Góngora controversy, the Crusade was apparently without a legally recognized leader.⁸⁹ Thus there remained only the power of the custodian, and so the next move was to question Father Salas' authority. Sometime during the year 1639 the governor and cabildo challenged the validity of Salas' official acts on the ground that he refused to present his patent of appointment for verification and record. Salas had already been serving as prelate for more than a year, and deemed this action insolent and unwarranted.

The general ordinance of 1574 dealing with the royal patronage had specifically stated that prelates of monastic orders before being admitted to office should give notice "to

the viceroy, president, audiencia, or governor who may be in charge of the superior government of the province, and present the patent of his appointment and election," etc.⁴⁰ Thus there was a clear obligation for the custodian to present his patent to the civil governor on taking office. We have no documents to illustrate actual practice in New Mexico, although Vidania, who acted as adviser to Rosas on all legal matters, stated that Friar Isidro Ordóñez had failed to present his papers and that Governor Peralta had therefore questioned his authority. Friar Bartolomé Romero, an associate and contemporary of Salas, argued that the proper procedure was for the definitors and other friars to receive the custodian, examine his papers, and formally accept him as prelate; and that when this had been done, formal certification of the friar as legal prelate would be made to the civil authorities. Romero stated that this form had been followed in the past without any question. It is obvious that this procedure did not conform to the letter of the law, which provided that the *patent of election* should be presented to the governor. Thus if Salas refused formally to present his appointment to Rosas, his authority could be questioned. But it is not clear whether this was the issue, or whether it had been demanded that he present his patent *before the cabildo*. Romero gave the impression that it was the latter, and if that was true, then the demand was not justified. For although cabildos were sometimes recognized as superior governing authorities of a province during vacancies in the governorship, the cabildo of Santa Fé was not so functioning when the demand for presentation was made.⁴¹

The important fact is that Rosas and Vidania took the position that Salas' failure to produce his papers deprived him of authority as legal prelate, and that his orders and censures had no validity.

In the meantime Vidania's relations with his Franciscan colleagues were strained to the breaking point. Toward the end of 1639 he had a violent disagreement with Friar Alonso Yanes, one of his subordinates in the Santa Fé con-

vent. The custodian immediately sent another friar, Father Antonio de Aranda, to assume the presidency of the convent and make an investigation.⁴² Not long thereafter occurred another incident which brought about a violent breach of relations between the civil and ecclesiastical jurisdictions.

VII

A certain Sebastián de Sandoval incurred excommunication for having posted "infamous libels" against Custodian Salas and other friars. Instead of punishing the offender for such lack of respect for the prelate, Rosas was more cordial to him than before. Emboldened by the governor's favor, he indulged in slander against various leading citizens and their wives, "and dared to do other shameful things, living in a scandalous manner."⁴³ Early in January, 1640, he was secretly murdered.

According to reports sent to the viceroy by the provincial authorities several persons were involved in the murder, including two friars one of whom had predicted the deed. When Rosas attempted to investigate, the clergy protected the guilty persons and he was obliged to abandon the inquiry. Three years later Governor Pacheco reported that Rosas actually arrested Capt. Juan de Archuleta, as a participant in the crime, but was forced by the pressure of public opinion to release him. Whatever the facts may have been, the investigation was permitted to lapse and officially at least the case remained unsolved.⁴⁴

Friar Antonio de Aranda, who had assumed the presidency of the Santa Fé convent, was absent when the crime was committed. Rosas turned to Vidania, and with the latter's consent had Sandoval buried in the Santa Fé church, despite the fact that he had died excommunicate. Father Aranda hastened back to his post and ordered Vidania confined to his cell pending orders from the custodian.⁴⁵

The governor immediately went to the aid of his ally. Taking a group of soldiers, Rosas entered the convent grounds and talked to Vidania through the window of his cell. It was agreed that the governor would forcibly remove

the friar to the Casa Real and appoint him "Royal Chaplain." Vidania, in return for this favor, would absolve the governor and his associates from all the censures that had been pronounced against them during the preceding months. This interview took place on January 12 and was carried out without delay. "By force of arms" Rosas entered the convent and escorted his ally to the Casa Real.

The following day (January 13) all of the other friars who were serving in Santa Fé were ordered to withdraw from the villa, under threat of death, thus leaving Vidania in complete control. On January 14 the Blessed Sacrament was removed from the church to a room in the Casa Real which henceforth served as a chapel for the parish. The convent and the Hermita de San Miguel were closed.⁴⁶

Custodian Salas immediately summoned Vidania to appear and defend his conduct, promising to "receive him with peace and love and let him explain all." When Vidania refused to answer the summons, the prelate declared him excommunicate and apostate, and forbade the citizens under penalty of excommunication to accept the sacraments from his hands. But the friar made light of this action and questioned the legality of the prelate's decrees on the ground that failure to present the patents of his office had invalidated his authority. The custodian then called upon Rosas and the cabildo to hand over the apostate and permit the appointment of another friar as parish priest. This request was denied, and for more than a year Vidania continued to serve as spiritual adviser and leader of the parish of Santa Fé.⁴⁷

The exact chronology of events between January, 1640, and the spring of 1641, when a new prelate and a new governor arrived, cannot be determined with certainty. Consequently the following discussion of the major incidents may be open to some question, although it is based on a careful study and reading of the available documents.

On February 8, 1640, Father Salas summoned the clergy to a conference at Santo Domingo. This action was taken on the advice of several friars. Rosas had made threats,

general and specific, against the custodian and other friars, especially the threat of seizing Salas and expelling him from the province. In certain pueblos the governor had ordered the Indians not to obey their ministers. At Taos the Indians had cast off all restraint, and killed the guardian of the convent, Friar Pedro de Miranda, and two other Spaniards. They had then moved on Picuris, but the friar-in-charge fortunately had been absent from the pueblo. Such were the reasons for calling the conference, as given in a formal statement issued by Salas and his associates on March 16.⁴⁸

When the friars assembled at Santo Domingo they canvassed the situation and decided that they would all accompany the prelate if he were expelled. Rosas, in turn, immediately characterized the conference as open rebellion and fulminated a decree condemning the clergy as traitors to the Crown and ordering them to leave the province within three days under penalty of "fire and blood." Although this order was not enforced, the friars deemed it dangerous to return to their respective missions, and remained in Santo Domingo for several weeks longer.⁴⁹

With the clergy there also assembled a number of prominent soldiers. Although some of them may have been inspired by a genuine concern for the safety of the friars, others were motivated either by a desire for personal revenge against the governor or by fear of his displeasure. Five of them subscribed to the manifesto issued by the clergy on March 16 explaining the reasons for the conference. They were Antonio Baca, Juan de Archuleta, Francisco de Salazar, Juan Luján, and Cristóbal Enríquez. The signatures of Archuleta and Enríquez need no explanation. The motives of Baca, Salazar, and Luján are not clear. But, as will be noted in due course, Salazar and Baca became the effective leaders of the anti-Rosas faction.

In April the friars decided to return to their *doctrinas*, and a formal document recording this decision was drawn up on April 8.⁵⁰ It was further decided to make another attempt to bring Rosas to reason by sending a special mission

of two friars to Santa Fé. For this delicate task was chosen Friar Bartolomé Romero who had been serving for more than ten years as guardian of Oraibi. Because his mission was so far removed from Santa Fé he had had no contacts with the governor, no reason to inspire his displeasure. Friar Francisco Núñez, an aged lay-brother, was to accompany him.

On April 24 Romero and Núñez set out from Santo Domingo, and early the next morning they arrived at the outskirts of Santa Fé. Tired and weary, they entered the Hermita de San Miguel to rest, while soldiers whom they had met outside the villa went to inform the governor of their arrival. Rosas immediately summoned a squad of soldiers and proceeded to San Miguel where the two friars awaited him outside the building. A shameful scene ensued. Rosas began to berate the friars, and finally became so enraged that he beat them with a stick. He attacked Friar Núñez first, breaking a stick over his head, and then, calling for another, rained blow after blow on Father Romero. Soon the two friars were "bathed in blood." And all the while Rosas continued to revile them, calling them liars, pigs, traitors, heretics, schismatics, etc. He finally placed them under arrest and took them to the Casa Real where they were held under guard.

During the remainder of the day there was much coming and going between the governor's quarters and the room in which the friars were being held. Rosas, Roque de Casaus, and others appeared from time to time and engaged in all manner of arguments, legal and theological, with the prisoners, and Father Romero later, asserted that he was certain that Vidania was directing and guiding the proceedings. During the day there were threats and rumors of dire punishment—whipping, the garrote, etc.—for the friars. But at the end of the day a formal decree was issued expelling them from the villa. Friar Núñez had been so weakened by the ordeal that he had to be carried part of the way, but about midnight the friars found refuge in a ranch house. The

next day Vidania said mass for the governor and his associates and gave them absolution for their deeds.⁵¹

VIII

These events made impossible any reconciliation between the two jurisdictions, and for another twelve months the breach remained unhealed. There is a remarkable lack of documentary material for this period, despite the fact that numerous reports were made by both factions. Moreover, the Rosas residencia of 1641 and the records of the formal charges that were preferred against Vidania in the same year have not been found. The most important available source is a series of letters, opinions, etc., of Father Vidania, but these contain little factual information.⁵²

The clergy sent two sets of dispatches, one by Juan de la Serna, the ex-regidor, and one by Friar Diego Franco. And during the long interval while they awaited a reply to their appeals, they maintained as much unity and strength as possible. Many returned to their missions, at least for shorter or longer periods, probably spending a few days or weeks in Santo Domingo from time to time. But the three Tewa pueblos of San Ildefonso, Santa Clara, and Nambé were without friars for a whole year. According to the clerical party, Rosas sent a troop of soldiers to these pueblos to expel the missionaries—Friar Andrés Juárez, Friar Antonio Pérez, and Friar Diego Franco—and to drive off the mission herds. And a presidio was established in San Ildefonso.⁵³ But Vidania's version of this affair was much different. He stated the clergy had already left the pueblos when the herds were taken, and he defended the establishment of a garrison in San Ildefonso on the ground that the pueblo had been fortified in defiance of the civil government.⁵⁴ In any case, the three missions were without clergy until the spring of 1641.

Apparently an increasing number of soldiers abandoned the governor's cause for that of the Church. In addition to the five who subscribed to the manifesto of March 16,

we may note the following who apparently took an active part: Diego Pérez Granillo, Juan Ramírez de Salazar, Fernando de Chávez y Durán, and Andrés López de Gracia. And there were many others whose names are not known. Against the soldiers who thus espoused the cause of the Church, Rosas brought formal action, canceled their warrants as officers in the local militia, and declared their encomiendas vacant. In most cases these formal suits were filed, tried, and judgment pronounced in the absence of the accused.

Rosas and Vidania accused the soldiers and clergy of fortifying Santo Domingo and using it as a base whence they raided the countryside, attacked the royal ensign, and interfered with the dispatch of mail to New Spain. Vidania asserted that the *portería* of the convent was made into a guard room, that the friars gave lessons in tactics, the art of fortification, and the machines of war. The soldiers he characterized as "infernal gladiators," and the entire movement was denounced as another Comunero Revolt. Custodian Salas was accused of unfurling the standard of the Faith and proclaiming that the entire province should recognize him as legate of the pope and obey him in place of the governor. But Vidania's excited *pronunciamientos* are so patently prejudiced and so highly colored that it is difficult, if not impossible, to distinguish truth from fiction. It seems fairly clear, however, that the clergy adopted the point of view that the governor forfeited all right to exercise the prerogatives of his office. It was Rosas, they said, who defied law, both human and divine; whereas the friars and their associates were the real defenders of the authority of the Crown. Rosas—another Henry VIII; Vidania—the arch-enemy, leader of the conspiracy, renegade, a sort of local anti-pope! ⁵⁵

Rosas' administration of provincial affairs became at once increasingly arbitrary and less effective. One of his first acts subsequent to the Romero incident was to raze the Hermita of San Miguel.⁵⁶ Sometime during the year 1640 raids were made on the convents of Sandía and Cuarac,

although it is not clear whether they occurred before or after the calling of the Santo Domingo conference. At Cuarac the room that served as headquarters for the business of the Holy Office was desecrated, and this fact doubtless indicates that the raids were directed in part against the memory of Friar Estéban de Perea, who had served as guardian of both Sandía and Cuarac.⁵⁷ At Socorro the sacristy was violated, and Capt. Sebastián González put on the habit of a Franciscan and summoned the Indians to kiss his hand.⁵⁸

It is not surprising that the Indians became increasingly restless. The Taos case has already been cited. The guardian of Jémez, Friar Diego de San Lucas, was also killed, although the circumstances are obscure.⁵⁹ When informed of these cases, the governor was reported to have remarked: "Would that they might kill all of the friars."⁶⁰ He finally made a belated expedition against the Taos, but he took advantage of the occasion to rob the Indians, with the result that many fled from the pueblo.

And during this same tragic year a pest spread among the Indians, taking a toll of three thousand persons, or more than ten per cent of the total Pueblo population. The Apaches also seized the opportunity offered by the bitter factional rivalries to raid the Pueblo area, burning and pillaging. The amount of maize that was burned was estimated at twenty thousand fanegas. It is not surprising, therefore, that the Pueblos began to return to the old ways; to the native religion and ceremonial, for solace and hope.⁶¹

During the long months of violence, anxiety, and impatient waiting for news from Mexico, Vidania attempted to maintain the confidence of the citizens, and at the same assure the governor—and himself!—that the cause was just. In a long series of sermons, pronouncements, legal formulae, and letters he discussed and reviewed the situation *ad nauseam*. Some of these papers have been preserved. They are a hodge-podge of citations from Scripture, the Fathers, papal decrees, and the canons, interspersed with outbursts of denunciatory rhetoric.

Vidania defended Rosas' authority to intervene in ecclesiastical affairs. Was he not the representative of the Crown, who in turn was legate of the pope by virtue of the Bulls of Donation and Patronage? The Crown and Council possessed wide authority over the Church, and he, as governor, made one body with them. He had every right to investigate the conduct of clergy and report to the viceroy such actions as infringed on secular authority. But even if some of Rosas' acts were not strictly legal, necessity made the illicit licit.

And by what right did the Custodian and his followers deny Rosas' authority as governor? Had not the popes and learned doctors denounced the error of rebellion against constituted authority? The friars and their faction had disobeyed the governor's order to disband and had thereby declared their loyalty. Treason had been encouraged by the slogan, "Death to the governor!" It was the governor's duty to strike down sedition wherever he found it.

In equally strong terms he denied the prelate's legal authority and justified his own conduct in disobeying the prelate's decrees. Right or wrong, he had remained loyal to the king's representative. More—he had given the citizens the solace of the sacraments, even under the most trying conditions; he had performed the office for which he received alms from the royal treasury. Had the custodian done the same?

At long last the anxious days came to an end. In the spring of 1641 Father Salas was succeeded as prelate by Friar Hernando Covarrubias who had been sent from New Spain with wide powers to govern the local Church. The authority of the Inquisition, which had been in abeyance since the death of Perea, was restored by the appointment of Salas as commissary. And on April 13 a new governor, Juan Flores de Sierra y Valdez, relieved Rosas of office.⁶⁴ The day of reckoning was at hand.

NOTES

1. Commissary-General of New Spain to the Commissary-General of the Indies, Mexico, March 12, 1642; Clergy of New Mexico to the Commissary-General of New Spain, Santo Domingo, September 10, 1644; In *Expediente sobre el levantamiento del Nuevo Mexico y pasajes con los religiosos de San Fran^{co} de aquella provincia en el que se trata del proceder del obispo D. Juan de Palafox*: 1644. A. G. I., Patronato 247, Ramo 7. This *expediente* is the most important group of papers for the Rosas period. It will be cited hereafter merely as A. G. I., Patronato 247, Ramo 7.

2. Viceregal decrees, March 11 and June 3, 1636. A. G. P. M., Reales Cédulas y Ordenes, Duplicados, Tomo 11.

3. Libranza, December 7, 1638. A. G. I., Contadurfa 734.

4. On September 18, 1638, Perea wrote a letter to the Holy Office transmitting the declarations made concerning the conduct of Rosas, and in it he stated that he had been "mui yndispuesto." *Del P.^o fr. esteuan de Perea Commiss.^o del Nueuo Mex.^{co} con una ynform.^o Contra Don luis de Rosas*. A. G. P. M., Inquisición, Tomo 385. (To be cited hereafter as *Perea contra Rosas*.) This is the last paper we have bearing Perea's signature, and in the documents dealing with the events of 1639 his name is not mentioned. It is likely, therefore, that he died during the winter of 1638-1639.

5. (a) "Yten que rrecibio vn grande cohecho de su antecesor francisco martinez de baesa e hizo la residencia como quiso dejando agrauiaados asi a los vecinos como a los naturales." Petition of Francisco de Salazer, July 5, 1641. A. G. I., Patronato 247, Ramo 7. (b) "Yten que yendo vnos capitanes del Pueblo de San Felipe a pedir justicia contra su antecesor francisco Martinez de baeza les dio de palos y los atemorizo de manera que otros ningunos se osaron a pedir sus agrauios." *Ibid.*

6. (a) "Yten que a rredundado en los dichos yndios bautizados sin numero de desconsuelo diciendo por toda la tierra en sus juntas y estufas que no les fauorecia dejandolos matar sino que quanto les mandaua hera en horden que le diesen mantas y gamuzas y otras cosas que poseen." *Ibid.* (b) "Yten que el dicho desde que entro en estas prouincias no ha hecho accion que se pueda decir seruicio de Dios nuestro senor y de nuestro Rey y senor natural sino todo en contrad y lo demas del tiempo de su gouierno lo ha ocupado en mandar tejar a los dichos naturales gran numero de mantas y Reposteros grandes carga la mayor y mas pesada para los dichos yndios y despues de tejidas hacerselas pintar y muchas veces estar el dicho entre los yndios pintores tan lleno de carbon el Rostro y manos que solo en el vestido se diferenciaba de los yndios accion de graue Menosprecio a la justicia que representaua y esto que hacia hera para sacerlo a vender." *Ibid.* (c) "Yten que a muchos naturales que en guerras ynjustas se han coxido los ha metido en un obraje que ha tenido y de los dichos se han muerto muchos sin bautismo y tambien han estado de las puertas adentro ynfeles y cristianos." *Ibid.* (d) "Yten que hordinariamente tenia al pie re treynta yndios pintando sus mantas y reposteros sin reseruar los dias festiuos matandolos de hambre de tal suerte que les obligaua a ir a destruir las milpas de los vecinos y a otras a yr el rio arriba a pescar con mucho riesgo de la vida por cuya causa mataron algunos los yndios apaches." *Ibid.* (e) "Yten que ha tenido ocupados vnos yndios mexicanos en tejer y ylar sus telas ympidiendo que los dichos hagan obra para el vien comun y lo mesmo ha hecho con vn yndio mexicano sombrerero que no hay otro boluendo a reuender los sombreros todo contra el bien comun." *Ibid.* (f) "... demas desto que a oido decir que tiene un obraje en el qual tiene muchos infeles Y los dexa morir sin Baptismo sin querer llamar quien los baptime Y los entierran en un hoyo q. tiene El obraje." Declaration of Friar Francisco de la Concepción, Aug. 25, 1638. *Perea contra Rosas*.

7. "Yten que a senbrado y cogido gran numero de vestimento con grandisimo trauajo de los naturales contra lo dispuesto por su magestad." Petition of Salazar, July 5, 1641. A. G. I., Patronato 247, Ramo 7.

8. "Yten depongo contra el susodicho que fue cargado de cuchillos al Pueblo de los Pecos a Rescatar con cantidad de yndios apaches amigos de los naturales bautizados fingiendo que yva a hacer seruicio de su magestid y como no hallo Rescate se enojo y precipito en tanto grado con el Ministro que le quiso lleuar preso a la Villa y le mandaua consumiese el Santisimo Sacramento despues de hauer comido y a otro Religioso lego de setenta años porque le yba y habia ydo a la mano a las palabras feas que decia le hizo cojer y prender con graue escandlo de los naturales y le puso en la porteria quatro arcabuceros de guardia y a no haberse el religioso fingido con una necesidad lo lleuara publicamente preso a la Villa y lo mismo quiso hacer con el Padre Guardian del dicho convento porque no se lo entregaua a no darle por escusa que hera despues de medio dia y que no habia de consumir el Santisimo Sacramento ni fiarlo solo y en la misma ocasion estando predicando por la mañana el dicho ministro le embio a decir que echase los yndios que estaua alli la persona del Rey." *Ibid.*

9. (a) "Yten despongo contra el capitán Don Luis de Rosas antecesor de V. S.^a que les pidio a los yndios capitanes del pueblo de los Pecos que de noche le lleuasen mantas y gamuzas y que les dejaria nombrar a ellos capitanes como lo hazian en su antigüedad, los quales dichos capitanes lo sacan de Ydolatria." *Ibid.* (b) "Yten mas q. hauia oido a decir a los indios Capitanes de los peccos. q. se quexaban del dho. Govern.^{or} q. les hauia mandado recoger mantas Cueros Y gámuças. Y que se las lleuasen de noche por una ventana, y que el los dexaria nombrar Capitanes de la idolatria como de antes hacian. Y que esto se hauia hecho en casa del propio Governador delante del Cap.ⁿ Matías Romero Y del interprete de los pecos llamado puxauí." Declaration of Cristóbal Enriquez, Sept. 11, 1638. *Perea contra Rosas*. This declaration was one of the most bitter enemies of Rosas. In another version of this incident, it was reported that Rosas promised the Pecos Indians liberty to practice idolatry, if they would make an extra payment of tribute. Declaration of Friar Juan de San Joseph, July 28, 1638. *Ibid.*

10. "Yten que hizo otra guerra ynjusta a la nacion Utaca de la qual ni españoles ni los naturales christianos, han Recluido agrauio y mataron muchos y trajeron al pie de ochenta personas de Presa la qual nacion es la mas belicosa de este Reyno." Petition of Salazar, July 5, 1641. A. G. I., Patronato 247, Ramo 7.

11. (a) "Yten que el dicho Don Luis de Rosas a consentido a los yndios apaches que llaman Chichimecos en la nueva españa enemigos comunes de la nacion española y de los naturales bautizados el lleuarse grandisima cantida de cauallada y yeguas y abiendo muerto los dichos apaches gran numero de los dichos naturales bautizados no a hecho hornada para remediar semejantes ruinas ni tampoco la a hecho personalmente en casos que deuia hacerlo no guardando las hordenes de su magestad, le a mandado en horden a fauorecer dichos naturales y si mando hacer dos hornadas la vna al capitán Juan Gomez de Luna y la otra al capitán mathias Romero la vna fue a sus Rescates a la Cauellera larga y la otra a cobrar para si las encomiendas de todas las prouincias de Moqui y a traer esclauos para su obraje y sacar a tierra de paz a vender como constara mas claro por carta suya." *Ibid.* (b) "Yten que en una hornada que hizo por horden del dicho Governador a Quiuira mataron gran numero de los dichos yndios apaches amigos y estas muertes se hicieron en compañía de muchos ynfeiles enemigos de los dichos apaches accion prohibida por cedula de su magestad en que manda les dejen en sus guerras y los cautiuaron en esta guerra ynjusta y los sacaron a vender a tierra de paz parte de ellos de que han hecho gran sentimiento los yndios naturales cristianos de el pueblo de los Pecos porque con ellos biuian y tenian sus Rescates con que se uestian y pagauan sus tributos." *Ibid.* (c) "Yten que la misma nacion Apache por la guerra pasada quedaron enemistados con los españoles y en otra ocasion en que yva por cabo el capitán seustian Gonzalez a Rescatar a los sumanas le obligaron a retirarse con perdida del Alferes Diego Garcia su yerno que lo mataron sin poder resistir al gran concurso de yndios flecheros que acometieron." *Ibid.* (d) "Yten que auiendo los dichos apaches enemigos hecho gran numero de muertes en los naturales bñptizados de los pueblos y algunos religiosos y españoles y lleuandole gran suma de cauallada y yeguada en diferentes años meses y ocasiones de su gouierno y del Sarjento mayor

francisco martinez de baeza a quien el suso dicho tomo Residencia jamas a tratado de dichas prouincias si no se Remedia con insensable solicitud y cuidado pues llega ya el atreuimiento y habitantes que han tomado que de la misma Villa y Casas Reales se lleuan los caualllos y en los mismos pueblos entran y matan a sus naturales bautizados y no ha ydo a esta guerra justa ni ha enbiado por quanto no se le seguian yntereses." *Ibid.*

12. In 1632 Friar Martín de Arvide was sent out to preach to the Zipias, the neighbors of the Ipotlagipuas, but was murdered by his servants on the way.

13. Reference is made to the 1633 expedition in the Salazar petition, but the most important source is the document being cited as *Pereá contra Rosas*, which contains declarations made by persons who were members of the expedition.

14. "Cuarenta años há que sirvo á S. M. en estas Provincias desde el tiempo del Adelantado D. Juan de Oñate, por cuyos méritos me hizo merced de la plaza de Sargento Mayor de estas Provincias el Sr. Virrey Marqués de Cerralvo, y por la obligación de mi oficio y ser soldado tan antiguo, doy cuenta á V. Exa. del estado de esta tierra; y es Señor; que los enemigos apaches están tan inquietos como siempre han estado; pero bien castigados, con que parece que al presente están amedrentados y retirados, y la tierra más extendida por los descubrimientos que ha hecho nuestro Capitán General, y que el del reino de Quivira ha sido aquí increíble; porque siempre había entendido eran menester mayores fuerzas y gastos. Y aunque todos los Generales que hemos tenido han deseado hacer este descubrimiento, ninguno se ha atrevido como nuestro Capitán General, que lo intentó y salió con ello; pero no es mucho, que en sus facciones y disposición de ellas ha mostrado ser muy soldado y ha trabajado comotal." Gomez to the viceroy, Santa Fé, Oct. 26, 1633. Villagrà, *Historia de la Nueva México* (Mexico, 1900), II, Apéndice tercero, 9, 10.

15. Cf. note 8, *supra*.

16. Rosas reported that when the Indians of Taos first accused their friar of immorality he called the matter to the attention of the custodian. The latter ordered an inquiry, but according to the testimony of the Indians the investigation was a one-sided affair and without results. Consequently they renewed their charges when Rosas visited the pueblo in 1638, and he then decided to make a personal inquiry. The testimony revealed a shocking state of affairs. Charges of cruelty, homosexuality, and assault on Indian women were made. Rosas forwarded the sworn evidence to the Holy Office with a covering letter dated November 25, 1638. There the story ends—except that it may be noted that two years later the same friar was serving as guardian of Sandía. A. G. P. M., Inquisición 388.

17. "... Y como se abia tomado tan de proposito el abatir los rreliгиозos el estado eclesjastico y la autoridad del pontifice, (diciendo publicamente al dicho P^e Comissario fr. Ant^o de arthiaga en pressencia de todos los soldados que alli no suponía nada ni hera nada ni auía de hacer caso del p^a Cosa. Y que el solo rrepresentaba la pers^a R¹ y hera el todo) y ansi el dho. P^e Comissario en el sermon trato de la autoridad de la Yglesia y del sumo pontifice Suprema caueça della Y la explico alli a todos y Como todos Los Reyes Y principes Cristianos catholicos heran hijos de la iglesia y la obedecian Y estaban sujetos a Sus leyes. Y heran los braços y manos que la defendian Y amparaban contra los herejes Y demas enemigos que se le oponian Y que entre todos. El que mas se señalaba Y lucía hera el rrey don felipe nro. Sr. Por lo cual el sumo pontifice Le intitulaba a nuestro muy Carissimo Y Catholico hijo don felipe Y que aunque un fiel cristiano se saliese de un rreino catholico Para otro, aunque se esimia de la sugencion de las leyes de aquel rreyno de que salía Y se sugetaba a las del otro Reino a que iba, nunca se essimia de las leyes Y obediencia de la yglesia Y el pontifice; porque de no hacerlo asi seria hereje y, a estas rraçones El dicho guernador se voluio luego con mucho enfado Las espaldas al predicador y al altar y dijo En Vos alta y que todos La oyeron con mucho enoje Calle p^e que miente en todo lo que dice Y se fue de alli llebandose consigo toda la mayor parte de los soldados q. de quarenta q. heran, solos quedaron doce o trece, y estos fueron rrepreendidos ansi de el como de sus oficiales porque no se habian salido con el dicho gobernador Como ellos mismos lo refirieron

despues al dicho p^e Comiss^o. El qual viendo que se iban, sin querer oyr el sermon y la Missa Y teniendo esperiencia del poco caso Y desprecio en que tienen las descomuniones, no quiso Usar de ese rrigor con ellos Sino solo Les dijo que en nombre de Dios cuyo ministro hera Les mandaba que le oyesen. Y que de no hacerlo ansi la maldiz^on de Dios y de los ss^{tos} apostoles S. P^o y San pablo cayesen sobre ellos. de todo lo qual no hizieron caso. Y se fueron—Y ansi nunca mas trato el governador de Combers^on sino de Su cudizia y rrescates, La qual accion fue de grandissimo escandalo. Ansi para los españoles como para Los yndios cristianos y ladinos que alli estauan y otros muchos ynfielos que estaban a la mira. Y muchos de los yndios Cristianos decian que como abian de creer Lo que los padres predicaban Y enseñaban Si el governador Les decia publicamente que mentian.” Declaration of Friar Antonio de Arteaga, July 14, 1638. *Persea contra Rosas*. Friar Arteaga’s testimony was confirmed by the deposition of Capt. Fernando Durán y Chávez, *teniente de governador* for the jurisdiction of Sandia, Alférez Andrés López de Gracia, and other soldiers who accompanied the expedition. López later became *alcalde mayor* of the El Paso district.

18. Most of the documents relating to the Cruzada episode are found in A. G. P. M., Provincias Internas 35, Exp. 5. For other references, see A. G. I., Patronato 247, Ramo 7.

19. Déclarations of Capt. Roque de Casaus, Capt. Pedro Lucero de Godoy, Capt. Sebastián González, Feb. 1-5, 1639. A. G. P. M., Provincias Internas 35, Exp. 5.

20. A. G. P. M., Provincias Internas 35, Exp. 5.

20a. Testimony before Friar Tomás Manso, 1644. A. G. I., Patronato 247, Ramo 7.

21. Petition of Capt. Roque de Casaus, Santa Fé, Jan. 28, 1639. A. G. P. M., Provincias Internas 35, Exp. 5.

22. Petition of Salazar, July 5, 1641. A. G. I., Patronato 24, Ramo 7.

23. A. G. P. M., Provincias Internas 35, Exp. 5.

24. Pétition of Salazar, July 5, 1641, and testimony before Friar Tomás Manso, 1644. A. G. I., Patronato 247, Ramo 7.

25. (a) “Yten que el dicho capitan Don Luis de Rosas a atrauesado con sus mercaderias los mas de los tributos vendiendo las cosas a muchos y subidos precios y algunas veces aunque lo hayan pagado hacele tornar a pagar parte de la deuda.” Petition of Salazar, July 5, 1641. A. G. I., Patronato 247, Ramo 7. (b) “Yten que a muerto gran numero de vaca mas del tercio de las que ay oy en la tierra entre los vecinos siendo contra lo hordenado por su magestad y esto a sido para sustentar su obraje y otras cosas ylicitas como fue pagar gran numero de Reposteros que echando derramas mando hacer por todos los mas de los pueblos y tambien quito a los naturales los bastimentos en tiempo de hambre a titulo de que hera para socorrer los pobres y lo mismo hizo con los vecinos de la Cañada.” *Ibid.* (c) “Yten que las dichas casas no han estado con autoridad de casas Reales sino que han sido vna taberna publica donde se a vendido vino chocolate azucar especeria y an sido como si fueran zapateria donde se an cosido coletes zapatos coxinillos y cosas publicas de juego.” *Ibid.* (d) “Yten que el dicho gouernador embiando a resgatar a algunos vecinos entre ynfielos hacia traher la ropa a su casa y con absoluto poder les quitaua lo mejor.” *Ibid.* (e) “Yten que en su libro de quantas de mercaderias de deue y ha de auer ponia mas de lo que se le deuia y con absoluto poder y malas palabras lo hacia pagar.” *Ibid.* (f) “Yten que trato de hacer un fuerte para no dejar entrar mas que a mercaderes y lo trato a algunos del cauildo.” *Ibid.* (g) “Yten que mando quitar algunos telarillos que tenían algunos pobres vecinos los quales los beneficiauan con la gente de su seruicio para bestir su casa y familia sin yntencion de otra gente con fin de que solo perseruerase su obraje teniendo la gente en estufas y enserrados sin oir misa entreuerados cristianos e ynfielos.” *Ibid.* (h) “Yten que ha sacado muchos carros y carretas llenos de mercaderias en el tiempo de su gouierno para las minas del Parral y en ellos ha lleuado muchos yndios y yndias de poca hedad los mas y se vendieron en el dicho Parral contra lo hordenado por su magestad.” *Ibid.* Rosas’ trading operations with Parral and other parts of New Spain are confirmed by documents in the archives of Parral.

Cf. L. B. Bloom, "A Trade-Invoice of 1638." *NEW MEX. HIST. REV.*, X (1935), 242-248.

26. In October, 1640, Polonia Varela and Juan Bautista Saragossa presented formal petitions before the custodian, Friar Juan de Salas, asking that their marriage, which had occurred some months earlier, be annulled on the ground that it had been contracted during duress. Polonia stated that her first husband, Julian de Escaraman (Escarramad?), having been unjustly arrested by order of Rosas, had been held in jail during bitter cold winter and that he had later died of the exposure suffered at that time. Suspecting that she might present a formal complaint against him during his residencia, Rosas had forced her to labor in his Santa Fe workshop where the Indians were kept at work long hours washing and carding wool, and held her there until he could find a new husband for her. She was finally informed that Rosas wished her to marry a certain Juan Batistá Saragossa, who was being held a prisoner in the jail. She stated that she had finally agreed to this demand, partly in order to escape the heavy labor of the workshop, and partly to prevent the governor from exacting cruel punishment on Saragossa. During the course of her petition, Polonia referred to the tyranny of the governors of New Mexico, "tan absolutos señores que con just^a o siln ella atropellan con todo." Saragossa, who was an illiterate, stated in his petition that he had been unjustly arrested and thrown into jail where he had been placed in stocks and left without food. He had then been threatened with a severe flogging, or even gibbeting, if he refused to marry Polonia. Both parties asserted that they finally consented to the marriage but only under duress. Custodian Salas admitted the plea and ordered an investigation, but examination of witnesses could not take place until the summer of 1641 after Rosas had been relieved of his office. The witnesses who were called at that time supported the testimony of the petitioners and some of them admitted that they had actually advised the parties to marry in order to save themselves further suffering or possible punishment. On August 19, 1641, the custodian (Fray Hernando de Covarrubias, who had succeeded Salas in the spring of 1641) declared the marriage annulled. He also declared Rosas excommunicate and fined him a hundred Castilian ducats to be applied toward an organ for the Santa Fé Church. Rosas at once served notice of appeal to the audiencia. The documents are found in A. G. P. M., Inquisición 425, ff. 633-644. It may be noted that Saragossa later married a certain María González. In 1656 he was accused of rape against his step-child, the daughter of his second wife. The case was tried before an ecclesiastical court, and on July 1, 1656, the custodian found him guilty and ordered him banished from New Mexico. In addition, his marriage with María González was declared null and void on the ground that his first wife, Polonia Varela, was still living! *Causa contra Juan Baut^a Saragoza y María g^a por incestuosos.* A. G. P. M., Inquisición, Tomo 636.

27. (a) "Yten que es publico y notorio que el dicho antecesor de V. S^a dio de palos al Regidor Xrispoual henriquez porque no quiso conbenir el susodicho en que se fuese contra el dicho Tribunal y que tambien lo saco de la yglesia el dicho Xrispoual Henriquez diciendole palabras afrentosas de las mayores de su esposa y contra su honor y tambien fue ocasionado porque no quiso contradecir una prouision Real que hera en horden al bien Publico y en contra del dicho Capitan Don Luis de Rosas y el dicho maltratamiento fue de la misma manera porque no quiso conbenir en que en esta tierra no hubiese tribunales del Santo Oficio ni Santa Cruzada y que no hubiese Cauildo sino que fuese pie de exercito, todo contra el bien comun de esta Republica." Petition of Salazar, July 5, 1641, A. G. I., Patronato 247, Ramo 7. (b) "Yten que otros dos regidores el capitan Diego de la Serna y el Alferes Diego del Castillo los maltrato de obras y palabras mayores por no querer conbenir en su pare cer." *Ibid.* (c) "Dice mas este testigo que tiene un testim^o dado por El Scriuano de Cauildo llamado Nicolas de llamado Nicolas de la mar, en que Contiene q. El dho Gouer^{or} les mandaua al dho testigo siendo regidor Y a los demas del cauildo que firmasen un papel q. Contenia, q. quitasen y Contradizesen q. no huuiese inquisicion ni cruce^a ni Cabildo, sino solo un Gouernador Y que esto no fue mas que pie de exercito. Y que no saue otra cosa ssino lo dho que es la verdad por el Juramento que hecho tiene El qual siendole leido

dixo q. estaua bien escrito Y dixo mas que por no querer firmar el dho Papel el dho testigo Y otros Rejidores los a traído a maltraer maltratandolos de palabra y de obra hasta querer dar garrote a este testigo." Declaration of Alferez Cristóbal Enriquez, Sept. 11, 1638. *Perea contra Rosas*.

28. (a) "Yten que no se ha hecho Cauildo juridico desde el tienpo que los dichos capitanes Diego de la Serna el Alferz Xrispoual Hnrriquez y el Alferez Diego del castillo fueron ympedidos a hacer eleccion conforme el derecho tomándose la mano con absoluto poder el dicho antecesor de V. S^a Reprouando la eleccion que se queria hacer en personas benemeritas." Petition of Salazar, July 5, 1641, A. G. I., Patronato 247, Ramo 7. (b) "Yten que el dicho gobernador antecesor de V. S^a a sustentado en Cauildo a Don Roque de Casaos hombre que con sus escritos y malos consejos ha causado en este Reyno desde el dia que se le admitio a officios de Republica gravisimos pleitos y alborotos al qual y a otros aliados suyos a sustentado tres años a Reo en el dicho cauildo contra derecho por hallar los conformes y aptos en sus execuciones ynjustas-" *Ibid.* Friar Juan de Vidania, the chief advisor of Rosas during this period, admitted that Rosas had used his authority to control cabildo elections. A. G. P. M., Inquisición 595.

29. Fray Bartolomé Romero to the Commissary General of New Spain, Oct. 7, 1641. A. G. I., Patronato 24, Ramo 7.

30. Petition of Alonso Baca *et al*, November 27, 1643. *Ibid.*

31. Cf. note 1, Chapter II.

32. "Y por lo que a mi toca de g^{or} y Cap^{an} g^l destas provincias Suplico a Vm. se sirba de q esta republica sepa la comision q ese Santo tribunal tiene dada, al p^{de} fr estaban de perea porque se estraña mucho el ber aqui estrados de ynquisición Suprema y q en la yglesia se ponga dosel al lado del ebangelio y aun cubriendo el misal para q se sienta el p^e fr estaban con otros dos religiosos q dice tienen su futura todos con abitos de San benito encima de los de San Fran^{co} y ansi mismo le trae otro religioso q el dicho fr estaban a nombrado para su secretario y mas abaxo pone vn banco en q sienta vn alguacil mayor q nombra de la santa ynquisicion y vn fiscal y otro q dice es para llebar el estandarte de la fe todos con sus nombramientos quien no solo ponellos alli si no q esto aya de ser estando yo en la yglesia y ansi mismo tiene dosel en su celda a fuer de Santa ynuisicion y se sienta debajo desde a donde recibe todas las bisitas q se le acen y tiene sobre vna mesa vn christo bestido de luto todo lo qual se les ace g^{de} nobedad a estos becinos y yo dudo de que tenga tan amplia Comision q sin mas ynformacion q su nombramiento se den a ombres q no son conocidos y casados el oficio de fiscal y los demas que dicho ele suplicado en amistad me enseñe su comision y no lo e consegido y para q se le respete y benere toda la q tubiere suplico a Vm, y de parte destas provincias no le aga saber." Rosas to the fiscal of the Holy Office, Santa Fé, Nov. 25, 1638. A. G. P. M., Inquisición 388. With enclosures.

33. Gómez to the viceroy, Santa Fé, Oct. 28, 1638. Villagrá, *op. cit.*, II, Apénice tercero, 9, 10.

34. A. G. P. M., Provincias Internas 35, Exp. 5.

35. Commissary General of New Spain to the Commissary General of the Indies, Mexico, March 12, 1642. A. G. I., Patronato 247, Ramo 7.

36. Fray Bartolomé Romero to the Commissary General, Oct. 7, 1641. *Ibid.*

37. *Ibid.*

38. Romero to the Commissary General, Oct. 7, 1641; Testimony before Friar Tomás Manso, 1644. *Ibid.*

39. There is some indication that Custodian Salas sought to be recognized as commissary subdelegate of the Crusade, and that the civil authorities refused to accept him. See Opinions, letters, etc. of Friar Juan de Vidania, 1640-1641. A. G. P. M., Inquisición 595, ff. 39-405. Vidania also stated that Salas ordered him to serve as secretary of the Crusade and that he refused.

40. Section 15 of the law of patronage, June 1, 1574, given in the *Recopilación*, ley lxiv, tit. xiv, libro i.

41. Opinions, letters, etc. of Vidania, 1640-1641, A. G. P. M., Inquisición 595; Romero to the Commissary General, Oct. 7, 1641, A. G. I., Patronato 247, Ramo 7.

42. Testimony before Friar Tomás Manso, 1644; Romero to the Commissary General, Oct. 7, 1641. A. G. I., Patronato 247, Ramo 7.

43. "El tercero caso singular es, que auiedo quedado fray Juan de Vidania en el Convento de la Villa por ausencia del presidente, que auia tomado la casa, en el interin mataron vn nominatim escomulgado, hombre malisimo, y que auia escalado vn conuento morada de nuestro Prelado, robado muchas cosas, y puesto por los cantones contra el dicho nuestro Prelado, vnos libelos famosissimos, en los quales le llamaba de borracho extrangero, y otras muy malas ynfamias; dos de estas remito entre los papeles; pues mataron al sobre dicho mal hombre por causa de vnas desuerguenzas de palabras y obras que tubo con mugeres de honor en esta Villa y sus maridos capitanes y de lo principal de la tierra, todo corre como notorio." Romero to the Commissary General, Oct. 7, 1641. *Ibid.* "Yten que a sus ojos se enterro un descomulgado nominatim en la yglesia de esta Villa el qual descomulgado puso un nibelo (*sic*) ymfamatorio con su firma feisimo en todo grado contra el Prelado de aquesta yglesia y en lugar de castigarlo le tuba mayor familiaridad que de antes apoyandole el hecho con lo qual se atreuio tanto que llámaua a los vecinos sartas de cuernos y se atreuia a otras cosas de mucho des-honor buiendo escandalosamente." Petition of Salazar, July 5, 1641. *Ibid.*

44. "Mataron aleuosamente entre muchos a un Alferrez Sandoual y deduzose hauer interuenido en la execucion desta muerte dos religiosos teniendola vno dellos predicha y amenazada y queriendo el Governador aueriguar el caso y prender y castigar los culpados ellos se ampararon de los rreligiosos y vnos y otros le obligaron a disimular por no perderse . . ." *Parecer* of Don Pedro Melian, fiscal of the audiencia, 1642. *Ibid.* ". . . con otra (muerta) poco antes auian cometido con el Alferrez Sebastian de Sandoual, por cuya atrocidad prendio el Governador a Juan de Arechuleta, sobre que se alzaron: Y visto la desobediencia le solto, luego, . . ." Governor Pacheco to the viceroy, August 6, 1643. *Ibid.*

45. Romero to the Commissary General, Oct. 7, 1641. *Ibid.* Cf. the following from the Melian *parecer*: ". . . auiedo enterrado en la Iglesia al difunto con tolerancia del Guardian, los otros rreligiosos con orden del custodio le hicieron desenterrar algunos dias despues y le echaron en el campo declararon y pusieron en las puertas de la Iglesia por escomulgados al Governador y Cauildo de la Villa de Santa fee a los vecinos que obedecian sus ordenes . . ." *Ibid.*

46. Romero to the Commissary General, Oct. 7, 1641; Testimony before Friar Tomás Manso, 1644. *Ibid.*

47. *Ibid.*

48. The following excerpts present versions of the Taos incident: (a) ". . . que por la declarada enemiga que tiene a los dichos Religiosos y sacerdotes hauia mandado en algunos pueblos que los yndios no obedeciesen a sus ministros por lo qual el pueblo de los Taos se leuanto y mato a su ministro y otros dos españoles con el que se abian ydo huyendo del rigor del dicho don Luis de Rosas a estar en aquel conbento con el dicho Religioso y a todos los mataron los dichos naturales y vinieron los dichos taos al pueblo de los Picureos a hacer lo mesmo lo qual hicieran si hallaran en el conbento al ministro el qual libre de esta ocasion por hauerse venido a San Yllefonso a confesarse el qual peligro se pudo temer en todos los demas pueblos desta custodia por estar unos muy apartados de otros . . ." Statement of Salas *et al.*, March 16, 1640. *Ibid.*

(b) "Yten que dixo a los yndios de los taos quejandose del ministro, no os quejeys mataldo y los dichos yndios mataron a un religioso que estaua alli de Santa Vida y a otros españoles y destruyeron todo lo mas del ganado mayor que hauia en este rreyno derriuaron la yglesia y conuento maculando y profanando todo el culto diuino y despues de aquestos delitos se estubo muchos meses sin castigar tan ynorme maldad y estimulando que fuesen al castigo los vecinos que estauan retirados de sus Rigores y maltratamiento enbio el dicho governador Don Luis de Rosas y fue despues de casi acauada la mas de la guerra y lo que hizo fue dejarlos mas aliados por rouarles quanto tenian

hasta la ropa con que se tapauan sus carnes por lo qual se huyeron a la tierra." Petition of Salazar, July 5, 1641. *Ibid.* The date usually given for the death of Miranda is December 28, 1631, but the new evidence clearly places the event in the term of office of Rosas. Perhaps the date should be December 28, 1639.

49. Statement of Salas *et al.*, March 16, 1640; Testimony before Friar Tomás Manso, 1644; Salas *et al.* to the Commissary General, Sept. 10, 1644. *Ibid.*

50. *Auto*, April 8, 1640. *Ibid.*

51. For this unfortunate incident we have a considerable body of evidence. The most important documents are (1) a long account written by Romero on May 4, 1640, (2) testimony of other persons who were present, and (3) the long *informe* of Romero to the Commissary General, Oct. 7, 1641, in which was included a brief version of the incident. All are in A. G. I., Patronato 247, Ramo 7.

52. The Vidania materials are in A. G. P. M., Inquisición 595.

53. Romero to the Commissary General, Oct. 7, 1641; Testimony before Friar Tomás Manso, 1644, A. G. I., Patronato 247, Ramo 7. The incident of the Tewa missions may have occurred prior to the meeting of the conference at Santo Domingo. Many of the documents list it as one of the series of violent acts which were said to have been the motive for calling the conference. But surely Salas would have mentioned it in the manifesto of March 16 if it had occurred prior to that date.

54. Opinions, letters, etc. of Vidania, 1640-1641, A. G. P. M., Inquisición 595.

55. *Ibid.*

56. Romero to the Commissary General, Oct. 7, 1641. A. G. I., Patronato 247, Ramo 7. The Hermita de San Miguel is first mentioned in a document of 1628. A. G. P. M., Inquisición 363. I believe, therefore, that it was the church which Benavides said was built during his term as custodian (1625-1629). For a few years thereafter it served as parish church until the Franciscan convent and church, in which parish headquarters had been maintained prior to 1626, were rebuilt. This was done sometime prior to 1640. The Hermita de San Miguel then was used as an infirmary for the friars, Friar Jerónimo de Pedraza, the physician, being in charge. When Rosas closed San Miguel in January, 1640, he also removed the bells. And now the structure was razed (*derribado*) and the vigas carried away.

57. If these acts of violence had occurred prior to March 16, 1640, it is reasonable to assume that Salas would have mentioned them in his manifesto. On the other hand, most of the references list the incidents as part of the general justification for the Santo Domingo conference. Testimony before Friar Tomás Manso, 1644. A. G. I., Patronato 247, Ramo 7.

58. *Ibid.*

59. Most of the testimony simply states that both the Miranda and the San Lucas murders were the result of Rosas' order to the Indians not to obey the friars. But one witness made the following statement which puts the Jémez affair in a somewhat different light: ". . . y que los yndios de los hemes habian tenido un rebato y acometimiento de los yndios apaches ynfeiles enemigos de los cristianos y que en el hauian muerto a flechazos al Padre fray Diego de San Lucas . . ." *Ibid.*

60. *Ibid.*

61. Cf. note 48 *supra*.

62. Testimony before Friar Tomás Manso, 1644. A. G. I., Patronato 247, Ramo 7.

63. Opinions, letters, etc. of Vidania, 1640-1641. A. G. P. M., Inquisición 595.

64. Libranzo, June 17, 1650. A. G. I., Contaduría 742.

CHAPTER VI

ROSAS PAYS THE PRICE
1641-1642

I

The new leaders of Church and State seem to have made a genuine effort to restore peace and order and to co-operate in the execution of their respective duties. That they achieved a certain measure of success is obvious. The schism in the Church was healed, and the bitter factionalism among the citizens was temporarily lessened. But before long the anti-Rosas party gained a definite advantage, and the spirit of revenge was soon in the ascendant.

Custodian Covarrubias was under instructions to initiate a thorough investigation of the conduct of the clergy and with the advice of the definitors impose proper discipline for proved misconduct. But the result of the inquiry could have been predicted in advance. In the eyes of the Franciscans there was one major issue,—the vindication of the legal rights and privileges of the Church and the authority of the local ecclesiastical officers. And on that basis there were only two offenders among the clergy: Vidania, and a lay-brother, Friar Pedro de Santa María, who had also joined the Rosas faction. "The custodian whom I sent visited his custody, and found that the only guilty persons were the two apostates who were protected in the house of the governor." Thus wrote Friar Juan de Prada, Commissary General of New Spain, to the Commissary General of the Indies.¹

Formal charges were at once referred against the accused, and by autumn the cases were closed. The papers were made ready for transmission to Mexico, and Friar Bartolomé Romero, who had apparently been acting as advocate for the clergy, prepared a long *informe* on the entire situation for delivery to the Commissary General. Prior to the departure of the mission caravan for New Spain in the autumn of 1641, Vidania was taken into custody on orders of Father Salas and sent with the caravan as a prisoner to be

turned over to the tribunal of the Inquisition in Mexico City. But apparently he was never tried. One informant stated that he escaped midway on the journey to New Spain; another, who testified in 1644, referred to him as dead. The final disposition of Santa María's case is not known.²

II

The task which the new governor faced when he took office would have taxed the strength and courage of a robust man. But Flores was ill and lacked the energy needed to withstand the pressure to which he was subjected during the first weeks of his term. At first he made some effort to steer a middle course, but the anti-Rosas group soon won the upper hand. Its leaders were Capt. Antonio Baca and Capt. Francisco de Salazar.

The residencia of Rosas offered his enemies an opportunity to make a scathing denunciation of his administration. Captain Salazar took the leading part and on July 5 he presented a long petition, or bill of complaint, with more than sixty items. The petition contained a condemnation of every phase of Rosas' administration, his exploitation of the Indians, his policy toward the Apaches, his attack on the Church. Most of the articles of the complaint have been summarized in the preceding chapter and extensive excerpts have been given in the notes.

Within a short time Baca and Salazar obtained such influence that even before the residencia had progressed very far the new governor promulgated an order declaring null and void many of Rosas' official acts and restoring all titles, offices, and encomiendas that he had declared forfeited.³ The fiscal of the audiencia of New Spain, who prepared a *parecer* on the entire situation for Don Juan de Palafox, the Bishop-Viceroy, stated that this decree was prepared by the anti-Rosas group and presented to Governor Flores for signature. The governor was unable to resist, but before his death he wrote a letter declaring the facts in the case.⁴

It was probably soon after the publication of this order that new elections for regidores and alcaldes of Santa Fé were held. Francisco de Salazar, Juan de Archuleta, Juan de Herrera, and Sebastián de González were elected as regidores, and Antonio Baca and Pedro Lucero de Godoy were named as alcaldes. Baca, Salazar, and Archuleta represented the anti-Rosas party. Lucero was a member of a distinguished local military family. We have no definite information concerning his stand during the hectic days of 1639-1641, but he was probably in sympathy with the governor. González, as noted in the preceding chapter, was an active member of the Rosas circle. Herrera's party affiliation is not known. Thus half of the new government of Santa Fé was a united group, consisting of three active anti-Rosas men, and in Baca they had a strong leader. It is not surprising, therefore, that they were able to impose their will on the other members of the government. And this fact probably reflected the relative influence and strength of the several groups or factions among the citizens.⁵ The pro-Rosas party lacked unity and active leadership, and of course there were many who wavered in their allegiance the moment that Rosas' official authority came to an end.

The residencia had reached only the stage for the formulation of definite charges on the basis of testimony when Governor Flores died, the date being sometime prior to the departure of the supply train in the autumn of 1641. He had realized the imminence of this event and had tried to provide for the emergency. Shortly before his death he appointed Sargento Mayor Francisco Gómez as lieutenant-governor and captain general to govern the province during the impending vacancy.

The death of Flores presented the long awaited opportunity. According to Flores' son, half of the governing council of Santa Fé—Baca, Salazar, and Archuleta—refused to recognize the right of Gómez to serve as governor *ad interim*, and asserted that the governing authority should be exercised by the alcaldes and regidores. This point of view

was contrary to general colonial legislation which provided that in case a governor died during his term of office, the lieutenants nominated by him should govern and that in the absence or lack of such lieutenants, the *alcaldes ordinarios*, until the proper superior authority named a new incumbent.⁶ In this crisis much depended on the attitude of the second *alcalde*, Pedro Lucero de Godoy. Either because of personal weakness, or because he realized that the Baca group had more followers, Lucero failed to take a strong stand. Gómez was pushed aside, and the *cabildo* assumed full governmental authority for itself.

Rosas fully realized the significance of these events and made preparations to leave for New Spain. But the *cabildo* forestalled him by ordering his arrest and imprisonment and the sequestration of his property pending the completion of his *residencia*. To Flores' son, who returned to Mexico with the caravan, Rosas expressed the belief that the Baca group were planning to kill him, and in anticipation of this event he prepared a last will and testament which he gave to Flores to take to New Spain.⁷

III

Nicholás Ortiz was a soldier, native of Zacatecas, who had settled in Santa Fé where he married María de Bustillas, a relative of Antonio Baca. In 1637 he went to Mexico with the mission caravan, and remained there until 1641 when he returned to New Mexico as a soldier in the military escort for the caravan which brought the new governor. Thus he had been absent during most of Rosas' term of office.

On the evening of January 9, 1642, Ortiz arrived home rather late, and found that his wife was absent. He went to the residence of the *alcalde*, Pedro Lucero de Godoy, told him that he suspected his wife was with Rosas, and asked him to go with him to search the house where Rosas was being held a prisoner. Lucero summoned two of the *regidores* and a number of other witnesses and proceeded to execute this request. The first time the house was searched

Doña María was not found. But Ortiz said he was not satisfied and asked to have the search repeated. And this time the suspecting husband found what he sought! Pulling back the mattress of the ex-governor's bed, he found his wife hiding in a large chest underneath it. (According to Lucero this chest had been opened during the first search!) Lucero then took the wife into custody and appointed a new set of guards over the ex-governor in order to protect him from violence.

Ortiz prepared formal charges against Rosas and Doña María, and sought to have Lucero assume jurisdiction in the case. But the alcalde refused, and Ortiz appealed to the regidores. The latter tried to force Lucero to assume jurisdiction, but without success, and the wrangling continued for several days.

Lucero was clearly in a tight place, and we cannot blame him for refusing to act. He took the position that as a mere alcalde of Santa Fé he had no jurisdiction over an ex-governor whose residencia had not been completed. He pointed out that the cabildo had assumed supreme governing power in the province, that it was acting as judge of residencia for the ex-governor, and that consequently jurisdiction in the present instance rested with it. The regidores countered by pointing out that Lucero had already imposed his authority by making the formal search of Rosas' house, by taking Doña María into custody, and by placing new guards over Rosas. Moreover, it was stated that two of the regidores (probably Archuleta and Salazar) had suits pending against the ex-governor and thus had no right to act as judges in the case.

To these arguments Lucero replied: (1) that although he had taken charge on the night of January 9 he had done so in the presence of two regidores; (2) that although he had appointed guards for Rosas it had been with the purpose of protecting him against possible violence; and (3) that the regidores had implicitly reasserted jurisdiction by removing these guards at a later date. Although the regidores sought to enforce their will by threat of a fine of one thousand pesos, Lucero steadfastly refused to act.

Why had Ortiz appealed to Lucero in the first place, instead of to the *alcalde de primer voto* Antonio Baca? This is explained by the fact that Baca was absent on a campaign against the Apaches in the Zuñi-Hopi area. He did not return to Santa Fé until January 18.

On January 24 Ortiz made a final petition asking Lucero to proceed with the case. The *alcalde* once more refused, and stated that inasmuch as the matter of jurisdiction was in dispute, he and the *regidores* had decided to hold the accused parties in custody pending the dispatch of a report to the viceroy. The same day orders were sent to Diego Martín Barba, Diego del Río de Losa, Antonio de Salas, and Juan González to appear at the home of the *regidor* Francisco de Salazar. There they found assembled Lucero and the four *regidores*. The *alcalde* stated that the *cabildo* had chosen them to serve as jailers for the ex-governor until instructions were received from the viceroy, and that it would be their duty to prevent his escape and to defend his life. Martín Barba, who was designated as leader (*cabo*) of the group immediately protested his unwillingness to assume responsibility for the safety of the ex-governor, and Lucero sought to have him excused from duty. But Salazar, speaking for the *cabildo*, refused to make any changes in the list. The same day the guards thus chosen were taken to the house of Anaya and given custody of the prisoner. Martín Barba refused to accompany the other three guards to inspect Rosas' fetters, and loudly proclaimed that although he would serve as a guard to prevent Rosas from escaping he would not be responsible for his life. But his protests were without avail.

The list of guards is worthy of some comment, for it included three persons who had been actively identified with the Rosas faction. Antonio de Salas had been a *regidor* in 1639, and Diego del Río de Losa had been scribe of the *cabildo* in the same year. And it was Diego Martín Barba who had been in command of the troop of soldiers that occupied the Tewa pueblos of San Ildefonso, Nambé, and Santa Clara in 1640.

Shortly after midnight the following morning (January 25) during Del Rio's watch a band of masked men led by Nicolás Ortiz forced their way into the house. The guards had no opportunity to offer much resistance, and their leader, Diego Martín Barba, apparently refused to participate actively in the few hasty precautionary measures they were able to take. Having gained the house, Ortiz burst open the door leading into Rosas' room, and with a dozen sword thrusts killed his adversary. And this done, he shouted that his honor had been restored.

The murderer immediately proceeded to the house of Antonio Baca and proclaimed his deed. Baca summoned his colleague, Lucero de Godoy, the regidores, and other citizens, and at dawn went to view the body and make a preliminary investigation. He required all of those present to draw their swords. Only the blade of Nicolás Ortiz bore the stains of blood. The arrest of Ortiz and the four guards was immediately ordered. The same day Baca issued a decree prohibiting public gatherings and discussions under penalty of banishment from the province for six years and a fine of one hundred pesos to be paid as a reward to the informer in such cases.

Baca sought to have Rosas buried in consecrated ground, but Custodian Covarrubias refused the necessary permission. The prelate firmly pointed out that Rosas had been under excommunication for a long time and that he had obstinately refused to make his peace with the Church. And so the proud Rosas was taken out and buried in a field near the house in which he was killed.

IV

In February Ortiz was brought to trial with Antonio Baca acting as judge. The first witness was Doña María, the wife of the accused. She testified: (1) that she had been guilty of adulterous relations with Rosas over a period of four years, (2) that after her husband returned from New Spain Rosas had urged her to run away with him, (3) that

Rosas had even urged her to kill her husband, offering to provide her with the means for such an act. She further stated that she had gone to Rosas' house on January 9 of her own accord and that no one had forced her to do so. In fact, Rosas had summoned her, and had threatened that if she did not come he would go to her. Finally, she swore that no one had in any way influenced her testimony or induced her to testify falsely.

The four guards who had been on duty on the night of January 24-25 were then summoned. They described their ineffectual attempt to prevent the crime, and made definite statements to the effect: (1) that Ortiz had done the actual killing unassisted; and (2) that the men who entered the house with him had not been identified because they were masked.

The defense based its case squarely on the issue of personal honor. It sought to prove that the defendant had no other motive for the crime, and that he had taken matters into his own hands only after Lucero had refused in a "frivolous" manner to provide redress in proper legal form. Six witnesses for the defense were called, of whom Sargento Mayor Francisco Gómez and the regidor Sebastián González were the most important.

All of the witnesses testified that Ortiz had been absent from New Mexico during most of Rosas' term of office, that he had brought no formal complaint against the ex-governor, either in the residencia or in a private suit, and that because of his friendly relations with Rosas he had been requested to act as an intermediary for third parties. And they all testified that Ortiz had always treated his wife with honor and respect, and that he had given her no cause for her infidelity. Although the witnesses certified Lucero's failure to accept jurisdiction in the suit brought by Ortiz, some refused to express a judgment concerning his action. Gómez offered some justification for it.

The witnesses were asked if they knew whether Ortiz or any other person had forced Doña María to go to the house

of Rosas on the evening of January 9. All replied that they did not know. But with varying degrees of warmth they recommended Ortiz as an honorable person, of whom it was presumed that he would not submit his wife to such dishonor.

The trial followed the normal course, and on May 8 Baca pronounced sentence. Ortiz was acquitted, but revision of judgment was reserved to the viceroy to whom a copy of the trial record was to be sent. No final action was taken in the case of the four guards. Pending presentation of their case to the viceroy, they were released from jail but charged not to leave the confines of the province under penalty of death. Decision in the case of Doña María was also left to the viceregal authorities, and it was decreed that in the meantime she should remain in custody and that Ortiz should have no dealings or relations with her whatsoever.

A copy of the trial record was at once made ready for transmittal to Mexico. Reports, letters, etc., were also prepared by both the secular government and the Church to be sent to the viceroy, the Holy Office, and the superior prelates of the Franciscan Order. These papers were then turned over to Ortiz who departed without delay for New Spain in order to present himself before the viceroy. He was accompanied by Nicolás Pérez de Bustillos and an Indian servant named Bernabé.

V

The acquittal of Ortiz was by no means received with universal favor and approval in Santa Fé, but the influence of the Baca faction was so great that it was not deemed wise to register formal protest locally. The alcalde Lucero and Sargento Mayor Gómez decided, however, to send a certain Francisco de Olibera with a verbal message to the governor of Nueva Vizcaya, Don Luís de Valdez. On May 6 Olibera delivered this message to the governor in Parral. On behalf of Lucero and Gómez he stated that it was public knowledge that Baca, Salazar, Archuleta, and other citizens had been accomplices in the murder of Rosas, and asked the governor to arrest Ortiz when he passed through Nueva Vizcaya on his way to Mexico City.

Valdez immediately put Olibera under oath and had him examined in a formal manner. He testified that he had been absent from Santa Fé on the night of the murder, but had later gone to the villa where he had heard Ortiz openly boast that he had committed the deed. He stated further that most of the citizens had been in sympathy with Ortiz, that Baca and the regidores Salazar and Archuleta had been the declared capital enemies of Rosas, and that they had aided and abetted the murderer. Olibera also declared that persons who had regretted the affair had not dared to speak out, lest they suffer the same fate.

On May 8 the governor summoned another witness, Andrés López Zambrano, a citizen of Santa Fé then residing in Parral. He deposed that he had heard Baca, Enriquez, "and their allies and confederates" boast on various occasions that they were going to kill Rosas. And he told how the ex-governor had protested the seizure of his property by Baca acting in the name of the cabildo and had warned the alcalde that the king would call him to account. To which Baca was said to have replied:

The king and his lordship are far away. Until they come we will do as we please. And when they do come, we have strong *peñoles* where we can take refuge.

López further stated that for a time Rosas had lived in his (López's) house, apparently after Flores took office, but Baca and his confederates had told him to put the ex-governor out; and fearing violence at their hands he (López) had fled from the province. A third witness, an Indian servant recently arrived from New Mexico, declared that he had heard Ortiz openly admit the crime.

Governor Valdez immediately issued orders to all the local officials of Nueva Vizcaya to effect the arrest of the murderer. Within a few days he was seized and taken to Parral, together with his two companions. When brought before the governor, Ortiz freely admitted his crime, and told the familiar story of the events of January 9 *et seq.* as justi-

fication for it. He also identified the masked friends who had accompanied him on his mission of death as Juan Ruiz, Manuel de Peralta, Luis Martín, and Pedro de Chávés [y Durán?], but he insisted that he alone had done the actual killing. He denied, however, that he had been persuaded by any other person to commit the crime. He also denied that he belonged to any faction, but, on questioning, admitted that his wife was related to both Antonio Baca and Juan de Archuleta.

Formal charges were now preferred against Ortiz, and pending trial he was committed to jail. A copy of the Santa Fé trial record was incorporated with the proceedings, and then the governor summoned the two companions of Ortiz to be examined. Nicolás Pérez de Bustillas made two very important admissions: (1) that he had heard it publicly stated in Santa Fé that the wife of Ortiz had been placed in Rosas' house, in order that she might be found there, and thus provide a motive for killing the ex-governor; (2) that he had heard both Antonino Baca and Cristóbal Enríquez say that they would kill Rosas. Bernabé, the Indian servant, testified merely that he had heard Ortiz admit the crime.

The son of Juan Flores de Sierra y Valdez, late governor of New Mexico, was now summoned. The witness told the already familiar story of the usurpation of authority by the *alcaldes* and *regidores* after the death of his father, and Rosas' fear that Baca and the others planned to kill him. And when summoned again two days later, Flores repeated the story with a few minor additions.

On May 21 the defendant was called again for further questioning, and he made two significant additions to his former statement. He specifically named Antonio Baca, Cristóbal de Enríquez, Diego Márquez, and Alonso Ramírez as accomplices, declaring that they had advised and persuaded him to commit the murder and that on the night of the crime Enríquez, Márquez, and Ramírez had actually guarded the entrance to the street leading to the house where Rosas was imprisoned. But Ortiz again firmly denied

that he or any other person had "planted" his wife in Rosas' house.

On May 23 Governor Valdez promulgated a decree to the effect that inasmuch as the province of New Mexico was "subject and subordinate" to the viceroy, notice should be given to His Excellency. But while waiting for instructions Valdez continued with certain routine phases of the case, such as appointing an attorney for the accused and the ratification of testimony.

A viceregal order to proceed with the case was finally received, and on September 12 Valdez pronounced sentence. Ortiz was condemned to be hanged, following which his head and right hand were to be cut off and nailed to the gibbet. The defendant immediately filed an appeal which was granted in due form.

The result of this appeal is not known. Apparently the case was still pending when Ortiz escaped from jail some months later. And there the documentary information concerning the career of this unfortunate soldier ends.

VI

There are certain aspects of the Ortiz case which merit some discussion and comment. To what extent was the entire episode a deliberately planned plot? Was Doña María "planted" in the Rosas house as a part of such a plot? To what extent were Baca, Salazar, and other members of the anti-Rosas party responsible for the crime?

It is perfectly obvious that Rosas had made a number of bitter personal enemies, and that the leaders of this group were Baca, Salazar, Archuleta, Ramírez, and Enríquez. Archuleta had been arrested as a possible accomplice in the Sandoval murder. Enríquez had been deprived of his place as regidor, and had suffered physical violence at the hands of Rosas. The grievances of the other three are not known, but in one way or another Rosas alienated them. All five signed the manifesto of March 16, 1640, in which Custodian Salas and the clergy justified the Santo Domingo con-

ference. Salazar was apparently the leading petitioner of the anti-Rosas party in the Rosas residencia. And it was Baca, Salazar, and Archuleta who refused to recognize Sargento Mayor Francisco Gómez as governor *ad interim*, and then seized power for themselves in the name of the cabildo. Their career followed a perfectly logical course, and the motivating element was bitter opposition and enmity for Luís de Rosas.

Let us turn now to the role of Doña María and Ortiz. It is clear that there was a considerable amount of public rumor and belief that Doña María was merely used as a pawn in a malicious plot. Otherwise why did she have to deny it? And why did the attorney for Ortiz in the Santa Fé trial make this point one of the six questions in the interrogatory by which defense witnesses were examined? Moreover if the liaison between Rosas and Doña María had been going on for four years, as the lady admitted, it is reasonable to assume that it would have been generally known in Santa Fé, where the families were so closely intermarried and where gossip was one of the chief diversions of all classes. It is too much to expect that Ortiz would not have learned his wife's guilt the moment he returned to New Mexico in the spring of 1641 instead of several months later. And if he was the jealous and honorable husband that the defense case tried to prove him to be, would he not have sought vengeance sooner? There was also something too legal, too punctilious in the actions of Ortiz. He made sure that the discovery of his wife in Rosas' room would be in the presence of the alcalde; he brought formal legal action and finally took matters into his own hands only when the channels of justice had been blocked; and on the night of the murder he hastened to declare his deed to the alcalde Baca. And why was it that on the first search of Rosas' house Doña María was not found, whereas on the second search Ortiz found her in the very chest that had been empty on the first search?

Perhaps Baca found it necessary to wage a campaign against the Apaches and thus be absent from Santa Fé early

in January, 1642, but as a result of his absence the suit of Ortiz for redress was filed before Lucero,—and naturally it would be better for Lucero to try Rosas than an open enemy like Baca! The same sort of suspicion is present with regard to the persons selected on January 24 to act as Rosas' jailers. Was it not dangerous to choose three former Rosas men? The excuse was made that the men who were designated were unmarried, and hence more eligible for service than others. But did the Baca faction include no bachelors? It is much simpler to assume that Rosas men were chosen in order that they could be blamed for failure to defend Rosas from attack. It should be noted that the guards were given definite instructions that it was their duty to protect Rosas, as well as prevent his escape. And of course the murder occurred less than twenty-four hours after the guards assumed custody of the ex-governor.

In short, there are many things which point to the probability of a definite plot by Baca and his associates to cause the death of Rosas and make trouble for his former supporters. And the testimony of Ortiz in Parral, in which he definitely mentioned Baca as one of the persons who had "advised and persuaded" him, is confirmatory evidence.

To the end Ortiz refused to admit that his wife had served merely as a pawn in the game, but that proves nothing. To have admitted it would have destroyed the plea of injured honor and would have utterly sealed his doom.

(To be concluded)

NOTES

1. Prada to Maldonado, March 12, 1642. A. G. I., Patronato 247, Ramo 7.
2. Prada to Maldonado, March 12, 1642; Testimony before Friar Tomás Manso, 1644. *Ibid.*
3. Decree, July 16, 1641. *Ibid.*
4. *Parecer* of Melian, ante July 25, 1642. *Ibid.*
5. Melian stated that out of 120 soldiers and citizens 73 went over to the anti-Rosas party during the tragic last year of the governor's administration.
6. Cf. Recopilación, ley xii, tit. iii, lib. v, and notice of numerous earlier laws on which the section was based.
7. Juan Florés de Sierra y Valdez, *el mozo*, referred to the situation created by his father's death in two depositions made before the governor of Nueva Vizcaya on

May 19 and 21, 1642. I quote extensively from each: (a) "En los dhas minas del parral en d^a y nueve días del mes de mill y seis^{as} y quarenta y dos años . . . el capⁿ j^o flores de sierra e baldes . . . dijo que sabe y puede decir es que conoze al dho nicolas ortiz q esta preso en la carcel publica destas minas porque entro a el nuebo mejiro por soldado de su compañia y en la del sarjento mayor joan flores de baldes gobernador y capitan jeneral que fue de las Provincias de el nuevo mexico a donde aviendo llegado este t^o con el dho gobernador joan Flores de baldes su padre bio en las cassas rreales de la billa de santa fee a el jeneral don luis de rroças gobernador y capitan jeneral que fue de aquellas Provincias donde estaba ejerciendo los dho cargos Y rrecibio el dho su padre a el ejercicio de los dhos cargos e estandole tomando rresidencia murio el dho gobernador su padre Y abiendo dejado nonbrado Por ssu teniente de gobernador y capitan jeneral de aquellas Provincias a el sarjento mayor francisco gomez y para que acabase de tomar la rresidencia al dho don luis de rroças la mitad de el cabildo como fueron antonio baca alcalde ordinario e francisco de salaçar e joan de arechuleta rrejidores no quisieron admitir ni obedecer al dho francisco gomez teniente de gobernador y Capⁿ jeneral nombrado por el dho su padre joan flores de baldes e bio este t^o que despues de algunos dias el dho gobernador don luis de rroças trato de salir a la Z^d de mexico, teniendo noticia dello el alcalde antonio baca pusso preso en la casa de almaçaen escribano al dho don luis de rroças e le embargó todos sus bienes e mulas y cavallos y este t^o le bio e bisito en la dha prision y despues algunos dias estando este t^o para salir de aquella tierra bolbio a bisitar al dho don luis de rroças en la dha casa y prision y al despedirse de el y tratando de su caussa dijo a este testigo el dho don luis de rroças q estaba aciando actos de contricion Porq. temia y córria boz jeneral q le abian de matar ssus enemigos en la prision donde estaba luego q saliesen los carros q estaban proximos para salir a estas provincias de nueba vizcaya y nueba españa en los quales este t^o salio y era pp^{co} e notorio que el dho don luis de rroças tenia muchos enemigos en la dha villa de santa fee e provincias de la nuevo mexico e particularmente lo eran el alcalde antonio baca e los dhos rrejidores francisc de salazar e joan de arechuleta." (b) En las dhas minas del parral el dho día V^{te} y uno de mayo de mill y seis^o y quarenta y dos años . . . el capitn don jun flores de ssierra y baldes . . . siendo preguntado por el tenor de la cabeça de proceso dijo que conocia a nicolas ortiz q esta preso en la carzel pp^{ca} destas minas Porque le bio y comunico desda la Z^d de mexico asta la dha probincia el nuevo mex^{co} e billa de santa fee porq fue por soldado de la escolta de los carros del rrey nro señor e tambien le comunico en la dha probincia Y assi mismo conocio al jeneral don luis de rroças Gobernador y Capitan jeneral q fue de la dha probincia a donde le bio y comunico muchas bezes y quando salio este testigo de aquella probincia dexó preso al dho don luis de rroças por orden de antonio baca y de algunos rrejidores de la dha v^a Por Pleitos de dependencias que tenia sobre su rresidencia con muchas Personas de aquella probincia q la estaba dando ante el Capitan y sarjento mayor joan flores de baldes gobernador y Cappⁿ jeneral q le sucedio en los dhos cargos y la dha prision Y cieron despues de muerto el dho joan flores de baldes y le secretaron todos sus bienes e los llebaron la qual dha priss^{on} y secresto bio este t^o acer al dho don luis de rroças Porq avnque este t^o fue nombrado en tiempo por dho gobernador y Capitan jeneral joan flores de baldes Por su lugarteniente no le obedecian a este t^o ni tanpoco al sarjento mayor francisco gomez a quien asi mismo el dho gobernador estando enfermo Le nombro por su lug^r teniente, diciendo el dho antonio baca alcalde ordinario y los rrejidores arechuleta y francisco de salazar y alonso rramirez e xpbal enriquez y otras muchas Personas q seguian el bando del dho antonio baca ellos abian de gobernar como lo yCieron alçandose con el gobierno despues de muerto el dho gobernador joan flores de baldes sin querrer obedecer a ninguno de los dhos tenientes aunq el alcalde Pedro Lucero de godoy los admitia por bersse solo y sin fuerças quedo gobernando el dho cabildo y alcalde antonio baca y este t^o biendo la poca obediencia que tenian al dho joan flores de baldes e stando enfermo Prebiniendo algun mal suceso como le amenaçaban cada dia los de la parte del dho antonio baca pidio liz^a al dho gobernador Para salirse de aquella probincia como se la dio Y despues de muerto abiendo Ydo a bisitar a la prission donde estaba el dho don luis de rroças Y a despedirse del para benirse en

los carros del rrey el dho don luis de roças dio a este testigo con todo secreto el testamento q tiene entregado a su señoría y le dijo a este tº lo trajese a la nueva españa Porque tenia por cierto que ssus enemigos Le abian de matar en aquella prision como es ppº e notorio le mataron y q la dha muerte la yço el dho nicolas ortiz Preso en la carzel deste rreal ayudado e fomentado de otras Personas." *Criminal contra Nicolas Ortiz, vecino de la Provincia de la Nuevo Mexico, por aver muerto al general Don Luis de Roças, govºr y capitan general que fue de dha Provincia. 1642.* This document was recently found in the archives of the city of Parral, Mexico, by Sr. D. José G. Rocha, editor of *El Correo de Parral*, to whom I am indebted for a typewritten copy. The document consists of a copy of the record of the trial of Ortiz in Santa Fé for the murder of Governor Rosas, and the record of the re-trial of Ortiz by the govenor of Nueva Vizcaya in Parral.

8. The discussion of the Ortiz case is based entirely on the Parral document. No further citation of the document will be made.