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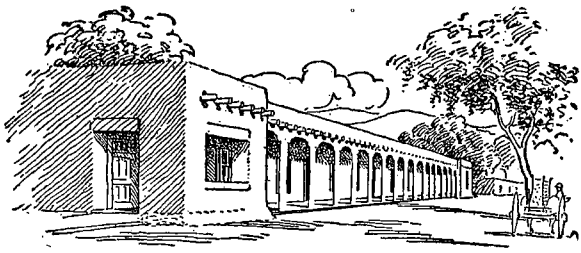

PALACE OF THE GOVERNORS

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NEW MEXICO HISTORICAL REVIEW

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CONTENTS

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The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

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1861 — MAJ. JAMES L. DONALDSON, U. S. A.
1863 — HON. KIRBY BENEDICT
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re-established Dec. 27, 1880
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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.

E. DANA JOHNSON
(See page 120)

NEW MEXICO HISTORICAL REVIEW

VOL. XIII JANUARY, 1937 NO. 1

MEMOIR OF A KENTUCKIAN IN NEW MEXICO 1848-1884

By J. MANUEL ESPINOSA

I

INTRODUCTION

DURING the Mexican War the army of occupation brought to New Mexico the first large influx of permanent settlers from the Anglo-American West. The cutting edge of the Anglo-American frontier was sharp along the Missouri line, which for economic and geographic reasons was the base for the advance into the New Mexico area. The peopling of Missouri in frontier days was principally from the older frontier immediately behind it: namely, Kentucky and Tennessee.[1] And so as the frontier leaped across the plains to Santa Fé in the first half of the nineteenth century, spurred on by trade and then by the annexation of the region by the United States, it was natural to find many Kentuckians figuring in the story. Among them were James Magoffin, Francis P. Blair, David Meriwether (by adoption), Henry Connelly, Neill B. Field and a host of others. Some went to New Mexico direct, others after having spent some time in Missouri, Texas, or some other adjacent frontier area.

1. See Hattie H. Anderson, "Missouri, 1804-1828: Peopling a Frontier State," *Missouri Historical Review*, XXXI (January, 1937), 174-180.

Samuel Ellison, the author of the memoir here published,[2] was among those who were attracted to New Mexico during the period of the Mexican War. As for the details of his life story they may be found in the memoir itself. Suffice is to say that Ellison arrived in Santa Fé on October 10, 1848, with the army of Colonel John M. Washington and lived in New Mexico from that day until his death on July 21, 1889. He was active and important in public life as one of the lesser lights who played their part in the development of New Mexico during the first four decades under the rule of the United States. New Mexico and the New Mexicans appealed to him, and he took for his wife a New Mexican girl, Francisca Sánchez.

Ellison's brief manuscript is important because of the interesting sidelights it brings out in connection with his journey from Kentucky to New Mexico, the story of the American occupation, New Mexico political history from 1848 to 1884, and some of the personalities involved, and the lengthy first-hand description of the Santa Fé archives and the Pile incident.

The memoir was utilized by Bancroft in his *History of Arizona and New Mexico*,[3] and in some places much of it was incorporated into his work. It seems that it was written at Bancroft's request during the time that the latter was gathering materials for his history. Bancroft has the following to say of Ellison and his memoir: "Samuel Ellison, territorial librarian, has given me important aid in my researches, and has been named often in this volume . . . His *History of N. Mex., MS.*, 1884, is not only a sketch of his own life, but contains his important testimony on early events and officials."[4]

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2. This manuscript, entitled *History of New Mexico*, Santa Fé, 1884, here published for the first time, is in the Bancroft Library, Berkeley, California.

3. Hubert Howe Bancroft, *History of Arizona and New Mexico*, San Francisco, 1887.

4. *Ibid.*, 791.

II

HISTORY OF NEW MEXICO BY SAMUEL ELLISON
SANTA FÉ, 1884

Judge Samuel Ellison, born in Kentucky Feb. 22, 1817, lived there until 20 years of age & then went to Cincinnati, remained there 3 mos. recruiting a company under the direction of Col. Sherman & Gen. Chambers, & with 40 men, he as lieutenant, went to Texas. Reached Houston in Sept., '37, then the seat of gov. of the repub. of Texas. (Judge Ellison is Swede on his father's side and German on his mother's).[5]

Gen. Sam Houston was then president and Hockley was secy. of war. The place was called Houston at that time. It was the head of navigation at the Buffalo bayou. Remained there a short time & went to San Antonio de Bexa [sic].[6] The war was over. His company was attached to another company at Houston, & Ellison was attached to the quartermaster dept. at San Antonio. Resided there till '42.

Gen. A. Sidney Johnston was then com. gen. of Texas having relieved Felix Houston as such.[7] Johnston & Houston had a duel in '37.

Ellison was an officer till '39 about which time Austin was established.[8] La Mar was president. Went from Austin to 3 forks of Trinity River & thence to Coffee Station on Red River, where a fort was established on the southern side of the Cross Timbers.

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5. A number of Ellisons appear in the Kentucky records for the decade of the 1790's and the early decades of the nineteenth century, but I have not been able to find any clear link between any of them and the Samuel Ellison of this memoir. It is quite probable, however, that his parents were originally from Pennsylvania, the source of origin of some of the Kentucky Ellisons, including a Samuel Ellison and his wife, Rachel, both of Philadelphia, who bought land in Bourbon County on August 22, 1794. Mrs. W. Breckenridge Ardery, *Kentucky Court and Other Records*, Lexington, 1926, 11, 118-119.

6. Béjar.

7. Johnston became commander of the army of Texas January 31, 1837. This appointment aroused the jealousy of Felix Houston, who challenged Johnston to a duel and seriously wounded him.

8. Austin was chosen as the capital of the Republic of Texas in 1839.

The fort was established in 1839 by Wm. G. Cook [sic],[9] and was abandoned in the spring of '40, when the command returned to Austin, and on the reduction of the army was mustered out of service, and from that time to '41 (during '40 and '41) acted as deputy sheriff at San Antonio.

During the year 1841 he was at Austin at the time Wm. G. Cook, McLeod, & Navarro left for New Mexico, & were taken prisoners near Anton Chico by General Manuel Armijo, Ellison remaining at Austin. [See Kendall's Santa Fé Expedition].[10]

In '42 in Dec. crossed the Rio Grande into Mexico, & took charge of a cotton farm near Monclovea in Coahuila, where he remained till the spring of '46. Then he went to Matamoras & joined Gen. Taylor's command after the fight at La Palma. Was then appointed quartermaster's agent for the army, & continued in that capacity till July '48, when he was transferred to Col. Washington's command, who came from Monterey to Santa Fé, and Ellison came with him. Washington left Monterey with his command, 500 men, on the 26th of July, 1848. Ellison left on the 24th & proceeded in advance to see that the several camps were provided with forage and wood.

Passed through Saltillo, Patos, Mapami, Chihuahua, El Paso del Norte, & the command reached Santa Fé on the 10th of Oct., 1848.

At Chihuahua Maj. Pike Graham separated from the command with 250 men & went to California.

Ellison continued here as quar. agt. till Nov. 1849 when he was employed as interpreter & secretary to Col. John Munroe, the then civil and military commandante of New Mexico. Remained such till '51, when the territorial gov. was established, and James J. [sic][11] Calhoun was appointed governor. Calhoun died on his way to the

9. Cooke.

10. George W. Kendall, *Narrative of an Expedition across the Great Southwestern Prairies from Texas to Santa Fé*, 2 v., London, 1845.

11. James S. Calhoun, governor of New Mexico, 1851-1852.

States,[12] & was succeed [sic] by Wm. Carr Lane[13] for whom Ellison acted as secy., translator, and interpreter (not for Calhoun). After Carr Lane was Merriwether,[14] and Abraham Rencher[15] & Ellison acted in same capacity for both of these, and was in '59 was [sic] appointed clerk Sup. Ct. & of the 1st judicial dist. ct. of the ter.[16] In 1866 he resigned & went to farming. Was in the legislature 3 times, & was once speaker of the house.[17] After that translated the laws and legislative proceedings grants & proving up titles before the surveyor gen. of the ter.[18]

In 1881 was appointed ter. librarian, & since that time has devoted most of his time in examining the old Mexican archives found here when Gen. Kearny took possession in Aug. '46, many of which he has translated. Most of the archives are fragmentary and unsatisfactory, on close examination, for they frequently break off abruptly, in treating of the acts & doings of governors, captains-general, and the number of the Indians. In 1881 & re-appointed in 1883 librarian.[19] He was appointed U. S. commissioner in 1867 by Chief Justice John Slough, the first com. appointed in the ter. under what is known as the peon act. It was represented after the war, and [after] slavery had been abolished, that [many were in] the condition of peons, Mexican servants and Pueblo Indians, and Indians taken captive or purchased from wild tribes and held as slaves. This act abolished all that, imposing severe penalties, & appointed com-

12. June, 1852.

13. Governor from 1852 to 1853.

14. David Meriwether, governor 1853-1856.

15. Governor 1857-1861.

16. Ellison held this post from 1859 to 1866, and from 1868 to 1869. Bancroft, *op. cit.*, 704; W. G. Ritch, ed., *New Mexico Blue Book* (1st ed., 1882), 120.

17. Ellison served in the legislature of 1856, 1865, and 1866, and was speaker of the House as a member from Santa Fé county in the Fifteenth Assembly, 1865-1866. Bancroft, *op. cit.*, 706; Ritch, *op. cit.*, 104, 111.

18. On October 4, 1880, Ellison was commissioned a notary public for Santa Fé county. Original commission in possession of the editor. See Ritch, *op. cit.*, 69. The same authority, p. 64, gives Ellison's name in the "Official Register" for 1882 both as librarian and as "assistant secretary and translator."

19. Ellison was territorial librarian until 1889. *New Mexico Historical Review*, X (April, 1935), 172, note 2.

missioners to investigate matters & liberate the peons. They were then as much an article of trade as a horse or a sheep.

On his arrival at Santa Fé the 10th of Oct. 1848 all was under military rule. Washington's men and army followers numbered about 500—that is, what Washington brought and Maj. Ben Bell had, & teamsters &c, amounted to 500. Bell was capt. of Cavalry (brevet Maj.) Washington relieved Bell who was afterward stationed at Taos and was transferred in '50 to Ft. Leavenworth.

Washington acted as civil and military gov. up to the organization of the ter. when he was relieved shortly after by John Munroe who was relieved as civil gov. by James J. [sic] Calhoun, Munroe still remaining at the head of military affairs.

There was a remarkable good police here under Bell's adm. & good order kept, and this continued under Munroe & the rest.

The leading men of the territory in 1848 were—at Santa Fé Donacinio [sic][20] Vigil, who was appointed Sec'y ter. by Gen. Kearny, & afterward, on the assassination of Gov. Chas. Bent was appointed Gov. by Gen. Price. Miguel E. Pino was connected under the Mex. gov. with the Custom House dept., and so was Tomás Ortiz. Augustin [sic][21] Duran was chief of same dept. The vicar Felipe Ortiz was considered the leading man in the political and civil departments of the city and county of Santa Fé.

In San Miguel County Santiago Ulivarri, Padre Leiva, and Herman Von Grolman prefect of said county were the men who controlled political affairs in that county.

In Mora. Co. José María Valdez, and —— Vigil.

In Taos Padre Martínez, Pascual Martínez, & Pedro Valdez.

In Rio Arriba Co. Antonio Roibal, Antonio Manzanares, and Diego Archuleta.

20. Donaciano.
21. Agustín.

In Santa Anna Co. Tomas C. de Baca, and Francisco Sandoval.

In Bernalillo Co. Juan Cristobal Armijo, Pedro Perea, Ambrosio Armijo, & Rafael & Manuel Armijo.

In Valencia Co. Antonio José Otero appointed judge of the 3d judicial district by Gen. Kearny.

In Taos Charles Beaubien was appointed judge of the 2d judicial dist. 23 Sept. 1848. Another leading man in Valencia Co. Antonio Luna; and Socoro [sic][22] Co. José Antonio Baca y Pino; Pedro Baca, and Vicente Pino.

In Don [sic][23] Ana Co. was Guadalupe Miranda, former of [sic] secy. of the territory, and Pablo Melendrez.

These were the political force of the country at that time, and down to 1854-5—some of them later. Whatever they said must be was—& some of them down to 1859, after which date other influences came in, wielded a very great influence in politics. Then continued till '79, when a new element came & took a decided independent stand; that is, people coming in weakened the power of the former politicians.

Col. Washington went east, & embarked at New York for Cal. & was wrecked on the Str. *San Francisco*. He was a very positive, brave, & efficient officer.

Munroe was an artillery officer, a Scotchman, & stood very high. Was the best mathematician in the army, as well as the ugliest looking man. A whig in politics. A very determined man in all his acts and doings. He would brew his pitcher of toddy at night, & take the first drink of it at noon next day, after which hour he would not attend to any official business. He said he wouldn't live in a country [where is snowed] in Nov. & May. (He arrived in Nov. when it snowed, & also the next May) & so he got himself transferred. He was relieved by Col. Fauntleroy.

Calhoun had been consul to Habana for many years, was sent out here as Indian agt. & was appointed first gov.

22. Socorro.
23. Doña.

and ex-officio supt. Ind. affairs, under organization. Had ability, was a politician by profession, was very popular and very intemperate. Nothing particular during his adm. no Indian troubles.

Wm. Carr Lane was a man of superior intellect, & was highly esteemed by the people of the territory, both natives & Americans. He ran for delegate of the territory against Padre José Manuel Gallegos who, that is the latter, on a contest for the seat was declared to be elected, on the ground that the Pueblo Indians had no right to vote. Including the vote of the Pueblo Inds. Wm. Carr Lane would have been elected, but without that vote Gallegos was declared elected by 500 votes.

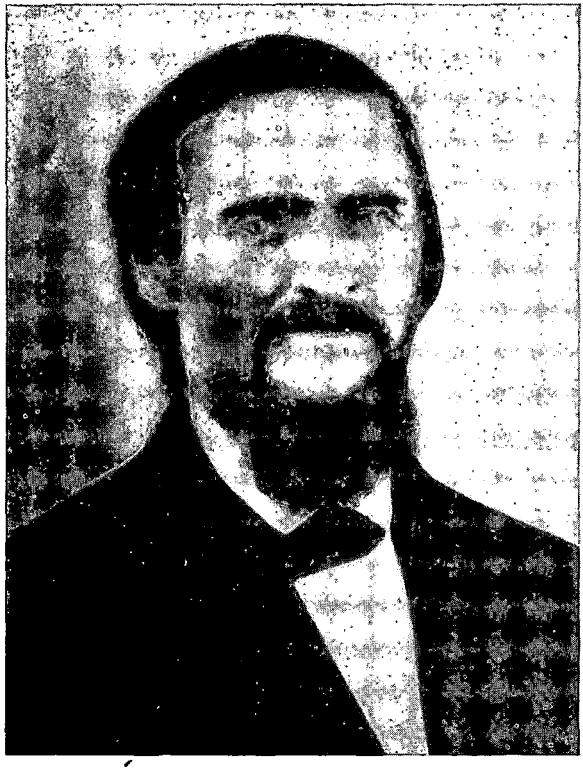
Gallegos was a man of ability, suspended by Archbishop Lamy for concubinage. He procured the first appropriation of $20,000 & $50,000 for a capital & penitentiary.

During the adm. of Wm. Carr Lane, supt. of Ind. Affairs as well as gov., Ind. war came on, & he requested Col. Sumner (known in the army as bull-head Sumner; he was shot in the head, & the ball glanced & he recovered) to allow him to furnish 500 volunteers to aid in the suppression of the Navajos. Sumner declined, and Lane became very much excited & challenged the Col. to fight him. Sumner decline; he then made an expedition against the Navajos & compelled them to retire from their country.

Merriwether gov. & sup. Ind aff. & general superintendent of the construction of the skeleton as it now [1884] stands of the capital & penitentiary. $20,000 more were appropriated, and there is nothing now to show for it but some stone walls & unfinished partitions, good for nothing but for the stone. During Merriwether's adm. the offices of gov. & supt. Ind. affairs were separated, Merriwether continuing as gov. & James L. Collins assumed the office of Supt. Ind. Aff. Miguel A. Otero got a further appropriation of $60,000 to complete the buildings.

When John S. Watts was delegate in Cong.[24] he compromised matters, giving up this last appropriation of

24. 1861.



SAMUEL ELLISON

$60,000 together with all the territory lying between Cornejos [sic][25] and the Sangre de Cristo mountains to Colorado, provided the people of New Mexico should be relieved of the then war for the Union tax. If that had not have been done the territory would not have been obliged to pay the $325,000 voted by its last legislature for these buildings, $125,000 for penitentiary & $200,000 for a capital. Watts was an honest & conscientious man.

The first legislature was the best the territory has ever had, the best material of Mexicans and the best Americans the territory could produce, and that you can see from the laws of 1852. The second legislature was fair, but they have been gradually going down in quality. Up to 1864 they were considered to be very fair men. Before that time bribery, since then so common, was unheard of. Bribery was first resorted to support the act of Gen. Carleton bringing down a large portion of the Navajos to the Bosque Redondo on the Pecos River. A memorial was got up centurring [sic] the act, to defeat which money was used.

Abraham Rencher was a lawyer, had [been] minister to Portugal, member of Congress from North Carolina, conservative, honest & intellectual. Was highly esteemed by the people of the territory.

Henry Connelly was of a visionary, romantic, poetic turn, could quote John Gilpin in one breath. He was tolerated because he was appointed from the territory. Still he was a good man. He was from Kentucky. He went to Valverde, witnessed the fight between Canby and the Texans; after Canby was whipped he, the gov. returned to Fort Union, hastily. When he went to Valverde he left Ellison in charge of the territory. There was no secretary here at that time. After the Texans had been whipped out he [Connelly] returned and took charge of his offices.

After the fight at Valverde Sibley & Slough met at Glorreto [sic][26] &c. Sibley drove Slough back about two

25. Conejos, Colorado.
26. Glorieta.

miles, but as Slough had sent a force around to the rear of Sibley & burned his train Sibley was compelled to retreat, & returned to Texas. The smoke of the fire burning the horses & the train could be seen 25 miles.

The territorial library was established in 1852 with an appropriation made by Congress of $5,000 made in 1851. Congress afterward appropriated $500 to pay freight on books. It has since been kept up by exchanges. There is no appropriation by the legislative assembly for the purchase of books, or even for freight on them, & never has been. They made an appropriation of $50 per annum for fuel & stationery for librarian, and $600 per annum for his salary.

In 1848 the Mexican archives consisted of the acts and doings of the governors and captain-generals under the Spanish government as far back as 1681, the retaking of Santa Fé by Vargas in 1692, his several fights with the Pueblo Indians, the captives taken by him & placed in slavery up to 1697. On the 19th day of August 1680 after a nine days siege the Spaniards cut their way out and left the country, when the Indians destroyed everything Mexican. Up to 1803 fragmentary statements in regard to the establishment of priests in the missions are among the archives.

Under the adm. of Wm. A. Pile[27] many of the archives were sold to merchants and grocers for wrapping paper, and only about one-fourth recovered. There was an organized search made for them by the citizens, who waited on the gov. to have it done. Pile graduated as a Methodist preacher, went into the army, commanded a regiment, and was sent out here as governor to complete his education. He was a very weak man intellectually and every other way. If he had any intellect at all it did not run in the right groove. He was up to all sorts of chicanery, was not honest, and if it had been any other country he would have been driven out of the country. The deed of vandalism was found out the day after it was done, when some of the citizens met and

27. Governor from 1869 to 1871.

appointed a committee who waited on the gov. and requested him to have the papers returned. Then he sent out the librarian Bond[28] and had them brought back, a cartload of them, and dumped into the back room. Wendell Debus kept ordinary goods, Indian antiquities & pottery. He bought one lot for about $30, & had the money refunded to him, when he returned most of them, but not all. Others bought smaller portions. The gov. was partly fool and partly knave.[29]

They were placed in a room loosely and remained there with the chickens roosting on them & the drippings from the house falling on them till Gov. Wallace employed Ellison to gather them up and place them in a room adjoining his parlor. After that they were placed in the charge of Ellison as librarian.

Wallace was an excellent governor, a man of intellect, positive, and popular.

The legislative journals & session laws have always been printed in Spanish & English. It is not the law but the custom. There is a territorial law requiring all proceedings of all courts to be kept in Eng. & Sp. but no attention is paid to it. In Justices courts, if the justice is Mexican he keeps dockets in Spanish; if American in Eng.

There is a very large collection of archives in the Indian Pueblo of Santa Clara, in the hands of the Indians, boxed up. They say they have had them from time immemorial. They consist of certificates of baptism, marriages, funerals, no court or war proceedings. There is some correspondence amon [sic] Spanish officers, orders, & edicts as to the treatment of the Indians.

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28. Ira M. Bond was territorial librarian for the same period during which Pile was governor. Later, he was editor of the *News*, a small English and Spanish weekly which was published at Mesilla, Doña Ana county, from 1873 to 1884.

29. For further accounts of the destruction of the archives see Bancroft, *op. cit.*, 19, and references there cited, and the *Santa Fe New Mexican*, March 4, 1886, quoted in *New Mexico Historical Review*, X (April, 1935), 171-172. Ellison's statement here clearly demolishes Twitchell's weak defense of Pile. Ralph Emerson Twitchell, *The Leading Facts of New Mexican History*, 2 v., Cedar Rapids, 1912, II, 413-414.

There are others in the Indian Pueblos of Narambe [sic],[30] San Juan, Taos, and the Picurries. Somebody says there are some at Socorro, and elsewhere. In fact, probably every Pueblo has some. Some of these papers refer in an indefinite manner in regard to lands, their titles & boundaries, but nothing definite.[31]

The archives in the library are now arranged in 135 pasteboard boxes about 10 by 15 inches & 2 inches thick according to subjects. These are diaries of different governors and captain generals in relation to their operations against the Pueblo Indians and wild tribes of the "provinces and kingdom of New Mexico."

Most of what we would require would be about the different campaigns extending from the Arkansas River to the Moqui Villages, the general insurrection of the Indians on the 4th of June 1696. It is reported that about 200 of the Christianized Pueblo Indians joined the tribe of Navajo-Apache Indians. These are contained in five of the boxes, well arranged in these 5 boxes chronologically. In these boxes are Indian wars and campaigns.

Other boxes contain matters regarding Church and clergy, the location of mission & convents in the different pueblos, names of the padres and Christian teachers and lay brothers.

Then there are charges against the different governors one against another, for peculation. Also a few documents relative to the assassination of Gov. Pérez in 1837, Armijo assuming the reins of gov. at that time, and ordering shot the pretended Governor as he terms it, Gonzalez, and four other insurgents. Also the erection of the fort in 1791 where the present Fort Marcy now stands. Many documents relative to the duties of Custom House officers, and the duties of the territory in 1803, and the number of Spaniards & Pueblo Indians the country then contained. (He states 37,000 1/3 of them Pueblo Indians.)

30. Nambé.

31. Most of the Indian mission records, including those of the Santa Cruz Valley pueblos and Taos, are now in the newly constructed Cathedral Chancery Archives in Santa Fé.

There is an incomplete journal of Diego de Vargas, gov. & capt. gen. from 1692 to 1697. (He was superceded by Rodriguez & returned to Santa Fé in 1703 as Marques de la Nava de Brasinas.) There is also a pay roll dated May 1 1697 giving what purports to be a complete census of the province at that time. He gives the name of every man, woman & child.

The journal of Vargas appears to have been in one vol. stitched or bound, but now torn apart & is in sections. It begins about p. 57 & terminates at about 250. He would make a campaign report in full of what he had done, retaining the original & forwarding copies to the viceroy. This he did to avoid risk of losing the original on the road. He assigns that as a reason.

This journal referring to times previous &c contains much about the insurrection, & the history of the country from 1692 to 1704.

He also speaks of the location of silver and gold mines, of his then working three silver mines. He had the ore of one assayed which showed about $80 to the ton containing flux to reduce the ore. Also the location of a quicksilver mine, situated on the west bank of the Colorado of the West.

THE FEDERAL INDIAN POLICY IN NEW MEXICO, 1858-1880, II

By FRANK D. REEVE

CHAPTER III

THE BOSQUE REDONDO

THE CHANGE in superintendents temporarily removed the troublesome opposition in the Indian service in New Mexico toward the Bosque Redondo experiment, for the new incumbent favored the project. The harmony of views between the military and Indian officials was further strengthened by a clearer definition of their respective jurisdictions, a troublesome question that had persistently raised its head from the outbreak of the Navaho war in 1858. The superintendent and agents were advised

> that where Indians are hostile, the civil authority is to be held in abeyance until the measures taken by the military authorities for quelling the outbreak have been concluded; that where the Indians are generally quiet and peaceable, but require prompt action to quell disorders among themselves, or to prevent unlawful interference of white persons with them, the military are to render assistance when appealed to by the agents; and at all other times the military are not to interfere with the civil control of the Indians.[1]

The Navaho, of course, did not fit readily into this arrangement because Superintendent Steck had refused to accept formal responsibility for them. The current arrangement, therefore, was continued for the time being: for dispensing funds for clothing, implements, and the purchase of sheep they were under the control of the agent; for subsistence and general control they continued as prisoners of war under the military.

1. C. I. A., *Annual Report*, 1865, p. 5.

But the harmony between the Indian service and the military solved no fundamental problem. The future of the Navaho loomed as a great question mark to those in positions of responsibility, and the seed of discord planted through Steck bore abundant fruit in the next three years. In the fall of 1865 the commissioner of Indian affairs wrote that

> In regard to the Navajoes . . .the accumulated testimony is so conflicting, derived from sources equally entitled to credit, and from persons who should have, and, so far as appears, have had but one object in view—the best interests of the government and of the Indians, that I am reluctant at present to express a decided opinion in regard to the permanent policy to be adopted.[2]

For the time being, he recommended that the Indians be left at the Bosque Redondo because they were there and were at peace. This acceptance of the *status quo* illustrated the difficulty of the problem; however, it was only a temporary acceptance, since measures had already been taken along two lines to solve it: a congressional investigation had been instituted in the spring and a special investigator for the Indian bureau had been appointed in the summer.

Under a joint resolution of March 3, 1865, a committee of seven was appointed to inquire into the condition of the Indian tribes west of the Mississippi. Messrs. Doolittle, Foster, and Ross were assigned to work in Kansas, Colorado, Utah, New Mexico, and the Indian Territory. They collected their New Mexico data during the summer, and it was far from being clear and conclusive. Those who testified at the hearing agreed that a reservation removed from the settlements and protected by a military force was the *sine qua non.* In the second place, the Navaho should be made self-supporting by being induced to cultivate the soil after the example of the Pueblo Indians. This idea was strengthened by the fact that they had raised some crops before their removal to the Bosque Redondo. But where the reservation should be located was the moot point.

2. *Ibid.*, p. 21-22.

The proponents of the Bosque Redondo contended that there was no area sufficiently large in the Navaho country upon which the tribe could be located and made self-sustaining. Furthermore, the troops could not keep them on the reservation, and if they were allowed to scatter, trouble would develop with the New Mexicans as formerly. This argument was countered by the proposal that the Navaho should be located in several groups or pueblos in various parts of their old country which would make it possible for a few troops to keep them on their reservations. Additional arguments for the Bosque Redondo were that it contained good farm land and that the presence of the Navaho there was a *fait accompli* and should be continued. Various other points were advanced pro and con: it was cheaper to feed them at the Bosque Redondo than to fight them in their own country; fewer troops were required to control them; a grazing country in northwestern New Mexico had been opened to the white man; and the route to Arizona was safe; on the contrary there was a scarcity of wood around Fort Sumner, the country belonged to the Comanche, the area of farm land was insufficient, the Navaho were self-supporting in their own country, there were no mines to attract the whites into the northwest, the Navaho and Apache could not live together, and the Bosque Redondo entailed immense cost to the government.[3]

Among those consulted by the committee, Carleton was perhaps in the most certain frame of mind about the matter. He had formed his opinion about placing Indians on reservations which

> will be Islands: and as time elapses and the race dies out, these Islands may become less and less, until finally, the great sea [of white men] will engulf them one after another until they become known only in history, and at length are blotted out, of even that, forever.[4]

3. S. J. C., 1867, p. 323-350.
4. Carleton to Doolittle, 7/25/65, A. G. O., LS 43, p. 81.

Since the Bosque Redondo would serve the purpose of an "island" very well, there was no need to seek further for a location. The committee, however, did not decide the issue.

The second line of inquiry into the situation in New Mexico was due to the unsatisfactory condition in the Indian service. The appointment of Delgado as superintendent had been looked upon with misgivings by some of the citizens in the Territory. Neither he nor three of the new agents could keep their accounts or report to their superiors in the English language. This handicap made necessary the employment of assistants, sometimes in relation to business of a confidential nature. The importance of party politics could hardly permit such weak points on the battle front. As the chief justice of the Territory pointed out, "Much, therefore will *rest* upon the *integrity* and *good faith* of the *clerks* or *friends* who may be trusted in a *confidential relation* with the officers in this portion of the Indian affairs."[5] Furthermore, Delgado did not furnish satisfactory reports about conditions in New Mexico and the Washington office felt at a distinct disadvantage in discharging properly its responsibility in the Territory.[6]

Before taking any action the commissioner of Indian affairs appointed Julius K. Graves in August, 1865, as commissioner and special agent to investigate the general situation in the superintendency. He was instructed to report on the sufficiency of the Bosque Redondo as a reservation for both the Navaho and Apache, the cost of surveying the reservation for the purpose of allotting the land in severalty, the character of the personnel in the Indian service, and the practice of slavery. The expenditure of the congressional appropriation of March, 1865, was placed in his hands.[7]

5. Kirby Benedict to Dole, 6/12/65, B1158/65.

6. C. I. A, *Annual Report*, 1865, p. 22.

The commissions for the new agents appointed under Delgado were issued through the chief justice of the Territory because the Washington office lacked definite information as to whether the new superintendent had taken office. LB 77, p. 87.

7. Cooley to Dodd, 8/5/65, Cooley to Graves, 8/8/65. Valkenburgh to Graves, 9/12/65, LB 78, p. 6, 20, 179.

Graves made a thorough and detailed series of reports in the spring of 1866. He philosophised about the status of the Indians, condemned the practice of slavery or peonage, recommended a shakeup in the service, and favored the Carleton policy of keeping the Navaho at the Bosque Redondo. His sympathies were distinctly with the Indians, but he did not accord them a particularly favorable place in the affairs of this world. He thought the star of the red man was setting while that of the white man was rising. God had so willed, and history could prove,

> That the Indian under an all wise dispensation of Providence was created for a specific purpose, should mark his gradual decline seems evident from their past history.
>
> "They are fading—they are fading
> In solemn gloom away
> Like mists upon the mountain
> At dawning of the day."[8]

He echoed a rather common charge that most Indian troubles were precipitated by actions of the white man, and stated that the reservation plan by separating the two groups was the proper solution to that problem.

The practice of enslaving Indian captives in New Mexico was almost as old as the length of the white man's occupation. There were about 2,000 of them worth from $75 to $400 each. Their treatment varied with the owners; some were occasionally abused, others were adopted and treated as members of the family. The custom had long been recognized as one of the chief causes of the chronic warfare with the Navaho.[9] The Indian bureau had made no effort to end the evil on the ground that it lacked jurisdiction.[10] Since the leading office-holders in the Territory held such slaves, they naturally were not interested in operating the machinery of local government to their own loss. But the situation was

8. Graves, *Report*, No. 3, Office of Indian Affairs.

9. Steck to Dole, 1/13/64, S234/64, and Delgado to Dole, 7/16/65, D762/65. Graves, *Report*, No. 3, 4, 10.

10. Dole to Arny, 6/26/63, LB 71, p. 81.

incompatible with the results of the Civil War, and some steps had been taken to remedy it. President Johnson issued an order on June 9, 1865, for the suppression of the practice, and the Freedmen's Bureau had been approached without success to take charge of the captives.[11] Since these efforts had resulted in little change, Graves recommended that Congress take action, which it did in due time.[12]

The question of reorganization in the service occasioned a slight disagreement. The removal of Delgado had been urged upon the commissioner of Indian affairs by Delegate Francisco J. Chaves, on the ground of "total incapacity" to perform his work. This charge must be discounted a bit because Chaves and Delgado were on opposite sides of the political fence, but in addition to the language handicap, other grounds were found for Cooley to recommend that the superintendency be placed in the hands of Governor Mitchell. The governor held certain military powers which it was considered would be an aid in the management of Indians, and the fusion of the two offices would eliminate one salary cost of $2,000.[13]

Graves vigorously opposed combining the two offices because "The Indian service in this quarter *imperatively* demands the *constant* and *unremitting* efforts, care and attention of a thorough going, practical and energetic man —the whole time . . ."[14] But he did recommend a general shakeup for various reasons: Delgado should be removed

11. Andrew Johnson, 6/9/65, I1079/65. Valkenburg to O. O. Howard, 9/8/65, LB 78, p. 162.

12. In Tomas Heredias v. Jose Maria Garcia, January, 1867, the Territorial Supreme Court held that a contract under the territorial "Master and Servant" law was involuntary servitude and therefore null and void. *Gazette*, 2/2/67.

By act of Congress, 3/2/67, peonage in New Mexico or elsewhere was declared unlawful. Offenders were subject to a fine of $1-5,000 and 1-5 years imprisonment. U. S. S. L., XIV, 546.

The Federal Grand Jury failed to indict a number of persons accused of holding Navaho in bondage in the summer of 1868. *The Daily New Mexican*, 8/6/68.

General Sherman issued an order, 9/8/68, granting Indians the option of remaining with their "captors" or returning to their own people. *Ibid.*, 9/23/68. This was a reasonable solution to the problem, and many of the "captives" remained.

13. Cooley to Harlan, 1/17/66, RB 15, p. 47.

14. Graves to Cooley, 1/15/66, G22/66.

because of his language handicap; Diego Archuleta, who had been reappointed to the Abiquiu agency, was accused of having a bad reputation for honesty and integrity; Manuel Garcia was not earning his salary, and M. S. Salazar of the Ute agency was a zealous official but lacked judgment and capacity. The Mexican agents in general had friends and relatives who "hang on to the agency" and who appropriated the Indian goods. Theodore H. Dodd of the Navaho agency was rated as competent. The traditional hostility with the Indians was pointed out as a bar to the use of Mexicans as agents. He condemned the practice of political appointments, and, with the instinct of the reformer, he recommended permanent tenure on good behavior and salaries adequate to attract competent men.[15]

The Bosque Redondo, he believed, was a satisfactory place for the Navaho, but not in company with the Apache because of their traditional hostility; the water was all right (despite former complaints to the contrary); piñon wood for fuel as a substitute for the dwindling mesquite could be secured about twenty-five miles to the north; the Pecos valley provided excellent pasturage; the location was remote from the mountainous retreats of the Indians; and the mineral wealth in the old Navaho country could be exploited. In short, the prisoners should not be returned to their former homes. Their fear of dwindling away in their new environment was merely a superstition. In attributing the visitations of measles to the unhealthy location they failed to recognize that epidemics of that sort were "the divine visitation of God for his own good purpose." Finding about 2,000 acres under cultivation, and that fruit trees and vines had been set out, he believed that the experiment of Carleton on the whole was successful.[16]

The recommendation of Graves for a change in the personnel was promptly carried out. Colonel A. Baldwin Norton was commissioned superintendent in February, 1866.

15. Graves, *Report*, No. 4.
16. Graves, *Report*, No. 8.

Delgado went through the formality of resigning his position, complaining of not having received the proper financial support nor recognition during his tenure of office;[17] in fact, Graves had practically superseded him in the control of financial matters. Before the new incumbent arrived, Archuleta was suspended in April on the ground of misconduct in office,[18] and Dodd was reaffirmed in May as agent to the Navaho.

Dodd had come to New Mexico with Doolittle in the summer of 1865 as agent for the Navaho, but his commission had been withheld temporarily because he disobeyed instructions to visit Washington before proceeding to the scene of his work. Carleton was troubled at that time by the usual delay in forwarding goods for his charges. He therefore sent Dodd back East "to see personally after these important matters in which the health and comfort of 9,000 Indians—*entirely dependent upon the Government for everything*—are concerned."[19] Despite his exertions to hasten matters the train of goods started across the plains too late in the season to complete the trip, so it wintered at Fort Zarah, Kansas; however, necessary farm equipment for spring planting was sent through by mule teams.[20]

The Graves report, far from settling the Navaho question, seemed but the prelude to the working of diverse forces which ultimately led to the abandonment of the Bosque Redondo. The question of transferring the Indians to the control of the department of the interior was debated, the military advocated their removal to the Indian Territory, and internal affairs on the reservation went from bad to worse.

17. Delgado to President Johnson, 5/20/66, D319/66.
Occasionally an agent in New Mexico believed that he could be removed only by the officer who signed his commission, the President of the United States. Delgado probably acted under that theory.

18. Graves to Delgado, 2/24/66, G54/66. Cooley to General Geo. P. Este, 3/7/66, LB 79, p. 390.

19. Carleton to C. I. A., 8/6/65, A. G. O., LS 15, p. 56. Cooley to Dodd, 8/5/65, LB 78, p. 6.

20. Dodd to Cooley, 12/31/65, D88/66.

The expectations of Carleton that the prisoners would be self-supporting within a year by farming had not been realized. The cost to the department of war of subsisting them for the eighteen months period from March 1, 1864, to October 1, 1865, was $1,114,981.70.[21] This of course did not include the expense of transportation nor the sums appropriated by congress and expended by the Indian bureau. Since the army estimates for the year 1866-1867 were not based on the continuation of this extraordinary expense, the commissary general of subsistence, A. B. Eaton, raised the issue of transferring the Navaho to the civil department. Secretary Harlan was not adverse, of course, to the plan. The main plea for not assuming responsibility when the first party of captives arrived in September 1863, had been the lack of money to provide food for them. The remedy for that difficulty simply lay in congress appropriating the necessary funds and having the civil officials do the spending.[22]

The system of double jurisdiction was also unsatisfactory. The military fed the captives, stood guard, and superintended the farming operations; the Indian bureau provided clothing and equipment. The Bosque Redondo was not a military reservation, but was officially a reservation for Indians. In cabinet discussion, Secretary Stanton urged that the prisoners be transferred to the control of the department of interior on the grounds that they would then be under the proper jurisdiction, the military could resume their primary duties, and stricter accounting and economy could be enforced. Any requisitions that the agent might make on the army subsistence department could be paid for. This meant a return to the usual condition where the military aided the Indian service in emergencies, with the expectation of being reimbursed. The commissioner of Indian affairs heartily concurred in the opinion of the secretary of

21. A. E. Shiras to Doolittle, 12/28/65, 181/66.
The cost per person per day varied from 21-4/5c to 33c, I161/66.
22. Eaton to Stanton, 12/27/65, I81/66 and 11/17/65, I88/66.

war, expecting of course, "the cordial co-operation of the military authorities, if their aid should be necessary." [23]

The order for the transfer of the Navaho to the control of the department of interior was issued on December 31, 1866, but, for several reasons, the actual change was delayed until November 1, 1867. Superintendent Norton was absent from New Mexico for several months because of illness and no one was officially designated to act in behalf of the civil department. Upon the return of Norton to his duties in the summer, the new commander of the District of New Mexico, Major General G. W. Getty, was not aware of the existence of the order of December 31, 1866. When he discovered it on September 30, the final step was delayed until the next regular date for issuing rations.[24] Agent Dodd then accepted control of 7,111 Navaho from Major Chas. J. Whiting and the military were finally relieved of their four year burden.[25]

Superintendent Norton assumed the additional responsibility reluctantly. He had estimated the cost for the support of the Navaho at $600,000. Congress saw fit to appropriate only $100,000 "for subsistence and for the purchase of sheep, seeds, agricultural implements" and a like sum for

23. L. V. Bogy to Browning, 12/7/66, RB 16, p. 56: Stanton to O. H. Browning, 10/31/66, O. I. A., I. D. File. Cooley to Harlan, 9/10/66, RB 15, p. 457.

The proposal was often advanced to transfer the control of Indian affairs to the Department of War. An amendment to the Indian Appropriation bill to that effect was defeated in the Senate by a vote of 24-13, February, 1867. Friction between the military and civil officials, dishonesty in the Indian service, and intermittent Indian hostilities were among the reasons advanced for the change. The Territories were opposed to this move, probably because it meant loss of political patronage and opportunities to trade with the Indians. See *Cong. Globe*, 39 Cong. 2 sess. pt. 3, p. 1681-83, 1714f, 1717-20; and 1 sess. pt. 4, p. 3506-07.

24. Stanton to Browning, 1/23/67, C94/67; see also N159/67. Norton to Getty, 8/21/67, N159/67. Dodd to Norton, 3/15/67, N55/67.

New Mexico was reduced to a military district, 9/12/65, and assigned to the Department of California. Due to Carleton's protest against the distant jurisdiction of the commander at San Francisco, New Mexico was transferred to the Department of Missouri, 10/10/65. A. G. O., LS 15, p. 120, 132, 189.

Carleton was relieved from his command in New Mexico in September, 1866, and succeeded by General George Sykes, who in turn was succeeded by Getty.

25. G89/67.

Crocker was transferred to the army of the Cumberland, March, 1865. Brevet-Major Henry B. Bristol had been post commander under Crocker and was transferred to New York, October, 1866.

"relief," with the proviso that the department of war should furnish no more rations after July 1, 1867.[26] Obviously, in the light of past experiences, the appropriation would last for only a short time. Yet, the new task was taken in hand and the lucrative contract for feeding the Navaho was awarded to Elizah Simerly who assigned it to Perry Fuller & Co. of Lawrence, Kansas.[27]

The heyday of military domination of Indian affairs in the Territory of New Mexico had now passed. The star of Carleton had set and his experiment in civilizing the Navaho on the Bosque Redondo reservation was doomed. Despite his early irritation at the failure of Steck to take care of the prisoners, he now feared that the transfer of control would result "in great injury to, if not in the positive failure of, the important measure of fixing forever the Navajo tribe of Indians upon a reservation."[28] However, the fundamental cause of the defeat of his project was not to be found in the change of jurisdiction, but in the internal conditions at the Bosque Redondo.

In addition to the controversy between Steck and Carleton, there were four main reasons for the failure of the policy of locating the Navaho on the banks of the Pecos: insufficient wood for fuel, crop failures, inadequate financial support, and hostility of the Comanche Indians. The mesquite had been relied upon as the fuel supply, but for 7,000 or more users it proved to be insufficient. This pos-

26. Taylor to Otto, 5/25/67, RB 16, p. 330. Norton to Taylor, 10/4/67, N159/67. U. S. S. L., XIV, 514.

Congress had appropriated the usual annual $100,000 the previous year, July, 1866.

27. F105/67.

During the absence of Norton in the spring of 1867, the commissioner of Indian affairs had recommended that a special agent be appointed to investigate the problem of feeding the Navaho. Overruled quite properly by the secretary of interior as unnecessary, Taylor appealed directly to the President without result. In complaining of the action of his superior, he stated that "it would have been better for the service that such precedents should have been earlier established, as Special Agents in cases far less urgent, and at *large salaries* have been very recently and from time to time appointed within the few months during the administration of the present secretary." Taylor to President, 6/11/67, RB 16, p. 357; see also p. 347, 373.

28. Carleton to A. G., 2/11/66, I161/66.

sibility had been foreseen by Carleton, and among his early instructions was the order to plant trees against the day of the disappearance of the natural growth. From December 7, 1864, to April 30, 1865, the Indians, under military supervision, planted 12,068 trees.[29] This measure, however, did not produce soon enough. By 1867, the Indians were traveling five to eighteen miles away to secure fuel, carrying it home on their backs. A one "man" load lasted but a short time during the cold months; consequently, it was a constant race to secure enough fuel to prevent suffering from the cold and even freezing to death. The Navaho complained about this situation and requested animal transportation to better enable them to cope with the problem; the situation became increasingly serious to the point that the superintendent finally wrote: "God knows what these indians will do for fuel this winter—God only knows—It becomes scarcer and farther off daily."[30]

The failure of the crops was particularly discouraging because the success of the colonization scheme was based upon the theory of turning the Navaho into a farmer. The first season the corn crop was almost entirely destroyed by worms, and grasshoppers occasionally bothered the other crops. Some of the land was too alkaline for cultivation. Hailstorms at times and insufficient water added to the troubles. The lack of water was partly due to the difficulty of turning the river into the irrigation ditches, the sandy bottom of the Pecos being a treacherous foundation for a

29. S. J. C., 1867, p. 322.

30. Norton to Mix, 11/11/67, N179/67. See also Norton to Taylor, 8/20/67, N128/67 and 9/15/67, N153/67. Getty to Norton, 10/5/67, N165/67.

"Cole: "I am informed that many of them have perished from cold and from other privations. I believe . . . that they have suffered beyond all precedent almost for the want of the necessaries of life, particularly for the want of shelter and fire." *Cong. Globe*, 40 Cong. 2 sess. p. 2014, 3/20/68.

"Fuel was the only element not in abundance; yet it was as abundant as at any town or pueblo in the Territory, and the alleged scarcity would receive its proper estimation by such comparison." Gwyther, "An Indian Reservation" in *Overland Monthly*, X, 127 (Feb. 1873). This opinion can hardly be accepted at face value. The villages in the mountains had access to abundant fuel, and the settlers in the Rio Grande valley though less favorably situated for fuel were comfortably housed in adobe structures for protection against the cold.

diversion dam; a flood might sweep away such a structure at a time when the need of water was greatest.[31]

The problem of managing the farming activities was also troublesome. In place of employing a sufficient number of experienced farmers to direct the labor of the hundreds of Indian workers, a military officer was detailed to superintend the work. This proved to be unsatisfactory, either because of his lack of experience for such work or because of a lack of interest; and, of course, some Navaho were not inclined to work. To solve this difficulty, Dodd recommended in the summer of 1866, that the farm land be divided into ten acre plots with a practical farmer and assistant in charge of each division. The Indians who desired to work would be settled on the edge of these plots with a permanent home and personal garden plot. This proposal was in keeping with the current idea of allotting the land in severalty.[32] The plan was followed in certain respects the next year, but without appreciable results:

> 2367 acres were carefully ploughed and planted . . This farm was divided into three sections, and each section was subdivided into ten-acre fields. Over each of the three divisions a non-commissioned officer, with four private soldiers as assistants, acted as superintendent, and eighteen Indians performed the labor; the soldiers instructing and assisting them . . . Lieutenant McDonald had entire control over all farming operations.[33]

What with crop failures and a parsimonious (or dishonest) master, the Navaho were never adequately supplied with food or clothing. In spite of the efforts to make

31. Sykes to A. A. G., 4/9/67, A. G. O., LS 43, p. 142. Getty to Norton, 10/5/67, N165/67.

32. Carleton to A. G., 4/24/65, S. J. C., 1867, p. 224. Carleton to Sykes, 12/12/66, A. G. O., LS 43, p. 30. Norton, *Annual Report*, 9/28/66, 39 Cong. 2 sess. Hse. Ex. Doc. 1, II, 147 (1284). Dodd to Norton, 8/28/66, *Ibid.*, p. 149-50.

33. McClure to Eaton, 12/9/67, 40 Cong. 2 sess. Hse. Ex. Doc. 248, XV, 2 (1341). McClure also stated that the farm failed this season because of dryness, washing away of the Pecos banks and consequent scanty water in the *acequias*, strong alkaline water and soil. The result was rather discouraging, he wrote, but had taught the Indians agriculture, a first lesson in civilization.

them self-supporting, they were absolutely dependent upon the government for subsistence. This was a prime factor in keeping them on the reservation. As Carleton wrote, "The great magnet which really holds the Navajos fast to the Reservation is the food which they get once in two days. . . . They cluster around the commissariat like steel filings around a loadstone . . . Now I believe they have no disposition to run away," except for a few vagabonds.[34] He was probably wrong in his estimate of their disposition, but it was a long way to their old home and the military were prompt in the early years in pursuing large parties that left.

The ration issued to the Navaho varied from three-quarters to one pound of meat per day for each person and a like amount of bread-stuff. The Indians were counted and ration cards issued as they filed through a gate into a corral. The cards at first were made of card-board. They were sometimes lost and often forged. Stamped metal slips were next used, but the clever Navaho craftsman made dies and again forged them. At one time there were about 3,000 extra ration tickets in existence. The situation was finally changed by securing them from Washington with an intricate and special design that could not be copied.[35]

In regard to clothing, the well-known ability of the Navaho in the art of weaving was not utilized for their benefit. Instead of supplying the prisoners with flocks of sheep in place of those taken as part of the spoils of the roundup, cheap shoddy blankets, which provided but little warmth and were quickly worn out, were purchased in the East or Middle West and transported at considerable expense to the reservation. Sometimes they were picked to pieces and rewoven into a better article. In addition to the poor quality, there was a lack of quantity. Granting that congress was generous in appropriating money for clothing and farm implements, whether the whole of the proceeds

34. Carleton to Hancock, 1/23/67, A. G. O., LS 43, p. 64.

35. Sykes to A. A. G., 4/9/67, *Ibid.*, p. 42. Gwyther, "An Indian Reservation," in *Overland Monthly*, X, 128 (Feb. 1873).

would be spent in the interest of the Indian was another question. And, as a matter of fact, it was not.[36]

The final reason for the failure of the Bosque Redondo experiment was the plains Indians. The Navaho had been located on the western edge of the Comanche country. These nomads (Comanches) had long been a source of trouble to the white man, especially along the Texas frontier, which was their special field for depredating. They found a ready market for some of their spoils, particularly cattle, through trade with the New Mexicans in the eastern part of the Territory. Through this channel they received guns and ammunition, or hoop iron for making arrow heads, and sometimes whiskey. The trade assumed extensive proportions at times; about 700 traders were in the field in 1867 due to the practice of subletting licenses and the loose manner of issuing the permits. It was suspected that some of them who did not favor the Bosque Redondo reservation incited the Comanche to attack their new neighbors.[37]

Various steps were taken by the government to solve this problem, not only for the sake of the Navaho but as a part of the general attempt to control the Indian tribes. In the summer of 1866, Norton revoked all permits for trading. This proved to be only a temporary measure. The following year he sought an agreement with the Comanche for the protection of the Navaho. A conference was held in Santa Fé in September between representatives of the two groups, but it produced no results. Two months later, when Agent Labadie made a trip to the Texas Panhandle for another interview, "They indignantly refused to make any terms of peace with the Navajos, and manifested their natural

36. Carleton to Hancock, 1/20/67, A. G. O., LS 43, p. 60. Norton to Taylor, 9/15/67, N153/67.

Twenty years later it was written in regard to appropriations: "That the Indians get but little of it, as a rule, is so notorious that it is a standing joke in this country." Dunn, *Massacres of the Mountains*, p. 15.

37. Norton to Cooley, 7/31/66, N65/66. P. H. Healy to Taylor, 7/31/67, N142/67.

At the time of capturing Peter Allison's train on the lower Cimarron Springs in 1864, the Comanche boasted that they would kill Carleton for giving their lands to the Navaho. *The New Mexican*, 8/19/64.

hatred toward them, saying that they would always fight that tribe . . ."[38]

While the trials and tribulations at the Bosque Redondo were testing the courage of those in charge and wearing out the patience of the Navaho, a movement was started for their transfer to some other locality. The use of the reservation had been severely criticised from the beginning of course, but in 1866 General Pope made a vigorous proposal that it be abandoned. In his opinion it was a mistake to locate Indians on reservations in their own country because of friction with the incoming tide of white immigrants. This difficulty was illustrated, he thought, in the conflict of opinion that had raged around the Bosque Redondo. He proposed that the Navaho be moved farther east to the Indian Territory or to some other permanent location in that general direction. This would result in reducing the cost of subsistence due to the shorter distance to the source of supplies, it would bring the Indians under a more civilizing influence, fewer troops would be required to guard them, and the frontier would be opened for settlement. He considered the Bosque Redondo to be the best location at the time selected because it was the farthest point east that Carleton was then able to take his prisoners.[39]

Pope's idea of Indian country in regard to the Navaho was certainly broad. The Bosque Redondo was a long way from their old home. However, this assault on the reservation met with a cool reception in the department of interior, although it found a ready welcome in the ranks of the military. General Sherman passed the responsibility for deciding the issue on to Washington with the remark, "This is a matter of some importance, and is most costly. I think we could better afford to send them to the 5th Avenue Hotel to board, at the cost of the U. S."[40] The lateness of the

38. Labadie, Report, December, 1867, in *The Daily New Mexican*, 8/14/68. Bell, *New Tracks in North America*, p. 145f.

39. Pope to Sherman, 8/11/66, 39 Cong. 2 sess. Hse. Ex. Doc. 1, III, 24ff (1285).

40. Quoted in Stanton to Browning, 10/12/66, O. I. A., I. D. File. See also Harlan to Cooley, 8/13/66, 1525/66.

season when the matter was discussed in Washington delayed any immediate action, but the stage was set for a change. The President instructed Secretary Browning to mature plans for disposal of the Navaho, to be carried out as soon as conditions would permit. The idea of seclusion from contact with the whites, so common at the time, influenced his opinion, and he recommended their removal to the Indian Territory, stipulating, however, that it should be done "with the consent of the removed." The idea of "consent" was to play an influential part in the final decision that was yet to be made.[41]

The proposal to transfer the Navaho to the Indian Territory was in keeping with a general plan to form one large reservation south of the Arkansas River and concentrate all the southern Indians on it. The northern Indians were to be concentrated north of the Platte River. This scheme was designed to open the country between the two rivers to white travel and the construction of a transcontinental railway.[42]

The officials in New Mexico differed in their views and with those of their superiors in Washington. John Ward, one-time agent for the Navaho under Collins, recommended that they be returned to their old home. A line of forts should then be constructed from the San Juan River through Fort Wingate to Fort Craig. A bi-weekly patrol between the posts would constitute a military barrier to restrict the Navaho west of the line and would prevent the illegal entry of white men into the Indian country.[43] Getty, on the other hand, was of the opinion that the Indians could be made self-supporting at the Bosque Redondo under certain conditions that had not been provided in the past, but he suggested that they be located in the country east of the Sacramento mountains, the home of the Mescalero Apache. A prime factor in his opinion was a supply of fuel.[44]

41. Grant to Browning, 10/13/66, O. I. A., I. D. File.
42. *Cong. Globe*, 40 Cong. 1 sess. p. 667-70.
43. Ward to Norton, 12/20/66, N67/67.
44. Getty to Norton, 10/5/67, N165/67.

Superintendent Norton held a conference with eleven Navaho chiefs in September, 1867. They reiterated their complaints, making it clear that they were not satisfied with the Bosque Redondo. Events now began to move rapidly toward a crisis. That same month the Comanche raided and killed nine Navaho, besides capturing two women. The soldiers failed to catch the marauders, and the Navaho were not properly armed to punish them decisively. This episode on top of their accumulated woes developed a strong spirit of unrest among them. A party estimated from 200 to 250 deserted the reservation on the 26th and 27th. Norton immediately sought permission from Washington to issue 4,000 Mexican blankets to quiet the others, a step that was promptly approved by wire.[45]

The quick action of Norton in meeting the delicate situation in September was only a stop-gap, and the crucial question of what to do with the Navaho was yet unanswered. He strongly favored the policy of removal: "Justice, humanity, Christianity, and the welfare of the Indians. The safety of the whites, and the *pecuniary interests* of the government all demand the change." But where? He analyzed the proposals of Ward and Getty. If removed to their old country they could be made self-sustaining within one year, while it would take four years at an estimated expenditure of $700,000 to accomplish the same result if the proposal of the military commander was followed. The immediate pecuniary advantage of the suggestion of Ward was outweighed finally by the belief that the Fort Stanton area would make possible a much sought after goal; namely, the protection of the whites against the Indians for all future time because of its remoteness from the settlements,[46] a rather unsound argument.

The spirit of Carleton still hovered over the office of Indian affairs. Perhaps the Bosque Redondo experiment

45. Dodd to Norton, 9/11/67, N155/67. Norton to Taylor, 9/15/67, N153/67. Dodd to Norton, 9/29/67, N161/67. Norton to Mix, 10/10/67, T139/67. See also report of council with the Navaho, 7/15/66, N66/67.

46. Norton to Taylor, 10/19/67, N169/67.

could be carried on to success under the management of the Indian bureau with proper support from congress. And by no means should the Navaho be allowed to return to their former homes where the old game of hide-and-seek with the military would have to be played again. The "good of the Indians, the safety of the white settlers in their vicinity, and the general prosperity of the Territory . . ." forbade such a move. This view was clinched with the stock argument that it was cheaper to feed them than to fight them.[47]

While the officials were proposing, other forces were disposing. The Navaho owning horses planned to steal away during the winter. In the month of January, 1868, 250 to 300 were estimated to have left.[48] Contemporary with this movement, the Indian Peace Commission was recommending to congress that a treaty be made with the Navaho, or their consent obtained in some other way, for their removal to the southern Indian district "where they may soon be made self-supporting."[49] Their proposal carried force because the cost of feeding the Indians weighed heavily with congress and that will-o'-the-wisp, "self-support," might yet be attained if prompt measures were taken:

> We are paying now for the subsistence of seventy-five hundred Navajo Indians in New Mexico. We have for the last five years issued to them rations costing us $750,000 per year, and it is likely to cost us that amount of money again this year unless we remove the Indians somewhere.[50]

Congress followed the advice of the commission and intrusted it with the task of settling the Indians on some permanent reservation, the earlier instructions of President Grant becoming the basis of the plan. Inspector-General

47. Taylor to Browning, 2/21/68, RB 17, p. 168. C. I. A., *Annual Report*, 1867, p. 12.

48. Dodd to Norton, 12/7/67, N197/68. A. Rosenthal to Captain Henry Davis. 2/1/68, D990/68.

49. 1/7/68, 40 Cong. 2 sess. Hse. Exec. Doc. 97 (1337).

50. Henderson, 3/10/68, in *Cong. Globe*, 40 cong. 2 sess. pt. 2, p. 1789.

The cost of subsisting the Navaho from 11/1/67 to 5/23/68 was $280,830.07. Dodd to Sherman & Tappan, 5/30/68, R. C. D. No. 63, p. 304-06.

R. B. Marcy had been requested by Sherman to render a report on the country lying between the 98th and 101st parallels, the Canadian River on the north and the Red River on the south. Marcy selected a site for a Navaho reservation between the Wichita Mountains and the Red River. The Indians could become self-supporting there within two or three years, he believed. Sherman doubted that a reservation in their old country could be permanent because of the rising tide of miners pushing into western Colorado and northwestern New Mexico; so, "with the light now before me, I would prefer their removal to a point north of the Red River, west of the Chickasaw line and east and south of the Wichita mountains."[51]

The commission empowered Sherman and Tappan to proceed to New Mexico and negotiate a treaty with the Navaho for their removal. The two delegates left for the Territory in May with the idea in mind that there was no use in moving the Indians unless they were located east of the 98th parallel. But at Trinidad, Colorado, Sherman dispatched a note to Getty to meet with them at Fort Sumner and "to bring with me [him] one or more who are familiar with the old Navajo Country, west of the Rio Grande."[52]

The two commissioners to the Navaho surveyed the scene at the Bosque Redondo and consulted with Getty, Dodd, and others.[53] On May 29 and 30 they held councils with the Navaho. Three propositions were laid before the Indians as the basis of the discussion: they could settle anywhere as citizens in the Territory of New Mexico, remove to the region of the lower Canadian and Arkansas rivers, or discuss the advisability of returning to their old country. Needless to say, the last one was seized upon as the choice, which was in keeping with their attitude for the past year. They had refused to plant crops and had petitioned their

51. Indian Peace Commission, *Proceedings*, 4/1/68, *Ibid.* Marcy to Sherman, 3/30/67, O. I. A., I. D. File.

52. Getty to A. A. G., 5/23/68, A. G. O., LS 43, p. 530. Sherman to Browning, 4/28/68, S566/68. Indian Peace Commission, *Proceedings*, 4/6/68, in O. I. A., I. D. File.

53. Norton died, 1/10/68.

agent to return them to their old home until Dodd was convinced that they would never be contented elsewhere. Several other factors influenced the commissioners to satisfy the longings of the Indians: the secretary of interior had been lukewarm toward the proposition to move them farther east; peonage had been abolished in New Mexico, thus removing a chronic cause of war with the Navaho; their old country "is unoccupied, is utterly unfit for white civilization, and towards which they yearned as the Swiss for their native mountains;" and "Without absolute force they will not remain here or immigrate further east.[54]

As the military had moved the Navaho from their tribal home to the Bosque Redondo, the military moved them back. In both cases action was taken under the war powers. Without waiting for the formality of treaty ratification by the senate, Sherman issued the order for their removal on June 1: "Until congress makes provisions to carry out the terms of our treaty, as the military commander on this frontier, I authorize and instruct you to put these people in motion for their own country.[55] But where the removal under the direction of Carleton had been based on the will of the white man, the action of Sherman and Tappan was based on the desires of the Indians. In both cases there were people who questioned the wisdom of the decision. In anticipation of criticism of the action now taken, Tappan vigorously pointed out that the Navaho

> have been prisoners of war to all intents and purposes, and the person who for selfish pecuniary and political purposes is responsible for such inhuman treatment of these Indians as that of keeping them for nearly four years upon such a reservation deserves the condemnation of the people, the severest and most ignominious penalties of violated law. To have compelled them to remain "would have forced upon them the horrors of Andersonville and ren-

54. Sherman to Henderson, 5/30/68, 40 Cong. 2 sess. Hse. Ex. Doc. 308, XIX (1345). Sherman to Browning, 6/1/68, R. C. D. No. 63, p. 299. Council, *Proceedings*, 5/29/68, R. C. D. No. 63, p. 301. Dodd to Sherman and Tappan, 5/30/68, R. C. D. No. 63, p. 304-06.

55. Sherman to Getty, 6/1/68, R. C. D. No. 63, p. 307.

> dered our government infamous . . . Navajoe men, women, and children were compelled in mid winter, to travel on foot over a bleak plain, from twelve to thirty (12 to 30) miles to dig from a hard soil, the mesquite root and pack it on their shoulders back to prison . . ." Sherman acted promptly, with judgment and humanity as military commander in a crisis "when as commissioners we were powerless—not hesitating to assume responsibility." It was a most infamous crime ever to have removed them.[56]

In contrast to the unwilling trek eastward under duress, with a past history of war and depredation, they now returned westward willingly with the desire to live in peace with their white neighbors. Five years of enforced restraint at the Bosque Redondo had impressed upon them more strongly the wisdom of adhering closely to some of the demands of their conquerors. They even acquired a reputation of having destroyed and stolen less on the return march than a column of soldiers of like number would have done. Only one complaint was registered against them; the thief was punished by order of Barboncito, being tied to the end of a wagon and forced to walk.[57]

Major Whiting was placed in charge of the Navaho migration, a ten-mile long procession moving westward to Albuquerque by way of San José and Tijeras Canyon. Seven days were spent in crossing the Rio Grande. They arrived at New Fort Wingate on July 22 after a trip of thirty-five days. Dodd then assumed charge and the Indians eventually spread back into the hills and mesas of their old home. The government spent about $56,000 on the removal from Fort Sumner, but the dream of Navaho self-sufficiency was not yet attained, many more dollars being yet to be spent in the next decade.[58]

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56. Tappan to Browning, 6/20/68, O. I. A., I. D. Files.

57. Davis to Taylor, 9/15/68, 40 Cong. 3 sess. Hse. Ex. Doc. 1, II, 619-21 (1366). *The Daily New Mexican*, 7/10/68.

58. Getty to Gen. C. McKeever, 7/14/68, A. G. O., LS 43, p. 591, see also p. 537, 538; Getty to Whiting, *Ibid.*, p. 536. McClure to Mix, 10/7/68, M1964/68. H. M. Davis to Mix, 10/14/68, W1090/68. Wm. Rosenthal to Davis, 7/24/68, W967/68. Hunter to Whiting, 7/12/68, A. G. O., LS 43, p. 589. *The Daily New Mexican*, 7/10/68.

CHAPTER IV
THE NAVAHO DENOUEMENT

The treaty signed with the Navaho at Fort Sumner on June 1, 1868, can be summarized briefly: the Navaho agreed to surrender their bad men for punishment under the laws of the white man; their reservation was to extend from the 37th parallel of latitude southward to an east-west line through old Fort Defiance, and from a north-south line through Bear Spring westward to longitude 109° 30′ including the "outlet of the Canon-de-chilly"; various buildings were to be erected at a total cost of $11,500; the agent was to reside at the agency; farm land could be secured in severalty at the rate of 160 acres for each head of a family and eighty acres for each male adult; financial aid should be extended to individual proprietors to a maximum of $150 expended over a period of three years; education was compulsory between the ages of six and sixteen; annuity goods were promised for ten years at a maximum cost of $5.00 per Indian, and $10.00 per person was granted to those who engaged in agricultural and mechanical pursuits; the Navaho were permitted to hunt on unoccupied land adjacent to the reservation; they agreed to grant a right-of-way for a railroad; three-fourths of the adult males must ratify any proposed cession of tribal lands; individual owners of land could be dispossessed only by their consent; and $150,000 was provided to cover the cost of removal, subsistence for the first winter, and for the purchase of sheep and goats to a value of $30,000[1].

The treaty had certain weak points. In the first place, it was predicated on the fundamental error that the Navaho were destined to become a settled, agricultural people, the same idea that Carleton had in mind in his Bosque Redondo experiment. On the contrary, they were more interested in raising sheep and accumulating horses than in following the life of a farmer. When at Fort Sumner, they had re-

1. Kappler, II, 1015-19.

quested repeatedly a supply of sheep to rebuild their greatly reduced flocks. The government, however, had sent them farming implements and eastern-made goods.

In keeping with the above policy the lines of the reservation were drawn to include the rich San Juan valley on the north. On the other hand the east and west boundaries were cramped together and the southern boundary placed so far north that parts of the old tribal range were excluded. This part of the treaty was soon a dead letter. The Navaho refused to venture north of the San Juan River because of the Ute barrier. On the other three sides they blithely ignored the boundary lines and grazed their stock where forage could be found.

The temptation to wander off the reservation was further strengthened by the provision for hunting on unoccupied adjacent land. This concession was designed to supplement the Navaho economy until the game had disappeared or the white settlers had occupied the region. General Sherman gave it a flexible interpretation at the time the treaty was signed: "You can go outside the line to hunt. You can go to Mexican towns to trade, but your farms and homes must be inside the boundary line, beyond which you have no claim to the land."[2]

The second unsound assumption was the belief that the Navaho would be self-supporting after the first year. The appropriation provided for in the treaty covered subsistence then for one year only. This same will-o'-the-wisp had tantalized the government for the preceding five years, and it continued to beguile them. The Navaho had been self-supporting before the Carleton round-up, but they were then plentifully supplied with sheep; now it would take time to build up their flocks again. Meanwhile the lack of sufficient food because of their small flocks, crop failures, a parsimonious government, and unwise expenditure of funds, continued to be a chronic complaint.

Thus the return of the nomads to their old home did not solve immediately the problem of their management.

2. Council with the Navaho, 5/29/68, R. C. D. No. 63, p. 301.

For the next ten years the government was faced with difficulties of making them self-supporting, and of adjusting their reservation limits to their natural habits. In addition to these the dying embers of their old marauding habits bothered the settlers for some time and certain reforms in the Indian service did not produce the millenium in management.

Efficiency in management was sought by a radical shakeup in the Indian service. The Indian peace commission of 1867 recommended, because of the corruption that had crept into Indian affairs through party politics and the natural greed of man, that congress fix a date not later than February 1, 1869, for the removal of all superintendents and agents. Those who had proved faithful and competent could be reappointed; the unworthy, of course, would be eliminated permanently. They further recommended the old division of responsibility: the civil department should have the task of civilizing the Indians, the military should take charge of hostiles.[3]

Public opinion favored the reform movement and the shakeup in personnel in New Mexico occurred in 1869. Two sources were drawn upon by the government for selecting the new appointees: religious bodies and the army. The Quakers had petitioned the president "for a more liberal and attentive consideration of the welfare of the Indians than had recently been given to the subject by his immediate predecessors." They were consequently called upon to accept responsibility for the Indian tribes in Kansas, Nebraska, and a part of Indian Territory. The army was given the responsibility of the other tribes. This was in keeping with the arguments long advanced that the army could manage the Indians with greater economy and with more integrity than could the bureau of Indian affairs.[4]

3. Indian Peace Commission, 1867, *Papers*, O. I. A., I. S. P., Drawer No. 6.

4. S. I., *Annual Report*, 1869, 41 Cong. 2 sess. Hse. Ex. Doc. 1, III, x (1414). C. I. A., *Annual Report*, 1869, p. 5, *Ibid.*, 1870, p. 10. Colyer to Lowrie, in B. I. C., *Report*, 1870, p. 93-94. *Tribune* (New York) in *The Daily New Mexican*, 5/19/69; *Ibid.*, 5/22/69.

The use of the army officers did not prove popular in certain quarters. Vincent Colyer, the energetic secretary of the board of Indian commissioners, opposed their employment on the ground that it was "simply policing the Indians, not reclaiming or civilizing them." This view was finally accepted by congress and the army appointees were retired from their positions in 1870. To fill the vacancies other religious bodies were called upon to follow the example of the Quakers. As a result, the Navaho were entrusted to the care of agents approved by the Presbyterian board for foreign missions.[5] Despite the new policy the Navaho agency was a scene of too frequent changes in agents and complications due to other disturbing factors for a decade following the abandonment of the Bosque Redondo.

Under verbal instructions from Sherman and Tappan, and to conform to the terms of the treaty, Dodd recommended that the agency be located at Fort Defiance. It was a suitable location from the standpoint of timber, grazing, and farm lands for the agency, and nearness to the cultivated area in the Canyon Bonito, where many of the Indians would settle.[6] With the agency located, Dodd's work for the Navaho was terminated by death from paralysis, on January 16, 1869.[7]

A series of rapid changes in agents now followed. Henry Wood Dodd, a brother of the former agent, was placed in temporary charge until French arrived from the Abiquiú agency. The switch to army officers then followed and Captain F. A. Bennett assumed control in August, 1869.[8] Bennett was followed by James H. Miller in January, 1871, when the policy of using army officers had been dropped. Miller was murdered by a band of Ute Indians about 100 miles northwest of his agency in June, 1872, and W. F. Hall next held the position until relieved by W. F. M.

5. B. I. C., *Report*, 1870, p. 95, Colyer to Lowrie, in B. I. C., *Report*, 1870, p. 93-94. Colyer to Rev. Mr. Anthony, 6/25/70, *Ibid.*, p. 95.

6. Dodd to Taylor, 8/4/68, D1412/68. Dodd to Webb, 8/5/68, W988/68.

7. *The Daily New Mexican*, 1/23/69.

8. Gallegos to H. W. Dodd, 1/23/69, D259/69 and G26/69. Clinton to Parker, 8/18/69, C418/69.

Arny in September, 1873.[9] Under Arny's administration complications developed which led the Navaho to drive him off the reservation.

This violent termination to Arny's career with the Navaho was due to two factors: the squaw-men, and the personality of Arny. The squaw-man was a power to be reckoned with.[10] Through proficiency in the Indian tongue and long residence they acquired an influence which sometimes was greater than that of the agent. Upon assuming charge at Fort Defiance, Arny had discharged two squaw-men employees, Thomas V. Keams and Du Bois, because he believed they had acquired an inimical influence over the Navaho. Perhaps, in this case, the agent misjudged his men, and certainly the act did not smooth the way for him at his new post. Furthermore, he laid himself open to suspicion on the part of the Indians, a fact which was taken advantage of by these opponents to weaken his authority.

Arny was a combination of the idealist and realist. He was a territorial politician interested in the welfare of the nomads, provided they did not impede the economic development of the territory and the advancement of his own interests. Verbose in speech and writing, sometimes to the point of bombast and at other times with a tendency toward vagueness, he aroused the distrust of his associates and yet maintained his political strength in Washington. Whether he was afflicted with the weakness of peculation may be questioned, but he probably was.

In the summer of 1875, he departed for a trip to Washington with a party of his wards. During his absence the Indians drove away the agency employees and refused to

9. Pope to Walker, 6/16/72, P905/72. See also H93/72 and D575/73.

10. "All the intercourse between the Government and the Indian is filtered through these men and partakes of their character, being full of duplicity, treachery, and evasions. In all the length and breadth of the plains there is not an interpreter that can be relied on; and no treaty or delicate mission should ever be undertaken without several interpreters, who, moreover, should be required to give each his interpretation out of hearing of the others. There are in the United States about 100 Indian reservations and agencies, at each of which there is an average of about ten of these squaw men. . . . They are an injury to the country, a detriment to the Indian, and should be abolished." Dodge, *Hunting Grounds*, p. 428.

permit him to return to his position. This act was the culmination of the attempt to get rid of the agent, first started by petition in May for his removal on the grounds of loss of faith in him and because of his peculations. Since the attitude of the Indians was so threatening, Arny tendered his resignation in August. General Sherman recommended that it be accepted in order to quiet the Navaho, advice that was followed by the secretary of interior and Dr. Lowrie of the Presbyterian board.[11] The military took charge of the agency in September until a successor to Arny could be appointed.

Irvine was transferred from the Cimarrón agency and arrived at Fort Wingate in December. He had made a good record as an honest and forceful agent, but the new scene of labor was not regarded as a sinecure by contemporary opinion:

> How he will succeed under greater responsibilities among a nation of breech-clouted brutes, removed to the mountains beyond the pale of civilization, with bad white men clinging to the borders of the reservation, we must confess is quite problematic in the light of past experience.[12]

He succeeded well enough, but resigned in July, 1877. If no "side" money was made, the salary of an agent was hardly sufficient for support; he had spent about $800 per year of his own money.[13]

John E. Pyle was the next agent to serve the Navaho. He was commissioned in December and arrived at his post of duty in April, 1878. The chronic difficulty of eliminating liquor from the reservation faced him, but the problem of attaining economic self-sufficiency for the Indians had been pretty well solved. He was able to report that by farming and grazing the Indian had "attained to a condition virtually

11. See correspondence in A581/75, I1148/75, I1574/75, L376/75; LB 126, p. 325. Grand Jury, *Report*, 2nd Judicial District, Albuquerque, 10/9/75, C155/76. C. I. A. *Annual Report*, 1875, p. 330-32. RB 28, p. 99. *Weekly New Mexican*, 10/5/75.

12. *Weekly New Mexican*, 10/5/75. Price to Blair, 12/9/75, W62/76.

13. Sheldon Jackson to Trowbridge, 4/24/80, 1251/80. See also LB 136, 395.

independent of government aid."[14] This long sought objective, however, had not been attained without difficulty.

The treaty provided for subsistence during the first winter and $30,000 worth of sheep and goats. A difference of opinion over the most advantageous time for purchasing the sheep delayed the fulfillment of that part of the treaty until the fall of 1869, but the realization of the long hoped-for restoration of their flocks was a happy moment of the returned exiles. The agent reported: "I have never seen more anxiety and gratitude displayed than was shown by these people during this issue."[15] However, this happy occasion found the Navaho far from being self-supporting. The peace-loving idealist Colyer could report that

> The usual story of useless goods purchased and forwarded at immense expense, by wagon, thousands of miles; of moneys appropriated for building school houses, blacksmith's shops, etc., etc., yet never erected; of promises of cattle and sheep to be furnished, yet never forwarded, applies to the Navajoes as well as to many other tribes.[16]

The charge was literally true in some respects, but the officials were striving to improve the situation. They still had a healthy respect for the marauding ability of the nomads and they knew from experience the cost of military campaigns; consequently, they strove earnestly to maintain the peaceful mood in which the vast majority of the Navaho had arrived home.

The old refrain, "it was cheaper to feed than fight," was the call to action. When the finances of the Indian bureau were exhausted by the fall of 1869, the military came to the rescue; General Sherman turned over the balance of $33,000 from a special fund,[17] and instructions were issued to "urge upon Capt. Bennett the necessity of exercising the most rigid economy . . . ."[18] The military frequently

14. Pyle to Commissioner, 11/8/78, P1137/78, and P240/78; LB 142, 10.
15. Bennett, *Report*, 8/19/70, 41 Cong. 3 sess. Hse. Ex. Doc. 1, I, 612 (1449).
16. Colyer, in C. I. A., *Annual Report*, 1869, p. 90.
17. Sherman to Getty, 11/26/69, W770/70.
18. Parker to Clinton, 11/27/69, LB 93, 168. Sherman to Getty, 11/26/69, W770/70.

granted aid in emergencies for several years more, but the Navaho had lean pickings. Crop failures and tardy government aid often brought them to the verge of starvation. In the winter of 1874, food issues were made to some of them in their hogans because of physical weakness which prevented their presence at the distribution; more often, however, they clustered around the agency seeking relief from their hunger. The variety of goods issued was usually bartered away, frequently for sheep, sometimes for articles of little value. Through the several business transactions involved in translating the money appropriation of the government into tangibles for the use of the Navaho, the true value of the aid was never realized.[19]

In the midst of their trials most of the Navaho practiced self-restraint, but some indulged in petty thieving around the agency and general stealing at more distant points. The legal right to hunt off the reservation and the granted right to trade in the settlements afforded abundant occasion for misbehaving, and the opportunities were sometimes taken advantage of, particularly when hunger urged them on.[20] They ventured as far eastward as the Comanche

19. Bennett to Clinton, 8/10/70, C1596. Miller to Pope, 7/20/71, P386-71. Dudley to Smith, 2/21/74, D206/74, and Dudley to Arny, 5/4/74, A470/74.

20. "San Ildefonso, July 13, 1869

"Editors New Mexican:

"On the morning of the 7th ultimo, I left the Rio Grande to go to the Valles when I expected to catch plenty of trout and work some on the new land. I arrived at Santa Rosa at nightfall, and as soon as I arrived there we tried to bring in the horse herd, but could not get them to come near the corral, and left them in the woods. Early next morning we found that herd had been driven off by Indians, and followed the trail immediately after them; before sundown we came up to where they had killed a filly and two mares, the last one sweating yet. Night brought us in sight of them, but an awful thunderstorm hindered us from retaking the herd, and as bad luck had it one of our guns went off accidentally, which alarmed the Indians and they went off flying. Not having taken anything to eat with us we returned to camp and awaited assistance from the settlements. Our folks not arriving before Friday we could not start until Saturday the 12th, being then only seven of us and on foot. We followed the trail until Tuesday the 15th, near the Ojo del Espiritu Santo, where five of the party lost their courage and returned, leaving myself and an old man named Jose Miguel Muñis alone on the war path.

"Not thinking it prudent to follow the trail, we went over to the new government road on the Rio Puerco, and followed it up to New Fort Wingate, where we reported ourselves to Col. Evans, commanding the post, but were unable to get an escort. We then followed on to Fort Defiance and laid our claim before the Indian Agent, Major French, and on the same day, the 23rd, we had the good luck to find one of the animals stolen—a mule belonging to Jose Miguel Muñis, my companion. But this

country and westward to the Mormon settlements in southeastern Utah.

The Navaho at large had raided the Mormons occasionally during the period of the Bosque Redondo exile, and after the return home, in November of 1869, those people were harassed again. The next month the agent called the chiefs into council, at which they promised to break up such expeditions of the younger men. The threat of loss of annuity goods was an additional incentive to their natural desire to avoid a repetition of the former drastic action of the government.[21]

But it wasn't always necessary for the *ladrones* to seek far distant fields,[22] and it was the losses experienced by the settlers in the Rio Grande, that old time scene of depredations, that led the citizens to resort to their retaliatory raids and the territorial government to exert its power. There was no law under which the governor could call out the militia, but Acting-Governor Heath recommended that the

21. Brig. Gen. Erastus Snow to Capt. R. N. Fenton, 11/17/69, F205/69. Parker to Clinton, 11/29/69, LB 92. p. 479. Bennett to Clinton, 12/23/69, C788/69. Clinton to Parker, 1/17/70, C863/70.

22. Miller to Pope (Superintendent), 3/21/72: "I have the honor to state that the chiefs report to me that citizens of this Territory are grazing their sheep herds within a short distance of this reservation. I respectfully request that they be publicly notified of the great risk they are running by herding so near the Indian camps as the Indians being hungry, and I having no rations to issue them, it is a great inducement for them to steal, which they will certainly do before they will starve." *The Daily New Mexican*, 4/4/72.

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was all the agent could do for us; leaving thereby, after the three killed on the road, twenty eight horses and mules in possession of the Navajos. Saturday we turned homeward, and after eight days of hard travel arrived here on Saturday evening the 3d instant.

"The report of this depredation has been made to Hon. J. M. Gallegos, Superintendent of Indian affairs, but whether the government will ever give us any satisfaction, after proving by the mule we took from the Indians that the Navajos were the thieves, we have yet to find out. Col. Evans, at New Fort Wingate, the only post in the Navajo country, says that he has not a hundred men for service. Fort Defiance, the seat of the Indian Agent, is not protected to [at] all, and is entirely at the mercy of the Indians. Whose fault this is I cannot say, but think this state of things should be remedied. Here we are on the frontier, left on foot, without protection, and not even allowed to get up a party to chastise the Navajos who are at present scattered all over the country in marauding parties."

The Daily New Mexican, 7/16/69.

citizens arm themselves for self-protection and offered to supply a limited amount of guns. This action was followed by Governor Mitchell's issuance of a proclamation on August 2, 1869, that all Navaho off the reservation would be treated as outlaws and punished as common enemies where found unless accompanied by a military escort.[23]

The action of the governor did not meet with the approval of the federal officials. It was in conflict with the current arrangement of jurisdiction whereby the Indians on a reservation were under the control of the civil department and off the reservation under the military. Furthermore, it would have the effect of reviving the old practice of raiding the Navaho, ostensibly to recover stock but practically to secure additional plunder, and it was feared that such raids would eventually lead to a general out-break. Consequently, prompt action was taken to counteract the proclamation. Superintendent Clinton and General Getty consulted with the new governor, William A. Pile, who proceeded to ignore Mitchell's action as of no validity or effect. Pressure was also exerted at Washington and formal instructions to Pile to annul the action of his predecessor were issued from the state department.[24]

On the whole, it was believed by responsible officials that the Navaho were desirous of peace, but it was recognized that it was hard for a hungry man to refrain from stealing. It was doubly desirous, therefore, to keep them fed when the crops failed. For the next several years, occasional thefts occurred, and the citizens organized posses to recover the plunder. The military also acted at times for the same purpose, and the Navaho chiefs helped to end the practice. When the Indian leaders were able to recover the plunder, they turned it in at the agency.[25]

23. Heath to John T. Russell, 7/14/68, 40 Cong. 3 sess. Hse. Ex. Doc. 1, II, 639-40 (1366). New Mexico, *Executive Records*, 1867-82, p. 35.

24. Clinton to Parker, 8/26/69, C436/69. Parker to Clinton, 8/16/69, LB 92, p. 73.

25. "I am confident that . . . nothing short of starvation would induce them to commence hostilities of any kind. I also believe that most of the people of this Territory are waiting anxiously for, and would take advantage of any opportunity to get the Navajos into trouble." Bennett to Clinton, 12/16/69, C772/69.

To further the efforts to control the few troublesome members of the tribe, Superintendent Pope organized a body of Indian police in the summer of 1872. One hundred Navaho were selected from the thirteen bands and placed under command of Manuelito, subject to the orders of the agent. Their duties were to patrol the boundary and recover stolen stock. Paid from $5.00 to $7.00 a month, their worth was quickly proved and stealing decreased rapidly. As a result, Agent Hall recommended that they be disbanded, a move which was approved at Washington and carried out in August, 1873.[26]

With the return of material prosperity and the pressure upon the *ladrones* to cease their operations, the Navaho, within a decade after their return home, had lost their century old character of a menace to the white man's development of New Mexico. They were no longer to be feared because

> They have too much at stake in their immense herds of sheep, goats, horses, and cattle, their hundreds of thousands of pounds of grain in the field and the cache, to hazard it in a war with a powerful nation. Since their experience as prisoners of war at Bosque Redondo they want no more war.[27]

But other problems still remained. The attainment of economic well-being and a reputation of pacifism had been accompanied by an increase in population, which made more apparent than ever the inadequacy of their reservation.

As noted above, the Navaho had not observed the boundary lines marked out in the treaty. On the western side,

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26. Pope to Walker, 8/27/72, P117/72. Hall to Dudley, 12/16/72, D191/72 and 7/19/73, D405/73. Arny to Smith, 9/5/73, D647/73.

"The evidence is abundant that in every tribe the selection of a small number of Indians by the agent, to be instructed and disciplined by him as a constabulary force, would prove a safe and effective means of preserving order, and of assisting the tribe in enforcing among themselves their treaty obligations." B. I. C., *Annual Report*, 1874, p. 9.

27. Pyle to Commissioner, 8/3/78, 45 Cong. 3 sess. Hse. Ex. Doc. 1, IX, 605 (1850).

"Of the Navajoes it is hardly necessary to speak. They have passed out of the list of Indians hostile, or likely ever to be so." General Pope in *Weekly New Mexican*, 10/30/77.

they reoccupied the good grazing grounds of the Mesa Calabaza, some seventy miles beyond the true reservation. Furthermore, the meaning of "canyon" had caused trouble on that side because it was interpreted differently by the two parties to the treaty. Sherman had used the word in the sense of a narrow defile; the Indians, when the word was applied to the Canyon de Chelly, used it to include the wider area along the lower reaches of the Rio de Chelly. On the eastern side of the reservation they likewise wandered beyond the boundary line with their flocks, and the remnants of the Sandoval band, now under the command of Guero, reoccupied their old haunts near Cebolleta, northeast of Mt. Taylor.[28]

The first move to modify the original boundaries of the reservation was taken by Arny in 1874. He badgered the Navaho into negotiating an agreement whereby they surrendered a strip of land along the northern side between the 37th parallel and a line running west from the junction of the San Juan River with the eastern boundary. In return for this cession they were to receive an equivalent strip along the southern side as far as the northern boundary of the Fort Wingate military reservation. Arny was apparently more interested in opening the San Juan country to American settlement and mineral development than in promoting the program of the government of converting his charges into an agricultural people. He was willing to trade them a like amount of "grazing" land on the south for the northern part which was "worth more than all the rest of their reservation put together," guaranteeing at the same time that each family should have a homestead "(and as far as practicable, water for irrigation) as provided" in the Treaty of 1868.[29] However, the trade was not ratified by congress; one stumbling block was the right-of-way

28. The reservation, as surveyed by Ed. S. Darling, contained 3,328,302 acres. John S. Wilson to Cox, 11/26/69, I847/69.

29. Irvine to Commissioner, 10/1/76, in C. I. A., *Annual Report*, 1876, p. 110. Navajo Agreement, 3/7/74, O. I. A., New Mexico File, 1874. Arny to Smith, January, 1874, A92/74 and D90/73.

of the Atlantic and Pacific Railroad Company. Arny was then advised to examine the country along the eastern side of the reservation for a possible exchange.[30]

Three more proposals were advanced before any modification of the boundary was actually made. Arny suggested extending it eastward to the 31st parallel (Washington) and westward to the 35th. Nothing came of this plan and the Navaho continued their plea for more land. Irvine recommended in 1878 that the western boundary be extended to include the lower reaches of the Canyon de Chelly, and that the agency be removed to the San Juan country in order to induce the Navaho to locate there. When General Sherman visited the reservation that same year, he recommended an extension to include all of the Canyon de Chelly. That was his intention in 1868, but he had not understood what the term "canyon" meant to the Indians. However, he was not in favor of granting them any unnecessary increase; although the additional area that the Navaho still wanted was considered practically worthless, he thought it better to have an Indian reservation too small than too large.[31]

The government acted immediately on the Sherman proposal and the western boundary was extended to the 110th meridian between 36° and 37° north latitude. This concession, however, only strengthened the desire of the Indians for more, and upon the recommendation of Agent Eastman and Inspector Hammond in 1879, the reservation was enlarged toward the east. The boundary was extended fifteen miles up the San Juan river, southward to a point six miles below the southeast corner of the reservation, thence westward to the 110th meridian. Some local opopsition voiced through the territorial legislature was not heeded.[32]

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30. Clum to Arny, 4/16/75, LB 124, p. 174.

31. Army to Smith, 7/24/75, A496/73. Irving to Smith, 4/13/76, I416/76, and 6/20/76, I673/76. Irvine, *Report*, 9/1/77, 45 Cong. 2 sess. Hse. Ex. Doc. 1, VIII, 554-55. Sherman to Secretary of War, 9/8/78, P843/78, and 9/9/78, W2023/78.

32. Kappler, I, 875. Hayt to Secretary of Interior, 12/17/79, RB 35, p. 610. Brooks to Secretary of Interior, 3/12/80, RB 36, p. 299.

The two remaining problems for the government to solve were education and the liquor evil. Very little was accomplished in regard to the first one, because it was very difficult to secure competent teachers or to establish schools for the widely scattered children. As for whiskey, the efforts of a particularly zealous agent to restrict this evil was apt to cause him much embarrassment. The decade opening with the return to the tribal range closed with Agent Eastman's relief from duty because of such an embroilment. "To sum up I can only say that the Navajo problem is like the whole Indian question; take whiskey out of it and governing them and civilizing them is an easy task.[33]

33. Inspector John McNeil to Schurz, *Report*, 12/23/80, M2510/80. B. I. C., *Annual Report*, 1873, p. 176. L. B. Prince to President Hayes, 5/7/80, P673/80. Senator T. W. Ferry to Trowbridge, 6/28/80, F103/80.

Galen Eastman succeeded Pyle under appointment of 4/5/79.

CHAPTER V
INDIANS AND POLITICS

The Indians in the northern part of the Territory that were of chief concern to the superintendent of Indian affairs in New Mexico were the Jicarilla Apache and several bands of Ute: the Wiminuche, Capote, Tabeguache, and Moache. The size of the bands was not known accurately, the estimates varying from 700 for the Jicarillas to 1,500 for the Capote. They did not constitute a serious menace like the Navaho, but their petty depredations and thieving were a chronic annoyance to the white settlers. When passing through the settled areas on the way to the agency, especially in the Chama valley, their horses sometimes invaded the corn fields and caused considerable damage. At other times an occasional sheep or cow was appropriated when the pangs of hunger were particularly pressing. And even a horse or two might be taken if the chance of a successful theft appeared particularly good. These practices were kept alive by the retaliations of the settlers. In fact, it was hard at times to determine which side was the more at fault.[1]

Contact with the settlements was rapidly demoralizing these bands. At the best they were an unprepossessing people, but the vices of the white man, particularly the use of liquor, was reducing them to an even worse state of primitive barbarism. The Jicarillas and Moache were more inclined to hang around the agency than the other bands that roamed farther afield for subsistence and love of the chase; consequently they were the worst sufferers. They procured whiskey from boot-leggers or from the Pueblo Indians who, legally privileged to buy it, acted as their go-between. A drunken Indian was a daily sight in the plaza of Taos.[2]

1. Carson, *Annual Report*, 9/20/59, 36 Cong. 1 sess. Sen. Ex. Doc. 2, I, 710f (1023).

2. Carson, *Annual Report*, 8/29/60, 36 Cong. 2 sess. Sen. Ex. Doc. 1, I, 387ff (1078).

"I can assure my readers that no manager of Drury Lane ever produced three more hideous or unearthly witches than were these half-naked, withered old creatures, their faces striped with red and white paint, their matted grey hair hanging

As the decade of the eighteen fifties came to a close it was generally recognized that a reservation removed from the settlements was necessary for the salvation of these Indians, or their extermination would result. In addition to the vices acquired, they were further handicapped by the fact that the white man was gradually destroying the wild life on which they were so dependent. As a result, the government was forced to support them more and more, but the value of this aid was diminished by their increasing addiction to liquor. It was "asserted [by Collins] that two thirds of the articles given to them passed into the hands of the whiskey dealers, who infest the country, within three days after they were issued."[3] The necessity of concentration in a restricted area was intensified by the discovery of gold in the Pike's Peak region. Miners proceeded to penetrate farther and farther into the country of the Ute in search of the precious metals.

> But their advent . . . inaugurated the era of civilization in a heretofore unbroken wilderness, and although the rights of the aborigines may seem to be encroached upon thereby, the apparent injustice of the act is but one of the inevitable contingencies of human progress, and must in the end prove beneficial to all.[4]

The advent of "civilization" increased the difficulties of managing the Indians,[5] and until such time as a reservation could be established certain measures were taken to improve their lot. The superintendent had already adopted the policy of requiring the agents to reside at the scene of

3. C. I. A., *Annual Report*, 11/30/60, 36 Cong. 2 sess. Sen. Ex. Doc. 1, I, 243, 383 (1078).

Selling liquor to the Indians, except the Pueblos, was punishable by a fine of $5 to $200. Act of January 10, 1853, in New Mexico, *Revised Statutes*, 1865, p. 472.

4. Henry Villard, *The Past and Present of the Pike's Peak Gold Regions*, p. 141.

5. C. I. A., *Annual Report*, 11/26/59, RB 11, p. 276.

from their huge heads over their sunken shoulders, their pendent shriveled breasts, and their scraggy arms; while their eyes brightened and their huge mouths grinned with excitement as they plunged their claws amongst the entrails of the sheep, and scrambled for the tit-bits." W. A. Bell, *New Tracks in North America*, p. 109 (second edition).

their labor, where they would be accessible to the reds and whites for the adjustment of any disputes that might arise. And to solve the pressing problem of drunken Indians at Taos, that agency was removed to the Cimarrón valley. These steps created disputes that led to the downfall of Collins, and, consequently, seriously impaired the possibility of success with the Carleton experiment on the Pecos. In the first place, the rule about residence raised a conflict with Diego Archuleta who was in charge of the Abiquiú agency.

Under instructions issued in 1857 Archuleta was required to live at the agency located in Abiquiú, or at a point above that settlement. Furthermore, he was advised to purchase food for his charges rather than articles of clothing that they might request and to issue supplies only at the agency. The superintendent believed that the supply of clothing issued during the summer was sufficient for their needs for the year; the other instructions were a part of his general policy. The agent disregarded all of these points, particularly the rule about residence because it was not convenient for him to live away from his farm, which lay between Abiquiú and Santa Fé.[6]

In order to improve the situation at Abiquiú, A. H. Pfeiffer was appointed special-agent in 1858 and assumed the real responsibility for the work of the agency. Archuleta, still in nominal control, was warned that any violation of instructions about issuing goods only at the agency would be reported to Washington. The firm stand of the superintendent was supported by the commissioner. Collins hesitated to discharge the agent because of the possibility of arousing prejudice among the Mexicans. Archuleta was the only Mexican in the federal service in New Mexico at that time.[7] The relations between the two grew less satisfactory. He was finally transferred to the Pueblo agency and then detailed to Fort Stanton in March, 1860, in charge

6. Collins to Archuleta, 11/7/57, and Collins to Mix, 5/31/58, C630/50.
7. Collins to Archuleta, 7/21/58, C630/60, Collins to Denver, 2/13/59, C1930/59.

of the Mescalero Indians, because Agent Steck was fully occupied west of the Rio Grande with the Gila Apache.

Archuleta left Stanton after a short stay because of family matters at home. This move brought matters to a head and he was suspended on July 9, 1860, on the ground of inefficiency and insubordination. The commissioner requested that he be restored to the Abiquiú agency and that Pfeiffer be discharged as the best means for restoring harmony in the service. This the superintendent declined to do; since his commission under Buchanan was soon to expire, he determined to leave the issue to his successor.[8] However, he was reappointed in the spring of 1861, so Archuleta was left to nurse a grudge which found some comfort in the later ousting of the superintendent. The removal of Collins was given its initial start by the transfer of the Ute agency from Taos to the Cimarrón.

W. F. M. Arny was appointed Indian agent in May, 1861, and relieved Carson in charge of the Ute agency about August 1. He immediately took the initiative in trying to improve the lot of his charges, the Moache Ute and Jicarilla Apache. He advocated the current proposal of establishing them on a reservation removed from contact with the whites, but until that could be done the agency was located on the L. B. Maxwell ranch on the Cimarrón river to get away from the evil influences in the vicinity of Taos. About 100 families lived in the Cimarrón valley, a much fewer number than resided in the Taos valley. Both Collins and Carson (who was an influential citizen in the Taos valley) favored the move.[9] A violent opposition soon appeared in San Miguel and Mora counties under the leadership of S. B. Watrous, a rancher located at the junction of the Mora and Sapelló rivers.

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8. Greenwood to Collins, 2/2/61, LB 65, p. 139. See also C630/60.

9. Arny to Dole, 8/2/62, A604/62. Arny to Dole, 1/6/62, A441/61. Arny *Annual Report*, 9/1/62, 37 Cong. 3 sess. Hse. Ex. Doc. 1, I, 386-90 (1156).

Carson later denied advising the removal: "P. S. It is possible that I may have advised to locate temporarily the agency at Maxwell's Ranch, but never have I recommended, to locate it at that place, permanently." Carson to Dole, 10/17/62, B112/63.

Upon taking charge at Taos, Arny had been immediately confronted with complaints from Watrous about the Indians stealing his cattle. The agent acknowledged that the complaint was quite common, but argued that the defendants were not entirely at fault. He pointed out that the owner entrusted the care of his herds to men at points remote from the ranch headquarters where they could kill cattle for their own use, sell some to others, and lay the blame on the Indians. The solution to the problem was to locate the Indians on a reservation. While they were roaming over several thousand miles of territory, it was impossible to keep close check on them and distinguish between Indian depredations and those committed by unscrupulous white men. The rancher next raised the issue with the superintendent. Collins pointed out that the proprietary rights of the Indians in the soil had never been extinguished by the government, that the Indians were natural thieves, and that the whites lived near them at their own risk. But he went a step further, adding fuel to the flames of controversy, by accusing the rancher of having been the boon companion of one Taylor who had recently fled the country because of a grand jury indictment for stealing cattle, and that the said Taylor was not the only thief in the locality of Mr. Watrous.[10] The rancher indignantly denied the charge and intemperate language was used by both parties, Mr. Collins referring to Mr. Watrous at one time as "a low dirty slanderer."[11]

The complaint against Collins for not protecting the cattle of the settlers from Indian depredations, a herculean task utterly beyond his means at the time, widened out into an aggressive movement for his removal. The attack was centered on the two political fronts in Washington and Santa Fé. Representatives E. P. Walton and H. P. Bennet endorsed the objections of Watrous to the new location of the Ute agency; it was in the heart of the grazing country

10. Arny to S. B. Watrous, 10/11/61, C1409/61. Collins to Watrous, 10/26/61, C1409/61.

11. Collins to Watrous, 12/19/61, L69/63.

and too near the mail route from the East. The communications with the East were often endangered by the plains Indians, and this new menace should not be added. A direct protest from Bennet to Arny was met with the question, "Will you give us your aid to restrict these Indians to a specified Territory?"[12] About 350 residents of San Miguel and Mora counties signed a petition to Commissioner Dole, September 10, 1862, that the agency be not located at Cimarrón. They charged that it was not centrally located, as at Taos, but was on the eastern limit of the Apache range, where more stock grazed with fewer inhabitants to protect it, that it drew the Ute away from their own country, and that the move was made for the benefit of a few engaged in trade and interested in the disbursement of government funds. With the scarcity of game they claimed the Indians resorted to the cattle herds and that "up to the present time, the white man has had no rights, which the Indian has been made to respect. . . ." We hope "That we may no longer be hewers of wood, and drawers of water, for indolent, thieving, murderous Savages." We *demand* protection! "Shall it be refused us?" Sixteen members of the territorial legislature signed a similar petition.[13]

A petition for the removal of the superintendent, presented to the legislative assembly in 1861, was laid over until the next session on the ground of insufficient time to investigate the subject fully. But this friendly attitude did not appear in the next assembly, partly because of another issue that had been injected.

Under a territorial law of 1857, the public printer had been customarily elected in a joint meeting of the two houses. In 1861 the territorial secretary had attempted to control this piece of patronage; and as the secretary of the treasury at Washington had sustained the secretary of the territory, the decision precipitated an open conflict in 1862.[14]

12. Arny to Bennet, August, 1862, New Mexico File, 1862. Walton to Dole, 4/14/62, W566/62.

13. See B112/63.

14. Arny to Legislature, 12/5/62, Legislative Assembly, *House Journal*, 1863, p. 77, 107-109.

Arny had been appointed secretary of the territory, July 31, 1862. On September 22 he became acting-governor because of the absence of Governor Connelly, who went east for surgical treatment.[15] Despite the election of Samuel Ellison as public printer in December, 1862, Arny awarded the printing to Collins on the ground that the territorial law was in conflict with federal law and with the decision of the secretary of the treasury to whom the secretary of the territory was responsible. He had stated that he would make the award to some person who would execute it with economy "and in regard to whose loyalty there will be no doubt."[16]

The question of loyalty raised by Arny was based on the failure of Collins to support the Lincoln administration through the columns of his paper, the *Santa Fé Weekly Gazette,* although he was loyal to the Union, having accompanied the federal army during the Texas invasion.[17] But the question of loyalty could be raised on both sides. In his controversy with Watrous, Collins had forwarded the correspondence to Washington. He next accused the rancher of being politically allied with a leader of the rebellion against the Americans after the occupation of New Mexico by Colonel Kearny. That man was Diego Archuleta, who now occupied the strategic position of chairman of the committee on Indian affairs in the territorial house of representatives. He further chided Watrous for not seeking an understanding and possible reconciliation with him long before instead of attacking him through the agency of his political opponent.[18] These moves roused the ire of the rancher to fever pitch.

Watrous now took steps to vindicate his character by securing testimonials from prominent leaders in territorial politics. The old charge of association with Taylor rankled in his mind; the accusation was of doubtful validity, but the personal controversy had long passed into the wider ques-

15. New Mexico, *Executive Records,* 1851-1867, p. 299, 304.
16. *House Journal,* 1863, p. 102, 96.
17. Charles Lieb to J. P. Usher, 2/22/63, L69/63. See also C580/60.
18. Watrous to Collins, 1/13/63, and Collins to Watrous, 1/16/63, W52/63.

tion of the removal of the superintendent. The rancher defended Archuleta on the ground that he had been pardoned for his attempted treason. The suggested possibility that a reconciliation might have been patched up was dismissed with contempt: "Fortunately, I have not repented the Treason, of defending my own rights, and that of the people, which you have so long trampled under foot, and from the insight I have obtained of your real character, I do not aspire to the honor of your friendship. . . ."[19]

The house of representatives initiated on January 10, 1863, a joint resolution for the investigation of the official conduct of Collins. The council concurred, but Governor Arny blocked the investigation on the ground that a memorial to congress was the proper procedure. The memorial, addressed to the President of the United States, was passed and the following charges made: (1) the people have become impoverished because of his mismanagement and inaction; (2) he has been unfaithful to the government by erecting a building with Indian bureau funds and charging a large rent for its use as headquarters for the superintendency, by depositing a note in lieu of money with the receiver of the land office, by securing vouchers and blank receipts for Indian money without having made purchase, and by permitting his grandson to sell some government cloth.[20]

Although Collins would have welcomed an investigation on his home ground, he was now forced to carry the battle to Washington. There his opponent pressed the attack vigorously. Watrous wrote to the secretary of the interior:

> A man who will slander another, in the sneaking way he has done me, will do anything. I believe such a man will steal, without hesitation, and it was this belief, that induced me to urge on the Legislature an investigation of his conduct, as the only means by which his rascality could be brought to light, and the country be relieved from the in-

19. Watrous to Collins, 1/20/63, W52/63.
20. *House Journal*, 1863, p. 127, 132, 137, 147, 157. Also S58/63 and W42/63.

> jury he is inflicting upon it. They (the people) are now thoroughly aroused to a sense of their condition, and are determined that their rights shall no longer be trampled under foot by unprincipled demagogues, like Supt. Collins, Watts [Territorial Delegate], and Arny.
>
> The interests of the Territory require, that this nest of unprincipled Harpies, should be cleared out, and good honest officers *from the states,* be appointed in their stead, who are entirely unconnected with the old rotten stock of Politicians out here.
>
> The people feel confident, that the Watts policy of sustaining secess. sympathizers in office, to save the Union, is played completely out, and Watts, its Advocate, is played out with it. He is politically dead, dead, dead, in this Territory.[21]

With the weight of the legislature behind the charges, the commissioner of Indian affairs accorded them more consideration thatn he would have done if preferred only by private parties. He recommended to the secretary of the interior that an investigation be made if the distance was not too great to cause an unwarrantable delay, in which case more prompt action should be taken. Apparently the distance was too great because Collins was removed from office in May, with the possibility of being reinstated if the charges were later disproved. But New Mexico was a distant region, and an investigation would be an unwanted expense. The financial accounts of the superintendency were thrown into confusion by the order to suspend payment on all outstanding drafts, and a claim of Collins for house rent was disallowed. The outstanding obligations of the superintendency were eventually found valid and paid, but as to reinstatement in office, the commissioner remarked: "I can only say further that if Col. Collins had not been removed, I should not, with the evidence now before me,

21. 1/30/63, W52/68.

recommend his removal.[22] Thus an able superintendent was removed from office on insufficient grounds. The grievance of the people at the inadequate governmental control of the Indians had found an outlet in the interplay of party politics.

While the quarrels of the superintendent were working toward an end, the condition of the Indians was one of increasing difficulty and dependence upon the government. The Navaho war and hostilities with the plains tribes barred the Ute from their customary hunting grounds. As a result, they remained closer to the agencies and indulged in more petty thieving. This irritating practice was carried on more from necessity than desire; although they had a natural tendency to pilfer, they were friendly in a formal way with the whites. And as they were barred from the buffalo herds, and the mountain wild life decreased, the limited funds of the superintendent became more and more inadequate to meet the need for food. To impress the Washington authorities with the state of affairs, the situation was summed up in the statement, "They will steal rather than starve." [23] When this statement is compared with the one that typified the Navaho problem, namely, "you can feed them cheaper than you can fight them," the main difference between the two problems is presented: numerous campaigns against the New Mexico Ute never occurred.

But though the Ute remaining close to the settlements in northern New Mexico were addicted to nothing worse than stealing, their brethren farther north were not too friendly to the intruding miners. When the southern Ute wandered northward in the spring of 1859, Carson was ordered to follow after to prevent trouble. Despite such

22. Dole to Usher, 4/25/63, RB 13, p. 163. Usher to Dole, 4/28/63, I157/63. Dole to Usher, 7/25/63, RB 13, p. 207.

Collins, later in charge of the U. S. Depository at Santa Fé, was murdered June 5, 1869, when an attempt was made to steal the government funds. *Executive Records*, 1867-82, p. 34.

23. Manzanares to Steck, 9/23/63, 38 Cong. 1 sess. Hse. Ex. Doc. 1, III, 231, (1182). Arny to Carleton, 10/25/62, A674/62.

precaution a small party of miners was killed that year.[24] The same possibility of trouble rapidly extended over a wide area as the mining frontier advanced into the San Juan country. The Capote and Wiminuche might tolerate prospecting and actual mining operation, but they disliked the permanent settlement that seemed to be a corollary to the search for gold. The Indians carried their complaints to the agent at Abiquiú and the superintendent relayed them to Washington. The ultimate outcome of the rapidly developing problem was not hard to forecast. Indian country was no more sacrosanct in the Rocky Mountain area than it had been elsewhere. In two letters written in 1861, Collins presented the facts and drew the conclusion: in January he wrote,

> If the discovery of gold on the San Juan proves a success some arrangement should be made with those Indians for their country which will certainly be taken away from them. The country is a valuable one, and they should be paid for it. But this will be a question for the new administration,

and four months later, he said that they should be paid for their country if it is to be taken "of which there is now no longer a doubt."[25]

Several steps were early adopted by the government for the better management of the southern Ute. With the creation of Colorado Territory, a new agency was established on the Conejos and the Tabeguache were transferred there from the Taos agency in 1861. Three years later, on the recommendation of Steck and Governor John Evans of Colorado, the Moache were ordered to join their brethren. In the San Juan country, eighty signatures were secured to a petition for the transfer of the Abiquiú agency to Baker City on the Rio de las Animas, a request that was not granted; however, Pfeiffer was sent there temporarily as a

24. Collins to Mix, 5/7/59, C2073/59. Collins to Greenwood, 10/16/59, C197/59.
25. Collins to Greenwood, 1/27/61, C934/61. Collins to Commissioner, 4/7/61, C1034/61.

special agent in the spring of 1861, his place at Abiquiú being taken by Manzanares.[26]

The next measure taken was the establishment of a reservation in the San Luís valley in southern Colorado by agreement, October 7, 1863, with the Tabeguache. The boundaries of the restricted area were as follows: beginning at the mouth of the Uncompahgre river, thence down the Gunnison to the Bunkara river, up that stream to Roaring Fork, thence to the source, from there along the summit of the Arkansas-Gunnison divide to the intersection with the San Luís Valley-Gunnison fork of the Great Colorado, along the divide to the source of the Uncompaghre, down that river to its mouth.

The reservation was open to mining, military posts, highways, and railroads. Goods and provisions were granted for ten years at an annual cost of $20,000. If stolen property was not returned, the victims could be compensated from the annuity goods. The government agreed to furnish five American stallions to improve the Indian stock, 150 head of cattle annually for five years, 1,000 sheep annually for two years, and 500 annually for the next three years, and one blacksmith. The Moache were permitted to settle on the same reservation (if and when they would). And the treaty was operative when the chiefs announced to the agents their willingness to settle down to farming and stock raising.[27]

> The Indians South West of them [southwest of the Tabeguache] were present by their agents and representatives at the treaty and conceded the full right of said Tabeguache band to the country described & claimed by them as set forth in the treaty.[28]

With the initial step taken in the application of the reservation policy to the southern Ute, the final realization of that aim was only attained after considerable delay,

26. Usher to Dole, 2/1/64, I421/64. Steck to Dole 12/11/63, S215/63. For petition see C1215/61, and Dole to Collins, 5/14/61, LB 65, p. 452.

27. Kappler, II, 856-58.

28. Evans to Dole, January, 1864, Colo. 622/64.

friction, and irritation between the Indians, settlers, and representatives of the government. The first difficulty was to convince the Moache that they must transfer their allegiance from the Cimarrón agency to the Conejos, and the next problem was to persuade the Capote and Wiminuche to accept an agency on a Ute reservation in southwestern Colorado. Many proposals were advanced for a location of the Jicarillas, but they were just as intractable as the Ute.

TROUBLOUS TIMES IN NEW MEXICO
1659-1670
(Continued)

By FRANCE V. SCHOLES

CHAPTER V

GOVERNOR DIEGO DE PEÑALOSA [1]

I

DIEGO DIONISIO DE PEÑALOSA BRICEÑO Y BERDUGO was born in Lima in 1621 or 1622.[2] He was a member of a family of some local prominence.[3] His early years were spent in Lima and La Paz where he received instruction in grammar, rhetoric, and kindred subjects. His public career began in La Paz where his father purchased for him the office of *regidor*. At the age of eighteen he was elected *procurador general* to represent the *cabildo* of La Paz in certain legal business before the *Audiencia* of Charcas. During his stay in La Plata he became involved in a fray in the plaza and killed a man, and as the result of this incident he was obliged to return to La Paz. In 1641 he married Doña María Ramírez de Vargas, by whom he had two children prior to her death in 1644. In 1645 he was married in Cuzco to Doña Jacoba de los Ríos y Cabrera. The only issue of this second union was an infant who died soon after birth.[4]

After a brief period devoted to private and public business, Peñalosa was appointed *alcalde provincial* of the *Santa Hermandad* for the district of La Paz. As the result of complaints received concerning his private and official conduct he was summoned to Lima by Viceroy Salvatierra. After consulting certain influential friends in the capital, including his relative, Don Dionisio Pérez Manrique de Lara, president of New Granada, he presented himself at the viceregal palace. The viceroy was unfriendly, and he finally gave orders for Peñalosa to be taken into custody.

But Peñalosa hastily withdrew from the audience chamber and fled to the Augustinian convent where he had friends. Early next day he took refuge in the Augustinian college of San Ildefonso where he remained for three months. This incident occurred in 1651 or 1652.[5]

Peñalosa's family took counsel with various friends and relatives, and it was decided that he should go to Spain and present an appeal to the king. Inasmuch as the viceroy had issued orders forbidding Peñalosa's departure, it was necessary to bribe the captain of a small vessel bound for Panamá to take him on board. Off the port of Paita the vessel was wrecked, but Peñalosa, with several other passengers, escaped and made port, where he finally took another ship for Panamá. Instead of continuing his journey to Spain, he went to Nicaragua where he lived for six months with his uncle, Bishop Briceño. From Nicaragua he finally journeyed to Mexico City.[6]

In Mexico Peñalosa received military assignments from time to time during the early years of the administration of the viceroy, Duque de Alburquerque. After an illness in Veracruz, he spent a year in Habana where he served as captain of infantry in the garrison. Returning to Mexico City he was appointed *alcalde mayor* of Xiquilpa and Chilchota and lieutenant-captain general for the viceroy in these areas. After three years in this service he returned to Mexico City where, after a brief interval, he was named governor of the province of New Mexico by the new viceroy, Conde de Baños. The appointment to the governorship of New Mexico was made in 1660.[7]

II

Peñalosa took office in Santa Fé about the middle of August, 1661.[8] The colonists and soldiers whom López had antagonized and sorely offended during his two-year term of office naturally regarded the change of administration as an opportunity to seek redress, if not revenge, for alleged injustice, and to regain power and influence in provincial

affairs. And Peñalosa shrewdly exploited the hatred for the ex-governor to build up a faction favorable to his own personal interests.

Capt. Diego de Trujillo, who had left the province as the result of differences with Governor López, met Peñalosa in Parral and returned with him to New Mexico. Soon thereafter he was re-appointed to the office of *alcalde mayor* of the Zuñi-Hopi area from which he had been removed by order of López. Miguel de Noriega, who had quarreled with López after having served as his secretary for about a year, met the new governor in El Paso and immediately solicited his favor and friendship. Juan Lucero de Godoy, who had reluctantly served as one of the two messengers sent to New Spain by López in the autumn of 1660, became Peñalosa's administrative secretary. To the post of lieutenant-captain general Peñalosa appointed Pedro de Valdez. whom López regarded as one of his capital enemies.[9] It is worth noting too that Valdez was a nephew of the former governor, Juan Manso. And when new *cabildo* elections were held in Santa Fé, members of the anti-López party obtained office. One of the new *alcaldes ordinarios* was Sargento Mayor Diego del Castillo, against whom López had brought legal action on various charges.

The clergy received the new governor with open arms,[10] and for several months the relations of Church and State were once more harmonious. Indeed, there is some evidence that Peñalosa and Custodian Posada worked in close coöperation during the period when López' *residencia* was in progress. Moreover, on November 4, 1661, on petition by Friar García de San Francisco, Peñalosa gave orders for the execution of the decree of Governor Guzmán, June 30, 1648, which had granted to each convent the service of ten Indians, as interpreter, sacristan, *portero*, organist, shepherd, etc., the same to be exempted from tribute in lieu of service.[11] To this extent, at least, the labor policy of López was abandoned.

The first important task of the new governor was to take the *residencia* of his predecessor. The investigation was started in the autumn and lasted until sometime in December. In testimony before the Holy Office both López and his wife made the charge that the clergy took an active part in directing the *residencia,* that Custodian Posada even drew up the questionnaire for the examination of witnesses.[12] Whether these charges were true or false, it is clear that the friars, as the colonists and soldiers, took full advantage of the *residencia* to air their grievances and to file formal charges against the ex-governor.

The manuscript record of the *residencia* contains more than seventy formal petitions of complaint.[13] Friar García de San Francisco, under appointment as *procurador* of the clergy, filed a long list of charges in the name of the friars. Antonio González, acting as defender of the Indians, presented thirty-four petitions on behalf of the pueblos or of individual Indians. The *procurador general* of the *cabildo* of Santa Fé, Capt. Diego González Bernal, submitted a long bill of complaint in the name of the Hispanic colony as a whole. Finally, more than thirty petitions were presented by individual colonists and soldiers.

The charges presented by Friar García de San Francisco in the name of the clergy may be divided into two groups. The first group included the most important complaints concerning López' opposition to the mission program, his violation of ecclesiastical immunity, and the alleged denial of all ecclesiastical jurisdiction and authority. These have already been described in detail in Chapter III. The second group contained a detailed statement of the losses in live stock—sheep, cattle, and oxen—suffered by various missions as a result of López' refusal to permit the service of Indians without pay as farmers and herdsmen. The following list is a summary statement of the losses said to have been sustained.

Convent of Santo Domingo	1378	head
" " San Felipe	343	"
" " Galisteo	100	"
Convents of Chililí and Tajique	1350	"
Convent of Cuarac	400	"
Convents of Abó and Jumanos	1347	"
Convent of San Marcos	798	"
" " Santa Fé	800	"
" " Sandía	801	"
" " Sía	350	"
" " Santa Ana	250	"
" " Isleta	400	"
Total losses	8317	head

In addition to the livestock, the convents had also suffered heavy losses in maize because of the lack of Indians to till the mission fields. Thus Friar García de San Francisco's statement clearly indicates the large scale farming and herding business carried on by the clergy.

In his reply López asserted that the friar's petition contained many falsehoods. It was mere libel! He also raised the issue whether Friar García de San Francisco, being an ecclesiastic, could in law bring a suit of this kind. And inasmuch as reports concerning the problems of Church-State relations had already been sent to New Spain, final decision should be made by the viceroy and *audiencia*.

The petitions presented by Antonio González on behalf of the Indians were in the form of claims of various kinds. Most of the claims were for payment of sums due on account of services rendered: for labor performed in transporting salt from the salt marshes east of the Manzano Range to depots on the Río Grande, gathering piñon, building carts, washing hides, tanning leather, painting leather hangings, etc.; for the manufacture of *mantas*, stockings, shirts, shoes, and leather doublets; or for service in connection with the dispatch of accumulated stocks of goods to Parral and Sonora. (For a more detailed statement, see Chapter III,

section III.) A few petitions were made for payment for property sold to López or alleged to have been seized by him. The claims varied in amount from two pesos to more than three hundred pesos. The grand total was more than 2900 pesos.

López asserted that some of these claims were sheer fabrication and denied having employed the persons named in the complaints. Others were said to be gross exaggerations. In certain cases he insisted that payment had already been made and that he held the receipts. He stated that he was ready, however, to make an equitable settlement of all just claims, and asked to have the Indians present such claims in person.

The most important charges made by Capt. Diego González Bernal in the name of the Hispanic colony as a whole are summarized below.

(1) Complaint was made that even before López arrived in Santa Fé he took measures to prepare a dispatch of wagons and salt to Parral, forcing the citizens to loan ox-teams that were never returned.

(2) After taking office López was guilty of arbitrary and unjust actions, sending the citizens on escort duty "without any cause whatever."

(3) As a result of the order promulgated by López increasing wages for Indian labor from half a *real* to one *real* a day plus food "the entire kingdom suffered great hunger," inasmuch as the citizens could not afford to pay the new wage for Indians farmers and herdsmen. To obtain even a meager sustenance, women, girls, and even young children were forced to till the fields. The motive of the governor was purely selfish, for he wished to use Indian labor for himself in the preparation and manufacture of goods for export.

(4) Although the *Casa de Cabildo* needed repairing and rebuilding, López refused to lend any aid.

(5) Although there had been a custom of long standing to parade the royal ensign once each year, with proper ceremony and festivities, it had not been done during López' term of office.

(6) Having promulgated an order of Viceroy Alburquerque prohibiting further discussion of certain past events (the Rosas affair), López violated the order, calling many citizens traitors and other insulting names.

(7) Because certain women did not wish to embroider doublets and shirts for his account, López called them whores, and threatened to give them two hundred lashes and to make a prison in the *Casa Real* in which to keep them spinning and embroidering.

(8) López intensified the hostility of the Apaches by acts of treachery. For example, certain Apache warriors were permitted to come in peace to Jémez, only to be cut down and killed by the governor's order. An expedition was then sent out immediately to seize the women and children who had been left behind.

López characterized these charges as deliberately false and lacking the proof required by law. He also questioned the status of Capt. González Bernal as *procurador general,* and charged that the petition was an evidence of conspiracy on the part of his enemies. As in the case of most of the other petitions of complaint, he entered an appeal to the authorities of New Spain.

The petitions filed by colonists and soldiers covered a wide range of subjects: (1) disputes over property and business operations; (2) complaints concerning *encomienda* administration; (3) complaints concerning appointments to local office; (4) losses alleged to have been sustained by soldiers during the performance of military service; (5) abuse of authority by the governor in the conduct of official business, especially in certain judicial actions against soldiers and colonists; (6) arbitrary and outrageous conduct on the part of the governor in his personal relations with

citizens of the province. It is not possible to describe the several petitions in detail. In Chapter III, section II, we have already discussed some of the causes for complaint. López offered a vigorous defense against many of the complaints. He made counter-charges which, if true, must have turned the tables on the plaintiffs. Other charges he denied as utterly false and malicious. In certain instances, however, he either refused to make a formal reply, appealing the charge to the viceroy and *audiencia,* or raised technical legal objections clearly designed to block action or to avoid the necessity for reply to the original charges. And in most cases he entered an appeal to the authorities of New Spain. Many of the accusations were clearly inspired by a desire for revenge, or by personal resentment caused by loss of office and local prestige. In all parts of the Indies the *residencia* provided an opportunity for disgruntled individuals, unsuccessful applicants for office, and restless, discontented spirits to attack the honor and character of officials whose term of office had come to an end. Moreover, if an official attacked or infringed upon local vested interests, he was certain to be submitted to a torrent of abuse and complaint during his *residencia.* The case of López is no exception. On the other hand, it is clear that many of the charges against López were true. Moreover, he had aroused opposition on all sides by policies that were neither expedient nor wise.

The *residencia* had been in progress only a short time when the usual rumor was spread abroad that López planned to flee from the province. On October 21, 1661, Capt. Diego González Bernal, *regidor* and *procurador general* of Santa Fé, presented a formal petition demanding that López be arrested and imprisoned in order to prevent his escape and to make sure that full satisfaction for all claims and complaints would be made. Governor Peñalosa acceded to this demand. He ordered López to be held under guard in the dwelling he then occupied, and instructed one of the *alcaldes ordinarios* to appoint four citizens to serve as guards, with

a salary of one peso each per day, the cost to be paid by López.

The motives given by Peñalosa for this decision are interesting. He stated that the feeling against López was running so high that there was danger of disorder. He had used his authority in an effort to quiet the situation, and had even taken measures to send some of the leaders of the anti-López faction away from Santa Fé. But in view of the fact that the malcontents were so inter-related *(muy emparentados)* and that the bitterness against López was so general, he deemed it wise to take appropriate action to avoid further trouble, remembering the fate of Don Luís de Rosas. Moreover, it was necessary to take into consideration the fact that the *residencia* had given rise to so much litigation. Therefore, as a precaution to protect López from violence and to avoid the risk of his fleeing to New Spain, Peñalosa issued the formal order of arrest and detention under guard. López naturally protested against this action. He regarded it as merely another sign of Peñalosa's hostility and as a means by which the new governor could serve his own interests.

It is perfectly clear that Peñalosa's motives were by no means altruistic. He was a mere adventurer, with an eye for the main chance. He realized that López possessed large stocks of goods accumulated for export, herds of livestock, and property of other kinds. The *residencia* offered him an opportunity to feather his own nest at López' expense. It was to his own personal interest, therefore, to appease the clergy and other members of the anti-López faction, and bide his time.

During the course of the *residencia* Peñalosa maintained contact with the ex-governor. He made overtures for a deal that would be mutually profitable, and finally made a definite offer. According to López, it was proposed that in return for a bribe of ten thousand pesos Peñalosa would destroy the record and permit the ex-governor to write the *residencia* in his own terms. But López rejected

the offer, and declared that he would see the investigation through, relying on the action of the viceroy and *audiencia* for vindication.[14]

About the middle of December the *residencia* was brought to a close. Acting as judge of *residencia,* Peñalosa prepared an indictment consisting of thirty-three charges, based on the accumulated testimony and petitions of complaint. The governor had no authority, however, to render a final decision, such authority being reserved to the *audiencia.* Late in December the list of charges and a copy of the record were sent to Mexico City by special messenger.

In a *real provisión* dated May 12, 1662, the president and *oidores* of the *audiencia* rendered their decision. López was absolved on the following charges:

(1) That he had exercised authority before he had been formally received in office. (This charge was based, in part at least, on López' action in making use of Indian labor (prior to his arrival in Santa Fé) in preparation of the dispatch of wagons and salt to Parral.

(2) That he had imprisoned certain persons in rooms in his dwelling and had made private prisons there with stocks, fetters, etc.

(4) That he had unjustly increased the rate of wages for Indian labor, thereby causing great need and hardship in the colony.

(5) That he had unjustly deprived certain citizens of *encomiendas.* (Cf. Chapter III, section II.)

(8, 9) That he had failed to punish certain delinquents, especially certain persons guilty of homicide (notably Capt. Nicolás de Aguilar) who had fled from New Spain to New Mexico, having pardoned them on the occasion of the birth of a royal prince.

(10) That he had submitted an exempt person to public shame by ordering him to give a *manta* to an Indian woman who had accused the said person. (This referred

clearly to the case of Friar Francisco de Acebedo, guardian of Alamillo. See Chapter III, section IV.)

(12) That he had given permission for the public celebration of the *catzinas*. (The *audiencia* stated that the friars should report concerning the character of these dances.)

(13, 14) That he had failed in his obligation to promote Christianity among the Indians by forbidding the friars to enforce attendance at religious services, by prohibiting the service of *cantores* and sacristans, by abusive language against the friars, and by the remark that neither St. Peter nor St. Paul would render justice as well as he.

(15) That he had endangered the safety of the powder held for military purposes by transferring it from the room where it had been usually kept to an unsafe place in the *Casa Real*.

(21) That he had failed to repair the local prison and the *casa de cabildo*, and that he had not permitted the customary procession in honor of the royal ensign.

(24) That he had fixed the price of grain, and had then sold grain through the agency of the *alcaldes mayores* at higher prices, as a result of which the province had suffered great need.

(25) That he had sold the office of lieutenant-captain general of the Sandía area to Juan Domínguez de Mendoza for three hundred pesos.

(28) That he had failed to visit certain areas, such as Taos, Picurís, Acoma, and the Tewa pueblos, being under obligation to do so in person, or at least to send a visitor if the case was urgent.

(31) That in order to authorize reports in his favor to be sent to the viceroy and *audiencia*, the same attested by forged signatures, he had sought to obtain possession of the seal of the *cabildo*.

(32) That in the interest of selling certain captives (Apaches?) he had compelled the *cabildo* of Santa Fé and

certain citizens to make petitions and reports to the viceroy, in certain cases writing out a draft for them to sign.

On the following charges the *audiencia* pronounced López guilty:

(3) That instead of honoring the subjects of His Majesty, especially the *encomenderos,* he had abused them with insulting speech, especially Capt. Diego de Trujillo, his son, Francisco de Trujillo, and his son-in-law; and that he had unjustly wished to inflict punishment of two hundred lashes on Sargento Mayor Diego del Castillo.[15]

(6) That from the time he entered the province, even before taking office, he had employed the Indians in all manner of enterprise without making full payment for their labor. (It was ordered that he should make full settlement for all balances justly due.)

(7) That he had accepted a bribe from former governor Juan Manso during the latter's *residencia,* the said bribe being in the form of a gift to Doña Teresa de Aguilera, the wife of López. (Fine of three hundred pesos was imposed for this offense.)

(11) That instead of having honored and favored the *cabildo* of Santa Fé, he had said, among other things, that the *cabildo,* his negress, and his mule were all the same thing.

(16) That he had accepted a bribe of two hundred pesos, in return for which he had not executed a sentence of whipping in the case of a certain Diego González Opodaca, who had been found guilty of incest with three step-daughters. (He was ordered to repay the said bribe and to pay a fine in the same amount.)

(17) That he had used disrespectful language concerning certain *oidores* of the *real audiencia* and also concerning the viceroy, Duque de Alburquerque.

(18) That in violation of terms of peace with certain Apaches who had come to live at Taos and Jémez, he had

ordered the males killed, and their women and children seized in order to sell them as servants.

(19) That after orders had been received forbidding the sale of captives, he had then taken no action to punish Apache invasions.

(20) That without consideration for sacerdotal dignity he had given orders depriving the convents of Indian herdsmen and servants to bring in wood, that he had taken delight in the fact that certain friars, especially Velasco, Freitas, and Parraga, had been obliged to fetch their own wood and herd their livestock, and that as a result of this policy the convents had suffered great losses in livestock. (With regard to the losses sustained, the friars were authorized to present claims before the *audiencia.)*

(22) That he had disturbed the tranquillity of the province by impeding the jurisdiction of the prelate; and that he had ordered his lieutenants to proceed against exempt persons (the friars) on charges of concubinage, as a result of which both the friars and certain married women had been defamed.

(23) That he had abused his authority in the administration of justice by summoning women for examination in certain judicial cases and then forcing them to submit to improper relations, thus causing great scandal.

(26) That he had borrowed oxen from various citizens and had not returned them.

(27) That he was liable for re-payment of one hundred pesos' worth of lead that he had received for use in New Mexico and had not actually taken to the province.

(29) That he had oppressed the *encomenderos* by preventing them from collecting the tribute due from their *encomiendas,* and by ordering his *alcaldes mayores* to make the collections in order to obtain payment for balances due on account of goods sold by him to the said *encomenderos.*

(30) That a certain Joseph Telles Jirón had been unjustly exiled to Taos because he refused to make a false

statement in López' behalf in reports remitted to the viceroy, and that Capt. Bartolomé Romero, *alcalde ordinario* of Santa Fé, had been sent on escort duty for the same reason.

(33) That "with scandal and little fear of God or law," he had oppressed both ecclesiastics and laymen.

The *audiencia* declared that López should be ineligible for office for a period of eight years, and that he should be fined 3000 silver pesos and costs. The claims made against him during the *residencia* should be followed up, substantiated, and decided by his judge of *residencia,* except that the claims presented by the friars should be referred to the authorities in Mexico City. After having fulfilled the terms of the sentence, or having given bond for the same, López should then be set free and permitted to return to Mexico City. A copy of the sentence should be sent to Peñalosa with orders to obey the same under penalty of two hundred gold pesos.

Diego González Lobón, who had brought the *residencia* proceedings to Mexico City, was sent back in all haste with a copy of the sentence. He arrived in Santa Fé early in August, 1662.

III

The sentence by the *audiencia* deserves some comment.

López' action in restoring *encomiendas* to persons who had been deprived of their grants by Governor Manso was approved, as well as his decisions with regard to other *encomienda* appointments. His policy concerning wages for Indian labor was also sustained, although he was ordered to make full payment for all labor performed for his own account. On these points the *audiencia* took a firm stand in behalf of the governor as against certain colonists of prominence and against the vested interests of the Hispanic colony as a whole. On the other hand, the arbitrary action of López in the collection of tribute from certain *encomiendas* in order to satisfy private debts owed to him by the holders of the said *encomiendas,* the nature of his

conduct with regard to certain prominent citizens, the acceptance of bribes, and the flagrant abuse of authority in the case of women summoned to testify in judicial cases received formal condemnation. Moreover, the *audiencia* did not fail to censure him for disrespectful language concerning the viceroy, certain *oidores,* and the *cabildo* of Santa Fé.

On three important points the clergy scored a victory. First, the *audiencia* upheld the general ecclesiastical jurisdiction of the custodian, although there is no record that a formal pronouncement was made concerning all issues raised by López in the summer of 1660. (See Chapter III, section IV.) Second, by finding López guilty on the charge that he and his subordinates had proceeded against the clergy in certain cases of alleged immoral conduct, the *audiencia* took a firm stand in favor of ecclesiastical immunity and privilege. Third, López' policy forbidding the employment of Indian herdsmen and laborers by the convents without pay was condemned.

But the views of the friars on two important aspects of general mission policy were not sustained. The *audiencia* found López innocent on the charge that he had impeded the mission program by his refusal to support the friars in enforcing attendance at religious services and by his policy regarding the service of *cantores* and sacristans. And even more important was the decision with regard to the *catzinas.* Instead of censuring López for permitting public celebration of the dances, the *audiencia* put the burden of proof concerning the alleged superstitious character of the ceremonials on the clergy. The *audiencia* had at hand not only the statements on this point presented during the *residencia,* but also letters and memorials from the friars emphasizing the harm resulting from the celebration of the dances. Thus the decision of the *audiencia* represented a determination to proceed with caution on this moot question.

The decision of the *audiencia* upholding the general principles of ecclesiastical privilege and jurisdiction is not

surprising. But it is interesting to see that the *audiencia* took such a liberal stand with regard to mission discipline and the *catzina* question, while condemning López' policy regarding the employment of Indian laborers by the convents. The *catzina* question was of supreme importance, inasmuch as it involved the larger issue of paganism vs. Christianization. Idolatry was forbidden by colonial law, and in times past drastic action had been taken to stamp out the practice of aboriginal religious customs. The ceremonial dances were the most important feature of the Pueblo cults, and it is surprising, therefore, to find the *audiencia* putting the burden of proof regarding their superstitious character on the clergy. Moreover, the decision on this point has greater significance if we recall that the later Pueblo Rebellion of 1680 was largely inspired by a desire on the part of the Indians to preserve the old folk ways.

The terms of the general sentence imposed as penalty for López' misconduct were fairly severe. Although it was not an uncommon practice to declare persons ineligible for office for a term of years as the result of an unfavorable *residencia,* such a penalty naturally laid serious handicaps on an ambitious official. The fine of 3000 pesos, equal to the governor's salary for a year and a half, was also a fairly heavy penalty.

Finally, it should be noted that the *audiencia* pronounced its decision without hearing López' case, except insofar as he offered a defense in his replies to the several petitions of complaint presented during the hearings in Santa Fé. That Peñalosa and his aides carried on the investigation in a rather arbitrary manner is fairly clear. Moreover, the new governor prevented López from sending messengers to New Spain for several months. López finally found a way to get representations to the viceregal authorities, as a result of which the *audiencia* immediately dispatched orders relieving Peñalosa from further jurisdiction in the case, but by the time these orders were received in New Mexico, Peñalosa had already taken action to execute

the sentence of May 12, 1662, and in a manner detrimental to López' fortunes.

IV

From December, 1661, until the summer of 1662 López was held in confinement in his dwelling in Santa Fé. There is also evidence that Peñalosa employed other measures to limit his contacts with citizens of the province. Moreover, an illness that had troubled López for some time gradually became more serious, and he was often forced to keep his bed. Under such circumstances López was unable to offer active resistance to the measures adopted by Peñalosa in seeking his own personal profit.

In Chapter III, section II, I referred briefly to certain shipments of goods that López sent to Sonora and Parral. The Sonora shipment, consisting of New Mexican products of various kinds and a large number of Apache captives, was sent under the management of Capt. Francisco Pérez Granillo. The Apache captives were readily sold, but as the result of orders from the *Audiencia* of Guadalajara the deals were later declared null and void, and Pérez Granillo was forced to make a refund to the purchasers. For the remainder of the shipment he realized 2904 pesos which he put into silver bullion. Peñalosa apparently learned about this shipment on his way to Santa Fé for he was said to have sent an agent from the El Paso area to Sonora with instructions to contact Capt. Pérez Granillo and have him bring the silver to New Mexico. Pérez Granillo arrived in Santa Fé a few days after Peñalosa took possession of the provincial government. On orders from the new governor, Pérez Granillo brought the silver to the *Casa Real* where it was weighed in the presence of witnesses. On petition by Pérez Granillo, the silver was put in deposit, instead of being turned over to the ex-governor, López de Mendizábal. The person chosen to receive the silver was Capt. Pedro Lucero de Godoy, in whose hands it remained until February 26, 1662, when it was turned over to Peñalosa by order of the latter. Capt. Lucero later testified that a few days

after this transfer was made Peñalosa remarked, "Concerning this silver, which belongs to Don Bernardo López, I will go to law *(pleitar)* with him, and I will make war with him *(le daré guerra)* [for it]."[15]

Thus Peñalosa began to reveal his purpose to take advantage of López' adversity in order to feather his own nest, and before long he found other means to the same end. During the winter and spring of 1661-1662 he gave orders from time to time for the embargo of large quantities of goods belonging to López, on the ground that it was necessary to provide funds to defray the costs of López' *residencia* and to pay the salaries of the four guards appointed to keep watch over the ex-governor. In this manner 1000 deerskins, hides and leather goods of other kinds, and supplies of *mantas,* shirts, and other textile products were seized and taken to the *Casa Real.* López valued the goods at approximately 1500 pesos. Although Peñalosa made certain small payments to the guards on account of salary due, the bulk of the property thus seized remained in the governor's possession.[16]

On April 19, 1655, shortly after his appointment as *alcalde mayor* of Guaiacocotla, López had borrowed five hundred pesos from a citizen of Mexico City, Don Fernando de Pacheco, Duque de Estrada, giving his note to repay the money by the end of February, 1656. But López failed to repay the loan, and in September, 1660, his creditor finally obtained a judgment for the amount due. Pacheco gave his power of attorney in this matter to Perdo Martínez de Moya and Martín de Carranza, servants or associates of Peñalosa in New Mexico.[17]

Sometime during the winter of 1661-1662 Martínez brought formal action in Santa Fé for execution of the judgment. López admitted the debt, but asserted that fifty pesos had already been paid on account. It was finally agreed that fifty *mantas* and 400 sheep would be accepted as payment of the balance of 450 pesos due, and that Martínez should receive 500 sheep as payment for his serv-

ices as collector, or agent, for Pacheco. In accordance with this agreement López turned over the 900 sheep and fifty *mantas*, but when he asked Peñalosa for the customary receipts, he found it impossible to obtain them.[18]

In May, 1662, some six months later, Martín de Carranza, the second of Pacheco's agents, brought action before Diego del Castillo, the *alcalde ordinario* of Santa Fé, for payment of the loan. Although López apparently protested against this attempt to force payment a second time, he was in no position to make effective resistance. When the *alcalde ordinario* informed him of the claim for payment in the name of Carranza, he asked to have Carranza summoned. But Peñalosa refused this request. Moreover, the governor sent word to the *alcalde* and the notary of the *cabildo*, who were taking down López' reply, not to proceed further in the case, and this order was obeyed to the letter, with the result that López' reply remained unfinished and unsigned. When the *alcalde* and the notary returned to the *Casa Real*, Peñalosa tore up the original petition made by Carranza and López' unfinished reply to the same. A second petition was then drawn up, and Peñalosa dictated a reply in the name of López in which it was stated that López denied the debt and refused to sign the said reply! The governor then forced the notary to certify these papers, and pressure was put on the *alcalde* and other witnesses to sign them.[19]

Orders were then given for the seizure of López' property in sufficient quantity to pay the demand thus made a second time. Several pieces of silver plate and a richly ornamented saddle were removed from López' house, and within a few days twelve oxen and 238 steers, belonging to a herd being grazed at Taos for López' account, were brought to Santa Fé. The property thus placed under embargo was finally sold at auction to a certain Lucas de Villasante, a member of the military escort of the recently arrived mission supply caravan. The total purchase price was 1098 pesos.[20]

At the same time forty-nine pesos were collected from Pedro Martínez de Moya, said to be due on the purchase of 500 sheep and fifty *mantas* allegedly purchased from López.[21] As noted above, López had turned over 500 sheep on account of Martínez' salary as collector when the first settlement of the claim was made. This payment of forty-nine pesos was undoubtedly used as a means of covering up the fact that the note had already been collected.

Thus there was a total of 1147 pesos available to meet Carranza's demand. The costs of the suit were deducted, leaving 1101 pesos' worth of goods to be turned over to Carranza. Five hundred pesos were applied to the liquidation of the note, and the remaining 601 pesos were assigned to Carranza for salary as collector.[22]

It was common knowledge that as purchaser of the property sold at auction Villasante was merely acting as agent for Peñalosa. Moreover, the goods given in payment —*mantas*, hides, etc.—probably came from the stocks of such goods that Peñalosa had accumulated by the simple means of seizure from López. It may be doubted also whether Carranza, as collector for Pacheco, actually retained all of the property assigned to him as salary, the supposition being that Peñalosa probably received a share of it. In fact, all three persons, Martínez, Carranza, and Villasante, were apparently acting as agents and accomplices of the governor.[23]

Thus, by the summer of 1662, Peñalosa had found it possible to use the López case as a means of personal aggrandizement. Other opportunities soon presented themselves. In the spring of 1662 Father Posada received the orders of the Holy Office to arrest Nicolás de Aguilar, Francisco Gómez Robledo, and Diego Romero, and to take appropriate action in the case of Cristóbal de Anaya. The bearer of these orders was ex-governor Juan Manso, who also brought a decree of the *audiencia* naming Peñalosa as judge in the action that Manso was authorized to bring against López on charges based on López' conduct during Manso's

residencia. In August, 1662, Peñalosa received the sentence of the *audiencia* in López' *residencia,* and he proceeded to execute the same. And at about the same time Posada received the decrees of the Holy Office for the arrest of López and his wife on charges filed before that tribunal. Thus the situation in New Mexico was further complicated by the series of events resulting from the execution of all these orders and decrees. And it was inevitable that Peñalosa, ever watchful for the main chance, should attempt to derive personal profit and gain from these new developments.

(To be continued)

NOTES

1. The career of Peñalosa in New Mexico has been briefly summarized in C. W. Hackett, "New Light on Diego de Peñalosa: Proof that he never made an Expedition from Santa Fe to Quivira and the Mississippi River in 1662," *Miss. Valley Hist. Rev.,* VI (1910-1920), 313-325.

2. In a statement of his life history made before the Holy Office on June 25, 1665, Peñalosa stated that he was then "forty-three or forty-four years of age." *Proceso contra Peñalosa.*

3. Peñalosa's father, Maese de Campo don Alonso de Peñalosa Briceño y Berdugo, held office for a time as *corregidor* of Recaxa in the Charcos district. One of his aunts, Doña Petronila de Doipa (?) y Ocampo, was abbess of the convent of the Santísima Trinidad in Lima. A cousin married Dionisio Pérez Manrique de Lara, who served a term as rector of the University of Alcalá de Henares, was later *oidor* of Lima, then President of Charcas, and in 1654 was appointed President of New Granada. One of Peñalosa's brothers served a term as *alcalde ordinario* of La Paz and later was appointed *alcalde provincial* of the *Santa Hermandad.* Peñalosa also claimed as his uncle Fray Alonso Briceño, who served as Bishop of Nicaragua and was later moved to the see of Chile. Testimony of Peñalosa, June 25, 1665, *Proceso contra Peñalosa; Encyclopedia Universal Ilustrada,* XLIII, 728-729; Domingo Juarros, *Compendio de la Historia de la Ciudad de Guatemala* (Guatemala, 1857), II, 190.

4. Testimony of Peñalosa, June 25, 1665. *Proceso contra Peñalosa.*

5. *Ibid.*

6. *Ibid.*

7. *Ibid.*

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

9. *Real provisión,* México, July 22, 1662. A.G.P.M., Tierras 3268. In a written deposition presented to the Holy Office on Jan. 9, 1664, López' wife indicated one reason why the relations between Valdez and her husband were strained. She stated that on a certain occasion López ordered Valdez not to enter the home of Juan Griego because of his scandalous conduct with a daughter of Griego. *Proceso contra Doña Teresa de Aguilera.*

10. In testimony before the Holy Office, Dec. 3, 1663, López stated ". . . y luego que llegó el dicho Fray Alonso de Posadas al Nuevo Mexico, mostró la union que llevaba hecha con el dicho don Diego de Peñalosa contra este confesante y despachó patente pública a todos los Combentos avisando de la yda del dicho don Diego, mandando le encomendasen a Dios, y llegado que fuese le diesen quanto pidiese o hubiese menester en los Combentos, y que era orden del Comisario General de San Francisco, lo qual se executó inviándole el sustento y todo lo demas de cada Combento;

y el dicho Don Diego decía que agradecido solo sentia no tener tres o quatro hermanas para el Custodio, y los Frailes, pero que hiciesen todo lo que quisiesen que el haría lo que mandasen . . . ." *Proceso contra López.* A written deposition by Doña Teresa presented to the Holy Office on Oct. 5, 1663, contains the following: "Y el mesmo fletas (Fray Nicolás de Freitas) predicó recien ido peñalosa por gouernador en un sermon que içο que dios auia lleuadole a que socora la iglesia de poder de un erege i otras muchas cosas destas como se lo digo a don bernardo diego romero i todos los que oieron el sermon i los demas que içο pues solo para decir mal dellos acia i era tanta su pasion deste religioso que asta de hir de en casa a solicitar no me amasaran un poco de pan lo acia como lo içο en casa de lucia de montoia amenaçandola le auia de uenir mucho mal por ello si lo acia . . . ." *Proceso contra Doña Teresa de Aguilera.*

11. *Tetimonio de Un Mandamiento en favor de la Custodia del Nueuo Mex.*co. Santa Fé, Nov. 4, 1661. B. N. Mex., Legajo, doc. 19.

12. ". . . pues su residencia la hicieron el dicho Fray Alonso de Posadas y los demas religiosos, y le dio el dicho Fray Alonso de Posadas el interrogatorio de preguntas para ello, y un tanto de un dicho para que fuese General en los testigos que llamase para dicha residencia, lo qual le dijo a este confesante Francisco de Anaya Almazan que era el que escribió la residencia, y asi mismo se lo invió a decir Don Fernando Duran de Chaves con Juan Dominguez de Mendoza . . . ." Testimony of López, Dec. 3, 1663. *Proceso contra López,* III. A written deposition by Doña Teresa presented to the Holy Office on Oct. 5, 1663, contained the following: "Primeramente tomo don diego la residencia de don bernardo por un auto de inquisicion como nos lo dijo toriuio de la guerta i Juan domingues de mendoça iendo a gurar en los descargos lo auian uisto i mas digo el dicho Juan domingues sauia en que conuento se auia echo i que fraile el tal auto por interogatorio para examinar los testigos della." *Proceso contra Doña Teresa de Aguilera.*

13. The manuscript record of the López *residencia* is in A.G.P.M., Tierras 3268.

14. For a statement concerning some of the causes of controversy between López and the Trujillos, see Chapter III, section IV. In a formal complaint presented during López' *residencia,* Diego de Trujillo accused the ex-governor of various acts of injustice, such as unwarranted arrest and imprisonment, seizure of Apache captives, and abusive speech. Francisco de Trujillo stated that López sent him on unnecessary escort duty, and that during his absence from home Apache raiders carried off a herd of thirty mares. For reasons that are not entirely clear, López brought criminal action against Diego del Castillo and threatened him with severe physical punishment. Doña Teresa and the friar-guardian of Santa Fé interceded on behalf of Del Castillo, and the sentence was apparently commuted to a fine and exile. Del Castillo claimed that López built up the case against him by taking evidence from his enemies and by false testimony. A.G.P.M., Tierras 3268.

15. Testimony of Capt. Pedro Lucero de Godoy, May 6, 1664. *Proceso contra Peñalosa.*

16. Testimony of Sargento Mayor Diego del Castillo, May 8, 1664. and of Domingo González, May 17, 1664, in *Proceso contra Peñalosa;* Declaration of López, Sept. 1, 1662, in A.G.P.M., Tierras 3283.

17. *Carta de Justt.*a *. . . en favor de don fernando Pacheco . . .,* [1655-1662]. A.G.P.M., Tierras 3268.

18. Declaration of López, Sept. 1, 1662, A.G.P.M., Tierras 3283; Articles 146 and 147 of the indictment against Peñalosa and his replies to the same, in *Proceso contra Peñalosa.*

19. *Carta de Justt.*a *. . . .* [1665-1662], A.G.P.M., Tierras 3268; Declaration of López, Sept. 1, 1662, A.G.P.M., Tierras 3283; testimony of Antonio González, Feb. 22, 1664, in *Proceso contra Peñalosa;* articles 146 and 147 of the indictment against Peñalosa and replies to the same, in *Proceso contra Peñalosa.*

20. *Carta de Justt.*a *. . . .* [1655-1662], A.G.P.M., Tierras 3268.

21. *Ibid.*

22. *Ibid.*

23. Declaration of various witnesses in *Proceso contra Peñalosa.*

THE CHAPTER ELECTIONS IN 1672

LANSING B. BLOOM *and* LYNN B. MITCHELL

I—INTRODUCTION

BECAUSE of the complete destruction of records which occurred in New Mexico in August 1680, any documentary material which originated prior to that date is of great interest. Such is a mission document which was written in the year 1672 at the convent of "San Diego de los Jémez" and sent to the superiors of the Franciscan Order in the "Province of the Holy Gospel" at Mexico City. There, (as an endorsement on the back shows) it was filed with other similar "Chapter Elections and Appointments," but today it is in the library of the National Museum of Mexico, bound with many miscellaneous documents in a series of volumes under the vague title "Varios Asuntos."[1]

From a facsimile copy, the Latin text has been deciphered by Dr. Mitchell, and he has also made the annotated translation given below. Besides making the document available in this way for comparative study, it may be of interest for us to discuss some of the persons and places mentioned in the report.

Who were present in this meeting? The custodian, of course, who presided, not by election of his fellow missionaries on the field but by authority from Mexico City. We may think of spiritual authority as delegated from above: the Pope as head of the Church in Rome, through the agency of the *Propaganda Fidei,* delegated authority to the governing body of the Franciscan Order in Spain; they in turn to (among others) the "Province of the Holy Gospel" in Mexico City; and they again designated (among others) the custodian for the "Custody of the Conversion of Saint Paul" in New Mexico.

1. Mexico, Museo Nacional, *Asuntos,* vol. 216, f. 148. The document consists of a single folio sheet which was opened out flat and written upon transversely, front and back. The handwriting is that of Fray Andrés Durán.

Who else were present in this meeting? At this time New Mexico was entitled to a total missionary force of forty-nine, of whom forty-five were to be *sacerdotes* (Franciscans of the First Order) and four *legos* (brothers of the Second Order).[2] Deducting the lay brothers (who would not vote and no one of whom is named), our document seems to state (as Dr. Mitchell explains in his notes) that all the *sacerdotes* were at the meeting. But we find only thirty-one names, whereas there should be forty-one. Had ten died or left in less than two years?

It appears more probable that at least some of the missionaries serving at the more distant stations did not participate; in fact we cannot be sure that all of the thirty-one named were present—all we do know, from this document, is that they were all then active in the work and that they were assigned as here reported.[3] From a survey of the mission stations and their distribution, we may estimate that not over twenty were actually present—including the four who actually signed.

A little quick work with a pencil will show that the twenty-six stations which are named occupied the whole Rio Grande valley from the Summas below Paso del Norte to Picuríes and Taos in the north, and from Pecos on the east to Oraibi and the Coconinos on the west. If a sketch is drawn of the Rio Grande and its tributaries, the picture as a

2. Only a few years before this, the total had been as high as seventy. Just when the reduction was made cannot be stated. The figures given are taken from a *libranza* of August 5, 1671, in A. G. I., Contaduría 763B, ramo *Datta*, sección de "Guerras de los Chichimecos," f. 6 *et seq.* The payment of this date was a total of 31,320 pesos which was in part transportation costs of the last two dispatches of supplies and in part an installment of the *limosnas*, or stipends, of the current triennium running from August 3, 1669, to August 2, 1672. It is stated that the last report received from New Mexico (which must have left New Mexico late in 1670) stated that the effective force at that time was 33 *sacerdotes* and 2 *legos;* and included in the estimate were 12 *sacerdotes* and 2 *legos* who were then going out and who would bring the total force up to 49. Supposedly these recruits had arrived some months before the date of this meeting. On the other hand, very possibly some of the 35 reported in 1670 had, since that time, died or returned to Mexico.

3. Fray Salvador de Guerra is not mentioned, yet he was in charge of the supply-train which arrived earlier this year. Fray García de San Francisco y Zúñiga, a veteran of many years, is said to have died at Senecú January 22, 1673, but his name is not here.

whole becomes clear. And we should also mark the names of pueblos which are not mentioned but which we know were being cared for. The pueblo of the Jumanas and its *visita* Tabirá are not listed—perhaps they had already been wiped out by their Gentile enemies; but we will put down San Lázaro, San Cristóbal, Tesuque, Jacona, Cuyamungué, Pojuaque, Santa Clara, Cochití, San Felipe, and Santa Ana. Apparently all of these were being cared for as *visitas*. The picture is one of a wide spread and difficult field, and a very limited band of workers. And we must not forget that the Spanish population also looked to these same Franciscans for any spiritual ministry and consolation they received. There were no secular clergy.

In any way in which we can figure it, most of those here placed in charge of the mission stations went to their posts alone, without a companion missionary. Yet the Franciscans were a missionary Order, and it is significant that their distribution shows a reaching out for "new flocks": the Mansos and the Summas on the lower Rio Grande, and the Coconinos west of Oraibi.

An analysis of the missionaries named in this document reveals a number of interesting facts. At least one of them, Fray José de Espeleta, had come to New Mexico about 1650 or earlier; a number of them had arrived only the year before.[4] Of these latter Fray Pedro de Ayala, here assigned to Hawikúh, was killed only a few weeks later in an Apache attack on that pueblo; and it was Fray Juan Galdo (at Alona) who recovered his body. Another of these thirty-one misisonaries, Fray Alonso Gil de Avila (here assigned to the mission of Abó) was later serving in the mission of

4. Probably by mistake of a copyist some of the missionaries who appear in this document are said to have come to New Mexico only in 1674 or even 1677; yet here they were, in 1672. See, e. g., the data published in 1680 regarding those killed in the Pueblo rebellion, in Maas, *Misiones de Nuevo Mejico* (Madrid 1929), 86-89.

The inaccuracy on the part of copyists thus revealed is reflected in the numerous discrepancies noted by Dr. Chas. W. Hackett in a volume received just as we are going to press: C. W. Hackett (ed.), *Historical Documents relating to New Mexico, Nueva Viscaya, and Approaches Thereto, to 1773* (Washington, 1937), III, pp. 335-339.

Senecú when, in January 1675, he also was killed in an Apache attack.

Of the others, twenty-one were involved in the Pueblo rebellion of 1680, twelve being among those killed in that uprising [5] and nine of them being among those who escaped that massacre. Of the nine who were saved in 1680 and who are here named,[6] Fray Andrés Durán was the storm-center of a strange witchcraft affair at San Ildefonso in 1675; he and Cadena were both in the siege of Santa Fé in August 1680. Muñoz is the one who served as chaplain for Governor Manso back in 1658 at "los baños de San Joseph de los Jémez." [7] Fray Salvador de San Antonio was to be custodian of the missionaries who returned with Governor Diego de Vargas in 1693; and still later, Fray Juan Alvarez was to serve as custodian in 1703-1705.

Possibly one more name, that of Fray Felipe de Montes,[8] should be added to the above list of those who were killed in 1680. Probably Fray Benedicto de la Natividad had died before that date.[9] Regarding six others, we know little

5. These were Frailes Juan del Bal (Val), Juan Bernal (here agent of the Inquisition and assigned to Galisteo, but he was custodian in 1680), José de Espeleta (already mentioned), Juan de Jesús (here assigned to Sandía), Francisco Antonio Lorenzana, Lucas Maldonado (here sent to Acoma and later killed there), Luís de Morales, Antonio de Mora (at Taos), Juan de Talabán (here sent to the Summas, later killed at Santo Domingo), Tomás de Torres (here assigned to Jémez, later killed at Nambé), José de Trujillo (here assigned to the Coconinos, killed in the Hopi country), and Fernando de Velasco (here sent to Socorro, later killed in the Pecos country).

6. These nine were: Frailes Juan Alvarez (Paso del Norte), Francisco Gómez de Cadena (Isleta), Andrés Durán (San Ildefonso), Nicolás Hurtado (Summas), Nicolás López (custodian at this time), Francisco Muñoz (Sandía), Diego de Parraga (Cuarac), Salvador de San Antonio (Alamillo), and Antonio de Sierra (Picuríes).

7. This incident at "baths" in the Jémez country will be referred to again, below.

8. Among those killed in 1680, Fray Francisco de Ayeta reported the death of Fray *José* de Montes de Oca, native of Queretaro, son of the (Franciscan) province of Michoacan, who entered as a missionary in 1664. A. G. N., Historia 25, f. 171v. Bancroft gave his entry as in 1667; Father Otto Maas, *Misiones de Nuevo Méjico*, 87, has it (from sources in Spain) as 1674. Fray *Felipe* de Montes signed in 1672 as one of the definitors and his name is perfectly legible. In the circumstances under which Ayeta wrote his dispatches of Sept. 11, 1680, it would not be surprising if he wrote "José" in place of "Felipe."

9. This father was one of four in this list who had come to New Mexico *before* 1658; the others being Espeleta, Muñoz, and José de Paredes. *Vide* F. V. Scholes, "The Supply Service of the N. M. Missions," in N. M. HIST. REV., V (1930), 208-210. In 1668 Fray Benedicto was "loaded down with years and with ills," (*id.*, IV, 199) and he was probably one of the three (unnamed by Ayeta) who had died a natural death before 1680.

except the fact shown by this document that they were actually serving in the year 1672.[10] Perhaps some of them have been rescued from complete oblivion by the finding of this scrap of paper.

We now come to a discussion of the place where this meeting was held—"San Diego de Jémez." Hitherto we have accepted the statement of earlier students that the seventeenth century mission of this name was the one which had been built at the Jémez pueblo of Guiusewa (Guï-oo'sā-wä) the ruins of which are in the present-day Jémez Springs. In earlier papers [11] we did not question this identification by Bandelier [12] and those who followed him, overlooking Bandelier's statement that he had "made but two short visits to the Jémez country, and had neither time nor opportunity for examining its ruins, except superficially." Sometime it may be of antiquarian interest to see whether this case of mistaken identity traces back to writers earlier than Bandelier; our present interest is simply in recognizing that it was a mistake and in establishing the correct identity of the San Diego mission.

It has long been known that the Franciscan Fathers used at least three mission titles in connection with their seventeenth century work among the Jémez people: San José de los Jémez, San Diego de los Jémez, and San Juan de los Jémez. In 1630 Fray Alonso de Benavides [13] wrote of the first two in the following way:

> . . . we have congregated it (the Jemez "nation") in two pueblos; that is, in the (pueblo) of San Joseph, which was still standing, with a very sumptuous and beautiful Church and Convent, and in the (pueblo) of San Diego of the Congregation,

10. These six are Paredes, Juan del Hierro, Juan Zamorano, Sebastián de Aliri, Felipe Pacheco, and Juan de Galdo.

11. L. B. Bloom, "The West Jémez Culture Area," *El Palacio* xii (1922), 19-25; and "The Jémez Expedition of the School (of American Research), Summer of 1922," *ibid.*, xiv (1923), 13-20.

12. A. F. Bandelier, *Final Report of Investigations . . . from 1880 to 1885*, Part II (1892), 200-217.

13. *The Memorial of Fray Alonso de Benavides, 1630* (Ayer edition 1916), with notes by F. W. Hodge and C. F. Lummis, p. 100.

> which for this purpose we founded anew, bringing thither what Indians there were of that nation who were going about astray . . .

For many years also the remains of two mission churches in the Jémez area have been known: the one at Guiusewa already mentioned, the other at Cañon.[14] Having from documentary sources the names of three seventeenth century missions and having only two known ruins with which to identify those names, we are in something of a dilemma. However, "San Juan" first shows up after 1680, so we may attack the problem by stating it in the form of two alternatives: (1) if the mission at Guiusewa was San Diego, where were the other two? (2) if at Guiusewa we have the ruins of the San José mission, where were the other two, and especially San Diego where this chapter meeting was held?

If the first hypothesis is correct, then from the wording of Benavides it would seem necessary to find somewhere a "San José" mission, the church of which was more imposing than the one which we have at Guiusewa. The church ruin at Cañon decidedly does not meet this requirement; the wall construction is much inferior to that at Guiusewa, the dimensions and other architectural features do not compare favorably with those of the alleged "San Diego." Evidently

14. For convenience I shall so refer to this site. Actually the ruin is a mile north of Cañon, a Spanish-American settlement which is scattered from the boundary of the Jémez pueblo grant up the valley to a point five miles above the pueblo where two forks of the Jémez river unite, as they emerge from the Guadalupe and San Diego cañons. Separating these cañons. towers up the lofty *peñol*, from the foot of which extends southward for a mile and a half a lower point, or "the first mesa" as Governor Vargas called it in 1694. On this long, low point is a prehistoric pueblo ruin of the Jémez people called "Patokwa." A little to the north are the larger ruins of a pueblo called Astialakwa which was being used by the Jémez in 1694 in connection with their refuge-pueblo high up on the peñol. The upper pueblo is called Mashtiashinkwa (place of the thumb), though archaeologists are calling it Astialakwa (place of the index finger). If the reader will hold his open hand in vertical position with thumb on top, he will see why the Jémez people so name the two sites.

At the north edge of the Astialakwa ruins, on the first mesa, are the remains of a Christian church which (as we shall see presently) was built in the summer of 1694 and was abandoned in less than two years.

the hypothetical "San José" would have to be sought elsewhere than at Cañon.

Sixteen years ago we pointed out the fact that the first Europeans who visited the Jémez people[15] entered the region by way of Zía and went north, not by way of the San Diego cañon, but by way of the Vallecito Viejo and the upper Valles and in that part of the Jémez country they reported seven pueblos. It is not clear whether they detoured westward to visit the three "Hot Springs" pueblos which they also reported, but it is clear that in Coronado's time the principal Jémez country was in the Valles section. As a matter of fact, there are twelve major ruins in the Valles[16] as against nine in the Guadalupe-San Diego section. It would therefore be reasonable to look for an imposing church ruin in the Valles section. Thus far, the results of diligent and repeated search have been entirely negative.

Several years ago it occurred to us that Bandelier may have been mistaken in identifying the San Diego mission with the old pueblo of Guiusewa; that we have there the remains of the San José church described by Benavides in 1630.[17] A surprising amount of evidence has been our reward and it seems to establish certain facts beyond any reasonable doubt.

15. See "West Jémez Culture Area," *loc. cit.*

16. By the courtesy of W. S. Stallings, Jr., we have tree-ring readings from material gathered at three of these ruins which show occupation ranging from 1598 to 1657.

17. As one result of his studies in the records of the seventeenth century and from his visits to the Jémez country, France V. Scholes has suggested this same possibility but he has not reached any definite conclusions.

In "A Critical study of the religious architecture of New Mexico" (unpublished M.A. thesis, Yale, 1936). Mr. George Kubler has done a very fine piece of work along an independent line of research. In concluding that the Gyusiwa (Guiusewa) ruin was the San José of Benavides, he calls attention to the following facts among others: the San Diego Mission was located in the middle of a plaza, which does not fit the Guiusewa ruin; timbers in the walls in that ruin have yielded tree-ring readings of close to the year 1625 and they reveal no evidence of burning, though we know that San Diego was so destroyed in 1680. Therefore, he concludes, it was San José. Mr. Kubler follows Bandelier in identifying the Cañon ruin as San Juan—which we shall show is not in accord with documentary evidence; and he leaves the identifying of San Diego undetermined.

As we now see it, the earliest missionary work among the Jémez people began in 1598-99 and centered at the pueblo of Guiusewa.[18] Fray Alonso Lugo and perhaps several successors (unknown) ministered to this and neighboring pueblos,[19] that of Amoshiumkwa being mentioned as a *visita* as of about 1622.[20] During part of the period from 1621 to 1626, Fray Gerónimo de Zárate Salmerón labored at Guiusewa, and it was during his service that the mission was designated as San Joseph de los Jémez. But in the latter part of this period, doubtless while Salmerón was laboring among the Queres people, the Jémez people almost completely abandoned Guiusewa because of attacks upon them and inadequate food supplies and apparently for several years the mission was not maintained. It was revived after Fray Alonso de Benavides came in as custodian in 1625 and he sent Fray Martín de Arvide to the Jémez field—perhaps as early as 1626. How long after Arvide took charge the mission at Guiusewa struggled along is not known, but it had passed into history before 1639. In records of that year and from then until the Pueblo rebellion of 1680, the writer does not know of a single mention in documentary sources of more than one convent or mission among the Jémez people,—and that one, as we shall show, was "San Diego de la Congregación."[21]

18. A more detailed discussion of these early records will be found in a paper by Dr. France V. Scholes, "Notes on the Jémez Missions in the 17th Century," to be published shortly in *El Palacio*.

19. In a monograph, still unpublished, "The Jémez Pueblo of Unshagi," Mr. Paul Reiter of the School of American Research gives a tree-ring reading as late as 1604 from that pueblo, which is about three miles up the valley from Guiusewa.

20. This appears in Zárate Salmerón, "Relaciones de Nuevo Mexico" (1629) and Niel "Apuntamientos" (1729) as published in *Documentos para la historia de Mexico* (1856), 3rd series, (title III), pp. 49, 99. The Jesuit father, Niel, was never in New Mexico and got his facts rather badly mixed, and some copyist or the printer made a bad job of reading his manuscript; yet the pueblo names are recognizable.

21. The 1639 reference is to the record of an "aueriguacion sumario de todo lo susedido en dha custodia" in which one witness after another answers, among other questions, one as to the killing of Fray Diego de San Lucas "en el convento de los Hemes." See, e. g., the testimony of Capt. Nicolás de la Mar y Vargas, in A. G. I., Patronato 244, ramo 7, p. 96. (This is one of the archives listed by the writer in Seville, Spain, for copying by the Library of Congress. The paging indicated is that of the LC facsimile.)

The name of the Guiusewa mission persisted, however, as a place-name. We have an interesting proof of this from the record of a trial before the Inquisition in Mexico City in 1660.[22] Former governor Juan Manso was one of the witnesses called, and from one of his replies it appears that, late in the spring of 1658,[23] he was sick and went for relief to "the baths of San Jose de los Jemez." Because it was then a region exposed to hostile Indians, he took along a few soldiers; and because the region was unsettled, he took along one of the missionaries, Fray Francisco Muñoz, to say mass for him,—and for his use a booth of branches *(enrramada)* was put up. Evidently they camped close to the thermal springs, half a mile down the cañon from the deserted Guiusewa pueblo and San José mission, of which there is no mention in this archive. And they were thirteen miles up in the mountains from the nearest mission—San Diego de la Congregación de los Jémez.

But our last sentence raises the question: does that mean that the early San Diego mission was in the same place where the Jémez pueblo stands today? Our answer is in the affirmative. If convincing evidence is shown that, at the time of the Pueblo revolt in 1680, the only pueblo of the Jémez people and the only mission among them were at the place indicated, and since there is no mention of more than one pueblo or mission as far back as 1639, how can we think otherwise?

22. The case was that of Capt. Diego Romero, and a transcript of it was gotten by Dr. France V. Scholes in 1927-28. It is among the facsimiles secured in 1930 which is here of interest: ". . . se acuerda que siendo este declarante Gobernador de las are now in the Coronado Library, University of New Mexico. The following excerpt Prouincias del Nuebo Mexico, estando achacosso, fue a los baños de san Joseph de los Hemes, y llebo en su Compania cinco, o, seis soldados de escolta por tocar en tierra de guerra, y Juntamente llebo capellan para que le dijesse missa por ser en despoblado. . . ." A. G. N., Inquisicion 586, exp. 1, f. 9v.

23. The date is fixed by the testimony of another witness in the Romero case, Fray Nicolás de Chaves. On Sept. 18, 1660, he stated that about two and a half years before, the Manso party reached the convent of San Marcos (where he was alone) on "Saturday, vespers of the Most Holy Trinity." Trinity Sunday is the 8th after Easter; and the party had been at the baths "seven or eight days." *Ibid.*, f. 6.

Perhaps the best approach to our discussion of the San Diego mission will be to take a glance at the geographical character of the Jémez country as a whole. The principal ruins of the old pueblos cover an area which spreads from Peralta cañon on the east to the Nacimiento range on the west, and from the Valle Grande on the north to a mile below the present pueblo on the south. More than any other Pueblo people, the Jémez were the "highlanders" of New Mexico, for the Spaniards found most of their pueblos on lofty mesas among the yellow pine and usually protected on one or more sides by sheer cliffs.

The first Spaniards who explored the Jémez country at once recognized a significant fact: that the Indian pueblos formed two fairly isolated groups, separated by a lofty ridge which stretches south almost to the present Jémez. The smaller, western group may be named the "San Diego-Guadalupe" and the more numerous and wide-spread eastern group the "Valles." There is no direct trail between the two,[24] so how should the early missionaries organize their work in evangelizing such a field? Their solution was, (1) the mission at Guiusewa to which the people of those neighboring pueblos should be drawn, and (2) another mission in a suitable location at which could be "congregated" the people of the Valles pueblos.

In support of this reasoning we have an interesting statement by Benavides in the 1634 edition of his *Memorial*.[25] After some opening remarks about the Jémez people and their country, Benavides continues:

> Among those to whose lot fell the converting of this nation was one Father Fray Gerónimo de Zárate who, being a good minister and linguist, baptized there more than 6,000 of these Indians. He founded a very beautiful convent and a magnificent temple in the principal town dedicated to San

24. The old "Bland Trail" with some stiff climbs and detours, will take one from Jémez Springs across the mountains to Bland and so out to Cochiti.

25. This Spanish text was supplied me by the courtesy of Dr. France V. Scholes.

> Joseph.[26] This Religious, seeing that it was impossible for the "mountain" Indians to be well administered, reduced them to living in a pueblo which with their own help he founded at a very suitable site of this same nation, and after he had labored well on this and had brought thither a multitude of people, it happened that this pueblo was destroyed by fire, so that it was entirely depopulated and all the Indians returned to their ancient mountain (homes) and many of them scattered to other parts. And in the same year 1628 I entrusted this "reduction" and the new founding of the same pueblo to Father Fray Martín de Arvide (of whom we now have news that in the year 1632 he suffered martyrdom in the province of Zuñi), who, with his great zeal, congregated great numbers of those Jémez Indians and with their help and by his great industry and personal effort he founded again anew all that pueblo with more than 300 houses and its very good church and having cultivated for them lands in which to sow and having put in the houses everything necessary to sustain themselves till the harvest, he brought to live at the pueblo a multitude of people whom he was teaching and administering very well, and I dedicated that congregation to the glorious San Diego . . .

In our understanding of this account by Benavides, earlier missionaries in the Jémez field were followed by

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26. This statement that the San José mission was at "the principal town" of the Jémez people calls to mind the statement of Oñate who entered the Jémez country from the north on August 3, 1598; on the 4th he descended to other pueblos of the Jémez, "which altogether are eleven (of which) we saw eight, . . . on the 5th we descended to the last pueblo of the said province, and saw the marvellous hot baths which rise in many parts and have similar marvels of nature, in cold waters and very hot." See A. F. Bandelier, *Final Report . . .*, Part II, 206, note.

Our interpretation of Oñate's record is that, from his headquarters at San Juan pueblo, he ascended Santa Clara cañon and entered the Jémez country through the Valle Grande. In the Valles section he visited eight out of eleven pueblos; then by detouring north (to head the deep intervening cañon) he followed the old Indian trail which "descends" through "Church cañon" directly to Guiusewa.

It should be noted that Benavides, in his survey of the various "nations" of New Mexico, takes us in, and out, by the same route. After describing the Tewa country he says: "Passing over this river (Rio Grande) to the westward, at seven leagues (twenty miles!) one strikes the Hemes nation . . . Turning back, then, to the Teoas nation from which we came out to go to the Hemes . . ." *"The Memorial of Fray Alonso de Benavides, 1630* (Ayer tr., 1916), 24, 25.

Zárate Salmerón. At Guiusewa, the earlier church of the time of Fray Alonso Lugo [27] was now developed into the "magnificent temple" dedicated to San José. But, unable from this point to minister to the Jémez people in their mountain retreats of the Valles section, he established a new pueblo—where Jémez pueblo stands today—and gathered a great number of them there. According to data assembled by Dr. Scholes, the founding of this pueblo could not have been earlier than late in 1621, and the disastrous fire which destroyed it must have occurred within about two years, incident to the evil influence of Governor Juan de Eulate. Fray Martín de Arvide may have taken charge of the mission at Guiusewa as early as 1626; but it may be that he did not come until 1628 when (as Benavides here states) he was given the specific task of "reducing" the Valles pueblos and refounding the pueblo which had been burned,—and which Benavides now dedicated as "San Diego de la Congregación."

This locating of the early San Diego mission seems to find confirmation in the following description "of the convent of San Diego de Jémez":[28]

> A Congregation having been made from five towns on account of the warlikeness of the Barbarians and because towns of the vicinity are perched on the edge of cliffs, more than 5,000 were staying around. Waters from melted snow are used for drink, and cottonwood abounds, as in all the Cus-

27. For the sources as to this church, see F. V. Scholes, *op. cit.* But his interpretation of these sources may not be in accord with ours.

28. This is quoted from a facsimile copy, secured by Dr. Scholes, of a manuscript volume: Historica Relatio de Incrementis Gloriossis, ac Trophaeis, Provintiae Sancti Evangelii Mexicanae in hoc Novo Mundo Carolino Indiarum omnium Occidentalium Provinciarum Faecundae Matris. A. P. Fr. Augustino de Vetancut *(sic)* . . . Huius Centuriae ab anno 1600 vsque ad annum 1681 acuratissime collectis.

The original of the passage quoted reads:

Ex quinque oppidis congregatione facta ob de bellationem Barbarorum, et quod oppida rupium crepidine existant, viciniora, plusquam quinque millia fidelium commorabantur, aquii Niuis liquae factae potiuntur, et gosypio abundant, quod per totam Custodiam, ad codices (lodices?), et traguba gosypina texenda portatur ad aedes ad tria, et quatuor contabulata erecta per scalam ingreditur, portabilem.

Hic P. Fr. Joannes a Jessu Granatensis Prouintiae Appostolarum Petri, et Pauli de Michoacan alumnus fuit occissus ac templum combustum.

> tody, and when logs are needed for their houses they are transported as far as Zia *(ad tria)* on a drag made of cottonwood, and (their houses) erected four stories high are entered by portable ladders.
>
> Here, Father Fray Juan de Jesus, (native) of Granada, alumnus of the Province of the Apostles Peter and Paul of Michoacan, was killed and the temple (was) consumed in flames.

This condensed and rather jumbled statement seems to hark back to the time of Fray Arvide and the rebuilding of the San Diego pueblo. There were not five towns so located in the Guadalupe-San Diego section, but there were in the Valles group. From the head of the Vallecito Viejo a trail climbs to the mesa-top on the east [29] which the Jémez Indians call their "old viga trail." It may well be that Fray Arvide had draught animals and that vigas were so transported to the new pueblo, six miles away where the Vallecito creek joins the main stream of the Jémez river.

Within the next ten years, 1628-38, the mission at Guiusewa drops out of the records and doubtless as many of their Jémez neophytes as the missionaries could hold on to were transferred to the San Diego mission, thirteen miles away. Thus San José de los Jémez disappeared; San Diego de la Congregación continued—to 1680.[30]

We now come to the confused and complicated shiftings of the Jémez people during the period of Rebellion and Reconquest, 1680-1706. What happened during these years can best be shown by use of the Vargas records, and we shall also refer to several traditions of the Jémez people.[31]

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29. This old trail continues almost due east by way of Bear Spring (Ojo de Oso) to Peralta cañon and out to Cochití on the Rio Grande. The most eastern Jémez pueblo site which we have seen overlooks Peralta cañon.

30. Either some of the Jémez people remained *infieles* throughout the 17th century, or at times there were defections from the mission. Late glaze-ware has been found at a number of the Jémez ruins, and the reading "1657" has been found by Mr. W. S. Stallings, Jr., in tree-ring material from B'ö-litz-a-kwa (site 136, as listed by the Laboratory of American Anthropology). This large ruin stands on the htgh *portrero* west of the Poliza cañon, about ten miles from the modern Jémez.

31. None of the Vargas citations below are from transcripts or other secondary sources; all of them are from original *autos* in the Spanish archives at Santa Fe in

This material might seem out of place in discussing the mission document of 1672, but it will help establish the identity of San Diego de los Jémez in that year.

On October 23, 1692, Governor Diego de Vargas arrived at the old pueblo of Zía, which he found in ruins as it had been left three years before by Governor Jironza. The next day, at a distance of four leagues (10-11 miles) he found this Queres people in a pueblo which they had built on the second mesa of the "Cerro Colorado." The people descended to "the first mesa" to receive him; and after coming to terms with them he "went on to sleep in sight of the old pueblo of the Xemes, which march seemed to be two long leagues (5-6) miles)." [32] Including the climb to the top of the Cerro Colorado, this Zía ruin is nearly five miles west of the present pueblo of Jémez; and Vargas may have camped a half-mile up-stream.

The next day, Vargas marched "to the pueblo of the Xemes which is found on the high mesas at a distance of three leagues (c. 8 miles) from that which they had abandoned." He described the ascent as very bad, yet he rode up horseback; *suví a cauallo dicha questa.* More than 300 Indians with bows and arrows came out to meet him, while more than 200 others, armed, remained on top and on the slope of its ascent. This would indicate a population at that pueblo-refuge in 1692 of at least a thousand people. In making terms with them, he ordered them to return to their abandoned pueblo, in front of which he was to pass that night—on his way back to Santa Fé by way of Santa Ana and San Felipe. They also agreed to send him some supplies

32. N. M. M., Span. Archs., no. 53, ff. 143-145.

the Museum of New Mexico (cited as M. N. M.), or from photographic copies of the *testimonios de autos* in Mexico City and in Seville (cited respectively as A. G. N. and A. G. I.). Especially complete and important are five legajos in the Archivo General de Indias (A. G. I., Guadalajara 138-142) which were listed by the writer in Seville in 1929 for photocopying by the Library of Congress and which were so secured. Of course they duplicate the originals still at Santa Fe, but they also fill the gaps caused by the pilfering of H. H. Bancroft and the late Territorial Secretary of New Mexico, William G. Ritch. Those papers taken by Ritch were sold by his son to the Huntington Library in 1927, but fortunately they included only a small part of the original Vargas *autos.*

in the morning. This *auto* closes with the statement as to the distance marched, from the camp "in sight of the old pueblo of Xemes" to the high mesa and back, as six long leagues (16-17 miles).[33] All students are agreed that this pueblo of the Jémez was on the *peñol* or high promontory six miles north of the present pueblo, and where the Guadalupe and San Diego cañons come together. It is noticeable that in these *autos* of 1692 there is no mention of any pueblo then standing on the lower point, or "first mesa," though there may have been.

Not until November 1693 did Vargas again visit the Jémez at the *peñol.* Again he slept at the old site, which had not yet been made ready for renewed occupancy. This time the distances given are shorter: from old Santa Ana to the Cerro Colorado, five long leagues, and another long league to the abandoned pueblo of the Jémez; and from there to the *peñol* and return, four leagues.[34]

The people on the *peñol* were very friendly, but the demand of Vargas for food supplies got only a meager response; they claimed that "the worm and the grasshopper" *(el gusano y el capulí)* had left them only the stalks. However, four Jémez captains followed after Vargas and about nine o'clock that night appeared at his tent with many friendly protestations, with a present of nine blankets and a promise of more supplies—and with an urgent petition that he allow them to remain at their new pueblo and continue to use their fields on both sides of the cañon. They also told him that they had picked out a good site for their church and convent. Vargas told them he would give his decision to their governor next day—when the latter came with the supplies! Though not so stated here, we shall see that Vargas did grant this petition.

A separate *auto* was here inserted regarding an important event which happened earlier on this same day, November 26. Vargas was already mounted and on the

33. *Ibid.*, f. 145v. *et seq.* Next day (Sunday) after mass, Vargas marched 7 long leagues to the deserted pueblo of Santa Ana to sleep; and next day went on.

34. A. G. N., Historia 38, f. 42 *et seq.*

point of leaving the *peñol* when two Indians presented themselves before him, offering the greetings and the submission of their people who were in a pueblo "on the last mesa of that mountain."[35] They felt that the return of the Spaniards would give them relief from their Tewa and Tano enemies and from the Apaches of various bands who were constantly descending upon them to kill those who went to their fields, and to rob and take captives. Because of such constant aggressions these Jémez had left their pueblo (meaning San Diego), going to the said mesa, and they also said that other Jémez refugees were likewise living on other mesas of the said mountain and of different mountains, but that when spring came, they would descend to live again in their said pueblo. Vargas encouraged them in this resolution, urging the benefits which they might have from the Spaniards. At old San Diego they had many good lands on which to sow all kinds of crops which they might barter for the cloth of the Spaniards which they esteemed so highly, and for other effects which cost less; and he assured them not to fear to descend to their said pueblo.[36]

In May, 1694, we have mention of "the two pueblos of the two mesas." The war-captains of Zía and Santa Ana came to Santa Fé to report a fight which their people had had with Jémez Indians at the old deserted pueblo "near the road." One Jémez prisoner said he was captured "while going to sow the field of the governor down the cañon." Another Jémez prisoner blamed the ambush on "the Queres Indians who live on the second mesa, on the first (mesa) of which they have their said pueblo of the Gemes." It developed that this one knew about the killing of "Padre Hiesús" and he was held to point out where the body was buried.[37]

35. This phrase, and the distance elsewhere given, point to Amoshiumkwa which stood a long eight miles north, west of the head of Virgin cañon. This other pueblo of refugees was occupied by Queres from Santo Domingo and by Jémez from the deserted "San Diego." The two Indian spokesmen were Andrés of Santo Domingo and "the governor Joseph"—the latter evidently Jémez.

36. A. G. N., Historia 38, ff. 40v-49, *passim*.

37. A. G. N., Historia 39, ff. 104-107. Padre Juan de Jesús had been killed in August 1680 at "San Diego de los Jémez." We shall see where the body was found.

The Jémez were again rebellious. They had abandoned their new pueblo on the first mesa and were again above on the *peñol.* So in July, 1694, we find Vargas marching against them with some fifty Spanish soldiers and many Queres allies from San Felipe, Santa Ana, and Zía. Leaving this last pueblo just at dark on July 23, the force marched four long leagues and halted soon after midnight. Half of the soldiers at once proceeded up San Diego cañon, since they were to gain the second mesa from the rear and had farther to go. Just at dawn, Vargas with the remaining force climbed to the first mesa, to make the frontal attack "by the principal trail by which the Xemes descended to their fields and to the pueblo of the (first) mesa which they have left."

The battle was a serious defeat to the people of this pueblo, for Vargas captured 361 women and children (only ten women got away), and he also took all their store of corn—which was badly needed at Santa Fé. During his operations at the *peñol,* he established his camp in the pueblo on the lower point,[38] with three of the four entrances walled up for better defense; and for seven days he used his prisoners and the Indian allies, two trips each day, in looting the captured pueblo and packing the plunder down the trail.[39] A loaded mule-train was at once sent off for San Felipe, whence carts relayed the corn to Santa Fé. But it was found possible to bring the carts in "as far as the old pueblo which the rebels had left (1680) at a distance of a league and a half (four miles) before arriving at this said mesa." Actually, on August 5th, the fourteen carts were brought "within sight" of the mesa "at a distance of a little over a league," and 240 fanegas of corn were soon carried to them from the first mesa.

On the afternoon of August 8th, Vargas started 364 prisoners off on the road for Santa Fé, but he went on

38. Apparently the promised church had not yet been built; at least Vargas had an *enramada* in the plaza for the saying of mass.

39. Stripped of its supplies, the pueblo on the *peñol* was burned on August 2nd. *Ibid.,* f. 212.

ahead with a squad of twenty soldiers, and in the first plaza of the deserted Jémez pueblo of 1680, with the help of two Indian informants and in the presence of the Santa Fé town-council and the missionaries who were with him, Vargas located and disinterred the remains of the martyr, Fray Juan de Jesús.[40] He slept that night at Zía pueblo and he reached Santa Fé with the bones of the martyr in the early morning of August 10th.

Six days later, representatives of the Jémez who had been defeated at the *peñol* appeared before Vargas in Santa Fé to beg for the return of their families. He told them that they might have them back after the Jémez had returned to their old pueblo and rebuilt their church, and if they proved their good faith by helping him conquer the Tewas and the Tanos who were still in rebellion. These terms were complied with, and the prisoners were released at Santa Fé on September 11th.[41]

Two weeks later, September 24, Vargas set out from Santa Fé to escort to their assigned posts in Pecos, San Felipe, Zía and Jémez the missionaries assigned to them; and in each pueblo also he had the people elect their officers as before the rebellion, and he took their oath and gave to them their *baras y bastones.*

At Santa Ana he found awaiting him "four captains of the rebels who are living on the *mesa of San Juan,* two from the Jémez Indians who separated from the said pueblo (old San Diego) and went to that mesa in years passed (1680?) in company with the Queres of the pueblo of Santo Domingo, and likewise other two captains representing those of Santo Domingo . . . and they most humbly asked my pardon and promised that they would live as Christians and as vassals of His Majesty." Vargas took off a rosary and placed it on the neck of one of the captains, and sent word that their people must descend from their mesa to that of the pueblo of Xemes, whither he was going (God will-

40. A. G. N., Historia 39, ff. 216-218.

41. *Ibid.*, 228, 300. In this case, "their old pueblo" seems to refer to the one on the first mesa.

ing) to make a visit and to leave anew the padre whom he was taking thither.[42]

On the next day, Vargas entered "the pueblo and mesa of the Xemes nation which by force of arms I fought and reconquered," and the people were found "to have complied more than exactly in everything, for which I gave infinite thanks to the Divine Lady and our Protectress in the said Reconquest, for which reason, and the said pueblo having as advocate the titular saint San Diego, I gave to the pueblo the said Saint and called the said mesa 'of San Diego de al monte y nuestra Señora de los Remedios.' " Thus the advocacy of the Jémez patron saint was transferred to the Cañon site—but under a different title.[43]

With Fray Francisco de Jesús, the one assigned to this mission, Vargas went to the house which had been provided and appointed for his residence, "and they found it ample in every respect for the official and household needs of four Religious."[44] Without doubt the Indians built at this time the modest church of which parts may still be seen.

As for the "newly added pueblo" of those living on "the mesa of San Juan," the *autos* of September 1694 describe only the electing of their officers. Apparently Vargas

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42. *Ibid.*, f. 317. Note that the upper, or second, mesa is here called "the mesa of San Juan."

43. *Ibid.*, f. 321. In later *autos* some variations of the new title occur: "el pueblo de San Diego de al monte" (M. N. M., Sp. Archs., no. 59, f. 8v.); "el pueblo de la messa de San Diego del Monte" (*ibid.*, f. 19); and also the old form, "el pueblo de San Diego de los Hemes," coupled with the title of the other pueblo still on the upper mesa, "el pueblo de San Juan de los Hemes" (*ibid.*, f. 11).

It must have been at about this time that two remarkable paintings appeared (miraculously, in the simple faith of the Jémez people even today) upon the sheer walls of the towering *peñol.* On the eastern wall may still be distinguished the gowned form of San Diego and below (but small in proportion to the saint) is the profile of a burro—thus indicating symbolically "San Diego de los Jémez."

On the western wall, near the entrance to Virgin cañon, is a painting of the Virgin; but in the course of centuries her title has been metamorphosed from "de los Remedios" (protectress of the Spaniards) to "de Guadalupe"—the Virgin of the native American race.

Jémez tradition, of which there are two versions, connects the miraculous "appearing" of San Diego with the battle of July 24, 1694. The reader may doubt the miracle, yet he is apt to gaze with awe at the incredible achievement of those paintings

44. A. G. N., Historia 39, f. 322.

allowed them to delay their promised move back to the old "San Diego" site until the following spring.[45] They may have delayed even then,[46] but at least the change had been made before March of 1696, as is revealed by the *autos* of that time. Probably some time in 1695 the Jémez refugees had been brought back from the "mesa of San Juan" and established at the site of old "San Diego." At the same place where Fray Arvide, nearly seventy years before, had founded the mission San Diego de la Congregación there now stood, for a few brief months, the mission of San Juan de los Jémez in charge of Fray Miguel Tirzio.

For a year and a half, since September 1694, most of the missionaries had been at their posts without the escort-guards which they were intended to have, and early in 1696 there were premonitions of disaster unless this state of affairs was changed. On March 7th, the custodial chapter gave Vargas a formal request for such guards. Vargas replied that he had only a few soldiers available for such duty and asked for a statement of what each missionary felt he should have.[47]

In the custodian's reply of March 13, Fray Miguel Tirzio, minister of the mission of San Juan de los Xemes, asked for eight or ten well-armed soldiers because he was on the frontier; Fray Francisco de Jesús, minister of the pueblo of San Diego de los Xemes, seemed satisfied with four soldiers whom (he said) Vargas had left him.

45. In a letter dated Jan. 10, 1695, replying to the viceroy who wanted to know how many pueblos had been reduced, Vargas said of the Jémez pueblos: "En la Mesa de San Juan se halla tambien Poblada la mitad de dha Nazion queres del Pueblo de Stº Domingo y la otra mitad de la Nazion de los Gemes que tiene su Pueblo en la Mesa de San Diego con su Ministro cuya feligresia se compone de 405 persons Y tengo nombrado Alcalde mºr y capn a guerra . . . *Ibid.*, f. 381.

46. In September 1695, Vargas was not in Santa Fé when the alarming news came that there were French "on the plains of Cíbola." He was out "en la visita de los queres y Gemes de la cordillera"—which perhaps meant that he was putting pressure on the pueblo of San Juan.

47. This was his analysis: of the 100 soldiers in the presidial force, two squads of 30 each had to guard the horse-herd; 10 guarded the gate of the *villa;* two squads of 12 each were going with the pack-train to El Passo—leaving 4 available. M. N. M. Sp. Archs., no. 59, f. 6.

Vargas next offered to supply twenty-four guards at his own expense, to be stationed, four each, at six strategic or exposed points. He offered none for Zía, as the padre there could have the help of the *alcalde mayor* and the eight soldiers whom he offered for the two Jémez pueblos; San Juan being only *two* leagues away and San Diego *four* leagues from Zía.

On March 22, the custodial chapter reported to Vargas the replies of the missionaries to his proposal.[48] Thoroughly alarmed at the general danger which seemed to them now so threatening, they begged Vargas to close the missions and remove all property until better protection could be afforded. The governor replied on the same day, again analyzing the situation and showing how each mission could best be maintained under the circumstances.[49] As is well known, only two months later came the last Pueblo outbreak, with the death of five of the missionaries and twenty-one other Spaniards. What happened in the Jémez country can be briefly told.

On June 12, 1696, the Pecos governor brought to Santa Fé two prisoners, one of whom was "an Indian of the mesa of San Diego de los Gemes called Luís Cunixu" who had

48. From the two Jémez missionaries came these replies:

El P. Predicador, Fray Francisco de Jesus, ministro presidente del Pueblo de San Diego de los Hemos, dize, que a V. S. dijo, y pidio para su seguridad todo el preçidio, y no siendo posible (como V. S. respondio) dize, que no vino a buscar la muerte sino la Vida espiritual destos pobres, y assi, que no yra, y que si acasso le llamaren administrar, yra conosciendo moralmente el que puda yr, y que no teniendo escolta procurara ponerse en saluo.

El P. Predicador, fray Miguel Tirzio, ministro, presidente del Pueblo de San Juan de los Hemes, dize que ni doze ni catorze hombres son sufficientes, y que si V. S. da sinquenta hombres para Hemes y Sia, assistira con todo gusto, que lo demas es yr al peligro de la muerte sin esperanza de fruto en sus almas. *Ibid.*, f. 11.

49. Vargas' plan for the Jémez missions was thus stated:

. . . y en quanto a los Reverendos Padres de los Pueblos de San Juan de los Xemes y de el de la mesa de San Diego del Monte [fr. Miguel Tirzio y] fr. Francisco de Jhs con los quatro hombres que a cada Vno ofrezi darles pueden aseguarse pasandosse el dho Padre (fr. Francisco) al dho Pueblo de San Juan y Vnida la dhe gente con el alcalde mayor desde dho Pueblo passar ala administrazion de los Santos Sacramentos hallandose a Vna legua larga de distanzia y dho Padre fr Miguel Tirssio de dho Pueblo de San Juan puede de esta suerte hallarse resguardado como asegurado Juntamente con la dha escolta Vnida en dho Pueblo de San Juan estando en el el suso dho Padre fr. Francisco de Jhs y de esta suerte onesta la mundanza del ganado q. tubiere y goza de sus bastimientos para su sustento.

entered Pecos the day before carrying a reliquary as proof that Fray Francisco de Jesús had been killed. It contained various relics, including a piece of the *lignum Crucis* and an *ecce homo*.

He was immediately examined. Asked what Spaniards were with the father guardian, he said that the father was alone and that the interpreter had gotten him out on the pretext that he should go to confess an Indian woman, and that between the said interpreter and a war-captain they had killed him. Asked as to what the father said when they seized him, he said that he called on God our Lord and on the Most Holy Virgin that she would aid and shield him; and that immediately they clubbed him to death, and that they downed him in the plaza and threw his body in the door of the church. Also that the Spaniard who happened to be in that pueblo was taken out on pretext that he should go for a walk in the orchard[50] and that there they killed him. Asked what they did with the two women who were then in that pueblo together with two boys, he said that the governor took the women, saying that they were his servants, and that the interpreter Francisco had the boys, one being a son of Capt. Juan Olguin and the other of Francisco de Apodaca. He also stated that "Diaguillo" had killed an Indian named Cristobal because he was friendly with the Spaniards, could talk Castilian, and was tale-bearing. Asked how many Spaniards were killed in "the old pueblo of San Juan"[51] he said that they had killed the *alcalde mayor* Capt. Juan Olguin and Melchor Trujillo, and that it was Diaguillo who did it. And who had sent him with the reliquary to Pecos? "The governor of the pueblo of the Xemes."[52]

50. Unitil recent years trees of this orchard were still standing in Guadalupe cañon.

51. San Juan is here called "the old pueblo" because it was on the site of the first San Diego.

52. After some further questioning this prisoner and two others were taken out and executed by three shots of an arcabus. Governor Vargas solemnly pronounced the death sentence, "in his Palace in the Villa of Santa Fé, standing as when holding an

In this outbreak of 1696 the Jémez of "San Diego de al monte" abandoned their pueblo on the first mesa and retreated to the *peñol.* Here they drove off a vigorous attack made by Don Fernando de Chávez,[53] but they lost thirty-two warriors. The survivors then abandoned the *peñol* also and fled, scattering (according to later investigation by the Spaniards) some through the Valles region, and beyond to Cochití and even to Taos; other northwest to the "Apaches de Navajo," to Hopi, to Acoma. Some fled at first only to "the pueblo of the mesa of San Juan" which lay three leagues (eight miles) north of the *peñol.* To this retreat fled also some of the Jémez who at this time completely abandoned the San Juan mission. A hundred and one Jémez were said to be in the pueblo on San Juan mesa, but when a scouting party investigated, it was found completely deserted—and all the *coscomates* (storage places for corn) were empty.

The Spaniards sought in vain throughout the mountains and cañons for pueblos—and for hidden corn. They saw only one Jémez warrior, who (from a safe distance) told them that his people wanted nothing more to do with the Spaniards; that when the *elotes* (green corn) was finished, they were going to the Apache country to live. When Vargas wrote to the viceroy late in November, 1696, he had to list the Jémez pueblos as two of the five which had not yet been "reduced."

Another decade was to pass before the present pueblo of Jémez was reëstablished on the old site of San Diego de la Congregación. Apparently not before 1703 were any of the fugitives won back; others were found in the Navaho

53. M. N. M., Sp. Archs., no. 60b, f. 86.

audience, with his hat upon his head, with belted sword, and in his hand his wand as governor and captain general." M. N. M., Sp. Archs., 60a, ff. 35-51.

Some details of the martyrdom of Fray Francisco survive in Jémez tradition. In 1849 the governor told Lieut. Jas. H. Simpson "that, when living upon the *mesa* between the cañons of Guadalupe and San Diego, there came another padre among them, whom, whilst on his way to receive the confessions of a sick man, they killed." Simpson, *Journal of a Military Reconnaissance from Santa Fé to the Navajo Country* (1852), 22.

country in 1705, "but they did not return then." But finally in 1706, under the titular advocation of San Diego, some of the Jémez people who had survived the vicissitudes of the rebellion and reconquest were home again. Sadly reduced in numbers, they were the remnants of the two deserted pueblos of San Diego al Monte and San Juan de los Jémez.[54]

A Bit of Tradition

Having decided from documentary sources that "San Diego de la Congregación" was on the site of the present pueblo, the writer recently inquired of a Jémez friend whether his people knew just where the old church and convent stood. "Juan, many years ago your people told me that the old men had burned down the older pueblo which was here—that they held blazing torches to the vigas of the houses, while the women and children stood across the river and watched the terrible fire. Do you know, did they burn the church at that time?" "I don't know; the old men did not say." "Well, do you know where the old church and convent stood *before* the church which you have now?" "Why, yes," he replied, "I'll show you."

54. The name "San Juan" appears in the records as late as 1716 when 123 more Jémez refugees came back from Hopi-land. See "The Martínez Campaign against the Moquis," in N. M. Hist. Rev., VI (1931), 158-226.

C. W. Hackett, *Bandelier: Historical Documents*, 366-381, *passim*, gives us several items from the year 1706. One of those who could talk Castilian was the governor of "San Diego de los Xemes," Don Luís Conitzu. (Was he by any chance a son of Luís Cunixu above, executed in June 1696?)

Again, the Custodian, Padre Fray Juan Alvarez, writing from Nambé on January 12, 1706, speaks of Jémez as "five leagues" (13 miles) from Zía. The distance suggests that the first effort to restore a Jémez mission was made at "San Diego al Monte" in Cañon. Unfortunately the Bandelier transcript regarding Jémez is fragmentary:

"In the mission of San Diego, composed of Xemes . . . Indians and distant from Santa Fe 34 leagues, is Father Fray Agustin de Colina. There is no bell, and only one old ornament and an old missal; there are no vials. The church is being built. There are about 300 Christian Indians . . . and others keep coming down from the mountains, where they are still in insurrection."

Lastly (p. 381) in a report dated "Santa Fe, August 18, 1706" the governor included in a list of places named: "San Diego y San Juan de los Xemes."

The place to which he took me is an open space just east of the *acequia madre* over which anyone passes in going down to the present home of the Franciscan fathers. Perhaps sometime the archaeologist can tell us whether these are the ruins of the San Juan mission, or of the earlier San Diego de la Congregación, or of the earliest Salmerón church—or perhaps of all three. Meanwhile anyone who pauses beside this low mound of melted-down adobe can realize that he is near the spot where Fray Juan de Jesús was martyred; where in 1672 the missionaries of all New Mexico gathered in council; where in 1661 the unfortunate and distraught Fray Miguel Sacristán hanged himself; where in 1639 Fray Diego de San Lucas was killed in a Navaho attack.

When the following document was written, doubtless the Jémez valley was as beautiful as it is today. The population of the pueblo must have been approximately 1,000 souls, and the houses rose, at least in some parts, to four stories high. In the midst of "the first plaza" stood the church, and hard by was the convent which was said to be "the finest in all New Mexico."[55] In 1672 it was the residence of the Father Custodian and the center of missionary work in the entire province.

55. A. G. N., Tierras 3268, f. 286v.

II.—TEXT

IN NOMINE DOMINI NOSTRI IESUCHRISTI HAEC EST CAPITULARIS[1] HUIUS ALMAE CUSTODIAE[2] CONVERSIONIS SANCTI PAULI NOVI MEXICI.

In diffinitorum[3] electionis, et ministrorum institutiones, qui ut Servi in Domino, et Religiossi, necnon animarum Salutis Cupidi, et fervidi Super novum gregem Domini Nostri Iesuchristi, verbo, et exemplo ipsum diligenter, pascant, Longe, Lateq, fidem Catholicam amplificent propagandam—Electio fuit Canonice Celebrata in hoc Nostro Capitulari Conventu[4] Sancti Didaci de Hemez Pressidens ad Capitulum R^dus^ Pater frater Nicolaus Lopez, Predicator Iubilatus[5] et Custos huius Almae Custodiae, Congregatis omnibus Vocalibus,[6] electi constitutiq.:

Sunt Patres Emeriti _____

In Primis Igitur electi sunt in Diffinitores Reverendos Patres

Patrem fratrem Andream Duran.
Patrem fratrem Ioannem Bernal.
Patrem fratrem Philippum Montes.
Patrem fratrem Ioannem Galdo.

In Ministros, et Guardianos,[7] Sunt electi:

(We are indebted to the Rev. Father Theodosius Meyer, O.F.M., of Lumberton, New Mexico, for assistance in translating some technical terms according to the usage of Franciscan friars.)

1. *Capitulum* ought to mean Chapter. *Tabula capitularis* here means the record of the meeting of the governing board of the Custodia. The Franciscans also call it "*tabula definitionis*" or Chapter Paper.

2. *Custodia*, a district containing at least eight monasteries was called a Province. Those which had fewer monasteries were called Custodies.

3. *Diffinitor*, definer, or consultor. These constituted the Chapter board of control, which in a *Custodia* consisted of the *Custos* (Vice-Provincial, Superior, or Prelate) and four consultors.

4. *Conventus*, a monastery. The term monastery was used by the Franciscans to designate a church-residence which had at least four priests to say the Divine Office in Choir. At times some of the missions (e.g., Acoma) were actually monasteries, but most of the stations were really rectories—a term applied to places which had fewer than four priests. I have used the term "Mission" throughout to designate the various stations, as that term is familiar to all readers.

III.—TRANSLATION

IN THE NAME OF OUR LORD JESUS CHRIST, THIS IS THE RECORD OF THE MEETING OF THE GOVERNING BOARD [1] OF THE MOTHER CUSTODY [2] OF THE CONVERSION OF ST. PAUL OF NEW MEXICO.

For the election of Diffinitors[3] and installation of pastors who, as servants of our Lord Jesus Christ, shall by word and example feed the same, and far and wide shall propagate and extend the Catholic faith—An election was held in accordance with Canon Law in this our Chapter Mission *(Conventu)*[4] of San Diego de Jémez, with the Rev. Father friar Nicolás López, preacher *jubilatus*,[5] presiding, who is also the Superior of this Mother Custody, [and] with all assembled who are entitled to vote.[6] Elected and constituted:

The Fathers *Emeriti* (retired or superannuated) are _____ (blank)

First, there were elected as Diffinitors the Reverend Fathers

Father friar Andrés Durán
Father friar Juan Bernal
Father friar Felipe Montes
Father friar Juan Galdo

As Pastors and Rectors,[7] there were chosen:

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5. *Predicator Jubilatus*, a preacher who has celebrated his jubilee—fifty years in service.

6. *Congregatis omnibus Vocalibus*. This phrase is translated in the usual way according to construction; but in view of the apparent absence of Fray Andrés Durán and others, it might be translated: "all who had assembled being entitled to vote."

7. *Guardianus* and *minister*. These terms indicate different functions of the priest in charge. *Guardianus* was the title of the friar in charge of the monastery. In as much as a place which had fewer than four priests was called a "Rectory," I have translated *Guardianus* as "Rector," the one who was the Superior in his capacity as the head of the group of priests stationed in one place. *Minister* (Latin) refers to the functions of a priest in relation to the cure of souls *(cura animarum)*. He said Mass, baptized and married the living, and buried the dead. I have translated *Minister* as Pastor (the Shepherd of the flock).

In hoc Almo Capitulari Conventu Sancti Didaci de Hemez, Guardianus, et minister, Pater frater Thomas de Torres _____Instituitur
In Conventu Sancti Dominici, Guardianus, et minister, Pater frater Ioannes del Val _____ Instituitur.
In Conventu Assumptionis de Tzia, Guardianus, et minister, Pater frater Philippus Pacheco __ Instituitur.
In Conventu Conceptionis de la Villa, Lector,[9] et minister guardianus, Pater frater Ioannes del Hierro _____ Instituitur.
In Conventu Sancti Ildefonsi, Guardianus et minister, Pater frater Andreas Duran _____ Instituitur.
In Conventu Sancti Francisci de Sandia, guardianus et minister, Pater frater Franciscus Muñoz __ Instituitur.
In Conventu Sancti Antonii de la Ysletta, Guardianus et minister, P^r^ fr. Franciscus Gomez de la Cadena _____ Instituitur.
In Conventu Sancti Marci, Guardianus et minister, Pater frater Franciscus Antonius Lorenzana Instituitur.
In Conventu Sanctae Mariae Angelorum de Pecos, Guardianus et minister, frater *(sic)* Ludovicus de Morales _____ Instituitur.
In Conventu Conceptionis de Quarac, Guardianus et minister, Pater frater Didacus de Parraga__Instituitur.
In Conventu Sancti Michaelis de Taxic, Guardianus et minister, Pater fr. Sebastianus de Aliri___ Instituitur.
In Conventu Sanctae Mariae del Socorro, Guardianus et minister, Pater frater Ferdinandus de Velasco _____ Instituitur.
In Conventu Sancti Antonii de Senecu, Guardianus et minister, Pater frater Iosephus de Paredes _____ Instiuitur.
In Conventu Sancti Stephani de Acoma, Guardianus et minister, Pater frater Lucas Maldonado___ Instituitur.
In Conventu Sancti Ioannis, Guardianus et minister, Pater frater Philippus Montes _____ Instituitur.

In this Mother Mission of San Diego de Jémez, as rector and pastor, Father friar Thomás de Torres _Installed.[8]

In the Mission of Santo Domingo, as rector and pastor, Father friar Juan del Val (Bal) _____ Installed.

In the Mission of The Assumption of Zía, as rector and pastor, Father friar Felipe Pacheco _____ Installed.

In the Mission of The Conception of the Villa [Santa Fé], professor of theology,[9] and pastor-rector, Father friar Juan del Hierro _____ Installed.

In the Mission of San Ildefonso, as rector and pastor, Father friar Andrés Durán _____ Installed.

In the Mission of San Francisco of Sandía, as rector and pastor, Father friar Francisco Muñoz __ Installed.

In the Mission of San Antonio of Isleta, as rector and pastor, Father friar Francisco Gómez de la Cadena _____ Installed.

In the Mission of San Marcos, as rector and pastor, Father friar Francisco Antonio Lorenzana __ Installed.

In the Mission of Santa María of the Angels of Pecos, as rector and pastor, friar Luís de Morales __Installed.

In the Mission of The Conception of Quarac, as rector and pastor, Father friar Diego de Parraga __Installed.

In the Mission of San Miguel of Tajique, as rector and pastor, Father friar Sebastián de Aliri _____ Installed.

In the Mission of Santa María of Socorro, as rector and pastor, Father friar Fernando de Velasco ___ Installed.

In the Mission of San Antonio of Senecú, as rector and pastor, Father friar José de Paredes _____ Installed.

In the Mission of San Estévan of Ácoma, as rector and pastor, Father friar Lucas Maldonado _____ Installed.

In the Mission of San Juan, as rector and pastor, Father friar Felipe Montes _____ Installed.

8. *Instituitur.* These notations at the right margin are in a different handwriting, apparently that of the custodian's signature. He may have added the notations later.—L. B. B.

9. *Lector.* He was a professor of theology or philosophy.

In Conventu Sancti Gregori de Abo, Guardianus et minister, Pater frater Ildefonsus Gil de Avila__ Instituitur.
In Conventu Sancti Laurentii de Pecuriez, Guardianus et minister, Pater frater Antonius de Sierra Instituitur.
In Conventu Sancti Hyeronimi de Taoz, Guardianus et minister, Pater frat. Antonius de Mora__ Instituitur.
In Conventu Sanctae Crucis de Galisteo, Guardian° et minister, P^r^ fr. Ioannes Bernal, Comissarius Sancti Officii [10] _____ Instituitur.
In Conventu Sancti Francesci de Nambe, Guardianus et minister, R^dus^ Pater frater Ioannes Zamorano _____ Instituitur.
In Conventu Conceptionis de Alona, Guardianus et Minister, Pater frater Ioannes Galdo _____ Instituitur.
In Conventu Purificationis de Ahuicu, Guardianus et Minister, Pater frater Petrus de Ayala ___ Instituitur.
In Conventu Sancti Michaelis de Oraybi, Guardianus et Minister, Pater fr. Iosephus de Espeleta ___ Instituitur.
In Conventu Sanctae Annae del Alamillo, Guardianus et Minister, Pater frater Salvator de San Anttonio _____ Instituitur.
In Conventu Sanctae Mariae de Guadalupe, Guardianus et Minister, Pater fr. Benedictus a Nativitate _____ Instituitur.

CONCIONATORES[11] erunt:

In Conventu Conceptionis de la Villa, Pater fr. Ioannes del Hierro.
In Conventu Sancti Francisci de Sandia, R^dus^ *(sic)* Pater frater Ioannes de Iesus.
In Conventu Sancti Antonii de la Ysletta, Pater frater Franciscus Gomez de la Cadena.

10. A *comissarius* is defined as an Apostolic emissary by authority of the Pope. In Franciscan usage this title was given to the head of a band of missionaries going to an unevangelized region; but it was also given to the missionary who was placed in charge of the caravan service of supplies. *Comissarius Sancti Officii*, commissioner of the Holy Office (the Inquisition); such an official was stationed in New Mexico from 1598 until nearly the end of Spanish rule.

In the Mission of San Gregorio of Abó, as rector and pastor, Father friar Alonso Gil de Ávila ____ Installed.

In the Mission of San Lorenzo of Picuríes, as rector and pastor, Father friar Antonio de Sierra__ Installed.

In the Mission of San Gerónimo (Jerome) of Taos, as rector and pastor, Father friar Antonio de Mora _____ Installed.

In the Mission of Santa Cruz (the Holy Cross) of Galisteo, as rector and pastor, Father friar Juan Bernal, commissioner of the Inquisition[10]__ Installed.

In the Mission of San Francisco of Nambé, as rector and pastor, the Rev. *(sic)* Father friar Juan Zamorano _____ Installed.

In the Mission of The Conception of Alona, as rector and pastor, Father friar Juan Galdo _____ Installed.

In the Mission of The Purification of Hawikúh, as rector and pastor, Father friar Pedro de Ayala ____ Installed.

In the Mission of San Miguel of Oraibi, as rector and pastor, Father friar José de Espeleta _____ Installed.

In the Mission of Santa Anna of Alamillo, as rector and pastor, Father friar Salvador de San Antonio Installed.

In the Mission of Santa Maria of Guadalupe, as rector and pastor, Father friar Benedicto de la Natividad _____ Installed.

The following shall be MISSIONARIES:[11]

In the Mission of The Conception of the Villa [Santa Fé], Father friar Juan del Hierro.

In the Mission of San Francisco of Sandía, the Rev. *(sic)* Father friar Juan de Jesús.

In the Mission of San Antonio of Isleta, Father friar Francisco Gómez de la Cadena.

11. *Concionator*, a special preacher, generally called missionary, who preached missions, similar to revivals in other denominations.

Et Vt animae infidelium noviter educatae, et Cathechizatae, habean Patres, qui dividan Panem, tamquam ac Paruulos, et frangant Spiritu Appostolico, Divinam Legem, signamus, et Constituimus Comissarios Appostolicos[10] authoritate Pontificia:

In Converssione[12] nominata Cogninas, Patrem fratrem Iosephum de Espeleta et Patrem Iosephum de Trujillo.

In Converssione nominata de Manssos, Patrem fratrem Benedictum a Natívitate; et Patrem fratrem Ioannem Albarez.

Et in Converssione nova nominata Summas, Reuerendum Patrem fratrem Ioannem de Talaban, Patrem huius Custodiae; et Patrem fratrem Nicolaum Hurtado.

Et ego frater Nicolaus Lopez Predicator Iubilatus, et huius Almae Custodiae Custos, q. (qui) Prefui huic Capitulo Custodiali, et omnia disposita Canoniceq. Diffinita, authoritate qua fungor, Ratíone mei muneris, et Statutorum Nostri ordinis et previlegiorum nostrorum, Confirmo, et discerno astantibus, etiam, et subscribentibus Patribus Diffinitoribus, qui predictis electionibus, ascensunt (conj: assensum) Prebuerunt: Omnibus precepimus per Sanctam obedientiam, in Virtute Spiritu Sancti sub pena excomunicationis maioris, nemo sit ausus Renuntiare dicta officia, Vel ministeria, nisi transactis Duobus mensibus,[13] ne incidamus in defectum, nostri muneris, quod est Satisfacere ad Regalem Votum Nostri Catholici Regis Caroli Secundi, quem Deus Custodiat ad nostram Defenssionem et Vtilitatem, tam quam Legatum a Latere Summi Pontificis, et ad Comunem bonum animarum fidelium, et infidelium huius novi orbis. Datum in hoc Almo, et Religioso nostro Conventu Sancti Didaci de

12. *Conversio*, a missionary station or outpost. This title is here given to the missionary stations which were to serve the unconverted Indians west of Oraibi and near, and below, "Paso del Norte"—where the mission of "Santa María of Guadalupe" was located.

13. *Nisi transactis duobus mensibus*, "No one shall refuse the said duties or ministry, *except after the lapse of two months.*" The friars were obliged to go to their posts and remain there for two months, after which they might ask the *Custos* to be transferred if, say, conditions appeared to be hopeless.

And, that the recently taught and catechized souls of the unbelievers may have Fathers to feed them with the Bread [of Life] and to impart to them as little children the Divine Law in true Apostolic spirit, we designate and constitute Apostolic Emissaries[10] with papal authority:

In the Missionary District[12] named "Coconinos," Father friar José de Espeleta *and* Father friar José de Trujillo.

In the Missionary District named "Manssos," Father friar Benedicto de la Natividad *and* Father friar Juan Álvarez.

And in the new Missionary District named "Summas," the Rev. *(sic)* Father friar Juan de Talabán, a father of this Custody, *and* Father friar Nicolás Hurtado.

And I, friar Nicolás López, Preacher *Jubilatus* and Superior of this Mother Custody, who presided over this meeting of the Governing Board of the Custody (and everything was done and settled in accordance with Canon Law), by virtue of the authority which I bear by reason of my position and of the Statutes and privileges of our Order, DO CONFIRM and ratify to all present and to all the Father Diffinitors subscribing [their names hereto] who have given assent to the aforesaid elections: [that] we have enjoined upon all by their holy obedience, in the power of the Holy Spirit, under penalty of major excommunication, that no one shall dare to renounce said assignments or ministries, unless after the lapse of two months,[13] lest we fall into default of our duty, which is to fulfil the royal vow of our Catholic King, Charles II, whom may God preserve to our defense and advantage, as a personal representative, as it were, of the Supreme Pontiff, and to the common good of faithful souls, and the souls of the unbelievers of this new world. Given in this the Mother Mission of our Religion (Order), San Diego de Jémez, this thirteenth day of August

Hemez, TerciaDecima die Augusti, Anno Domini millessimo Sexcentissimo Septuagessimo Secundo.

Frater Nicolaus Lopez Custos (rubric)	Frater Andreas Duran Diffinitor (rubric)
Fr. Phelippe Montes Diffinitor (rubric)	Frater Ioannes Bernal Diffinitor (rubric)

in the year of Our Lord one thousand six hundred and seventy-second.

Friar Nicolás López Custodian (rubric)	Friar Andrés Durán definitor (rubric)
Friar Felipe Montes definitor (rubric)	Friar Juan Bernal definitor (rubric)

E. DANA JOHNSON

June 15, 1879—December 10, 1937

THE WIDE-SPREAD consternation that greeted Dana Johnson's resignation from the *Santa Fe New Mexican* on July 1, 1937, was immediate and spontaneous. It was as if, for New Mexico, one of the major planets had dropped out of the sky, and when, through his morning column in the *Albuquerque Journal* and his weekly page in the *New Mexico Sentinel,* the planet was yanked back into place, albeit with a more comet-like freedom, it seemed as if the order of the Universe had been restored—all, alas, too briefly and too comet-like!

In the short interval between his old editorial duties and his new ones, Dana Johnson had the unexpected opportunity of realizing the love and esteem in which he was held by his contemporaries. From the letters and newspaper comments that poured in, he had a chance, which few men have while still living, to realize how much his work meant and how much it was appreciated. Many of these "fan letters" and comments, to which he laughingly referred as "obituaries," were included in his column in the *Albuquerque Journal.* Although accepted with his usual gaiety and lack of self-conceit, there can be no doubt that these tokens of appreciation served as a stimulus to new vigor and creative power. He was at the peak of the crest, and full of plans for personal literary work when unaccountably stricken.

Characteristically, when the news of his death came, and his old staff on the *Santa Fe New Mexican* struggled with numb sorrow to "get out the news," it was Dana's own semi-humorous, self-styled "obituary," written a short time before as an autobiographical note for the *Sentinel,* that served as the most moving testament of his life and spirit. Because this gives so much of his typical quality, it is here reprinted (p. 125). In the way of bare chronological facts, not much may be added to it. Much should be added by way

of comment and expansion, but a true evaluation of the man can not be written in a hurry.

The sense of his dynamic spirit, his unique quality as editor and man, exists today in the memory of his friends and foes—though it may be doubted if Dana had any real foes in a personal sense. What his loss means, although realized today, will undoubtedly be realized more in the years to come. For the present, one can only say that his place cannot be filled, not only for personal reasons, but for reasons which have to do with changing conditions in the world of journalism.

The death of Dana Johnson closed a brilliant career, as well as an epoch in New Mexican, or Southwestern, journalism. He was one of those rare editors whose personal qualities are so reflected in the papers they edit that the two are inseparable in public thought. He put a personal impress on every page of his paper and on every line he wrote. In these days of large-staffed editorial writers on metropolitan papers, standardized teletyped news, syndicated columns of individual opinion, and chain-newspapers, this type of editor is becoming increasingly rare. On the small-town or state paper, where the type might still be supposed to flourish, perhaps the one remaining exemplar of national repute is William Allen White of *The Emporia Gazette*—with whom Dana Johnson had much in common. The cause of this dearth may be traced, not only to the changing conditions noted, but to the lack of just such personal qualifications of cultural background, broad-minded liberalism, and literary brilliance as Dana Johnson possessed in high degree.

Historically, Johnson's editorial career—on the *Albuquerque Journal,* the *Albuquerque Herald,* and the *Santa Fe New Mexican*—from 1902 to 1937—spanned the late Territorial days, the struggle for a liberal constitution and statehood, and, after statehood, the struggle for good progressive government. It spanned also the successive changes in our tri-racial social scene, in which he took such keen and de-

voted interest. Coming to New Mexico from the East, with a cultural background, he viewed the scene from the outside as well as the inside—that inside part of New Mexico which he knew and learned to love so well. And it is worth noting that his residence in New Mexico was by choice, not necessity—not reasons of business, political appointment, or health which brought so many Easterners to New Mexico in Territorial days. Dana, who came to New Mexico on a visit to his cousin Douglas Johnson (then an instructor in the University of New Mexico), stayed because he liked it—and he would never willingly have lived anywhere else. If he had stayed in the East, or had returned to it, as he had advantageous offers of doing, his career might have been just as brilliant, or more so from a wordly standpoint; but it could never have counted for more than it did in the community he chose to serve.

A native New Mexican, in every sense except of having been born here, whatever concerned New Mexico concerned him—vitally, intimately, personally. His service can't be duplicated, because of his multiple composite qualifications of mind and heart, and that is why his going closed an epoch of New Mexican journalism—meaning journalism in the best sense of the word—not news to be dished out, but news to be interpreted, correlated and integrated for understanding use and betterment of conditions. I think that was his ideal. If he failed or offended, he was sorry. He did not willingly offend, except in politics, where he meant to offend on principle, but impersonally and out of his inmost convictions as to what was right. He was recognized as a good fighter—which he was—and this was particularly so because he was a past master of witty, satiric invective—against which his opponent usually had no adequate defense. Although relentless for the sake of a Cause in the use of this rapier-like weapon, he was without personal malice, and few, if any, of his opponents bore him personal malice. He was a good adversary, and almost anyone would rather have a good adversary than a namby-pamby friend. That

is why some of his former opponents now say that with his death the "punch" has gone out of everything.

For all that, politics was not his primary and essential interest. He was always glad when a campaign was over, and he could go back to writing about the things he cared for—particularly every phase of life in New Mexico, its landscape, highways and byways, small Spanish villages, natives and Indians, Saints and Santos, old archives and pioneer narratives, burros and road-runners, and all the traditional customs, folk-lore and folk-song, fiestas, and architecture that make up composite New Mexico. (If Dana were here, he would mention a lot of things left out!) There was scarcely any phase of civic or cultural activity in which he did not have a hand.

One remembers countless instances in which it was his pen that carried the day—as for instance the saving of the Sanctuario at Chimayó. Gustave Baumann phoned a friend one day to say that he had discovered that the beautiful old church and its furnishings were being sold piece-meal; the small Santiago on horseback was in the hands of one curio-dealer, and the historic carved doors were being bargained for by another. What could be done about it? The answer was, of course, "Tell Dana Johnson," and Dana came out with a spread that carried to the Atlantic coast, where Mary Austin, lecturing at Yale, with Dana's article in hand, interested the anonymous donor who bought and restored the building to the Catholic Church. Similarly, he supported every cause and movement that tended to keep New Mexico, and Santa Fé its ancient capital, a symbol of the races that made it—to preserve its essential character and integrity. Not to keep it different in the sense of just being different, as a sales point, but to be itself; as it is, and was, and as he wanted it to remain. For the Santa Fé plaza and the road along the river-bed, and shade-trees menaced by thoughtless, unnecessary destruction he waged many a fight.

He "tied in" and was one of all the civic and social groups—merchants, archaeologists, artists and writers. His

participation in The Poets' Round-Up was always one of the highlights of that summer event—where he invariably captured the audience with a piece of effective, sparkling light verse—written that morning, or the day before! Briefly, he was interested in life; and the essential gaiety of his spirit, united with an underlying deep seriousness of purpose, was an inspiring stimulus to any group and any cause.

In his office he was never too busy for a visit or a phone call and he always "clicked" immediately in response to any worthwhile suggestion, whether light or serious. Locally, his editorship made his paper not only a medium for town gossip and news, but an open forum for discussion in which everyone shared. As a record of keen delight in day-in and day-out companionship with the man, and a vivid impression of his personality, the tributes written by members of his staff, published in the editorial columns of the *Santa Fe New Mexican* the day after his death, cannot be surpassed.

Other newspaper articles and editorials in the *Santa Fe New Mexican, Albuquerque Journal,* and papers throughout the state, cover the highlights of his political career, which it is not necessary to repeat here. His close friendship with the late Senator Bronson Cutting and continuous editorial support of his liberal policies are well known; as is also the celebrated case in which he was sentenced (but never went) to jail, winning instead a court decision heralded as a new victory for the freedom of the press. Incidentally, it may be mentioned that he was a liberal before his connection with Bronson Cutting, and it was doubtless for that reason, as well as for his brilliant literary ability, that Cutting chose him as editor of his paper in 1913.

It may be that Dana Johnson's literary and all-round ability was perhaps not accidental, but a result of heredity. He came of a distinguished early-American ancestry. He was a direct descendant of John Dwight, who founded Dedham, Massachusetts; of Edward Dale, who settled in Lancaster County, Virginia, prior to 1655; and of Captain William Dana, the first settler of Belpre, Ohio, in the West-

ern Reserve territory. In direct line and in collateral branches, there is a noteworthy preponderance of professional vocations—ministers, lawyers, doctors, scientists, historians, and three presidents of Yale. Dana gives an inkling of this background in his autobiography, but seems to have taken most delight in the remote ancestor on his father's side who was a sheriff of Nottingham—wishfully, according to Dana's fancy, the doughty sheriff of Robin Hood fame! His father, David Dye Johnson, a lawyer, came of that early pioneer stock which migrated from Virginia to the Ohio valley.

Dana Johnson was first married in 1908 to Grace Nichol of Albuquerque, who died in 1931; and in 1932 to Mary Eckles of Silver City, New Mexico, who survives him. He is also survived by two brothers, Dr. Dale Johnson of Morgantown, West Virginia, and Dr. Theodore Johnson of Raleigh, North Carolina, and a sister, Miss Frances Johnson of Parkersburg, West Virginia.

ALICE CORBIN HENDERSON.

OBITUARY AS WRITTEN BY MR. JOHNSON

(Written by E. Dana Johnson when he began editing the Plaza Page in the New Mexico Sentinel.)

I am much flattered at what is practically the first request ever received for my obituary. I trust the photo will be returned, as they are scarce and valuable. I assume this series is a re-incarnation of Men of the Hour in New Mexico, made famous by the late Max Frost.

Born, yes; June 15, 1879 (the year of the Big Burn on Santa Fe Baldy) at Parkersburg, West Virginia. Son of David Dye Johnson, lawyer, and Julia Dale Johnson. Descendant of John Dwight of Dedham, Mass., and other stern and rock-bound New Englanders, on mother's side; a forebear was Captain William Dana, first settler at Belpre, Ohio, in Western Reserve territory, west of the Ohio River. On father's side one ancestor is reliably alleged to have been

a sheriff of Nottingham; whether it was the county politico with whom Robin Hood had such a merry time cannot be stated. Grandfather Johnson was a Virginia farmer, migrated across the mountains to the Ohio Valley. Believe it or not, roster of father's family was as follows:

Enoch and Oke and Ike and Ben, Dave and Bob and Sis and Sam, Bill and Josh (and Dad and Mam) John and Kit and Abraham, Tom and Jerry, the last of the clan.

Educated, if any, at Parkersburg High School, and Marietta College, Ohio; graduated *magna cum laude* in some branches, *mirabile dictu* in others. Phi Beta Kappa and member of N. M. Phi Beta Kappa Association. In bright college years, publisher and editor of college paper, which turned out later to have been a grave mistake, in view of what it led to. Canned after brief employment in tomato factory. Reporter on *Parkersburg Daily State Journal;* migrated to New Mexico in 1902. Rode horseback and covered wagon on camping and trapping trips in various parts of the territory with (now doctor) Douglas W. Johnson, since become crack physiographist of the United States at Columbia; got a job on the *Journal-Democrat* from the late George F. Albright, manager. Under the expert tutelage of the late Charles W. G. Ward and H. B. Hening, inventor of Solos by the Second Fiddle, gradually rose in a spectacular manner to be editor of the *Journal;* later editor of the *Evening Herald,* conducted by remote control from the Palace Hotel in Santa Fe by H. B. Hening and James S. Black, props. Dan MacPherson, *Journal,* early claimed that Johnson could say less in more words than any other reporter known.

Hired out as editor *New Mexican* in 1913 for the late Bronson Cutting but resigned from this temporary post in 1937 upon change of ownership. The job, however, was active while it lasted and afforded the incumbent some diversion. Doubtless the readers of the *Sentinel* could hardly be bothered with the details at this time.

Have laboriously compiled following distinguished career items:

Interlude in 1930—acting mayor of Big Bug, Arizona, and burro-puncher for Alto Gold Mining Company; research into burro psychology when loaded with tram rails or giant powder.

Associate editor *N. M. Historical Review;* president and charter member Santa Fe Kiwanis Club; member of an anti-publicity department for Santa Fe Fiesta Council for some eight years; member and ex-vice-president N. M. Association on Indian affairs for many years; eminent recognition as poet—tolerated as participant in Santa Fe Poets Roundup for several years past. Co-author with H. B. H. of celebrated Albuquerque Boosting Booklets; by the way, aided the late Pete McCanna, W. T. McCreight, Maynard Gunsul, J. H. O'Reilly *et al* in ballyhooing Territorial Fair when it was greatest Show on Earth. Permanently amateur golfer, enthusiastic but unsuccesful fisherman and hunter; married; junior warden Episcopal Church of Holy Faith; Old Santa Fe nut; hobby is old Spanish customs, architecture, folklore, songs; member of Gene Rhodes cult, and of his memorial commission. Occasional short stories and articles have accidentally gotten into magazines . . . *requiescat in pace* . . .

P. S. No joiner, but was once inveigled by the late Bill McGugin of Albuquerque into joining the Order of Owls.

Santa Fe New Mexican,
December 10, 1937.

In the *Abuquerque Morning Journal* of Dec. 11, 1937, William A. Keleher told the following incident:

"Johnson was a master of English. He had no peer in the Southwest when it came to the flow of adverbs and adjectives.

"His wit and humor were a bit grim, and he was inclined to be satirical and a bit of a sharpshooter at people

and things at times, but he never intended to be malicious or to leave a sting.

"Dana Johnson had plenty of courage and always personally stood behind the editorial pronoun "we." He always preferred to do his talking from the editorial column and it was almost impossible to get him to make a speech in public.

"Johnson, however, stepped out of his editorial writing role in Albuquerque on Feb. 26, 1928, at a mass meeting in the Armory, when James A. Reed, then United States senator from Missouri, criticized Dana's boss, Bronson Cutting, owner of *The Santa Fe New Mexican,* who had only recently been appointed to the Senate by Gov. Richard Dillon.

"Johnson, standing in the back of the Armory, challenged the statements and the two engaged in a brief sally."