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NEW MEXICO HISTORICAL REVIEW

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PALACE OF THE GOVERNORS

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NEW MEXICO HISTORICAL REVIEW

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FRANCISCAN MISSIONS OF NEW MEXICO 1740-1760

By HENRY W. KELLY

INTRODUCTION

SEVERAL INCENTIVES have urged me to make this somewhat full study of the missions in mid-eighteenth century New Mexico. In the first place, I must admit that I am a victim of the contagious past of my locality. As a native of New Mexico I am intensely interested in the long, varied and dramatic history of my state. It is a history that began before that of most states in the union, and the fact that this year of 1940 marks the four hundredth anniversary of that beginning—the entrance of Francisco Vásquez de Coronado—serves as an added incentive.

Personal associations with the scene of my research; the fact that I live in Santa Fé, the center of historical activity of that Spanish kingdom; that I have visited the majority of the Indian missions in question, all combine to make the study much more vital and meaningful.

I feel that my work is not merely of antiquarian interest; not merely the resurrection of a dead past, that has no longer any connection with the present. The Pueblo Indians of today are as numerous as they were in 1750, and essentially they lead the same existence as they did in those far-off times. The brown robe of the Franciscan *padre* is still a prominent feature in New Mexico, and, with certain modifications, he has to cope with many of the problems that faced him two centuries ago. Living in the many isolated

villages in the mountains and valleys, the descendants of the *Conquistadores* mirror the lives of their ancestors, scarcely touched by our dizzy twentieth century. These modern *vecinos* still speak Spanish; still lead the predominately agricultural life of their forefathers, economically self-sufficient; still run their sheep, goats and cattle over the rocky piñon-covered hills; still sow their fields by the age-old broadcast method; irrigate with *acequias* dug in colonial times; harvesting by hand, threshing with horses and goats, and settling down for a winter of inertia and isolation as the heavy snows clog up their narrow valleys.

A study of this nature should have real, historical significance. Mr. France Scholes of the Carnegie Institute of Washington has made the only careful study of ecclesiastical history in seventeenth century New Mexico. A similar one has not been made for the eighteenth century. The very fact that I am to some extent entering unknown territory, and that I have the chance of shedding some light on one of the numerous, shadowy corners in Spanish American history, is indeed an incentive and justification for my work.

I had the good fortune to have placed at my disposal, through the kindness of Mr. Scholes, a generous stock of photostatic copies of manuscripts dealing with this period of New Mexican history. These copies were made by him from the original manuscripts in the National Archives of Mexico City, and from what I understand a good number of them have never been subjected to historical scrutiny. After a careful study of the manuscripts, I am forced to admit that I was somewhat disappointed to find nothing that would revolutionize present, historical concepts concerning this period of mission history. However, I am confident that these documents have enabled me to add a number of new pieces to the still incomplete picture puzzle of that period.

CHAPTER I

THE ROLE OF THE MISSION IN SPAIN'S COLONIAL POLICY¹

For all time to come the foundation of the Spanish Empire in the New World will remain a marvelous and breathtaking accomplishment. Out of a hitherto obscure, introspective, Iberian nation, Spain, most of whose blood and money were at the same time being expended in profitless, non-Spanish entanglements in Europe, a handful of men sailed westward over the Atlantic, and with amazing rapidity conquered the world's most extensive empire. Over more than half the western hemisphere these men spread the religion, language, laws and culture of Spain. Today millions of people in South, Central, and North America, tinged with the blood of the Conquistadores, still speak the Castilian tongue, have the same religion, govern themselves by laws essentially Spanish, and are in possession of a culture, to a great extent, inherited from Spain. These results certainly speak for the energy and virility of Spanish frontier institutions, and should give pause to the many who smugly pronounce Spain's colonial policy a failure.

Each of the colonizing powers in America adopted its own peculiar classes of society and institutions to extend and hold the limits of its dominions. The French gnawed away at the frontier with the aid of the fur trader and the missionary; the backwoodsman extended the English frontier, leveling the forest and driving back the Indian, with whom he did not peaceably mingle. Spain gave this gigantic task to the conquistador, the presidial soldier and the missionary. All these three made important contributions, but we are chiefly concerned with the latter two in their collaboration as a pioneering agency.

From the very outset of the conquest, the policy of the Crown of Spain was characterized by deep, religious and

1. The material for the chapter is borrowed to a great extent from H. E. Bolton, "The Missions as a Frontier Institution in the Spanish American Colonies," *American Historical Review*, (October 1917), 42-61.

humanitarian motives. In 1493 the papal seal of approval was placed on Spain's western claims with the understanding that the peoples conquered were to be converted and civilized. From that time on, all through the colonial period, the high ideals of the Spanish kings found expression in innumerable laws and decrees intended for the welfare of the Indian. It is true that these ideals failed to a large extent to materialize, but the guilt lies with the colonials, who were eager and able to ignore and violate the royal commands, doing so with impunity because of the great distance that separated Spain from her colonies and the slowness of communications.

It was the crown's consistent policy to convert, civilize and exploit the Indians, who were considered as having the potentialities of valuable subjects, and these potentialities had to be developed. The mission and the *encomienda* began this task together, but the former soon drew away from the latter. The *encomienda* could only exist where the Indians were already reduced to a sedentary existence, and it was therefore confined to the older more settled, regions of the Indies. The *encomendero* quickly forgot his duties, remembering only those of the Indians, and the institution degenerated into a black spot in Spain's colonial system, not erased until the *encomienda's* gradual extinction was completed in the early part of the eighteenth century.

But the mission, on the contrary, lived up to its ideals, and played a role of ever increasing importance. The missionaries "became a veritable corps of Indian agents, serving both the church and state," the close union of the two and the royal control of patronage making this double capacity more natural and easy.²

In the seventeenth and eighteenth centuries the mission became a universal institution on the expanding frontiers of Spanish America. On all fronts, the missions mushroomed. In South America, the Jesuit "reductions" in Paraguay are the most famous. In North America, missions sprang

2. Bolton, *The Mission*, 45.

up all along the northern and eastern frontier of New Spain, a result mainly of the efforts of the Jesuits, the Franciscans, and the Dominicans. The northeastern portion was the scene of the Franciscan activities. They worked in Coahuila, Nuevo Leon, Nuevo Santander, New Mexico, Texas, and Florida. The Jesuits, after withdrawing from Florida, concentrated in the Northwest; in Sinaloa, Sonora, Chihuahua, Baja California and Arizona. In 1767 the Jesuits were expelled from all Spanish America, and their places were taken by the other orders, in Baja California by the Dominicans and in Alta California by the Franciscans.

The mission as a frontier institution was intended to be a temporary force. The missionary was the vanguard of a civilization; he was to convert and domesticate the savage; to draw the fangs of the wilderness; after this was done, he was to give place to the ordinary settler, and move on to new fields. In theory, after ten years of mission life the Indians were considered to have progressed sufficiently in the art of civilized living to permit division of the mission lands into individual holdings, and the introduction of secular parish priests, who would live among the Indians as they would among regular Spanish subjects.³ This law was based on experience of the progress made among the more civilized tribes of Mexico, Central America and Perú.

Among the cruder tribes on the northern frontier of New Spain, the padres insisted that a much longer period of transition was needed to enable the Indians to lead a life of equality with the Spanish settlers. As a result of this conviction, there developed a long and bitter struggle between the missionaries and the forces of secularization. The aboriginal mission areas felt the encroachments of the squatter and landgrabber, just as the lands "set aside in perpetuity" for the Indian in the United States disappeared under the wave of the Western Movement. The missionary, whether he liked it or not, had to keep one jump ahead of the line of advancing settlement.

3. Bolton, *The Mission*, 46.

The missionary came primarily as a religious agency. He was a harvester of souls, but, incidentally on his part and designedly on the part of the government, he became a school teacher, geographer, scientist and practical philanthropist. The missionary served both the church and the state by not only Christianizing the frontier but in extending, holding and civilizing it. The Indian, to become a worthy, practical Christian and a desirable subject, had to be schooled in the rudiments of civilized conduct. The missions thus served not only as seminaries, but as practical training schools in the art of European living.

The missions, being a powerful political and social agency of the state, were naturally supported by the state. The Franciscan missions in New Spain in the eighteenth century had four principal means of support.⁴

1. The annual stipend or salary paid by the government was called a *sínodo*, varied in amount according to the remoteness of the mission, reaching the high point of four hundred pesos for each missionary on the northernmost frontier. In 1758 the treasury of New Spain was supporting with sínodos, averaging three hundred fifty pesos, one hundred and twenty-three friars on the northern frontier.

2. Besides the sínodos, the government regularly supplied the missions with military protection, detaching from two to six soldiers from the nearest *presidio* to serve in each mission. In addition, the government usually made an initial grant, a sort of birthday gift called the *ayuda de costa*, of one thousand pesos to each new mission to pay for bells, vestments, tools, construction and other costs of founding.

3. In addition to financial aid from the *real hacienda*, some missions were supported by private donations. Old missions aided in the foundation of new ones. Padre Kino aided the struggling missions of his partner, Father Salvatierra in Baja California, with supplies from his flourishing

4. Bolton, *The Mission*, 47-48.

missions in Pimería Alta, on one occasion sending across seven hundred head of cattle to the peninsula.⁵ The famous Jesuit Pious Fund, which supported the missions of Baja California and later those of Alta California was formed of the gifts of devout Catholics, mostly laymen.⁶

4. The missions were expected to become self-supporting, and in many cases the Indians did acquire considerable wealth through stock raising and other agricultural pursuits. None of the wealth earned by the missions belonged to the missionaries, who continued to receive their salaries from the government or from private benefactors.

From what has been said it is evident that the government to a large degree financed the missions, but the amount of governmental aid, and the ease with which it was gained depended very much on the extent to which political ends and religious purposes could be combined. The royal purse strings were not easily loosened to found new missions, unless an important political advantage was to be gained along with the religious, for the impoverished government had to stretch every *real*. The missionaries were fully aware of the factors motivating royal aid, and, in their continual appeals, stressed the political advantages to be gained.

The establishment of the missions in Texas and Alta California came after years of agitation by the missionaries, and even then the royal hand was forced more by external political pressure—the desire to ensure the territorial integrity of Spain's dominions from foreign encroachments, the French in the first case, the Russians in the latter,—than by a desire to satisfy the religious aspirations of the padres.

As a significant commentary on the crown's association of the mission with frontier defense, it is interesting to note that the expenses of the missions and the presidios were

5. Herbert E. Bolton, *The Spanish Borderlands; A Chronicle of Old Florida and the Southwest* (New Haven 1921), 199.

6. Bolton, *Spanish Borderlands*, 202.

entered under the account of the War Fund (*Ramo de Guerra*) in the records of the real hacienda.⁷

The political importance of the missionaries manifested itself in several ways. The friars counteracted foreign influence among their neophytes, deterred them from molesting the interior settlements, and secured their aid in restraining the hostile tribes farther on. Father Kino trained his Pima wards to be effective fighters against the terrible Apache. His influence over the natives was considered more valuable as a protective force than a whole company of soldiers.⁸

The mission plants were built designedly as fortresses for the protection of the padres, the neophytes, and the nearby Spanish settlers. Some even boasted of a formidable array of artillery pieces, which the predatory nomads held in great dread.

The missionaries were utilized not only as political agents to hold a frontier district, but, on their own initiative and in coöperation with the secular authority, they were factors in promoting the settlement of the region. They stimulated the interest of the prospective settler by their reports, which described the natural wealth and potentialities of the region and the nature of its inhabitants. When official colonizing expeditions were projected, the missionaries were often called to Mexico to give their expert advice.

The greatest contribution of the missionaries lay not in the extending, holding and promoting of the frontier but in its civilization. Spain entertained high ideals, and found herself faced with serious practical difficulties. She laid claim to a lion's share of the western hemisphere, yet the mother country had no restless, excess population to pour into the American wilderness. Her colonial policy, perhaps equalled in humanitarian idealism by no other country, looked to the preservation of the Indians and their eventual elevation to the status of full fledged subjects. The fact

7. Bolton, *The Mission*, 51.

8. Bolton, *The Mission*, 51.

that this idealism may have been partially motivated by the necessity of supplying a substitute for the lack of Spanish colonists should not detract from its reality.

This role of civilizer of the Indians fell also on the shoulders of the friars. The degree to which the frontier would be peopled with civilized natives, making up for the lack of Spanish colonists, depended upon the success in reducing and disciplining the aboriginals. The royal desire harmonized with the religious aims of the friars, who recognized that temporal discipline and a changed way of living were indispensable in the formation of thorough converts.

The essence of the mission was discipline; discipline in all the experiences of life, religious, moral, social and industrial. The very physical arrangement of the mission, built according to a carefully preconceived plan, was designed to further discipline. Wherever nomadic tribes were encountered it was necessary to "reduce" them to a sedentary existence in the mission pueblos. The task of the missionary was already partially accomplished when he encountered settled tribes like the Pimas of Arizona and the Pueblos of New Mexico, for he merely moved into the village, making it into a mission. Although there were many exceptions to the rule the missionaries lived in pairs, which made the enforcement of mission discipline easier.

The presidios served as a symbol of force, and to provide protection for the missionaries and the mission Indians from the enemy, whether aboriginal or European. Across the continent from Atlantic to Pacific stretched a long irregular line of presidios from San Agustín to San Francisco, "a line more than twice as long as the Danube frontier held by the Romans,"⁹ from whom Spain borrowed this idea in border defense.

Each mission was usually provided with two or more soldiers, detached from the nearest presidio whose duty it was to help the missionaries in disciplining and instruct-

9. Bolton, *The Mission*, 53.

ing the Indians. In the event that a neophyte found the regimented life distasteful, and struck out for the wilderness, it was the soldier's job to return the runaway. There is a widespread impression that the missionaries objected to the presence of the soldiers, whom they found demoralizing to the Indians. This is certainly true in the case of the Jesuits in Paraguay. They established their missions in complete isolation from the virus of the Spanish and Portuguese settlers, whether civilian or military, for these crude colonists emphasized many of the vices and few of the virtues of the higher civilization that the fathers were trying to bestow upon the Guarani.¹⁰ However, with this and other exceptions, it is nearer the truth to say that the missionaries objected only to unsuitable, immoral soldiers, for the presidials were often drafted from among the mestizo-mulatto-jailbird class. In general, and this is specifically true of the Franciscans in New Mexico, the padres wanted military aid, and the complaint of its inadequacy was constantly heard from them.

That protection was needed for the missions was an indisputable fact. The list of martyred missionaries is eloquent testimony of that need. In the Pueblo revolt of New Mexico in 1680, twenty-one padres lost their lives.¹¹ But martyrdom was the exception, and the main concern of the soldier was to aid the missionaries in disciplining and civilizing the Indians.

Discipline and elements of European civilization were imparted at the missions through religious instruction, industrial training, and, among the more advanced natives, by means of elementary teaching in arts and letters. Religious instruction came first. Aside from the fundamental cultural concepts implied in Christianity, this religious training in itself contained a most important means of assimilation. In accordance with "*La Nueva Recopilación*", the missionaries were ordered to instruct the neophytes in

10. Robert Southey, *History of Brazil* (London 1817), II, 240.

11. Bolton, *The Mission*, 53.

the native dialects. However, they often were characterized by an inadequate vocabulary, making them inserviceable for the needs of the missionaries. In addition to this, there was frequently a bewildering number of dialects prevalent in a comparatively small geographical area, which made it impossible for the padres to learn them all. For these reasons, on the northern frontier the padres to a large extent ignored the royal law and instruction was usually given in Spanish, at first by means of interpreters and later directly, when the Indians had mastered Spanish, the children being especially quick to learn it. Thus, religious training was an important step in cultural assimilation, for it brought about linguistic affinity between the teacher and the pupil.

The Jesuits of Paraguay could boast of the closest approach to their Indian wards. They mastered the Guaraní tongue making it the official language of that whole mission area, Spanish being of minor importance. While giving the Jesuits all the credit due them, it must be remembered that they were not confronted with a tangle of native dialects, for the Guaraní language was universal over a wide area, even among non-Guaraní Indians, which simplified their task considerably.¹²

In the daily routine of religious instruction the padre was aided by two Indians called *fiscales*, usually old men, who had the trying job of rounding up the children and unmarried Indians for the daily Mass and instruction. On Sundays the whole mission population attended services, combed, washed and neatly dressed. The *fiestas*, celebrating the days of importance in the ecclesiastical calendar, were marked with elaborate religious ceremonies indicating the Church's recognition of the value of sensuous appeal as an aid to religion. In addition, the day was filled with innocent entertainments, games and other forms of recreation.

The mission, besides being a Christian seminary, was also an industrial training school. The missionaries were not farmers, mechanics, or stock raisers, all of which was

12. Southey, *Brazil*, II, 249.

foreign to their education, but they undertook these often disagreeable extra curricular activities because they realized the importance of altering the physical environment of the Indians to enable them to lead civilized, Christian lives. In spite of the fact that the missionaries came primarily as religious ministers they were often well fitted to instruct the Indians in the industrial arts, for, many of the lay brothers and fathers before joining such cosmopolitan orders as the Franciscans and Jesuits, had been experienced craftsmen, mechanics, musicians, and farmers.

The Californian and Paraguayan missions were large industrial communities. The size of the Paraguayan reductions averaged three thousand Indians, reaching in some cases to eight thousand inhabitants,¹³ those of Alta California averaging about two thousand Indians. The Indians worked in the weaving rooms, blacksmith shop, tannery, wine press and warehouses, employing an intricate network of irrigation ditches for their vegetable gardens and grain fields, and herding thousands of horses, cattle, sheep, goats, and pigs on the mission pastures. Training of this nature developed responsibility in the Indians, made them self supporting in a more advanced economy, and afforded the discipline required for the attainment of the rudiments of civilization.

In Baja and Alta California, Primería Alta and Paraguay the missionaries were in charge of both the temporal and spiritual welfare of the missions. In New Mexico the missionaries had no charge over temporalities, for the first padres found the natives already leading settled, agricultural lives, yet they offered instruction in arts and crafts, and introduced a great variety of European plants and animals.

Some statistics as to the temporal possessions of these missions should prove enlightening. The four Querétaran missions of Texas in 1745 were grazing 4,897 head of cattle, 12,000 sheep and goats and 1,600 horses. Even more stu-

13. Southey, *Brazil*, II, 255.

pendous figures are given for the Franciscan missions of Alta California in 1834 where "on the eve of the destruction of the missions, 31,000 mission Indians herded 396,000 cattle, 62,000 horses, 321,000 hogs, sheep and goats, and harvested 123,000 bushels of grain . . ." ¹⁴

The missions were provided by law with elementary and limited self government. Each pueblo had a body of civil and military officers modelled on Spanish municipal administration. The democratic reality and power of this government was more apparent than real, for the officers were merely figure heads. The missionary, with the nearby presidio, was the directing and restraining force behind the pueblo governments.

Thus, in many ways did the missions serve as Spain's frontier agency. The first concern of the missionaries was to spread the gospel, but, incidentally or designedly, they served in other capacities, holding, extending and promoting the frontiers, instructing the natives, giving them the veneer at least of European Civilization. While the English colonial policy permitted and fostered the extermination of the red man, the missions worked for his preservation, for his temporal and spiritual welfare. All this we must recognize whether or not we agree that the ideal of the missions meets present day standards, and in spite of their obvious failures and blemishes, something accompanying every human endeavor.

CHAPTER II

THE CUSTODIA OF SAINT PAUL

Turning from a generalized appreciation of the role and significance of the mission throughout Spain's far flung frontiers, we will now focus out attention on a relatively small, insignificant and neglected corner of that huge empire. The Spanish intrusion into New Mexico, if one will glance at an historical atlas for the middle eighteenth

14. Bolton, *The Mission*, 59-60.

century, appears like a cautious, tentative, finger-push into the unknown; a solitary, narrow, colored band projecting naked and self-conscious into the wilderness. On the north, east and west there is nothing Spanish to keep it company; to the south its connection with Mexico is slender and fitful.

In 1540 the Spanish Crown sent an expedition into the vague North chasing illusive baubles—the “Seven Cities of Cíbola,” the *Gran Quivira* and other variations upon the *El Dorado* theme. There was also hope of finding the Straits of Anián, the long sought Northwest Passage to the Orient. But the elaborately equipped expedition of Coronado returned, having drunk to the dregs from the cup of disillusionment. Instead of rich cities, gold and silver bearing ores, a land flowing in milk and honey, the Spaniards found nothing but Indians living in small, prosaic, mud-stone villages and a rude, rocky, unproductive land where life was supported only in the narrow creek bottoms.

The crown, in spite of its disappointment, retained hold of this “lemon” chiefly for one reason—the missions. The Franciscans, who accompanied this and later expeditions—those of Rodríguez-Chamuscado and Oñate—found a fairly dense population of mild, sedentary, agricultural aborigines, living in villages, along the banks of the *Río del Norte* and its tributaries. The missions thrived, and the small Spanish population was really only incidental.¹

The work of eighty years seemed destroyed when the missionaries and Spanish colonists were driven south to El Paso del Norte in 1680 by the united efforts of the revolted Pueblos. After an interregnum of a dozen years, the Spaniards and missionaries returned in the baggage train of the *reconquistador*, Don Diego de Vargas. After a few years most of the lost ground was regained, and by 1750 the missions with some exceptions were reestablished on their former basis.

1. The Spaniards consistently referred to what is now called the *Río Grande* as the *Río del Norte*; effective and permanent occupation and evangelization of New Mexico did not begin until 1598 with the expedition of Juan de Oñate.

The missions of middle eighteenth century New Mexico were, speaking in terms of ecclesiastical jurisdiction, part of the *Custodia de San Pablo*, which in turn was a subdivision of the very much larger ecclesiastical province of *El Santo Evangelio* (The Holy Gospel).² This Custodia of San Pablo was itself divided into three parts.³ The first was the interior region, which included the missions in the northernmost part of the Río del Norte valley, which may be called for convenience, the Santa Fé region. The second part was the El Paso region, almost four hundred miles directly south of Santa Fé. The last part of the Custodia consisted of those missions grouped about the lower reaches and the mouth of the Conchos river, which empties into the Río del Norte about two hundred and fifty miles south and east of El Paso. This third region was very appropriately known as La Junta de los Ríos.⁴ Thus, we may think of this mission area as a tapeline Custodia, the majority of whose missions were arranged in three widely separated groups along the banks of a serpentine stream, there being a distance of about seven hundred miles between the northern and southern limits.

Before I enter into a further description of the Custodia in the middle eighteenth century, I want to make it clear that most of the attention will be given to the Santa Fé division. I have reasons for confining myself to this area to the relative exclusion of the other two. In the first place, my personal associations are all in the north; secondly, it would be impossible to give a full treatment to all three regions in a report of this nature; thirdly, it will be clear

2. Charles W. Hackett, *Historical Documents relating to New Mexico, Nueva Viscaya and approaches thereto, to 1773* (Washington, 1937), III, 398.

3. Consult map next page.

4. My authorities for this and many future statements are photostatic copies of unpublished manuscripts, which are in the Archives of the Biblioteca Nacional of Mexico City. The copies were made by Mr. France V. Scholes of the Carnegie Institute of Washington and deposited by him in the Library of Congress. Through his kindness and that of Prof. C. H. Haring, my tutor, these documents were made available to me. In the future I shall refer to them as B.N., Leg. —, Doc —, Folio —; this particular footnote is B.N., Leg. 8, Doc. 57, Folio 3.

upon further analysis that the missions of the Santa Fé region were more important, populous and numerous than those of the other two combined, which further justifies my emphasis on the northern part of the Custodia.

The padres of the Custodia every few years sent complete reports of mission conditions to their superiors in Mexico. These surveys included a great many items; census lists; the geographical distribution of the missions with the respective distances; descriptions of the mission life; of the relations with the secular authorities; with the raiding nomads; accounts of the successes and disappointments in missionary work, in fact every phase of the life in that narrow, fluvial kingdom, secular or religious, is vividly brought to light in these reports. Our information about the Custodia around the middle of the century is derived principally from three reports written within a decade. The first, chronologically speaking, was written by Padre Miguel de Menchero, at the time *procurador general* of the province of El Santo Evangelio, in 1744;⁵ the second by Padre Andrés Varo written in 1749;⁶ and the third by Padre Manuel de San Juan Nepomuceno y Trigo in 1754.⁷ I rely mainly on that of Father Varo, recurring to the other two only when necessary.

The missions around Santa Fé were concentrated in an area extending in a north-south direction, corresponding to the immediate drainage of the Río del Norte, from Taos to Isleta. In an east-west direction the missions branched out at right angles from the river, Zuñi being the westernmost outpost and Pecos the easternmost.⁸

At Santa Fé resided the governor, the presidial garrison of eighty soldiers and about 900 Spanish settlers. The other concentrations of Spaniards were at Albuquerque⁹ to the south and Santa Cruz de la Cañada to the north. These

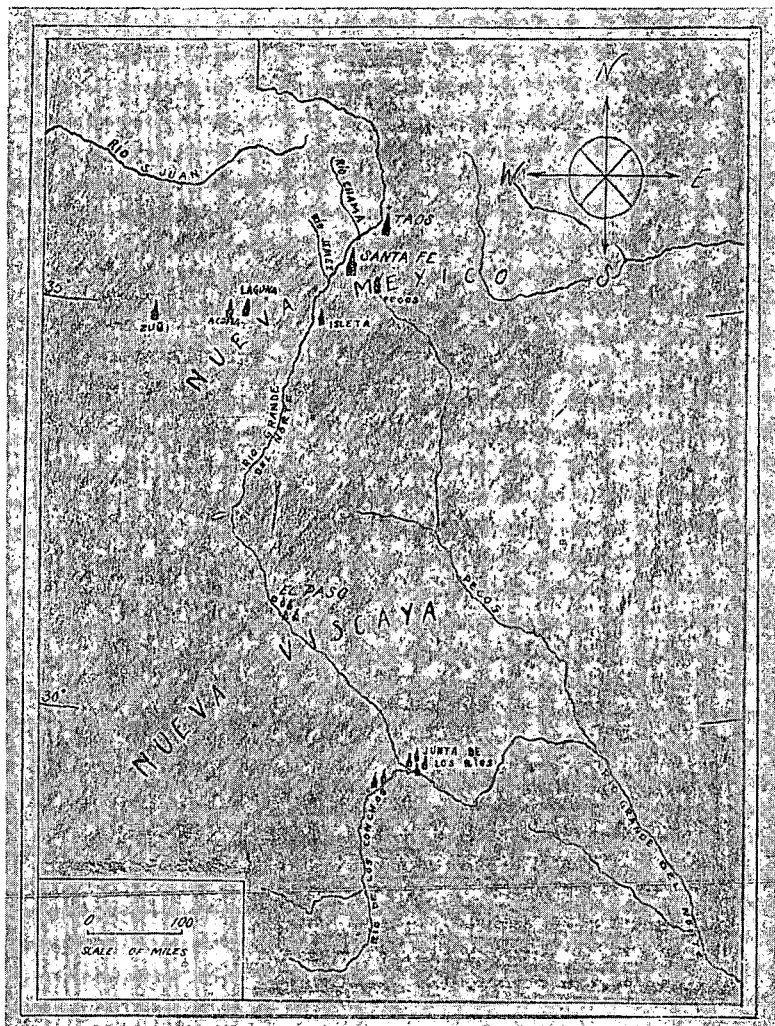
5. Hackett, *Historical Documents*, III, 395-412.

6. B.N., Leg. 8, Doc. 57, Folio 2-20.

7. Hackett, *Historical Documents*, III, 459-468.

8. Consult Map.

9. The modern spelling of this city has dropped the first "r"—Albuquerque.



THREE PRINCIPAL GROUPS OF MISSIONS (C. 1750) CONSTITUTING THE
CUSTODIA OF SAN PABLO—H. W. K.

settlements were not considered as missions, for the Indians living there were, for the most part *Indios sirvientes*, slaves belonging to the Spaniards. A slight sprinkling of Spanish *vecinos* was scattered up and down the valley on isolated *ranchos*, which were under the religious jurisdiction of the nearest mission. At Santa Fé there were two padres assisted by a lay brother; one padre at Cañada and two at Albuquerque.

Exclusive of these three Spanish villas the missions proper numbered twenty, there being one resident minister in each mission, with the exception of Galisteo, that was visited periodically by the minister of Pecos. The average number of Indians inhabiting each mission was about five hundred; Zuñi topped the list with two thousand, followed by Pecos with one thousand; the little mission Tesuque just north of Santa Fé was at the bottom with only one hundred and seventy-one Indians. Thus, twenty-five religious had in their hands the spiritual welfare of some twelve thousand mission Indians and four thousand Spanish distributed over a large area.¹⁰

The second group of missions in the Custodia, those of the El Paso region, lay about one hundred and forty leagues¹¹ south of Santa Fé on the Río del Norte. The journey between Santa Fé and El Paso was very perilous, for after leaving Isleta, the southernmost mission in the Santa Fé district, there intervened about one hundred leagues of uninhabited country, safely passable only with an escort of soldiers to ward off the marauding nomads. There were five missions, including Nuestra Señora de Guadalupe del Paso, which was really a Spanish villa, having a population of over one thousand whites, and a presidio of fifty soldiers, under the command of a captain. The other four missions were located below El Paso on the river, the most distant being Socorro, five leagues away. Five padres and a lay brother served this area. At the time Fray Andrés Varo

10. Consult census table below.

11. About three miles to a league.

was minister at the mission of Senecú.¹² The Spaniards in this area, those living at El Paso and on ranchos within the jurisdictions of the missions, slightly outnumbered the reduced Indians of whom there were only about fifteen hundred.

The waters of the Conchos River joined with those of the Río del Norte about eighty leagues southeast of El Paso, where the mission San Francisco de la Junta was located. Of the five remaining missions three were located within four leagues of San Francisco, and the fourth and fifth were twenty-five leagues up the Conchos from the junction. Four padres administered these six missions having a total population of about twenty-three hundred Indians. There were no Spaniards in the vicinity, and Padre Varo stressed the crying need for a presidio to protect these weak missions from the incessant raids of the heathen Indians.¹³

CENSUS OF SPANISH VILLAS AND INDIAN MISSIONS OF THE CUSTODIA OF SAN PABLO IN 1749

According to Custodian Andrés Varo, based chiefly on a consolidation made in 1750 by Padre Rosas y Figueroa, Secretary of O.F.M. in Mexico.¹⁴

	Whites	Indians	Language Group	Resident Padres	
1. Santa Fé	965	570 (slaves)		Manuel Zambrano, Juan Lezaún, Martínez (lay brother)	3
2. Pecos		1,000	Pecos		
3. Galisteo		350	Tanos	Joseph Urquijo	1
4. Tesuque		171	Tewa	Juan de Lavora	1
5. Nambé	100	350	Tewa	Antonio Zamora	1
6. San Ildefonso	68	354	Tewa	Juan de Ercisa	1
7. Santa Cruz	1,205	580 (slaves)		Antonio Gabaldón	1
8. Santa Clara	21	272	Tewa	Manuel Zopeña	1
9. San Juan	300	500	Tewa	Juan Mirabel (custodian)	1

12. Varo Report 1749, Leg. 8, Doc. 57, Folio IIV—12v; Padre Varo said that the mission of El Paso was founded in 1680 after the Spaniards had been driven out of the north by the revolted pueblos. Shortly after this date the other missions in the vicinity were founded. (Actually, however, their founding began in 1659.—Ed.)

13. Varo Report, 1749, Leg. 8, Doc. 57, Folio 13-14; see accompanying table.

14. B.N., Leg. 8, Doc. 81, Folio 1; with the exception of Pecos and Galisteo, which are completely deserted, these pueblo-missions survive today very little changed by the passage of two centuries. Only a handful of the once numerous inhabitants of Pecos survive, living at Jémez.

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10. Pecuries	90	400	Pecuries	Fernando de Estrada	1
11. Taos	125	540	Tewa*	Juan Oronzoro	1
12. Cochití	35	521	Queres	Agustín de Yniesta	1
13. Santo Domingo		300	Queres	Juan del Pino	1
14. San Felipe	70	400	Queres	Angel García	1
15. Santa Ana	100	600	Queres	Miguel Calluela	1
16. Zía	100	600	Queres	Pedro Montaña	1
17. Jémez		574	Jémez	Juan Toledo	1
18. Laguna		528	Queres	Juan Padilla	1
19. Ácoma		960	Queres	Ignacio Pino	1
20. Zuñi		2,000		Juan Hernández	1
21. Sandía		400	Moqui-Tewa*	Juan Fernández	1
22. Alburquerque	900	200 (slaves)		Joseph Irigoyen,	
				Andrés Zaballos	2
23. Isleta	100	500	Tewa*	Carlos Delgado	1
	4,170	12,670			25

EL PASO REGION

Missions	Whites	Indians	Language Group	Resident Padres	
1. El Paso	1,090	200	Tewa-Piro*	Joseph Blanco	
2. San Lorenzo	150	150	Zuma	Francisco Guzmán	
3. Senecú	102	384	Piro	Gregorio Escureta	3
				(lay brother)	
4. Isleta	54	500	Tewa*	Andrés Varo	1
5. Socorro	250	250		Mariano López	1
				Joseph Tello	1
	1,646	1,484			6

JUNTA DE LOS RIOS

1. San Francisco	182			Lorenzo de Saavedra	1
2. Guadalupe	221				
3. San Juan	433			Francisco Gonzáles	1
4. San Cristóbal	500				
5. San Pedro	810	Cholomes		Pedro Esquier	1
6. Santiago	200	Zuma-			
		Cholomes		Joseph Paez	1
	2,346				4

GRAND TOTAL FOR CUSTODIA

Indians	17,176
Spaniards and Mestizos	5,825
	23,001

*Some inaccuracy appears in the "Language Group" column for Padre Varo made the common error of using interchangeably—as one and the same thing—the designations "tewa" and "tigua." For instance Sandia was settled by Moqui-Tiguas and not by Moqui-tewas.

In the previous chapter I attempted to portray the workings of the missions in general outline, everywhere on Spain's colonial frontiers. However true that portrayal may be, the general rules were naturally modified in special locations. It is important to remember that the New Mexico missions were, in one respect, radically different from those of California or of Paraguay. The padres of New Mexico managed no mission estates. They were almost parish priests with the exception that they were paid by the crown and directed by their provincial, instead of being under episcopal control and supported by parish fees.¹⁵ At each pueblo the padre had a church where he preached, taught, said Mass and administered the sacraments. The padre's influence and power were confined to religious matters, the temporal supervision of the pueblos being in the hands of subordinates appointed by the governor called *alcaldes mayores*. Each of these secular officials had political supervision over an *alcaldía*, which contained one or several pueblos. These *alcaldes mayores* were expected to inspect the missions, administer local justice, and coöperate with the padres in the mission work.

The missionaries had several sources of support. In the first place, those Spaniards (*Gente de Razón*) in the villas and on ranches within the jurisdiction of a mission paid regular obventions or fees for marriages, baptisms, burials, and masses. These fees were paid in kind, for money was very scarce in the Kingdom.¹⁶ The relation therefore of the Spaniards in New Mexico to the padres was that of parishioners to parish priests of the secular type prevalent in the more urban regions of New Spain.

In the second place, the missionaries received support in the way of food and service from the mission Indians. It was the custom for the Indians to set aside a field for the support of the minister, where they planted enough wheat,

15. Hubert Howe Bancroft, *History of Arizona and New Mexico, 1530-1888* (San Francisco, 1889), 270; Bolton, *The Mission*, 58.

16. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 4v.

corn and beans to supply his needs. The padre often used the yield from this planting to support destitute Indians in his mission, or, in special cases, to aid a neighboring missionary. The Indians did not pay obventions, and were glad to sow this plot for their minister.¹⁷ From all reports it seems that the missionaries were well supplied with household servants. In weekly shifts these *semaneros* worked about the church and cloister, assisting in the religious services, preparing food and keeping house for the minister. In Father Trigo's report of 1754 he devoted most of his time to a description of how well or badly the missionary in each pueblo was faring in a worldly way, and said little about, what should have been of prime concern, the spiritual and temporal welfare of the Indians. His description of Nambé mission, six leagues north of Santa Fé, is a typical illustration of the temporal support gained by the padre from his charges.

... On its spacious fields the Indians sow for the father, their poor minister, since they pay no obventions at all, three fanegas of wheat and one almud of corn. By means of these crops the father passes his year in reasonable comfort. They give the minister one boy for the cell, a porter, a bell ringer, two sacristans, three women servants and three men servants each week with wood enough for the ovens.¹⁸

The women servants were mainly employed in grinding the hard corn kernels and the wheat into flour, for the *tortillas* and bread, bending over their stone *metates* as their great-great-granddaughters do today. It is interesting to note that, in order to conform strictly with social conventions, and prevent any scandal, the women servants were accompanied by their husbands.

Not in all the missions did the padres enjoy such docility and willing service from their charges. The mission

17. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 4v.

18. Hackett, *Historical Documents*, III, 466.

1.58 bushels=1 fanega; an almud is a unit of dry measure varying from 1/12 to 1/2 a fanega.

of Zuñi was the most remote and troublesome. Separated from Santa Fé by seventy leagues of desert and sandstone, forty leagues from Ácoma, its nearest neighbor, the Zuñi Indians, influenced by the apostate Moqui (Hopi) tribes to the west were "certainly very independent." They exhibited their independence by refusing to sow the padre's *milpa*. Their only crop being maize, they, from time to time, from their own stocks, gave the padre a sack filled with ears of corn with which the women made tortillas. However, the minister at Zuñi enjoyed the luxury, not within reach of all the missionaries, of having fresh meat, for the Zuñis raised many sheep and goats.¹⁹

The third means of support of the missionaries and the principal one was the annual, royal sínodos without which the missionaries could not have survived on account of "the extreme poverty and misery of the land."²⁰ The annual salary of each minister of the Custodia amounted to three hundred and thirty pesos. The lay brother (lego escolero) who served as an infirmarian at Santa Fé, received one hundred pesos less. These sínodos were paid in supplies of all kinds that were sent from Mexico including chocolate, sugar, spices, vestments, tools, wax, wine, oil, ornaments, and notions such as rosaries and medals.²¹ Although I have been unable to find any positive statements concerning a mission supply train in this period, such as the one that came triennially during most of the seventeenth century, it must have been in operation, for these shipments of goods arrived with regularity.²²

The Crown in 1749 therefore was supporting thirty-seven ministers in the Custodia of San Pablo including the procurador, the lay brother and four missionaries who were

19. Hackett, *Historical Documents*, III, 462-463, Trigo Report, 1754.

20. Varo Report, 1749, Leg. 8, Doc. 57, Folio 4v.

21. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 6.

22. Mr. France V. Scholes has made a careful study of the Mission supply train in seventeenth century New Mexico. His "The Supply Service of New Mexico Missions in the Seventeenth Century," appearing in three parts, in the January, April, and October, 1930, issues of the *New Mexico Historical Review*, covers the subject very fully.

destined for the projected missions in the province of Navajo. This number was always constant except when decreased temporarily by deaths, by leaves of absence to go to the provincial headquarters of Santa Bárbara in Mexico for medical care or for absence on official business of the Custodia.²³ These hard-working men (in addition to three more lay brothers, unpaid by the crown, bringing the total to forty) had the difficult task of satisfying the spiritual needs of seventeen thousand Indians and five thousand Spaniards who were scattered in uneven groups along seven hundred miles of river.

Unlike the missions of Baja and Alta California the missions of the Custodia of San Pablo received no support from private alms like the famous Pious Fund.

The hardships endured by the padres in the New Mexico missions were certainly more severe than in many other mission areas. It was the usual policy elsewhere, to station the padres in pairs, aided by several soldiers detached from the nearest presidio. The scarcity of both missionaries and soldiers in New Mexico made this impossible. According to Varo's census in 1749 only at Santa Fé, Albuquerque and El Paso did the missionaries enjoy the association of another missionary.²⁴ That these men were fitted by calling, training, and temperament for work of this kind is true, but, in isolated missions like those of Taos, Pecos, Ácoma and Zuñi, the unutterable solitude must have been trying even to the most zealous. The lone padre had no companion of kindred outlook and intellectual status; no one to comfort him in his discouragements and encourage him in his work. Padre Varo was convinced of the need of more missionaries in the Custodia, especially in the missions that lay far removed from others. In the northern part of the Custodia especially in such mountain-valley missions as Pecuries and Nambé, the heavy snows isolated the missions for months, the padre being unable to get out until spring. In case

23. Varo Report, Jan., 1749, B.N., Leg. 8, Doc. 57, Folio 6.

24. See the census table above.

of sickness or death the minister of such a mission had no one to administer him the sacraments. A more important reason for the increase of missionaries was the work of conversion to be done among the heathen Indians bordering the Custodia—the work of extending and civilizing the frontier, a never ending push *más allá*.²⁵

The presidio at Santa Fé mustered only eighty men. This handful had to protect the entire northern part of the kingdom, for the presidio at El Paso had its hands full in its own locality. The whole of New Mexico at this time was suffering from the continual and terrible raids of the Comanches, Apaches, Utes (Yutas) and other predatory nomads. The little garrison had to be kept together in order to be ready for immediate action, making Santa Fé the base for lightning thrusts against the enemy. For this reason the presidials were not distributed among the widely scattered missions.

The unique thing to remember about the Spanish occupation of New Mexico is that the missions were the principal factors that prompted the Crown to retain hold of this region. Economically, the province was a white elephant, and there was no encroaching foreigner, as in Texas and California, to make its retention a political necessity. The importance of New Mexico lay in its missions; in the royal and ecclesiastical aspirations for the conversion of the Indian. It is for this reason that the brown-robed Franciscan exercised a great deal of influence in this remote, river province. He shared his monopoly with no rival religious order; he resented and combated every violation of his jurisdiction by secular authorities.

25. Varo Report, Jan. 1749, B.N.. Leg. 8, Doc. 57, Folio 15v.

(To be continued)

TROUBLOUS TIMES IN NEW MEXICO
1659-1670

By FRANCE V. SCHOLES

(Continued)

CHAPTER VII

THE HOLY OFFICE TRIES DON BERNARDO LÓPEZ DE
MENDIZÁBAL AND DOÑA TERESA DE AGUILERA
Y ROCHE

I

ON APRIL 10, 1663, the doors of the jail of the Holy Office in Mexico City opened to receive Don Bernardo López de Mendizábal and his wife, Doña Teresa de Aguilera y Roche. They were assigned to separate cells, their personal effects were inventoried, and the usual provision was made for their food and laundry.

The first formal audience of López before the tribunal was held on April 28. He answered the usual questions concerning his ancestry and his religious training. The hearing was continued on April 30, when he briefly outlined his life history.¹

Customary procedure in Inquisition cases required the tribunal to make three formal admonitions to the person being tried, telling him that he had not been arrested without cause and urging him to search his memory and to speak the truth, because in so doing he would not only discharge his conscience and save his soul, but also secure a more rapid trial and the mercy of the court. The first admonition in López' case was made on April 30, and López stated that he believed that the Holy Office took action only for just cause, in accordance with formal testimony, but this did not remove

1. The record of the trial of López before the Holy Office is found in *Proceso contra López*, III.

the possibility of false witness, which, in his own case, must have been the cause of his arrest, for he was not guilty of any crime. When the second admonition was given on May 9, he replied that "in his conscience, by the mercy of God, he did not find or feel that he had committed any act against His Divine Majesty, His Holy Catholic Faith, the Evangelical Law, the dispositions of Our Mother Catholic Church, or against the just and free exercise of [the authority of] the Holy Office; because if he had done so he would have come on his knees to accuse himself to the Holy Office and seek mercy." Although the Inquisitors were accustomed to hear protestations of innocence, such a sweeping declaration of self-righteousness must have been rather shocking, but they proceeded with their customary patience and calm, and on June 7 they pronounced the third admonition. López again asserted his innocence and stated that he had nothing to declare.

López did not fail, however, to make use of these hearings, as well as others held on May 10, June 17, and August 29, to anticipate some of the formal charges that were later presented by the prosecuting attorney and to lay the foundations of his defense. He denounced the hostile attitude of the friars in New Mexico, the arbitrary manner in which they were said to have withheld the sacraments in order to impose their will on the governors and citizens of the province, and alleged cases of misconduct by mission clergy. He named Father Posada as his capital enemy, and called attention to the selfish motives that had inspired the conduct of Peñalosa.

On November 28, 1663, the *fiscal*, or prosecuting attorney, of the Holy Office presented the formal accusation. It was a long document, containing no less than 257 articles which summed up every shred of testimony that had been accumulated over a period of four years. Due to the length of the accusation and to the fact that López was ailing, the hearings in which López answered the charges article by

article were spread over several weeks from December 1, 1663, to March 10, 1664.

Space does not permit a detailed analysis of all the charges and López' answers. The most important issues on which the indictment was based have already been discussed in Chapter III. Only a brief resumé, grouping together important articles on various topics, will be presented here, with a summary of López' counter arguments.

(1) Articles 1-12 were based on the testimony that López had expressed doubt concerning the necessity of rich church furnishings and ornaments in the New Mexico mission churches, especially the alleged statement that a hut and a few simple altar furnishings were sufficient for divine worship. López denied these charges and asserted that he was fully aware of the need for elaborate ornaments to impress the newly converted Indians. He took occasion, however, to discuss his relations with the custodians, Fray Juan Ramírez and Fray Alonso de Posada, whom he accused of open and deliberate acts of enmity.

(2) Articles 13-29, as well as several others scattered through the indictment, summed up the evidence that López had denied ecclesiastical authority and jurisdiction, and that he had asserted power over both spiritual and temporal affairs. He refused to admit that he had ever claimed authority over spiritual affairs, and he denied the allegations that he had opposed the just exercise of power by the custodians in matters falling within their jurisdiction. During the course of the hearings he had lengthy arguments with the Inquisitors concerning the nature and extent of ecclesiastical authority, the powers of the custodians under the bull of Adrian VI (the so-called *Omnimoda*), and the respective spheres of action of the civil and ecclesiastical officials. López came off second best in most of these discussions, but he steadfastly denied that he had been guilty of conscious and deliberate infringement of the just powers of the prelates.

(3) Evidence concerning López' hostility towards the

friars, his use of libellous and derogatory speech against them, and alleged violations of ecclesiastical immunity was summarized in numerous articles. The most important of these dealt with the charges that during *visitas* of the province he had inquired into the lives and personal conduct of the missionaries, receiving complaints made by Indians and making formal investigations of the conduct of certain individuals. The accused countered these charges by asserting that when he had made a *visita* in an Indian village his first act was to inquire whether the Indians attended divine service and to admonish the Indians concerning their duties in this respect. He did not deny that he had received complaints by Indians against their priests, but insisted that he had not been guilty of any deliberate effort to inspire such complaints or to make formal inquiry into the conduct of the friars. In his reply to these articles, as in those in answer to others accusing him of denial of ecclesiastical authority, he discussed the Tajique episode described in Chapter III and his instructions to Aguilar at that time, and insisted that he had merely taken such action as was necessary to bring the facts to the attention of the prelate and to assist him in making an investigation. He admitted that he had sent reports concerning the conduct of the friars to the viceregal authorities and to the Franciscan officials in Mexico City, but denied that such action constituted violation of ecclesiastical immunity. On several of these points he had arguments with the Inquisitors who questioned him concerning the nature of his information. Had he based his reports on sworn testimony? If so, the act of taking such testimony was a violation of ecclesiastical immunity. If the reports were not founded on such formal evidence, then was he justified in transmitting charges based only on rumor and hearsay? López stoutly maintained that the conditions he had reported were public knowledge, and that transmission of such information did not constitute violation of ecclesiastical privilege.

(4) Another group of articles contained charges that

the ex-governor had failed to coöperate with the friars, that he had opposed the building of churches at Taos and the pueblo of the Jumanos, and that he had been responsible for the disruption of discipline at the missions by the publication of orders that the Indians should not obey the friars or attend divine offices, by his failure to punish flagrant cases of immorality, and by the issuance of orders that no Indian *alguaciles* or *fiscales* should execute punishment for violations of mission discipline. López energetically denied that he had stated that the Indians should not attend divine offices on the days of obligation or that the Indians should live as they pleased. On the contrary, he had sought to impress upon the Indians their obligations to the Church, and had instructed the *alcaldes mayores* to see that the natives attended mass on Sundays and feast days. He asserted, however, that the punishments inflicted upon the Indians for infractions of mission discipline had been unduly severe, and he admitted that he had instructed the native pueblo officials not to execute such punishments in future, leaving such cases to other authorities.

(5) The controversy concerning the use of Indian labor was summed up in articles 100-108. López protested that the friars had not lacked the services of Indians necessary for the celebration of divine offices and other needs of the churches and convents. It was true that there had been controversy concerning the employment of Indians for other purposes, and he stated that he had offered to permit the friars to hire them at wages lower than the general scale he had introduced. But the clergy had insisted that he should permit them to employ Indian servants without pay. This demand he had steadfastly opposed, because the missionaries had been accustomed to use large numbers of Indians in workshops preparing goods for sale in Sonora and Parral and in other occupations that were not strictly necessary for the maintenance of the churches and convents, or for the celebration of mass and other divine services.

(6) Articles 176-183 contained charges that he had per-

mitted the Indians to perform their heathen dances, despite the opposition of the friars. López admitted that he had granted permission for the dances, provided they were held in public and not in the kivas, and he insisted that he did not regard them as evil or harmful. He also pointed out that the Audiencia had absolved him of similar charges in his *residencia*. The Inquisitors challenged this defense by asking whether he believed that the Audiencia was qualified to give an opinion concerning the character of the dances, or to decide whether his action in permitting them constituted an act harmful to the faith. López readily admitted that the Audiencia had no authority to define such matters. He remarked, however, that if this problem involved a question of the faith, concerning which the Holy Office had jurisdiction, then it should not have been brought into the *residencia* proceedings, and he called attention to the fact that the introduction of such charges in the *residencia* had been done at the instance of the friars, especially Father Posada, the local representative of the Inquisition. It was true that there had been some discussion about the character of the dances, and he had given permission in the first instance in order to see for himself whether they were good or evil. The Inquisitors pointed out (a) that if he had been in doubt about the character of the dances he should not have permitted them at all, and (b) that in any case he had no authority to decide whether they contained elements of heathenism and superstition contrary to the faith, for such questions pertained only to ecclesiastical authority. But López stubbornly denied any intention of opposing the faith or that he had meant to express any opinion in such matters. Moreover, he had merely given a general permission for the Indians to dance, and what he had seen had not appeared to be harmful. In this case, as in any other phase of human conduct, evil elements could be introduced into customs that were ordinarily decent and harmless. The Inquisitors were not impressed by such arguments, and pointed out that a general permission for celebration of

native dances made possible the performance of the heathen *catzinas*.

(7) Thirty-eight articles were devoted to a full re-statement of the blasphemous, heretical, and evil-sounding remarks and propositions attributed to López. Most of these charges were denied as utterly false. They were inspired by pure malice and were libellous fabrications of his enemies. It was impossible that a good Christian, such as he claimed to be, could have uttered such things. In a few cases, López merely testified that he could not recall the case or the circumstances involved, but would search his memory, and if the charges were true he would retract.

(8) More than thirty articles contained charges that López and his wife had been lax in fulfillment of their duties as Christians, that they had not kept Lent in a proper manner, that López had indicated a lack of respect for the ceremonial of the Church, that he and his wife had failed to attend mass on certain days of obligation, that they had tried to prevent their servants from fulfilling their ecclesiastical obligations, and that they abused and punished those who did so. Many of these charges the ex-governor characterized as utterly false, as calumnies to be ascribed to his enemies. Others he admitted to be true, such as eating meat in Lent on his way to New Mexico and his failure to attend mass on certain occasions, but he gave excuses, such as illness, or cited other extenuating circumstances. He denied that he and his wife had punished servants who had attended mass, or that they had tried to keep them from performing their religious obligations. Other charges based on the conduct of López and Doña Teresa will be discussed in section II of this chapter.

(9) Articles 196-200 described certain customs and practices of López and his wife that were suspected of being Jewish in character. These will be discussed in section II, dealing with the trial of Doña Teresa.

(10) Articles 212-214 summarized the evidence concerning the immoral conduct of López in New Mexico. He

admitted several cases of carnal relationships with women in Santa Fé, but denied the charge of incest that was also included in these articles.

(11) Articles 217-220 summarized the testimony that he had sent false reports concerning the conduct of the friars to the authorities in Mexico City. He admitted that he had made reports on conditions in New Mexico and the status of the missions, but denied that such reports were false or inspired by malice toward the clergy.

(12) Another large group of articles (222-225, 231-252) summed up testimony concerning the attitude of López toward the Holy Office and its officials. Some cited derogatory remarks concerning the Inquisitors, others charged him with denial of authority of the Holy Office, and several were based on his conduct after his arrest in Santa Fé in 1662. The ex-governor denied that he had ever been guilty of lack of respect for the Inquisition and its representatives, or that he had denied its authority. His wide administrative experience in the New World had given him an extensive knowledge of Inquisition affairs, and the obedience that every loyal Christian owed to that tribunal. Many of the charges based on reports concerning his words and actions subsequent to his arrest were denounced as entirely false. Others were the result of malicious misrepresentation of his conduct.

(13) Articles 253-257 were based on alleged false witness by López during his hearings before the Holy Office in Mexico City. The most important charge was based on the fact that López had testified in his first formal hearing that none of his ancestors had been arrested or banished by the Inquisition. To prove that this statement was false, the tribunal cited the case of a certain Juan Nuñez de León, grandfather of López' mother, who had been tried and found guilty in 1603 on charges of the practice of Judaism. In answer to this charge, López denied knowledge of the facts in the case cited. To his knowledge his ancestors had enjoyed a good reputation. In any case, if he had forgotten to

testify about this case, as well as other things, too much importance should not be attributed to such action, for "I came here almost without judgment and sanity (*casi sin juicio*)."

(14) Twenty-one articles were based on evidence concerning López' hostility to the Church and the clergy during his term of office as *alcalde mayor* in the Guaiacocotla area in New Spain prior to his appointment as governor of New Mexico.

Thirty-four hearings, spread over a period of three and a half months, were necessary to record the testimony of López in reply to the articles of indictment. It must have been a harrowing experience, in view of the fact that his health was steadily declining. On two occasions the hearings had to be postponed because he was unable to appear. On March 11, 12, and 13 he had to listen to a complete reading of his testimony. An attorney to assist in his defense was appointed on March 18, and four more hearings, held between March 22 and 27, were required to read the complete proceedings to the attorney.

The next entry in the record is dated May 21. It contains a petition by López calling attention to his illness, and asking the tribunal to put him in a cell with his wife and to hasten the completion of his trial. On June 9 he made another petition, citing his miserable condition and asking to be moved to a larger cell where the ventilation would be better. In response to this plea, the Inquisitors gave orders to have the outer door of his cell left open during the daytime. Early in July he took a turn for the worse and a physician was sent to attend him. He lingered for two more months, but death finally released him on September 16, 1664. He was buried in unconsecrated ground in the corral of the secret prison of the Holy Office.

The death of López occurred before the Inquisitors reached a decision concerning his guilt. The case was suspended for several years, but in 1669 the tribunal apparently sought the advice of the Council of the Inquisition concern-

ing future procedure. On March 4, 1670, the Council authorized a member of the Mexican tribunal, to take the matter under consideration and decide whether the Holy Office should reopen the case and proceed against the memory of the deceased.

During the autumn and winter of 1670-1671 the proceedings were reviewed by the Inquisitor, Lic. D. Nicolás de las Infantas y Venegas, who, in turn, requested opinions of other officials of the tribunal on certain points. On March 17, 1671, the Inquisitor sent the findings of these officials to the *fiscal*, and on April 14 the latter announced that he would not press action against the fame and memory of the deceased.

The case was then considered by the Inquisitor in session with the *consultores* (advisors) of the tribunal, including the *alcalde de corte* and the *fiscal* of the Audiencia. On April 16 this board recommended that the case should be dropped and the memory of López absolved. The formal sentence of the Holy Office was pronounced on April 30, 1671. It was declared that in view of the proceedings and the failure of the *fiscal* of the Holy Office to prove his accusation and complaint, the tribunal absolved the memory and fame of Don Bernardo López de Mendizábal, raised the embargo on his property, and ordered his bones to be exhumed and given ecclesiastical burial. On May 6 the bones of the deceased were taken up, and on May 12 they were deposited in a grave in a chapel of the church of Santo Domingo in Mexico City.

II

The trial of Doña Teresa de Aguilera y Roche was carried on concurrently with that of her husband.² The first formal hearing before the tribunal of the Holy Office was held on May 2, 1663, and at this time she gave the usual statement concerning her ancestry and immediate family relationships and a brief resumé of her life history. At the end

2. The trial proceedings are recorded in *Proceso contra Doña Teresa de Aguilera*.

of the hearing the court pronounced the first admonition. The accused replied that she realized that the Holy Office did not make arrests without cause; in her own case, however, arrest must have been caused by the false witness of her enemies and those of her husband, for she had not been guilty of any offense against the faith. The second and third admonitions were given on May 9 and June 12 respectively.

Between June 15 and October 5 Doña Teresa had seven more hearings before the tribunal, all at her own request. She took advantage of these audiences to "discharge her conscience" by relating various unedifying tales concerning the misconduct of ex-governor Juan Manso and other persons in New Mexico, including some of the friars. She also told how Peñalosa had offered to permit López "to write his own residencia" in return for a bribe of 10,000 pesos, and described the meeting with Peñalosa in the Santa Fé church in August 1662 and subsequent events. During a hearing on September 27 she asked for paper in order to prepare a written statement, which she presented to the Inquisitors on October 5.

This written declaration was the first of a series that Doña Teresa presented during the course of her trial. It contained a long diatribe against Peñalosa, the friars, and various persons in New Mexico whom she denounced as enemies of her husband. The "conspiracy" of Peñalosa and the clergy against López was set forth, and the conduct of Fray Salvador de Guerra, Fray Nicolás de Freitas, and others was described in scathing terms. A shorter statement in similar vein was presented on October 26.

On the same day that this second written declaration was filed, the *fiscal* of the Holy Office presented the formal accusation which consisted of forty-one articles based on the testimony of citizens and friars in New Mexico. Replies to the first fourteen articles were received during this hearing, and articles 15-41 were answered during two subsequent audiences on October 27 and 29. On November 19 Doña Teresa received a copy of the accusation, and a week later,

November 26, she filed a statement in writing to supplement the replies that she had given orally.

Articles 35-40 of the indictment were based on the conduct of the accused subsequent to her arrest in Santa Fé by Father Posada in August, 1662. Like her husband, she had indulged in reckless and hysterical speech which had been duly reported to the Holy Office. But these articles did not constitute the important part of the accusation.

Articles 1-34 contained a series of charges to show that Doña Teresa and her husband were not only suspect in matters of faith, but possibly guilty of Judaism. The accusations based on practices suspected of being Jewish in character constituted the most serious part of the indictment, and the others were cited as additional evidence indicating unchristian conduct.

The charges that Doña Teresa and López were suspected of practicing Jewish rites were based on tales told by their household servants. These stories had been spread far and wide, and were related by many witnesses who testified before Father Posada in 1661-1662. Actual eye-witness accounts, however, were given by only four or five persons who were members of the López household. The testimony is summarized below.

(1) Doña Teresa and her husband had made a "special ceremony" of washing their hair and bathing on Friday nights, and on such occasions Doña Teresa had made a special point of shutting herself up in her bedroom while she made her private ablutions. One servant testified that she had tried to spy on the lady at such times, but with no success!

(2) The bed and table linens in the López household had always been changed on Fridays, and López and his wife put on clean clothing on such days.

(3) If circumstances prevented them from bathing or changing their clothing on one Friday, they always waited until the next.

(4) Doña Teresa had been accustomed to take special care with her toilet and to primp on Saturdays, as if specially celebrating that day "which the dead law of Moses orders to be observed."

(5) On a certain Good Friday, López had been too ill to attend church and had remained at home resting on a couch. During the afternoon certain Apache servants announced that the procession of the Holy Burial had passed the Casa Real, and Doña Teresa, with unusual haste, gave her husband a clean cap (*birrete*) to replace the one that he was wearing.

The indictment also alleged that Doña Teresa was guilty of superstition. For example, on a certain occasion she had given her husband "powders" in order to make him desire her. It was also her custom to put onion peel on the soles of her feet. And one servant testified that her mistress saved the blood at the time of her period.

To these charges the *fiscal* added others, all based on the sworn testimony, to show that López and Doña Teresa were not good practicing Christians. The servants had alleged that the accused parties seldom said grace at meals, that they were not accustomed to carry rosaries or make the sign of the Cross, that they showed little veneration for holy images, that they omitted devotions when they went to bed or arose in the morning, that they did not respond to pious phrases of greeting by members of their household, and that they seldom engaged in religious speech, such as relating the life of a saint. Moreover, it was alleged that they had seldom counseled their servants to attend mass or to fulfill their religious duties. On the contrary, they had upbraided with evil speech those who had done so. And it was further alleged that Doña Teresa had soundly thrashed a negro slave woman who had fasted in honor of Our Lady of Carmen.

Certain articles of the indictment accused Doña Teresa and her husband of an obvious reluctance to attend mass and actual failure to fulfill their duties on days or feasts of obli-

gation, especially during the journey to New Mexico in 1659, as well as other violations of ecclesiastical practice.

It had also been noted that Doña Teresa carefully kept her writing desk locked and would not permit servants to open it. Moreover, she had taken pleasure in reading a book in a foreign language, and would sometimes laugh while she was reading. The servant who gave this testimony stated that she had suspicions concerning the character of the book. In the article of the accusation recording this evidence, the *fiscal* asked why Doña Teresa had not been content to read "ordinary books in the Castillian tongue," and stated that her practice of reading in an unknown tongue, as well as her evident pleasure in doing so, caused suspicion that the book possibly contained heresy.

Finally, the servants had testified that López and Doña Teresa never permitted anyone to enter their bedroom while they were sleeping, except a young negro slave girl who slept in the room with them. The indictment notes that although such action had no special importance and would ordinarily be insufficient cause for suspicion, in view of all the other evidence concerning the conduct of the accused, "it is easy to understand that it may have been a special precaution to prevent exil practices, which they perform in secret, from being noted."

In her replies to the indictment, both oral and written, Doña Teresa stoutly denied that her custom of bathing and changing clothing and linens on Fridays had any special significance. And it was not true that she and her husband invariably chose Fridays for such actions. Indeed, Don Bernardo changed his clothes three times a week, "especially his shirt." The bed linen was not changed weekly, but usually once in two weeks. She admitted that she primped on Saturdays, "as all women usually do," because on Sunday mornings there was not time to do so before mass, "except to fix her hair a little." Regarding the Good Friday episode, she testified that she had been reading to her husband the story of the Passion of Our Lord, that he had asked

her several times for a clean bed cap, and that when the servants announced that the procession had passed she hastened to get him a clean one because she knew that they would have visitors. Besides, there was nothing evil in putting on a clean cap in any case!

In his own testimony before the Holy Office, López also denied that he had made a practice of bathing and changing his clothes on any special day. He had changed his clothes whenever it was necessary, in hot weather almost daily. And "it was a great falsehood" that he had taken special pains to wash his head on Fridays, although he might have done so occasionally. "Ordinarily two or three months passed without doing so." He confirmed his wife's testimony about the bed cap, saying that servants had announced the arrival of guests and consequently he desired a clean cap.³

Doña Teresa denounced the charges that she practiced superstition as utterly false. It was true, however, that she sometimes put onion peel on her feet, because she had corns and no other remedy was available!

Both López and his wife denied the accusations that they omitted their devotions and were remiss in other phases of their conduct. Doña Teresa testified that she had always taken special care to see that her servants attended divine services and that two or three of them ordinarily accompanied her to mass. And it was false that she and her husband upbraided and chastised servants who made their devotions. She did not deny, however, that she had used corporal punishment on the negro slave woman, but not for the cause alleged. This negress was a trouble maker, given to thieving and trickery, and it had been necessary more than once to chastise her.

As noted above, López cited extenuating circumstances for failure to attend mass or to confess on certain occasions, and Doña Teresa testified that in her own case serious illness had been responsible for her conduct during the trip to New Mexico in 1659.

3. *Proceso contra López*, III.

It was true that she had kept the writing desk locked at times because her seryants were thieves! And with regard to the book in the foreign tongue that she had read from time to time, it was Tasso's *Orlando Furioso*. She reminded the Inquisitor that she had been born and reared in Italy and that she had learned Italian. She did not want to forget the language, and that was why she took pleasure in reading her Tasso.

Both López and Doña Teresa admitted that they slept alone in their bedroom, except for the little slave girl. But what was evil in such a custom? They had always done so as a matter of modesty, for "it was a practice that most married people ordinarily follow." Moreover, the servants slept in the next room and could be called if needed.⁴

After Doña Teresa completed her depositions in reply to the articles of accusation, an attorney was appointed to assist in her defense. Two hearings were held on November 27 and 28 during which the record of the proceedings were read to the attorney.

The next stage in the trial was the "publication of the witnesses," a normal part of the procedure in Inquisition cases. Extracts of the sworn testimony on which the articles of indictment were based were read to the accused, but the names of the witnesses were not revealed. In certain cases, however, the accused was able to identify the witnesses by the nature of the testimony, or the time and circumstances of incidents that were related. The "publication" was made during a hearing on December 6, and Doña Teresa gave her replies on December 7 and 11. In most cases, she merely referred to statements already made in her oral and written answers to the accusation. On December 11 she asked for a copy of the "publication" in order to prepare a more extensive statement in writing with the counsel of her attorney. This request was granted, and on January 9, 1664, she filed her deposition, a long document comprising seven closely written *pliegos*.

4. *Ibid.*

In this document, the most interesting item in the long manuscript record of the proceedings, Doña Teresa undertook to undermine the evidence against her by citing reasons why persons who had testified were inspired by personal enmity and malice. Inasmuch as she could not be sure of the identity of the witness in many cases, she listed all those persons whom she had reason to suspect might have given evidence. She mentioned by name more than seventy-five persons, citizens, friars, servants, etc., and gave reasons why they were her enemies. For example: "If Juan Manso testified, he is my enemy because," etc., etc. "If Francisco de Xavier testified, he is an enemy because," etc., etc. Some were enemies because López had removed them from office, others because he had taken away their encomiendas, and others because of legal proceedings instituted against them or because her husband had chastised them for immoral conduct. In direct and brutal fashion she laid bare the details of life and society in New Mexico, local jealousies and petty crime, the carousing activities of numerous citizens and their marital infidelities. She realized that the direct eye-witness evidence had undoubtedly been given by her household servants, and she wrote long blasts against them, describing their thieving activities, their quarrels and fist-fights, and their inveterate habit of sneaking out at night to carouse with undesirable citizens. Most of the servants were negro and Apache slaves, troublesome Pueblo Indians sent to Santa Fé for service as the punishment for petty crime, or low-class mestizos, and if we may judge by Doña Teresa's account, the Casa Real must have been a turbulent place in which the governor's lady maintained discipline only by eternal vigilance and occasional use of force.

This tirade undoubtedly served to strengthen Doña Teresa's defense, for she had put her finger on several of the most important witnesses who had testified against her. Although the document illustrated her own prejudices, it raised serious questions concerning the motives of many of the witnesses and the trustworthiness of their testimony.

During January the remainder of the trial record was read to her attorney, and when this part of the procedure had been completed the attorney asked for a copy of the indictment and the extracts of testimony in order to prepare a statement in defense of the accused. Ill health of the advocate delayed further hearings for a few weeks. Then in March Doña Teresa asked the court to read the indictment and testimony to her again, stating that when she had made her defense the first time she had been in a nervous state and lacked experience, and she feared that she had not made her replies in the best manner. The court granted this request, and two hearings were devoted to the reading of the proceedings and the recording of her depositions.

On March 20 Doña Teresa's attorney filed a long written statement analyzing the testimony on which the indictment was based. This document called attention to the fact that most of the testimony was based on rumors and hearsay. The testimony of the few eye-witnesses who had given depositions before Father Posada was also carefully analyzed. Numerous contradictions and discrepancies in the testimony were noted, and attention was called to the lack of precise evidence and proof on many points. In certain particulars, the indictment was based on the deposition of a single witness. Moreover, the petition alleged that "malice and conspiracy" characterized much of the evidence, and that due to ignorance on the part of the witnesses, harmless actions had been misinterpreted. It was also pointed out that some of the charges, especially those relating to the alleged practice of Jewish rites, were not based on any clear proof of motive and intent, but were mere presumptions not substantiated by definite evidence. Indeed, the charge of Judaism constituted "the whole case," because the other articles of indictment citing lack of respect for the faith and unchristian conduct served merely to bolster up that charge and had little importance except in relation to it.

During the next three months little progress was made in the proceedings due to the fact that Doña Teresa's attor-

ney was ill and refused to appear at the hearings. It was during this interval, however, that the accused made some very interesting confessions to the tribunal. It appears that soon after her arrival in the jail of the Holy Office, one of the assistant jailers, a certain Juan de Cárdenas, informed her that he had been a friend of her father in Cartagena and offered to advise her what to say during the formal hearings and how to conduct her defense. This person was able to get fairly exact information of the proceedings before the court, told her what charges had been filed against her husband and against the four New Mexican soldiers—Aguilar, Gómez, Romero, and Anaya—who were also being tried. Likewise, he maintained contact with López and the other New Mexican prisoners, and from time to time brought messages to Doña Teresa from her husband. It was Cárdenas who had advised her to present the long written statement giving reasons for the hostility and enmity of witnesses who might have testified against her. Moreover, it would appear that some of the information included in that statement had been furnished by her husband and transmitted to her by Cárdenas. In a series of hearings held at intervals from April 22 to July 19, 1664, Doña Teresa confessed all this intrigue to the Inquisitors. Original notes on the trial record indicate that formal proceedings were instituted against Cárdenas.

The illness of Doña Teresa's attorney was so prolonged that finally a new advocate was appointed on September 2. Consequently, it was necessary to read the record to this newly appointed attorney, and this took up five hearings between September 12 and 17. From time to time during these audiences Doña Teresa gave additional testimony concerning affairs in New Mexico, as well as her private relations with her husband. She had already explained to the court that her insistence on privacy in her home in Santa Fé and other alleged peculiarities of conduct had been inspired, in part, by her husband's immoral conduct and her efforts to quiet scandal. And now she unburdened her heart and re-

vealed other details. It is obvious that she was in a state approaching hysteria.

During the hearing of September 17 Doña Teresa's new advocate suggested that in view of what she had confessed concerning her secret discussions with the assistant jailer, Juan de Cárdenas, and the possibility that her earlier replies to the indictment had been colored by Cárdenas' advice, the indictment and publication of the witnesses should be read once more in order to give the accused one more opportunity to testify the whole truth. Doña Teresa agreed, and beginning on September 20 seven more hearings were held for this purpose. The record shows, however, that Doña Teresa added little to what she had already told. The charges alleging the practice of customs suspected of being Jewish were those that gave her the greatest concern, and she reviewed once more her habits of bathing, putting on clean clothes, and changing the bed linens. It was true that at certain seasons she had bathed on Fridays, and she admitted that tales told by her servants had made this practice a matter of public discussion in Santa Fé. On one occasion it had been a topic of conversation with her husband, and she had upbraided him for not warning her that "the Jews bathed on Friday." It was all his fault, for she would not have chosen that day if she had known! Bitter words had followed.

Poor Doña Teresa! What with thieving and spying servants, her husband's infidelity, the petty jealousies of provincial society, and the hostility inspired by López' administrative policies, her stay in New Mexico had been very unhappy. Many times she must have longed for those better days when she had lived in Italy and for the refinements of European society. In Santa Fé she had had few friends whom she could trust, and most of these had known only the rude life of the frontier. It is not surprising that she took pleasure in reading her Tasso, and no more surprising that her companions regarded her with suspicion when

she laughed as she read from that "book in the foreign tongue."

At long last the proceedings came to an end. On December 19, 1664, the tribunal voted to suspend the case. On the following day she received formal notification of this decision, and, according to the record, "she gave great thanks to God Our Lord and to this Holy Tribunal." After more than twenty months in the jail of the Holy Office, she was finally free to resume a normal life among relatives and friends in Mexico City whom she had left six years earlier to undertake the ill-fated journey to New Mexico with her husband.

III

Thus the proceedings of the Holy Office against ex-governor López and his wife were brought to a conclusion. But litigation over their property that had been placed under embargo pending their trial was carried on for many years.⁵ This property consisted of two lots: (1) the goods that Posada had seized after the arrest of López in 1662 and shipped to Mexico City in the supply caravan; (2) the goods and livestock sent to New Spain by Peñalosa and embargoed at Parral by Juan Manso on instructions from Posada. The first lot and part of the second were delivered to the *real fisco* in Mexico City in the spring of 1663; the remainder of the second lot held in Parral was liquidated and the proceeds sent to Mexico City, as noted in the preceding chapter. For various reasons separate records were kept of the legal proceedings and accounting of the two lots.

When the goods seized by Posada were delivered in Mexico City by Fray Juan Ramírez, the administrator of the supply service, they were inventoried and deposited with responsible persons. Piñon nuts constituted the most important part of this shipment and efforts were made to sell them as soon as possible before they spoiled. Large quantities were knocked down at auction during the summer of

5. The record of the litigation is found in A. G. P. M., Tierras 3268, 3283, 3286.

1663, but a considerable stock remained unsold. There was an even slower market for the hides, textiles, and the numerous articles of household goods. During the next few years sales of certain items were negotiated.

After being released by the Holy Office, Doña Teresa made an effort to obtain possession of part of this property. On March 16, 1665, she petitioned the tribunal to turn over to her half of the goods as her share of the property. She also asked for the clothing, personal effects, and household furnishings. For various reasons the Inquisitors refused to grant the first half of her petition. They stated that there was no proof of joint ownership. Several of López' creditors had filed claims, and these had to be adjusted. Moreover, the Holy Office also had claims against the property for more than 1800 pesos, the expenses of transporting López and Doña Teresa to Mexico City and the costs of their maintenance in the jail of the Inquisition during the trial. Lastly, no final settlement could be made until López' case had been formally concluded. The tribunal agreed, however, to turn over the clothing, personal effects, and household goods, on condition that Doña Teresa would give bond for their value pending final liquidation and settlement. These goods were appraised and in due course delivered to her, under the conditions stated.

On December 5, 1665, and again on July 12, 1666, Doña Teresa made new petitions to the tribunal, citing her poverty and need and asking for a share in the embargoed property. But the Inquisitors denied her requests, citing the same reasons as before. There were also other considerations involved. López had alleged that several persons in New Mexico owed him money, and some effort had to be made to determine whether these claims were valid and to obtain payment. In addition, it was known that a quantity of piñon belonging to López had been left behind at El Paso in 1662. Apparently part of this stock was shipped to Mexico in 1665.

As noted in Section I above, the Holy Office in 1671

voted to absolve the memory of López and raise the embargo on his property. This action removed one obstacle preventing a settlement, but the documents do not provide a record of the final litigation in the case.

Part of the goods embargoed at Parral and reshipped to Mexico City was sold in 1663. Other items were disposed of from time to time during the next four years. Peñalosa tried to establish just title to the property, and he sent Tomé Domínguez de Mendoza to Mexico to file action to have the embargo raised. Litigation was suspended, however, by a decree of the tribunal on July 4, 1663.

There were various reasons why the Holy Office had to proceed with caution in establishing legal ownership. In the first place, it was necessary to review the evidence concerning the manner in which the property had been acquired by Peñalosa and his agents in New Mexico. Second, the Holy Office had to take into account the fact that part of the goods had originally been embargoed by Peñalosa to pay claims, fines, etc. in accordance with the sentence in López' *residencia*, and the property could not be disposed of until some effort had been made to ascertain whether these obligations had been paid. It was also clear that some of the property that had once belonged to López had remained in Peñalosa's hands in New Mexico. Such property was subject to embargo like the rest, and the Holy Office made an effort, ineffective apparently, to discover its amount and whereabouts. Consequently, these questions dragged on for years, and little progress was made despite numerous petitions by Doña Teresa or her representatives.

Finally, in 1678 the Inquisitors ordered the sale of such parts of the property embargoed at Parral as had not already been disposed of, and the proceeds were turned over to the agent of the Holy Office. But even then, López' heirs did not receive a settlement. As late as 1689, litigation over the goods was still pending. The manuscript record ends at that point.

CHAPTER VIII

THE PROCEEDINGS OF THE HOLY OFFICE AGAINST THE FOUR
SOLDIERS OF NEW MEXICO

Formal trial proceedings were started against the four soldiers of New Mexico within a relatively short time after their arrival in Mexico City in April, 1662. For more than a year and a half thereafter the trials dragged out their weary course.¹ The case of Diego Romero will be described first because testimony given by the defendant during the hearings provided the basis of supplementary indictments against Nicolás de Aguilar and Cristóbal de Anaya Almazán.

I

Diego Romero was a native of New Mexico, the son of Gaspar Pérez, a soldier from the Spanish Netherlands, and María Romero, the daughter of a conquistador. His father, who had served in the province for some forty years as the armorer of the local militia with a salary paid by the treasury of New Spain, had always been a loyal partisan of the governors in the long series of Church and State controversies, and this point was cited against the defendant during his trial. Romero had been reared in the rude life of the frontier, and had received little formal education. He told the Inquisitors that he had never learned to read or write with any facility. He had served in numerous local campaigns, having held the rank of captain, and he had been elected *alcalde ordinario* of Santa Fé. During the term of office of López de Mendizábal he had received official favor, and many persons regarded him as a close associate and counsellor of the governor.

Romero was summoned for his first formal audience before the tribunal of the Holy Office on May 5, 1663. He made the customary statement concerning his ancestry and life history, and at the end of the hearing he received

1. While the proceedings against the four soldiers were in progress, the Holy Office also tried the ex-custodian of New Mexico, Friar Juan Ramírez. This case has been discussed in my essay, "The Supply Service of the New Mexico Missions in the Seventeenth Century," *NEW MEXICO HIST. REV.*, V (1930), 386-404, *passim*.

the first admonition. The second and third admonitions were given May 7 and 11. Four more hearings were held during the succeeding weeks, and on September 19 the *fiscal* presented the accusation consisting of twenty-three articles.²

Articles 1-6 and 21-22 cited evidence to prove that Romero had made evil-sounding and scandalous remarks to the effect that when a man and woman were engaged in an illicit relationship, there was a mutual obligation to grant the *débito*, or conjugal act. The *fiscal* denounced this proposition as formal heresy, on the ground that it justified immorality and violated the sixth commandment. In his replies to the accusation, the defendant admitted that he had made various remarks about the duties of married and unmarried persons with regard to the sexual relationship, but he denied that he had been guilty of the scandalous proposition ascribed to him. If he had said things that were contrary to the faith, it was due to ignorance and the inadequate religious instruction he had received in New Mexico.

Five articles (7-11) summarized testimony to show that Romero had defended the false doctrine that a priest who baptised an infant did not contract spiritual relationship (*parentesco espiritual*) with the infant baptised or with its parents. The defendant denied the general charge, but admitted that this question had been discussed on certain occasions.

Articles 12-16 dealt with an incident that had occurred in 1660 when Romero and a group of soldiers had made an expedition to the plains for the purpose of trade with nomadic tribes. Considerable evidence had been received that on this occasion Romero had participated in various ceremonies performed by a group of Apaches, and that he had been married according to their heathen rites to an Indian girl with whom he subsequently had carnal intercourse. According to certain witnesses, the Apaches had told Romero that in time past his father, Gaspar Pérez, had visited them and "had left a son" with them, and that he should do the

2. *Proceso contra Romero*, ff. 70-171 record the trial proceedings.

same! Participation in these heathen and superstitious rites, the *fiscal* alleged, was proof of the defendant's "evil inclination and lack of Christianity" and constituted grounds for believing that he was suspect in the faith.

During a hearing on May 11 Romero had given the tribunal some account of this incident. He said that when he and his companions arrived at the Apache camp the Indians began to perform dances, and that the members of his party, in order not to antagonize them, had watched these ceremonies. Later in the evening several Indians took him to their huts, and the next morning they started to perform certain rites. Pleading illness, he had asked them to take him back to the place where his companions had camped. On August 29 Romero informed the court that he had not told the whole truth about this episode during the hearing on May 11. He admitted that one reason why he had gone to the plains was to have the Apaches make him a captain, "as they had done with Capt. Alonso Baca, Francisco Luján, and Gaspar Pérez, father of this defendant, and with a friar of the Order of San Francisco named Friar Andrés Juárez." It was also true that the Indians had performed dances in his honor and that these rites "contained superstition . . . but he never believed in the said superstitions." And he testified further that during his stay among the Apaches he had slept twice with "a heathen Indian woman," a deed that "he greatly regretted, and for which he asks the pardon of Our Lord." In his replies to articles 12-16 of the accusation, he referred to the foregoing testimony.

Article 17 accused him of incest with his cousin, by whom it was alleged he had had a son. Romero testified that the girl was a *mestiza* whom his mother had reared and that she was not related to him in any way. He also denied that the son was his own, although he had reared the child in his own home.

Article 18 contained the charges that Romero was guilty of "incredible hatred" toward the friars. In his reply, the defendant insisted that he had always "revered the

priests as ministers of God our Lord," although it was true that he had spoken out against some who had been guilty of "public sin and scandal."

Finally, articles 19-23 summarized certain points based on Romero's own testimony before the tribunal. In one article the *fiscal* took note of the defendant's admission that he had not told the truth during the hearing of May 11.

After Romero made his depositions in reply to the accusation, the court appointed an attorney to advise him and assist in his defense. The Inquisitors also offered to provide the defendant with a copy of the accusation, but Romero said that he had no need of such a copy. His attorney could attend to such matters.

During the autumn of 1663 Romero appeared before the court at various times, usually at his own request. On one occasion he denounced several friars, citing their misconduct and alleging that they were his enemies because he had discussed their misdeeds. But as time passed, his tune changed and he admitted that many of the articles of the accusation were actually true. First of all, he confessed that he had made statements that priests did not contract spiritual relationship with infants whom they baptised or with their parents. He protested, however, that he had based his remarks on what he had read in a book, and that apparently he had misunderstood what he had read. Second, he also admitted that he was guilty of the scandalous proposition about the obligations of persons engaged in illicit intercourse, but insisted that he had not realized the full implications of his remarks on this point. And little by little he gave additional details about his participation in the Apache ceremonies, although he alleged that he had merely consented to these superstitious rites without actually believing in them.

It is apparent that during his first hearings Romero had tried to put on a bold front, but this attitude of bravado and bluff was gradually broken down. In the end he not only made sorry admissions concerning his own character, but

also revealed things that were damaging to the cause of his friends, especially Aguilar and Anaya. On October 12 he told the Inquisitors many things about his early life that illustrated his lascivious nature. Moreover, he frankly admitted that he had deliberately sought to bolster up his defense by denouncing the faults of others and by withholding the whole truth about his own case. Although he had come to the Holy Office with the intention of confessing everything, he had not done so, "because the devil had blinded him," and he had believed that it would injure his honor to tell all. But now he had reconsidered, "for there is no greater honor than to serve God our Lord, to confess his sins, to seek pardon for them, and to tell how he had lived without fear of God and His divine justice."

In order to give the court further proof of his newly found honor, he proceeded to give testimony that he knew would cause trouble for his fellow prisoners. At some length he described what had transpired during the time the four soldiers were held in prison at the pueblo of Santo Domingo in New Mexico. They had occupied adjoining cells, and by making holes in the adobe walls they had been able to converse and to discuss ways and means of defending themselves before the Holy Office. During these discussions they agreed that the friars were the cause of all their troubles, and at one time, so Romero said, Nicolás de Aguilar had suggested that the best thing to do would be to break jail, kill two or three friars, seize all the papers in Posada's possession, and then escape. Romero also told how the prisoners had been able to send messages to their families, how a certain friendly friar had come to advise them about preparing their defense, and how Peñalosa had sent a letter to Anaya offering counsel and assistance. During the journey to Mexico City the prisoners had maintained contact, and after their imprisonment in the jail of the Holy Office they had been able to compare notes, exchange news, and discuss the proceedings before the tribunal.

This testimony was later used by the *fiscal* to support

separate and supplementary accusations against Aguilar and Anaya. In Romero's case, however, the *fiscal* made no such supplementary accusation. Perhaps the defendant had offered to turn "state's witness," and as such received special consideration.

The publication of the witnesses was made on November 9, 1663, and the defendant's replies were received the same day. After further legal formalities the Inquisitors and their *consultores* took a vote on January 23, 1664, found Romero guilty, and outlined the terms of the preliminary sentence. Formal pronouncement of the sentence was delayed, however, for several months. During the intervening period Romero appeared before the court from time to time to give testimony concerning conditions in the Inquisition jail. These depositions contain an extremely interesting account of means employed by the prisoners to communicate from cell to cell and exchange news, and other details of everyday life in the prison.

The *sentencia de vista*, or preliminary sentence, was pronounced October 31, 1664. It stated that the proceedings had proved that Romero was an "apostate heretic," and that as such he had incurred major excommunication and confiscation of his property for the benefit of the *real fisco*. The court decreed that as penance for his deeds Romero should participate in a public *auto de fé* and publicly abjure his errors, and that he should be condemned to service in the Philippine galleys for four years. The sentence also provided that henceforth he should not be eligible for public office, that he should not wear "articles of gold, silver, pearls, precious stones, silk, moiré, or fine cloth," and that he should not ride a horse or carry arms.

The preliminary sentences of the tribunal served, in part, to test the temper and attitude of defendants, and if the latter admitted their guilt and asked for mercy, the terms were often moderated. Romero immediately petitioned the court to reconsider its findings, and to moderate the sentence, taking into account that he had confessed his guilt, and that

the offenses he had committed had been the result of ignorance, his meager training in doctrinal matters, and his general lack of experience (*rusticidad*). The *fiscal* objected to this plea, but he was overruled.

The court voted to revoke the decision to confiscate the defendant's property and to condemn him to service in the galleys. Instead, it decreed that Romero should be banished from New Mexico for ten years, and that during this time he should reside in Parral. The remainder of the preliminary sentence, with a few minor changes in the clause about the defendant's participation in an *auto de fé*, was confirmed.

The final sentence (*sentencia de revista*) was pronounced during an *auto de fé* held in the church of Santo Domingo in Mexico City on December 7, 1664. Romero made his abjuration on the same day. Finally, on December 17 he was set free, after having adjusted the costs of his trial which were paid out of the property that had been embargoed for that purpose.

II

The trial of Nicolás de Aguilar started on May 8, 1663, when he was called for his first audience. The first admonition was pronounced at the end of this hearing, and the second and third on May 11 and 17 respectively.³

The defendant was a native of the province of Mechoacán. At the age of eighteen he moved to Parral where he spent six years as a soldier and miner. Having killed his uncle during a brawl, allegedly in self defense, he took refuge in New Mexico, where he was ultimately pardoned at the time of general amnesty proclaimed in honor of the birth of a royal prince. In New Mexico he married a certain Catalina Márquez, and took up residence near the village of Tajique. During his stay in New Mexico he served in the local militia, twice with the rank of company captain, and was finally appointed *alcalde mayor* of the Salinas area by

3. *Proceso contra Aguilar*, ff. 87-222, record the trial proceedings.

Governor López. At the time of his trial he was thirty-six years old.

The accusation was presented by the *fiscal* on October 19, 1663. It contained fifty-two articles, of which forty-five were based on the testimony concerning Aguilar's conduct and activities as *alcalde mayor* of the Salinas jurisdiction. The remainder summarized various points relating to the defendant's testimony before the court during early hearings. An extensive account of the role played by Aguilar as *alcalde mayor* has already been given in Chapter III, Section IV, and it will not be necessary, therefore, to make a detailed review of the indictment. The *fiscal* cited incidents, cases, and other particulars to prove (1) that the defendant had infringed on ecclesiastical jurisdiction and immunity, (2) that he had obstructed the missionary program by prohibiting the service of Indians at the churches and convents, (3) that he had undermined mission discipline by interfering with the punishment of Indians guilty of misconduct and other offenses, (4) that he had encouraged heathen and idolatrous practices by permitting the performance of native dances, and (5) that he had been guilty of hostile and unseemly conduct toward the friars and general lack of respect for the Church, its teachings, and its censures.

Aguilar made a vigorous defense against these charges during his hearings before the tribunal. His depositions were characterized by a certain quality of directness that was lacking in the testimony of Diego Romero and Cristóbal de Anaya. It was impossible, of course, for him to evade the major issues, but having taken a stand he usually stuck to it. His nerve—perhaps stubbornness is a better word—never failed him, and he did not humiliate himself, as Romero had done, by coming before the court in hearing after hearing to tell unsavory details of his early life, to admit his guilt little by little, or to testify against his fellow prisoners. During the trial proceedings this rough, illiterate frontiersman—this Attila, as the friars called him—displayed

greater dignity and self respect than any of the other New Mexican soldiers, with the exception of Francisco Gómez Robledo.

His major argument in defense of his conduct as *alcalde mayor* was that he had acted in accordance with instructions from his superior officer, Governor López de Mendizábal. It was on López' orders that he had prohibited the forced service of Indians without pay and had instructed village officials not to execute the friars' orders for punishment of infractions of mission discipline. And he had permitted the native dances because the governor had given a general license for their performance. Although there was much to be said for the defendant's argument, the *fiscal* could always combat it by pointing out that it could not be made a valid excuse for unjust actions harmful to the missionary program and sacerdotal dignity, or for any infringement of ecclesiastical authority and privilege. The defendant's position as an administrative officer did not change the fact that he was a professed, practicing Christian, and as such he was under no obligation to execute orders of a superior officer that would result in harm to the Church. Moreover, his plea that he had acted under orders could not excuse abuses and excesses committed in execution of the same.

The record indicates that Aguilar had not used good judgment in some of his administrative actions, and that he had employed extreme or inexpedient measures in executing the governor's orders. Although the enforcement of the regulations concerning Indian labor had caused resentment in all parts of the province, apparently the *alcaldes mayores* in other areas had acted with more discretion and had not aroused the animosity of the friars to the extent Aguilar had done. Undoubtedly the conduct of some of the friars in the Salinas area, especially Friar Nicolás de Freitas, who was the most belligerent of all, served as provocation for some of Aguilar's actions, but the *alcalde mayor* was also responsible for part of the unrest and turmoil in that district. His

own attitude had been hostile and belligerent at times, and he had been guilty of unseemly conduct.

The *fiscal* placed considerable emphasis on the question of the native dances. The heathen and superstitious character of the dances was set forth in several articles of the accusation, and it was alleged that Aguilar had not only witnessed these ceremonies, but had encouraged and ordered the Indians to perform them, regardless of the protests of the friars. The defendant asserted that responsibility for "the dancing of the *catzinas* did not rest with him but with Don Bernardo López de Mendizábal who authorized the dances in the entire kingdom." Moreover, he asserted that he had no way of knowing the true character of the ceremonies, for he did not understand the language of New Mexico. Besides, other *alcaldes mayores*, who were natives of the province and who spoke the language of the Indians, had permitted them. He made a damaging admission, however, by testifying that the friars had told him that the dances "contained evil things," but he followed up by a statement that when he asked the friars to explain these "evil things" in order to make a report to the governor, they had replied that they could not do so. The defendant was obviously skating on thin ice at this point.

Aguilar also based his defense on assertions that the evidence of many of the witnesses was circumstantial and incomplete, and in some cases grossly misrepresented the facts. He took pains, therefore, to present in some detail his own version of various incidents. It was undoubtedly true that the testimony of witnesses examined by Posada, especially some of the friars, gave a onesided picture of conditions in the Salinas area, and that Aguilar was unjustifiably accused of wrong motives for some of his administrative actions. Many of Aguilar's explanations ring true, and on certain points his testimony was confirmed by the depositions of López. On the other hand, his own version of conditions in the Salinas area was bound to be prejudiced and circumstantial on many points. The records of the proceed-

ings against López and Aguilar contain so much conflicting testimony that the reader is often left confused and bewildered.

The *fiscal* used the first three articles of the accusation to set forth the evidence concerning Aguilar's share in the Parraga episode and the proceedings at Tajique presided over by the Vice-Custodian Friar García de San Francisco, which had resulted in ex-communication of the defendant. (See Chapter III, Section IV.) In this manner special emphasis was given to the charge that the defendant had been guilty of infringing on ecclesiastical authority and immunity and of lack of respect for ecclesiastical censures. Aguilar gave a lengthy account of this entire affair in order to show "that he had not acted with intent to violate the immunity of the Church and ecclesiastical persons, but merely to obey his governor."

On October 24, 1663, the day Aguilar completed his depositions in reply to the accusation, the court appointed an attorney to advise and assist him during the remainder of the proceedings. The publication of the witnesses was made on January 17, 1664, and the defendant's replies were received four days later.

During a hearing on January 24, 1664, he made an important plea to the tribunal, obviously on the advice and counsel of his attorney. He called attention to the fact that much of the evidence "reduced itself in substance to the fact that he had caused vexations and difficulties for the missionaries in those provinces" by forbidding the Indians to serve the missions as farmers, *fiscales*, and in other capacities. But his actions in this respect could be justified on several grounds. In the first place, he had merely executed the orders of the provincial governor. Second, if the governor had not issued such orders, the defendant would have been obliged by virtue of his office, to follow a similar line of action because of the many and repeated royal cédulas instructing civil officers to prevent abuses and excesses committed by the clergy in the employment of Indians for the

service of the churches and convents. Consequently, the defendant maintained that his intervention in the matter of Indian labor in the pueblos within his jurisdiction could not be interpreted as an intent to depreciate the sacerdotal dignity. The petition also pointed out that native ceremonial dances were also permitted in parts of New Spain, "except when they constitute idolatry," and that it was necessary to use suavity and forbearance in dealing with the natives, in order not to alienate them from their new allegiance to European ways.

This plea shrewdly called attention to fundamental problems of policy and administration. One of the major problems of colonial government in Spanish America was the maintenance of a just balance between religious and secular interests. Civil officers were under obligation to protect the Indians against abuse and maltreatment from any source. And it was true that the Crown had frequently taken note of the fact that the clergy demanded excessive services from the Indians and had instructed its representatives to prevent abuses of that kind. Nevertheless, the execution of these royal orders often created serious difficulties. What constituted abuses in actual practice? The clergy insisted that the services of a large number of Indians were essential to the success and permanence of the missions. Other persons regarded such labor as an excessive burden on the natives. The local officials who had to deal with such problems were in an extremely uncomfortable position. Moreover, it was difficult to define the limits of civil and ecclesiastical jurisdiction and to determine at what point the exercise of administrative function infringed on ecclesiastical authority and privilege.

The Inquisitors, being learned and experienced men, were fully aware of these problems, and the arguments of Aguilar undoubtedly received careful consideration. The issue before the court, however, was whether Aguilar, in the exercise of his administrative functions, had been responsible for conditions that were harmful to the advancement

of the faith, or had committed acts hostile to the clergy and the Church. In view of the fact that the Holy Office was extremely jealous of ecclesiastical rights and privileges, it is obvious that Aguilar would have to make a very strong case in order to offset the evidence against him. Moreover, the charges based on the performance of native dances could not be offset by the argument that such ceremonials were permitted elsewhere. The crux of this question was the character of the dances, and whether Aguilar had permitted them, knowing that they contained heathen rites.

On February 29, 1664, the *fiscal* presented a second accusation containing charges concerning the conduct of Aguilar subsequent to his arrest in New Mexico in 1662. This document was based on the testimony given by Diego Romero concerning the secret conversations of the four soldiers in their cells at the pueblo of Santo Domingo, the manner in which they had been able to communicate with their families and friends, the events of the journey to Mexico City, and the exchange of news about the trial proceedings after they had been incarcerated in the jail of the Holy Office. This supplementary indictment was intended to prove that Aguilar had been guilty of conspiracy, and that he had violated his oath not to reveal the nature of the proceedings before the tribunal. The defendant admitted much of the evidence concerning the secret conversations of the prisoners in their cells at Santo Domingo, but he denied that he had proposed that they should break jail, kill some of the friars, and seize Posada's papers. He testified that he had talked with Romero and Anaya in the jail of the Holy Office, discussing the trial proceedings and comparing notes, but his version of these conversations differed in various particulars from that given by Romero.

Two hearings, held on March 21 and 26, 1664, were devoted to the reading of the testimony concerning this second accusation, and the recording of Aguilar's replies. On March 29 these proceedings were communicated to his attorney. There the case rested for several months.

Finally, on September 11, 1664, the Inquisitors and two *consultores*, members of the *audiencia*, met to take a vote and decide the case. The document describing this meeting does not record any of the discussion concerning the points at issue, or the relative importance assigned to the various charges against the defendant, but merely stated the votes of the persons who participated. There was some difference of opinion concerning the action to be taken. One of the *consultores* was of the opinion that the decision should be postponed, and that some ecclesiastic, not a friar, should be sent to New Mexico to investigate the case and report to the Holy Office. This suggests that the *consultor* who proposed this procedure was not entirely satisfied with the evidence before the court. But three other members of the board, including the second *consultor*, were apparently convinced that the defendant had been guilty of offenses against the Church, and voted to pronounce sentence. Two of the judges who concurred in this action voted that Aguilar should appear in the public *auto de fé* in the garb of a penitent, that he should then abjure his errors before the tribunal of the Holy Office, and that for a period of six years he should not hold any administrative office. The third judge who voted to pronounce sentence opposed the provision concerning appearance in a public *auto de fé*, but he was overruled. The *sentencia de vista*, pronounced on October 23, 1664, was in accordance with the provisions outlined above.

If Aguilar had accepted this verdict and begged the mercy of the court, the terms of the sentence would probably have been moderated. Instead, he challenged the decision of the judges. He based his plea on the assumption that "the principal crime constituting his case was that he had permitted the Indians to dance the *catzinas*." He then proceeded to argue that there had been no proof of idolatry in these dances, but merely presumption. "It is not the deed but the intent that constitutes a crime." Although the dance was one that the Indians had performed in heathen times, this fact could not prejudice the case, unless there was actual

proof of idolatry. If the defendant had understood that the dance was in any way contrary to the faith, he would not have permitted its performance, in spite of the governor's orders. He therefore asked that the sentence be revoked, or at least the clause requiring him to appear in a public *auto de fé*.

The attorney for the defense probably advised this move, but it was a serious mistake. A plea of this kind, based on arguments that were rather technical, to say the least, was not likely to be received with favor. The best procedure at this stage of the trial was for the defendant to adopt a humble attitude rather than take any action that could be regarded as a stubborn defense of guilt. The *fiscal* filed a counter-petition for denial of the plea. This was normal procedure. The *fiscal* seized the opportunity, however, to attack some of the major arguments of the defense. He pointed out that obedience to a superior officer and execution of his orders could not excuse "acts prejudicial to the ecclesiastical status and its immunities and in depreciation of the missionaries, and, above all, actions opposed to the Christian religion," for no subordinate officer was under obligation to execute orders that would have such results. Moreover, the defendant could not plead ignorance of the idolatrous character of the native dances, for he had confessed that the friars had told him that "the said dances contained evil things." Failure of the friars to explain these evil things did not give the defendant a valid excuse for permitting the dances.

The Inquisitors and *consultores* met again on November 23 to decide on the terms of the final sentence (*sentencia de revista*). The *consultor* who had proposed postponement pending an investigation in New Mexico voted as before. The other members of the board reaffirmed the decision to pronounce sentence, but the penalties imposed on the defendant were made more severe. Aguilar was to be banished from New Mexico for ten years, and was made ineligible for administrative office for the remainder of his life, instead of

for six years. One of the concurring judges reaffirmed his dissent on the provision for appearance in a public *auto de fé* and was again overruled.

Formal pronouncement of the *sentencia de revista* was made on December 7, during a public *auto de fé* in the convent of Santo Domingo. On December 17 the defendant abjured his errors and was set free.

III

The first audience of Cristóbal de Anaya Almazán took place on April 26, 1663.⁴ He gave his age as thirty-eight, and stated that since his eleventh year he had served in military campaigns in New Mexico, having held the rank of *alférez real* and captain. He had also served as *regidor* of Santa Fé for two years and as *procurador general* of the province. His father, Francisco de Anaya Almazán, was a prominent citizen of the province, who had served under several governors as secretary of war and government.

The three admonitions were pronounced in due course, and on September 6 the accusation, consisting of twelve articles, was filed by the *fiscal*. The major charge against the defendant was that he had defended the erroneous propositions that the priest who baptized an infant did not contract spiritual relationship with the said infant, or with the parents and god-parents, and that the spiritual relationship between god-parents lasted for only twenty-four hours. According to the testimony of several witnesses, the defendant had stubbornly repeated his views over a period of years, despite the fact that he had been warned by certain friars that he maintained false doctrine. When a certain layman told him that the Council of Trent had affirmed the doctrine of spiritual relationship, he replied: "The Padres interpret the Council to suit themselves." And it was alleged that the priests taught the doctrine of spiritual relationship with parents of a baptized infant, "in order to gain the confidence of

4. *Proceso contra Anaya*, ff. 310v-418, record the trial proceedings.

husbands and to use this means to be familiar (*aprovecharse*) with their wives."

There is evidence that Anaya was not alone in expressing doubt concerning the doctrine of spiritual relationships. As noted above, Diego Romero was also accused of the same charge. In a letter to the Holy Office, Friar Alonso de Posada wrote: "In this kingdom belief is already so corrupted that many persons of every rank and profession (*todos estados*), and especially laymen, both men and women, hold the opinion that there is not spiritual relationship between godparents, a view that has resulted in many offenses against the Divine Majesty."⁵ Punishment of Anaya would serve as an example to others.

It may be questioned whether the views attributed to Anaya, and apparently shared by many other persons in the province, were founded on theoretical arguments or deeply rooted convictions concerning points of doctrine. The condition cited by Posada may be explained by reference to local social conditions.

New Mexico was a tight little community which received relatively few new settlers from the outside. Due to intermarriage and the custom of sponsoring of children at baptism, a large group of citizens found themselves bound by ties of consanguinity, affinity, and godparenthood. It became necessary, therefore, for many couples to obtain dispensations to marry, and the local prelates, the custodians, had apparently been rather liberal in granting these concessions. As in all frontier communities, extra-marital intercourse was a common occurrence, but due to the fact that so many families were intermarried, the incidence of incestual relationships was rather high. And as Posada intimated in his letter to the Holy Office, there was an increasing disregard for the ties of godparenthood. Moreover, there is evidence that some of the friars set an evil example by misconduct with women with whom they were bound by spiritual ties. These conditions had an unsettling effect on the views

5. Posada to the Holy Office, Senecú, November 2, 1662. *Ibid.*, f. 276.

of many people concerning the meaning and practical validity of the teachings of the Church concerning consanguinity, affinity, and spiritual relationships, and the obligations and prohibitions that these bonds imposed. It is not surprising, therefore, that certain persons had come to doubt and even deny certain points of doctrine in such matters.

During his preliminary hearings before the tribunal, Anaya had described at some length his own stand regarding the question of the spiritual relationship between a baptised child and its parents, and in his replies to the accusation he reviewed and elaborated this testimony. Although refusing to admit that he had actually denied such relationship, he freely admitted that conditions in New Mexico had caused him to ponder its validity and practical significance, and that he had participated in discussions of this question on several occasions. He told the court that his doubts had been inspired, in part, by the misconduct of certain friars.

It is obvious, however, that his defense was very weak. His allegations concerning the misconduct of certain friars, if true, could not excuse any denial of church doctrine on his own part, and were likely to be regarded merely as a deliberate attempt to muddy the issue. By his own admission he had engaged in debate on a point of doctrine and had expressed doubts concerning its validity. Although he repeatedly insisted that he had not been guilty of any conscious intent to deny or oppose the teaching of the Church, the burden of the evidence was against him.

The publication of the witnesses was made on November 24, 1663, and two days later Anaya made a complete confession of guilty, probably on the advice of his attorney. He stated that having searched his memory, he now found it necessary to testify "that he did say and teach to various persons the proposition that parish priests did not contract spiritual relationship with baptised persons and their parents, or with the godparents." And it was also true that he had said "that the Padres interpret the Council to suit themselves." Moreover, he had stubbornly defended his false

doctrine on one occasion merely to irritate the friar who was debating with him. He still maintained, however, that it had been the misconduct of the friars, especially a certain one, that had inspired his doubts. The Inquisitors did not mince words in commenting on this confession of guilt, upbraiding the defendant for "going about on his own authority, introducing himself as a learned doctor, and engaging in disputes on matters that were not for him to decide."

On February 21, 1664, the *fiscal* presented a supplementary indictment that covered essentially the same points as the similar document in the case of Nicolás de Aguilar. The defendant admitted much of the evidence.

The preliminary sentence (*sentencia de vista*) was pronounced on October 23, 1664. The terms provided that Anaya should appear in a public *auto de fé*, later abjure his errors during an audience before the Holy Office, and perform certain acts of penance at stated intervals over a period of two years. The *sentencia de revista*, announced on December 13, 1664, revised these terms by rescinding the article about participation in a public *auto de fé*, and by substituting for the clause about acts of penance a provision that after the defendant returned to New Mexico he should appear at mass on some feast day in one of the local churches and publicly recant his false doctrine.

Anaya made his abjuration on the day the final sentence was pronounced, and was dismissed from jail at the end of the hearing. He returned to New Mexico during the following summer. On Sunday, July 19, 1665, he appeared at mass in the church of Sandía, and confessed his errors in the presence of Friar Alonso de Posada, his secretary, Friar Salvador de Guerra, and the assembled congregation.

IV

Francisco Gómez Robledo was the son of Francisco Gómez, a Portuguese who had lived for more than fifty years in New Mexico, and Ana Robledo, daughter of the *conquistador*, Pedro Robledo. His entire life had been spent in New Mexico, and he had held numerous offices, civil and military.

He had served as *regidor* and *alcalde ordinario* of Santa Fé, and at the time of his arrest in 1662 he held the rank of *sargento mayor* in the local militia, an office that his father had also held for many years. The elder Gómez had been a loyal partisan of the provincial governors in their controversies with the clergy, and had supported Governor Rosas during the crisis of 1639-1641. The son's loyalties were also on the side of civil authority. At the time of his trial by the Holy Office in 1663, Francisco Gómez Robledo was thirty-three years of age.

Hearings before the Holy Office began on May 16, 1663, but the formal indictment was not filed until September 28. This document contained eighteen articles which summed up the accumulated evidence. Inasmuch as a large part of the evidence was based on hearsay and second-hand reports related by witnesses who had no immediate knowledge of the charges, it was not easy for the *fiscal* to build up a good case. The accused took full advantage of this fact, and his defence was shrewd and energetic.⁶

Article 1 of the accusation contained the charge that the defendant, like Romero and Anaya, had denied that the priest who baptised a child contracted spiritual relationship with said child and its parents. This article was based on the testimony of a single witness who said that Gómez had given assent to this false doctrine on one of the occasions that Romero had affirmed it. The defendant made a complete denial, asserting that there had never been any discussion of this proposition in his presence at the time and place alleged or at any other time. The testimony of Romero before the Holy Office confirmed Gómez' position on this point.

The *fiscal* was no more successful in proving articles 2-4 of the accusation which summarized evidence to show that Gómez had said that to strike a *cristo* (an image of Christ) was not a sin. It appears that this charge had its origin in a conversation between the defendant and Juan

6. *Proceso contra Gómez*, ff. 341-388 record the trial proceedings.

Griego. Gómez had told Griego that a certain citizen of New Mexico had done "a very evil thing." Griego, eager for the details, had asked whether the said citizen had struck a *cristo*, and Gómez had replied that it was worse than that. To which Griego answered: "What can it be, for even that (striking a *cristo*) is a very great sin." But Gómez had given no more details.

Griego reported this conversation to several persons, who in turn told others. In the telling the legend grew, and testimony was given that Gómez had actually said that to strike a *cristo* was not a sin, and that Griego had sworn that if this was not true they could cut out his tongue! Among the witnesses examined by Posada in 1661-1662 were two friars to whom Griego had told his story. In their original testimony they swore that Gómez had made the remark attributed to him, but in their ratifications (testimony was ratified or confirmed by being read to the witnesses who then had an opportunity to affirm or amend it) they amended their declarations by stating that Gómez had merely said that striking a *cristo* was not a serious matter. Finally, when Griego was called upon to give formal testimony, he declared that the entire story had been told to him by someone else!

Thus it was apparent that the charge was based on hearsay. The one witness who could have confirmed the charge on the basis of personal information failed to do so, and tried to shift the blame for the gossip on someone else. In his replies to the indictment Gómez denied that he had made the statement ascribed to him, and gave a satisfactory account of the original conversation with Griego.

In the fifth article of the accusation the *fiscal* cited a certain incident as presumptive evidence that the defendant shared Romero's views about the obligations of persons engaged in illicit intercourse. Romero's own testimony demonstrated that there was no basis for this charge.

The remainder of the indictment summarized testimony that Gómez and his father were Jews, and that the defendant

was an "enemy and persecutor" of the Church. The charge of Judaism was really the heart of the entire case.

In the first place, testimony had been given citing the fact that in times past a compatriot of Francisco Gómez the Elder had made sworn statements that he had known the Gómez family in Portugal and that they were Jews, and it was further alleged that no effort had been made to deny this charge. The defendant admitted that such sworn statements had been made, but asserted that the person who made them had later retracted. He also defended his father's memory by testimony concerning the long years that Gómez the Elder had served in New Mexico and his honorable and Christian conduct. And as additional proof of his father's standing, it was pointed out that he had once served as *alguacil* of the Holy Office.

Second, certain witnesses had also testified that in years past when they were younger and had gone swimming with the Gómez boys, they had noted that two of the defendant's brothers were circumcised. More than that! One of the brothers, named Juan, had "an excrescence or little tail" at the base of his spine, and consequently he had been nicknamed "Colita." At the request of the *fiscal* the defendant was examined by physicians who reported the existence of scars on the penis that might have been made by a "cutting instrument." Gómez explained the scars, however, by stating that they were the result of ulcers (*ulagas*). At his own request a second examination was made, and the physicians reported that, although the scars appeared to have been made by some instrument, "it was possible that they had resulted from another cause."

The articles accusing Gómez of hatred, enmity, and lack of respect for the Church and clergy consisted mostly of general charges lacking specific proof. Gómez took pains, however, to rebut these charges by statements in which he defended the fidelity of his family to the faith and his own services in behalf of the missions. His home had always been open to the friars; "it was a refuge for all of them,"

where they had always been received with courtesy and hospitality. And his intimate knowledge of the Indian languages had been used to great advantage in the everyday administration of the missions.

The publication of the witnesses was made during a hearing on February 13, 1664, and the defendant's replies were received the same day. More than eight months elapsed, however, before the Inquisitors pronounced sentence. A verdict of acquittal was finally handed down on October 23, 1664. Eight days later Gómez was discharged from the jail, after having adjusted the costs of the trial proceedings.

V

The proceedings of the Holy Office against Don Bernardo López de Mendizábal, Doña Teresa de Aguilera y Roche, and the four soldiers of New Mexico merit some comment.

It is interesting, first of all, to compare the cases of López and Aguilar. Many of the articles of accusation against López contained charges that his policies as governor of the province had been harmful to the Church and the missionary program. Almost the entire case against Aguilar was founded on evidence concerning administrative activities in execution of López' policies. The governor commanded and the *alcalde mayor* executed. Aguilar was undoubtedly guilty of excesses and unseemly conduct in carrying out the orders of his superior officer, and for such actions López could justly deny responsibility. But the fact remains that Aguilar, as a subordinate officer, had definite civil and political obligations to his superior. It was true, of course, that as a professed, practicing Christian he was also under obligations to the Church, but this argument applies to López with equal force. Aguilar may have exceeded his instructions at times and he may have committed excesses in executing orders, but basically his responsibility was no greater than that of the governor. Indeed, the latter as the superior officer who defined policy should bear the greater blame. Moreover, the articles of accusation against López contained a far more extensive array of charges based on

denial of ecclesiastical jurisdiction, evil-sounding words and propositions, and general unchristian conduct than were brought against Aguilar. Many of these charges were probably false, or exaggerated, or based on evidence that misrepresented the facts. But there was such an accumulation of evidence, that it could not be entirely discounted or written off on such grounds.

In the end, Aguilar was pronounced guilty, banished from New Mexico for ten years, and deprived of the right to hold administrative office for the remainder of his life. In López' case, the Holy Office voted to absolve his memory of the charges filed against him. From a practical standpoint, this was a sensible decision, for there was little to be gained, after the defendant's death, to proceed against his memory and fame, and pronounce a sentence of guilt. It is true, of course, that the Holy Office occasionally proceeded with a case after the death of the defendant, but ordinarily only in cases involving very serious heresy, such as proved Judaism, or notorious apostasy. In López' case the charges of Judaism were not substantiated, and although he had probably been guilty of speech and conduct lacking in respect for the Church, he could not be regarded as apostate. The only practical result of a sentence of guilt in 1671 would have been to blast the memory of a man long since dead. The decision finally reached by the tribunal made possible burial of his remains in consecrated ground, and freed his property from embargo, giving his wife an opportunity to press for a final liquidation of the goods. But in view of the decision of the court against Aguilar, there is every reason to believe that if López had lived the Holy Office would have pronounced a sentence of guilt and would have imposed penalties, probably more severe than those suffered by Aguilar.

Anaya, Romero, and Gómez Robledo had all been partisans of López, and there is reason to believe that a spirit of revenge inspired certain persons who gave testimony against them. Moreover, the loyalty of Gaspar Pérez, father of Diego Romero, and Francisco Gómez the Elder to civil

authority had not been forgotten, and their "hostility" to the Church was cited as presumptive proof of the guilt of their sons. But the issues before the tribunal during the proceedings against Anaya, Romero, and Gómez Robledo were strictly religious in character.

In the case of Anaya one important point was involved, which the defendant finally confessed. It did not constitute major heresy, and the sentence of the Holy Office was disciplinary rather than punitive. Public confession of his errors at home before his friends and fellow-citizens would teach him a severe lesson, and cause him to use care henceforth in debating doctrinal matters concerning which he had little knowledge. Romero's offenses were more serious and more numerous. He had denied an article of doctrine, had made a scandalous proposition inimical to public morals, and had participated in heathen rites. The terms of the *sentencia de vista* in Romero's case were far more severe than those imposed in the preliminary sentence against Aguilar, and indicate that the tribunal took a more serious view of his offenses than those of the *ex-alcalde mayor*. Romero was able to obtain a moderation of sentence by a confession of guilt and a plea that he was a rough and simple frontiersman. The charge of Judaism brought against Gómez Robledo was extremely serious, but the evidence was not sufficient to support it, and the court, realizing this, turned in a verdict of acquittal.

In the case of Doña Teresa de Aguilera, the tribunal voted to suspend the proceedings without rendering a formal decision. For all practical purposes this was an acquittal. Doña Teresa was anxious, however, to have definite proof in writing of her innocence, and on January 13, 1665, she petitioned the tribunal for a copy of its decree suspending the trial. This desire was prompted by the fact that her family occupied a position of some prominence in Spain, and she was anxious not to prevent the advancement of her two brothers at court. The Holy Office, on recommendation of the *fiscal*, denied her plea.⁷

7. *Proceso contra Doña Teresa de Aguilera.*

The cases of Doña Teresa de Aguilera and Francisco Gómez Robledo illustrate the harm that could be done by petty gossip and spiteful rumor-mongering. Much of the testimony against Teresa was based on stories told by ignorant, prying servants who had incurred her displeasure. Hearsay, rumor, and misrepresentation characterized most of the evidence against Gómez Robledo. In the end the Holy Office pronounced Gómez innocent and suspended the proceedings against Doña Teresa, but only after they had been held in jail for months. And the final verdicts could not remove the humiliation they had suffered in being tried by the Inquisition.

(To be continued)

EDITORIAL NOTES

Retrospect.—With this issue we are concluding the fifteenth volume of our quarterly. To those who have become members of our Society during these years it may be of interest to know something of the history of our publications.

When the Historical Society of New Mexico was first organized in 1859, Article II of the constitution then adopted stated:

The object of this Society shall be the collection and preservation, under its own care and direction, of all historical facts, manuscripts, documents, records and memoirs, relating to this Territory; Indian antiquities and curiosities, geological and mineralogical specimens, geographical maps and information; and objects of Natural History.

When the Society was revived and incorporated in 1880-81 this very comprehensive program was reaffirmed, so it is not surprising that, in the series of "Papers" which our Society then began to publish, three of the first were anthropological rather than historical in character: "Kin and Clan" by Adolph Landélier, and "Stone Lions of Cochiti" and "Stone Idols of New Mexico," both by L. Bradford Prince.

In 1907 the School of American Archaeology was established in Santa Fé (receiving an annual legislative appropriation and agreeing to develop and maintain a "Museum of New Mexico"), and it then became apparent that we had two institutions the objectives of which were more or less overlapping. This became even more evident when in 1917 the School changed its title to "School of American Research" and included distinctly historical work among its activities. Adjustments and coordination seemed called for.

Even before the death of President L. Bradford Prince in December, 1922, we had a very active member in Ralph

E. Twitchell—who was also one of the regents of the State Museum. Under his initiative the constitution of our Society was revised in 1923, one change being to limit the aims and work as stated in Article II to definitely historical lines:

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

Ten years earlier, Colonel Twitchell had inaugurated a quarterly which he called *Old Santa Fé*, sponsored by our Society but for which he was financially responsible. He carried it successfully for twelve issues (to October, 1916), and today any complete set is a prize among Southwestern Americana.

Following the World War there was a well recognized need in the New Mexico field for such a publication. After Twitchell's death in September, 1925, there could be no thought of reviving *Old Santa Fé*, yet the quarterly which first appeared in January, 1926, entitled the *New Mexico Historical Review* was the logical successor of the earlier one. During the fifteen years now closing, quite a remarkable body of contributors have made our editorial work a comparatively easy task; surely it is significant of the need for such a publication that not once in sixty issues have we ever been short of good copy. We shall have more to say in this regard when editing the Cumulative Index which is to cover the fifteen volumes to date and which we hope will be available by the end of the year. It may be regarded as significant also that the University of New Mexico asked to become joint sponsor for the Quarterly, and since the summer of 1929 has shared the responsibility for its editing and publishing.

Prospect.—Copy already in hand for next year includes two remaining installments of the 18th century study by Henry Kelly; an Indian agent's journal edited by Annie Heloise Abel; a study of early contact between Apaches and

whites by Donald E. Worcester; some notes on Dr. J. M. Whitlock by his granddaughter Mrs. B. C. Hernández; another contribution from Carl O. Sauer regarding Fray Marcos de Niza. Marion Dargan wants space to conclude his studies on the statehood struggle, and France Scholes hopes to complete his 17th century study by April next. And of course there are any amount of interesting and important records, long and short, which can be slipped in as opportunity offers.

Possibly, to meet the increasing demand for space, it will be wise now to change to a somewhat larger format and also increase the number of pages. Whether this is done in January will depend in part on the results of the membership drive now in progress. Meanwhile, Mr. Lansing B. Bloom as secretary-treasurer agrees heartily with our editorial view that prompt renewal of subscriptions for the year 1941 by our present members will be greatly appreciated.

L. B. B.

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ERRATA

Page 80, after first line, *read* [. . . . down the Rio]
Sonora and southeastward across the Rios Yaqui,
Alave, and Fuerte, is that previously traced by
Dr. Carl Sauer.

The author's justification for this new tracing
of de Vaca's route, is that he has employed Indian
trails, along [which the party . .]

Page 96, line 13, *for* 4-6 *read* 2-4

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION
OF THE
HISTORICAL SOCIETY OF NEW MEXICO
(As amended Nov. 19, 1929)

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

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

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

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

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

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

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