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TROUBLOUS TIMES IN NEW MEXICO 1659-1670

By FRANCE V. SCHOLES

CHAPTER XI (CONCLUSION)

I

AS NOTED in Chapter IX, the successor of Friar Alonso de Posada as custodian of the missions and commissary of the Holy Office was Friar Juan de Paz, who took office in the summer of 1665.¹ Although the effective transfer of authority occurred in July soon after the arrival of Paz at Santo Domingo, the ecclesiastical capital of the province, the official reception of the new prelate in Santa Fé was delayed until September 26. Paz served in the dual capacity of local prelate and representative of the Inquisition until toward the end of 1667, when Friar Juan Talabán succeeded him as custodian.² Contrary to former practice Talabán was not appointed commissary of the Holy Office. Paz remained in charge of the Inquisition business for another year, but was finally replaced by Friar Juan Bernal.³ The latter served as commissary until he became custodian in 1679 or 1680.⁴

1. Friar Juan de Paz was elected custodian at the meeting of the provincial chapter on August 23, 1664. *Custodios de N. Mexico*, B. N. Mex., legajo 9, doc. 8. On February 4, 1665, the Holy Office sent him the appointment as commissary and general instructions. A. G. P. M., Inquisición 590, f. 384. He made the journey to New Mexico with the mission supply caravan. Documents recording his official reception as prelate and the reading of the edict of the faith are in A. G. P. M., Inquisición 606, ff. 150-152.

2. Friar Juan Talabán was elected custodian at the meeting of the provincial chapter on May 7, 1667. B. N. Mex., legajo 9, doc. 8. He took office prior to January 15, 1668, the date on which he participated as custodian at the dedication of the church in the Manso mission of Nuestra Señora de Guadalupe del Paso. See *New Mex. Hist. Rev.*, IV (1929), 195-201.

3. On April 13, 1668, the Holy Office sent Friar Juan Bernal his appointment and general instructions as commissary. A. G. P. M., Inquisición 590. The exact date on which he took office as the successor of Paz is not known. The records show that Paz was still serving as commissary on November 16, 1668. The first reference to Bernal as commissary is dated February 18, 1669.

4. Bernal was elected custodian at the meeting of the provincial chapter on July 15, 1679. B. N. Mex., legajo 9, doc. 8. The date on which he took office in New Mexico is not known. The *Autos tocantes*, etc., A. G. P. M., Provincias Internas 37, exp. 6, which describe the events of the Pueblo Rebellion, refer to him as custodian.

His successor was Friar Francisco de Ayeta, who was apparently named as commissary in 1679 prior to his departure for New Mexico with the mission supply service.⁵

During the summer and autumn of 1665 Paz, acting in his capacity as representative of the Inquisition, conducted certain business relating to the Peñalosa case in order to complete the record, and the entire file of original testimony was sent to the Holy Office in October when the supply caravan returned to New Spain. Certain depositions of minor importance concerning other persons were also received, but these need not be described here. The most important new business related to the conduct of Cristóbal de Anaya Almazán after his return to New Mexico in May, 1665.⁶

Although Anaya had been found guilty of certain offenses against the faith and had been ordered to make public retraction of his errors, he adopted a defiant attitude not in keeping with his position as a penitent of the Inquisition. At first he refused to deliver the copy of the sentence of the tribunal to Friar Alonso de Posada, who still held office as commissary, and he went about telling his friends that he had been acquitted and that the witnesses who had testified against him would be arrested. His boldness was inspired in part by the fact that he had gained the favor of the new governor, Fernando de Villanueva, who had appointed him *alcalde provincial de la Santa Hermandad*. After repeated demands by Posada, he finally presented the sentence, and on July 19 he made public confession and retraction of his errors during services in the Sandía church. But even after this ceremony he continued to proclaim his innocence, and explained that he had complied with Posada's demands "in order to put an end to gossip and rumor." It was also reported that he made dire threats against Posada and his notary, Friar Salvador de Guerra.

5. The *Autos Tocantes*, *loc. cit.*, refer to Ayeta as commissary in 1680.

6. Proceedings in the Anaya case, 1665-1669, are found in *Proceso contra Anaya*, A. G. P. M., Inquisición 582, exp. 2, and in *Autos remitidos del Nuevo Mexico por fray Bernal Commissario de Santo Officio q.a Xptoual de Anaya Almazán. Año de 1669* Inquisición 666, ff. 531-568.

This unrepentant attitude naturally created scandal, and on September 14 Paz started a formal inquiry. He found that many persons were unwilling to testify, however, because they feared the displeasure of the governor, who had shown a certain hostility toward the prelate. Under the circumstances Paz found it impossible to complete the investigation before the departure of the supply caravan a few weeks later. During the winter of 1666-1667 a few more witnesses were examined, and Paz apparently convinced the governor that his appointment of Anaya had been a mistake. On September 14, 1667, subsequent to his return from a business trip to Parral, Anaya received official notice that because of his punishment by the Holy Office he could not serve as *alcalde provincial* and that he was removed from office. In accepting notification of this order he stated that he recognized the error he had committed in accepting the appointment, and begged the pardon of the Holy Office. In 1669 Friar Juan Bernal completed the investigation and sent the complete file of testimony to the Inquisition.

The second case investigated by Friar Paz involved the veteran soldier Juan Domínguez de Mendoza.⁷ In the spring of 1666 Domínguez, who was serving as lieutenant governor and captain general, led a detachment of soldiers on a punitive expedition against the Apaches in the Ácoma area. On March 26, when the soldiers were returning from the campaign, camp was made at the foot of the Peñol de Ácoma. Several Indians, who came down from the rock to visit the camp, made complaints against their minister, Friar Nicolás de Freitas, and by order of Domínguez their statements were recorded in writing. This action aroused the anger of Friar Diego de Santander, who was also stationed at Ácoma, and despite his infirmities he had the Indians carry him down to the camp where he soundly rebuked Domínguez, accusing him of deliberate violation of ecclesiastical im-

7. Proceedings in the Domínguez case are found in two expedientes, A. G. P. M., Inquisición 604, ff. 192-214, and 610, ff. 61-71.

munity. Later in the day both Santander and Freitas sent letters of complaint to the prelate.

The evidence concerning this incident was contradictory on one important point. According to the friars, Domínguez summoned the Indians from the rock and invited them to register complaints against their minister. Soldiers who were present declared, however, that the Indians came of their own accord and began to denounce Freitas for having flogged certain persons for various offenses, whereupon Domínguez gave orders to have the testimony taken down in writing in order to make a report to the governor and the custodian.

But the complaints against Domínguez filed by Santander and Freitas were not limited to the Ácoma incident. In his letter from Ácoma, dated March 26, and again in a formal deposition made on April 1, Santander accused Domínguez of long-standing hostility toward the clergy, citing various incidents that had occurred during the preceding years. He alleged that Domínguez, during the time that he had served as *alcalde mayor* of Sandía and Isleta by appointment of Governor López de Mendizábal, had "persecuted . . . the ecclesiastics, accusing them of false and ugly things and making continual investigations against them," with the result that three guardians of Isleta and three others at Sandía were moved to other posts. He had also incited an Indian of Jémez to make "an infamous deposition" against Friar Salvador de Guerra. So great had been his animosity toward the friars that on one occasion López de Mendizábal, "who was so unbridled in his speech against the [clergy]," had found it necessary to upbraid him for a shameful letter denouncing one of the friars of Sandía. It was also during this time that the Indians of Sandía and Isleta, with the consent and sanction of Domínguez, had resumed public performance of the *catzinas*. Finally, Santander cited evidence to show that Domínguez' views on the question of spiritual relationships were suspect.

The letter of Freitas, dated at Ácoma on March 26, also

referred to Domínguez' activities during the López period, and noted especially the report that he had summoned Indians to testify "concerning the life and customs," of the friars. His conduct, so Freitas said, had been so notorious that many persons had asked, "How is it that the Holy Office has not arrested Juan Domínguez?"

Investigation of the complaints filed by Santander and Freitas proceeded slowly, and it was not completed until after Bernal took office as commissary. Part of the evidence was sent to the Holy Office by Paz in 1667, and another file was forwarded by Bernal two years later.

The cases of Anaya and Domínguez show that the events of the López-Peñalosa period still continued to exert an unfortunate influence in provincial life. Further evidence of this is found in a letter of Paz, written on February 28, 1667, when he forwarded the first file of papers on the Domínguez affair. He explained his failure to summon all of the witnesses who could have given testimony by citing the delicate state of the opinion in the province. He said that many persons had been "terrorized" because Santander had mentioned their names, and he also stated that news of the arrest of Peñalosa by the Holy Office had aroused widespread "fears."⁸

Two letters of the *cabildo* of Santa Fé written in 1667 also illustrate the lingering bitterness and resentment that had been engendered by past events. The first letter, which was addressed to the Bishop of Durango, reiterated the old complaint that the friars exercised the powers of ecclesiastical jurisdiction in an arbitrary manner. Censures were imposed "to avenge passions;" the custodians initiated proceedings in ecclesiastical cases "without form or justice;" dispensations for marriage granted by one prelate were sometimes revoked by his successor: and the citizens were threatened with the power of the Holy Office for "frivolous causes." The *cabildo* appealed to the bishop to remedy this

8. Paz to the Holy Office, February 28, 1667. A. G. P. M., Inquisición 600.

intolerable situation, which had existed since the founding of the province, by the appointment of a *cura vicario* to exercise jurisdiction in ecclesiastical cases and protect the citizens against the arbitrary conduct of the friars. It was pointed out that the provincial tithes were sufficient to support two or three secular priests in a decent manner.⁹

For some time the prelates of Durango had been anxious to extend the jurisdiction of their see to include the province of New Mexico, and this appeal offered a new opportunity to reopen the issue. The bishop immediately took action, therefore, to bring the situation to the attention of the viceroy. The commissary general of the Franciscan Order in New Spain countered this move by a petition alleging that the bishop's action constituted a violation of recent *cédulas* on the *real patronato*. The matter was reported to the *fiscal* of the *audiencia*, and later to the *real acuerdo*, for consideration, and the viceroy finally ordered the bishop to file formal reply to the commissary general's petition.¹⁰ We have no record of the bishop's reply. In any case, it is clear that no action was taken at this time to limit the exercise of ecclesiastical jurisdiction by the Franciscans in New Mexico.

The second letter of the *cabildo* was addressed to the tribunal of the Holy Office. It called attention to the long series of disputes involving the exercise of ecclesiastical jurisdiction that had occurred in the past, and complained of the fact that all ecclesiastical authority was exercised by the Franciscans. But the immediate purpose of the letter was to register protest concerning a scurrilous satire depreciating the civil authorities, alleged to have been written by Friar Nicolás de Enríquez, notary of Paz for Inquisition business. This had caused another *pleito* involving ecclesiastical jurisdiction, and the *cabildo* appealed to the Inquisitors to intervene. It suggested that the most suitable remedy, in so far as the Inquisition was concerned, would be the appointment of a secular priest as commissary. Such

9. B. N. Mex., legajo 1, doc. 22.

10. B. N. Mex., legajo 1, doc. 26.

action would also facilitate the success of the *cabildo's* appeal to the Bishop of Durango for the nomination of a *cura vicario* to exercise the functions of ecclesiastical judge ordinary.¹¹

This letter received sympathetic consideration by the *fiscal* of the Holy Office to whom it was referred for an opinion. He advised that Paz should be instructed not to employ Enríquez in any business pertaining to the Holy Office, and that he should make a secret inquiry to establish authorship of the satire. Furthermore, he proposed that the tribunal should give the *cabildo* assurance that appropriate action would be taken to punish abuses committed by the local representatives of the Holy Office.¹²

The recommendations of the *fiscal* were indicative of a general trend of opinion in the tribunal with regard to New Mexico affairs. In 1666, after receipt of reports from Paz complaining of the unfriendly attitude of Governor Villanueva, it was voted to instruct the prelate to take care to maintain "peace and concord with the governors, in order to give no cause or motive for scandal, for in that [way] he will exercise his commission without any disturbance or hinderance."¹³ When the testimony in the Anaya case was received, the *fiscal* expressed the view that ignorance and animosity toward the friars rather than malicious intent had inspired Anaya's conduct, and advised that no further action should be taken. He also pointed out that the sentence in the original *proceso* had not prohibited Anaya from holding public office.¹⁴

In the Domínguez case the tribunal expressed sharp disapproval of the proceedings. When the first set of depositions was received, the case was referred to the *fiscal*, and it was probably the latter who wrote on the first page of the record: "All of the witnesses who testify against him are

11. A. G. P. M., Inquisición 610, ff. 120-124.

12. *Ibid.*

13. *Parecer* of the *fiscal*, and decree of the Holy Office, July 9, 1666. A. G. P. M., Inquisición 600, f. 155.

14. *Autos remitidos . . . qa xptoual de Anaya Almazán*, A. G. P. M., Inquisición 666.

friars and it appears that they are inspired by malice."¹⁵ Two years later, after receipt of a more complete file of testimony, the tribunal sent the following despatch to Bernal, who had succeeded Paz as commissary.

To the Commissary of New Mexico Fray Juan Bernal:

The attestations which he remits against Juan Domínguez de Mendoza, citizen of that province, were received in this Tribunal with a letter of March 15. And because the impropriety and lack of civility with which his predecessor, Friar Juan de Paz, proceeded have been recognized, it has seemed wise to warn our commissary that in dealing with matters which may present themselves in future, he is to take due care not to use the jurisdiction of this Holy Office except in cases for which the instructions given to our commissaries make disposition. Enmities or lack of respect for the friars and the custodian shown by the royal justices or other private individuals are not to be introduced into the *fuero* of the Inquisition nor are our commissaries to meddle in matters so remote from our office, eager to make every affair and case an Inquisition matter, thus giving rise to much prejudice and hatred against this Tribunal. This has been said to our commissary so that with due care he may avoid what his predecessor has brought about by his ignorance. God keep, etc. Holy Office of Mexico and October 25, 1669. Lords Inquisitors Ortega and Ynfantas.¹⁶

The attitude of the Holy Office with regard to Inquisition business in New Mexico is also illustrated by its reaction to another case which occurred after the Domínguez affair. In 1668 Paz ordered the arrest of an itinerant merchant named Bernardo Gruber who had been accused of the practice of superstition.¹⁷ After being held in jail for two years Gruber finally escaped in the summer of 1670 and fled along

15. A. G. P. M., Inquisición 604.

16. A. G. P. M., Inquisición 590, f. 513.

17. *Autos remitidos por Fray Juan Bernal Comissario de Nuevo Mexico contra Bernardo Gruber por supersticioso*. 1669. A. G. P. M., Inquisición 666, ff. 372-416.

the *camino real* toward El Paso. A few weeks later his bones were found near the site known as Perrillo, and it was believed that he had been killed by an Apache Indian who had served as his accomplice in breaking jail. When the testimony in the case, which was forwarded by Bernal in the spring of 1669, was received in Mexico City, the Inquisitors expressed sharp criticism of Paz' action in arresting Gruber. In a letter to Bernal, dated October 20, 1669, only five days before the despatch quoted above, they pointed out that the local commissaries of the Holy Office had no authority to make arrests without express orders from the tribunal, except in certain cases that were not likely to occur in New Mexico. They stated that Paz' conduct of the case had been characterized by "gross ignorance and by lack of attention to the obligations of his office," and they cautioned Bernal to exercise extreme care in observing the instructions issued by the tribunal in order to avoid similar "excess" in future.¹⁸

The instruction to avoid intervention in the Church-State controversy and the condemnation of Paz' action in the Gruber case apparently produced positive results. The documentary sources record only one new case investigated by Bernal during the decade 1670-1680. This affair involved an ignorant soldier named Francisco Tremiño who boasted a pact with the devil. Bernal examined a few witnesses and transmitted the testimony to the Holy Office, but there is no evidence that the accused was ever brought to trial.¹⁹

On the eve of the Pueblo Revolt, Church-State relations gradually improved, and prior to 1680 a temporary reconciliation of the opposing factions was achieved. The growth of local harmony was due to several factors. The policy of non-intervention adopted by the Holy Office subsequent to 1665 removed one source of friction, and the Inquisitors deserve credit for their clear-sighted and impartial attitude toward local affairs at this critical period. Another factor

18. A. G. P. M., Inquisición 590, f. 513.

19. *Autos remitidos por el comisario del Nuevo Mexico q.a Francisco Tremiño que se dize asiste en las Provincias de Sonora.* 1670. A. G. P. M., Inquisición 616, ff. 1-13.

was the character of the custodians and governors who administered local affairs during these years. The prelates who succeeded Paz were more interested in missionary administration than factional dispute. Little is known concerning the two immediate successors of Governor Villanueva, but according to all accounts the third, Juan Francisco de Treviño, worked in close harmony with the friars. In fact, it was during his administration that energetic measures were made to combat the resurgence of Pueblo religion, and the severe punishment meted out against native priests was apparently a factor in promoting the success of the general conspiracy of 1680.

For several years (1667-1672) drought and resulting crop failures caused widespread suffering, and it was necessary for the friars and colonists to pool their food supplies. At this time many persons who had complained of the farming and stock raising activities of the Franciscans probably received succor at the convent doors. The Apache raids increased in frequency and violence year by year, and the punitive expeditions sent out to the frontiers achieved only temporary success. Famine and the Apache attacks finally forced general abandonment of the pueblos of the Manzano Tiwa and the Tompiros in the Salinas jurisdiction, and toward the end of the decade 1670-1680 the enemy grew bold enough to raid the villa of Santa Fé. Growing unrest among the Pueblos also manifested itself by abortive local conspiracies and the increasing activities of the native Pueblo priests. In the face of all these dangers common action became an imperative necessity.

The Franciscan historian, Friar Agustín de Vetancurt, tells us that the final reconciliation of Church and State during this period was the result of a miracle. About six years before the Revolt a young girl, daughter of the *alguacil mayor* of the province, was cured of a serious illness by commending herself to the Holy Virgin. After her recovery she said that the Virgin had told her: "Child, rise up and state that the Custodia will soon be destroyed because of the

lack of reverence it has for my priests, and that this miracle will be testimony of the truth; and that [the citizens] must make amends for their guilt unless they wish to suffer punishment." When the news was published abroad, a mass was sung, "and the lawsuits and judicial proceedings against the priests filed in the archive were burned."²⁰

It is not surprising that the devout chronicler, who was thoroughly conversant with New Mexico affairs, felt that only a miracle could have achieved such a happy result. But he adds: "For hidden divine reasons and secret ends God permits that calamities shall be suffered."²¹ In 1680 the Pueblo Indians rose in revolt against their rulers, and the colony was too weak to make a successful resistance.

II

The unhappy events of the López-Peñalosa period left deep scars that were never entirely obliterated. The reconciliation of opposing interests which was achieved on the eve of the Pueblo Revolt was largely due to urgent necessity. In later years, after the province was reconquered, the old rivalries reappeared. In the eighteenth century Church-State controversy was apparently less acute than in the hectic years discussed in this essay, but the problems were essentially the same.

The fundamental issues at stake were derived from the conflict of religious and economic motives in colonial administration. They arose in one form or another in all parts of Spanish America. In seventeenth century New Mexico it was inevitable that this conflict of interest should become the central problem of intra-provincial relations. The province was primarily a mission area, and the Franciscans naturally regarded the conversion and indoctrination of the Indians as the most important objective of local administration. Nevertheless, the religious motive was never so completely dominant as in Paraguay, the classic example of a missionary

20. Vetancurt, *Teatro Mexicano* (México, 1871), III, 326-327.

21. *Ibid.*

province. From the beginning the Hispanic colony had to be reckoned with, and in the course of time it exerted increasing influence in provincial affairs. Moreover, the very lack of rich natural resources intensified the rivalry between the missionaries and the colonists. The Pueblo Indians, their lands and their labor, constituted the chief resource to be utilized, and the soldier-settlers oppressed them with a heavy hand. The friars, realizing that exploitation of the Indians would thwart the success of the missionary program, resisted abuses with all the means at their disposal.

The loyal and inspired devotion of the Franciscans to the missionary cause commands profound admiration and respect. Many of the friars who labored in New Mexico sacrificed not only the relative ease and comfort of life in Spain or Mexico, but also promising careers within the Order to undertake the arduous and frequently dangerous task of converting a new people to the faith. Their only reward was the opportunity to extend the kingdom of God in a new land, and for most of them that was enough. Some eagerly sought and received the martyr's crown. But no less worthy of praise are those faithful men—Friars Esteban de Perea, Cristóbal de Quirós, Juan de Salas, García de San Francisco, Antonio de Ibargaray, Juan Ramírez (the founder of the Ácoma mission), Andrés Juárez, Jerónimo de Pedraza, José de Espeleta, to mention only a few—who gave twenty, thirty, and forty years to unremitting labor as missionaries to the Pueblos.

Yet the Franciscans in New Mexico had their faults as well as their virtues. A few were unworthy of the habits they wore. Others, inspired by personal passion and animosity, were restless troublemakers. The major fault of the group as a whole was a tendency to insist too much on the privileges and immunities of their ecclesiastical status. In major crises involving disagreement with the civil authorities, defense of their legal rights and of the ecclesiastical jurisdiction was perfectly justifiable, but there is also evidence that the friars were often over-sensitive concern-

ing their status on occasions of comparatively small importance. Likewise, there is some justification for the complaint of the citizens that censures were sometimes employed with too much freedom and in a rather arbitrary manner. Moreover, the concentration of all ecclesiastical authority in the hands of a single Order gave the Franciscans an extraordinary measure of power which could easily be abused unless exercised with discretion and restraint.

With regard to civil authority, it is clear that New Mexico had more than its quota of unscrupulous, self-seeking governors, whose sole aim was personal profit and advantage. Some of them were inspired merely by avarice, but others combined greed with personal impiety and lack of sympathy for missionary enterprise. Eulate, Martínez de Baeza, and Rosas were examples of this type during the first half of the century. López de Mendizábal was the classic example of a governor who turned his office into a commercial venture. His ultimate failure was not due to lack of business acumen, but in considerable measure to unfortunate traits of character. He had the unhappy faculty of arousing almost universal hostility. Some of the reforms which he attempted to introduce were praiseworthy, but he doomed them to failure from the start by his arrogant, tactless conduct. And his unhappy relations with the friars were as much the result of his personality and his tendency to indulge in biting, scathing epithet, as of his policies with regard to fundamental problems of mission administration. Concerning Peñalosa there is no need to add to the remarks made in the preceding chapter.

The isolation of the province was responsible for the perpetuation of abuses once they were established. Although numerous appeals were made to Mexico City for a remedy against arbitrary exercise of power by governors and custodians, the viceregal authorities and superior Franciscan prelates either ignored them or took half-hearted and ineffective measures. The *residencias* of the provincial governors were often characterized by fraud and bribery, and

in certain cases, of which the López *residencia* is the best example, they merely served as an opportunity for the incoming governor to feather his nest at the expense of his predecessor.

The most powerful weapon which the Franciscans enjoyed was the authority of the Holy Office. The story of Inquisition activity in New Mexico during the López-Peñalosa period proves how effective this weapon could be at a time of crisis. But the Inquisitors finally realized that the Holy Office had become too closely identified with ordinary ecclesiastical jurisdiction in the province and that its authority had been used for purposes foreign to its true function. In order to prevent loss of prestige and respect for the tribunal, they found it necessary to clarify the position of their local representative with regard to the long-standing Church-State controversy. This explains the policy of non-intervention adopted subsequent to 1665. The separation of the offices of custodian and commissary in 1668 was also directed toward the same end.

The most unfortunate result of local factionalism was the demoralizing effect it had on the Pueblo Indians. The Spanish conquest and occupation of the province had been a major shock to native life and thought, and although the Indians made an outward adjustment to the new ways, they remained fundamentally loyal to their old culture tradition. Although the Spaniards realized that there was a strong undercurrent of resistance among the Pueblos, they misjudged the situation in one important respect. They apparently failed to understand that acceptance of European modes of life, especially a new faith, threatened the very foundations of Pueblo culture, and that the native leaders would not only defend the old ways to the bitter end, but exploit every sign of weakness and disunity on the part of their new masters. The lack of agreement on the part of governors and prelates on such important questions as the maintenance of mission discipline, the performance of the native dances, and the employment of Indian labor, and the

unedifying spectacle of public quarrels between the heads of Church and State caused the Indians to lose whatever respect they had for Spanish authority except that inspired by force. But the effectiveness of force depended upon internal harmony within the colony. Seventy years of controversy had made the province a house divided against itself, and the temporary reconciliation brought about in the 1670's came too late to nullify the cumulative effect of long discord.

THE END