New Mexico Historical Review

Volume 12 | Number 4 Article 1

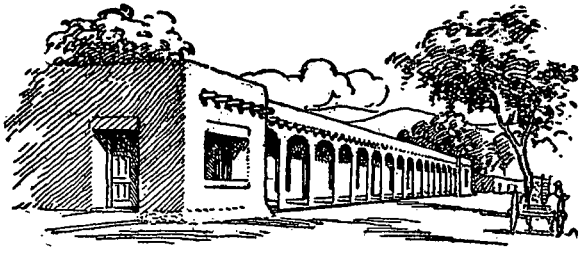
10-1-1937

Full Issue

New Mexico Historical Review

NEW MEXICO HISTORICAL REVIEW

VOL. XII OCTOBER, 1937 NO. 4



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

NEW MEXICO HISTORICAL REVIEW

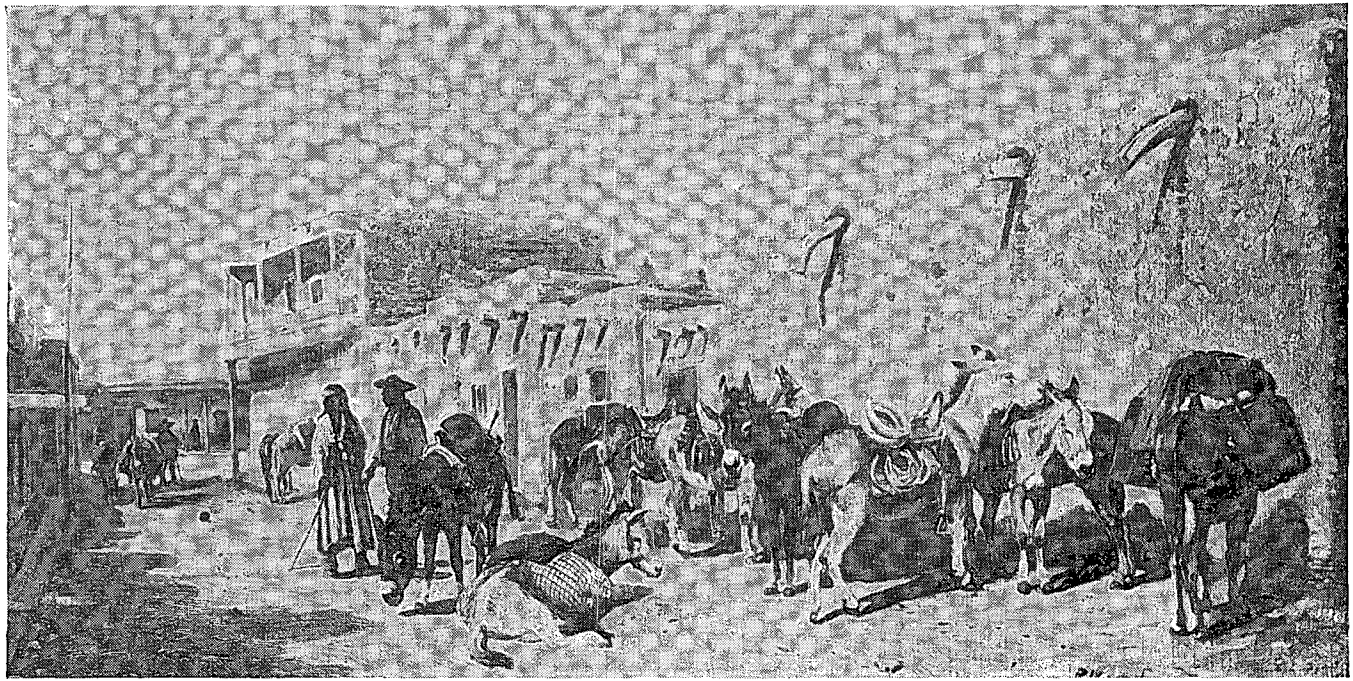
VOL. XII | OCTOBER, 1937 | No. 4

CONTENTS

Subscription to the quarterly is $3.00 a year in advance; single numbers (except Vol. I, 1, 2, and II, 1) may be had at $1.00 each. Volumes I-II can be supplied at $6.00 each; Vols. III-XI at $4.00 each.

Address business communications to Mr. P. A. F. Walter, State Museum, Santa Fe, N. M.; manuscripts and editorial correspondence should be addressed to Mr. Bloom at the State University, Albuquerque, New Mexico.

Entered as second-class matter at Santa Fe, New Mexico
UNIVERSITY PRESS, ALBUQUERQUE, N. M.



A PAINTING BY PETER MORAN,
Santa Fé, 1880
(Sandoval St., from Water north to San Francisco?)
Courtesy of Judge and Mrs. Chas. Warren, Washington, D. C.

NEW MEXICO HISTORICAL REVIEW

VOL. XII OCTOBER, 1937 NO. 4

BOURKE ON THE SOUTHWEST, XII

Edited by LANSING B. BLOOM

CHAPTER XXII

TO FORT LEWIS, COLORADO

OUR EXCERPTS from the note-books of Lieutenant Bourke have now brought us to the point where he himself has used his notes in book form. In the fascinating volume, *The Snake Dance of the Moquis,* printed in London early in 1884, Bourke gives us, partly in diary form, the record of his journey from Santa Fé to the First Mesa in August, 1881, supplemented by data from his earlier visit to the Hopi towns in 1874 and from a third visit made in October, 1881. On this last occasion he was trying to reach the Coconino people in Cataract Cañon to the west,—where Frank Cushing had gone a few months before from Zuñi. Bourke got no further than Oraibi, but he did add considerably to his ethnological notes. Incorporated in this book, also, is his detailed account of the Green Corn ceremony (Dance of the Tablita, he calls it) at the pueblo of Santo Domingo on August 4, 1881, together with ethnological and historical data similar to those which he had gathered from the pueblos north of Santa Fé.

On his journey to witness and study the Snake Dance at Walpi, Bourke had hoped to be accompanied by General Edward Hatch, then commanding the District of New Mexico, and Capt. C. A. Woodruff of his staff. This was prevented by an Apache outbreak in the southern part of the territory, but the artist Peter Moran whom he met in Santa

Fé did go with him. At Fort Wingate they met Tom Keam, who was returning to his home at the Moqui Agency; and farther on, the party was joined by about a dozen others: resident officials, traders, missionaries.

The present-day visitor to Walpi enjoys the benefit of oiled or well graded roads all the way to Polacca at the foot of the First Mesa: and he may even drive to the top—with no greater inconvenience than refilling his radiator when he descends. Nevertheless, enough uncertainty remains to make it a venturesome journey since, as Bourke discovered, a Pueblo rain ceremony is often followed by a torrential downpour when, as Keam remarked, "the bottom drops out."

To those who have read Bourke's description of Walpi and its Snake Dance a half century of time will seem to have brought comparatively little change. The pueblo itself and its people, the wonderful vistas of the surrounding country, are much as they were in 1881—and, for that matter, as they were in 1540 when first seen by white men. The "Sacred Rock" still dominates the diminutive south plaza; leading through to the north plaza is still the "arcade" where Bourke and Moran found shade in which to work upon their notes and sketches.

Following his visit to the land of Tusayán, Bourke returned to Omaha and Fort Leavenworth and gave some weeks to working up his voluminous notes and to preparing to continue his work in the Southwest. Except at Santo Domingo, he had not yet extended his ethnological study to Jémez and the Keresan and Tiguan pueblos south and west of Santa Fé; and he wanted also to visit some of the more important archaeological ruins which had been reported by earlier travelers and army officers. Late in September he was again headed west.

September 27th 1881. Tuesday, (continued.) Left Omaha by the evening train on the Kansas City, St. Jo. and Council Bluffs R. R., for Kansas City, en route to Santa Fé, N. M. . . .

September 30th 1881. Friday. Crossed the Raton Mountains and passed through the Tunnel. Had our breakfast at Ratón station where we once more found ourselves under the immaculate canopy and breathing the pure air of New Mexico. (Raton Tunnel is exactly across the line between Colorado and New Mexico.) At Watrous, Colonel Lee, Captain Hunt and General Smith, T. M.,[1] came on board from Fort Union. Reached Santa Fé in time to dine with Colonel and Mrs. Lee and Lt. Glassford. Put up with Goodwin and Emmet; spent the evening with Capt. and Mrs. Woodruff.

October 1st 1881. Registered at District Hd. Qrs. Wrote to Keam and others. At breakfast met Colonel and Mrs. Purington, 9th Cavalry;[2] lunched also with the Bachelor's mess. At 2. P. M. started for Española, the terminus of the Denver & Rio Grande R. R., enroute to Fort Lewis, Colorado.[3]

A serene and lovely day, without any discomfort other than was traceable to the dust, the constant co-efficient of travel in New Mexico, not made during the season of rains. Drove without a hat to Pojuaque and there drew up in front of "Boquet's." I received a warm greeting from my quondam Senegambian friend "Rosey," and was presented by her with a handful of almost ripe apples from the orchard where the red blush of the luscious fruit almost eclipsed the dense green of the foliage. Darkness had closed about us and the pallid light of the crescent moon was throwing more of shadow than of illumination upon the earth as we came in sight of the twinkling lights of Española.

We were too late for supper: the people of the town partook of that at sun-down, an arrangement which affords a larger margin of time in the evening for playing cards and guzzling whiskey. At the Stage stable, hay was purchased for our ambulance mules and also some for a bed for the driver. He was formerly one of the soldiers of the company to which I belonged—"F" 3 Cavalry, with which

1. Gustavus A. Smith served from 1870 to 1882 as collector of U. S. Internal Revenue. Bourke was mistaken in identifying him with the "Territorial Militia." Smith was born in Pennsylvania but served in the Civil War from Illinois and was mustered out in 1865 as brevet brigadier general. He died Dec. 11, 1885.

2. George A. Purington was a native of Ohio, served in the Civil War, and continued in service as an officer of the 9th U. S. cavalry. Later (October 1883) he was to become Bourke's superior officer by transfer to the 3rd U. S. Cavalry.

3. Heitman, *Historical Register*, II, 517, incorrectly locates Fort Lewis at Pagosa Springs, on the San Juan river. As Bourke's notes will show, it was a newly created post in the La Plata valley about twelve miles west by south from Durango. It was strategically located with reference to the Ute Indians.

fine organization, when commanded by Lieut. Cushing,[4] he had made many rough scouts in Eastern and Central Arizona and, later on, had served as a packer under Crook at the Rosebud. He made himself known to me and chatted a great deal about past events in which we had both participated. By his kindness, I soon had my bundle of blankets unrolled in the ambulance and our next step was to hunt up something to eat. This we secured, after a little trouble, in the Rail Road eating room, altho' the lady in charge did not ordinarily look for guests before the arrival of the down train which brought with it the day's supply of beef. In the absence of this, we fared well enough on bacon, eggs, bread, butter and coffee.

October 2nd, 1881. The shrill warning of the locomotive tumbled us out of our thin blankets into the chilly air of dawning day, just as "Charlie" began to call us to breakfast. "Mine host" Charlie was a tall, broad-shouldered, powerful fellow with a good-natured but determined physiognomy and a game leg. His knowledge of the culinary art was not quite equal to his hospitable intentions and we might have found fault with our meal, had we felt an appetite for anything more than the cup of coffee which was piping hot, strong and fragrant. Then to the train, composed of half a dozen "flat" and as many "box" cars with a small passenger coach at the end of the line.

The scenery from the car windows was not beautiful but it was full of the exhilarating effects drawn from the gorgeous Autumn sky of this Rio Grande Valley. No verbal description could do justice to the turquoise, greenish-blue ether in which lazily floated the ground-work of cedar-matted ridges with their foot-hills of naked, grayish clay "mesas", merging imperceptibly into the sage-brush "bottom land". A few gnarly cottonwoods growing on the banks of acequias acquired prominence more from their isolation than their beauty. In their shadow were visible a handful of low, one-storied, adobe houses where the swarthy natives listlessly dreamed their lives away and a row of canvas tents, bearing the signs "D. and R-G Saloon", "O. K. Bar", "Head-Quarters Saloon", Española Saloon" &c. &c. &c., where the "highertoned" and more progressive *American* nightly shot to death his antagonist in the national game of

4. This reference goes back to the very beginning of Bourke's army life in the Southwest. Lieut. Howard B. Cushing was killed in an Apache fight in Arizona May 5, 1871. See *ante*, vol. IX, pp. 45-47.

"draw." Yet we have missionaries among the *Mexicans* to redeem them from their superstitions & vices!

Up the Rio Grande Valley, our little engine bravely puffed, passing fields of ripened corn where burros, & ponies capered free from every care and trouble, unmolested by their hereditary enemy, the small boy: and cows, quietly browsed upon the stalks. Little "plazas" and "ranchos" of adobe, or mud and boulder, each house embowered in its orchard and emblazoned upon its outer walls with a scarlet escutcheon of chile colorado.

The hills in places close in upon the lovely valley—the valley of San Juan—we see that they are great blocks of sharply angled basalt, tossed up into these huge piles by a Power in whose presence all agencies of man shrink into nothingness.

At Embudo, begins a cañon of great severity and much majesty. Here the train twists around the sharpest of curves, pushes up the steepest of grades where engineering skill of the highest order has been called into service to fight the obstacles interposed by Nature as a barrier between the restless, aggressive civilization of the conquering North-American and the apathetic indolence of the descendants of the Castilian and the Aztec. The summit of the mountains attained, the line of the road enters a broad stretch of piñon and cedar timber. All around us are peaks, pinnacles and mesas as rugged as that which we have climbed—the fervid sunlight bathes with a golden beauty the section houses, flat-cars and tank at the station. From being commonplace, they rise to the dignity of the picturesque and acquire a claim to our admiration, backed as they are by the spotless blue dome above and breathed upon by the balmy pure air which makes all Nature joyous and glad.

Continued on over grassy, elevated plateaus, destitute of timber & running water—soil covered with blocks of black basalt, with a whitish lime efflorescence. Dinner at "No Agua"—and quite a good dinner too: the water here is from a well 50' deep—very good, cold water. Passed a tall, pyramidal monument of basalt blocks, reaching 12′ or 15′ above surface alongside track; this marked the line of separation between Colorado and New Mexico. 3 m. beyond it, came to *Antonito,* a little town on the Rio Conejos, the terminus of the Division I had to continue my journey upon in order to reach Durango and Fort Lewis. This being Sunday, no train ran on the Division, probably in deference to the

religious scruples of the people of Durango, in which town the "Stockton gang" of outlaws have been raising Hell for the year past. Put up at the Raymond House, the best and only hotel in Antonito—kept by a cross Dutchwoman. Was glad enough to get a little rest even if it necessitated staying in this hole over night.

Our hotel, the Raymond House, a clap-board concern, was found to be quite good when I began an examination of its merits. Making all allowances, and many had to be made, the rooms tho' quite small were neat and clean and not intended for more than one occupant, or at most, two. The table also was clean and the service good—a couple of pleasant voiced German girls acting as our Hebes. The accomodations were so much superior to what I had imagined they would be, that I couldn't crowd out of my mind the story which Goodwin[5] told at lunch yesterday of an English gentleman he had met last year. The Englishman belonged to that class of his countrymen who have poked about in all the odd nooks and crannies of this great globe and have learned to take philosophically everything just as it comes. He wandered out to one of the new points, Durango, I think, to which the iron horse had just made its way over the D. & R. G. road, and knowing that, in the "rush" the town was having, beds might be scarce, took the wise precaution of telegraphing ahead from Denver to the proprietor of the sole hotel there in Durango: "Will reach Durango tomorrow. Please reserve room. Answer. Plantagenet Snodgrass." The electric flash sped back the answer: "Platagenet Snodgrass, Esq., Denver. No. 8 reserved. Bridal chamber. Jefferson Dawkins, Propr." Arriving at Durango, our English friend hied him to the hotel which somewhat nonplussed him in its external appearance. It was half pine slab and half canvas. Inside was no better. The "office" was occupied on one side by the bar, at which a dozen or more rough-voiced, hairy tomato-nosed, watery-eyed old "toughies from Bitter Creek" were paying their evening devotions to Bacchus. A plain pine desk supported an ink-stand and a register. The walls were without decoration save such as was offered by a dozen bright colored hand-bills adjuring the way worn

5. Millard Fillmore Goodwin, one of the "bachelors' mess" in Santa Fé, was a native of New York state but entered West Point from Arizona. He was two years ahead of Bourke, was commissioned in the 9th U. S. Cavalry, and at this time was serving in Santa Fé as regimental quartermaster. Just a year before, he took part in the Buell expedition which went south into Chihuahua after the Apache chief, Victorio.

pilgrim to try "the Rock Island Route"——Go East by the Union Pacific—Remember the ever popular Burlington"—or assuring him that the "great Atchison, Topeka & Santa Fé was positively the only line in the country equipped with the Miller coupler buffer, Westinghouse air brakes and Pullman Palace Cars."

There was another ornament, I had almost forgotten to mention, but this narrative would be jejune and barren did I not speak of him—"the gentlemanly and genial" hotel clerk, as he was called by the "local" of the town paper who was getting his tooth-picks free at the "American." Beautiful and bright he stood, preserving all the supercilious arrogance and, in a somewhat faded way, much of the Oriental splendor of his Saratoga prototype. His hair was rather matted and his shirt no longer white; but on his bosom he wore a carbuncle pin which paled its ineffectual fires only before the lurid flame of the carbuncle on his nose.

This could hardly be the place in which to look for a reserved room, least of all a bridal chamber, but Snodgrass had the telegram in his pocket. "Ah-Ah! Cawn't I be shown to No. height, you know?" queried the Angelican. "Oh, you're the feller what wanted a room reserved for him—eh?" responded the hotel dignitary—"Certainly." "Gentlemen" (this to the squad of drinkers,) "here's the gentleman what has the bridal chamber—come along"—and taking Snodgrass's satchel in his hand, the clerk led the way, followed by an impromptu body guard of the old topers in double file. What were Snodgrass's horror and amazement when the giggling, drunken crowd half conducted, half pushed him into a long narrow room with canvas roof, in which by the flickering glare of a solitary coal-oil lamp he discerned 16 or 18 beds, all occupied save one in the corner. "Yar's yer bridal chamber," said the clerk with a leer, "hope ye'll like it." This cutting piece of pleasantry was not lost upon his drunken auditory; each and all exploded in a peal of laughter and joined in a chorus of remarks to the effect that it was the "high-tonedest" bridal chamber in Durango, it was bee Gawd and don' you for (hic)-git (hic)."

The Englishman, glad that affairs were no worse, disrobed and jumped into his cot. Sleep, however, was impossible on account of a war of words which had arisen between two gentlemen occupying couches on opposite sides of the apartment. The war did not last long, however, for

one called the other a liar and was almost at once shot dead by the party of the second part.

The proprietor and several servants rushed in to find out what the "difficulty" was about and seeing that the dead man's blood was spoiling the sheets, hauled the "stiff" out of the room and dumped it down in front of the house to await the arrival of the coroner with a verdict of justifiable homicide. Mr. Snodgrass's nerves were a trifle excited by this petty incident but his horror was intensified by the arrival of the "down coach", and by seeing one of its passengers coolly shown to the dead man's bed!

Then, during the night, another one of his fellow sleepers died of consumption and was promptly hauled out so as to have the cot ready for use by the time the "Denver Express" should get in, in the morning. Will it be credited that that bloated Saxon declined to remain in Durango another day? Not only that, he went back to London and reported in the clubs that the metropolis of the enterprise and culture of S. W. Colorado was a "blausted, bloody 'Ell, you know!"

This is a long digression to make from what I had intended for a brief and simple reference to the hotel of the town and the town itself; the story, I am compelled to say, lacks some of the elements of probability and the fact that Goodwin is the responsible author don't add to its trustworthiness one particle in my own estimation.

Antonito, I have said, is the terminus of a division of the Denver & Rio Grande Railway; it is more than that;—it is the point of divergence of two of the most important branches of that widely ramified system of roads.

At the present date, all the houses are of pine plank, unpainted, and the town has a raw and unfinished air hard to reconcile with the bustle and activity visible in its streets or at the depot upon the arrival of trains from the N. S. and W. Since today is Sunday, I have perhaps seen the town at a time when most people would be in its streets and I ought also to say that as the R. R. company has ceased much of the work upon its Western "extensions", the discharged laborers have flocked to this point to receive the pay due them. Gambling saloons, of course, are plentiful and painted, brazen-faced Cyprians leer from open doorways upon the fools whose hard earned money makes them so tempting a prey to the vicious. One of these painted hags, still young but seamed with the brand of an ill-spent life,

sat in a door-way, while a tender little babe played and prattled at her feet. The contrast was startling. Vice never appears so dreadful as when brought side by side with ingenuous, helpless innocence! Great flocks of sheep graze in this vicinity and along the course of the Conejos river which meanders by the town, numbers of happy-go-lucky Mexicans go through the pretence of cultivating a rich soil which "when tickled with the hoe, laughs with the harvest."

Potatoes, peas, beans, cabbage, beets, radishes, lettuce and turnips are all raised in abundance and melons in small quantities. Fruits have not been planted. Oats, corn, and wheat do excellently well and yield fine returns, but it remains for those shrewd, painstaking farmers, the Mormons, to demonstrate the capabilities of the soil; they have recently established one of their "stakes," or colonies, of 200 souls—at Manessa, 9 m. N. & W. of Antonito, and their efforts thus far have met with the most encouraging results.

October 3d, 1881. Monday. Sleep much broken last night. The partitions between the rooms being nothing more than pine shavings covered with wall paper, every sound made in any one room could be heard in all the others. Near by was a man suffering from night-mare and filling up the gaps between spells with a snore that waked me up with a start in the belief that it was my train moving off without me; and on the other side of the corridor reposed a mother and baby. The baby began work at a very early hour in the night by inaugurating a series of Thomas (cat) concerts, which the doting mother supplemented with a liberal invoice of "baby talk." "Dare now. Did dey 'buse mudder's itzy babens? Es ay did—dey 'bused muzzer's pooty baby" and a lot more of the same nauseating stuff, intended, I've no doubt, to soothe the young brat. So absorbed did the mother become in her monologue that she lost many valuable suggestions tendered free of charge by the crusty old bachelors in the adjoining apartments: "give that calf more rope"—"drown him": "stick a clothespin on his nose," "knock the stuffing out of him," and others of like import,—all of them valuable and I am certain that had the fond mother heard any of them she would have expressed her gratitude promptly and in the most vigorous language.

The train from Denver was at least an hour late. It had, attached to it, a Pullman in which I secured a seat, much to my delight. Leaving Antonito, our course was up grade, cutting first through a basalt formation and then

through one of drift, winding up a wonderful series of curves through and around ranges of hills of great height, but of gentle sloping contour. Their summits were bare but timber in great abundance covered the lower skirts and filled the ravines and side-cañons, growing, not in dense, compact masses but scattered so as to permit the fullest growth to each stem, and also to disclose the full beauty of each. There were straight, symmetrical, graceful pines with foliage of dark-green velvet; quaking asps with smooth white boles and shivering leaves, jaundiced with the frosts of the early autumn; the ever lovely and majestic balsam with branches tipped with silver; and lower down in the bottom of the cañon, already far beneath us, a sinuous line of yellow foliage, half concealed, half-disclosed the prattling current of the glistening "Los Pinos." Our train twisted and turned, dodged in and out amid huge crags; cut its way through the narrowest excavations or hugged the edges of precipices, until it had attained a large out-cropping of conglomerate, through which a short tunnel was pierced and then our route followed the dizzy edge of the main cañon to the back-bone of the range, a heaped-up mass of giant cliffs of grim, gaunt granite between which the pent up waters surged in greenish waves capped with white. Our exclamations of astonishment and delight were cut short by a tunnel whose farther extremity abutted upon a frail bridge, spanning a yawning chasm in tthe naked rock. Our breaths grew short and our pulses beat more quickly as we gazed out of the car-windows down into the abyss to its point of junction with the main cañon, a scene unequalled by anything in my experience for sublimity and majestic beauty. The road for the next ten miles was soon camparatively level—that is for the Denver and Rio Grande. We had many curves but no precipices and the grades—all down—were much easier than those surmounted on the other side. Timber grew scarcer and much of that in sight was burned or wind-wrecked. The hills were thickly tufted with grass already yellowed by age and frost and the general aspect of the landscape was strongly suggestive of approaching winter—a suggestion not weakened by the heavy pall of fleecy blue-gray clouds, hanging low in the sky. We here met the "up train" and almost immediately after, began to run down a very steep grade, leading by a marvellous maze of curves and zig-zags to the lovely cañon of Wolf Creek not so narrow

as that of Los Pinos, but sufficiently so to be unusually impressive.

The confining hills fell away in lofty terraces where Nature had made a lavish display of color in the bright russet, emerald green, gray, brown and drab of the pine balsam spruce and aspen foliage and the more subdued tints of the rocks and grasses. A pretty bridge boldly cleared the deep ravine of Wolf Creek choked with a solid and interlacing growth of spruce and balsam. The overhanging boughs formed a noble arch to shelter from the sun-light the silvery cascades which filled the ravine with a merry symphony as they danced from rock to rock in their downward course to pay tribute to the Chama. He must be an emotionless artist whose canvas wouldn't glow under the impulse of such landscapes.

Supped at Chama, a pleasant little hamlet, snugly sheltered in a heavy grove of pine at the confluence of Wolf creek and the Rio Chama, the channels of both streams being marked out by heavy yellow-russet fringe of cottonwood and quaking asp. Near here the Rail Road re-enters New Mexico and keeps to the S. of the Colorado Boundary for a considerable distance.

Night was closing in upon us and smoky masses of cloud, creeping stealthily down the slopes of the mountains, were bringing darkness and dampness in their train. Lights were flashing from all the windows in the town [Chama]; our porter was quietly lighting the lamps in the car, stopping only occasionally to respond to the pointless questions of some idle passenger like myself. The day was ended and with it the task of collecting notes and data of my journey. Rained all evening.

During the night, I waked up several times and saw that the country through which we were travelling was well timbered. The rain continued until the morning of

October 4th, 1881, Tuesday. We reached Durango at 1:30 A. M., but were not disturbed in our slumbers until nearly 7 o'clock. Altho' the streets were muddy, and the heavens overcast, I could see that Durango was very prettily situated in a nest of noble mountains. It has all the exterior signs of being one of those mushroom mining towns we read of, springing up like the gourd in the night. It contains 3000 inhabitants sheltered in comfortable houses, not a few of which are brick. Substantial brick blocks line the busi-

ness streets, there are 3 hotels in full blast and all kinds of business represented and represented well.
The *Daily Record* contains a very full telegraphic synopsis of the news of the day; the issue of this morning informed its readers of the reception accorded to Mr. Parnell at Cork, the arrival of President Arthur in N. Y., the death in Washington, D. C., of Mrs. Hatch, wife of General Hatch, Comdg. this Dist.—the destruction of the town of Madison (Neb.?) by a cyclone, the loss of the Steamship *City of Merida* off Cape Hatteras, the outbreak of the Chiricahua Ind'ns from their Reservation in Arizona—and other items without number—a very creditable exhibition of enterprise and business intelligence. Durango has fine drug stores, hardware, dry-goods, grocery and liquor establishments, barber shops, bath rooms, a mattress factory! an undertaker who had established himself "to fill a long felt want," and other forms of industry. Smelting works are in course of construction, the R. R. Co. has built good depot accommodations and contemplates the immediate extension of its branch to Rice, a new mining camp to the North West. There are, as might be expected, many quack doctors, jack lawyers, blacklegs, prostitutes and other parasites who prey upon their fellow men. And in this really wonderful little town, less than a year ago not a single house was standing!

While waiting for an ambulance to arrive from Fort Lewis, I strolled around Durango and out beyond the town some distance down the course of the charming Las Animas. The rugged peaks, guarding the lovely, narrow valley, had attired themselves in a hundred gay hues—an affectation of youth very unbecoming their age and prominence in this part of the world. The ravages of Time, the wrinkles and seams of the centuries, were concealed or softened by the bright russet and orange flush of the scrub-oak. The leaves of the pine and balsam and the silvery sprigs of the spruce had been cleaned and brightened by gentle showers; under the friendly shadow of passing clouds were hidden many of the rugged and angular prominences and cavities, while the fugitive rays of a mellow October sun were attracted to the more voluptuous contours of the lower hills. "Truly!" I said to myself, "these old belles have done good work at their morning toilette! After being admired for centuries, listening no doubt to the rapturous praises of the forgotten race we call the Cliff-Dwellers, and extorting the trembling adoration of fierce Ute and Navajo, they are not yet willing to

admit that they have become at all *passé* but have reëntered the field bent upon new conquests." and, while soliloquizing thus, I doffed my hat as one of the first new American men privileged to pay respectful homage to these beauties so ancient and yet so young.

Returning to the hotel, I noticed with pleasurable surprise, rows of dainty little Queen Anne cottages, of wood, and others of brick, with bay windows and other modern improvements. The emblems of mourning for Presd. Garfield were still in place—a gratifying proof that in the search for the new Pactolus, our Argonauts of the S. W. hadn't forgotten the respect due the memory of our fallen Chief Magistrate.

The class of people now pouring into Durango and the San Juan embodies intelligence, mental and physical activity, and good character. Law and order are driving out anarchy & misrule. The Stockton gang of "rustlers," which only two months since seemed to hold full sway, has been entirely crushed, six of its members biting the dust in as many weeks and Stockton, the leader, receiving his death wound a week ago. This was a bullet in the thigh, necessitating a hip amputation. Under the skilful butchery of the town esculapii, the noted brigand bled to death and the spirit of an outlaw, who so lately had held all this region in terror, took its flight to the realm of the Great Hereafter.

My writing was interrupted by the entrance of a corporal from Fort Lewis, to announce that an ambulance was in waiting to drive me to the Post.

A drizzling, but not unpleasant, rain fell during the later hours of the morning, filling the valley with a soft mist behind which the loftier peaks hid themselves from our view.

A squad of Utes, men and women, with vermillion faces, ebony hair and wrapped in bright Navajo blankets in Durango, with their ponies to contest the races advertised for to-day. Left Durango, crossed the bridge over the Animas, a gentle mountain stream of crystal water 75′ wide, placidly rippling over its bed of boulders, passed the new brick-yard, where men were burning the materials for constructing new business blocks of this lively town, and turned into the valley of "Lightning" Creek, an affluent of the Animas—a pretty streamlet whose course and dimensions are almost hidden in the shady branches of a thick fringe of cottonwood, quaking asp & scrub-oak—all yellowing rapidly

under the action of frost. Met Capt. & Mrs. Rogers, 13th Infantry. Road, altho rocky and firm underneath was muddy on the surface. An irrigating ditch taken out by a family of Mexicans, watered a small vegetable patch. Two wagons, loaded with coal of a very fine quality stopped the way for a moment. They were from the mines up the cañon. Another brick-yard, a toll-gate, more lovely scenery—the music of running water and the mournful lowing of a cow in the shrubbery answering the bleat of her calf in a neighboring "corral", distracted my attention a little from the conversation of the driver who was giving me the details of the killing of Stockton, the desperado, in Durango, last week of which he was an eye-witness.

Stockton, the leader of the gang, was believed to have been influenced partly by his wife's fears & partly by love of gain to "give the gang away." His ostensible reason was his disapproval of the murder of the Sheriff of Silverton, which crime lay heavy on the outlaw's conscience.

Being promised immunity from punishment for past offenses, and the full amount of the reward offered, i. e. $2500, he was secretly appointed Deputy Sheriff and, in that capacity, arrested "Burt" Wilkinson, the murderer and delivered him to the "Sheriff of San Jewan." The people of Silverton did not let Wilkinson weary of the "law's delay." They hanged him at once, in company with a "nigger" who was "a tough one, you bet." This base treachery of Stockton to his own men aroused against him a strong under-current of disgust—and his gang of course swore vengeance. They had members and connections among the officials of Durango and other places: one of them, a fellow named Sullivan, had something to do in the sheriff's office.

He sought a quarrel with Stockton, and an excuse was not long wanting with a desperado who carried a small arsenal upon his person.

Sullivan "got the drop"—fired and Stockton, in the elegant language of my informant, "squealed like a pig."

He begged his audience not to hang him and in many ways behaved in a manner unbecoming the desperado of the story books. The driver was evidently disgusted with him and said, in a tone of contempt, "he didn't die game no how." The subsequent scientific butchery of the wounded outlaw has been appropriately referred to in preceding pages.

"I reckon the gang'll break up now—the Eskridge boys'll be apt to git. Did yer notice that-a feller I was a'

talkin' to at the Day-po? Wa-al, his name's Noot: he's a hard un, too—He'll go pooty soon. He's wanted now down in New Mexico. They say he massacreed a hull family—a mother and two kids—ya'as, he'll go pooty soon. He used to be a p'leeceman (God save the mark. J. G. B.) in Durango, but they fired him out last week."

With such interesting conversation, the driver good-naturedly enlivened our trip through "Wild Cat Cañon"—a lovely glen, walled in by steep ledges of shapely pine trees. In length, the cañon was not over two miles—at further extremity are the coal mines of the D. & R. G. Co. from which came the wagons of black diamonds already noted. Two very good springs flow by the road: one at the coal banks, and the other at the "Ranch," several miles beyond.

At the latter point was the camp of a small detachment of the 13th Inf'y, engaged in putting up telegraph poles for the line to connect the Fort with the R. R. terminus. The country, from this on, was of easier contour and a succession of pretty parks; the timber, pine; and the grass "bunch", very good for cattle of which there are many in the vicinity altho', to my mind, sheep would be better.

An occasional party of miners and prospectors jogged by on their patient long-eared little "burros" going to Durango with bullion, or returning with supplies for "Parrot" and other "camps". Trains of wagons also brightened the road, the bells of the leaders jingling musically and the sharp cries of the drivers or the sharper cracks of their whips, exploding in the forest like the report of rifles.

The cawing of crows, perched on the topmost limbs of high pines, & the twittering of pretty blue birds were the only signs of animal life other than those spoken of above.

From the summit of a small wooded knoll an excellent view of the adjacent territory was obtained; a continuation of lofty terraces, abrupt ridges, and deep cañons plentifully watered and abundantly treed, seamed with coal measures and rifted with valuable ledges of silver. Building material of all kinds—granite, sandstone, and brick clay accessible—and fertile "truck" and farm patches in all the ravines and valleys. I couldn't find fault with the Utes for their reluctance to abandon such a noble estate. This pine-timbered mesa was two miles across; on the W. side of it was the valley of the La Plata, which, like all the streams in this part of Colorado, was a picturesque mountain river, with fertile valley, well fringed with timber. The Post saw-mill

was on the road at foot of this mesa: it was well supplied with saw logs of good dimensions, some ranging as high as 3′ in diameter.

To the Post, 1½ m. further down the valley, the total distance from Durango being 12 miles, nearly all of it up grade along a sidling, muddy road. Direction nearly due West, time 4 hours.

Colonel Crofton,[6] 13th Infy and wife rec[d] me with great kindness, the Colonel compounded an appetizing toddy which overcame the effects of the damp, chilly air and Mrs. Crofton gave directions for the preparation of a good warm lunch—attentions which I appreciated highly, and I may say that I never in my life have tasted jucier or more tender beef steak than that which was served up for me at their table. A good deal of this kindness, I fancied, was on account of Roberts, my associate on Gen[l] Crook's staff, who seemed to hold a high place in the esteem of my host and hostess, and of whom and his charming family, the Croftons made many inquiries. I also met Lt. Mumford[7] whom I had not seen since our cadet days in 1869, and also Lieuts. Davies, Kavanaugh & Gow. I explained to Col. Crofton that I had come out to his post to see what arrangements could be made for an examination of the cliff-buildings in the cañons of the McElmo, Hovinweep, Mancos, Chaco, and other streams close to his post. Col. Crofton entered warmly into my projects and said that when I returned in the spring, he would gladly let me have his company of mounted Infantry as an escort.[8]

The rain was so heavy and my stay so short that I made no attempt to examine the post. A casual glance showed me that it was well-situated and well-built: the garrison consists of five companies of the 13th Infantry, one of them mounted. The quarters and buildings are not yet completed and may not be for several months to come—All the lumber needed is furnished by the mill, from the timber on the reservation. Coal of the very best quality is also extracted from mines on the Reservation. A great pile of it is in the

6. Robert E. A. Crofton, native of Ireland, enlisted in the Civil War from Delaware, beginning as a captain of the 16th U. S. infantry. He remained in service and since April 27, 1879, had been lieut-col. of the 13th regiment.

7. Lieut. Thos. S. Mumford, like Goodwin, was in the 1867 class at West Point.

8. This hope was not to be realized. Bourke's primary aim was to make his ethnological survey of the Southwest as complete as possible, his archaeological interest was secondary.

Q. M. Corral, and equals in quality the best I've seen in the S. W. The Company gardens yield exuberantly all sorts of vegetables.

I made known to Col. Crofton that I was anxious to reach Moqui Agency as soon as possible, in order to make the trip to the Cohonino cañon without trouble from snow and also explained how I had been four days in making the trip to his post where I had been under the impression that it could be made in 24 hrs.

As Surgeon Brown of the post was about starting for Durango to catch the night Express, I concluded that it would be a good idea for me to accompany him and thus save a delay of a day or even longer should the storm continue.

Col. and Mrs. Crofton were very courteous in their invitation to me to remain and accept such hospitality as they could extend, but my mind was made up and after bidding them adieu, I returned in the ambulance with the Doctor. The town was reached in just two hours, the grade being all in our favor, going from the post. It rained heavily all the way, but we reached the depot without accident. Not having much to do and the train not starting until midnight, we made a round of the town which impressed me even more favorably by night than it did in the morning. The grocery stores carry large and well-assorted stocks of the finest goods; every conceivable thing in the shape of canned stuffs can be had in quantity in Durango. One of the stores had on exhibition a pumpkin, 183 lbs. in weight and over 6 ft. in girth! This vegetable monster was raised on a ranch near Farmington, 50 m. S. W. of Durango. Next to it was a white turnip, weighing 9 pounds. The hardware, dry goods and drug stores were equally well stocked and had all the appearance of doing a "rushing" business.

After getting through with the stores, we went to a little den, called Ehlich's Chop House. This was crowded with hungry guests, waiting their turn to get a "square meal" for which the place is noted in Durango. Doctor Brown and I at last found seats and gave our orders. We had no reason to complain of our meal; it was excellent in every respect.

The patrons of the place were nearly all miners and prospectors—a good natured set who listened with quiet, pleasant humor to the assertions of a gentleman who was very drunk: "Boys, I'm a (hic) Dem-crat (thumping table) yash—thash wash I am—I'm Dem-crat, I am—I was born

Dem-crat,—I've lived a Dem'crat—and I'll die a Dem'crat. Thash kine man I am, boys—I'm a Dem'crat 'n doan you (hic) forgit".

The remaining feature of Durango is the "hurdy-gurdy" —an institution found only in a mining community or a town which deals in miner' supplies. In these hurdy-gurdies, all the vile passions of man are stimulated and gratified.

On the L. hand side of the door, as you enter, is a faro-bank surrounded by its votaries. One look at the dealer's face was enough to satisfy me that it was the worst kind of a "skin game," something which the players, I am sure, would have seen as soon as I, had they not been more or less under the influence of bad whiskey.

All brands of soul-destroying liquors found ready sale over the bar on the Right, while the center of the hall was reserved for the accommodation of the dancers who went through the merry mazes to the "lascivious pleasings of the lute"—that is to say to the music of a German band, the principal or at least most effective instruments in which were a wheezy cornet and a bass-drum—The bass-drummer must have been paid by the thump; upon no other theory could I account for his energy in putting in 2 thumps to every note.

The "ladies" and "gents"—to desecrate these noble names in speaking of such cattle, were the "hardest" specimens imaginable—veterans in vice—graduates in depravity and debauchery. One of the females was a mere girl, of good figure, from whose face all trace of gentleness and refinement had not yet been blotted; her companions were bold "catty"-looking hags, none too good for their business. The dance was in full blast when we entered; high above the tooting of squeaky cornet and the thumping of drum, above the clink of glasses or the rattle of "chips" the husky voice of the red-faced "caller" rang out his directions to the dancers "Leddies to the R en gents to the Left. Bal'nce to yer podners. All hands round. Ally man left—All Sashay" —and so it went, I suppose all night. but the Dr. and I had seen all we cared to see and trudged down through the mud to the depot and tumbled into our berths in the sleeper.

October 5th, 1881. Wednesday. When we awakened this morning, rain was still falling briskly. We were close upon Chama where we breakfasted and took on a "double header," to haul us over the steep grade of the mountains. The scenery was as beautiful to my eye as it was the first time I saw

it, lovelier in fact. Many of the "bits" of landscape on this road would make the fame and fortune of the artist who could reproduce them. Besides the grander incidents alluded to already, I noticed dozens of cosey little glens, adown which trickled adamantine springs—with no trace of human proximity save the occasional deserted and dismantled "dug-outs", once occupied by the graders while constructing the road. The peerless beauty of the country, traversed by the D. & R. G. R. R. cannot be over-estimated, neither can too much be said of the engineering ability which has made this line a living reality. At one point we were shown the precipice over which a train dashed, killing eight passengers.

The rain ceased about noon; day remained cloudy and cold, until we reached Antonito, when a spiteful, driving storm flooded the country for an hour and chilled us to the marrow.

At Antonito I learned the exasperating news that our train did not "connect" for Santa Fé; passengers had no choice but to remain over in Antonito one day. I had seen all of Antonito I wanted and sooner than spend one unnecessary hour there, I thought I might as well go on to Fort Garland, 53 miles to the East. Our train reached there by 5:30 in the P. M. I remained with my friends Lt. and Mrs. Mulhall, Mulhall[9] being the only officer at the post excepting Dr. Corcoran, who also had his wife with him.

Of Fort Garland I cannot say much. It is on Cucharas Ck, in the San Luís Valley and is fast falling to ruins, the garrison being a small detachment of the 14th Infantry, guarding supplies for the troops in the Uncompahgre Ute country. The situation is delightful, climate excellent, and the surrounding mountains are full of game of all kinds, while every stream in the vicinity yields good sport to the trout fisherman.

October 6th, 1881. Thursday. Left Garland at 9 o'clock of a damp, cloudy, dispiriting morning. Reached Antonito (53) m. on time: during the interval of taking dinner and changing cars, a controversy sprang up between two Milesian gentlemen as to whether "Cassidy sthole the darg or no." Mr. Murphy in the affirmative, Mr. Cinny Costigan in

9. Stephen J. Mulhall was native to New York and had served in the army as a private and musician from 1862 to 1867. He was commissioned a 2nd lieutenant on Feb. 29, 1876, and assigned to the 14th U. S. infantry. He did not become a 1st lieutenant until 1888; he retired from service three years later.

the negative. The argument became animated, and fervent, if not brilliant.

The original topic of discussion was soon made subsidiary to questions of pedigree, in which the bystanders learned much to the disparagement of the maternal ancestors of the Costigans and Murphies alike and also that Mr. Costigan was a "dirty Tar Down". Mr. Costigan hereupon informed Mr. Murphy that he was prepared to "mop the flur" with him.

The interference of officious bystanders deprived my journal of the interesting notes of the affray I so fondly hoped I might be able to insert. The dog, the cause of the quarrel I learned, was a bull-pup worth two for a quarter or something like that.

It seems to me that the D. & R. G. Co. made a woful mistake in following down the R. bank of the Rio Grande. Had the line turned S. from Fort Garland and pushed through the fertile valleys between that point and Taos, the Co. would have opened up thousands of acres of the most fertile farming land in the S-W. and to achieve this result no greater obstacles would have to be overcome than have been so triumphantly met on the route actually pursued. A very heavy storm of rain—something we have no right to look for at this late season of the year, descended upon us between 4 and 5 in the afternoon; it was also remarkable for another fact—the beautiful and perfect double rainbow making a complete half circle in the storm clouds and impressing upon the observer's mind the tender Biblical myth that God had set this as his bow of promise in the sky.

The inferior arc was brilliant, the superior, of inverted colors not quite so luminous but perfectly well defined—a broad band of purplest cloud intervened while the outer boundaries were masses of silvery-gray. Altogether, it was the most striking exhibition of refraction that I've ever been called upon to note.

The heavy rains of yesterday and this afternoon washed the track out some and made it necessary to have a repair party on a hand-car precede our locomotive. Found an ambulance awaiting me at Española, slept in the open air—night very damp. Heavy dew fell towards morning.

October 7th, 1881. Friday. Got to Santa Fé without anything to note: no communication open to S. Rainstorm had destroyed Santa Fé track near Wallace.

CHAPTER XXIII

ACOMA AND LAGUNA

MOST OF the month of October 1881 was spent by Bourke in his last journey to the Hopi towns and his unsuccessful effort to reach the "Cohonino settlements." October 26th found him, and his companion Strout of Santa Fé back at Wingate station with their army ambulance waiting for a belated eastbound train. Bourke proposed now to make his first visit to the pueblos of Acoma and Laguna.

October 27th, Thursday. In the early hours of the morning, snow was falling rapidly, the atmosphere was chilly and the sky, overcast with sullen gray clouds, gloomy and forbidding. Hall[1] jumped up briskly and in a moment or two, a blazing fire alongside our car told that he was engaged in the (to us) pleasing business of preparing breakfast. This was dispatched very promptly and then, of course, we hurried over to the Telegraph Office to learn the whereabouts of our train; the operator informed us that it had left Saunders at 7 A. M. The intervening distance of 63 m. from there here ought to be covered by noon, at the latest.

Mem. The "Bow-drill" of the Moquis, Santo Domingo, and Zuni Indians is the same as the "spindle drill" of the natives of New Guinea, described by Stone, (Franklin Square Library.) (Footnote: A book which I read, along with a re-perusal of Thackeray's "Dennis Duval".)

The train did not arrive until 3 P. M., almost a day behind time. The afternoon became cloudy and disagreeable.

Reached Crane's at 8:30 P. M.—Here we learned that the freight train would proceed no farther until 9:30 the next morning. Made down our blankets in the lee of a pile of iron rails—the shelter from the night wind was a most valuable addition to our comfort. Before morning, the cold became very severe. The sky was perfectly clear and brilliant with the twinkling of countless stars and the gentle light of the new moon—a thick, white frost covered the ground as with the snows of winter.

1. Private Hall, 10th U. S. cavalry, had reported to Bourke at Fort Wingate for duty as orderly, on October 26. "He is a very good-looking colored soldier, and as he killed two Santa Fé gamblers, in one night, in a 'dead-fall' in the city of the Holy Faith, I am decidedly prejudiced in his favor."

Strout was a nephew of Capt. C. A. Woodruff.

October 28th, 1881. Friday. The air this A. M. was very sharp but in the warm sunlight, we did not heed its keenness. Ate breakfast by 7 o'clock: packed our traps and awaited the departure of the train; there was a great deal of backing and filling in making up the train, so we were able to see much of the fine new freight engines of this road. They have four driving wheels and are colossal in all their proportions, as they should be, being the largest in the world, weighing 60 Tons apiece.

(Mem. I forgot to insert in the proper place a remark made to me by Dr Matthews, in regard to the superiority of construction of the old pueblos over those of to-day. "Patricio" said to the Dr: "In those days, we caciques commanded our people and when we told them that a new pueblo was to be built and that the stones must be of a certain size and laid in a certain manner, they obeyed. But, when the Spaniards overran the country, they undermined our authority and the consequence is that the people now don't obey anybody."

No plumb lines were used to lay the walls. "Patricio" says they took a board, cut its edge as straight and smooth as they could, covered the edge with charcoal. This charcoal edge was applied to the wall and wherever the stones were blackened, the builders recognized an inequality to be chipped off.

The day became murky and chilly, with every indication of an approaching storm of snow. Mount Taylor has already put on its winter mantle of virgin white and other inferior promontories near by have as best they can, imitated its example.

Read this morning a monograph, upon the Ancient & Modern Pueblos of Arizona and New Mexico by Doctor Hoffman, (formerly U. S. A.) before the Davenport Academy of Natural Sciences.

Mullen, our driver, has been stupidly drunk all morning.

We waited at Agua Azul for the Westward-bound passenger train. From this, we obtained the latest papers; the "New Mexican" (Santa Fé) had a telegram briefly announcing the death by suicide at Kansas City, Mo. Oct. 26th of Major John Mix 9th Cavalry. Mix was a soldier of extended and honorable experience,—who had worked his way up from the ranks to the grade he held at the time of his death. He had seen much hard service during the war of the Rebellion and both before and since against hostile Indians. Mix was companionable in a marked degree, and, altho' not a

hard drinker, of convivial habits. He was brave, keen-witted and practical, proud of his profession, and careful of his soldiers who loved him dearly. His two great faults, extravagance coupled with carelessness in his money affairs and an over-indulgence in hyperbole, occasioned, perhaps, more amusement than criticism. Some of Mix's stories have had a wide circulation in the Army and several will bear repetition. The $21,000,000 responsibility; the wedding tour and many of his fishing yarns, which ere-while excited our incredulity and amazement. Poor fellow has gone now and may the earth rest light upon him. For some months, he had been suffering from chancrous tumor, to the irritation from which, acting upon an enfeebled brain, may be attributed the rash hastening of his last moments.

At El Rito,[2] the train stopped to uncouple our two cars. This consumed some little time. A road seven miles long separates El Rito from Laguna; the first two miles are extremely sandy and the crossings of the Rio Puerco (of the East) numerous and only indifferently good. The last part of the road is over a standstone and is quite good. The sun was just going down behind the Western hills when our ambulance drew up in front of the store of Mr Mormon,[3] who received us with great kindness. Our mules were led to a warm stable, where an abundance of hay, grain & water made them oblivious to the discomforts of the past forty-eight hours. For ourselves, a warm room was provided in whose narrow corner chimney a fire was roaring in a few moments and Hall up to his ears in the duties of the cuisine. Mr Marmon also let us have some fresh, ground chile and promised, if possible to obtain fresh mutton chops for our breakfast. This will give a rightful idea that we were in the best of luck to get here.

Mr Marmon visited our room during the evening and had a long talk with us about the Laguna Indians: they have among them the gentile organization. His wife is of the "Sun" gens. The clans are, altho' he did not claim that the list was exact:

2. Laguna was on the railroad, but evidently the ambulance and mules had to be unloaded at El Rito.

3. Bourke means Walter G. Marmon, whose name he misunderstood. Mr. Marmon came to Laguna in 1868 and married into the tribe. He had a Civil War record, and for many years was engaged in surveying—part of the time in government employ. In 1870 or '71, Wm. F. M. Arny (Territorial secretary 1862-67 and 1872-73; Pueblo Indian agent 1868-72 and Navajo Indian agent 1873-75) appointed Marmon as government teacher at Laguna. Marmon served as teacher until 1875 when the school was taken over by the Presbyterian Church.

Eagle	Chami-jano (people)	Acoma
Corn	Yocca-jano	"
Sun	U-satch people	Acoma
Fire	Not in Acoma	
Water	Tsits-Jano	Acoma
Mountain Lion	Not in Acoma	
Badger	Not in Acoma	
Crane (?)	Not in either	
Sage-Brush (?)		
Bear	Cohaja-jano	
Wolf	Not in Acoma	
Deer	Cu-ato-juno	
Snake	Jo-o-Jano	
Road-Runner (?)	Ch-apcu-jano	
Tobacco or Bunche	Not in Laguna or Acoma	
Encina (?)	In Acoma	
Huacamayo	Yes, in both	
Grulla	Not in either	
Sapo	" " "	
Coyote	" " "	
Tejon	" " "	
Turkey	In both	
Deer	In both	

Some of these gentes are almost extinct. The Eagle is the most numerous. Among the Lagunas, the men assist the women in building & repairing the houses.

October 29th 1881, Saturday. We had a good, comfortable sleep last night, undisturbed save by the moaning of the wind outside which subsided upon the appearance of the sun. Our mules are in good condition having had like ourselves a good breakfast. We first hired a young boy for a quarter to put us on the trail which he did with alacrity. He said that he belonged to the Chowitz or Badger clan: that Laguna was known as Coyx and Acoma as Acu. After we got in the road, we had the usual trouble with heavy sand and with climbing up and down a mesa of sandstone and sand covered sparsely with scrub cedar. The sun shone brightly but his rays had no heat to warm our limbs chilled by the searching wind blowing from the frozen crests of Mount Taylor.

The mesa passed, we saw before us a broad, flat valley, of sandy soil, well-grassed, through which wound a small

brook; on the other side of this valley, upon the apex of a bold rocky bluff could be discerned the outlines of the pueblo of Acoma. In the valley itself, cattle grazed in "bunches", running up into a total of several hundreds. As we drew nearer the mesa, a small boy, wrapped in a red blanket, approached, shook hands in a friendly manner and was rewarded with a small present of tobacco. The "mesa" of Acoma is an impregnable, natural fortress of vertical ramparts of sandstone at whose feet are great dunes of white sand from 30 to 60 ft. high, shaped into all kinds of fantastic contours at the caprice of the breeze.

Here, in as sheltered a nook as it was possible to find, we unharnessed and sent the mules to water, while I, with as much expedition as the benumbed state of my fingers would permit, wrote the notes of the morning. When I looked up, a pleasant-faced Acoma boy was standing alongside of me: I shook hands with him and gave him tobacco. Presently, along came another who was made the recipient of similar attentions. While Hall went after water, we arranged for the purchase of half a burro-load of wood for four bits. There was not over 3 handfuls in our bargain and had it been good, dry cedar, I should have felt that we had been cheated, but Hall said he "could make out", so we did not complain.

The first two young men then offered to conduct us to the village; we followed them first over a lofty sand dune and then up the face of the precipice, planting our feet in little notches cut in the sandstone to the number, as nearly as I could count them, of 146. Breathless, we gained the first street, in no essential different from those of Moqui, only maybe a trifle cleaner.

The houses are of stone and mud; windows, mostly of selenite. Use wooden carts. Climbing up the ladder of one of the houses, we purchased 18 eggs for 60 cents. Floor of earth; walls, white-washed. Room, 20'x12'x7 feet high. The approach is one of the most romantic imaginable and brings to the mind of the climber all that he has ever heard or read of ascent in the Andes, Alps or Himalayas; to myself, it brought back half-forgotten recollections of one of Gerald Griffin's Irish stories read in boyhood.[4] In the face of the solid sandstone are cut foot-holds and hand-holds as

4. Bourke has a footnote reading: "One called, if I remember, the 'Hidden Hand' and delineating life among the bird and egg-gatherers in the precipitous, wave-washed cliffs of the coast of Gliggs."

well, except where the trail mounts under an arch of overhanging rocks and passes into the mouth of a cave. Here, the trail mounts by a cottonwood ladder whose steps have apparently been cut with stone axes. Generations of pigeon-toed, moccasined Indians have ascended & descended by these narrow steps until now the imprint of the human foot is as plain as if stamped in wax. There are not less than 200 steps in all, but the "rise" in many is not over 5 inches, suitable for squaws carrying burdens and likely to be passed over by a man in a hurry.

This "climb" has nothing to compare to it except perhaps that of Mushangnewy which it surpasses in all the elements of difficulty. I don't see how this village could be taken by direct assault to-day, even with improved arms. Horatius at the bridge said "in yon strait pass a thousand may well be stopped by three"—but, were he to defend Acoma, he could well withstand 10,000 of the enemy.

This pass is not used by animals; they have a road of their own, bad enough of itself, but of easy grade compared wtih the one we used, leading to the rear of the town. Wherever rain could attack this road, branches of trees and rocks had been worked into it, according to very good engineering principles. A traveller would be impressed upon first entering this village with the great number of burros, chickens, turkeys, pigs and dogs owned by the Acomas. In one flock, I counted eleven turkeys, in another thirteen; chickens and dogs were beyond count and to the pigs the same remark might apply. They are also well off for horses and, if my cursory inspection did not grossly deceive me, they have more horned cattle than any other pueblo I have yet entered. Their herds of sheep and goats are of good size and, except in the matter of fruit, of which they do not seem to raise much, the Acomas may be counted very well off indeed.[5] The bulk of the fruit they raise comes from their main orchard to the South, 5 miles, & from the outlying farm pueblos of Acomita, Santanita, and Paraje; small villages scattered along the line of the A. & P. R. R.

I have already stated that we saw one "carreta", of the orthodox middle-age pattern, with wheels and frame-work of cottonwood & pine. This, I afterwards learned, was the only vehicle they owned.

5. Bourke adds the footnote: "I meant in the immediate vicinity of their pueblo; they have fine orchards at a distance."

Another point of interest will be found in the great number of reservoirs of water of all sizes from holes in the sandstone holding a couple of bucketfulls to still larger excavations of a cubical capacity of from 3000 to 5000 gallons. The last place in the world in which to suspect the presence of human beings would be these rugged crags, fitter for the eyrie of the lordly eagle; the last place in which to look for water would be these vast dunes of Arabian sand and yet both human beings and water are to be found in the greatest abundance. To the existence of the latter in such plenty is due, no doubt, the fine condition of the cattle owned by the Acomas.

The pueblo having been reached shows itself to be composed of three parallel streets, each 220 @ 225 yards long and from 25′ @ 30 ft. wide. These all face to the S. the wall on the N. side being 3 stories high, unbroken by any apertures to speak of, and receding from story to story in an amphitheatrical manner.

The houses of Acoma are very much like those of the Moquis, only much cleaner. They are three stories in height, the upper receding from the lower like a set of steps.[6] The material used is sandstone set in mud, the sandstone being generally in flat pieces, 10″ long, 1″ @ 2″ thick, and 5″ or 6″ broad, altho' there is no such thing as uniformity in size. The chimneys are of stone in small pieces. The walls are covered with strings of chile, or drying melons and pumpkins and upon the roofs of the different stories, firewood is arranged in piles convenient for immediate use. Corn, freshly garnered from the harvest lies in great heaps before the doors of rooms on the upper stories waiting until the women can shuck it; other piles, still in husks, are hung to the rafters or to horizontal poles inside the houses. We saw scarcely any peaches or apples, for the reason that the crops of these fruits were not yet fully matured; those which had already ripened, had been taken to the line of the R. R. to be sold to passengers in the train; for the Acoma and Laguna Indians, like those of all the other Pueblos are as thrifty and "canny" as the Scotch.

The pottery made in Acoma is decorated with unusually good taste, and is frequently framed in graceful patterns. One of the pieces purchased, was banded by sunflowers, painted with a skill that would have been no discredit to

6. Another footnote by Bourke: "Each terrace has a parapet of sandstone, and also has gutters of cottonwood for carrying off rain."

civilized artists. To my great disappointment, this fine specimen could not bear the jolting of the journey, with the poor mode of packing, and was shaken to pieces before we got back with it to Laguna.

Here, I found evidences of a germinal knowledge of the art of glazing: many of the pieces of pottery made in Acoma, are spotted and flecked with a green pigment, fused in the fire. They, and to a very small extent the Lagunas, are the only Indians among whom I have detected any manifestations of an acquaintance with this art.

Their animal forms in pottery are lifelike and represent "action", vividly. I bought a specimen representing a lowing bull: the pose of the head, the manner of placing the feet and tail, and the heavy, pendulous brisket are as faithfully represented as if the original had been petrified or changed into clay.

All the houses are supplied with old-fashioned rifles, powder-horns and implements. One of the first objects to attract the attention of visitors, is the ever-present baby's cradle, hanging from the rafters of the "living room." There is an old church, of massive proportions, but without symmetry or beauty, in which Catholic priests still hold Divine Service once a month. Ruined church of San José de Acoma: 80′ broad, 55′ high, Towers, 70′x13′ broad.

We met the Governor, Apoleon or Napoleon Pancho, called Coyote in his own language, to whom I introduced myself as an officer of the Army, well acquainted with his grand-uncle, Pedro Pino. He expressed pleasure at meeting Strout and myself and invited us into his house where he showed us a cane, with silver head, presented to the Pueblo, as the inscription showed, by President Lincoln, in 1863. The house was very comfortable, well kept, unusually neat, and well supplied with Navajoes rugs and blankets of the finest texture and most beautiful patterns, which Apoleon took pride in showing us.

After I had shown him the genealogical tree prepared for me by Pedro Pino, in which Apoleon's own name occurred, together with his clan, he became more communicative and I soon led the conversation to the subject of clans in the Pueblo. He said that he belonged to the Aguila or Eagle, his wife to the Sol or Sun, his mother to the Aguila or Eagle and his father to the Gallina (de la tierra) or Turkey. The list of clans in Acoma is identical with that of the clans in Laguna, with such exceptions as have resulted from segmentation, absorption or destruction.

I bought a fine Navajo rug and two silver bangles, the latter made in this pueblo from coin silver. Back of the main door in this house, set in the wall, I noticed a little china cup, filled with sacred corn-meal, which Apoleon told me was to be thrown to the Sun. He followed up this remark by another to the effect that nearly all the houses had just such receptacles and that they could be found not only in Acoma but in every other pueblo: only, in the pueblos on the Rio Grande, the Indians, through fear of the Mexicans, generally kept the *cunque* (as the Zunis called it) concealed. Squaws had brought in food while we were talking and Strout and I were invited to break our hunger, which we did sparingly, knowing that Hall was expecting us to return to our place of bivouac for supper.

After eating, our friend the Governor took us to look at the church, which altho' much dilapidated exteriorly is in good repair on the inside; the walls of the nave are whitewashed and almost bare of ornament. There are two bells in the Northern belfry; of modern, Mexican manufacture. The graveyard in front of the church, in which all burials are made, is about 80′ square, the church itself being 80′ front by 160′ in depth and 40′in height. It was getting too dark to make further observations and I willingly accepted the Governor's suggestion to wait until morning when he would have every part of the edifice thrown open for my inspection.

I made no other notes except upon the dress of the women: this differs in some unimportant particulars from the ordinary raiment of the women of Moqui and Zuni. In Acoma and in Laguna too, there is considerable use of silver upon the dresses themselves, the seams from knee to ankle being held together by rows of silver quarter dollars fastened to pins; the effect is very pretty. There is also a free display of bangles of silver and copper, but none of mixed metals. The women wear their hair cut short at mouth, but not banged: it is parted at right or left side and clubbed at back. They wear petticoats and leggings of blue woolen yarn. The men wear the same style of leggings, bang their hair and use a brow-band, around forehead, much like that of the Navajoes and Zunis. The women wear necklaces of silver beads, with pendants in the form of an archiepiscopal cross, terminating in a heart.

I could not find any idols of wood or stone, but am certain that they have them: in several of the houses, I came

upon wooden images, much worn, of the same class as have so frequently been mentioned under the heads—Zuni and Moqui, but not painted as those were. Apoleon freely admitted that they planted turkey feathers in the ground "to bring good crops", and in many other ways I saw enough to assure me of the correctness of Pedro Pino's statement that their religion was one and the same with that of the Zunis and Moquis. They are plentifully supplied with "boomerangs".

Their pottery much resembles that of Zuni; like the people of that pueblo, they make many specimens in animal forms, but the forms themselves have an individuality all their own: no owls could be seen in Acoma, whereas there was scarcely a house in Zuni that didn't have from one to half a dozen during the season for making and burning earthenware. The food of the Acomas is excellent: they are the possessors of fine flocks and herds: have some milk, a sufficiency of eggs and an abundance of fresh beef and mutton, besides fruits and cereals. They eat melons and pumpkins—all but the thin green rind, the seeds being dried and saved for future consumption. They employ deerhead masks in hunting.

We took the governor back with us to supper; he led us past a number of reservoirs in the solid rock, some of which were natural crevices utilized for the purpose and others the work of man. It made me dizzy to see him skip serenely from foot-hole to foot-hole down that fearful descent while Strout and I crawled from hand-hole, to foot-hole, foothole to hand-hole, fearful of breaking our precious necks. Apoleon made signs that we must walk "pigeon-toed"; a change in the manner of holding our feet which gave us a firmer purchase upon the impressions made in the rock. We got down at last and found Hall waiting for us with an omelette, which we attacked and speedily demolished, Apoleon playing his part manfully. A throng of Acomas surrounded us,—men, women & children—of all sizes and all ages. I made our guest give me the gens of each one: he did this with great readiness, showing that the Eagle, Sun, Water, Corn, Deer and Parrot clans were represented.

A shrill cry rang out upon the air—the voice of the "muezzin", if I may so term it, summoning the people to retire to their houses. The Governor said that now the Indians would have to remain in the town for the rest of the night. All left us and we saw no other Indians during the

night, save only two or three belated boys driving in a herd of goats which I suppose had stampeded to a distance during the day. There was some singing on top of the rock for a few moments, but what the object was I did not ascertain.

Apoleon told us before he left that the Pueblo kept sentinels on duty during the night: another point in his conversation caused us to feel ill at ease. The Apaches, he told us, had asserted that they would return to Acoma by the full of the present moon, which would be in another night. He seemed to attach a great deal of importance to the story and advised us to get back to the Rail Road as soon as we could. This I was not averse to doing, on my mules' account, pasturage being very scarce in the sand dunes in which we had bivouacked and our force not strong enough to let our animals wander away to graze. We had carried with us a small supply of hay and grain, but not enough to fill them for more than two days.

Distance to-day, 15 m. to 18 miles.

October 30th, 1881. We had a fearful time last night: Strout who is a victim of night-mare, fell asleep after his hearty supper, dreaming of the stories told us by the Governor. About midnight, or later, we were scared out of the soundest of slumbers by the yell: "Apaches! Apaches!" and at the same moment, Strout made a desperate effort to jump from the bed which he shared with me in the ambulance. I saw at once what was the matter and grasped him by the neck: this only made matters worse and convinced the frantic dreamer that he was truly in the hands of the savages and must fight desperately to effect his release. He struggled and tore himself from my grasp, yelling all the while Apaches! Apaches! at the top of his voice. I kept up the counter cry: "Don't mind, he's got the night-mare,"—a piece of foresight to which Strout owes his life, because when he darted from the vehicle, Hall, the colored soldier with us, confronted him with a knife & a revolver and would surely have killed him had not my yells disclosed what was the matter. With Mullen, our new driver, the case was different: he couldn't hear very well, being a trifle deaf and having his bed on the side of the ambulance where it was almost impossible to distinguish my voice through the thick leather curtains. Mullen sprang from his coach, rifle in hand, cocked it, aimed full at the head of Strout and pulled the trigger. By a miracle, one might say, the cartridge failed to explode. Hall and I shook and pounded and

punched Strout until he had been thoroughly awakened. This episode, which had so nearly been a tragedy, sobered and alarmed us all and though we turned in once more, none of us slept again and each expressed himself glad when, *October 30th, 1881,* the morning call of the muezzin cleft the chilly air. This was followed by a plaintive chant, much like those of the Apaches, snatches of which reached us, borne on the breezes of dawn. Mullen accepted this as a summons to begin the preparation of breakfast, to do which he had to commence by driving away a band of coyotes that had sneaked up close to our ambulance, attracted by the smell of meat & other food. Smoke began to curl upward from the chimneys of Acoma and to rest as a pall over the high peak upon which it stood.

The Acomas were evidently early risers: more than that they were very early visitors and long before Hall had announced that coffee was ready, a stream of men, women and children poured in upon us and squatted in a large double circle all about us, eying with keen glances the progress of our breakfast and all that we did. Many of these visitors were young girls who carried slung over their backs their little baby brothers and sisters. How they ever managed to get down the steps in the face of the cliff without loss of life or limb is foreign to the purpose of these notes, but not the less a source of wonder and astonishment to Strout and myself. These bright, beady eyed babies had a weird expression, perched in their sisters' blankets. In all cases, the occipital bones were flattened, from, as I believe, having been strapped upon board cradles. There was no mistake possible in this matter, all the back hair having been cut very close to free the children from lice,—a method noticed also in Zuni and among the Moquis.

Occasionally, the Acoma men allow a few hairs to drag out a sickly existence on their upper lips. One of them assured me this morning that they never ate dog: they use wooden plows. Their blankets are bought from the Navajoes, altho' they also make some of the coarser varieties in their own pueblo. I was able to purchase one of these: a small mantle, rather than a blanket, of black and white wool, natural colors, woven in four large checkers. I have already commented upon their free use of Navajo and home-made bangles, neck-laces and other jewelry.

I saw no Estufa in this pueblo; nor did I see any Eagles. Strout called my attention to a curious "survival" from the

Stone Age—a dust pan of flat sand-stone or slate, the only thing of the kind I've ever seen in use anywhere. Strout and I this morning ascended to the Pueblo by the burro trail referred to in yesterday's notes. In romantic nooks, stuck away in all kinds of impossible places in the front of the cliffs were corrals and places of shelter for cattle. In most of these, the protection from the elements was complete; the overhanging rocks supplying a roof and the dunes of sand keeping out the chilly air of night.

Before we had gained the summit, a loud clanging of church bells startled me, as I had been assured by Apoleon the previous evening that services were held only at rare intervals. We made our way to the church and, entering, saw a light upon the altar. An old Acoma man, the only one in the sacred edifice advanced to the steps of the altar, knelt, bowed his head, crossed himself and prayed inaudibly.

The Governor perceiving us approach the building hastened to join us. He saluted in a kindly way & remarked in a whisper: "ésta es la casa de San José—aqui vive San José". I don't think that my imagination very often gets the better of my judgment in such matters, for which reason after careful study, I allowed myself to believe that the resemblance detected, between the decorations ón the walls of this church and those of the sacred blankets, banners and sashes and in the estufas of Moquis and Zunis, was not merely fanciful. Apoleon seeing me draw these designs, said that they were "por agua", (for water) which is precisely the object of the others. Three or four other Indians entered, all of them grand-fathers, bearing tiny babies on their backs. They all prayed as the first had done.

Such is all that I saw fit to jot down concerning my visit to Acoma, the most peculiar of all the Pueblos in its situation, and the only one which with absolutely historical certainty we know occupies to-day the very same position it did at the time of Coronado's march through this country. In manners and customs, the inhabitants are so much like those of Zuni, that it would hardly pay to begin *de novo* a description of Acoma: it is only necessary to peruse carefully the notes taken at various times upon Zuni and its people, and to supplement these, if desired, with the meagre information gathered about Laguna, to possess a satisfactory insight into the appearance of Acoma and the mode of life of its people.

Drove back to Marmon's store at Laguna, 15 miles (due North of Acoma), reaching there before dusk. In Laguna, we saw any number of chickens, dogs, burros, horses, pigs, turkeys, sheep, goats, oxen and mules. The houses are of rock laid in mud—and of adobe: some are plastered with lime or mud on the exterior. The windows in all the old buildings are of selenite. In no respect do the dwellings differ from those at Acoma. The houses attain the height of (3) stories and many of them face to the South: many of the new houses are furnished with glass windows and open from the ground floors upon the little plazas or upon the streets: or have steps of stone, leading to the front doors in place of the traditional ladders.

There are many old-fashioned plows and carretas—each entirely of wood, to be seen in the outskirts. We entered one of the houses newly constructed. The "vigas" were of pine, squared with a saw and covered with a ceiling of pine boards laid in juxtaposition. Outside of this house, an Indian boy had scrawled on a flat piece of sandstone a picture of a locomotive, dragging a flatcar and chasing a dog or a colt. I took a careful copy to show with what boldness and freedom the sketch was made.

All the new houses which we entered had ceilings made on the same improved principles as that of the one just entered. The floors were of packed clay, and the walls were white-washed, with a band of red ochre running around at the bottom. These new buildings were in each case provided with glass windows & American doors of pine, were well lighted and ventilated and of larger size than those built according to ancient models. One of the living rooms which I measured and which may answer as a fair sample of them all (in the new domiciles.) was 22′x16′x9′ in height. Here I bought a rattle of tortoise shell and goat's toes. The old man from whom I made the purchase told me that he was of the Yocca-jano, or Corn-people, his wife of the Meyo or frog-jano and that there were many janos in the Pueblo: according to him, they were:

1	Aguila	Chami-jano		Eagle
2	Sol	Oshatch	x	Sun
3	Agua	Teits jano	x	Water
4	Culebra or Vibra	Sho-e jano		Snake
5	Encina	Japani jano	x	Oak
6	Verenda	Tanne jano	x	Deer or Antelope
7	Tejon	Teope jano		Badger

8	Maiz	Yocca jano		Corn
9	Oso	Cohaya jano		Bear
10	Huacamayo	Si-shawati jano		Parrot
11	Sapo	Meyo jano	x	Frog
12	Gallina (de la tiera)	Tsima jano		Turkey

There used to be a "Seed-grass" and a "Sand" people, but they are now extinct; while the Coyote gens or people is reduced to 2 or 3 representatives. There are no Cíbola, Chamisa or Bunchi gentes.

Those clans in the above list, marked with an x are also to be found, so he said, in Acoma or its small, outlying dependencies. He also said that in Laguna each gens had its own quarter, the largest quarter, at the time of my visit, being that of the Gallina de la Tierra, (Tsima jano) or Turkey.

The gentile rules do not vary in any respect from those of Zuni. To put the old man in the humor for conversation, in case I should find it necessary to return to him for further information, I purchased an extremely beautiful pitcher, ornamented with life-like flowers, drawn in red and black, and two smaller ewers of simpler designs. It was my hope to have gotten the artistic one to General Sheridan, but to my great annoyance, it smashed like an egg-shell, after the manner of so many others, bought this summer and fall.

Animal forms are wrought in the pottery of Laguna with as much skill as in that of Acoma, the figures most frequently seen being fish, frogs, bears, duck, deer &c. One of the fish I purchased was as nearly perfect as anything in baked clay could well be.

Many of the houses of Laguna are unoccupied and locked, the owners with their families being absent in the outlying farm-pueblos, of which they possess no less than twelve, scattered up and down the valley of the Puerco. The houses which I entered were well supplied with pottery, mutton, squashes, pumpkins, melons, chile & corn. Old saints' pictures on wood appear in this Pueblo, the most western of the series of which this fact can be noted. Antelope and deer horns are set in the old walls for pegs upon which to hang clothing. The ovens are on the ground. The chimneys of the houses are of stone. The children enjoy themselves greatly in our good old-fashioned amusement of "sliding down hill". They choose a smooth rock, inclined at

a suitable angle, place a sheepskin under them and away they go.

There are no estufas in Laguna.

The oxen are yoked by their horns, as among the Mexicans.

The living rooms in the "old" houses are 16'x30'x6'6" in height. One door was measured: it was found to be 4½ ft. high x 20" in width. There were two windows opening to South, each 3 ft. square and one of same dimensions to the West—all at the line of the ceiling. The ground plan of the house, comprehended three rooms, one behind the other. As our visit occurred during the harvest season, the rooms were all full of corn: piles of it on the floor freshly husked, and much more, in shucks, hanging to horizontal poles, swinging from the rafters. The outer room is devoted to the general purposes of a "living room"; the one next behind that, contains subsistence stores, pottery and kitchen apparatus and the last, which is generally dark, contains agricultural implements. Most of the houses are paned with selenite slabs which admit a great deal more light than I dreamed of before having practical experience.

Leaving this family who lived on the ground floor we continued our stroll: we had not gone half a dozen steps before, upon turning a corner, we saw a woman repairing her house. Thus far, the rule applies to all the Pueblos. Going up stairs, or up ladders, we saw old rifles—also old buffalo robes, Navajo blankets in various conditions and of various qualities—and feather pillows.

The house of the Governor which we next entered, without finding him at home, was full of the finest Navajo rugs and blankets: I have never seen so beautiful a collection. In most of the houses, were heaps of fresh onions, lately gathered from the fields. Some of the selenite slabs in this pueblo were the largest I have ever seen, one pane measuring over (2) two ft. square and all of them of unusual dimensions.

The church (San José de Laguna), once the seat of a convent and surrounded by monastic buildings now in the last stages of ruin, is itself in fair preservation. To the observer just from Acoma, it appears small and petty in contrast with the noble edifice dedicated to San José at that point: but its actual dimensions are respectable. Its façade (100' long) is 30 ft. Wide by 45' high to the foot of the cross . . . Seen from the windows of the cars of the Atlantic and

Pacific Rail Road whose track runs within 50 yards of the noble old wreck, the white-washed walls suggest the idea of a beacon planted in the midst of a restless ocean of strife and angry passion. The interior walls are whitewashed with a band of pattern running around the nave, in red and yellow with black border. The scarcely concealed symbolism of this ornamentation will be apparent to any one who will take the trouble to compare it with examples obtained from Zuni and other avowedly heathen pueblos. We can discern clouds, snakes and the walls of Troy, all peculiar to the hieratic symbolism of the Estufas or of the Sacred ceremonies of any kind.

The Laguna women, as we have noticed of those of Acoma, are very fond of looping their skirts together with silver quarters, and also of wearing bracelets of silver and copper which, they told me, were mostly all made in Acoma. Returning to the Governor's house, I met him and began my usual tactics of making purchases, in order to have a footing upon which to open conversation. I bought one of their frozen watermelons for half a dollar and two dozen of eggs for 70 cents, but was unsuccessful in my efforts to obtain some of the beautiful Navajo blankets, of which so many were to be seen in the main room. The Governor said that his name was Juan Anaya; in his own language, which is called Querez, he bears the name Cawship. He belongs to the Agua or Water gens, his wife to the Maiz or Corn. He explained that all the Laguna men do not now bang their hair: such was the custom of their fore-fathers and many, but not all, of the tribe still observe it. But few, if any, naked children to be seen in Laguna; nearly all are provided with American clothing. The people are also beginning to use coal oil lamps, while candles are the constant source of illumination. The same remark, as we shall have occasion to see further on, applies to the people of Isleta.

Bought a tortoise shell rattle and 10 or 12 pieces of pottery.

Hall exerted himself this evening and spread before us a royal supper of mutton-chops with chile, tea, fresh biscuits and preserves. Mr. Pratt[7] and Mr. Marmon came in to see me after supper. They said that the Pueblo of Laguna was much reduced in population by the absence of so many upon their farms outside: these farms were gentile farms. The

7. This was George H. Pratt ("Pradt" in the Territorial militia records) who, like Marmon, was a Civil War veteran and had worked as a government surveyor.

pueblo itself was divided up into gentile quarters or wards. Children bore names referring to the clan of mother or to that of the father. The women owned the houses. Women possessed, even if they did not always exercise the right of proposing to the young men of their choice. There are no caciques in Laguna: the governor is elected yearly by the vote of the male members of the tribe. The power of the wife over property is apparent to every purchaser: upon her consent depends the closing of bargains, which she cements or breaks arbitrarily. The young men of Acoma often go west to California and remain at work there for 2 or 3 years, returning with their pay in horses. They also bring back with them for gift or sale to their friends in Laguna or in their own pueblo, seashells, for which they have the same veneration as do the other Sedentary Indians. The people of Acoma raise a great many fine peaches in orchards to the south of their pueblo; while those of Laguna raise peaches, apples, cherries, plums, pears & some grapes. There is no black pottery made in Laguna, Acoma or Isleta: the kind generally called black glazed, but which is properly described by Schliemann, *(Mycenae)* as the "monochromatic, black lustrous" variety.

If a man dies in Laguna or Acoma, his children are cared for by his wife's clan. Divorces are obtainable for cause, generally decided upon by the council, composed of the governor and his assistants; the man, in such cases, generally leaves home, taking with him only his blankets. The Lagunas, as the Acomas, make coarse blankets, belts and garters: and do a little rude silversmithing.

Mr. Pratt says that, among the Navajoes, almost all progressive knowledge seems confined to one clan who used to live in houses and have a great deal to do with the Zunis. (This must be the Zuni clan. J. G. B.) This clan has the best blankets, saddle and bridle makers and silversmiths: knows the difference between the planets and fixed stars; knows that the North star is slightly movable; knows the equinoxes; has a star for every tribe of Indians &c. Mr. Pratt's wife is a Laguna of the Bear gens, and her father is of the Turkey; Mr Marmon's wife is Corn and her father is Sun. Mr Robert Marmon's wife is of the Water gens. The Lagunas call themselves "Janos", i. e. "people" and say that the name Querez was given them by the Spaniards. Mr Pratt, who has had good opportunities for learning, having been the father of a number of children by his Indian

wife, says that the treatment of Indian women of this pueblo during child-birth answers in all essentials to that of the other tribes which I had learned and which I had explained to him. The Lagunas treat bastards with great kindness, calling them "God's children."

None of the Sedentary Indians seem to care much for our glass beads, altho they attach priceless value to those bored out of sea-shells, chalchihuitl and coral. In Laguna, nearly every family has strings of these beads, displayed only upon great festivals.

The children are fairly well supplied with toys. The Lagunas have idols. Some years ago, Mr Pratt obtained from his wife two small jasper figures with inlaid eyes of chalchihuitl. He has also seen the clan idols, kept at present with jealous care. These are of painted wood & carved stone. The house from which the jasper images came belonged to his wife and was very old, the beams showing very plainly the marks of stone axes. The people of Laguna don't have any fear of their mother-in-law: this follows as a logical consequence of their mode of marriage which requires the groom to take up his residence with his wife's people. Constant association would do much to diminish and obliterate the feeling of antagonism noticeable in the Plains' Tribes between warriors and their wives' mothers.

They never tattoo; they apply vermillion to the face and paint bodies when engaged in dances. They plant and eat apples, peaches, pears, apricots, plums, cherries and grapes. They are very fond of piñon nuts and formerly ate the seeds of wild grasses. They eat pumpkin seeds, wild potatoes and tule bulbs. They plant corn, wheat, pumpkins, melons & squashes.

They used to hunt buffalo on the Llano Estacado, using the robes for bedding and "jerking" the meat. They eat deer, antelope and prairie dogs, drink milk and eat eggs, but don't eat bear, dogs, turtle or fish—lizards, snakes or crickets. The last named are a favorite article of diet with the Zunis. They plant feathers in their fields. They prefer silver money in all pecuniary transactions.

They have secret Societies, like the Moquis and Zunis. Mr Pratt told me of a Secret Society into which he had been initiated,—The Chock-Win—which, according to him, is an importation from Zuni. The candidates were "baptized" by being sprinkled with "holy water", corn-meal (Cunque?) and salt, and, afterwards, made to drink the "holy water",

out of an earthen bowl painted with two snakes, running heads to tails. The Society is organized first to reform some of the customs of the Pueblos—to better ventilate the houses, build water-closets, regulate intercourse of sexes &c: and secondly, for mutual assistance. Pratt says that this Society is traceable to a white man who lived among the Zunis 60 years ago, and instituted this Society among them to improve their morals. When upon his death bed, he told his half-breed son that he ought to establish the same society among the Lagunas (and this son's son is to-day one of the principal men in the Laguna branch of the Chock-Win.

Mr Pratt is a most delightful talker; a man of excellent education and extensive travel. His parents intended him for the Episcopal ministry, but his inclinations were not ecclesiastical. He preferred a roving life and his business of land surveying has given full scope to his desires. He is extremely well acquainted with the whole South West and with the Indians of this region. The Lagunas induce vomiting by copious draughts of tepid water and by tickling the throat with feathers. A faint idea of a few of the peculiarities of their language may be obtained from a study of the subjoined list of numerals, given me by Mr Pratt. . . .[8]

October 31st, 1881. Monday. Busy all the early hours of the morning, packing our pottery. Mr. Pratt promised to get me a jasper idol. Mr. Marmon presented me with a stone axe.

At Laguna, there is a missionary—one Manuald[9]—of whom strange stories are told: he applied for permission to employ an assistant teacher: assigned his own niece to that duty: made her do all the cooking serving and general house-

8. The numerical table here omitted gives the Keresan names from 1 to 20; then of tens and hundreds up to 1,000.

9. This vituperative paragraph refers to the Rev. John Menaul, whom Bourke seems not to have met. It was a case of "snap judgment" unfortunately common among army officers of that period,—here based on gossip given him by Marmon (who had been superseded by Menaul as government teacher) and based also on his own prejudices.

Of the Rev. Mr. Menaul, John M. Gunn, in *Schat-Chen* (Albuquerque, 1917) says: "Dr. Menaul established a printing press at Laguna, devoted to missionary work, principally. He translated and published in the Queres language McGuffey's first reader. In 1884 a bell was placed on the school building by Pueblo subscription. Dr. John Menaul spent ten years of earnest work among the Lagunas. He left in 1887, loved and respected by all." Earlier (1870-75) Mr. Menaul had served as a missionary among the Navahos, and he was especially selected for the Laguna work by Dr. Sheldon Jackson. (R. L. Stewart, *Sheldon Jackson*, 228-232).

Bourke's account has historical value—as a side-light on Laguna at that time.

work of his family & in place of allowing her wages, deducted the sum of $20 per mo. from her salary for board. The poor young lady, a stranger in a strange land, had no power to resist and had to submit: but Pratt and Marmon sent written complaints to Agent Thomas, who knowing the facts to be as stated, ordered the school-teacher to open a separate school in one of the outlying pueblos, where she would receive her salary in person. There is no use in filling a journal with criticisms upon such men as Manauld: they are sent out to New Mexico, simply because the churches are anxious to get rid of them. They are, almost invariably, bigoted, mendacious, unscrupulous and illiterate tricksters who do the cause of Christianity more harm than can be corrected by the efforts of a score of honest, sincere and hard-working servants of God.

We entered the house of an Indian, named Antonio: he was of the "meyo" or Frog "jano" or gens; his wife of the Turkey. In this house I came upon a vase full of cunque, imbedded in the wall, behind the main door. Upon being questioned, Antonio stated that it was to be thrown each morning to the Sun, "muy madrugada" (at early dawn.) Entered another where were squatted on floor, two women —Eagles—and an old man—a Badger. In giving the name of his gens, he made a sign for Badger at same time, by drawing the 1st and second fingers of his right hand down his face from eyes to chin. In this room was a large olla full of milk: the Lagunas make a free use of milk and eggs.

Started in the afternoon for Albuquerque. Stopped at El Rito for dinner. Passed the little farming settlement at La Mesita, inhabited by Lagunas. Saw a couple of Eagles perched on telegraph poles, but not near enough to be struck by our bullets. The day was exceptionally lovely & our travel should have been rapid had not the many little miry rain-brooks given us much amusing as well as troublesome perplexity to determine the best means for crossing them: the trouble preponderated over the diversion when we ran into an arroyo without bottom or rather with a bottom that gave way as fast as the hoofs of our mules touched it.

The poor animals became frantic with terror and kicked and plunged in insane efforts to free themselves from the harness. Thank God! we got them loose at last and pulled them, one by one, from the mire, scrutinizing each with anxiety, sure that limb or joint must be broken or wrenched.

The ambulance was broken clear off, but the mules were more scared than hurt. We hunted around for stones from the R. R. track, cut brush, gathered up several arm loads of bridge-timber fragments and finished a passage-way across the quagmire. Then we unloaded, carried our baggage and traps by hand to the other side, fastened a lariat to the front axle, hitched to it two mules and with their and our combined pulling, hauling and pushing got the ambulance over the place of danger. (18 miles) We devoted another ¾ of an hour, to splicing the pole. The injury to this was of the most serious nature, being a clean break across the grain, leaving only a small splinter for connection. We unravelled a rope, wetted the 3 strands very thoroughly in the water of the quagmire and then wound them as tightly as possible about the pole. Mules and harness were alike crusted with tenacious mud. Mullens washed the harness, but our delay had already been too great to admit of cleaning the mules, so they had to get along as best they might, until we could strike camp at sun-down. A few moments after dark, a long deep-cut line of embankment on our Left rose above the horizon. This, as we expected, was the embankment of the Rail Road. A "boarding" train was on a switch. The cook, a colored man named Skinner, was an old friend of Hall's. He gave all the information in his power concerning the ranches we desired to reach and went out with us a few yards on the road. By the moon's wan light, we advanced with all possible rapidity, over a road which, during the late muddy spell had been badly tramped by the hoofs of oxen, or cut into deep ruts by the sharp wheels of the Mexican "carretas". Our ambulance jolted and pounded over the rough surface for the space of a league and then, presto! with the quickness of the magical change we were floundering in a bottomless marsh of alkali mud. In all directions, to the front and R. & left of us, the swamp or "alkali flat" extended. I determined to retrace my steps for a short distance, strike the R. R. grade and camp by the track. This turned out to be the best thing I could have done: we not only had higher and firmer ground, but there was enough water for ourselves and mules in the hollows scooped out in making the embankment. A little grass gave our animals some excuse for nibbling until we were ready for bed. Not knowing what might happen, I had ordered Mullens to carry with him enough grain to last one day and Hall to carry an arm-full or two of dry fire-wood.

Hall, in less than no time, had a collation ready of fried eggs, tea, and crackers. The half-moon, shining down from a clear sky, gave us all the light we needed, both for our supper and to perceive the approach of two Mexicans whom we challenged as they rode within the blaze of our fire. They said they were teamsters whose oxen had strayed and they were in search of the missing cattle. We were not half a mile from Puerco station but the camp we had made was as well selected as any we could find in the neighborhood. "Buenas noches, caballeros." "Adios, Señor"—and off into the dim half-light of the moon rode the knights of the jingling spurs.
Distance to-day ---------- 40 miles
Did not reach camp until 11 P. M.

(To be continued)

TROUBLOUS TIMES IN NEW MEXICO
1659-1670
(Continued)

By FRANCE V. SCHOLES

CHAPTER III

THE ADMINISTRATION OF LÓPEZ

THE CHIEF aim of Bernardo López de Mendizábal as governor of New Mexico was personal gain. The same purpose had inspired all of his predecessors, so that his term of office was in no sense unique in this respect. But the mass of documentary evidence available for the López period makes his administration the outstanding example.

It is clear that even before leaving New Spain López made full preparations to use his term of office as a source of profit. He purchased large quantities of sugar, chocolate, shoes, hats, and European textiles to be shipped to New Mexico, and with these he set up a store in the Casa Real in Santa Fé where he did an extensive business. For his personal use he also brought expensive saddles, harness, silver plate, writing desks, beds with elaborate silk hangings, clothes of silk and velvet, tobacco boxes decorated with gold and silver, etc., and he was always ready to sell any of these articles whenever an opportunity for profit presented itself. No specie was current in New Mexico, and all transactions were in kind. In exchange for the imported goods López took *mantas,* hides, piñon, salt, livestock, and other local goods that could be resold at a profit in New Spain. From the moment López entered the province he was engaged in business operations of this sort, and it is against this background of commercial enterprise that we must project the story of his relations with his predecessor, ex-Governor Juan Manso, the Hispanic colonists, the Indians, and the clergy.

I

It was the duty of each governor of New Mexico to take the *residencia* of his predecessor. The *residencia* was usually started soon after the new governor took office, and it was essential that the investigation should proceed rapidly in order to permit the retiring governor to return to New Spain with the mission supply caravan. In Manso's case the need for immediate action was especially urgent inasmuch as the viceroy had apopinted him *juez privativo* of the caravan for the return trip. But López, busy with his own interests and the preparation of a despatch of goods to be sold in Parral, refused to start the investigation until after the departure of the caravan.[1]

There is some evidence that López had been prejudiced against Manso before he arrived in the province. During his term as governor, Manso had brought criminal action against Capt. Francisco de Anaya and his son-in-law, Alonso Rodríguez. The nature of the charges is not clear,[2] but Manso regarded them to be serious enough to warrant the arrest and imprisonment of Anaya. During Manso's absence from Santa Fé on a tour of the western area, Anaya escaped and fled to New Spain, taking with him his two sons and his son-in-law. Manso then ordered the banishment of Anaya's wife and daughter. He also ordered the seizure of the houses of Anaya and Rodríguez, and declared their *encomiendas* vacant and reassigned them to other citizens of the province. In Mexico the Anayas and Rodríguez won the friendship of López, and they returned to New Mexico in his company in 1659. By order of López they took possession of all their property that had been seized and placed under embargo by Manso. Their *encomiendas* were also restored, and according to the testimony of Manso and several citizens this was done without any formal legal process or notification to the citizens to whom the *encomiendas* had been assigned by the ex-governor. López, on the other hand, stated that the restoration of the *encomiendas* was made in a legal manner on the basis of formal complaints filed by Anaya and Rodríguez

during Manso's *residencia,* and this is substantiated by other evidence.[3] Unfortunately we do not have the documents on this case, so that it is impossible to form a judgment concerning the justice of López' decision. Several witnesses also testified that López permitted the Anayas to see the record of the proceedings brought against them by Manso, and to carry it from house to house upbraiding citizens who had testified against them. These actions naturally aroused great resentment among all the partisans of the ex-governor, especially the persons who were dispossessed of the Anaya and Rodríguez *encomiendas.*[4]

Soon after his arrival in Santa Fé, López took possession of eighteen Apache captives that had been taken in a recent raid by two Spaniards and some Picurís Indians. Manso claimed that the captives belonged to him, and that López' action was wholly unjustified. López, on the other hand, insisted that he purchased the captives, or at least part of them, from the Picurís Indians, giving them cows in exchange. A little later López obtained from Manso a hundred *mantas* and twenty-seven oxen to be sent with a despatch of goods to Parral. According to Manso, the *mantas* and oxen were extorted from him and no payment was made. López, on the other hand, always insisted that the oxen and *mantas* were offered to him for sale, and that Manso received adequate payment. A bill of sale was actually signed by Manso, but he claimed that he had been forced to sign under duress. It is difficult to put faith in the testimony of several witnesses who substantiated Manso's point of view inasmuch as the witnesses were persons who had grudges against López. On the other hand, in view of López' general attitude there is ground for believing that he was trying to put pressure on Manso.[5]

This point of view is supported by statements alleged to have been made by López and by his later actions. For example, there is evidence that he openly boasted that the *residencia* of Manso would afford opportunity for great profit, perhaps as much as ten thousand pesos, for was it not the

usual custom for a new governor to say to his predecessor: "You will give me so much [money] or [lose] your honor"?[6]

After the departure of the supply caravan the *residencia* of Manso was officially opened. For a week, however, no witnesses were summoned, and during this interval López apparently tried to obtain a bribe from Manso. According to Manso, the sum of four thousand pesos was mentioned, but this was not enough. Consequently the negotiations failed, and the investigation then began with a vengeance. Witnesses were summoned from all parts of the province, some under penalty of heavy fines, and special favor was manifested toward those who testified against the ex-governor. It was charged that López even suggested complaints to be included in the evidence. Realizing how things were going, Manso reopened the negotiations for a bribe. A "present" of one hundred marks of silver was given to Doña Teresa, the wife of López, and the amount of the proposed bribe was increased. Although the gift of silver was accepted, the negotiations once more broke down.[7]

López permitted the *residencia* to drag along all through the winter of 1659-1660, and from time to time he obtained from Manso property of various kinds. Manso listed fifteen Apache servants, iron for wagons, and quantities of maize and wheat among the goods which he was forced to give up. Finally, sometime in April, or early May, 1660, López announced that he had received evidence that Manso planned to flee in order to escape settlement of all the charges that had been brought against him. Accordingly López ordered his arrest and imprisonment. Guards were appointed, of whom one was Alonso Rodríguez, the son-in-law of Capt. Anaya![8]

But Manso had many friends among the citizens and the clergy, and they did all in their power to aid him. On three separate occasions he was able to send despatches to the viceroy complaining of López' conduct, and during his imprisonment in Santa Fé his friends maintained communication with him and brought him food. A plan for his escape was

finally arranged, the leader being Capt. Alonso García, a citizen of some prominence who lived near Sandía. During the night of September 9-10, 1660, Manso escaped and fled to Mexico, taking García and another soldier, Alonso Martín Barba, with him. A party was sent in pursuit, but it failed to capture them. On order of López the property of the fugitives was placed under embargo.[9]

Action in behalf of Manso, based on the despatches sent from New Mexico prior to his escape, had already been brought before the viceroy and *audiencia.* Manso took charge of the proceedings soon after his arrival in Mexico City, and charged López with arbitrary, illegal, and unjust conduct as judge of *residencia.* He finally obtained a decree favoring his cause. A *real provisión,* dated February 1, 1661, removed López from jurisdiction in the Manso case, ordered the restoration of all of Manso's property, as well as that of García and Barba, and directed that Manso's *residencia* be sent to Mexico for review. Jurisdiction over all matters relating to the Manso case was given to the new governor, Don Diego de Peñalosa, recently appointed to succeed López, or, if he failed to act, to the *alcaldes* of Santa Fé, or finally to the *cabildo* of the villa.[10]

Several months elapsed however, before Manso returned to New Mexico, and during this interval he was chosen by the Holy Office to serve as its *alguacil,* or bailiff, with orders to place himself at the disposal of Friar Alonso de Posada who had been appointed Custodian of the Franciscans of New Mexico to succeed Friar Juan Ramírez, and Commissary of the Holy Office. Manso finally arrived in New Mexico in the spring of 1662. But before carrying the story of the Manso case any further, we must describe other phases of the administration of Governor López.

II

The actions of López in the Manso *residencia* had naturally alienated a number of prominent citizens of New Mexico who were friendly toward the ex-governor either for per-

sonal reasons or because they had received favors and appointments to office from him. And during the two years from 1659 to 1661 López aroused great resentment in other quarters.

López was not lacking in self esteem, and he had a high opinion of his own ability as a provincial executive. Opposition irritated him and made him petulant. In the course of time criticism of his actions caused him to bereate his subordinates and indulge in all manner of tactless speech. His relations with the *cabildo* of Santa Fé were often unhappy, and on one occasion he made the classic jest that in his opinion the *cabildo,* his negress, and his mule were all the same thing.[11] He also made disrespectful remarks about the *oidores* of the *Real Audiencia,* boasting that he knew more than all of them, and cast slurs on the character and dignity of Viceroy Alburquerque.[12] The documents also contain a mass of evidence concerning boasts of López to the effect that if the Trinity, or the Apostles, or Saints Peter and Paul and all the Celestial Court came down to govern they could not do better than he; that God would not call him to account for anything he had done during his term of office because he had governed better than the Holy Spirit could have done; that if the people wanted a better governor, then Jesus Christ would have to succeed him, and if God came down to govern He would follow his example; that he would not fear God even if He came down to earth with a sword, for he feared only a thunder bolt! When López was called upon to justify these blasphemous propositions during his trial before the Inquisition, he denounced them all as false, the madness of drunken and brainless men; for even if he were a heretic and the greatest sinner in the world, it was not possible that he, a governor of Christian people, would dare say such execrable things. They were the baseless lies of his enemies, lay and clerical.[13]

To turn now to particular cases and special issues. One reason for the resentment inspired by López was his removal of soldiers and citizens from local office. The office of *alcalde*

mayor, or local administrator in the areas outside Sánta Fé, was eagerly sought after by prominent citizens, partly because of the prestige involved, partly because it afforded an opportunity to control Indian affairs, especially the recruiting of Indian labor. In some cases sons had succeeded fathers, and apparently they came to regard the office as a perquisite of the family. During the *residencia* of López in 1661 complaints were made by persons who had been removed from office to make room for the governor's appointees. He answered these charges by pointing out that as governor he had authority to name the persons whom he chose and to maintain them in office at his pleasure, and that the office of *alcalde mayor* was not an inheritance to be passed down from father to son. In this point of view he was perfectly justified.[14]

Each governor sought to build up a group of subordinates loyal to his own interests, and López merely followed time honored custom. But in a small community like New Mexico rivalry for office was keen because it was the only form of prestige and glory that the colonists could hope to obtain, and disappointed office seekers could easily become trouble-makers. Several persons who had held office under Manso were removed. For example, Tomé Domínguez y Mendoza, a prominent rancher in the Isleta district and a member of the clerical faction, who had been Manso's lieutenant-governor and captain-general, was ousted and his brother, Juan Domínguez, was named in his place. The latter gave López loyal support, and as a result earned the hostility of the clergy. Capt. Miguel de Ynojos, whom Manso had appointed *alcalde mayor* and *capitán de guerra* of the Cochití-Jémez jurisdiction and to whom he had assigned Capt. Alonso Rodríguez' *encomienda* in the pueblo of the Jumanos, was removed to make way for Capt. Toribio de la Huerta, another López henchman. This act, coupled with the return of the Jumano *encomienda* to Capt. Rodríguez, made Ynojos an unqualified enemy of the governor. López defended the change on the ground that Ynojos was ill and

could not fulfill his obligations as military commander on an important frontier. Perhaps the most interesting appointment made by López was the nomination of Capt. Nicolás de Aguilar, ex-murderer from Parral, as *alcalde mayor* of the Salinas district east of the Manzano range in place of a citizen of some prominence. Aguilar's prompt execution of the orders of his chief, especially in matters relating to mission policy, earned him the bitter enmity of the friars. Other loyal associates of López were Sargento Mayor Francisco Gómez, son of the *conquistador* Francisco Gómez, who was the most prominent soldier in the province during the first half of the seventeenth century, and Capt. Diego Romero, also a member of an old *conquistador* family. But not all of López' appointees proved so loyal. To the post of secretary of war and government, an office of considerable importance inasmuch as the incumbent was a sort of executive assistant to the governor, López named Capt. Miguel de Noriega, a personal retainer whom he brought from New Spain. Noriega served as notary during the *residencia* of Manso, and according to statements made by López' wife he went to Manso's house each night and revealed the testimony presented during the day. López soon found other reasons for grievance against his secretary, and in the end they quarreled, with the result that Noriega left his service and went over to the anti-López party.[15]

The rivalry for *encomiendas* was probably keener than that for local office inasmuch as the *encomiendas* were an important source of income and could be held for more than one generation. The action of López with regard to the Anaya-Rodríguez *encomiendas* was only one case that created ill feeling. He required all of the *encomenderos* to present their papers for review and verification, and returned certain other *encomiendas* to the original holders who had been dispossessed by his predecessor. The persons who were thus deprived of their *encomienda* grants by López accused him of violating a decree of Viceroy Alburquerque ordering that no changes should be made without the ap-

proval of the authorities of New Spain, but the governor countered these charges by stating that the viceroy's order applied only to certain long-standing cases which had resulted from the action of Governor Pacheco in declaring vacant the *encomiendas* of persons who had been implicated in the Rosas affair. Moreover, we also have López' statement that certain cases, in addition to those of Anaya and Rodríguez, were submitted to the viceroy for final decision.[16]

According to law *encomenderos* were forbidden to live in the pueblo from which they received tribute. This prohibition was of long standing and was the result of abuses and exploitation practiced by *encomenderos*. The law was frequently evaded, and there is evidence that several of the New Mexico *encomenderos* either lived in their *encomiendas* or had ranches nearby. López was called upon to deal with a flagrant case involving Capt. Antonio de Salas, *encomendero* of Pojuaque. According to Salas, the Indians of the pueblo had asked him to build a house and take up residence in the pueblo, and Governor Manso had given him permission to do so. A ranch house was built, and an extensive herd of cattle and sheep was put out to graze near the pueblo. Salas claimed that the Indians received great benefit from his presence, for they were given milk and wool, and were permitted to work out their tribute payments by labor on his house and by tending his herds. Commutation of tribute in terms of labor was, of course, forbidden by law.

The governor ordered Salas to tear down the house and leave the pueblo, and in 1661 during the *residencia* of López the *encomendero* brought a claim for damages. Salas recognized that general colonial legislation prohibited the residence of *encomenderos* in their pueblos, but he argued that execution of the law was inexpedient in New Mexico. In New Spain where peace and security prevailed such a policy might be justified, but in New Mexico, where the pueblos were subject to attack by the Apaches and Navahos, the presence of *encomenderos* and their families in the pueblos gave the pueblos protection and security. Former governors had

recognized this fact, and from the beginning *encomenderos* had been permitted to live near their *encomiendas*. He pointed out that it was a common practice not only in the Tewa area, but also in the Río Abajo and Salinas districts.

Apparently the action of López in this case was due to flagrant abuses practiced by Salas and his household. The governor pointed out that Salas' ranch house was not only near Pojuaque, but within a short distance of other Tewa pueblos in the same area. He stated that soon after he arrived in New Mexico he received numerous complaints from these pueblos because Salas' herds and maize fields encroached on the lands of Indians and "destroyed" their crops. The Indians also suffered "vexation" at the hands of the Salas family, and López was forced to arrest one of the sons and send him to the Hopi area.[17]

This case has been discussed at length because it illustrates one of the most common problems growing out of the *encomienda* system. Moreover, the documents describing the working of the system in New Mexico are so scarce that this incident deserves special notice.

The most important obligation of the *encomenderos* was military service. During campaigns against the Apaches and Navahos they assumed leadership of the local militia and Indian auxiliaries, and from time to time they were called upon for special guard duty in frontier areas such as Taos, Jémez, and the Zuñi-Hopi district. But although service of this sort was a definite obligation, in return for which they enjoyed the tributes from the pueblos held in *encomienda*, they were extremely reluctant to answer the summons to duty on the distant frontiers. They were all engaged in ranching, and they resented being called away from their farms. Service at Taos or in the Hopi area was regarded as "banishment," and it is true that the governors sometimes used assignments to guard duty in these areas as a form of discipline, or as a means of temporarily ridding the province of insubordinate characters or notorious offenders. On the other hand, the governors, being responsible for the defense

of the province, had to protect the outlying missions, and it was no fault of theirs if a soldier's turn of service came at an inconvenient time. López had his share of difficulty with the *encomenderos* over this issue, and it became just one more source of friction with colonists who were already critical of his administration.[18]

Let us turn now from problems relating to administrative affairs to a consideration of López' business operations. At his store in the Casa Real the governor sold the colonists large quantities of sugar, chocolate, clothing, imported textiles, hardware, and other goods. These deals were the source of much controversy. López frequently had difficulty in forcing payment, and the colonists in turn accused him of profiteering and falsifying accounts. In many instances the *encomenderos* obligated their *encomienda* revenues for payment of debts, and the governor instructed the *alcaldes mayores* to collect the tributes for his account. This was another source of friction, inasmuch as the *encomenderos* claimed that the tributes collected in this way were frequently in excess of their debts, and they filed numerous claims for balances due. There is also evidence that the governor, without preliminary understanding with the interested parties, embargoed *encomienda* revenues for payment of debts owed him.

The sale of imported goods was but one means used to accumulate stocks of local goods for export. Numerous colonists, especially women, were employed to weave cloth, make stockings, and do drawn work and embroidery on shirts and piece goods. Disputes concerning payment for this labor added to the general fund of discontent.[19]

On at least three occasions during his term of office López sent accumulated supplies of piñon, salt, hides, and textiles to Parral and Sonora for sale. To organize the wagon trains he sought "loans" of ox teams from many citizens, and apparently failed to return the oxen or to provide adequate compensation for them in many cases. The goods sent in these caravans were consigned to López' agent in

Parral for sale there, or for payment of advances made to López in preparation for his trip to New Mexico in 1659.[20]

Two of these shipments to New Spain deserve more than passing notice. The Sonora shipment was sent in charge of Capt. Francisco Pérez Granillo. López claimed that the goods were worth 7,000 pesos, but when Granillo returned he brought only 2,904 pesos in silver bullion. Moreover, at the time of Granillo's return López was no longer governor, and his successor, Peñalosa, took possession of the silver![21]

One of the caravans sent to Parral was placed in charge of Captain Francisco Xavier. Capt. Xavier had been a close associate of López during the early months of his administration and had been employed in the accumulation of supplies of goods for export. López alleged that the shipment, which was sent sometime in 1660, was worth some 12,000 pesos. It included such items as 1,350 deerskins, 600 pairs of woolen stockings, 300 *fanegas* of piñon, and quantities of leather jackets, shirts, breeches, salt, buffalo skins, etc. Ten new carts, recently made in New Mexico, and more than 160 oxen were provided for transportation of the goods, as well as more than sixty pack mules. Xavier was to receive 100 pesos for his services. But from the beginning things went wrong—at least, that was Xavier's version. The carts broke down, and most of the piñon and part of the livestock had to be left at El Paso. How much he actually delivered in Parral to López' agent is not clear. By the time Xavier returned to New Mexico Peñalosa had taken charge, and López was unable to obtain a settlement. The new governor, who was already making the most of his opportunity to put pressure on López by means of the *residencia* and in other ways, preferred to protect Xavier and thus gain support for his own policies.[22]

Thus López' business deals were notably unsuccessful. The most immediate result of his eager scheming was to add to the general fund of discontent and intensify the hostility that his administrative policies had inspired.

Finally, some reference should be made to the hostility aroused by the governor's actions in dealing with insubordination, crime, and personal misconduct. Capt. Diego del Castillo, a citizen of some importance, was arrested and imprisoned on a charge of disobedience and insubordination. López threatened to have him whipped, but Doña Teresa, the governor's wife, intervened and saved him from such public shame. Del Castillo was the brother-in-law of Capt. Xavier, and both of them were sons-in-law of Capt. Juan Griego whom López had removed as interpreter-general of the province. López had also threatened to banish one of Griego's daughters because of immoral conduct. Thus the entire Griego clan—and they were numerous—became enemies of the governor.[23]

A certain Juan de Gamboa was brought to the bar of justice and punished for having beaten his daughter so severely that she died. In 1661 another daughter of Gamboa accused López of rape and filed complaint against him during his *residencia*. López branded the charge as false, and accused Gamboa of using this means to seek revenge. At first Gamboa tried to negotiate a settlement, but in the end he apparently abandoned the charge and signed a statement that the accusation had been made for private ends.[24]

From time to time the governor attempted to curb the licentious conduct of certain notorious offenders, but it is doubtful whether his efforts met with much success other than the intensification of resentment on the part of the citizens. After all, the governor's own personal conduct was such that he could ill afford to throw stones. He was guilty of misconduct with his household servants, including certain unconverted Apaches, and with the wives and daughters of certain citizens. Moreover, certain women whom he ordered held in the Casa Real pending investigation of certain judicial cases, testified that he forced them to submit to his desires. Doña Teresa was fully aware of her husband's conduct but was unable to change it. There is plenty of evidence that the Casa Real was in a state of constant tur-

moil. The servants were negro slaves brought from New Spain, Indians from the pueblos, and captive Apaches. They were forever quarreling, and at night they slipped out to carouse with the townspeople. Thieving was a frequent occurrence. The governor and his wife tried to maintain discipline by flogging offenders or dismissing the worst of them, but these measures had little effect. The servants spied on their masters, noted what books they read, watched every little act and gesture, and then spread all manner of rumors, even concerning the intimate details of their lives.[25]

To sum up, López succeeded in antagonizing a very large section of the local Hispanic community. The families were so closely intermarried and so jealous of their petty rights and privileges that a slight against one citizen inspired the hostility and enmity of a large group. It was the same sort of situation that Rosas had faced in 1637-1642. And López' fate was in many respects no less tragic than that of Rosas. The following quotation from the testimony of Capt. Bartolomé Romero illustrates the bitter hatred which his actions had inspired:

> . . . And on account of the excessive and very great harm which has befallen the souls in this whole kingdom from the bad government which the said Don Bernardo maintained, [the witness] is certain that if a demon had come to govern he would not have done so much harm nor governed to badly, for the demon would have governed as one demon, but the said Don Bernardo governed as if he had in him a kingdom of demons.[26]

III

The governor's business operations involved the employment of labor on a large scale. From the moment López set foot in the province, even before his formal reception as governor in the Villa of Santa Fé, his agents were busy rounding up Indians to serve as day laborers or to manufacture goods for export, and during his two-year term of office he entered into some form of business relationship with

hundreds of natives in the pueblos of the central Río Grande-Jémez-Salinas area. During the *residencia* of López in 1660 numerous petitions and complaints were presented in the name of Indians alleging that the governor had failed to pay them for services rendered or for goods supplied. It is probably true, as López insisted, that some of these claims were exaggerated. But even if we take that factor into account, the petitions provide an excellent example of the manner in which Indian labor was used to advance the governor's business schemes.[27]

The Indians of the central and southern pueblos were employed to gather piñon and salt and transport the accumulated supplies to convenient places for shipment. The following items are taken from the claims presented in 1661: (1) fifty Indians from Senecú, thirty-six from Socorro, and ten from Alamillo, and a number of pack mules and horses from each pueblo were employed for about two weeks transporting piñon to a warehouse in Senecú; (2) sixty-three Indians from Socorro worked for three days carrying salt from the east bank of the Río Grande to the pueblo of Socorro; (3) sixty laborers from Cuarac were forced to go to the pueblo of the Jumanos and from there to the Río Grande with loads of piñon, and were engaged in this labor for seventeen days; (4) nineteen Indians from Abó worked for six days carrying maize from Tabirá and the Jumano pueblo to the house of Capt. Nicolás de Aguilar, the *alcalde mayor* of the Salinas district; (5) as many as forty Indians from Jémez were employed at one time taking piñon to depots in San Felipe, Cochití, or Santa Fé; (6) twenty-two Indians from Galisteo were sent to the house of Capt. Aguilar in the Salinas area for maize to be transported to Santa Fé; (7) Indians from Tabirá loaded salt at the salt marsh and took it to the house of Sargento Mayor Francisco Gómez who had an estancia called Las Barrancas on the Middle Río Grande; (8) the claim presented in the name of the Jumano pueblo listed three items of labor, *viz.*, twenty-three Indians

for five days, fifty-one for three days, and twelve for six days.

The manufacture of stockings for the governor's account was carried on in a number of villages. The petitions presented in 1661 included the following claims: Senecú, 100 pairs; Socorro, 30 pairs; San Ildefonso, 262 pairs; San Juan, Santa Clara, Jacona, Pojuaque, Nambé, and Cuyamungué, a total of 280 pairs; Alamillo, 46 pairs; Santo Domingo, 156 pairs; Jémez, 360 pairs; Tano pueblos, 165 pairs. Several claims were also made in behalf of individual Indians.

The washing of hides, tanning leather, painting leather door-hangings, and the manufacture of shoes and leather doublets were other forms of service performed by the Indians. An Indian named Francisco Cuaxin presented a claim for the balance due on account of making 38 doublets, 10 leather jackets, and 49 pairs of shoes. The Indians of Pecos asked payment for 100 *pergaminos* and seven tents made of hides, as well as an assessment of half a *fanega* of piñon furnished by each household in the pueblo. The pueblo of Santa Ana claimed payment for washing 80 hides, or a total of 160 days of labor, and the Indians of Jémez presented a bill for washing 500 hides at one *real* each.

Most of the wagons made for the governor to be used in the transportation of accumulated supplies were built near Puaray by carpenters from the Tiwa villages, Sia, Santa Ana, and Jémez. More than thirty wagons were said to have been built, the average price being ten pesos each. The Indians of the Tewa towns also made claim for labor in cutting and hauling timber for wagon parts.

The items listed above clearly indicate the scope of the governor's activities. The rate of wage fixed by decree in 1659 was one *real* a day plus food. Hardware of various kinds, especially knives manufactured by the official armorer at López' command, and livestock were apparently the most common form of payment. But there is reason to believe that the governor was not too scrupulous about settling accounts in full, for even though we assume that some of the

claims presented in 1661 were exaggerated, many of them were doubtless based on fact.

Relations with the Apaches and Navahos were characterized by occasional peaceful trading ventures and by a series of raids on frontier pueblos followed by counter attacks on the Apache-Navaho strongholds. In general, the Apache-Navaho problems became more acute during the years 1659-1661.

Trade with the eastern Apaches was carried on either at some frontier pueblo or during expeditions to the lower Pecos area or to the Plains. A sort of annual fair had long been held at Pecos where the Apaches exchanged buffalo hides, meat, and lard for cloth and maize. The pueblo of the Jumanos east of Abó was a base for trade with the Apaches of the Siete Ríos area. The profits of this primitive exchange of local goods were supplemented by specially organized expeditions sent out to the Apache ranges, and Governor López did not neglect this opportunity to extend his business operations. The outstanding Pueblo leader in the eastern area was Don Esteban Clemente, who exercised some form of leadership over the Tiwa and Tompiro villages of the Salinas district, and he apparently made frequent visits to the Apaches of the Siete Ríos area. López supplied him with goods to be exchanged with the Apaches during these expeditions.[28] The governor also helped to organize trading parties to the Plains, and we have an interesting account of certain events which occurred during one of these expeditions in the summer of 1660. The leader of this party was Capt. Diego Romero, a close associate of López, and the son of a Capt. Gaspar Pérez, who had been a staunch member of the anti-clerical faction during the first half of the century. When Romero and his party encountered the Apaches on the Plains, they were received in a most friendly manner. A native ceremonial of some sort was performed, and Romero spent the night with an Apache girl. According to reports, the ceremonial took the form of a native marriage. News of

this incident was rapidly spread abroad, and it was not long before the case was laid before the Holy Office.[29]

These peaceful trading ventures were a source of profit to all concerned. Unfortunately they could not overcome the traditional hostility between the sedentary Pueblos and the semi-nomadic Apaches and Navahos, and the enmity between the two groups was sharpened by the eager desire of the Hispanic colonists to obtain household servants and laborers for their ranches. The Apaches frequently brought in Indians whom they had captured during wars with other Plains tribes and sold them to the colonists for horses, firearms, knives, etc. But this was not the only source of supply. According to custom unconverted Indians seized during punitive expeditions resulting from unprovoked attack on the pueblos and Spanish settlements were forced into service by their captors. Indians taken in this manner had to be presented before the governor, and if he was satisfied that they had been taken during a just war of reprisal, they would then be assigned for service for a period of years during which they were to be taught the Christian faith and the elements of civilized life. For all practical purposes, these captives were slaves and were freely bought and sold. The price of a strong Apache boy or girl ten or twelve years of age was thirty to forty pesos. The Pueblos frequently acquired Plains Indians in this manner but they usually sold them to the colonists for horses and cattle. There were few Hispanic households that did not have one or more of these servants, and the governors also held a fairly large number. There was also an active trade in these captives with the mining and ranching centers of New Spain, and occasionally the governors or private individuals sent them as gifts to friends in Mexico City.

Although the chief means of supply was by capture during punitive expeditions, both the governors and the colonists did not hesitate to employ other methods. It was very easy to provoke trouble during "peaceful" trading expeditions to the Plains, and to use this as an excuse for seizing

a few captives. There is also evidence that when the Apaches and Navahos came to the pueblos to trade, or to seek food during periods of drouth and famine, unlawful seizures were made. According to a complaint presented by Capt. Andrés Hurtado during López' *residencia,* the governor caused an unprovoked attack to be made on Apaches who came in peace to the pueblo of Jémez. Several were killed and more than thirty women and children were taken captive. As a result of this unjustified action, the Apaches raided the frontier pueblos, killed more than twenty Christian Indians, and carried off more than 300 head of livestock.[30] Capt. Noriega testified that he acted as scribe in drawing up some ninety decrees legalizing the forced service of Apache and Navaho captives during the period that he served López as secretary of war and government.[31]

López followed the example of all of his predecessors in sending these captives to be sold in the labor markets of New Spain. In order to acquire as many as possible, he forced sale by citizens or took them by outright seizure from their "owners." His *residencia* is full of complaints by citizens who claimed that he took one or more of their Apache servants without pay, and I have already described Manso's accusation against him on this score. When the friars drew up their long memorial to the viceroy in 1659, they stated that he was sending seventy Apaches with the caravan that he despatched to Parral in the autumn of that year. Others were sent to Sonora with Granillo in 1660, and were sold for some 1200 pesos. But a recent order of the Audiencia of Guadalajara had put an end to this form of semi-slave labor, and by order of the Sonora officials these captives were freed and Granillo was forced to refund money to the purchasers.[32]

IV

The beginnings of the controversy between Governor López and the clergy during the summer and autumn of 1659 have been described in the preceding chapter. During the eight months following the departure of the mission

supply caravan at the end of October, 1659, there occurred a long series of incidents which strained the relations of the two jurisdictions, civil and ecclesiastical, to the breaking point. It is impossible to describe these events in strict chronological order. The major issues were three: (1) the proper conduct of the missions and the maintenance of mission discipline; (2) the problems of ecclesiastical immunity and privilege; and (3) the jurisdiction and authority of the prelate.

Controversy over problems of mission administration involved a number of lesser issues, each of which will be discussed separately. In the first place, there was the question of Indian labor and service. It is clear that López refused to make any change in the general policy adopted in the summer of 1659. The service of the Indians was to be voluntary, and all herdsmen and farmers employed by the missions were to receive wages at the current rate of one *real* a day. For the Indians, accustomed to performing these services without pay, this policy was a welcome innovation, and many of them apparently refused to work even for wages.

For example, an Indian serving as shepherd for the convent of Isleta asked López to be relieved of his duties. The governor granted his request, but failed to appoint another in his place. The clergy claimed that as a result of López' action a large quantity of livestock was lost. When called upon to answer this charge during his trial before the Holy Office, López replied that although he did not remember this specific case, he did recall that a number of Indians in the pueblo of Isleta who were forced to labor ("encerrados") in the convent workshop, as well as others working in other "grangerías," complained about the "violence" they suffered, and that he told them they need not serve in this way—"for I could not otherwise command a free people, nor name others in their place against their will."[33] We also have a copy of an order issued by the governor in October, 1659, forbidding any person to force a

certain Indian to serve as a shepherd or in any other capacity under penalty of a fine of fifty pesos.[34] According to the petition presented by Friar García de San Francisco in 1661 during López' *residencia,* the missions suffered heavy losses in livestock as the result of the lack of herdsmen during the two years this general policy was in effect.[35]

But farmers and herdsmen were not the only servants and helpers needed at the missions. Cooks, porters, sacristans, and interpreters were required for the routine services of the convents. An Indian *fiscal* was appointed in each mission to enforce discipline. For building operations, such as the construction of a new church, or repairs to the convent, Indian masons, carpenters, and unskilled laborers were necessary. The documents contain numerous accusations by friars and colonists to the effect that the governor gave orders forbidding the Indians to work as convent servants, that they should not serve the friars in any manner, that they need not participate in divine services, and that these orders were carried out to the letter by some of his subordinates. The official who was subjected to greatest criticism as an effective aid of the governor was Capt. Nicolás de Aguilar, *alcalde mayor* of the Salinas district. But the testimony presented by López and Aguilar during their trial by the Holy Office makes it necessary to regard these general charges with a good deal of caution.[36]

A brief account of a few special cases will show how difficult it is to form general conclusions on the basis of the documentary evidence.

1. When López visited the pueblo of Socorro, the friar in charge asked him to permit the service of *cantores* without pay. He granted the request, but told the friar to send the men home as soon as mass was over because participation in religious service should not be used as an excuse to make them "slaves."[37]

2. A new church was being built in the pueblo of the Jumanos by the friar-guardian, Father Diego de Santander. According to the clergy, López forbade the Indians under

pain of death to assist in the building operations. López denied the charge. It is clear, however, that he was not in entire agreement with certain phases of Indian affairs in the pueblo. Father Santander apparently kept a large herd of stock near the pueblo, and the source of water supply was a number of tanks or *pozos* from which the Indians had to draw water for the herd. López took the position that this involved too much labor for the Indians and sent orders to have the stock grazed near Abó where there was a stream.[38]

3. According to the clergy, Aguilar had twenty Indians of Cuarac whipped because they went to the pueblo of the Jumanos to sing in the choir during the celebration of the feast of San Buenaventura, patron saint of the Jumano pueblo. Aguilar denied that he had whipped the Indians. In fact, he was not aware that the Indians of Cuarac actually served as *cantores*, for the Indians of Abó, who spoke the same language as the Indians of the Jumano pueblo, usually helped out whenever there was need. But he did admit that orders had been given forbidding the Cuarac Indians to go the Jumano pueblo at certain times. The reasons that he cited are interesting. It appears that on a certain occasion two Apaches of the Siete Ríos area arrived late at night at Cuarac, and the Indians of the pueblo, "understanding that they were enemies," killed one and wounded the other, and the Apaches naturally desired revenge. López sent Aguilar to pacify them, and with some difficulty he was able to do so. It was agreed that henceforth the said Apaches would not advance beyond the Jumano pueblo and Tabirá, "which are the places where they go to trade," and that the Indians of Cuarac would not go to Tabirá or the Jumano pueblo at the time the Apaches came in to trade. Hence, when the Indians of Cuarac went to the Jumano pueblo on the occasion of the feast of San Buenaventura, he wanted to whip them, but actually did not do so.[39]

4. The guardian of Abó, Friar Antonio Aguado, could not speak the Tompiro tongue, and consequently had to

make use of an Indian interpreter in preaching to his flock. Aguilar was said to have ordered the interpreter not to enter the convent under pain of two hundred lashes. But according to the *alcalde mayor,* complaints had been made against the said interpreter on the ground that he had whipped a number of Indians, and for this reason Aguilar had warned him and *threatened* him with punishment. "But I did not [actually] punish him."[40]

5. It was reported that on June 14, 1660, Aguilar published an order in the pueblo of Cuarac to the effect that the Indians should not "assist in the service of the convent, not even voluntarily, because the said Governor [López de] Mendizábal wishes it," and that having done this he removed the Indian *fiscal* who served the friar. He also forbade the Indians to serve as acolytes during mass. The next day the guardian of Cuarac, Friar Nicolás de Freitas, desiring to confirm the Indians in their loyalty and obedience to the Church, preached a sermon in which he explained that there was one God, one Church, and one Supreme Head of the Church. He also explained that the commandment which taught children to honor their parents also applied to the clergy as spiritual fathers of the faithful, and that as dutiful children they owed their spiritual father aid and support. According to Freitas, Aguilar interrupted the sermon and commanded the Indians to leave the church. "But the hand of God, which works unseen, gave strength to the wavering hearts of these Indians, and they did not wish to obey a command so contrary to the Catholic faith." Seeing that the Indians refused to leave, Aguilar shouted that what he had told them was the truth, and not what the friar preached. And the same morning after the service, he went to Freitas' cell in the convent and said that the reason the friars preached against what he and the governor had ordered was because they would not permit the friars to continue in their evil ways.[41]

Aguilar's version of this affair was somewhat different. He insisted that he merely notified the Indians of the gov-

ernor's order that they need not give service unless voluntarily and for wages, except that the *cantor mayor* and the sacristan should serve in the church and the convent, "because they are obliged to do so, and in return for this [service] tribute is not collected from them." But the friars resented this innovation, for "the Indians who serve as acolytes are not the little boys, as is said, but adult Indians, married and with families, [and] they had eight and ten in each pueblo as sacristans, with the result that in each pueblo seventy Indians were occupied as acolytes, sacristans, singers, aids, horsemen, cooks, shepherds, and farm hands, and in other things, and besides this, every day all the others, women as well as children, were kept busy, without there being anyone who did not serve them."

As for the events that occurred during the sermon on June 15, Aguilar challenged Freitas' version as inexact. He testified that Freitas told the Indians that what the governor and the *alcalde mayor* had ordered was contrary to the faith, that God ordered them to serve the friars, to herd their livestock, and to till their fields. Realizing that an open difference of opinion between the friars and the civil authorities would have an unfortunate effect on the Indians, Aguilar tried to smooth things over. Instead of ordering the Indians to leave the church, as Freitas said, he told the interpreter to inform them that they should always go to mass and that he would punish them for failure to do so. After mass he did go to Freitas' cell, but it was the friar who used violent speech, calling Aguilar a shameless person and a scoundrel.[42]

6. Father Freitas testified that on one occasion he went to Tajique to ask Aguilar not to execute the governor's orders with such rigor. Aguilar told him that he had to do whatever López commanded. To which Freitas replied that the things the governor had ordered were "against God Our Lord and against the Holy Church, and many of them [were] heresies, and that he who executed them would be a heretic." Angered by these remarks Aguilar left the con-

vent, and later threatened to send Freitas to Santa Fé in a pack saddle. According to the *alcalde mayor's* story this incident occurred at the time when relations were strained because of the Parraga case to be described below, as a result of which Aguilar had been declared excommunicate. When Freitas and another friar arrived in Tajique he went to see them with great reluctance, and he declared that he would never have visited them had he realized that Freitas was going to upbraid him. When he left the convent he was followed by Freitas who continued to use abusive speech, and as a result of this personal abuse he finally made the remark about sending Freitas to Santa Fé in a pack saddle.[43]

7. Numerous declarations were made to illustrate the sorry situation that prevailed in the convents of the Salinas area as the result of orders given by Aguilar forbidding the Indians under pain of severe punishment to serve the clergy as cooks or porters. For example, a pious woman, taking pity on the friars residing in Tajique because they did not have a cook, went to the convent and prepared their meals. but when the *alcalde mayor* heard about it he threatened to give her two hundred lashes if she continued to serve the friars, or even so much as entered the convent. Lacking the necessary servants some of the friars had to go to the mountains and carry their own firewood, but Aguilar, instead of being shamed by the sight of a priest reduced to this form of manual labor, seemed to gloat over it, and made abusive remarks about the friars. On one occasion some Indians of Tajique, "moved by charity," brought in several loads of firewood for their friar, Father Fernando de Velasco, and merely because they had performed this service Aguilar had two of them whipped. When Father Velasco remonstrated with him, he called the friar a dog and a heretic and threatened to kill him, and he then ordered the Indians under pain of a severe beating not to bring in "a stick of wood" for the convent. And from time to time, when the problem of Indian service was discussed with the friars,

he showed his hatred for the Church and clergy by all manner of abusive speech.[44]

To all of these charges Aguilar made replies both general and specific. He insisted that he had never removed Indians who were helping the friars, and that he had not punished any of them simply because they performed services of this sort. "I merely ordered them, as their governor had decreed, that they should serve voluntarily." There was never any difficulty, he said, in providing a servant or two if the clergy needed them. But the friars were not content with a few helpers. "They did not want these, but rather the Indians of the entire pueblo, for gathering piñon, weaving, painting [*mantas* or hides?], and making stockings," and for other forms of service. "And in all this they greatly abused the Indians, men and women." Aguilar also testified that Father Freitas had told him that the policy of voluntary labor might be feasible in New Spain, but not in New Mexico.

With regard to the problem of service in the convent of Tajique, Aguilar said that the Indian who had been serving as a cook asked to be relieved, and he told him to go since no one could be forced to serve. For a few days a certain woman had prepared food for the friars, but he arranged to have an Indian take her place, and he then told her to leave because by decree of both the governor and the custodian women were not permitted to enter the convents. If the clergy had to cut their own firewood, the blame was not his. It was true that he had given orders forbidding the Indians of Tajique to go to the mountains, not in order to embarrass the friars, but because of the danger from Apaches. But, regardless of this fact, Father Velasco had sent the Indians out with carts to bring in wood, and when Aguilar learned what had happened he had two Indians whipped for disobeying orders. The friar came on the scene as this punishment was being inflicted, and began to upbraid him, calling him "a Calvinist heretic, a Lutheran, and other names of heretics." Aguilar made a heated

reply, and threats of violence were made on both sides. A few days later the friar sought out the *alcalde mayor* at Chililí and tried to stab him. But both Aguilar and his adversary realized the folly of their ways and were temporarily reconciled.[45]

8. It appears that on certain occasions the friars of Tajique, lacking a supply of firewood, burned crosses that had been made for religious processions, and Aguilar was said to have remarked that they could not have been put to better use. Aguilar admitted that the crosses had been burned, but denied that he had made disrespectful remarks about the Cross. He testified that the crosses had been left scattered about in various parts of the pueblo, some of them fallen into the filth and garbage, "and seeing them placed with such indecency," he had sometimes asked why they were not removed. But by this remark he had not intended that the crosses should be destroyed or burned.[46]

Thus the testimony contains so many contradictions and reflects so much personal animosity that it is difficult to assess its real value. But one thing seems clear: the governor gave explicit orders forbidding the involuntary labor of the Indians in the routine service of the convents, except that two Indians, a sacristan and a *cantor mayor,* were to serve in exchange for exemption from tribute. Additional servants could be employed, but their labor was to be voluntary. Moreover, it was apparently the point of view of both López and Aguilar that even the assistance of Indian men and boys in the choir and at the altar should be put on a voluntary basis. Disputes naturally occurred from time to time, and neither the friars nor the *alcalde mayor* would give much ground. Of course, the limitation on the number of unpaid convent servants to two was a drastic change and ran counter to former practice established by the governor's predecessors. And the friars knew that López was not inspired by genuinely altruistic motives. For example, Friar Nicolás del Villar, guardian of Galisteo, testified that the pueblo interpreter was removed and sent to herd livestock

for the governor.[47] Moreover in the Salinas area where the controversy was most bitter the Indians were being used in large numbers to accumulate and transport large supplies of salt, piñon, hides, etc., for the governor's account. On the other hand, it seems clear enough that the clergy had formerly enjoyed great freedom in the employment of large numbers of Indians for purposes that could not be considered absolutely essential for the routine services of the Church. Was it necessary for the friars to maintain large herds of livestock, or to have workshops in the pueblos? That question raises the larger problem of the missions in the economic life of the frontier and brings us once more to the fundamental conflict of purpose and motives inherent in the entire colonial system.

The policy adopted by Governor López with regard to the native ceremonial dances was another source of friction between the two jurisdictions. Although native dances were permitted, or at least tolerated, from time to time in New Spain, it was the duty of the governing officials, both civil and ecclesiastical, to exercise a close supervision or censorship for the purpose of prohibiting any practices that smacked of idolatry or might endanger the loyalty of the Indians to the Christian faith. In New Mexico the clergy had taken a strong stand against the public or private celebration of the Pueblo ceremonials, regarding them as mere invocations to the devil. If the dances were occasionally tolerated, it was contrary to general policy. It is not surprising, therefore, that the friars were shocked and bitterly resentful when López gave orders permitting the public revival of these traditional elements of the old Pueblo cults.

The issue was raised by some of the Tewas, probably from the pueblo of Tesuque, who asked permission of the governor to perform the dances. In order to obtain first hand knowledge of the character of the ceremonials, López had the Indians dance in the plaza of Santa Fé. The documents contain conflicting versions of his reaction to the proceedings. According to some of the witnesses, López said:

"These scoundrel friars say that this is evil; it is not evil, but very good; and but for the fact that I am the governor I would go out and dance myself." López denied this statement. He testified that he consulted several persons concerning the meaning of the dance, and being told "that it signified nothing," he concluded that it was merely Indian nonsense ("bobería de Indios"). He therefore gave orders permitting the public celebration of the dances in all of the pueblos.[48]

Assured of his open approval, the Indians began to perform the dances with increasing frequency. The friars naturally viewed the situation with increasing alarm, and sought the coöperation of the *alcaldes mayores* in fighting the evil. As usual they found that Captain Aguilar gave them little comfort or support. In fact, they accused him of actually ordering the Indians of the Salinas area "under pain of whipping to dance the diabolical dances of the *catzinas*," and "that they should not fear the friars, since they could do nothing [about it]." In his reply to this accusation, Aguilar stated that he was not to blame. It was the governor who had given orders that the Indians could dance if they wished, and whenever the Indians sought his consent he "told them to dance, as the governor had permitted."[49]

The documents contain brief descriptions of the dance. The statements concerning the kivas, masks, and special costumes, prayer feathers, and the ceremonial use of maize meal present a picture familiar to persons who have seen the survivals of these ceremonies in New Mexico and Arizona. The purpose of the dances was "to invoke the powers of the devil" to guarantee a bountiful harvest, or "to obtain the women they desired." The testimony emphasized the sexual promiscuity that was said to be a feature of some of the dances, fathers mingling with daughters, mothers with sons, brothers with sisters.[50] There is also some evidence that the Spaniards occasionally participated in the dances. For example, the *alcalde mayor* of the Picurís-Taos jurisdic-

tion was accused of having danced the *catzina* to the scandal of both the clergy and the colonists. And the story was told about a dance held in a certain home with both Indians and Spaniards taking part. At one stage of the dance the lights went out, and the men chose the women they wished.[51]

But the controversy over the *catzinas* was only one phase of the larger problem of mission discipline. The enforcement of attendance at mass and the maintenance of Christian standards of moral conduct were also of the utmost importance, and it had long been the custom to impose corporal punishment for habitual failure to attend religious services or for flagrant cases of sexual misconduct. According to the clergy, López had asserted as early as September 1659, during his conference with the *definitores* on the question of Indian labor, that the Indians were not under obligation to hear mass every Sunday.[52] And the charge was also made that the governor had definite orders published in the pueblos, especially in those of the Salinas district, to the effect that no Indian governor, *alcalde, fiscal,* or other pueblo official should punish any sins committed in their respective villages, and that they should not permit any friar to do so. López made a complete denial of this charge, and insisted that in his instructions to subordinate officials he ordered exactly the contrary. Most of the complaints of the clergy on this score related to incidents in the Salinas district where Aguilar was in charge, and López insisted that if Aguilar was responsible for failure to punish infractions of mission discipline the blame should rest with him.[53]

Again it is better to cite specific cases.

1. Aguilar was accused of publishing a decree in the Jumano pueblo that the Indians should live as they pleased, and that neither the friar nor any Indian official should punish them for their sins. He denied the charge as false. It was true, he said, that he had summoned the Indians of the pueblo, but for the purpose of making inquiry concerning persons guilty of misconduct in order that he might

punish them, and to select certain shepherds to take the livestock to Abó, as ordered by the governor. He also testified that some of the Indians wanted permission to withdraw from the mission school certain boys who were being taught to read and to serve in the church, and that he refused their request.[54]

2. Apparently Friar Diego de Santander, guardian of the Jumano pueblo, wrote to Governor López complaining that some of the Indians were careless about attending mass on Sunday. In his reply López mentioned two or three reasons why the Indians might have failed to go to church. Perhaps they were busy in their maize fields. Perhaps it was because Santander had been absent from the pueblo so much. (Santander was secretary of the *custodia.)* Perhaps it was because the Indians were little more than heathens, for who was there to teach them anything but to sin? Or perhaps it was because they knew the "continual toil that the mass costs them." The governor said that he was not sure how much the Indians knew about the Faith, but he was certain that they did know how "to guard and herd an infinite number of livestock, to serve as slaves, and to fill barns with grain, cultivated and harvested with their blood, not for their humble homes, but for those of the friars."[55]

3. Because certain Indian girls of Cuarac failed to attend mass, Father Freitas had the *capitan mayor* give them each four lashes. Hearing of this case, Aguilar summoned the *capitán mayor* to Tajique and whipped him. The clergy cited this case as proof of the fact that the *alcalde mayor* was fomenting sin, liberty of conscience, schism, and error "among these poor Indians." But Aguilar had a different story. He made the counter-charge that Freitas had ordered the punishment of the Indian girls, not because they had failed to attend mass, but because they had accused Friar Diego de Parraga of Tajique of sexual misconduct. "And for this [reason] on the occasion [mentioned] in this chapter, the said Father Freitas whipped them cruelly and then he ordered the Indian captain to continue the lashes.

And he (the captain) did not want to do so since the governor had ordered that no one should whip any Indian except by order of the civil authority. And for this reason he (Aguilar) later summoned the said Indian and whipped him and took away his office in accordance with what the said governor had ordered generally, as has been said."[56]

4. Father Freitas had an Indian woman of Cuarac whipped partly because of a long-standing immoral relationship with a man in the pueblo, and partly because she had been an accomplice in the theft of sheep from the convent herd. She went to Santa Fé to complain to the governor. Instead of reprimanding her for her immoral conduct, which she openly admitted, López sent orders to Aguilar to discipline the *fiscal* who had whipped her, in order to teach him not to punish any persons guilty of misconduct in future. The *alcalde mayor* promptly executed the governor's order. Again Aguilar's version of this incident was somewhat different. He stated that Father Freitas had sheared the woman's hair and had brutally whipped her. Later López ordered him to remove the *fiscal* and appoint another in his place. He carried out these instructions, and gave the fiscal six lashes.[57]

5. An Indian man and a woman of Tabirá who were guilty of sexual misconduct were sent to Aguilar for punishment, but he failed to discipline them. According to the *alcalde mayor* they were both single, and they signified a desire to marry. Therefore he let them go, judging this to be a better method of dealing with them than whipping.[58]

6. The clergy charged that in all the pueblos of the Salinas jurisdiction Aguilar ordered "the captains, *alcaldes,* and *topiles,* and the *fiscales* of the churches not to punish any person for any fault or evil that they might commit;" also that the "justice of a certain pueblo brought before the *alcalde mayor* three persons guilty of misconduct, and that they were sent away without punishment or even any reproof for their offense. To this accusation, Aguilar made a most significant reply. He stated that "with regard to the

decree, that [neither] the mission Fathers nor any one by their order should whip the Indians, Governor don Bernardo López ordered this, as has been said, and to him alone did the execution of his order pertain. And with regard to not having whipped the Indians living in concubinage it is true, but it was not in order to give them boldness but because having ordered an Indian who was living in concubinage to be tied up, the wife of the said Indian came and begged him on her knees not to whip the said husband, that if he returned to concubinage she would answer for it, upon which he abandoned it [the whipping], and the Indian reformed. And he did not whip the other Indians living in concubinage for the time being, threatening them that if they returned to concubinage he would punish them severely, upon which they also mended their ways."[59]

Thus it is difficult to form definite conclusions concerning this vexed question of mission discipline. Governor López doubtless had fairly liberal views on the subject. Indeed, the statements of Aguilar confirm the charges made by the friars that he forbade the infliction of corporal punishment without consent of the civil authorities. The clergy were convinced that the failure to maintain mission discipline and the toleration, even open approval, of the *catzinas* meant nothing less than complete liberty of conscience. The respect of the Indians for ecclesiastical authority and their loyalty to the new Faith were being seriously undermined. Friar Nicolás del Villar, who served in the Tano area, cited the case of an Indian who asked to be married to two Indian women, "saying that the said Governor don Bernardo had told the Indians they could surely live as before (i. e., before becoming Christians), that what the Padres told them was fiction, and that therefore it was certainly possible to marry these two Indians."[60] The clerical faction also repeated a remark alleged to have been made by the governor to certain Indian captains who went to Santa Fé to see him: "Now you see that I have come. I come to give you justice, and now there is no one here whom you shall obey except God

and me." According to another version of this incident López stated that the Indians should pay no attention to the Church or to any person except God and the governor. And on various occasions when Indians came to complain about injustice suffered at the hands of the clergy, he was said to have used abusive language, urging the natives to lay hands on the friars, to beat them and kill them if necessary.

In his defense before the Holy Office, López branded these charges as utterly false. It was true, he said, that he had upheld the authority of the secular government at all times, but he had also instructed the Indians concerning the obedience due to the Church. Nor had he ever advised an Indian to strike a friar. But the Indians had grievances enough, and he cited the case of a friar who had beaten an Indian until he was "half dead" merely because the poor native had irrigated his maize field by diverting water from the ditch that watered the convent lands.[61]

The increasing bitterness between the governor and the clergy over mission affairs could be illustrated by additional examples, but only three more cases will be described, in order to offer additional proof of the contradictory nature of the documentary evidence and to show how difficult it is to reconcile the versions of provincial affairs presented by the two factions.

1. The friars were slowly making progress in the conversion of the Mansos in the El Paso area, but they were laboring under great difficulties because the Indians were a backward lot who did not know how to cultivate the soil. López was accused of failure to coöperate with the friars in this project, the most important point being his alleged refusal to permit the transfer of a few Indians from Senecú to El Paso to teach the Mansos to till their fields and build houses. The governor's testimony on this point was not wholly consistent. On one occasion he declared that when Friar García de San Francisco, who was in charge of the Manso mission, suggested that it would be useful to

send some Indians from Senecú to live with the Mansos, he readily agreed to the proposal and offered to send Indians from other pueblos if necessary. More, he would even build the new mission church at his own cost! But in another statement López testified that although he did not recall issuing any order forbidding the transfer of Indians from Senecú, it was quite possible that he had done so because of the danger of attack by Apaches in the El Paso region.[62]

2. Capt. Diego de Trujillo, who served for a time as *alcalde mayor* of the Zuñi-Hopi jurisdiction, testified that when he took charge of that district he noticed that the Indians of the Zuñi pueblos failed to attend religious services, and was told by a colonist living in the Zuñi area that this state of affairs had prevailed ever since a group of Indians had returned from a conference with the governor. He took measures to combat this indifference to the ceremonial of the Church, "for it was as if they had never been converted," and began to punish the Indians and enforce loyalty to the Faith. He also wrote to López informing him of the situation, and suggested that whatever López had told the Indians during the conference must have been incorrectly translated by the interpreter. But the governor made no reply, except to remove Trujillo from office. López countered this charge by a statement that Trujillo asked to be relieved of office because of poor health, and that in the instructions given to *alcaldes mayores* he specially charged them to punish misconduct and to see that the Indians attended mass.[63]

To these contradictory statements should be added a complaint made by Capt. Trujillo during López' *residencia* in 1661. He testified that the Indians of Walpi, having captured nine Apaches, gave one to their friar and one to him as *alcalde mayor,* and offered to trade the others for things they could use. He told the Indians that he would have to consult the governor and find out whether López wished to buy the captives, but the Indians were unwilling to have him do this, for fear of being cheated. On advice from the friar,

Trujillo finally bought the Apaches, but reserved three of the best for the governor in case he should want them. When López was informed of what had been done, he removed Trujillo from office, seized all of the captives, and subjected him to other indignities. Trujillo also accused the governor of other acts of injustice which finally caused him to leave New Mexico to seek redress in Mexico City.[64]

Thus the inference that López removed Trujillo from office solely because of the latter's attempt to restore mission discipline in the Zuñi-Hopi area can hardly be taken at face value. There were other factors which complicated the issue.

3. The situation at Taos and Picurís was very unsatisfactory. The Indians were restless, and the clergy laid the blame for the precarious state of affairs on López and the *alcalde mayor* of the Taos-Picurís jurisdiction, Capt. Juan Luján. According to Friar García de San Francisco, the vice-custodian, several friars serving in these northern pueblos resigned because of the hostility of Luján and the attitude of the governor.[65] But López and his wife, in their testimony before the Holy Office, made counter-charges which, if true, clearly shift part of the blame to the friars.

López testified that about the year 1658 Manso brought action against an Indian of Taos named Francisco who was suspected of having been implicated in the sudden death of one of the friars serving in Taos, but during the investigation so many scandals were revealed concerning the conduct of the dead friar that the case was dropped. Later the story was told that this same Indian had been implicated in the murder of Friar Pedro de Miranda at Taos in 1639 and that he had once appeared in a native dance dressed in the vestments of the martyred friar. Hence when López appointed Francisco as governor of the pueblo of Taos there was great indignation among the clergy, but López informed the Holy Office that his sole reason for appointing the Indian was because he was a capable person, and that Peñalosa had retained him in office.[66]

The testimony of López, supplemented by that of Doña Teresa, revealed still another sordid incident that occurred in Taos. A certain friar struck an Indian woman and killed her. The governor's version implied that the friar had tried to rape her, and this was confirmed by statements made by Doña Teresa, although the latter also stated that the friar was angry with the woman because she had failed to spin some cotton that he had given her. The Indians made formal complaint to the governor, who in turn informed the vice-custodian. The friar was removed from the pueblo and held in prison in one of the convents for several months, and was finally sent to New Spain in 1662.[67]

This welter of charge and counter-charge illustrates the bitterness that was engendered during the years 1659 and 1660. The friars firmly believed that it was the deliberate purpose of the governor to defame the clergy, to violate the privileges and immunities of ecclesiastical persons, and to destroy all ecclesiastical authority. The documents are full of all sorts of stories, some said to be based on first-hand evidence, some mere rumor and public gossip, regarding the manner in which López reviled the clergy with all manner of abusive speech. He was alleged to have called them dogs, cuckolds, fornicators, scoundrels, thieves, simoniacs, etc. On one occasion he remarked that to gibbet a friar was no worse than gibbeting a pig. Whenever Indians came to visit him he aways inquired into the lives and morals of the clergy. And from all of the stories accumulated from various sources he was said to have compiled a sort of *Vitae Fratrum* and to have taken great pleasure in reading parts to friends and associates.[68]

The controversy over ecclesiastical immunity had its origin during the *visita* of the province made by Governor López in the autumn and winter of 1659-1660. The real purpose of the *visita,* according to the friars, was not to investigate the state of provincial affairs as they related to the Indians and Spaniards, but to investigate "the life and customs" of the clergy. In each pueblo he made inquiry of

the Indians concerning the conduct of the friars, inviting them to make complaints against their ministers. Likewise, he instructed the *alcaldes mayores* that whenever the Indians did have any grievances they should be sent to Santa Fé to present their charges. "And thus it happened that his Ministers of Justice, who are people of very inferior grade, began to make investigations against the poor friars, conspiring with the miserable Indians to have them say what they (the secular authorities) wished, urging them on, and [then] sending them before the governor." To confirm their charges on this score the clergy cited several special cases which will be briefly discussed below.

1. In the autumn of 1659 the governor, attended by several Spaniards, made a visit to the pueblo of Alamillo. According to a lay-brother present at the time, López questioned the Indians about the manner in which the guardian of Alamillo, Friar Francisco de Azevedo, an aged priest who had served more than thirty years in New Mexico, administered the mission. During the questioning an Indian woman testified that the guardian had forced her to submit to his carnal desires, that he had promised her a *manta,* but had failed to keep the promise. Whereupon López gave orders to have a *manta* from the convent supplies sent to the woman at once. The lay-brother who witnessed these proceedings begged the governor not to submit the aged friar-guardian to such public shame, but his plea was unavailing, "with the result that all the pueblo of Indian men and women, and other persons who were with the said Don Bernardo López de Mendizábal, gave many shouts of laughter, seeing what took place." The clergy regarded López' action as an unwarranted insult to a saintly priest who had served long and well, "and concerning whom there has never been a suspicion of evil in all that *custodia.*"[69]

The governor made no attempt to deny the incident, but he offered certain observations in defense of his action. He stated that at first he thought the complaint had been made against an old Indian captain, but when he realized

that the friar-guardian was being accused he angrily denounced the Indian woman and wished to beat her. "Then in order not to make the case more public," he did not do so and ordered a soldier to give the woman a *manta,* "in order not to create a scene." The woman then appeared unwilling to take it, and the governor forced her to do so, "reviling her with ignominy." He admitted that he regretted the incident and was ashamed, but stated that he had no intention of doing dishonor to the aged Friar Azevedo who was in his dotage.[70]

2. During the *visita* of Abó the governor and the friar-guardian, Father Antonio Aguado, quarreled, and the governor became so enraged that he would have struck Father Aguado with his stick if a third party had not intervened. López admitted that he had words with the friar over the manner in which he was received, but he denied any attempt at violence.[71]

3. The guardian of Galisteo, Friar Nicolás del Villar, in a letter of complaint to the custodian, Friar Juan Ramírez, stated that when López arrived in Galisteo he examined the Indians one by one in the presence of several Spaniards, asking them questions about the "life and customs" of their minister. "I am certain," Father Aguado wrote, "that no prelate of mine would have made such a rigorous examination against any friar." Then, having discovered nothing against the friar, the governor ordered that the convent cooks should be relieved from service. A few days later he sent one of the *regidores* of Santa Fé to make another investigation, "and seeing that the Indians were angered by so many questions, he ordered that no Indian nor any person whatever should speak to me, under pain of death." And again, still later, another order was published commanding the Indians not to carry letters or other messages for their friar. Finally, the *alcalde mayor* of the Tano district, Capt. Diego González Bernal, published a decree removing the Indian *fiscales* of the pueblo

on the ground that "only the King could appoint them, not the friars."[72]

With regard to the *visita* of Galisteo, López denied the charge that he had issued any order commanding the Indians to testify against Friar Villar. Moreover, he stated that he had always regretted it when Indians made complaints against their ministers, because it then became necessary to take the matter up with the prelate. He also testified that he did not recall that any complaints were made concerning the guardian of Galisteo during the *visita*. It was true that he had ordered a change of bakers for the convent because those who had been serving were married and asked to be relieved. In their place he had appointed old women and widows. "Thus it may be seen also how falsely it is said that I took away all the Indians for the needs [of the friars] and for divine worship, since it is confessed that I ordered that old women should be given to make bread."[73]

4. López was also accused of violating ecclesiastical immunity by proceeding judicially against the friar who killed an Indian woman in Taos. The governor countered this charge by insisting that he merely received the complaints of the Indians and transmitted them to the vice-custodian, Friar García de San Francisco.[74]

5. The Indians of Picurís appear to have made serious complaints against their minister, Friar Francisco Muñoz, and the governor sent orders to Capt. Juan Luján, *alcalde mayor* of the Taos-Picurís district, to make an investigation. Luján publicly summoned the Indians one by one and questioned them concerning the personal conduct of the friar and took down their depositions in writing. When Friar Muñoz protested against the proceedings as a violation of ecclesiastical privilege, Luján replied: "The governor and I have looked in the books, and we know whether we can do this or not." In his report to the governor Luján stated that not only were the original charges against the friar true, but more had been revealed during the investi-

gation. A little later the vice-custodian went to Picurís to make a personal inquiry and found that the accusations were false. This incident created considerable resentment, and the bitterness was increased by the fact that Captain Luján was said to be a notorious offender against the moral code.[75]

6. The most important case involved Friar Diego de Parraga of Tajique. Parraga was highly regarded by his Franciscan associates, and in 1659 he was elected a member of the *definitorio*. In the spring of 1660 an Indian of Tajique made a complaint before the governor to the effect that Friar Parraga had been carrying on an illicit relationship with his wife over a period of three years, and that he had had a child by her. López immediately sent Captain Aguilar to Tajique to bring the mother and child to Santa Fé. According to the testimony of Friar Nicolás de Freitas, Aguilar performed this mission with great scandal, proclaiming to the entire pueblo that the woman was Parraga's concubine. But Aguilar, on the other hand, testified that Parraga admitted the truth of the charge and stated that he should have sent the child to Mexico as he had once planned. Another complaint against the friar was made by a woman of San Cristóbal, and there were rumors that his misconduct had not been limited to the cases under investigation.

After making a preliminary fact-finding inquiry the governor sent word to the vice-custodian, Friar García de San Francisco, asking him to come to Santa Fé to investigate the charges against Friar Parraga. Athough the prelate was unwilling to grant this request, he realized the need for some sort of investigation, and asked to have the two Indian women who had made formal complaints sent to him for examination. Accordingly the governor gave orders to Captain Aguilar and Captain González Bernal to take the women to Tajique, to call together all others who had complaints to make, and then take them all before the prelate who went to Tajique for the inquiry. The examination of

the women by the prelate was to be in the presence of the two *alcaldes mayores.*[76]

This order was faithfully executed, and altogether more than twenty Indian women were brought together for presentation before Friar García de San Francisco. Aguilar testified that before taking them to the prelate he warned them that it was a serious matter to accuse a friar, and that they all replied that the charges were true, that they had not been induced by threats to give false testimony.[77]

According to Father Freitas who witnessed the proceedings, Aguilar informed Friar García de San Francisco when he presented the women *that he had already examined them.* The prelate immediately challenged Aguilar's right to have questioned the women, and also asked by what authority the two *alcalde mayores* presumed to assist at the investigation of the conduct of a friar. Aguilar replied that he was merely executing orders, whereupon Friar García de San Francisco demanded that he leave the proceedings unless he wished to incur ecclesiastical censure. The *alcalde mayor* rose and moved away, saying that he did not care how many excommunications he incurred. Such was the prelate's version.[78]

But Captain Aguilar, when under trial by the Inquisition, gave a different account of this incident. He stated that Friar García de San Francisco demanded that he and González Bernal sign the *cabeza de proceso* that had been drawn up for the investigation, and that they refused to do so on the ground that their instructions merely commanded them to take the women to the prelate's presence and assist in the examination, but not to sign. The prelate then informed the two *alcaldes mayores* that if they refused to sign they could not participate in the examination of the Indian women. Aguilar immediately informed the governor, and the latter sent orders instructing him not to sign and not to proceed further, inasmuch as he had already fulfilled his obligation in the case.[79]

As a result of this incident Friar García de San Francisco suspended the investigation, "saying that he could not proceed in the presence of people who did not fear God or the censures of the Church." At a later date he did make a personal inquiry, and according to Father Freitas he found that the charges against Friar Diego de Parraga were false. "And in this manner it was necessary to publish it abroad in those provinces in order to quiet to some degree the scandal that had been created." In the case of Aguilar, however, the prelate took immediate action and declared him excommunicate on the ground that he had violated ecclesiastical immunity and privilege and had indicated a lack of respect for the censures of the Church. The edict of excommunication was published on May 29, 1660.[80]

The excommunication of Captain Aguilar brought the controversy between Church and State to a crisis. Governor López had long expressed doubt concerning the authority of the custodians to exercise quasi-episcopal powers under the bull *Exponi nobis* of Adrian VI. Moreover, according to several persons, both lay and ecclesiastical, he had boasted that as governor he had authority to exercise jurisdiction over both secular and ecclesiastical affairs. (See Chapter II.) And during the year 1659-1660 he was said to have remarked not only that the custodians had deceived the colonists with regard to the true measure of their powers, but that there was no valid jurisdictional authority in the province except that of the governor. Although López always denied that he ever claimed such sweeping powers, he clearly believed that the custodians claimed authority not warranted by their position as chief of the Franciscans, and that the manner in which they had used their authority had been the cause of unhappy relations between Church and State in the past.[81]

It is clear that for at least a half-century prior to 1660 the Franciscan prelates of New Mexico had exercised jurisdiction as an ecclesiastical judge ordinary and that they had also exercised other powers, such as the right to confirm, to

consecrate churches and ecclesiastical ornaments, and to grant dispensations in the case of marriage of persons related by blood or affinity within degrees constituting impediments to matrimony, or in the case of impediments created by spiritual relationships.

That the authority to act as ecclesiastical judge ordinary had been subject to certain abuses cannot be denied, and in 1621 the viceroy issued a *real provisión* reprimanding Friar Esteban de Perea and his predecessors for the manner in which they had exercised jurisdiction against provincial officers. This decree provided that henceforth in the case of laymen appealing from the censures of the custodian to the Metropolitan of Mexico, absolution should be granted and all censures raised pending such appeal. But the *real provisión* clearly recognized that the prelate possessed jurisdiction, as may be seen from the following quotation:

> . . . Wherefore I ask you and I enjoin you that you, the said Father Custodian, holding ordinary jurisdiction in those said provinces, employ it and exercise it in conformity with what is right in the matters spiritual and ecclesiastical which may pertain to your jurisdiction . . .[82]

When López learned that Captain Aguilar had been declared excommunicate he took formal action to force Friar García de San Francisco to justify his authority. In a decree dated at Santa Fé June 5, 1660,[83] he stated that because of the numerous complaints made daily by the Indians against the friars, "representing the oppression that they suffer from many of them, since they (the friars) even take from them their wives and daughters, taking advantage of the *doctrina* and the administration of the Holy Sacraments for this end; and seeing the flagrant abuses for which they (the Indians) seek a remedy, he (the governor) had made representations to the vice-custodian, Friar García de San Francisco." The decree then reviewed the Aguilar-Parraga case and stated that the vice-custodian, in order "to obscure and cover up the evil [committed by

Parraga] . . . and in order not to do what he was under obligation [to do], said and pretended that the said *alcalde mayor* had first examined the said[Indian] women," whereas all that Aguilar had done was to inquire who the aggrieved parties were without any "judgment whether what they said concerning the said friar (Parraga) was true." And on this ground the prelate had declared Aguilar excommunicate "scandalizing all by such great barbarity, lacking in the respect due a minister of justice, for the sole purpose of disturbing and conspiring, as has been done on other occasions to the disservice of both majesties and the destruction of the Kingdom and its citizens."

It was the governor's will, therefore, that the prelate should be notified of the contents of a *real provisión* that had been issued "to give form and moderation to the excesses of the Father-Custodians" in the past. But this *real provisión,* although referring to the exercise of jurisdiction by the custodians, did not, in the opinion of López, expressly recognize the validity of that jurisdiction over laymen. In view of this fact, the custodians should have asked for an order from the viceroy defining their powers—and for this they had had ample time in the past—in order to avoid disagreement concerning the exact nature of their jurisdictional authority. Moreover, the decree stated that there was some doubt among the citizens whether the custodians actually had power to confirm and to grant dispensations for marriages.

The governor ordered, therefore, that Friar García de San Francisco should apply to the viceroy for a statement defining the extent of his authority, and that in the interim he should refrain from exercising all jurisdiction over laymen, except that of a parish priest; but if the vice-custodian actually possessed a formal declaration defining his powers he should present the same in order that it might be given formal acceptance. If the prelate, not having such a formal statement by the viceroy, should not abstain from acts of jurisdiction over laymen, except the administration of the

sacraments as a parish priest, then the governor would proceed against him "as against a *juez intruso y alborotador.*"

The *real provisión* mentioned by this decree of June 5 was probably the order issued in 1621 to which reference has been made above. At least, we have no record of other *reales provisiones* dealing with matters of ecclesiastical jurisdiction in New Mexico during the seventeenth century. Assuming that it was the order of 1621 to which López referred, then it is clear that his interpretation of it was not valid.

Formal notification of the decree of June 5 was made to Friar García de San Francisco at Picurís on June 8. A few days later the prelate's reply was sent to the governor by a special messenger, the ex-custodian, Friar Antonio de Ibargaray. The censure against Aguilar was justified on the ground of violation of ecclesiastical immunity. The partial copy of the reply now available contains no defense of the authority of the custodians to act as ecclesiastical judges ordinary, but we have the testimony of Father Ibargaray that a "*real provisión* of the *audiencia* and *acuerdo* of Mexico in which His Highness declares and orders that the custodian may exercise and use his office as ecclesiastical judge" was presented to the governor.[84] This bit of testimony by Ibargaray is of the utmost importance, for in the declarations of two other persons who witnessed the delivery of the prelate's reply we find no mention of the presentation of such a *real provisión.* López had called upon Friar García de San Francisco to show documentary proof of his right to exercise jurisdiction, and Ibargaray's testimony would indicate that the prelate had met that demand. But again I may repeat that at present we have no record of any *real provisión* dealing with ecclesiastical jurisdiction in New Mexico other than the famous order of 1621, although it is very possible that others existed and that they form part of the mass of documentary material for this period that was destroyed at the time of the Pueblo Rebellion in 1680. If the *provisión* referred to in the governor's decree of June 5

and the one presented by Ibargaray were one and the same, *i. e.*, the order of 1621, then the prelate clearly had the stronger position. But the essential fact is that the governor was not satisfied by the prelate's reply.

According to Noriega, the governor's secretary, López not only used abusive and threatening language against Father Ibargaray, but also said that all the friars were traitors, scoundrels, fornicators, enemies of God and the King; that the custodian and friars were disturbers of the peace, and that they had deceived the citizens by their claim to authority under the bull *Exponi nobis*. And according to Friar Antonio de Tabares, another witness to the proceedings, he finally became so incensed that he threatened to hang the custodian's secretary and to send the custodian to Mexico. But Father Ibargaray merely testified that López became angry and denied that the custodian possessed jurisdictional authority, and although he was asked to confirm Tabares' testimony he stated that he did not remember anything that was said at that time.[85]

In the end Captain Aguilar entered an appeal to the archbishop of Mexico. But when Friar García de San Francisco cautioned him not to delay presenting himself personally before the archbishop, Aguilar was said to have stated that he did not wish to do so. Aguilar, on the other hand, justified the delay on the ground that he was kept busy with his duties as *alcalde mayor*. After Friar Alonso de Posada took office as custodian in 1661 Aguilar asked to be granted confession before Friar Parraga. The new prelate was willing, but Parraga refused to act until a public hearing was held to prove the falsity of the charges that had been made against him by the Indian women. At first the Indians were unwilling to admit that the accusations had been false, but were later "persuaded" to do so. Aguilar then made public statements in three pueblos (probably in the Salinas district) that the charges were false, but despite this action he failed to obtain confession.[86]

To return now to Governor López. His immediate concern was to accumulate evidence to justify his action in promulgating the decree of June 5. Beginning on June 12 he received testimony from several colonists who stated (1) that the relations of Church and State in the past had been unnecessarily disturbed by the failure of the custodians to present proof of their jurisdictional authority; (2) that the custodians had kept the land in turmoil by their habit of excommunicating citizens and civil officers without cause; (3) that there was doubt concerning their authority to grant confirmation, inasmuch as Bishop Hermosillo of the see of Durango had once re-confirmed certain citizens of New Mexico who had received the sacrament from Custodian Perea; (4) that the prelates granted dispensations to permit the marriage of persons related by blood or affinity within degrees constituting impediments to matrimony, or in the case of impediments created by spiritual relationship; and (5) that a statement from the viceroy was needed in order to settle once and for all the problem of jurisdiction.[87] On June 20 the governor, in a formal *auto,* ordered that the testimony should be sent to the viceroy.[88]

Like so many *probanzas* of this period this document was a one-sided affair intended to justify a particular point of view. Although there had been many cases of controversy in the past, some causing bitter hostility between the civil and ecclesiastical authorities, such as occurred in the time of Governor Luís de Rosas (1637-1641); although there had been cases of abuse of authority by the prelates, as in the days of Governor Pedro de Peralta (1610-1614); yet it is clear that the legal right of the custodian to exercise jurisdiction was recognized by the governing authorities of New Spain.[89] The fact that Bishop Hermosillo had re-confirmed certain New Mexicans and had criticized Custodian Perea for having administered the sacrament in New Mexico does not prove that the confirmations made by Perea were not valid. It is true that the bishops of Durango *claimed* jurisdiction over New Mexico and that in the

eighteenth century they made good that claim, but prior to 1680, at least, the right of the custodians to confirm was generally recognized. Even the granting of dispensations was not an act requiring episcopal consecration for the persons granting them. The bull *Exponi nobis* gave the prelates of the Orders in the New World very broad powers in areas where there was no bishop. To quote from the bull:[90]

> . . . volumus, et tenore praesentium de plenitudine potestatis concedimus, ut praefati praelati fratrum, et alii quibus ipsi de fratribus suis in dictis Indiis commorantibus, duxerint committendum, in partibus in quibus nondum fuerint Episcopatus creati (vel si fuerint tamen infra duarum dietarum spatium ipsi vel officiales eorum inveniri minime possint) tam quoad fratres suos et alios cujuscumque ordinis qui ibidem fuerint ad hoc opus deputati, ac super Indos ad fidem Christi conversos, quam et alios christicolas, ad dictum opus eosdem comitantes, omnimodam auctoritatem nostram in utroque foro habeant, tantam quantam ipsi et per eos deputati de fratribus suis, ut dictum est, judicaverint opportunam et expedientem pro conversione dictorum Indorum, et manutentione ac profectu illorum et aliorum praefatorum in fide catholica et obedientia sanctae Romanae Ecclesiae; et quod praefata auctoritas extendatur etiam quoad omnes actus episcopales exercendos, qui non requirint ordinem episcopalem, donec per Sedem apostolicam aliud fuerit ordinatim.

This was a very broad grant of authority. But the Holy See has always been accustomed to give exceptional powers to clergy in missionary areas. As soon as sees were created in the New World and jurisdiction could be exercised by bishops appointed to such sees, this wide range of authority granted to the prelates of the Orders was subjected to drastice limitation. But, to repeat, no bishop ever made good a claim to jurisdiction over New Mexico prior to 1680. After the Pueblo Rebellion the bishop of Durango appointed a vicar for the settlements near El Paso, for at first these settlements were regarded as within the province of Nueva

Vizcaya. But the Franciscans of New Mexico resisted the bishop's claims, especially after the reconquest of the province in 1693 *et seq.*, and the case dragged on for years until the Crown finally rendered a decision confirming the bishop's jurisdiction.

The decree of June 5 and the *probanza* of June 12 called for a decision by the viceroy on the moot question of the custodian's authority. There is no record, however, that the viceroy made a formal pronouncement. But it is perfectly clear that Friar Alonso de Posada, who took office as custodian in 1661, and his successors claimed authority as ecclesiastical judge ordinary, and we have no evidence that this authority was not generally recognized as valid.

The clergy regarded López' action as final justification of their point of view that the governor was determined to publish liberty of conscience and deny all ecclesiastical authority,—in short, to destroy the local Church. If further proof were needed, they could point to other actions indicating his lack of respect for things ecclesiastical. It was said that he seldom attended religious services, and that when he did so his attitude was one of indifference and irreverence; (2) that he was never seen to venerate a holy image, count his rosary, or cross himself; (3) that he abused and mistreated his Indian and negro servants if they were zealous in fulfilling their religious obligations; (4) that he showed a definite hostility to persons who were friendly toward the friars, and even ordered certain soldiers not to enter the convents or entertain friars in their homes; and (5) that a negro servant had caught him in the act of striking a crucifix. Moreover, he had aroused suspicion by boastful remarks that the citizens should not be alarmed by his opposition to the friars, for it was not the first time that he had taught the clergy a lesson. Had he not taken a high hand toward beneficed clergy in New Spain in areas where he had served as *alcalde mayor?* To cap it all, rumor was spread abroad that both López and his wife had certain habits that smacked of Judaism. And of course

it was known and frequently told that an ancestor of López had been tried and sentenced by the Holy Office.[91]

V

This long and detailed analysis of the several phases of López' administration has been presented in order to show how he had succeeded in alienating not only the Church but also a numerous faction among the colonists, and to set the stage for succeeding events, especially his trial by the Holy Office. Of course, the governor was not without friends and supporters. His most efficient aid was Captain Aguilar, whom the clergy regarded as another Attila, but he also had other associates who had supported him with varying degrees of loyalty, and in doing so they had aroused the enmity of the clerical party. For López and his friends the day of reckoning was not far off.

NOTES

1. We do not have the official documentary record of Manso's *residencia*, but a mass of papers relating to it are in A. G. P. M., Tierras 3286.
2. Most of the testimony dealing with Manso's arrest of Anaya does not refer to the exact nature of the charges. One witness stated, however, that Anaya had stolen papers from the provincial archive. A.G.P.M., Tierras 3286.
3. Anaya's *encomienda* in the pueblo of Ciénega had been given to Alférez Cristóbal Márquez, and Rodríguez' share in the pueblo of the Jumanos had been transferred to Capt. Miguel Ynojos. López ordered the *encomiendas* restored to their original *encomenderos*. In 1661 Márquez and Ynojos filed claims against López during his *residencia* charging him with injustice. López replied that the restoration of the *encomiendas* had been ordered after hearing the complaints brought by Anaya and Rodríguez during Manso's *residencia*, and that the papers had been sent to the viceroy for final decision. A.G.P.M., Tierras 3268. This is substantiated by other evidence.
4. A.G.P.M., Tierras 3268, 3286.
5. *Ibid.*
6. A.G.P.M., Tierras 3286.
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. Sentence of the *audiencia* in *residencia* of López, May 12, 1662. A.G.P.M., Tierras 3268.
12. *Ibid.*
13. *Proceso contra López*, I-III.
14. A.G.P.M., Tierras 3268.
15. A.G.P.M., Tierras 3268; *Proceso contra Doña Teresa de Aguilera.*
16. A.G.P.M., Tierras 3268.
17. *Ibid.*

18. *Ibid.*

19. For specific cases illustrating López' business operations and disputes over the settlement of accounts, see López' *residencia*, A.G.P.M., Tierras 3268.

20. *Ibid.*

21. A.G.P.M., Tierras 3283.

22. A.G.P.M., Tierras 3268, 3283.

23. A.G.P.M., Tierras 3268; *Proceso contra Doña Teresa de Aguilera.*

24. A.G.P.M., Tierras 3268.

25. *Proceso contra Doña Teresa de Aguilera; Proceso contra López*, I, II.

26. *Proceso contra López*, I.

27. A.G.P.M., Tierras 3268.

28. *Ibid.*

29. *Proceso contra Romero.*

30. A.G.P.M., Tierras 3268.

31. *Ibid.*

32. A.G.P.M., Tierras 3268, 3283, 3286.

33. Article 106 of the indictment against López and his reply to the same. *Proceso contra López*, III.

34. "Ninguna persona obligue al Contenido Yndio Joseph a que sirua contra su boluntad de pastor ni otro oficio pena de sinquenta pesos y que prosedere contra quien lo hisiere conforme a derecho. Villa y otubre 8 de 659. Don Bernardo." *Residencia* of López, A. G. P. M., Tierras 3268.

35. *Ibid.*

36. Capt. Diego González Bernal, *alcalde mayor* of the Tano area, testified that López "daua orden a los alcaldes maiores para que ningun yndio asistiere a los Religiosos sus ministros ni hiciesen nada que los mandavan." *Proceso contra López*, I. Friar Nicolás de Freitas stated that López "hizo pregonar en dicha villa (Santa Fé) y por medio de sus alcaldes maiores en todas aquellas prouincias que los indios no acudiesen a los Religiosos ni al seruicio de los conventos." *Ibid.*, II. Article 60 of indictment against López: "Y en los parlamentos que este reo hacía a los indios, les mandaba que no acudiesen con cosa a los Religiosos, ni al culto divino, y que si les pidiesen algo, o se lo mandasen hacer, no lo hiciesen ni diesen, y que si los quisiesen oprimir a ello, los prendiesen y los llevasen para que los ahorcara, y que si se resistiesen, los mataran y se los llevasen muertos para ponerlos en la horca. Y que lo mismo hicieran con cualquier otro español. Lo cual redundaba en grave daño de la conversión de los infieles, y demás se halla que dichas palabras son escandalosas, cedisiosas y en gran manera ofensivas a la reverencia debida a los Eclesiásticos, especialmente Ministros de Almas y a los oídos piadosos de los fieles." López denied this charge as utterly false. *Proceso contra López*, III. Article 102 of indictment against López: "Y ni aun yndios que ayudasen las misas rezadas como son los sacristanes quiso conceder este reo, diciendo que no eran necesarios y que los religiosos que decían las misas se ayudasen a sí mismos, en lo qual parece haverse opuesto al uso ordinario de la Yglesia, y a uno de los requisitos que se piden en la formula del ordinario, y que no es lícito omitirlo en caso de haver persona que pueda servir de Ministro en el ayudar a misa al sacerdote." López also denied this charge, stating, "que es falso: porque tenían sobradísimamente quien les ayudase, no solo a misa, sino a todo." *Ibid.*

37. Testimony of Miguel de Noriega, May 25, 1661. *Proceso contra López*, I.

38. Articles 66 and 153 of the indictment against López and his reply to the same. *Ibid.*, III; López to Santander, July 20, 1660, *Ibid.*, II; testimony to Aguilar, Oct. 23, 1663, in *Proceso contra Aguilar.*

39. Article 24 of the indictment against Aguilar and his reply to the same. *Ibid.*

40. Article 25 of the indictment against Aguilar and his reply to the same. *Proceso contra Aguilar.*

41. Articles 5-7 of the indictment against Aguilar. *Ibid.*

42. Replies of Aguilar to articles 5-7 of the indictment; testimony of Aguilar, Jan. 23, 1664. *Ibid.*

43. Testimony of Freitas, Jan. 26, 1661; article 8 of the indictment against Aguilar and his reply to the same. *Ibid.*

44. Articles 8-10, 35, 37-40 of the indictment against Aguilar; testimony of Friar Fernando de Velasco, June 14, 1662, and of Isabel Baca, June 18, 1662. *Ibid.*

45. Replies of Aguilar to articles 9, 10, 35, 37-40 of the indictment. *Ibid.* (An order of the vice-custodian, Friar García de San Francisco, under date of Feb. 26, 1660, forbidding women to enter the convents is in *Proceso contra López*, II.)

46. Article 29 of the indictment against Aguilar and his reply to the same; testimony of Aguilar, May 11, 1663.

47. Villar to García de San Francisco, Galisteo, June 14, 1660. *Proceso contra López*, II.

48. Articles 181 and 182 of the indictment against López and his replies to the same. *Ibid.*, III.

49. Articles 12-17 of the indictment against Aguilar and his replies to the same. *Ibid.*, III.

50. Excerpts of the testimony giving contemporary descriptions of the dances will be available in volume III of the Hackett-Bandelier papers.

51. Testimony of Friar Antonio de Tabares, May 15, 1661, and of Friar Nicolás del Villar, Sept. 27, 1661, *Proceso contra López*, I.

52. Testimony of Friar Benito de la Natividad, May 17, 1661. *Ibid.*, I.

53. Article 186 of the indictment against López and his reply to the same. *Ibid.*, III.

54. Article 21 of the indictment against Aguilar and his reply to the same. *Proceso contra Aguilar.*

55. López to Santander, Santa Fé, July 20, 1660. *Proceso contra López*, II.

56. Article 23 of the indictment against Aguilar and his reply to the same. *Proceso contra Aguilar.*

57. Article 11 of the indictment against Aguilar and his reply to the same. *Ibid.*

58. Article 22 of the indictment against Aguilar and his reply to the same.

59. Article 37 of the indictment against Aguilar and his reply to the same. *Ibid.*

60. Testimony of Villar, Sept. 27, 1661. *Proceso contra López*, I.

61. Testimony of Tomé Domínguez y Mendoza, May 21, 1661, and of Friar García de San Francisco, May 9, 1661. *Ibid.*, I. Articles 52 and 75 of the indictment against López and his replies to the same. *Ibid.*, III.

62. Articles 40 and 151 of the indictment against López and his replies to the same. *Ibid.*, III.

63. Article 188 of the indictment against López and his reply to the same. *Ibid.*, III.

64. *Residencia* of López, A.G.P.M., Tierras 3268.

65. Testimony of Friar García de San Francisco, May 9, 1661, *Proceso contra López*, I. Articles 50 and 152 of the indictment against López, *Ibid.*, III

66. López' reply to article 152 of the indictment. *Ibid.*, III.

67. López' reply to article 50 of the indictment. *Ibid.*, III. Testimony of Doña Teresa, Aug. 1, 1663. *Proceso contra Teresa de Aguilera.*

68. *Proceso contra López*, I-III.

69. Testimony of Friar Nicolás de Chávez, Sept. 18, 1660. *Ibid.*, II.

70. Replies of López to articles 31-33 of the indictment. *Ibid.*, III.

71. Article 50 of the indictment and reply to the same. *Ibid.*, III.

72. Villar to Ramírez, Galisteo, June 14, 1660. *Ibid.*, II.

73. Replies of López to articles 37, 49, 49, and 74 of the indictment. *Ibid.*, III.

74. Article 116 of the indictment and reply to the same. *Ibid.*, III.

75. *Ibid.*, I, II. Noriega, the secretary of the governor, testified that Luján was guilty of incest with his own daughter.

76. Testimony of Friar Nicolás de Freitas, Feb. 2, 1661. *Ibid.*, II. Reply of Aguilar to article 1 of the indictment. *Proceso contra Aguilar.*

77. Reply of Aguilar to article 1 of the indictment. *Proceso contra Aguilar.*

78. Testimony of Freitas, Feb. 21, 1661. *Proceso contra López*, II.

79. Reply of Aguilar to article 1 of the indictment. *Proceso contra Aguilar.*

80. Testimony of Freitas, Feb. 21, 1661. *Proceso contra López*, II. Testimony of Friar García de San Francisco, May 9, 1661. *Ibid.*, I. Edict of excommunication, May 29, 1660. *Ibid.*, II.

81. *Ibid.*, I, II, III.

82. F. V. Scholes, *Church and State in New Mexico, 1610-1650* (Santa Fé, 1937), Chapters, II, III. The text of the *real provisión* of 1621 has been published in the *New Mex. Hist. Rev.*, V (1930), 288-298.

83. The decree of June 5 is in *Proceso contra López*, II.

84. Partial copy of Friar García de San Francisco's reply is in *ibid.*, II. Testimony of Ibargaray, March 6, 1662. *Ibid.*, I.

85. Testimony of Noriega, May 25, 1661; testimony of Tabares, May 15, 1661; testimony of Ibargaray, March 6, 1662. *Ibid.*, I.

86. *Proceso contra Aguilar.*

87. *Proceso contra López*, II.

88. *Ibid.*, II.

89. For a discussion of the Rosas and Peralta episodes, Scholes, *op. cit.*, Chapters, II, VI.

90. For text of the bull, see Hernáez, *Colección de bulas*, I, 382-389.

91. *Proceso contra López*, I, II.

Chapter IV

The Viceroy and the Holy Office Intervene

I

The dispatches sent to New Spain by the clergy in the autumn of 1659 had called the attention of the central authorities to the unhappy state of affairs in New Mexico, and by order of the viceroy the reports had been laid before the Holy Office. But before replies to these representations were received, the vice-custodian, Friar García de San Francisco, aroused by the actions of Governor López and his subordinates during the winter and spring of 1659-1660, decided to send a new series of reports to Mexico City.

On June 16, 1660, eleven days after the governor had issued the order forbidding him to exercise jurisdiction as ecclesiastical judge ordinary, the vice-custodian drafted a long dispatch to the *fiscal* of the *audiencia*.[1] He stated that he had done what he could to alleviate the afflictions of the friars, but all his efforts had been in vain. "There is no way by which I can mitigate or oppose the malicious actions of the governor of this kingdom." He accused López of a deliberately hostile policy, the purpose of which was to force the friars to commit some overt act that would justify the use of violent measures against them. The letter then gave a review of all the unhappy incidents of the preceding year, and ended with an appeal to the *fiscal* to use his influence to obtain a remedy. A few days later (June 20) a report was prepared for the absent custodian, Friar Juan Ramírez, and in the course of this dispatch the vice-custodian referred to New Mexico as "an England full of schism."[2]

With these reports were sent the record of the case against Capt. Nicolás de Aguilar and his excommunication for violation of ecclesiastical immunity in the Parraga investigation, and copies of the documents relating to the order of López forbidding the prelate to act as ecclesiastical

judge. Several letters from the clergy, some addressed to Friar Juan Ramírez and others to Friar García de San Francisco, were also included in the packet of reports. These letters illustrate the state of discontent and bitterness created by López' policies.

Friar Francisco de Salazar, guardian of Isleta and ex-custodian of the missions, resigned his post at Isleta, and on June 17, 1660, addressed a letter to Friar Ramírez from which I quote the following excerpt:[3]

> . . . the ministers [of the *doctrinas*] have [suffered] and suffer daily great persecution and dishonor, and the Indians are totally lost, without faith, without law, and without devotion to the Church; they neither respect nor obey their ministers, and it makes one weep to see that in such a short time they have lost and forgotten what they have been taught all these years.

Another priest, Friar Miguel de Sacristán, in a letter to the vice-custodian, wrote that it might be possible to endure López' attack on the Church if the clergy could feel that their service was of some use, but at present such was not the case. No longer did they have authority to teach or discipline the Indians. Liberty of conscience prevailed; the natives were returning to the old pagan ways. And what was most distressing was the fact that the Indians had been given to understand that "their Ministers have deceived them . . . such is the credit and reputation that a Governor, a minister of a Most Catholic King . . . gives to the Holy Gospel."

The most serious complaints came from Friar Nicolás de Freitas, guardian of Cuarac. Freitas' letter, dated June 18, 1660, and addressed to Friar García de San Francisco, was prompted by the unhappy affair which occurred on June 14 at Cuarac when Captain Aguilar was said to have ordered the Indians not to assist in the service of the convent and to have ordered the acolytes not to serve during mass. He reviewed all of the incidents that had occurred in Cuarac, as described in the preceding chapter, and asked permission to

resign his post. The loyalty of the Indians to the Holy Faith was rapidly being destroyed by the actions of López and his subordinates. Missionary discipline was no longer effective. To quote:

> In the course of the year that I have unworthily served as guardian of this convent, I have not seen the said governor or any minister of justice punish any fornicator, idolator, or sorcerer in this pueblo; what I have seen is that they [the officials] punish them [the Indians] because they do not bring in salt, because they do not promptly cut wood for wagons . . .

As a result of the liberties they now enjoyed the Indians "live more like heathens than Christians." Finding it impossible to remedy the offenses and the ignominious depreciation that the Church suffered, Freitas found it necessary to ask to be relieved of further responsibility for the mission.[4]

All of these papers, together with letters to the viceroy and the archbishop of Mexico, were immediately sent off to Mexico. The messenger, Friar Nicolás de Chávez, arrived in Mexico City sometime prior to September 13. On September 15 Friar Juan Ramírez appeared before the Holy Office and presented some of these dispatches, and on September 18 Chávez made a formal declaration to the Inquisitors in which he summarized the entire situation. He stated that unless something was done soon to remedy the sorry state of affairs in New Mexico the friars would withdraw from the province.[5]

Four months later other witnesses appeared to add their bit to the tale of López' persecution of the New Mexican Church. It will be recalled that in September, 1660, ex-Governor Juan Manso, aided by Capt. Alonso García and others, escaped from the jail where he had been confined by Governor López and fled to New Spain. (See Chapter III.) On January 13, 1661, Manso was called before the Inquisition to give his version of New Mexican affairs, and it was naturally extremely unfavorable to López' cause. A few

days later Captain García and Pedro de Valdés, nephew of Manso, testified.[6]

The tension between López and the clergy increased during the summer and autumn of 1660, and on October 13 the vice-custodian drew up another memorandum which he sent by special messenger to the Holy Office. At the same time the *definitorio* addressed an appeal to the viceroy.[7] The person chosen to deliver these dispatches was Friar Nicolás de Freitas. Arriving in Mexico City about the middle of January, 1661, Freitas was immediately summoned before the Inquisition, and in a series of lengthy declarations he gave a detailed account of conditons in New Mexico. Rumor and gossip, facts and personal experiences, were all rolled together in the most serious condemnation of Lépez' government that the Holy Office had yet received. Coming only a few days after the testimony of ex-Governor Juan Manso, it must have made a tremendous impression.[8]

Finally, on December 1, 1660, Friar García de San Francisco sent another appeal to the Holy Office and enclosed with it letters that he had received from certain friars of the province. Friar Fernando de Velasco, guardian of Tajique, writing under date of November 25, had informed the vice-custodian that Captain Aguilar continued to dominate the Indians of the Salinas area, maltreating them if they aided the friars and proclaiming to the Indians that they should dance the *catzina* and not fear the clergy.[9] In two letters, dated November 20 and 22, Friar Salvador de Guerra, then guardian of Isleta, described a recent visit of López to the pueblo. In the first place, López had manifested his hatred by not accepting the hospitality of the convent offered by the friar. Second, he had made shameless inquiry concerning the conduct of Father Guerra and his associate, Friar Antonio de Tabares. Third, he had instructed the Indians not to serve the friars in any way unless they were paid. Finally, the Indians had danced the *catzina* to celebrate the governor's visit, and at the end of the dance López had told them to perform the old native ceremonials whenever they wished,

regardless of any orders of the friars to the contrary. Taking him at his word, the Indians had repeated the dance, "with costumes, masks, and the most infernal chants." Then on the day following the governor's departure they had performed another ceremonial. Father Guerra's description of this dance was most important, for he stated that the Indians, as they shuffled through the pueblo, were "sacrificing a baby about a year old with crude blows and beating." Shocked by these proceedings, the friar decided that he must do something to impress the Indians with the error of their ways. He quickly undressed and, covering himself with only a tunic, he took up a cross, put a crown of thorns on his head, and in this manner began to walk through the pueblo, asking the Lord for forgiveness. Touched by the friar's act, some of the Indians abandoned the dance and listened to a speech in which the friar proclaimed the evils involved in the practice of the old ceremonials.[10] But some of the captains of the pueblo hastened to report Father Guerra's action to Governor López who was said to have told them: "Go ahead and dance, and pay no attention to these friars; they are thieves and scoundrels."[11] The dispatch of the vice-custodian transmitting these letters was received by the Holy Office on April 26, 1661.[12]

II

Governor López was aware of the fact that the clergy were sending letters to New Spain from time to time and he took action to present his own version of New Mexican affairs. During the autumn of 1660 he prepared a series of reports for the central authorities of Church and State in Mexico and for the Holy Office in which he sought to prove that his policies had been justified by the conduct of the clergy, the unwarranted authority exercised by the prelate, and the methods of mission administration. He desired to have these representations made in the name of the *cabildo* of Santa Fé, and according to two witnesses he prepared drafts of depositions to be made by members of the *cabildo* and other prominent citizens. These statements were natur-

ally full of praise for the governor and of denunciation of the activities of the Church. "Thus this report, like many other dispatches that contain statements in favor and to the credit of the said Don Bernardo, was [the result] of collusion, fraud, and deception, . . . all had to testify in favor of the said Don Bernardo, fearing his tyranny." Noriega, the governor's secretary, testified that the reports contained all manner of false statements concerning the clergy, both the living and the dead, that even martyrs, such as Miranda and Letrado, were not exempted from calumny. Two citizens who refused to sign depositions were said to have been banished to the Taos frontier.[13]

Apparently the governor had some difficulty in finding messengers to carry the dispatches to New Spain. At first he tried to induce Tomé Domínguez y Mendoza, who had been appointed *procurador* to go to New Spain on general provincial business to serve as messenger, but Domínguez refused on the ground that the reports contained so many falsehoods concerning both friars and citizens. He told López, moreover, that it was not necessary to send the reports, for as *procurador* he could give the viceroy a full statement concerning conditions in the province. According to Domínguez these remarks angered the governor and led to a dispute which culminated in an order forbidding Domínguez to leave the villa of Santa Fé for a period of forty days, apparently for the purpose of preventing him from serving as *procurador*.[14] In the end Francisco Gómez Robledo, *alcalde ordinario* of the villa, who was chosen as *procurador* in place of Domínguez, and his cousin, Juan Lucero de Godoy, agreed to carry the dispatches. Gómez appears to have served willingly because he believed that the friars had been accustomed to carry things with a high hand and that some remedy was necessary.[15] But Lucero later testified that the dispatches contained many falsehoods, and that he agreed to make the trip only because he had no alternative.[16]

Gómez and Lucero left for New Spain in November 1660. The dispatches included (1) a copy of the *residencia*

of ex-governor Manso, (2) an *informe* by Governor López, (3) a report and letter for the Holy Office, (4) letters for the viceroy and *audiencia*, and (5) a large file of papers for the Commissary General of the Franciscans of New Spain. The messengers received two hundred pesos in advance for their services.[17]

Unfortunately most of the reports have not been preserved. We have only one letter of the governor, dated October 24, 1660, and addressed to the Holy Office.[18] In this document López referred to the moot question whether the custodian, under authority of the *Exponi nobis* of Adrian VI and later papal decrees, could exercise jurisdiction and grant dispensations for marriage within certain prohibited degrees of carnal and spiritual relationship. He also stated that he was transmitting the testimony he had taken during the preceding summer on this point at the time of his dispute with Friar García de San Francisco. He closed by saying:

> The Indians are Christians only because they are baptised. But to this day they do not know what they profess in [that sacrament] because of the little care [taken] by the clergy . . . and because they [the clergy] are interested only in temporal things, and for that reason they come to these parts, and not to do what is just.

On the way to Mexico City Gómez and Lucero met Friar Alonso de Posada, newly appointed custodian of the New Mexico missions, who advised them to communicate with Diego de Peñalosa, the new governor recently selected to succeed López, who was also journeying northward to New Mexico. The messengers met Peñalosa at Zacatecas, and there turned over to him all the dispatches and reports. According to Lucero this was done because he and Gómez realized that the papers contained many falsehoods and they did not wish "to give His Excellency such a report, being false."[19] Peñalosa testified that Lucero and Gómez told him that the papers contained reports of the governor and *cabildo* on the subject of Indian labor to be delivered to

the viceroy, "in order that His Excellency might provide a remedy for the abuses [committed] by the friars," and that he told them:

> If you are making the journey solely for this purpose, and to seek a remedy for the affairs of government of your land, I am being sent for that purpose, and with the aid of God I hope to provide it (a remedy) in all things. And thus you may decide whether you wish to go on, or return [to New Mexico].

The messengers took some time to consider what they would do, and finally decided to deliver into his hands all the dispatches and return to New Mexico with him.[20] But Gómez' testimony provides an entirely different version of this incident. He declared that he desired to continue the journey, and intimated that Lucero and Peñalosa took possession of the papers without his consent.[21]

The important fact is that the messengers failed to fulfiill their mission and returned to New Mexico from Zacatecas. Peñalosa kept the reports in his possession, and López maintained that he opened them and made known their contents to the clergy in New Mexico, thus increasing their resentment against the former governor. The papers were finally sent to New Spain toward the end of 1661 when Peñalosa remitted a packet of dispatches, including the López *residencia*.[22] Thus López' *apologia* of his administration of the province during the year 1659-1660 was not received until long after the central authorities of New Spain had decided to intervene.

II

The accumulation of evidence concerning conditions in New Mexico, consisting of reports from the clergy and the depositions of numerous witnesses before the tribunal of the Holy Office in Mexico City, finally forced the authorities of New Spain, secular and ecclesiastical, to act. The Franciscan prelates were naturally concerned about the future of the New Mexico missions. Friar García de San

Francisco, who had been serving as vice-custodian in the absence of Friar Juan Ramírez, had vigorously defended the authority of the Church, but it was felt that the situation required the presence in New Mexico of the custodian. Unfortunately Friar Ramírez' administration of the supply caravan of 1658-1659 had been subjected to serious criticism by his superiors in the Order. The desertion of several friars during the journey to New Mexico in 1659 had injured Ramírez' reputation, although he had put the blame on Governor López. To make matters worse, the treasury officers had raised the issue whether he should repay the sums expended not only for the deserting friars but also for certain missionaries who had died in service in New Mexico prior to the arrival of the caravan in 1659. Ramírez pointed out that he could not make a full repayment in the case of the friars who had deserted; and he also called the attention of the officials to the fact that during the thirty years of Friar Tomás Manso's administration of the supply service the treasury had not required a refund for supplies provided for friars who died prior to the arrival of each caravan. If it was necessary to make a refund, it could not be done until after his return from the next trip to New Mexico, as the supplies had been left in the mission depot at Santo Domingo. The viceregal authorities were willing to postpone the final accounting, but the Commissary General of the Franciscans took the position that Ramírez had mismanaged the service and sought to have him removed as administrator of the caravan. Realizing that this might result in loss to the treasury, the viceroy and *audiencia* refused to agree to his dismissal and ordered him to proceed with plans for the next trip. Although the Franciscans had to agree to continue Ramírez as chief of the supply service, they forced his resignation as custodian of the missions, and toward the end of 1660 a new prelate was chosen to succeed him.[23]

The new custodian was Friar Alonso de Posada. At the time of his appointment he was residing in Mexico City, but

during the mid-1650's he had served for a few years in New Mexico, especially in the Hopi area where he had been guardian of Awátovi. He was a man of considerable ability and forcefulness, and his election gave the local Church a skillful leader capable of matching wits with the hated governor.[24]

The reports from New Mexico had convinced the Holy Office that a thoroughgoing investigation of the words and deeds of López and his associates was necessary, and the new custodian was appointed commissary of the Inquisition with authority to summon witnesses and receive testimony. Thus for the first time in many years the jurisdiction of the Holy Office was to be made effective in New Mexico.[25]

These measure by the ecclesiastical authorities were matched by the decision of the viceroy to appoint a new governor, although a change in the governorship would not have been made under ordinary circumstances for another year. The new appointee was Diego Dionisio de Peñalosa Briceño, an adventurer who had seen service in both Perú and New Spain.[26]

III

During the winter and spring of 1660-1661 there was no improvement in the general situation in New Mexico. The Indians continued to perform the old ceremonial dances despite the opposition of the clergy. In the lower Rio Grande area most of the *estancieros* did not attend mass even on Sundays and feast days, "because of the fear they had of the said Don Bernardo, for if he knew that they went to the convent he became enraged."[27]

But in the spring of 1661 the new custodian, Friar Alonso de Posada, finally arrived and assumed authority over the missions. Leaving Mexico City in early February, he had journeyed north without delay, and arrived in Senecú on April 29. Two weeks later, May 11, he received from Friar García de San Francisco the official seals of the *custodia*.[28] Without delay he started the investigation of conditions in the province under authority as commissary

of the Holy Office. Friar Diego de Santander, former secretary of the *custodia* and guardian of the Jumano pueblo, was appointed to serve as the official scribe, and on May 9 the first formal deposition was made by Friar García de San Francisco. During the succeeding two and a half weeks, as Posada slowly moved north to Isleta, eight more depositions were made by friars and important laymen. Two of the witnesses, Tomé Domínguez y Mendoza and Miguel de Noriega, made detailed statements concerning every phase of López' administration.[29]

These declarations emphasized the great danger to the missionary program resulting from the celebration of the *catzinas*, and Father Posada decided that immediate action was necessary. On May 22 he issued an order forbidding the performance of the dances in future and commanding all of the friars to gather in the masks and other dance paraphernalia possessed by the Indians and burn them. Within a short time more than 1600 masks, prayer sticks, and figures of various kinds were collected and destroyed. In the kiva of Isleta alone twelve "diabolical masks" were found, as well as various offerings of feathers and flowers. Writing the Holy Office on May 23, Posada referred to the evil effects that the *catzinas* had had on the Hispanic colonists as well as the Indians, especially those of "humble estate, such as *mestizos* and mulattoes, in whom the faith is not firmly and truly grounded, for in remote parts the poison is more powerful."[30] This bold action of the new custodian was resented by Governor López but it caused no open breach of relations. Posada wisely delayed formal publication of the edict of the faith, however, and managed not to have a personal meeting with López until after the arrival of the new governor, Diego de Peñalosa, a few months later.[31]

Peñalosa arrived about the middle of August, 1661.[32] He was received with open arms by the clergy and their faction, and for a few months he maintained friendly relations with the Church. Friar Nicolás de Freitas, who returned to New

Mexico in the company of the new governor, was made guardian of the Santa Fé convent, and soon became one of Peñalosa's closest friends. On September 25 the edict of the faith was published with due ceremony in the Santa Fé church in the presence of a large assembly of citizens. Among the absentees were ex-governor López and his wife, Doña Teresa. López excused himself on the ground of illness, but one wag remarked that "his illness was [caused] by the edicts."[33]

Posada was now in a position openly to press the investigation against López and his associates, and during the autumn of 1661 he received testimony from twenty-nine witnesses, of whom five were friars and twenty-four were laymen.[34] In the midst of the investigation Father Santander, who had been serving as scribe since May, became ill, and his place was taken by Friar Salvador de Guerra.[35] The appointment of Father Guerra, who had been subjected to severe censure by Custodian Ibargaray in 1656 because of his maltreatment of Indians in the Hopi area, may appear somewhat surprising. But during the years 1659-1661 he had taken an active part in the opposition to the policies of López, denouncing the governor's actions in caustic terms, and his appointment as scribe gave Posada an efficient and unrelenting aid.

The custodian took special pains to examine persons who had been servants in the López household, and their depositions contain a mass of information concerning the intimate details of the daily life of the ex-governor, his manner of speech, his morals, and especially concerning certain habits and practices of López and his wife that had caused certain persons to regard them as Jews. Also included among the witnesses who testified during the autumn of 1661 were several prominent soldier-citizens whom López had antagonized during his term of office. Their testimony was in general unfavorable to the ex-governor.[36]

Copies of the depositions taken up to December, 1661, were sent off to Mexico City by special messenger before the end of the year, and were received by the Holy Office on

February 14, 1662.[37] During the year 1662 Posada examined twenty-eight more witnesses, including six prominent friars and twenty-two laymen, but this testimony was not received by the Inquisitors until the spring of 1663.[38]

López was well aware of the fact that Father Posada was building up a case against him, and on December 12, 1661, he addressed an appeal to the Holy Office.[39] He accused Peñalosa and Posada of having worked hand in glove to discredit him, using both the *residencia* and the investigation in the name of the Holy Office as means to accomplish this end. He denounced the testimony received by Posada as

> falsehoods, children of his (Posada's) passion and hatred, his as well as that of his brother *doctrineros,* in revenge for the [reports] I have truthfully made concerning the administration of the Indians, and because I have opposed the great abuses that by virtue of the same (i. e., the administration of the missions) they have inflicted on the miserable Indians.

He virtually accused Posada of having induced witnesses to give false testimony:

> In these parts it is very easy, for the people are of a low character *(vil),* almost all [of them being] mulattoes and mestizos who do not know the seriousness of an oath, and will give false testimony because of any appeal, gift, or threat whatever, and with the same facility will retract and say that they were forced [to give false witness]—a thing very common in these parts, especially [when] the *doctrineros,* to whom the citizens are notoriously subject, intervene.

López thus appealed to the Inquisition to regard as false everything that might be written against him, for "if there is proof it is by false witnesses and [my] capital enemies, as indeed I will prove, and give an account of myself, and this as a Catholic and a faithful Christian and son of the same, and I will die for any article of the faith or decree of Our Holy Mother Roman Catholic Church."

This dispatch is important only because it makes clear López' point of view regarding events in New Mexico. It had no effect on the action of the Holy Office, for it was received on July 20, 1662, several weeks after the Inquisitors voted to order the arrest and trial of the ex-governor.[40]

IV

The Holy Office delayed taking formal action against López pending the receipt of reports from Father Posada. But prior to the end of 1661 important decisions were made concerning four of López' associates, on the basis of the dispatches of Friar García de San Francisco and the testimony of the several witnesses already examined by the tribunal in Mexico City.

On May 31, 1661, the Inquisition presented a statement of eight propositions *(proposiciones)* and sixteen deeds *(hechos)* of Capt. Nicolás de Aguilar to the *calificadores*, or board of specialists in theology and canon law. The formal *calificación* was made on July 29, and it was the opinion of the board that Aguilar's words and actions indicated a lack of respect and reverence for the Church, its ministers and sacraments, and a suspect, perverse, and heretical spirit. On August 11 the Inquisitors voted to order his arrest, and on August 29 the formal decree of arrest was issued.[41]

The reports of Friar García de San Francisco and other evidence received by the Holy Office had also contained serious accusations against three other members of the López faction: Francisco Gómez Robledo, Diego Romero, and Cristóbal de Anaya. Francisco Gómez Robledo was a prominent member of the local militia and during the year 1659-1660 he had been closely associated with Governor López. He had accompanied the governor during the *visita* of the province, and in 1660 he had served as *alcalde ordinario* of Santa Fé. He had shared López' point of view that the *catzinas* were harmless; indeed López' decision may have been influenced by the advice of Gómez. And as indicated above, he had accepted appointment as one of the two

procuradores to present reports to the viceroy and carry the letters and dispatches of López in 1660. It is clear also that Gómez believed that the clergy had always been trouble-makers, and that they had abused their authority. It is not surprising, therefore, that the friars regarded him as an enemy of the Church and the mission program. Various charges were made to prove that he was suspect in the faith. The most important was the accusation that the Gómez family was Jewish.[42]

The formal *calificación* of the charges against Gómez was made on July 29, 1661, and on the basis of the report of the *calificadores* his arrest was ordered. The formal decree of arrest was issued on August 29.[43]

Diego Romero, a member of an important *conquistador* family, had also been a loyal member of the López faction. He had served as *alcalde ordinario* of Santa Fé and as *visitador* of the Hopi and Zuñi areas on appointment by the governor. Like Gómez, he had supported López on the *catzina* issue. The friars also accused him of loose and evil talk, besmirching the honor of women, married and unmarried, and of the clergy. The most important charges against Romero were three: (1) that during a trading expedition to the Apache plains in 1660 he had been married to an Apache girl according to the native ceremony; (2) that he had defended the proposition that a concubine was under obligation to render the conjugal duty to her *amigo* whenever it was requested and to be paid for the same, and *vice versa;* (3) that he had said that the priest who baptized an infant contracted no spiritual relationship with the said infant and its parents, and that the sponsors likewise contracted no relationship with either the infant or its parents except for a period of twenty-four hours.[44]

The *calificación* of these charges was made on May 7, 1661. The board agreed that the first two constituted heresy. On the third charge there was a difference of opinion. Two members of the board voted that it was heresy; and two were of the opinion that although it was not formal heresy,

it was erroneous and evil sounding *(malsonante)*. On August 12 the Inquisitors voted to order Romero's arrest, and the formal decree was issued on August 29.[45]

Cristóbal de Anaya Almazán was the son of Francisco de Anaya, who had fled to New Spain during the administration of Governor Juan Manso as the result of charges preferred against him by that governor. Returning to New Mexico in 1659 with López, the elder Anaya and his associates had received vindication at the hands of the new governor. (See Chapter III.) There is no evidence that Cristóbal de Anaya took an active part in the events of 1659-1660 but like Romero he had been guilty of doctrinal error on the question of the spiritual relationship of parties participating in the sacrament of baptism. There is also evidence that at an earlier date, during the prelacy of Friar Antonio de Ibargaray, he had been guilty of personal violence against a certain Friar Diego de Salas. The Inquisitors took no formal action against Anaya, but voted to give Father Posada discretionary authority to effect his arrest if he deemed it appropriate.[46]

The several orders of the Holy Office concerning Aguilar, Gómez, Romero and Anaya were sent to Father Posada in the autumn of 1661. With them was sent a secret decree appointing ex-Governor Juan Manso as *alguacil mayor* of the Inquisition in New Mexico with authority to execute the arrest of the above parties on command by Posada. Manso had been in Mexico during the preceding months pressing for action against López on the basis of his charge that López had acted in an arbitrary manner during his *residencia*. (See Chapter III.) Armed with orders of the viceroy and *audiencia* commanding Peñalosa to provide justice in his case, Manso was ready to return to New Mexico, and the Holy Office took advantage of this fact to appoint him *alguacil mayor* to execute the orders of arrest against the associates of López.[47]

Formal action in the case of López and his wife was not taken until the spring of 1662. But in the meantime the In-

quisition investigated the charges concerning López' conduct during his term of office as *alcalde mayor* of Guayacocotla, 1656-1657. During May, June, and July, 1661, several witnesses, including priests who had served parishes in the *alcaldía mayor* of Guayacocotla, were summoned and gave testimony indicating that López had frequently been in conflict with the clergy on matters of Indian administration, resulting in pleas between the said clergy and the *alcalde mayor* or between Indians and their parish priests.[48] Thus the evidence in the hands of the Inquisitors slowly accumulated and was greatly augmented when the depositions made before Father Posada were received on Feb. 14, 1662.

On the basis of the accumulated evidence one hundred and fifteen propositions, covering every phase of the activities of López and his wife, Doña Teresa, were drawn up and presented to the board of *calificadores*. In the opinion of the board many of the propositions constituted heresy, blasphemy, doctrines hostile to the formal cult of the Church, or indicated a perverse spirit, destructive of the authority of the Church and the respect owed by Christians to its teachings and its ministers. The board recognized, however, that many of the propositions touched governmental and economic matters not strictly within the jurisdiction of the Holy Office, unless by inference or intention such propositions involved the proper respect for and obedience of things ecclesiastical. Many of the cases, of course, were clearly matters of mixed jurisdiction, involving both civil and canon law. Some were clearly outside the jurisdiction of the tribunal.[49]

But in general the opinion of the board was such that the arrest of the accused was necessary and justified. On March 14, 1662, the Inquisitors acted to order the arrest of both López and his wife, and the formal decrees were issued on March 22.[50] Soon thereafter the decrees were dispatched to Father Posada in New Mexico.[51]

Thus at last López and his associates were to be brought before the bar of the tribunal of the Inquisition. But before

describing their arrest and trial, it is necessary to turn to another phase of these troublous years in New Mexico. López' successor, Don Diego de Peñalosa, has already been introduced, but inasmuch as he played such an important role during the years 1661-1664, something must be said concerning his early career in Peru and New Spain. And in order to give the story of the arrest of López and the others its proper setting a review of the first year of Peñalosa's administration is essential, especially with reference to the López *residencia.*

(To be continued)

NOTES

1. *Proceso contra López,* II.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. Testimony of Tomé Domínguez y Mendoza, May 21, 1661. *Ibid.,* I.
12. *Ibid.,* II.
13. Testimony of Noriega, May 25, 1661; testimony of Juan Lucero de Godoy, Oct. 28, 1661; testimony of Joseph Xirón, March 7, 1662. *Ibid.,* I.
14. Testimony of Tomé Domínguez y Mendoza, May 21, 1661. *Ibid.*
15. Testimony of Gómez, May 12, 1663. *Proceso contra Gómez.*
16. Testimony of Juan Lucero de Godoy, Oct. 28, 1661. *Proceso contra López,* I.
17. Receipt for the packet of dispatches was given by Gómez and Lucero at the Estancia de San Antonio in the Piro area on November 16, 1660. *Ibid.,* II.
18. *Ibid.*
19. Testimony of Lucero, Oct. 28, 1661. *Ibid.,* I.
20. Reply of Peñalosa to article 24 of the indictment. *Proceso contra Peñalosa.*
21. Testimony of Gómez, May 12, 1663. *Proceso contra Gómez.*
22. Testimony of López, Dec. 13, 1663, *Proceso contra López,* III; reply of Peñalosa to article 24 of the indictment, *Proceso contra Peñalosa.*
23. For details concerning the attempted removal of Friar Juan Ramízez as administrator of the supply service and his resignation as custodian, see Scholes. "The Supply Service of the New Mexican Missions in the Seventeenth Century," NEW MEX. HIST. REV., V (1930), 199-204.
24. Prior to his departure for New Mexico López had had a skirmish with Father Posada, and their relations were by no means friendly. Posada had called on the newly appointed governor to discuss affairs of the province. López was not at home, but Posada stayed and talked with his wife and mother. According to López' testimony Posada told the women "que si entendia este confesante (López) que iba a gobernar gente, que se engañaba, porque eran unas brutas, cabrones, consentidores de sus mugeres y traidores al Rey." The women were scandalized by these remarks and

reported the conversation to López when he returned. López immediately sent word to the friar asking him not to call again. And later whenever they met on the streets, they passed without removing their hats! Testimony of López, Dec. 1, 1663. *Proceso contra López*, III.

25. The exact date of Posada's appointment as commissary of the Holy Office is not known.

26. For details concerning Peñalosa's early career, see Chapter V, *infra*.

27. Testimony of Friar Francisco Muñoz, Isleta, May 25, 1661. *Proceso contra López*, I.

28. Posada to the Holy Office, Santo Domingo, Dec. 4, 1661. A.G.P.M. Inquisición 594.

29. *Proceso contra López*, I.

30. Posada to the Holy Office, Dec. 8, 1661. A.G.P.M., Inquisición 595; certification of Friar Diego de Santander, May 22, 1661, *Proceso contra López*, I; Posada to the Holy Office, May 23, 1661, *Ibid.*, II.

31. Posada to the Holy Office, Santo Domingo, Dec. 8, 1661. A.G.P.M., Inquisición 595.

32. *Ibid.*

33. *Ibid.*

34. *Proceso contra López*, I.

35. Posada to the Holy Office, Santo Domingo, Dec. 8, 1661. A.G.P.M., Inquisición 595.

36. *Proceso contra López*, I.

37. Posada to the Holy Office, Dec. 8, 1661. A.G.P.M., Inquisición 595.

38. *Proceso contra López*, I, II.

39. López to the Holy Office, Santa Fé, Dec. 12, 1661. *Ibid.*, II.

40. *Ibid.*

41. *Proceso contra Aguilar.*

42. *Proceso contra Gómez.*

43. *Ibid.*

44. *Proceso contra Romero.*

45. *Ibid.*

46. *Proceso contra Anaya.*

47. See Chapter III. The orders of arrest were sent with a covering letter of the Holy Office to Posada, Mexico, Aug. 29, 1661. A.G.P.M., Inquisición 442. Manso's appointment was made on or before August 29. *Ibid.*

48. *Proceso contra López*, II.

49. *Ibid.*

50. *Ibid.; Proceso contra Doña Teresa de Aguilera.*

51. Holy Office to Posada, Mexico, March 22, 1662. A.G.P.M., Inquisición 590.

BOOK REVIEWS

The Western Military Frontier, 1815-1846. By Henry Putney Beers. (Philadelphia, 1935, 227 p.) A dissertation in history for the doctorate at the University of Pennsylvania.

Mr. Beers deals with the story of the military frontier as "the line of military posts that developed from the Great Lakes to the Red River," but his use of the term frontier is not consistent. At times it is not a line but a region. On account of the Seminole War, garrisons were withdrawn from the "western frontier" at such far apart forts as Dearborn at the southern end of Lake Michigan and Snelling on the Mississippi. He speaks of the northwestern frontier and the southwestern frontier. The former apparently includes Fort Leavenworth on the Missouri, while Fort Gibson, on the Arkansaw is a southwestern post. The two were rather close together for such geographical designation.

The first plan of defense carried out after the War of 1812 was a line of "posts from Mackinac *via* Green Bay, the Fox River and the Wisconsin River to Prairie du Chien and up the Mississippi to the Falls of St. Anthony. Another line of posts was to be constructed from Chicago along the Illinois River to St. Louis." The trans-Mississippi military frontier line was started in 1819 and eventually consisted of a chain of forts from Wilkins on Lake Superior and Snelling on the upper Mississippi, to Washita on the Red River and Jesup near the Sabine, roughly parallel to the boundary of the Indian country.

The advancement of the military frontier was due to several causes: protection for the miner and settler, prevention of inter-tribal warfare, and especially protection for the migrant Indians from east of the Mississippi against the plains tribes. On the northern end of the frontier, British machinations were an additional factor.

In 1832, mounted rangers were created for the "northwestern" frontier, and the following year the cavalry branch of the army was permanently restored with the establishment of the dragoons.

The dissertation consists of a preface, eight chapters of text (including an introductory chapter for the period 1783-1815 and a conclusion), bibliography, appendix, and a quite adequate index of twenty-seven pages. The style is a bit awkward in places, and the paragraphs are not always a careful development of the topic sentence. The conclusion is too broad, crediting the army with accomplishments that are not detailed in the text; suggesting, however, topics for further study.

The bibliography is excellent, giving evidence of extensive investigation. But the author slights this part of his work by failing to list all sources cited in the footnotes. For instance, thirteen citations in the first chapter, and six in the second chapter, could not be found in the bibliography.

The appendix consists of a list of forts with dates of founding, and towns that later occupied their sites. Ninety-three western posts were established in the period 1783-1815, fifty-three during the years 1815-1846, and two prior to 1783. It would hardly seem that the army "began an unprecedented advance into the Indian country" after the War of 1812 (p. 172). There are also two maps, one showing the distribution of forts.

FRANK D. REEVE.

University of New Mexico.

Our America. By Irving R. Melbo. (The Bobbs-Merrill Company, Indianapolis, 1937. 402 pages, ills.)

It is not a new thought that the history of a nation is more than a recital of its military and political campaigns. School histories today devote much space to the story of cultural development and biographical data. A supplementary reader for intermediate grades which tells graphically salient facts in the lives of men who have contributed to the

progress of the United States should, therefore, be welcomed by teachers everywhere. Such a book is *Our America,* and in its twenty-five chapters it presents biographies from Leif Ericson and Christopher Columbus to Edgar L. Hewett and Richard E. Byrd, biographies so throbbing with life itself that they are certain to fascinate and inspire the boys and girls who read and discuss them with their teachers.

Chronologically and geographically, the selections have been well made by the author. The West has representation in Jedediah Smith, General Grenville M. Dodge, Luther Burbank, Walter Disney, E. W. Scripps, and Edgar L. Hewett, offering also a variety of careers, professions and occupations covering practically every larger field of endeavor. Incidental to the biographical data, the historical and regional backgrounds are set forth fully and each biography is related to others so as to demonstrate the contemporaneousness of men and events. But one fault, if it is a fault, is to be found, namely, that only one woman, Jane Addams, is included in the gallery of famous personages who have made America what it is.

The book is well illustrated in color and in black and white half-tones. It will delight not only teachers, students and pupils but also the general reader who should include it in his "must" reading.

P. A. F. W.

Coronado and Quivira. By Paul A. Jones. (The Lyons Publishing Company, Lyons, Kansas, 1937; 242 pp.; bibliography, no index. $2.50).

Paul A. Jones of Lyons, Kansas, journalist by profession, became interested in the history of the Southwest a decade ago in seeking to locate Quivira. His curiosity was aroused by archaeological discoveries four miles west of Lyons, in Rice County, Kansas, in 1927. In that year heavy rains washed away the sod and revealed a number of village sites which stirred up some local excitement.

Quivira, it will be recalled, was the mythical kingdom of fabled wealth sought by Francisco Vásquez de Coronado

in 1541 on his exploration into the Kansas country after he had failed to find riches in the land of the Pueblo Indians. Coronado's failure to discover gold in Quivira is well known, but students have not ceased to speculate over the location of the place he sought. The search for further light on the Coronado expedition will undoubtedly go on, in Spain and Mexico, particularly in view of the forthcoming Coronado Cuarto Centennial celebration in 1940, and it is possible that new materials will be found. Dr. Arthur S. Aiton has already turned up a number of new documents on this subject.

Coronado and Quivira is in reality the third edition of Jones' first book on this subject, published in 1929 under the title *Quivira.* This earlier volume contained twenty-five chapters and an "Afterthought," a total of 182 pages, and numerous illustrations. The present edition, *Coronado and Quivira,* is revised and much enlarged and has several new illustrations. The volume is divided into two parts. Part I is a reprint of the older work, except that it contains one new chapter, "The Lure of Gold," and omitted from it is another chapter, "The Tradition of Madoc." Moreover lines or paragraphs have been rewritten or added in a number of places.

Part II, consisting of twelve short chapters, relates Mr. Jones' experiences in pursuing the trail of Coronado and especially his search for additional light on Coronado's life. It includes a reprint of Dr. Arthur S. Aiton's article, "The Last Days of Coronado," published in the *American Historical Review* in 1925. There is also a chapter on Coronado genealogy, contributed by Luís L. de la Barra, Jr., of Mexico City, which brings together some facts not hitherto known about the family of Coronado.

The success of Mr. Jones' books is evidence of the great interest in the activities of the early Spanish explorers, colonizers, and missionaries in the Southwest if the story is presented with simplicity and a touch of imagination. Critical students will find errors in *Coronado and Quivira* and

points of disagreement, such as the location of Cuartelejo, but the average reader will enjoy the stimulating and interesting story. Some will object that there is no mention of the contention of certain critics that Coronado never reached Kansas but got lost in the ravines of Texas. This reviewer feels, however, that the preponderance of evidence points to Kansas as the final point of Coronado's pregrinations in search of Quivira.

GEORGE P. HAMMOND.

University of New Mexico.

ERRATA

p. 36, line 5 from bottom, *for* I *read* It.
p. 86, line 6, *read* Juan Ruiz de Hinojos
p. 99, line 2, *for* Figuera *read* Figueroa
p. 122, line 10, *for* 1931 *read* 1831
p. 158, line 4, *for* cabaldo *read* cabildo
p. 173, line 11, insert a colon *before* fray
line 23, delete the entire line
p. 222, line 21, *read* James L. Collins
p. 278, transpose the first two lines
p. 281, line 3 from bottom, *read* placeres de oro, three leagues farther on, the Puesto de Ba-[bollagua].
p. 286, line 10 from bottom, *read* the viceroy

INDEX

The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

PAST PRESIDENTS

1859 — COL. JOHN B. GRAYSON, U. S. A.
1861 — MAJ. JAMES L. DONALDSON, U. S. A.
1863 — HON. KIRBY BENEDICT
adjourned sine die, Sept. 23, 1863
re-established Dec. 27, 1880
1881 — HON. WILLIAM G. RITCH
1883 — HON. L. BRADFORD PRINCE
1923 — HON. FRANK W. CLANCY
1925 — COL. RALPH E. TWITCHELL
1926 — PAUL A. F. WALTER

OFFICERS FOR 1936-1937

PAUL A. F. WALTER, *President*
JOSÉ D. SENA, *Vice-President*
JAMES F. HINKLE, *Vice-President*
LANSING B. BLOOM, *Cor. Sec'y-Treas.*
MISS HESTER JONES, *Recording Secretary*

FELLOWS

PERCY M. BALDWIN
RALPH P. BIEBER
WILLIAM C. BINKLEY
LANSING B. BLOOM
HERBERT E. BOLTON
AURELIO M. ESPINOSA
CHARLES W. HACKETT
GEORGE P. HAMMOND
EDGAR L. HEWETT
FREDERICK W. HODGE
ALFRED V. KIDDER
J. LLOYD MECHAM
THEODOSIUS MEYER, O. F. M.
FRANCE V. SCHOLES
ALFRED B. THOMAS
PAUL A. F. WALTER

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be $3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review.*

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.

NEW MEXICO HISTORICAL REVIEW

VOLUME XII
1937

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

CONTENTS

NUMBER 1, JANUARY, 1937

NUMBER 2, APRIL, 1937

NUMBER 3, JULY, 1937

NUMBER 4, OCTOBER, 1937

ILLUSTRATIONS