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THE VARGAS ENCOMIENDA

By LANSING B. BLOOM

IN THE Spanish conquest of America, the encomienda became one of the most characteristic features of the colonial system. As one region after another was conquered, the land thus acquired was conceived of as part, not of Spain as a state, but of the vast personal estates of the Spanish sovereign; likewise the native peoples were thought of as subject directly to the king rather than to the Spanish realm. Thus both land and people of conquered regions came under the patronazgo real; the king was the regal patron who could hold or dispose of them according to his own good pleasure.

In essence, the encomienda system was a method used by the Spanish king or his representatives (viceroys and governors) of rewarding meritorious service on the one hand, and of utilizing the native people on the other. To a Spaniard who had done good service in a conquest or otherwise might be “commended” a stated number of natives by whose service he was to profit. It was a system of forced labor, under contract made in which the native had no voice; but as the native was early declared to be a freeman and Spanish subject, the encomendero or grantee was required to “pay” for the manual labor thus exploited, and he was expected to look to the physical and spiritual well being of the natives entrusted to him. In short, the encomienda system was a modified form of serfdom, adapted to the exigencies of colonial Spanish America.¹

Initiated in the West Indies by Columbus himself, the encomienda system was carried to Mexico City by Hernán Cortés; as one region after another was opened up by the

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¹ For any comprehensive study of the encomienda system, the reader is referred to Ruth K. Barber, Indian Labor in the Spanish Colonies (Historical Society, Santa Fé, 1932); Leslie H. Simpson, The Encomienda in New Spain (Berkeley, 1929); and to the more recent able work by Silvio A. Závala, La Encomienda Indiana (Madrid, 1985).
conquistadores, this method of securing an adequate supply of manual labor was everywhere the chief recourse of the Spaniards. The first viceroy of New Spain, Don Antonio de Mendoza, made such grants, among others, to Don Francisco Vásquez de Coronado; and Coronado in turn, while governor of Nueva Galicia, made similar grants within his jurisdiction. In their efforts to control and regulate the system, successive kings of Spain issued numerous laws, but any effort wholly to extirpate the system was a failure. In one form or another, it was to survive down to the end of Spanish rule.  

In New Mexico there were encomiendas from the beginning of colonization. Among the stipulations made by Don Juan de Oñate in the contract which he signed with the then viceroy, Don Luis de Velasco, in September, 1595, was one which read:

that I may distribute the said pueblos and vassals as I think best to the soldiers, conquerors and settlers who may go on the said expedition under my banner and [that] of my said successors, and that this may be understood [as valid] with those who may be second and third conquerors and settlers and others who may help in the conquest and pacifying of that land, and that they and their successors are to enjoy this encomienda to the third generation as granted by the ordinance fifty-eight, Your lordship undertaking further to supplicate His Majesty to grant the [encomiendas] to them in perpetuity, or at least for three more generations.

How many encomiendas were made by Oñate, for what amounts, and to whom, we do not know; and the same statement applies to Don Pedro de Peralta who was governor from 1610 to 1614. We do know, however, that Peralta also was authorized to make such grants with the proviso that

2. The Recopilación de leyes de los reynos de las Indias, libro vi, títulos viii-ix (vol. II, ff. 221v.-233v.) gives eighty-eight laws dealing with this matter, ranging in dates from 1511 to 1667. (2nd edition, Madrid, 1756.)

3. There are several copies of the Oñate capitulación. The one here used is a certified copy in the Archivo General de Indias (A.G.I.), sección de Mexico, legajo 20. "Ordinance 58" is embodied in the second law of those cited in note no. 2.
encomiendas already created by Oñate were not to be disturbed.  

Although the data thus far gleaned from the archives of Mexico and Spain regarding the 17th century encomenderos in New Mexico are very meager, it is important to remember one fact about them: namely, that they constituted a kind of militia for the defence of the province. In return for the annual tribute and personal services which he enjoyed from the Indians entrusted to him, each encomendero was expected to respond to any summons for escort-duty or campaign service. What little we know about any of them, evidence which is scattered but cumulative, shows that they did give such service.  

The fullest statement regarding encomiendas in New Mexico in the 17th century is found in a report made at Mexico City on September 26, 1638, by Fray Juan de Prada, commissary-general of the Franciscan order. He states that the governor of New Mexico, by authority of His Majesty has orders to give in encomienda the pueblos of the Indians to the Spaniards who may assist in those conversions. Thus, in conformity with the royal ordinances, the Indians are apportioned among their encomenderos, whom they recognize, and each household of Indians pays him each year, either

4. See the “Instructions for Don Pedro de Peralta,” in El Palacio, xxiv, pp. 466-473.  
5. For example, a payment was made in Mexico City on Feb. 22, 1614, to Alferez Juan de la Cruz for military service in New Mexico up to Sept. 10, 1612, which was over and above “the five years which he had served without salary because of enjoying the benefits which are granted to the conquerors of that [province] from the year 1696 up to said date.” A.G.I., Contaduria, 716, libranza of 22 feb. 614.  
6. The Spanish text was published by Father Otto Maas, O.F.M., Misiones de Nuevo Mejico, I (Madrid, 1929), pp. 19-29; an English translation is given by C. W. Hackett (ed.), Historical Documents relating to New Mexico... to 1776, III (Washington, 1937), pp. 106-115.
as tax or tribute, one fanega of maize, which in this country is valued at four reales, and also a piece of cotton cloth (manta de algodón) six palms square, which is reckoned in price at six reales. But it is necessary to note that although it was stated above that about 40,000 baptized persons are administered in those conversions, yet the tributes do not today reach the number of 8,000, because the tribute, according to the provisions up to the present time of the royal ordinances is not collected according to the number of persons but according to the poll and the list of houses, and in each one of these are three or four married Indians. Generally, there lives in each house a group of relatives, and, according to this method, a house counts as a source of tribute and from them the said encomenderos collect every year the maize and the manta which the Indians are required to give.

These encomenderos are under obligation to participate with their arms and horses in the defense both of the natives as well as of the religious who are in the frontier pueblos and live in constant danger from the Apache Indians. These are a very warlike people who live in rancherías in the environs of the converted pueblos, against which that nation [the Apache] makes continuous attacks. Thus, in order to guard against these attacks, soldiers are always provided, and in times of especial danger they are accustomed to hire others to assist them to form convoys, and for this they give them, at their own expense, arms and horses. All these soldiers of New Mexico receive no other pay from his Majesty nor do they receive any salary other than the contribution referred to which each one collects yearly, according to the income from his encomienda.

Perhaps it should be stated that, in 1638, the king and his advisers in Spain were considering the wisdom of creating bishoprics in New Mexico and Sinaloa, if sufficient revenue to warrant it could be raised in the provinces. The above excerpt shows that the total then being paid in tributes by the natives amounted to 10,000 pesos, all of which was needed for the purposes indicated; and upon the information
which he had gathered from missionaries who had long served in New Mexico, Fray Juan urged that it would not be wise to require the Indians to pay more.

It is not clear from this document or from other sources just how many Spaniards in New Mexico were *encomenderos* in 1638. Elsewhere in this report Fray Juan stated that there was only one villa at that time, in which there were about fifty Spaniards "although there must be about 200 persons." Probably not all of the fifty had *encomiendas*, but on the other hand there were certainly *encomenderos* in other parts of the province. Without clear documentary evidence, it may be conservative to estimate that there were then at least a hundred *encomiendas* which ranged in value from fifty to two hundred pesos annually, and that these were held by some fifty or sixty Spaniards.  

While Don Luis de Rosas was governor of New Mexico (1637-1641), the Duke of Escalona (viceroy of New Spain, 1640-1642) fixed the total number of *encomiendas* permissible in New Mexico at thirty-five. This must have occasioned a considerable reduction in the total number of grantees, which would simplify the collecting of the tribute payments from the Pueblo Indians but would certainly cause heart-burning in the Spaniards whose *encomiendas*, however small, thus reverted to the crown or were transferred to others.  

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7. Despite legislation to the contrary, it is probable that in New Mexico various encomenderos already held more than one of these grants. Twenty-four years later (Sept. 22, 1662) Fray Salvador Guerra made affidavit that many of the Spaniards in Santa Fe held "three, two, five, seven, or ten of them" and did so without themselves doing the corresponding military service. Hackett, *op. cit.*, iii, 250. In 1664, in the *encomiendas* of Francisco Gomez (deceased) there were 722 tributaries. *Ibid.*, 253.

8. *Ibid.*, 258. H. I. Priestley, *The Coming of the White Man*, pp. 54, 121, seems to have understood that Escalona "created" thirty-five additional encomiendas. Instead the total number was being reduced and the intent was evidently to throw greater responsibility for frontier defense upon a limited number of Spaniards.

9. Further study of the voluminous facsimile records from Mexico and Spain now in the Coronado Library, University of New Mexico, will, perhaps, show that the dispossessions involved in these readjustments were an important factor in the tragic events of 1641-1643.
continued to 1680 when the Spaniards were either killed or driven out in the Rebellion of that year.10

With this very sketchy review of the history of the encomienda system as it affected New Mexico from the time of Oñate down to the Rebellion of 1680, we are now in a position to consider the radical change which followed that revolt of the natives.

Some of this privileged group were among those who were killed in the outbreak of 1680, but certainly there were others among the Spaniards who escaped to El Paso del Norte who had been encomenderos; yet the writer does not recall a single reference to any one of them as an encomendero subsequent to the rebellion. Herein lay one of the distinctions between the rewards which were possible for those who had come with Don Juan de Oñate and those possible in the time of Don Diego de Vargas. The Spaniards or their heirs who lost encomiendas in 1680 never recovered them. By sharing in the campaigns of 1692-1696 they might earn the distinction of reconquistador; houses and lands held prior to 1680 could be recovered, or new grants of land (mercedes) might be secured in return for services rendered; but no Spaniard among them ever regained his old encomienda right to collect an annual tribute from an allotted number of the subjugated Pueblo Indians.

Of course this change was in line with the persistent determination of the Spanish monarchs to turn back directly into the royal coffers the stream of native tribute. For example, a long written opinion by the Council of the Indies dated December 30, 1690,11 in view of the royal desire to abrogate the encomiendas and reincorporate them in the crown, advocated a general law which would reaffirm the old discarded “New Law of 1542” and do so in a form more

10. On May 4, 1662, Governor Peñalosa issued to Capt. Cristóbal Durán y Chávez a title as escudero of certain encomiendas which belonged to Diego Romero, then a prisoner of the Inquisition. In this title Peñalosa cited the fact that the king had “determined” that the number of encomenderos in New Mexico should be thirty-five. A.G.N., Inquisición, 507, f. 232v. See also Hackett, op. cit., iii, pp. 252, 258.

sweeping than the original. The line of argument, this
time, was not legal or philosophical, but was based frankly
on "the needs of the monarchy," and the principle was
enunciated that encomiendas were voluntary favors on the
part of the monarch—which he could revoke if he so pleased.
The king's attitude regarding the system, evident all through
colonial times, is understandable enough. There were pow­
erful economic arguments for the continuing of the system,
and to make such a grant was a simple way of rewarding a
subject who had given distinguished service; but on the
other hand its feudalistic character was repugnant to the
monarch, and also, small as the individual tribute was, in
the aggregate it amounted to a very large revenue—and suc­
cessive Spanish kings, Hapsburg and Bourbon, were determ­
ined that this should revert to the crown and not continue
indefinitely to be dissipated to grantees and their heirs.

There are grounds, therefore, for surprise and consider­
able interest in learning that Don Diego de Vargas Zapata
y Luján, Ponce de León, as one result of his successful
reconquest of New Mexico, petitioned for and was given a
large encomienda; and further, that the original grant was,
during the eighteenth century, repeatedly reaffirmed to his
heirs. The records dealing with this Vargas encomienda
are so voluminous that we shall attempt to give only a sum­
mary of them, with quotation of some more important
passages.12

12. While working with Mrs. Bloom in the archives of Spain in 1928-29, some of
these documents were noted and listed, but the writer did not secure facsimile copies
until this past year. With leave of absence from the University of New Mexico and
first sent to Italy by the Bandelier centennial commission in the spring of 1938,
we found it possible to resume work in Sevilla last October. Of the archival material
brought home in May, a complete set of prints is now being made at the Coronado
Library.
II

Don Diego de Vargas was born in Madrid on, or about, October 29, 1643. In his twenty-first year, he married Doña Beatriz Pimentel de Prado who was about two years his senior, and nine months later their one and only child was born. When this little daughter was in her eighth year, in the summer of 1672, Don Diego left Madrid for Cádiz, on his way to New Spain. Apparently he returned to Spain only once during the rest of his life, and this single visit is understandable if the death of his wife occurred in the fall of 1677.

After he had gotten back to New Spain, probably in the spring of 1679, or before, he seems to have entered into an illegitimate alliance—according to a very common practice

13. José Pérez Balsera, Laudemus viros gloriosos et parentes nostros in generatione sua (Madrid, 1931), p. 64, shows the baptismal date November 8; the birth date would have been ten days before. Señor Pérez informed the writer in Spain last spring that his residence in Madrid (the old Vargas home) had been sacked and his library destroyed. Fortunately Dr. José Manuel Espinosa, St. Louis, has a copy of the book cited and by his courtesy we have a facsimile. Dr. Espinosa intends shortly to publish a biography of Don Diego de Vargas, so we shall attempt only to give the data which will make intelligible the story of the encomienda.

14. Dona Beatriz was born January 12, 1642, and therefore was about two years older than Don Diego to whom she was married on May 5, 1664. The only child of this marriage, baptized as Isabel Maria Polonia, was born February 9, 1665. Pérez Balsera, op. cit., pp. 71, 72, 84.

15. In December 1672, he wrote that he had been waiting six months in Cádiz for the royal dispatches which he was to carry to Mexico City; the unexpected delay had exhausted both the expense money already received and his personal funds. On Jan. 1, 1673, the Council of the Indies responded with an additional grant. A.G.I., Mexico, 276.

16. Pérez Balsera, op. cit., does not have the record of this death but it was certainly before the daughter's marriage on December 13, 1688; for that record (p. 85) has no mention of either parent and speaks of the 'Sta. Isavel Maria de Vargas Pimentel' as 'nuestra parrochiana avitando enfrente de la Merced Calzada casas propias . . .'.

That Vargas was in Spain in 1678 appears from the opening sentences of the 'título de governador' issued for him by King Charles II on June 18, 1688 (A.G.I., Mexico, 1216). '... os yubié el año de mill seisientos y setenta y ocho por Capitan de un auiso que fue alla nueva españa con zedula de Recomendacion para q. Dn. fr. Payo de Riuera q. fue Arzobispo de la Iglesia de Mexico y mi birrey ynterin de aquellas prohíbias os acomodasse en ocupazion desente ...'.

This document further shows that Vargas was not in Spain in 1688. Moreover, our statement (N. M. Hist. Rev., xi (1936), 209) that Vargas was in Madrid in August 1690 is evidently an error, based on the article "De Vargas" by the late Chas. F. Coan in the Dict. of Am. Biog. We have since found no substantiation for Dr. Coan's statement that "on August 14, 1690, a power of attorney was executed in
of those times—with a lady in Mexico City. The union was marked by permanence and fidelity. It lasted for twenty-five years, and on his death-bed Don Diego acknowledged as his the three children which resulted from this marriage. Of the three we are interested only in Don Juan Manuel de Vargas Pimentel who appears repeatedly in later records as "the oldest son." Born prior to April 1680, his father was able to place him in the court in Madrid as "a page of the Queen"; and he also served as a "captain of cavalry" for some years before the summer of 1699 when, as a bearer of royal dispatches, he returned to New Spain. He and his younger brother, Don Alonso de Vargas, accompanied their father to Santa Fé in the summer of 1703.

As to Vargas' record in the king's service prior to 1691, not much is known. The Vargas family in Madrid was so

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17. Rafael Altamira y Crevea, Historia de España, II, 188-9, discusses three forms of marriage which were prevalent in Spain, the last of them even among the clergy: matrimonio canónico, a yuras, and the contrato de barraganza. This marriage of Vargas may have been by the second form—if his wife in Spain was already deceased. The name of the lady in Mexico City does not appear but it is interesting to know that she and a sister lived in the Governor's Palace at Santa Fé after the Reconquest. Possibly they made the journey from Mexico City with the colonists who came in 1694. In the scurrilous testimony which was formulated by Governor Cubero in the fall of 1697, with the connivance of the Santa Fé cabildo, Vargas' criado, Don Antonio de Valverde was smeared as living in concubinage with the sister, "going in and out of the rooms of the women" and very much at home in the Palace—"times even "yelling" at Vargas. It is significant that even in such testimony the term amancebado is in no case applied to Vargas and his wife; she is always referred to as "la Dama" of Don Diego. Probably both women left Santa Fé with Valverde in September 1697. In the will which Vargas signed at Bernalillo on 7 abril 1704 (the day before his death), he gives the age of Juan Manuel as twenty-four; that of Alonso was twenty-three; and their sister, María Theresa, of nineteen years was "with her mother in Mexico City." Twitchell, Span. Archives of N. Mex., I, p. 304.

18. In the will which Vargas signed at Bernalillo on 7 abril 1704 (the day before his death), he gives the age of Juan Manuel as twenty-four; that of Alonso was twenty-three; and their sister, María Theresa, of nineteen years was "with her mother in Mexico City." Twitchell, Span. Archives of N. Mex., I, p. 304.

19. El Marqués de la Florida, acting for Don Diego de Vargas, requested His Majesty for the dispatches (making effective Vargas' reappointment as governor in succession to Cubero), "para que en el próximo año de la flota los puede llevar el Capp'n de Cauallos don Juan Manuel de Vargas su hijo." A.G.I., Guadalajara, 142, Cabildo de Santa Fé contra Vargas, marzo 1699; ibid., 141, Relacion de servicios de Antonio de Valverde (impress), Madrid, 8 nov. 1698.

20. Twitchell, op. cit., I, archive 1027.
ancient and powerful 21 that, like his father before him and his son after him, Don Diego had doubtless served as a queen's page and later as a soldier. Arriving in Mexico City with the king's recommendation, probably in the spring of 1673, Vargas was given the post of alcalde mayor of Teutila by the Marqués de Mancera, who was then viceroy.22 When Vargas was in Madrid in 1678, his service at Teutila seems to have won for him the new recommendation, this time to Viceroy Payo de Rivera, which resulted (1679) in his appointment as alcalde mayor of the mines of Tlalpujahua and also as administrator of quicksilver for the crown; and his administration was so satisfactory that the next viceroy, the Conde de Paredes (1680-1686) reappointed him.23

Back in Mexico City and out of a job after the retirement of Paredes (November 16, 1686) but eager to continue in the king's service, Vargas petitioned for the post of governor of New Mexico. The matter was handled for him successfully by two representatives in Madrid.24 It is interesting to note that up to this time appointments to this post had been handled by the viceroy in Mexico City; that Vargas was to be placed in possession at once, whether or not the last appointment had expired; also that, since Vargas was in

22. Mancera held office until Dec. 8, 1673, his successor (Duque de Veragua) dying suddenly the sixth day after taking charge. By provision for such an eventuality, the archbishop of Mexico (Fray Payo Enriquez de Rivera) assumed the office Dec. 13, 1673, and ruled to Nov. 30, 1680. Riva Palacio, México a través de los siglos, ii, 633-637.

That Mancera appointed Vargas to Teutila is definitely stated in the so-called "Restauración del Nuevo Mexico por Don Diego de Vargas," written in 1716 or later, attributed to some unknown fraile of the Province of the Holy Gospel in Mexico City, and copied for the great compilation which was sent to Spain in 1792. Bolton, Guide to . . . Archives of Mexico, 21. Besides being a secondary source, the text of the anonymous Franciscan is phrased as if based on representations made by Vargas himself when seeking more favors from the king; and we have no other mention of Vargas at Teutila. However, the fact fits in with the chronology being given and seems credible.

23. A.G.I., Mexico, 1216, "Capp'an don Diego de Bargas Zapata y Luján; título de Gov'or del Castillo y Provincia del Nuebo Mexico por haver servido con 2,500 escudos de plata. 18 de Junio de 1688." A.G.N., Historia, 2, f. 51r., also mentions a cedula of 16 Feb. 1683 to the viceroy expressing royal appreciation of Vargas' services.

24. Relevant papers of 29 mayo to 10 junio, 1688, are in A.G.I., Guadalajara, 3; copy of the title as issued is in A.G.I., Mexico, 1216, as already cited.
New Spain, he might give the necessary oath before the viceroy. We get the impression that Vargas' cash "service" to the king of 2,500 escudos was a decisive factor; and yet the king carefully stipulated that he was also to pay, in advance, the tax known as the media anata.

Don Diego did not go north immediately, partly because a year later the king and his advisers were flirting with attractive offers for the reconquest of New Mexico which were being made by Don Torobio de la Huerta. Not until February 22 of 1691 was Vargas at Paso del Norte, and it was in the fall of 1692 that he made his first dramatic and bloodless entrada into the revolted Pueblo part of the province. Back from this successful campaign, Vargas went vigorously to work to assemble colonists and supplies for the permanent entrada. To supplement the Spaniards who were available in the Paso del Norte district (the refugees of 1680), he went south to Zacatecas—and from there, on May 16, 1693, he wrote a long letter to King Charles II which was to have important results.

Huerta, when trying to supplant Vargas in the enterprise of reconquering New Mexico, had foolishly announced in advance the rewards which he sought. Vargas, more

25. Some of these papers are in A.G.I., Guadalajara, 3, and Historia, 66; others are in A.G.N., Historia, 37. See also I. A. Leonard, The Mercurio Volante of Sigüenza y Gongora, pp. 31-45.

26. The dramatic manner in which Vargas reported his success to the authorities in Mexico City was tremendously impressive. Alarming reports had been coming in from Nueva Viscaya where the presidios had been weakened in order to furnish Vargas more soldiers for his entrada, and for months no news had arrived from New Mexico—when out of the north came a flying courier with mail which had traveled over 1,500 miles in thirty-six days! This seems incredible but it is a fact proved by documents which are in A.G.N., Prov. Internas, legajos 36-37. Three original letters of Vargas and the testimonio de autos, all dated at Santa Fé on October 16, 1692, arrived in Mexico on November 21, 1692.

Without doubt, this was the record for speed between these two points up to that time. Properly to appreciate the feat, it may be checked with the "flying mail" service of a century and a half later, when dispatches went through in approximately the same time—by means of relays of horses and couriers. See L.B.B., "New Mexico under Mexican Administration," in Old Santa Fé, I, 14-16. For the acclaim with which the news was received in Mexico City, see I. A. Leonard (ed.), The Mercurio Volante of Don Carlos de Sigüenza y Gongora (Quivira Society, 1932).

27. The letter is in A.G.I., Guad., 189. One endorsement notes that it was "delivered to Sr. don Antonio Ortiz on 18 julio 1694"; another shows that it was before the Council of Indies on 4 Feb. 1697.
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shrewdly, went ahead "at his own cost" and only after his first success had been loudly acclaimed in Mexico City and in Spain did he express his hopes of preferment. In this letter from Zacatecas, after briefly summarizing events since he took charge in February, 1691, and contrasting his success with the earlier failures of Governors Otermín, Jironza, and Reneros, he states that he is waiting in that remote corner of the world, hoping with all due submission that his majesty will grant him rewards which are commensurate with the important services he has rendered. With an allusion to the distinguished family to which he belongs, he then asks two favors: first, the title of marquis of two places near the court known as "de los Caramancheles" with the accompanying revenues and, second, promotion to the governorship of Guatemala, or the Philippines, or Chile, or Buenos Aires. 28

The letter from Zacatecas simply initiated Vargas' petition for what he regarded as suitable recognition for his merits and services. It was followed by other letters and autos de guerra supplementing those which had been sent from Santa Fé; and official reports from Mexico City also favored his plea. Then, in November, 1695, Don Juan Gonzáles Calderón (one of the two who had represented him in 1688 in getting the post of governor) presented to the king on his behalf a memorial which reviewed his achievements in the entradas of 1692 and 1693 (both at his own cost); stated that Vargas desired, with the greatest submission, to win royal approbation through continued, arduous and sleepless endeavors; mentioned the repeated distinguished services of his father and grandfathers; and in order that he might creditably continue his own service for the king,

28. Perhaps when he wrote this letter, Vargas knew that the king had already, on June 24, 1692, sold for 2,000 pesos the succession to the New Mexico governorship to Capt. Don Pedro Rodríguez de Cubero! A duplicate copy of the title to Cubero is in A.G.I., Mexico, 1216. Earlier, Don Domingo Jironza, who had served twice as governor during the period of exile, had asked to be continued in office, and on July 19, 1691, the council in Madrid was favorable—if the viceroy had not already installed Vargas and could give him some other post. A.G.I., Guadalajara, 141. But after the first gratifying reports of Vargas reached Madrid, this danger to his tenure disappeared.
Vargas supplicated his Majesty to honor him with a title of marquis for his house, and with an *encomienda* of 6,000 pesos which should be levied annually on the conquered Pueblo Indians—and should not be subject to discount. The king referred the memorial to the Council of Indies on November 2, 1695, and they to their *fiscal* who made a brief endorsement as to its contents. Here the matter rested for over a year, possibly because, less than three months before, the king had told the council not to bring before him any case which asked for an "*encomienda* in Indians."

So far as we know, this was the first broaching of the idea of a possible *encomienda* for Vargas in New Mexico, and it may be well, therefore, to pause for a moment and speculate on certain implications of such a request. Since earlier *encomiendas* in New Mexico had amounted, at most, to a few hundred pesos each, it is sufficiently startling at first thought that Vargas should ask for one of 6,000 pesos. It is true, as we shall see presently, that, while the number of *encomiendas* had been limited to a total of thirty-five, the revenue collected from tributary Indians had increased about 50 per cent in value before the Revolt of 1680 wiped them out. If their total value at that time was between 12,000 and 15,000 pesos, Vargas' figure was not exorbitant—unless there were conflicting interests.

Again, it seems strange that such a request should be made by one who had undertaken to reconquer New Mexico for the king "at his own cost" and who repeatedly emphasized that aspect of his services. But a little analysis clears up this point. Vargas had paid 2,500 *escudos*, plus the *media anata*, for a post of which the annual salary was only 2,000 pesos. Payment of the salary during his first governorship was figured from February 22, 1691, to July 2,
1697, when he was relieved at Santa Fé by Governor Cubero. Over against this were the extraordinary expenses of two entradas during that period, of which a very serious part was the recruiting and maintaining of his mercenary force of a hundred soldiers. Probably it is conservative to estimate that Vargas' payments out of his personal resources while the conquest was being effected ran to 30,000 or 40,000 pesos a year.31 His request, therefore, was very moderate as compared with what he had spent. It was not his idea to recover on these large expenditures, but rather to supplement his meager salary and to be able to live in a manner suited to his new dignities.32

Lastly, if such a grant should be made to Vargas, how would it affect other interests? Would it militate against the Franciscans in their missionary work? If missions were to be converted into parishes, the question of local revenues

31. The pay of an ordinary soldier was 350 ps. a year, officers received somewhat more. Capt. Antonio de Valverde, who enlisted in June 1693 and became his adjutant, was paid 450 ps. Two other criados, Don Juan Paez Hurtado and Don Felix Martinez, may have been paid the same.

A detailed accounting of expenditures by Vargas for the colonists whom he assembled is found in A.G.I., Guad., 141 pp. 1539-1580 (in doc. 20). Testimony in the legal wrangle between Cubero and Vargas regarding 22,500 pesos paid to the soldiers at Paso del Norte (largely due to Vargas as a refund) is found in A.G.N., Hist., 37, ff. 1-37.

32. This point is well expressed in a consulta by the Council of Indies dated June 3, 1697, in A.G.I., Guad., 141. In his earlier service as well as in the reconquest, Vargas had greatly depleted his private resources, including even the patrimony which had come to him from his father in the Indies; he now had "many children and grandchildren,—and in many cases such encomiendas had been granted to others.

The father, Don Alonso de Vargas Zapata y Luján, was born about 1620; served 8 May 1633 to 10 Jan. 1641 as a page of the queen; married 6 Jan. 1641; and in April 1650 was en route to America with title received from the king as alcalde mayor of the city of Chiapa in Guatemala. Pérez Balsera, op. cit., pp. 58-62; A.G.I., Contratación, 5429, no. 16.

The writer did not have time last spring to follow up further identification or data on the father of Don Diego. We do not know what property in America he left nor the year of his death,—if this was before 1673, it was doubtless one reason why Don Diego went out that year.

As to "children and grandchildren": the only child of the marriage in Spain, Doña Isabel María de Vargas Pimentel, was married 13 Dec. 1688 to Don Ignacio López de Zárate. Of this union were born a son and three daughters, possibly all of them before January 1697. From the marriage de barragania in Mexico City there were three children, the youngest at this time being twelve years old. The oldest, Juan Manuel, now seventeen years old, probably had finished his service as a page at court and was in military service.
was important. What about the king himself? The repeated and persistent efforts of successive monarchs had been to extirpate, so far as possible, all *encomiendas*; and in a way perhaps it was as satisfactory to Charles II as it was to the Pueblo Indians that the old ones in New Mexico had been wiped out in 1680. In the natural course of events after Spanish authority was re-established, the natives would again be required to pay tribute; would the king consent to share this even with the man who, "at his own cost," had done the remarkable service of recovering that very important frontier region for the crown? And what about the former *encomenderos* or their heirs—they may have had small hope that their old rights would be restored, but would they look on with equanimity if Vargas were given a grant worth 6,000 pesos for "two generations?" When Cubero, who had bought the governorship in succession to Vargas, arrived in Santa Fé in July, 1697, the possibilities for profiteering (after the fashion of earlier governors) must have been much less than he had anticipated. Why, after the thirty days' *residencia* had expired, did he start a criminal process against Vargas, throw him into prison and hold him there for nearly three years? We may find, with further study, that it became known in Santa Fé what Vargas' agents over in Spain were about, and that then Cubero was able to arouse the colonists almost unanimously against Vargas, although the latter had just ended six years of remarkable service. It was a strange turn of affairs, that Vargas the Reconqueror could be held in close confinement for "three years less a month."

As we have seen, the question of granting Vargas an *encomienda* had been raised in Spain by the memorial of November, 1695. Our next reference to the matter is simply an endorsement reference to a *parecer* by the *fiscal* of the Council of Indies dated January 4, 1697, which shows that the papers bearing on the case were being studied.33 During

— 33. The five entire legajos identified at Sevilla as "Guadalajara, 138-142" were included among the archives of which, upon request of the writer by a calendar-
the next month, they were in the hands of their “historian,” Don Juan de Villagutierre Sotomayor, whose digest of them was submitted to the Council on February.34 Their recommendations to the king, based thereon, were: (1) that Vargas be reappointed governor of New Mexico in succession to Cubero;55 (2) that he be given the honorary distinction of Pacificador; (3) that he be granted a title of marquis or count; and (4) that he be allowed an encomienda of 4,000 pesos from the Indians of New Mexico, which the viceroy should be told to institute immediately and which should be valid for two generations. On February 25, 1697, the king gave his full approval—except as to the encomienda—and this decision was dispatched some ten days later, to the viceroy in Mexico City and to Vargas.36

It is not apparent who was looking after Vargas’ interests in Madrid at this time,37 but a few weeks later another

34. See A.G.I., Guad., 141, pp. 31-42, docs. 6-7 with various endorsements. The consulta record follows, docs. 10, 9, pp. 66-67, 43-64.

Lic. Villagutierre is of especial interest to New Mexico history because he has been identified as the author of an unpublished manuscript: Historia de la conquista, pérdida y restauración de el Reyno y Provincias de la [Nueva] Mexico en la America Septentrional. It is in the Biblioteca Nacional in Madrid, in two thick volumes of nearly 1,800 pages. Father Otto Maas, O.F.M., Misiones de Nuevo México, I (Madrid, 1929), pp. viii-lvi, publishes the table of contents of its “ten books.” The chapter sub-titles show that this official historian began this work with the discovery of America, but drew fully the last two-thirds of his material from the Vargas papers! The last book and a half described the events of 1692 in crushing the last outbreak, and the last sub-title of the closing chapter reads: “His Majesty rewards the governor, Don Diego de Vargas.”

35. Since Vargas was reported by the viceroy to have begun his governorship on Feb. 22, 1691, and his term had been made for five years, they thought at this time in Madrid that Cubero had already taken charge. As a matter of fact, Vargas was still governing in that far off frontier province and Cubero did not reach Santa Fé until the following July.

36. The consulta record, dated February 25, is in A.G.I., Guad., 141, pp. 65-67 and 43-64 (docs. 10, 9); other records are in ibid., pp. 78-84 and 68-71 (docs. 12, 11).

37. Don Manuel de Lira and Don Juan Gonzalez Calderón had acted for him in 1688, and the latter again in 1695, but these names are not found in the papers of 1697. Endorsements on the documents last cited show that copies of them were later furnished to the Marqués de la Florida—but that was on June 15 and Sept. 27, 1699.

list made in May 1929, the Library of Congress took facsimile copies. The documents here being used (from A.G.I., Guad., 141) were sorted out by Mr. Roscoe R. Hill who was then in charge of the work in Spain and were photographed with an L. C. label showing numbers of document and page. The above endorsement is A.G.I., Guad., 141, p. 24, doc. 4.
memorial was presented on his behalf which expressed deep appreciation of the honors just granted but which, very diplomatically of course, again urgently prayed for the encomienda. Referred by the king to the council, that body on June 3 again approved such a grant, but the king tersely refused.\textsuperscript{38}

So the matter stood until, about a year later, Capt. Antonio de Valverde arrived in Madrid, seeking for himself the post of presidial captain at Passo del Norte—but also evidently on behalf of his patrón.\textsuperscript{39} The first-hand information brought by this participant in the reconquest of New Mexico, added to the efforts of Vargas' powerful relatives and friends, seems at last to have turned the scales. He was also helped by a strong letter to the king, written by the viceroy on January 19, 1698.\textsuperscript{40}

In July 1698, a third petition for the encomienda was presented on behalf of Vargas, asking that the matter be reconsidered.\textsuperscript{41} It was handled in the usual way, and again

\textsuperscript{38} Ibid., pp. 85-90, 98-101 (docs. 13, 14, 16). A rubric signs the endorsed refusal: "lo resuelto" (what was decided).

\textsuperscript{39} His Relación de servicios was printed in Madrid in November, 1698. Ibid., pp. 91-97 (doc. 18). An analysis of this paper shows that, on the plea of sickness, he had left Santa Fé in September 1697—apparently before Vargas had been thrown into prison. Carrying credentials of his service record not only from Vargas but also from the cabildo (I), from the Custodio of the missionaries, and from Governor Cubero (I), he was in Mexico City early in 1698 where he was given another credential by the viceroy. Probably he reached Madrid in the summer of 1698.

\textsuperscript{40} A.G.I., Guad., 141, pp. 108-114 (doc. 18). This letter, which did not arrive until October 23, was accompanied by more Vargas autos de guerra which make up the bulk of this legajo (doc. no. 19). By the same ship and arrival-date came another letter of April 18, 1698, from the viceroy (doc. 21) transmitting the autos which Vargas had prepared in Santa Fé a year earlier (doc. 22), protesting against the transferring of the governorship to Cubero. Of course, none of these papers had any effect in Madrid until after Oct. 23, 1698.

\textsuperscript{41} Ibid., pp. 1652-1654 (doc. 26). Unfortunately, in the arranging of legajo 141 for photographing, those documents which appear as nos. 23-27 were not placed in their proper collation: no. 26 belongs with no. 4, no. 24 relates to no. 21, and the others should follow no. 16.

The third Vargas petition here cited (no. 25) repeats the second (no. 14) word for word, but adds the request that the desired encomienda should not be liable to payment of the media anata and further that it should be assigned to Vargas' oldest son, Don Juan Manuel de Vargas Pimentel, who had served as a queen's page and had completed four years of service as a cavalry captain in the Catalonian army.

This petition, like the earlier ones, was not presented by Vargas personally, nor even written by him. Of course, it must have been in line with his known wishes, but it was drafted in Madrid by some agent who acted for Vargas.
the recommendation of the Council of Indies was favorable. This time the king approved entirely, and a royal cedula in accord with their consulta of August 21 was dispatched to the viceroy in Mexico City.42

At last the encomienda had been granted! True, its annual value had been reduced from 6,000 to 4,000 pesos, and the king stipulated that the holder must pay the media anata—and must do so in advance;43 also the grant was to be valid only in New Mexico. If the conquest did not prove permanent, Vargas was enjoined from asking for a transfer of the encomienda to some other region. If it could not be made effective in New Mexico, the grant was worthless. On the other hand, the viceroy was told to institute the encomienda “immediately,” and the first holder of it might be the “oldest son” of Vargas.44 After the favorable decision in Madrid, the next step necessary would be to get the viceroy in Mexico City to put the encomienda into effect.

What had been happening meanwhile on the other side of the ocean? On February 2, 1697, a new viceroy had taken charge, Don José Sarmiento Valladares, who was to rule there for the king until November 4, 1701. This period of nearly five years, embracing as it did the long imprisonment of Vargas and his final release, was to be very important in the affairs of the Reconquistador. Although he did not know Sarmiento personally, he hoped to find favor with him; and he thought that possibly, before Sarmiento had left Madrid for his viceroyalty in Mexico, Vargas’ two sons had “offered themselves at his feet,” namely, Capt. Don Juan

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42. A.G.I., Guad., 141, pp. 1643-46, 1652-55, 1658-68, 102-106. An endorsement (with rubric) at the end of the consulta reads “Como parece en todo” (p. 1668); another at the beginning of the cedula reads “Consulta del Consejo de 21 de Agosto de 1698” (p. 102).

43. Before delivery of title, Vargas (or his son) must have from the treasury officials a receipt for having paid the first half of this tax: 1,000 pesos, plus 200 more to cover remittance to Spain; and another 1,200 pesos was due a year later.

44. As Don Diego was now nearly fifty-four years old and the grant was only “for two lives,” this was a shrewd provision, as it would extend the benefit to another generation. It shows, also, that the son, Juan Manuel (now seventeen years old) was expected to return to New Spain and find his career there, and that Vargas did not think of the encomienda as necessarily coupled with the governorship.
Manuel de Vargas Pimentel and Don Ygnacio Lopes de Sárate (of the king's council and a knight of Santiago). 45

Shortly after the arrival of Viceroy Sarmiento, Capt. Don Pedro Rodríguez Cubero presented his claim to succeed Vargas as governor and captain general of New Mexico, by virtue of the title which he had secured five years before; and immediately Alférez Francisco Díaz de Tagle (as agent at Mexico City for Vargas) protested, claiming that under Spanish colonial law Vargas, as "Pacifier, Restorer, and Conqueror," was entitled to retain the governorship for the rest of his life—and also for that of his son; and the agent petitioned that confirmation to Cubero be delayed while the matter was appealed to the court in Spain. 46 But after careful consideration with his advisers, Sarmiento decided that he must honor Cubero's title and accordingly he did so. Later, this action was fully approved in Spain, but this was only after official transcripts of the papers had been received in Madrid. 47

45. From a letter, Vargas to Sarmiento, signed at Santa Fé April 29, 1697, and received in Mexico City by June 14, A.G.I., Guad., 141, pp. 1528-38 (doc. 20).

46. These papers are in A.G.N., Provincias Internas, 36: Autos sobre la contradición por parte de . . . Vargas. Tagle's power of attorney was dated 4 Nov. 1690 (so certified on 26 Feb. 1697).

47. As already noted above, the autos de guerra concerning events of 1696 in New Mexico were not forwarded until Sarmiento wrote on January 19, 1698; when they reached Mexico City from Santa Fé is not clear. Again, the papers regarding the "Contradicción" in March-April, 1697, were not forwarded until a year later (April 18, 1698); and both of these voluminous records reached Madrid only about two months after the decision as to the encomienda. Supplementary papers (various testimonials, etc.) which were carried by Don Antonio de Valverde when he left Santa Fé in July 1697, with additional papers which he secured in Mexico City the following winter, did reach Madrid before August 1698.—but they would be of no avail until after the above official records arrived. The royal cedula of approval sent to Sarmiento was dated January 26, 1699. A copy is in A.G.I., Mexico, 1077, vol. F87.
During the winter of 1698-1699 it was not yet known in Madrid that Vargas was being held a prisoner by Cubero in Santa Fé, but so far as it was known his case was under advisement.\textsuperscript{48} In January 1699, the first payment of the media anata on the encomienda seems to have been completed and a dispatch was gotten off to the viceroy, a copy of it being furnished on February 21 to Don Juan Manuel who wanted to send it to his father by the next mail.\textsuperscript{49}

Then, in April, the Marqués de la Florida presented a petition for another term as governor for Vargas, which should be for six years and valid as soon as Cubero completed his five years. He also asked that Don Juan Manuel might have the dispatches to carry with him in the next fleet. It was so ordered, after action by the Council on June 4,\textsuperscript{50} except that the reappointment was for five years, not six.\textsuperscript{51}

At last, in April 1700, it was known in Madrid that Vargas had been held by Cubero a prisoner in Santa Fé since October 2, 1697; and incidentally, twelve days after that date sentence of exile had been pronounced against his criado Valverde, although he had left Santa Fé weeks before! Serious charges against both of them had been drawn up by Cubero and the town-council, and these had been sent directly to the king, their intent being to prevent the return of Vargas as governor,\textsuperscript{52} but almost immediately a petition

\textsuperscript{48} See, e. g., the briefing by the fiscal dated Madrid, Dec. 10, 1698, of the "testimonios de autos grandes" on the Indian outbreak of 1696, in A.G.I., Guad., 141, pp. 1669-75 (doc. 28).


\textsuperscript{50} See note 19, above.

\textsuperscript{51} A copy of the "Title," dated June 15, 1699, is in A.G.I., Mexico, 1216; in ibid., legajo 1077, vol. F37, are another copy and also letters of the same date, King to Sarmiento and King to Vargas. Meanwhile on March 17, Don Antonio de Valverde had at last succeeded in securing the post of presidial captain at Passo del Norte, but when he was on the point of sailing (at Cádiz July 8) the papers were delivered to him— with no provision for salary! An agent acting for him got, Dec. 10, 1699, an order directing the viceroy to provide him the usual salary. A.G.I., Guad., 142, pp. 75-79, doc. 8. A copy of the cedula (dated 14 Jan. 1700) is in A.G.I., Mexico, 1077, vol. F37, and shows the patent was dated 28 June 1699.

\textsuperscript{52} See especially the papers prepared in Santa Fé from December 1698 to March 1699, in A.G.I., Guad., 142, pp. 10-70 (docs. 3-6), endorsed "sobre procedi-
was also presented on behalf of Vargas, which stated that after the thirty days’ period for his residencia had expired without showing anything to his discredit, Cubero had instituted new proceedings against him; and when Vargas had protested that Cubero had no such authority, the latter had jailed him on October 2, 1697, two and a half years before! It appears from later records that Vargas had been held practically incomunicado and Cubero had tried to keep from him any writing materials. 53 Having before them both the memorial of the Santa Fé cabildo and the Vargas petition, the Council of the Indies recommended that the viceroy call on Santa Fé for all papers in the Vargas-Cubero matter, that Vargas be ordered released under bond, and that he be given a full and fair hearing in Mexico City. All of this was merely an echo of steps which the viceroy had already taken, more than a year before, and to which he had doubtless referred in his reports to the king. 54 What had been happening in Santa Fé and in Mexico City is partly a matter of record and partly surmise.

Some unnamed Franciscan, a member of the Province of the Holy Gospel in Mexico City, 55 writing in, or about, the year 1717, tells us:

It is certain that Vargas promised too readily various things which under that form of government

53. This seems to be first mentioned at Madrid in the petition here cited, which was before the Council on April 19, 1700. A.G.I., Guad., 142, pp. 80-92 (doc. 10).

54. A.G.I., Mexico, 1077, vol. F37, royal order to viceroy and audiencia, 22 abril 1700; and another of same date to Governor Cubero. In ibid., legajo 1103, vol. C45, is a five-page record of a more detailed communication, 16 julio 1700, to Mexico City, transmitting a copy of the charges made by the Santa Fé cabildo.

Another appeal from Vargas in April 1701 got favorable action by the Council and resulted in a royal cedula of 27 April 1701 (A.G.I., Guad., 142, pp. 101-120, docs. 13-14; also a better copy of the cedula in A.G.I., Mexico, 1103, C45); while another appeal by the cabildo (of 6 Dec. 1700) reached Madrid later and was referred (Sept. 1701) back to Mexico City (A.G.I., Guad., 142, pp. 95-97, doc. 11). The cedula of 27 April 1701 directed the immediate release of Vargas—nearly a year after that was an accomplished fact!

55. See A.G.N., Historia, 2, Restauración del Nuevo México por Don Diego de Vargas Zapata, f. 51 et seq.
he could not carry out, even if he proceeded with all the energy and zeal possible, and that, therefore, in various reports to the viceroy he was silent as to much of what he himself had to endure along with all the religious, soldiers, and settlers because of incompleteness in the reduction [of the natives]. But it is equally certain, as is apparent from the various papers of the Cabildo itself and by his own autos de guerra, that never did he give any reason to the Spanish inhabitants of this newly re-established colony to conceive against him such implacable hatred—rather indeed [he gave them] many reasons to regard him with love as the restorer of the country.

Cubero was not ignorant of this, but, pretending to be uninformed and without being deterred by the fact that, after the residencia [of Vargas] had terminated, he lacked any authority over his predecessor and especially with regard to the king's interests, he drew up charges against Don Diego de Vargas; confiscated whatever he found to be his—even two negro slaves—putting it all in the public warehouse; at once fined him 4,000 pesos for costs of the trial; and put him a prisoner in the jail of Santa Fé, treating him with the greatest ignominy as undoubtedly a traitor. Old [residents] of New Mexico relate how Vargas suffered so much in his protracted imprisonment that no member of his family nor even the Religious could visit him; and if some one of the latter did secure from Cubero permission to enter to see and console him, [the soldiers] searched him first less they should carry in to him any means for writing; and that the Reverend Custodian (who was then Father Fray Francisco Vargas), seeing him suffering so without any defense, journeyed to Mexico City and spoke in his behalf and arranged that, being released from prison, he might go and make his defense before the Viceroy. It appears from the papers in the case and from other papers of the time of Cubero that Father Vargas was retiring from his office at this time and that those who presided in succession to him were Fathers Fray Diego de Chavarria and Fray Juan Muños de Castro; and that early in 1698 the first petition on behalf of
Vargas was presented before his Excellency [Viceroy Sarmiento], asking that he be granted the freedom necessary to defend himself and the release from close confinement which he had already been suffering for many months. As a result of this petition, the Most Excellent Don Jose Sarmiento Valladares decreed that he should be released under bond and might depart for Mexico. Vargas would not accept release with this humiliating condition, in view of the ancient nobility of his house, his services, and the royal favors recently granted to him; and with a statement of all this, he replied that such a bond in order to get out of prison ought not to be required of him. So he stayed in prison, awaiting further action [by the Viceroy]. This came and Vargas departed for Mexico, the 20th day of July 1700, after enduring three years less a month of imprisonment.

The Santa Fe cabildo, already fearful, in a letter of 16 December '70056 sent directly to the Sovereign their complaints, praying that Vargas be not allowed to return to New Mexico and much less that he should have the governorship which had been granted to him anew,57 because, they said, "this was to place the sword in his hand so that, at his pleasure, he might take vengeance on all those who had testified against him." In a cedula of 10 October 1701, His Majesty ordered that in the Royal Council of Mexico the truth of the charges against Vargas should be aired and cleared up; if sustained, he should not be allowed to assume his governorship nor to return to New Mexico,57 but in the contrary case he should be allowed to go and take possession—but that he might not take any residencia on Cubero.

After Vargas reached Mexico, affairs changed in appearance, and the members of the Santa Fe cabildo, seeing that theirs were in a bad state, tried first to quash the process by the fiscal

56. A misreading, due perhaps to the copy used by the Franciscan author. The original letter (of 6 Dec. 1700) had been sent to Madrid and is now in A.G.I., Guad. 142, pp. 93-95 (doc. 11).
57. The fear that Vargas might return to New Mexico without being governor shows that they knew about the promised encomienda, of which neither the cabildo nor Cubero makes any direct mention.
tribunal and then, failing in this, they dared to blame His Majesty's attorney with being prejudiced . . . But Vargas was cleared likewise of these impositions, so that he returned as governor of New Mexico, newly decorated with the title of Marques de la Nava de Brazinas.

From Vargas' release in the summer of 1700 until the spring of 1703, we do not know much about his activities. Besides facing out successfully in Mexico City all charges against him, probably during this interval he was giving considerable attention to recuperating his private fortunes both in Spain and in America, on which he had drawn so heavily in the king's service since 1691. We know that both his oldest son, Don Manuel, and his criado, Valverde, had returned from Spain in the summer of 1699, but over there Don Ignacio, his daughter's husband, held his power of attorney, and doubtless he had the help at court of other powerful relatives and friends. Of the four royal favors which had been granted to him in 1697-1699, he already enjoyed the honorary rating of "Conquistador" and the "title in Castile" for which he had asked. Thirdly, he had received a title for five years as governor of New Mexico "in succession to Cubero," but as the term of the latter would not expire normally before July 2, 1702, Vargas' new title

58. Except for some discrepancies as to dates, this seems to be a fair account of the course of events. The Vargas memorials fix the residencia conducted by Cubero in the thirty days from July 12 to August 11, 1697; the supplementary charges and taking of testimony began September 23, and Vargas was jailed on October 2. Probably the ex-custodian was southbound at least a year later than here indicated; which would place the "first petition" on into the year 1699.


60. The earliest use we have noticed of the title "Marqués de la Nava de Brazinas" is by his agent Joseph de Ledesma in Mexico City on July 11, 1700,—which was some days before Vargas was freed in Santa Fe. A.G.N., Historia, 37, Testimonio de diferentes recados sobre la paga de 221,500 pesos, f.2. The facts as to the "title of Castile" are that the king (v. A.G.I., Guad., 141, docs. 11-12) had given him his choice as to title, and before July 1700 he had selected the title "Marqués de la Nava de Brazinas"—as he repeatedly signed himself after that date. Nevertheless, it had not been formally validated in Madrid prior to his death. It was, however, later confirmed to his daughter, and subsequently to her successive heirs; before his death, also, it appears in official papers which originated in Madrid.
was not apt to be validated prior to that date. And lastly, as to the *encomienda* which (February 21, 1699) the viceroy had been ordered to put into effect, nothing had as yet been done in Mexico City.

A dispatch of March 30, 1703, from the audiencia to the king, gives some insight into what had transpired at Mexico City in the Vargas matter down to that date: 61

_Sire_

By royal cedulas of 22 April 1700 [and] 27 April 1701 issued by Your Majesty upon petitions of Don Diego de Vargas Zapata y Luján, Marqués dela Nava de Brazinas, and of 10 October 1701 secured by petition of the Villa of Sancta Fe, capital of the Provinces of New Mexico, Your Majesty was pleased to commit to this Royal Audiencia the investigation of the causes and charges brought against Don Diego by the Villa and promulgated by Don Pedro Rodríguez Cubero who succeeded him as governor of New Mexico, to the end that we should hear the one and the other party in justice and should determine the causes in accordance with law.

The [cedulas] being seen and obeyed, the autos having been assembled which were prosecuted upon these [causes] by the government of the viceroy and a copy thereof having been given to each of the parties and to the attorney of this royal Audiencia that they might argue fully and exhaustively, [and] having cleared up the interest of the royal Treasury in the accounts involved and which were taken by the royal Tribunal; after the autos had been examined,

Sentence _de vista y revista_ was pronounced, in which it was decided, notwithstanding the charges and claims brought by the Villa of Sancta Fee against Don Diego de Vargas, that it had been invalid to allow them to be filed, since they had been presented outside the period of the Residencia and without the filing of bonds.

It was [therefore] ordered, in compliance with the royal Cedula whereby the office of governor of

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New Mexico was granted to [Vargas] for another five years, that he might proceed to exercise [said office], admonishing him to show love and goodwill toward the members of the cabildo and the residents of the said Villa, forgetting any reasons for prejudice which they might have occasioned him by reason of this complaint; that otherwise prompt and severe measures would be taken to remove him from office. [Also] the costs of the complaint were charged against the Villa and cabildo members and against Don Pedro Rodriguez Cubero their governor, jointly, with other provisos.

Which sentence de revista was pronounced on the ninth of this present month; and although in the said cedulas Your Majesty orders that report be made accompanied by the original record of the autos and Residencia, a copy thereof being retained, the brevity with which this mail is required to depart does not allow time in which an attested copy of more than 8,000 pages can be prepared. And since this royal Audiencia does not have the means to pay for it, and since the cabildo members of the Villa of Sancta Fee, [now] condemned with the costs [of the suit], have no money for the attested copy since, although they have pressed this suit with great diligence, supporting one of their members here, it is common knowledge that this has been done at the prodigious expense of Don Pedro Rodriguez Cubero, and he who, without validity and without authority, instigated so scandalous and notorious a case with the end and intent of protracting his continuance as governor, as he has managed to do for more than five years, but today, already deprived of so continuing, will lift his hand from the contribution of expenses for the regidor. These circumstances force us to supplicate your Majesty to decide as to who should pay the costs of this attested copy. . . Mexico, March 30, 1703. 62

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62. This communication had not reached Madrid in October 1703, for earlier orders were repeated: A.G.I., Mexico, 1078, vol. F42, King to Audiencia, 10 Oct. 1703; King to fiscal, 11 Oct. 1703. But in December, the above decision was approved and the making of an attested copy was excused until further order: ibid., King to Viceroy, 30 Dec. 1703.

As an example of the difficulties of long-range colonial government in those
While Vargas was thus securing recognition of his right to take over the governorship, he was also taking steps to get his *encomienda* established. On, or about, April 13, 1703, he secured from the viceroy (now the Duke of Alburquerque) a validating of the grant which had been issued in Madrid more than four years before. At first, the viceroy refused to recognize its validity for more than “one life,” because of a recent royal decree; but Vargas argued that he was exempt from the provisions of that decree, and in the end the viceroy gave full recognition to the *encomienda* as originally granted on February 21, 1699,—but subject to final review and approval in Madrid. In effect, this was referring a grant which had been made under Charles II, last of the Spanish Hapsburg kings, back to Madrid for approval by Philip V, first of the Spanish Bourbon kings. We shall see presently what the result was.

With this last matter of business thus settled, at least provisionally, Vargas made his will in Mexico City on June 1, 1703, and a week later started for New Mexico. His two sons went with him: the older (now twenty-three years of age), the “Royal Officer” Capt. Juan Manuel de Vargas Pimentel, in the capacity of adjutant.

In view of the long and vindictive hostility of Governor Cubero and the members of the Santa Fé cabildo, it is not surprising that Vargas did not reach the capital until the

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63. Charles II died 1 Nov. 1700; Philip was proclaimed king, Madrid 24 Nov. 1700, but did not arrive there until 4 April 1701. Riva Palacio, op. cit., II, 761-2. Viceroy Sarmiento was followed, 4 Nov. 1701, by Archbishop Ortega y Montañés; and the latter was succeeded as viceroy, 8 Dec. 1702, by the Duke of Alburquerque. Ibid., 753.

64. Unfortunately, this will has not yet turned up either in Mexico or in Spain, but some of its terms are deduced from later records. Apparently his property rights in Spain were left to his daughter in Madrid, together with his “title in Castile,”—she was later recognized as “la Marquesa de la Nava de Brazinas.” It seems clear also that Vargas meant his American family to benefit by the *encomienda* (assigned to his oldest son) and any other assets in Mexico. These latter included a balance due him from the royal treasury of “17,619 pesos, 2 tomines y 6 granos”—in the settlement of accounts during his first term as governor.

following November. But if he anticipated any trouble, this proved to be groundless; Cubero had fled long before, taking a circuitous route so as to avoid meeting Vargas on the road, and the cabildo promptly drew up and signed a most humiliating retraction of all charges they had preferred against Vargas.

Before the end of 1703, therefore, everything seemed propitious for Vargas to serve another five years as governor of New Mexico. But the grizzled old campaigner was now in his sixty-first year, and the following spring, when pursuing a band of raiding Apaches to the east of the Sandía mountains, he was stricken with a fatal illness. He managed to get down to Bernalillo, and there he died on April 8, 1704, after drawing up a long supplementary will and receiving extreme unction.

III

From later documents we know that Vargas had taken no steps after his return to Santa Fe to put his encomienda into operation. On his death-bed he had provided for the return of his two sons to Mexico City; his criado and friend, Don Juan Paez Hurtado, whom, in the emergency, he designated for acting governor, could hardly be expected to do anything about it—especially if (for reasons unknown) Don Juan Manuel, the beneficiary, was not staying on the ground. For further light as to the encomienda, therefore, we turn back to Madrid.

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66. So stated by the anonymous author in A.G.N., Historia, 2, f.62r. At Santa Fe is a band forbidding the soldiers to gamble away their horses and equipment, signed by Vargas at Santa Fe on Nov. 3, 1703. Twitchell, op. cit., II, archive 91a.

67. From later representations it would seem that Cubero was campaigning out west in the Hopi-Zañi country early in the year when he got definite word that Vargas was to supplant him as governor. The charge that Cubero had left that part of New Mexico ungarrisoned since "Shrove Tuesday" suggests that he had picked up whatever soldiers were stationed out there and fled the country, perhaps without even returning to Santa Fe.

68. A translation of this document is in Twitchell, op. cit., II, pp. 117-126.

69. Most writers give this date as April 4. The will was signed by Vargas on April 7; later that day a codicil was added which he could not sign; and a contemporary document states that he died on the 8th. Twitchell, op. cit., I, p. 231 (arch. 823). To clinch the point, "April 8" was the date reported by Juan Paez Hurtado, writing from Santa Fe on April 15, 1704. A.G.I., Guad., 142, p. 531 (doc. 21).
On March 13, 1703, Vargas had secured a certified copy of the judgments rendered by the Audiencia on February 13 and March 9, and this was sent to his son-in-law in Madrid, Don Ygnacio López de Zárate, who had his power of attorney. The latter, on October 20, presented on his behalf the following memorial or petition:

Sire: Don Diego de Vargas, Zapata, y Luxán, Ponce de León, Marqués de Barcínas (sic), says: that by the sentences de vista y revista which, on 13 February and 9 March of this present year (as is shown by the certified copy which he presents), were pronounced in his favor by the Royal Audiencia and Court of Mexico, in fulfilment of the royal cedula of Your Majesty of 21 February 1699 by which Your Majesty was pleased to grant him an encomienda of 4,000 pesos of revenue, in accord with the law of succession, by the Duke of Alburquerque, now viceroy of New Spain, the said encomienda has been established for him for one and another life (generation) with the condition that the enjoyment of the second may not be entered without first presenting the confirmation of Your Majesty, as is shown by the certified copy which he also presents; in which is found also the certification given by Don Juan de Montoya y Ochoa, cashier of the royal account of media anata on mercedes (grants) of the said kingdom of New Spain, to the effect that the petitioner (Vargas) had deposited in the Royal Coffer 1,200 pesos gold cash, which is the media anata tax for the half and first payment of 2,400 pesos which had been entered as due from him on the said account: 2,000 pesos thereof being for the half of the 4,000 [reven­ue] instituted for him through encomienda, and the remaining 400 pesos being for the cost and costs of remittance to the Kingdoms of Castile; and [further that he] had given bond, as shown by the note of the special judge of the said royal account of Media anata, for the remaining 1,200 pesos, the second and last payment [due]; and since further the accounts which were charged against the

70. Both of these documents are among the papers which accompany a consulta of 18 March 1709. A.G.I., Guad. 70, LBB titles 141-2.
petitioner were examined by Don Joseph de Contreras and Don Ysidoro Roano de Arista, cashiers-ordinary of the Royal Tribunal and Audiencia of accounts of the said Kingdom and a balance resulted in favor of the petitioner of 17,619 ps. 2 tomines and 6 granos, as is established and proved also by the certification which in full form he presents [herewith]:

HE PETITIONS Your Majesty with the greatest submission that you will be pleased to honor him by confirming the decision made by the said Viceroy in order that, with it (your confirmation), no difficulty may be encountered in the enjoyment of the segunda vida (second generation)—for which he hopes from the royal mercy and kindness of Your Majesty, whereby he will receive favor.

Don Ygnacio López de Zárate (rubric) 71

Upon recommendation of the Council of Indies, January 19, 1704, the king (Philip V) informed the Duke of Alburquerque that the requested confirmation was granted, but told him to satisfy himself on certain points. Had the Indians who would be taxed under this encomienda been paying, in kind of products and amount and up to the Revolt of 1680, as represented by Vargas; and would it be without danger of another outbreak?72 Moreover, it was pointed out that both the first and second encomenderos would be required to live "in residence,"73 that each would have to

71. As already shown, Don Ignacio was Vargas' son-in-law and held his power of attorney in Madrid. It is interesting to note that the confirmation here sought, together with the already expressed desire of Vargas, would fix the first assignment of the encomienda upon the illegitimate son, Don Juan Manuel, and the second would descend to his legitimate heir. As we shall see below, there was a volte-face by the heirs in Madrid—after the death of Vargas, and perhaps also after the early death of this son.

72. The various products of the country in which the Indians would pay, and their market values, were listed by Vargas as follows: a buffalo hide—1 peso; a buckskin—1 peso; a cotton blanket—1 peso; a thick blanket—1 peso; a thin blanket—1 peso; a thin blanket in colors (painted)—2 pesos; a fanega of corn—1 peso. See certified transcript of "Papeles, sentencias y testimonios" with the consulta of 10 March 1709.

73. Under the current laws regulating encomiendas, Vargas could not have secured one if he had been an ordinary governor, but the viceroy agreed with his argument that, as a Reconquistador he was exempt from this restriction. On the
turn over to the king’s treasury the revenue of one entire year, and the second (as Vargas himself had already done) would have to pay the media anata before inheriting the encomienda. Clearly the king was losing no trick on getting for himself a generous share of the proceeds! 74

The news of the death of Vargas on April 8, 1704, was sent from Santa Fé a week later; and in July it was forwarded to Madrid where, for reasons unknown, it did not arrive until the following February. 75 And even then we find no further information of interest to our present study until September 10, 1705, when López de Zárate asked for himself succession in the title “Marqués de la Nava de Bra-cinas.” 76 The opinion of the Council of Indies was favor-

74. Such exactions on the part of the king would naturally tend to profiteering by the grantee—and it is not clear how this could be prevented. From the facts already discussed, we know that normally the tribute from the Pueblo Indians would be much greater than the 4,000 pesos to which Vargas was limited; they had paid nothing since 1680, and Vargas speaks of there having been no encomienda since that date. Probably the 4,000 would be pro-rated among the “reduced” pueblos, and their own officers would be made responsible for collecting the allotments; and the king might arrange through royal officials to get directly for himself whatever revenue was not thus assigned to Vargas.

75. First mention from Mexico City of the death of Vargas is found in A.G.I., Mexico, 521-522, Audiencia to King on 3 July 1704; the fiscal there also wrote about it on 4 August 1704; and on October 11, the Duke of Albuquerque reported the appointment as governor ad interim of Don Francisco Cuervo de Valdes, of the Order of Santiago. All three papers arrived on February 20, 1705. A.G.I., Guad., 142, pp. 589-638 (docs. 21-22).

76. In a printed memorial, he recited the merits and services of his suegro, Don Diego, and the various honors conferred upon him. He states that, in the will made in Mexico City on June 1, 1703, Vargas had left as his heiress Doña Isabel de Vargas y Pimentel, wife of the petitioner, as his eldest daughter and immediate successor to all his mayorazgos “of which the only benefit was the well known quality and lustre of a family among the first and most ancient in Madrid.”

The king had told Vargas he might choose a “title in Castile” as either marquis or count, and Vargas had elected “the title of Marqués de la Nava de Bra-cinas,” but it had been impossible for him to take out the said title in the customary manner because his resources had been so exhausted by the heavy expenses incurred in the reconquest and those occasioned by “the conspiracy under which he had suffered for more than three years after he had rendered such services.”

So López de Zárate asked the title in succession without being required to pay the media anata and the lanzas (a tax in lieu of military service), because Don Diego had been declared a “Conqueror” and “Pacifier”; also from the encomienda “for the second generation” as he (the petitioner) can not enjoy it in more than twenty years, according other hand, “non-residence” of any such grantee was now under the ban, and evidently Vargas intended that he (or his son) should reside permanently in New Mexico.
able, advising a suspension of the taxes involved until the Vargas account in Mexico City was settled; but the king, in accepting this advice, fixed a time limit of two years.\textsuperscript{77} Here the matter seems to have stood up to the death of López de Zárate, October 30, 1707.\textsuperscript{78}

Just a year later, Doña Isabel, now a widow, renewed the petition on her own behalf. Her right to the title "Marquesa" was fully recognized and finally, on March 19, 1709, the king ordered the viceroy to remit to Madrid, against the Vargas credit-balance in Mexico City, "7,055 pesos and one and a half tomines"! This was to pay the tax charges required before the title would be confirmed.\textsuperscript{79}

Early in March 1709, she presented a separate petition in which, as "legitimate daughter and only heir" of her father, now deceased, she asked recognition of her right to the 4,000 pesos \textit{en encomienda} for the "second life," but with exemption from the residence requirement to which her father had agreed. She asked this because of her sex, her widowed state, and because she had three maiden daughters and one son of tender age—facts which made it utterly impossible for her to go to New Mexico to reside. Because also of her father's long and distinguished service in the conquest and pacification of New Mexico, she humbly prayed that she might enjoy the \textit{encomienda} on the same terms as those accorded to her father but without having to live there. In expressing their approval, the Council of Indies pointed out that such exemption was regularly given to descendants of conquerors.\textsuperscript{80} The king graciously granted the petition—

\textsuperscript{77} Ibid., docs. 26-28.
\textsuperscript{78} Pérez Balsera, \textit{op. cit.}, pp. 73-4.
\textsuperscript{79} These papers are in A.G.I., Guad., 142, pp. 570-634 (docs. 29-42). Another copy of the royal order is in A.G.I., Mexico, 1079, vol. F43.
\textsuperscript{80} The enclosing \textit{consulta} was dated March 18, 1709, and with accompanying papers (already cited above) is in A.G.I., Guad., 70, LBB titles 141-2.
but this put no revenue in the widow’s purse. How was the encomienda to be placed in operation?

Some insight as to efforts in this regard which were made on behalf of Doña Isabel during the next few years is given us by three letters: one of January 3, 1713, written from Mexico City by an uncle, Don Pedro Alfonso de Vargas Luján; another from the same city on July 21, 1717, by her “attentive and faithful criado” Felix Martínez; and the last, dated at Mexico on February 22, 1718, by her “most humble servant” Juan Paez Hurtado. These letters have so many points of interest, not only bearing on the fate of the encomienda but also helping us understand events in New Mexico during some fifteen years following the death of Don Diego de Vargas, that their complete text will be given, with such explanatory notes as seem necessary.

Don Pedro was a brother of the late Don Diego, and had come out to Mexico City to straighten out family affairs. Since he refers to already having had correspondence both with Madrid and Santa Fé, he must have left Spain early in 1712—perhaps even earlier. Possibly before his journey out, the crown’s liability of 17,619 pesos (resulting from Vargas’ first term as governor) had been fully liquidated; but, as will be seen from this letter, a similar situation had developed after his second term as governor. For his criado, Don Juan Paez Hurtado, whom Vargas had made his executor and acting governor of New Mexico, had been obliged to incur expenditures amounting to 15,500 pesos before the arrival of Don Francisco Cuervo y Valdés. To make matters worse for Don Pedro, this ad interim governor had been relieved in 1707 by a regular governor, sent out from Spain; and when Don Pedro is writing to his niece, still

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81. These letters are found with a consulta of 4 Nov. 1720 which will be discussed below. A.G.I., Mexico, 379, LBB titles 715-717.

82. When news of Vargas’ death reached the capital, the viceroy reported to the king that he had made Cuervo governor ad interim. A.G.I., Guad., 142, pp. 534-8 (doc. 22). Alburquerque to King, 11 Oct. 1704. Cuervo reached Santa Fé and took charge on March 2, 1705, to which date Paez Hurtado was acting governor.

83. Ibid., endorsement, shows that the viceroy’s letter arrived on 20 Feb. 1705, and the king then gave a regular title for five years to Admiral Don Joseph de Medina
another appointee of the king had recently become governor.\textsuperscript{84} Also the Duke of Alburquerque who had known the Reconquistador personally had been succeeded as viceroy in 1711 by the Duke of Linares; and, if we may believe the latter, conditions generally in Mexico City and the entire viceroyalty must have been in as bad a state as at any time in the three long centuries of Spanish colonial rule.\textsuperscript{85}

From his opening sentence, it appears that Don Pedro began writing his letter in the Christmas holidays:

\textit{My dear Lady and Niece: By the fleet of General Ubilla which harbored at Vera Cruz on the 3rd of this month [December] I have received all the letters which, in one from you (forwarded as I judge from its contents in care of the Archbishop of Santo Domingo) you speak of having written me; and because this fleet which is going under command of D. Pedro de Ribera was already on the point of leaving at once, and at the same time the lawsuit which we are having with Cuervo\textsuperscript{86} was under review and this terminated on Christmas Eve with the clearing up of the charges still pending and also the point as to whether he may leave this Court without putting up bond, I am writing you with the unpleasantness of not being able at present to send you a copy of all the proceedings so that you may understand everything of importance in the suit, what was demanded of Cuervo, the charges on which the Audiencia has condemned him and those of which they have absolved him;}

\textsuperscript{84} Don Juan Ignacio Flores Mogollón was issued a title on 27 Sept. 1707. A.G.I., Mexico, 1216, title 362. He relieved Peñuela on 5 Oct. 1712 (A.G.N., Historia, 2, f. 75), ruling till 30 Oct. 1715, when he resigned and Capt. Don Felix Martinez became governor \textit{ad interim} (ibid., f. 82v.).

\textsuperscript{85} In the written instructions which Linares handed his successor in August 1716, he gave a lengthy and pretty terrible picture of the demoralized conditions then existing. Riva Palacio, \textit{op. cit.}, II, 763-766.

\textsuperscript{86} The ex-governor, as explained above, who had served at Santa Fé 1705-1707.

Chacón y Salazar. Copy of the title (31 March 1705) is in A.G.I., Mexico, 1216; and of notice to the viceroy, A.G.I., Mexico 1079, vol. F43.

As it was this governor, better known as the Marques de la Peñuela, who instituted the Santa Fé Fiesta, it is amusing to know that from Mexico City he wrote back asking, because of poor health, that he be allowed to send a deputy to Santa Fé! He was curtly informed to go himself. A.G.I., Mexico, 375, LBB titles 705-6.
but even if this certified copy (which I shall always try to get) should not go, I'll see at once if I can get a simple copy of the decision de vista y revista so that by it you may know the amount, which, such as it is, would be very satisfactory if it were free and unencumbered by [the claim of] D. Pedro Sanches de Tagle as heir of the Maestro de Campo Luis Saens for the settling of the account, the details of which I sent to you for that Court [in Madrid] and you returned it to me here. For this indebtedness I had given [Sanches] a security in writing, which he introduced in the proceedings of this same suit with Cuervo—as I have written you and as you will see by the certified copy which I will send in the fleet of General D. Juan de Ubilla for two objects: first, to give you an account of what I have accomplished and that you may know I have applied my friendship and duty toward you; secondly, it is in order that, after it has been seen in the Council [of Indies], you may secure an official summons requiring Cuervo to appear through a legal representative, to see whether it is possible in the Council to secure the revoking of the decision by this Audiencia in what relates to the 8th charge, amending it by adding to your account with Cuervo a demand that he pay 15,500 pesos, the amount of what was furnished by Juan Paez, my brother's executor, to the presidio [of Santa Fé]—and of this demand you will already have been advised from the copies of the receipts which I sent you—and on this point the Audiencia decided that he should pay the 9,000 pesos of the face value and costs of the products and merchandise and that, from the profits therefrom, a 25% should be added, and for us this means more than 75% [loss] without there being any

87. Saens is not identified. The family name "Tagle" suggests that the claim rested on old attorney's fees, or funds advanced. See note 46, supra.

88. Perhaps these later papers failed to reach Doña Isabel? At this time, the War of the Spanish Succession was being waged; and when Viceroy Linares was writing in August 1716 (at supra) he mentioned a "recent disaster" to the fleet of this general.

89. The reading here is: y que conosca e exersitado mi finesa y obligacion.

90. Juan Paez Hurtado, as already explained, the acting governor till Cuervo's arrival.
reason why Cuervo should be favored in letting him retain it. When the certified copy goes, it will be very easy for you to get this order, for him to be summoned through an attorney, and, when the injustice of the decision is recognized, that they revoke it and full payment be made. Then we shall see if it is possible to pay Tagle and have something left for Your Grace, because up to now I have labored for this without being able to accomplish anything, since even a slave of those belonging to my brother which Cubero[^1] seized and claimed and which should be worth 250 pesos he [Cuervo or the Audiencia?] wanted to put under attachment but consented to sell him as a help in the great costs which I have incurred which exceed 800 pesos, as Your Grace will see from the expense account which I shall send you; and although, when the account of the Maestro de Campo is examined, it will be found that the amount of high interest which comes to more than 12% makes my account larger, if they are contested as usurious and unjust and should be reduced to 5%, this man is so powerful in this City and Kingdom as he has the Viceroy so under his hand, whose overseer (director) he is, and [also] all of the Audiencia, that they would regard me as crazy if I should bring suit against him. If you would satisfy yourself of the truth of this, question my lady, the Duchess of Alburquerque, and the Duke[^2].

All [who intend to sail] are now leaving [for Vera Cruz].[^3] And so to take care of this account which my brother had with the Maestro de Campo Luys Saens of which Don Pedro de Tagle is today owner and heir—a man so powerful that until the close of the suit with Cuervo he was indifferent—I have sought to find means of suavity and that thereby [the settlement] may be less severe and heavy; that by adjustment (to which I shall proceed) there may be a balance or that the collection be not so much, and that I may send Your Grace

[^1]: Gov. Pedro Rodríguez Cubero. This detail may indicate that part of the earlier account was still unsettled.
[^2]: Viceroy the Duke of Alburquerque had returned to Spain about two years before this.
[^3]: Van ya todos: he seems to mean that he must close his letter and get it off.
something to help in the many urgent needs of which you write me, for if there had been [something] I would have sent it, since I am not of such slight consideration that, knowing the state in which the wars have put everything over there [in Spain], I should withhold from Your Grace any collection if I had had it. Tagle through his credit aims to seize whatever Cuervo has to give up; and when he [Cuervo?] tried to leave this city for that of Guadalajara where the treasury official is, believing that his being there would facilitate the payment in the settlement under this clause [of the judgment], which ran equally with the said Don Pedro de Tagle, he [Tagle?] gave consent but I opposed it; and in the end he [Cuervo?] departed in a discord which has continued—waiting until after this vacation and the end of the Christmas season, when the relator should make the liquidation. And since it is vacation, I doubt if I can send Your Grace a copy of the proceedings, but it—or the certified copy—will go at the first opportunity.

Now that we cannot realize from what has been accomplished in the suit with Cuervo since Tagle has to be paid, I give Your Grace the good news that I have succeeded in getting from the Treasury Council the decision that upon the grant of Your Grace will be applied the media anata which my brother (and your father) has paid, because the encomienda had not been located nor established, and it was ordered that the opinion (parecer) be followed which was submitted by Sr. Don Cristóbal de Villa Real, the particular judge of this branch [of the Court] and that dispatches be issued for its establishment and that the [revenue of the] first year be collected for the lodging and support of the officials of the Council of Indies,94 as His Majesty directs in the cedula making the grant.95 So I secured the dispatches and

94. ... para las casas y aposento y oficiales del Consejo de Yndias.
95. Don Pedro was mistaken on this point. The stipulation that the king was to have (for the expenses of his Council) the entire revenue from the first year of the encomienda was not in the cedula as granted under Charles II on 21 August 1698 and further enunciated 21 February 1699; it was a proviso added under Philip V which first appears as a marginal alteration in the retain-copy of the cedula of 19 January
sent them, last September, to New Mexico, together with a transfer of power to Juan Paez and to Don Felix Martínez who is the captain of that presidio [of Santa Fé] and both of them criados of my brother, to whom I have done various benefits so that they may do the [same] in the matter of founding this encomienda and collecting [the revenue], —which will be no little good fortune because of the barbarity of the Indians, although I have hope of their good success. Up to this date I have had no news because of the great distance of more than 600 leagues of country and the meager opportunity for mails.

The collection of the first year pertaining to the King was committed to the governor of that kingdom in the same dispatch, [ordering] that he aid in locating and establishing [the encomienda]. And with this very news of its not yet having been established, Your Grace will see that the “house has not fallen in on you,” nor could it be so in the mistake of [our] having thought that the revenue had ceased with the death of your father, since he had not begun it, nor founded nor established it. And for this reason, the media anata which he had paid—this is that from which you are freed, at least as to its half which is 1,200 pesos. Since the entire amount (as Your Grace will have seen from the testimonio which I sent you) is 2,400 pesos in-

96. There is no satisfactory English equivalent for criado. It indicates the social stratification by which one Spaniard looked to another for “patronage.” As the king at his court had gentlemen-in-waiting, so the viceroy had clients or followers, Don Francisco Vásquez de Coronado, e.g., was proud to be a criado of Viceroy Antonio de Mendoza. Lower in the scale, a governor like Don Diego de Vargas usually had criados; and any Spaniard of wealth and influence might be patrón to those below him.

Beside the two here named as criados of Vargas, Don Antonio de Valverde Cosío is often spoken of in this way. An interesting example is found in the testimony gathered by Cubero against Vargas in 1697 in which the witnesses say that Valverde “entró por criado del dho General (Vargas) y le servió a su amo a la mesa todo el tiempo que governó este Reyno.” This was being a gentleman-in-waiting quite literally! A.G.I., Guad. 142, doc. 6; answers to question no. 1, passim.

97. Because of their revolt in 1680, Don Pedro here seems to confuse the generally peaceful Pueblo Indians with their wilder “unreduced” neighbors.

98. Don Juan Ignacio Flores Mogollón took office at Santa Fé on October 5, 1712, but his title had been validated at Mexico City on February 9. He must have been on route when these dispatches were issued in September.

1704. A.G.I., Guad., 70, LBB title 141. The dates show that Don Diego knew nothing of it.
cluding the cost of remittance [to Spain]; and I am not mistaken in my letters, because in the first ones which I wrote Your Grace on this point when I did not know what had transpired in New Mexico as to the state in which my brother had left this business and [when] by reason of the power Your Grace gave me I was seeking to trace out this matter, Juan Paez and Don Felix sent me the very dispatch which your father had taken with him,99 and they wrote me how, by his early death after entering upon his governorship, he had not located the encomienda; and before I could write Your Grace, without knowing what was happening, nor could I have knowledge at such a distance which would give us a way of seeing whether what had fallen could be recovered. Nothing has fallen; this is shown by the very fact that [the encomienda] was not established, so that this encomienda which is now starting will not fail to be good, and now [also] two generations will be secured, because the claim will fare better with the certified copy which I shall send Your Grace of its having been put into effect under the media anata paid (as already said) by your father, and with documents and proof which will be sent that it has not been enjoyed nor established. And so I have written and advised Your Grace to draw up the memorial so as to have your own “life” declared the first, and that the second [generation] be granted to one of your children. And although now may not be a fitting occasion as you suggest, you can hope for the best [even if] it does not come quickly, and I trust in God that you may live many years and that afterwards one of my nephews may enjoy it.100

On this point of the encomienda and the applying of its anata, not only do you owe the Viceroy nothing, but rather he has been opposed to justice, because only on Don Cristóbal de Villa Real and the members of the Treasury Council did

99. Very probably this was the certified copy of 13 April 1703 which is now with these letters in the consulta of 4 Nov. 1720. The text is not just the same as in the copy which Vargas had gotten a month earlier and sent to his son-in-law in Madrid. See note 70, above.

100. Doña Isabel had three daughters and one son, all referred to here as sobrinos.
I call, seeking their friendship, which they gave as wholly just. And so now this point less does Your Grace need to try for, wearying yourself in seeking letters of recommendation to this Viceroy, all of which are dead works which go into the treasure of the Church; and what you tell me as to the promises of all those at Court which are not realized here in this one who does little to keep faith and pledge, there is no need to wait, and will Your Grace so inform Sr. Don Alonso so that he may not waste his time—he nor the Sres. Don Gregorio and Don Gaspar, for what is not negotiated at interest does not facilitate respect or friendship. So let us believe that the weather has changed, and it is so; yet it cannot be worse nor more contrary to health, and in a business like this, although [it is] of an encomienda, in view of the doubt which its stability offers, I had nothing to offer you nor to burden Your Grace with until it be instituted, for if they were peaceful Indians it would be another matter.

The letters which I wrote to Your Grace and to Don Alonso and to Don Gaspar by the Admiral's fleet were lost, I think, because, although the chests were gotten out, since they were under water for many days they were rotted and only the loose ones which were in boxes were saved. I am writing to Sr. Don Alonzo with thanks for what favor he may have done me regarding my claim, although according to common talk this could not be secured; also to Sr. Don Gaspar, and I will do so to the sister of my lady Doña Juana.

At this date the Sr. Archbishop has not entered [Mexico City] since he has delayed in Puebla; his authority, if it be offered, will be of great help; I will give the letters [for him] to Fray Bernardo López, whom I will visit and whose friendship I will solicit in order to secure that of the Sr. Archbishop.

I am rejoicing in the news you give me of your good health and that of my nephews, which I trust you all may keep fully. My own I place wholly at the service of Your Grace, and you may believe me that I am not ceasing my efforts in these matters of

101. These men were evidently relatives or friends at Court, not identified.
business. The same thing which Your Grace tells me Villa Real wrote to Sr. Don Alonzo I wrote to Your Grace concerning his parecer (opinion) at that time, and with it was sent to the Treasury Council the point wherein he had the favorable decision about which I tell you above, and when the Admiral's fleet which was wrecked set sail, it was not much after the Council had met. For now this is all that I have to say to Your Grace, whom may Our Lord guard for me many years. Mexico, January 3, 1713.

Your very humble servant and uncle kisses your hand.

D. Pedro Alfonso de Vargas Luján (rubric)

[To] My dear Lady and Niece Doña Ysabel Maria de Vargas Pimentel.

Don Pedro's hopes were not realized for either himself or his niece. Death struck him down, while still in Mexico City and with his task unfinished. The following two letters throw some light on events of the next few years:

My dear Lady: Although in other letters I have inquired after the health of Your Ladyship, I have not had the good fortune of learning whether they reached your hands, and so likewise of making myself known to Your Ladyship as your criado—as I was for twelve years of the Marquis my Lord, father of Your Ladyship, until God was pleased to take himself to Himself. And although after this lamented death, and that of Sr. Don Juan 102 I have been in this City various times with Sr. Don Pedro, your uncle (whom may God have), 103 and talked over the form which could be given in order that the Encomienda might be imposed and established which His Majesty (God guard him) 104 had given as a grant to the house of

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102. Without much doubt, this means Juan Manuel, "oldest son" of Vargas. Since the writer next refers to the death of Don Pedro, before which event Martinez had made several visits (algumas vezes) from New Mexico to Mexico City—which would indicate a period of several years, it is reasonable to place the death of Juan Manuel within a few years after that of his father. If it had occurred before 1709, then Doña Isabel was not trying to "break the will" of her father in trying to get the encomienda for herself.

103. The usual formula in speaking of one deceased.

104. The formula in referring to a living sovereign, in this case Philip V. This
THE VARGAS ENCOMIENDA

Your Ladyship in that Kingdom of New Mexico to the amount of 4,000 pesos yearly. None better suited was found [in our conversations] than that I should go as governor of that Kingdom, because, although Sr. Don Pedro secured dispatches so that the governor then serving should institute the [encomienda], he was not willing to establish it—offering frivolous excuses to the Viceroy, as the Señor your Uncle would have written to Your Ladyship.

And when the said governor offered his resignation from the time which he still had to serve (because the soldiers and residents had brought charges against him), the [Viceroy] Duke of Linares allowed it and then appointed me for the unexpired time and sent me the dispatches [regarding the encomienda]. I took possession of the said government and when I had already arranged for the locating and imposing of the said Encomienda—as indeed I would already have imposed it—the said governor Don Juan Flores Mogollón (for so he is named) came to this City, and having found, recently arrived as viceroy, the Sr. Marqués de Valero, so many were the frauds, quarrels, and plots which he charged against me that His Excellency (since he was newly arrived and had no knowledge whatever of affairs in this Kingdom) acted solely from these vicious reports and issued a dispatch that I should appear before him, as I did at once. And when I had arrived, he ordered me to be held in this City and that the charges of which I was the target should be brought against me; in which I am now contending, and it seems to me that they will be concluded shortly because His Excellency is now learning the truth and right [in the matter].

And finding myself at this Court, it has seemed to me very opportune to ask His Majesty to confer on me the government for five years even

105. The anonymous writer, in A.G.N., Historia, 2, f.82, offers a different explanation of his resignation: because of advanced age he suffered "attacks" almost continuously, and perhaps this ill-health was aggravated by climatic conditions.
if it be in succession to Don Manuel de Porras, in view of the long service I have given him in that Kingdom, for it is he (Porras) who now has it and is about to take charge.

With this in view, I am sending my papers to my agent, Don Sebastián de las Cassas y Llerena, so that he may present them in the Council [de Indias] and see if he can get it. And while writing to him at this time, I am writing to you as to my Lady, that you may "patronize" me, your criado in this petition by some endeavors with the gentlemen of the Council and with any outside, for I do not doubt that Your Ladyship will get them favorable; and I promise that, immediately upon taking possession, I will impose and locate the said Encomienda so that Your Ladyship and your House may have some relief and may maintain yourselves with the decency required by your exalted obligations. And if by some chance it [the governorship] should not be secured, I am writing to my said agent that he solicit some other convenient [position], and so likewise I beg Your Ladyship to look upon and regard me as your criado, for so I profess myself and will do so all my life.

It seems necessary to bring to Your Ladyship's attention so that you will be informed that this governorship is being sought by the Captain of the Presidio of El Passo, Don Antonio Valverde; and it is not convenient that this man get it because

106. There is a curious confusion here by Martínez in the names of two men, each of whom "bought" the office of governor of New Mexico and neither of whom assumed office! On 24 Oct. 1709, a title was issued (in view of services rendered—including 750 dubloons) to Don Manuel de Soldevilla for five years "in succession" to Flores Mogollón. On 2 Dec. 1719, a similar title was made out (for 5,000 pesos plus other services) to Don Plácido de Porras—to succeed Soldevilla (who hadn't taken office!) Both titles are in A.G.I., Mexico, 1216. In the second, Porras is called a "resident in the Indies" but there is nothing to show that Don Plácido lived in Mexico City.

There actually was in that city, however, a man named "Don Manuel de Porras" whom Martínez may have gotten mixed with Soldevilla. There is nothing to show that this Don Manuel wanted to be governor of New Mexico, but in 1718 he had acquired three other titles; a memorandum (San Lorenzo, 5 Nov. 1718) shows that he had gotten three out of eight posts on the list: he had paid 12,000 pesos to be a corregidor of Mexico City, 5,000 pesos for the alcaldía mayor of Cuernavaca "y sus agregados," and 1,800 pesos for the same honor at Cretano. A.G.I., Mexico, 379, Relación de los empleos.
it is he who joined up with Don Juan Flores \(^{107}\) so
that the Encomienda should not be established,
because, although he also was a *criado* of [your]
House, like an ingrate he rebelled—it has seemed
to me wise to add this paragraph for what it might
import.

I hope to be successful in my pretentions, hav­
ing attached myself to the support and protection
of Your Ladyship who will command me in what­
ever you might be served and advantaged by my
small ability in these Kingdoms; and if my small
letter should merit a reply, you can direct it [to
me] in care of the same agent, or to Sevilla in care
of Don Miguel Maestre, putting a cover [ad­
dressed] to Don Pedro Otero Bermúdez, resident
of this City of Mexico.

I trust that Your Ladyship may be kept in the
most perfect health, together with all the Señoritos
—at whose feet will Your Ladyship place me.
While my own [health] continues with ardent de­
sires of finding many opportunities to use it in
service of Your Ladyship and until I accomplish
this, I pray the Divine Majesty to protect the per­
son of Your Ladyship for the many years of which
I have need. Mexico, July 21, 1717.

My dear Lady, your most attentive and faith­
ful *criado* kisses the foot of Your Ladyship.

Phelix Martinez (rubric)

[To] My Lady Dona Isabel de Vargas, Pimentel

Seven months later, Juan Paez Hurtado was writing
from Mexico City as follows:

Señora Marquesa de la Naba

My Lady: I saw a letter from Your Ladyship
written to Captain Don Phéliz Martines de Tore­
laguna, and in it the commission regarding the col­
lection from the encomienda upon the Indians of
New Mexico, and this would already have been
under way had there not occurred the sudden
death of Captain Don Pedro Alphonso de Vargas,
uncle of Your Ladyship, who transferred to me au­
thority to get the said encomienda in operation.
When I presented the dispatches before Don Juan
Flores Mogollón, governor of that kingdom, he,

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\(^{107}\) Governor Juan Ignacio Flores Mogollón who served 5 Oct. 1712 to 30 Oct.
1715.
with pretexts that these Indians were poor, assembled the residents of that kingdom and the religious of Saint Francis who minister to them, and one and another (to flatter the governor) made reports to the Duke of Linares that it was not advisable for the Indians to be burdened inasmuch as they went out on campaigns at their own cost. But it is certain that they are not as poor as they say, and the governors burden them with sowings [of fields] and other duties, and the religious [do] the same; and when it might have succeeded, had the said Captain Don Feliz [continued to] govern that kingdom after the resignation of Don Juan Flores, at this time occurred the death of Captain Don Pedro de Vargas—which was so unfortunate for Your Ladyship. If you so please, you can secure a new cedula from his Majesty so that, notwithstanding what was represented by the governor, religious, and residents, the king’s will may be duly executed; and so likewise can Your Ladyship secure another cedula (for whoever may be enjoying said encomienda) restricting the authority of the governor so that he may not prevent the exporting from the kingdom [of New Mexico] to that of Vizcaya and turning into money the effects which the Indians may pay.

I find myself a prisoner in this City in the houses of the Cabildo, and Don Feliz [is prisoner] in a room of the palace, because of Don Antonio Valverde, for this man is inflaming the things [charged] by Don Flores, forgetting that he was our comrade and that he ate the bread of the Señor Marquis, father of Your Ladyship and mine—for such I regarded him from the time when he departed from Spain until his death; so that Your Ladyship can understand that in whatever may be possible I shall cooperate for your greatest relief and comfort. And I shall pray God our Lord that he protect the important life of Your Ladyship in perfect health for the many years that I desire. Mexico, February 22, 1718.

Lady Marquis, your most humble servant kisses your hand.

Juan Paez Hurtado (rubric)

108. His term as viceroy was 1711-1716.
Amid all the evidence of self-seeking and rivalries in the period following the reconquest it is refreshing to meet this solitary example of disinterested loyalty. Of the three criados, Valverde makes the least favorable impression—understandable perhaps if we remember that his allegiance to Don Diego de Vargas began only with the recruiting in 1693. In some ways he seems to have been closest to Vargas of the three, but clearly he was looking after his own interests; in 1699 he secured the post of presidial captain at Passo del Norte and possibly even then—certainly after the death of Vargas—he was openly hostile to the Vargas interests. Blocking the efforts of the other criados, he finally did get the governorship for himself, holding it from 1717 to 1722. Nor was Martínez wholly disinterested, for his appeal to Doña Isabel reduces to a quid pro quo: “You help me and I’ll help you—and in any case, you help me.” Only in Paez Hurtado do we see genuine loyalty to old ties of friendship—a fact which both did honor to himself and added lustre to the personal memory of the one who had inspired such loyalty. For him to write, even while lying in prison, that he had always regarded Vargas as his “father” as well as amo has in it the ring of true steel.

When the Marqués de la Peñuela initiated in 1712 the celebration of the Reconquest, it was a tribute to the distinguished service of Vargas for the Spanish crown. The letter which Paez wrote in a prison of Mexico in 1718 is, today, a fragile scrap of paper in the Archive of the Indies; but the ink is as unfaded as it was when he wrote—and so also unfaded is his tribute to Vargas as a man. 108

Doña Isabel in Madrid never saw the letter from Paez Hurtado, for at the very time when he was writing she lay on her death-bed. 109 With her passing, February 25, 1718,

108. An interesting account of events in New Mexico during this period, involving the parts played by these three criados, may be found in the Restauración already cited several times, in A.G.N., Historia, 2, especially ff. 82-85.

109. On January 22, 1718, she made her last will and testament, naming her four children as her equal heirs: a son, Don Diego López de Zárate, Marqués de Villanueva, and three daughters: the Doñas Rosalia, María Francisca, and María Manuela. An excerpt of the will is with the consulta of 6 Aug. 1720, in A.G.I., Mexico, 379.
ended any possibility that the generation in succession to
the Reconquistador would enjoy any material benefit under
the encomienda. Neither Don Diego de Vargas himself,
nor his oldest son in New Spain, nor his daughter in Spain
had ever received a peso from revenues which might have
been collected in New Mexico under it. True, the granting
of the encomienda by the king stands in history as one of
the honors which were bestowed upon Vargas, but the honor
was an empty one. Our study might close at this point ex­
cept that the Vargas heirs made repeated efforts, during
the next half century to make the encomienda effective.
These efforts will be summarized briefly.

IV

On August 6, 1720, the King referred to the Council of
Indies a memorial with accompanying papers, presented by
Don Diego Joseph López de Zárate Vargas Pimentel Zapata
y Luxán Ponce de León, Marqués de Villanueva de la Sagra,
y de la Nava de Barcínas.110 He had petitioned specifically
to be granted the encomienda originally given to his grand­
father; that he be allowed credit for the media anata paid
by the latter, and the residence exemption which was con­
ceded to his mother. The matter went through the usual
procedure, and the outcome—in Spain—was entirely favor­
able. While the documents submitted by the petitioner
were not regarded as fully substantiating the facts stated,
a cedula was sent in November 1720 to the viceroy directing
him to investigate carefully and if he found, as represented,
that neither the first grantee nor his daughter had ever en­

110. Don Diego was born 2 May 1691 (Pérez Balsera, op. cit., p. 87), so that he
was now twenty-nine years of age. Descendent of two illustrious lines, his full name
is rather overwhelming. After his father's death he had succeeded to the first title
(v. certified excerpt of the will with this consulta); after his mother's death, he
has now qualified for the second. The origin of the title which his maternal grand­
father had chosen, "Marqués de la Nava de Brazinas," is not known; but that it was
of American rather than Spanish origin is evident from the misspelling here and else­
where.

The date of her death is given in the printed memorial of Don Diego, with the
same consulta and cited below. Additional data are given by Pérez Balsera, op. cit.,
p. 84.
joyed any benefit from the *encomienda*, the viceroy was ordered to establish it for this grandson. As the next record shows, the outcome, overseas, was as ineffective as before.

A *consulta* of February 6, 1728, reveals that a very important change in the situation had occurred. Whatever efforts the young marquis had made after November 1720 to get his *encomienda* into operation in New Mexico had proved unavailing, and in 1726 he persuaded the King to change the original *encomienda* in New Mexico into a “pension of 4,000 pesos annually for the days of his life, based in the Royal Treasury of Mexico upon the receipts from the *encomiendas* which had been, or should be, incorporated in the Crown.” From 1726, therefore, there would be no further attempt to make the grant operative in New Mexico.

Unfortunately for the Vargas heirs, however, a slip had been made by the Council in 1726 in not specifying the date from which the pension should be payable in Mexico City—hence the need for this supplementary action in 1728. His Majesty decided that the pension should date as from August 21, 1727, on which day the earlier action had been published; and the Viceroy Marqués de Casafuerte was so ordered.

But alas and alack! The officials in Mexico City proved to be as uncoöperative as had those in Santa Fé! It seems that “various accidents” intervened because of which it had not been possible to make any payments on the pension up

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111. Besides the three original letters and the certified excerpt from the will of Doña Isabel, there is found with the *consulta* of 6 Aug. 1720 a 32-page certified copy of the record of proceedings at Mexico City in the spring of 1703 up to April 13—possibly the identical copy which Vargas had carried with him to Santa Fé and which Juan Paez later sent to Don Pedro in Mexico City.

Endorsements show that the papers were referred (Aug. 9, 1720) to the fiscal, who submitted his opinion. Then, after due consideration, the Council addressed (Nov. 4) a 16-page *consulta* to the King. His approval is endorsed: “Como parece”; some official marked it “Done,” and a last notation shows it was “published” on Nov. 16, 1720.

112. This is from the facts as recited in the *consulta* here discussed. No documents relating to this change have been encountered in the archives.

113. The *consulta* of 6 Feb. 1728 turned up in A.G.I., Indiferente, 7. An endorsement cites the earlier *consulta* of 1 June 1726. The resulting royal cedula was dated 13 May 1728, the retain-draft being found in A.G.I., Mexico, 636, LBB title 742.
to the year 1737—when the Marquis again appealed to the King. Since the original grant had been made "to remunerate such distinguished services" (of the grandfather) and since nothing had ever been realized under it, His Majesty on January 20, 1737, issued a new cedula which was expressed in very decisive terms. Without any further delay and without regard for any other order which might seem to conflict, the entire amount then in arrears and current was to be paid, nor would any excuse in the future be admissible.\textsuperscript{114}

This emphatic order at last got results, and as the liability had been set up at Mexico City as of August 21, 1727, a considerable amount must shortly have been paid over. Very possibly it was this sudden affluence which enabled the Marquis to publish in Madrid in 1740 his genealogical history of the illustrious Vargas family.\textsuperscript{115} Moreover, the annual payments were to continue to January 8, 1745—the date on which this grantee died.

Was this the culmination of the old Vargas encomienda? Yet once more, and for the last time, the matter was brought up for consideration in the Council of Indies. The year 1763 looked back on remarkable changes which had come to the Old World and to the New. Since the Reconquest of New Mexico, Spanish kings had come and gone: Charles II, Philip V, Ferdinand VI—in 1759 the Great Charles III had come to the Spanish throne. The Seven Years' War had been fought out, and when the treaty of peace was signed at Paris (February 10, 1763), over here in America, England had ejected both France and Spain from all territory east of the Mississippi river; and to compensate Spain for the loss of Florida, France had turned over to her the Louisi-

\textsuperscript{114} Retain-copy of the cedula is in A.G.I., Guad., 80, LBB title 202. Mistakes are sometimes noticed in documents which hark back over a considerable period. Here, e.g., we are told that the original encomienda "by the cedula of 30 Nov. 1720 was granted to Don Diego de Bargas Zapata, governor and captain general of New Mexico," whereas, of course, he had died in 1704.

\textsuperscript{115} For the full title (and also four more family names which belonged to the Marquis!), v. J. M. Espinosa, "Notes on the Lineage of Don Diego de Vargas," in N. M. Hist. Rev., x, 112-120.
ana country west of that river. Together with the kingdoms of New Mexico which had been recovered by Don Diego de Vargas at the close of the seventeenth century, Spain now held, therefore; all the vast region from the Mississippi westward to the California coast. And plans were already being discussed which might result in creating out of these northern provinces a new viceroyalty. That the part played by Don Diego de Vargas had not been forgotten is evident in the closing documents which deal with the old encomienda. Although many of the old grants of this kind had been extinguished down through the years, exceptions were repeatedly made in the case of descendants of conquistadores; and such Don Diego de Vargas had been.

It was probably in December 1762 that the king was memorialized by Don Antonio Maria López de Zárate y Vargas, Marqués de Villanueva de la Sagra, y de la Nava de Brazinas. Don Antonio had reviewed the facts with which the reader is already familiar, stating the reasons for the original encomienda and showing that it had been ineffective for either the Reconquistador or his next heir; he submitted a copy of the royal cedula of May 13, 1728, which revalidated the grant in favor of his father “for two lives,” and as his father was now deceased he prayed that he himself should be honored with the grant for the “second life.”

In his review and analysis of the claim, the fiscal agreed with the petitioner’s presentation of the facts—up to a certain point. He called attention to an alteration in the terms of the grant when, in 1726 (and as reaffirmed in 1728), the petitioner’s father had received in place of the encomienda “for two lives” a yearly pension of 4,000 pesos which was

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116. The memorial has not turned up, but we know its purport from the documents here discussed. The parecer of the fiscal (25 Feb. 1763) and the consulta of the Council (23 Dec. 1763) are from A.G.I., Indiferente, 9. The latter begins: “By order of Your Majesty the Baylio Frey don Julián de Arriaga sent [us], with a paper of December 21 of the past year [1762] a memorial . . .” Register copy of the cedula, King to Treasury officials in Mexico (22 January 1764), is from A.G.I., Mexico, 3174, LBB title 460.

Don Antonio was a son, by a third wife, of the Don Diego who had died in 1745. Pérez Balsera, op. cit., p. 94. We use the American spelling “Brazinas,” though in Spanish records, from 1709, it usually appears as “Barçinas.”
described as "for the days of his life." In other words, it had not been promised for a second generation. The fiscal, therefore, reasoned that upon the death of Don Diego Joseph in 1745 the royal grant was fulfilled and extinguished. It was his opinion, however, that this case came under an ancient "law of the Indies" whereby a pension or allowance (such as this seemed to be) which had been enjoyed by a "discoverer" might, after his death, be given and distributed to any remaining wife and children.117 Since Don Antonio was the oldest of seven children, he recommended that this course be followed and an allowance or gratuity of 4,000 pesos be distributed among them from the royal treasury at Mexico City.118 Of course, there was in this no suggestion of any payment of arrears from 1745, nor of future annual payments.119

King Charles III and his Council of Indies, in the year 1763, were burdened with far more momentous matters of business than a family claim which rested back on an encomienda of the seventeenth century. But when, in December, they finally gave it their attention, they fully approved the above suggestion, recognizing that it was a well merited reward of the distinguished services of the petitioner's great-grandfather, the Reconquistador Don Diego de Vargas, supplemented by those of his grandfather (Dona Isabel's husband) and those of his father. In fact, the Council in its consulta of December 23, 1763, went farther and advised that the grant to Don Antonio Maria be "for the days of his life." As an endorsement shows, the King agreed with this view of the case and the requisite cedula was dispatched to the treasury officials in Mexico City.

We have made no attempt to verify, from financial

117. The law was promulgated in the year 1548 and is found in the Recopilación (ed. 1756), Lib. VI, tit. xi, ley xviii.
118. These seven children were all from a third marriage. There were also two daughters from the second marriage, both married at the time of the father's death in 1745 and not included in this adjustment in 1763. Pérez Balsera, loc. cit.
119. The death of Don Antonio Maria did not occur until July, 1792. Pérez Balsera, op. cit., p. 100.
records in the archives, whether the orders of 1728 and 1764 were honored by the treasury officials in Mexico City. On paper, the payment of 4,000 pesos yearly from August 1727 to July 1792 totals up to an impressive aggregate—historically, it is unimportant whether the Vargas heirs received full payment or not.

Nor do the later vicissitudes of the Vargas *encomienda* which we have thus traced down to 1792 have any direct bearing upon the history of New Mexico. The fact of historic interest which emerges from our study of these later records, as from those prior to 1727, is this: that in the original granting of the *encomienda* in 1698 and in the revalidating of it through the fourth generation, whenever the claim came up for consideration, the deciding factor every time was that "the services of Don Diego de Vargas are very worthy of being regarded by Your Majesty and rewarded." Locally, the lustre of his achievements may seem to be dimmed by the unscrupulous activities of Cubero and his partisans and by the abrupt ending of Vargas' second governorship; but from the broader point of view of the Spanish colonial empire, the repeated approval of the *encomienda* claim shows a truer appreciation of the achievements of the Reconquistador.